

1. INTRODUCTION

Christchurch Council (CCC) and Infinity Yaldhurst Ltd (IYL) have in place a number of rules and covenants that effect the development of sections at Yaldhurst subdivision.

The covenants offer you peace of mind in the knowledge that your neighbours are also required to meet the same minimum standards, protecting the built and landscape features and amenities of the development.

This document summarises the main requirements, but for full details please refer to the relevant sections of the Christchurch City Plan and covenants applying to the Lot you have purchased.

If we can be of further assistance in helping your design process, please contact us on (03) 443 0088.

2. SECTION SPECIFICATIONS

- Each Lot will connect to reticulated stormwater;
- Each Lot will connect to reticulated wastewater;
- Each Lot will connect to reticulated water supply;
- Each Lot will connect to underground power;
- Street lights throughout development;
- Telecommunications provided by fibre – allowing fast broadband.

3. HOUSE DESIGN RULES

All house designs must meet the requirements detailed below and your plans need to be approved by IYL prior to seeking building consent from CCC.

Most requirements are either standard zone rules, or were negotiated with CCC for this development, with the aim of allowing higher density housing than the standard zone rules would otherwise permit, whilst at the same time ensuring that street appeal is maintained and neighbours are not unduly impacted.

• **Building Height**

The maximum height of any building shall be 8m unless on a site within the Yaldhurst Outline Development Plan area (Appendix 8.6.28) on an approved subdivision consent granted before 15 July 2016 in which case the maximum height shall be 11m.

• **Site Coverage**

The maximum percentage of the net site area covered by buildings shall be as follows:

- Sites with a net area of 300m² and over 40%
- Sites with a net area of under 300m 45%
- Within the Yaldhurst Outline Development Plan area (Appendix 8.6.28), in Density A and B areas as shown on an approved subdivision consent plan granted before 15 July 2016 – 60%
- Within the Yaldhurst Outline Development Plan area (Appendix 8.6.28), in medium density areas as shown on an approved subdivision consent plan granted before 15 July 2016 – 45%

• **Outdoor Living Space**

Accessible outdoor living space shall be provided on site for each residential unit and can be a mix of private and communal areas, at ground level or provided by way of above ground balconies, and shall meet the following areas and dimensions:

| | Min Total Area | Min Private Area | Min Dimension |
|---|------------------|------------------|---|
| Residential units two bedrooms or more | 30m ² | 16m ² | 4m for a private ground floor space or communal space* |
| One bedroom or studio units on the ground floor | 16m ² | 16m ² | 4m for a private ground floor space or communal space* |
| One bedroom or studio units on the first floor or above | 16m ² | 6m ² | 1.5m for balconies, 4m for a private ground floor space or communal space |

*NB this means that one side is at least 4m – so to get to 16m² the dimensions could be 4m x 4m, or 8m x 2m, or 10m x 1.6 etc.

- **Recession Planes**

Buildings shall not project beyond a building envelope constructed by recession planes as shown in Appendix 14.14.2 Diagram C of the CCC Plan from points 2.3m above:

- internal boundaries; provided that
 - a) where an internal boundary of a site abuts an access allotment or access strip the recession plane may be constructed from points 2.3m above the furthest boundary of the access allotment or access strip or any combination of these areas; or
 - b) where buildings on adjoining sites have a common wall along an internal boundary the recession planes will not apply along that part of the boundary covered by such a wall.

- **Minimum building setbacks from internal boundaries**

The minimum building setback from internal boundaries shall be as follows:

| | | |
|---|---|--|
| 1 | All buildings not listed below | 1m |
| 2 | Where residential buildings on adjoining sites have a ground floor window of a habitable space located within 1.8m of the common internal boundary. | 1.8m from neighbouring window for a minimum length of 2m either side of the window. This rule also applies to accessory buildings. |
| 3 | All other accessory buildings where the total length of walls or parts of the accessory building within 1m of each internal boundary does not exceed 10.1m in length. | Nil |
| 4 | Buildings that share a common wall along an internal boundary. | Nil |
| 5 | All other buildings where the internal boundary of the site adjoins an access or part of an access. | 1m |

The above setbacks do not apply to the sites shown on an approved subdivision consent plan granted before 15 July 2016 in the Yaldhurst Outline Development Plan Appendix 8.6.28, unless a residential unit constructed on these sites is demolished and rebuilt.

- **Minimum setback and distance to living area windows and balconies**

The minimum setback from an internal boundary for a living area window, including studio units, shall be 3m (and 4m for living area windows and balconies on floors above ground level).

4. LANDSCAPING REQUIREMENTS

A landscape plan must be prepared and submitted with house plans as part of the IYL approval process.

- The full length of the road frontage not used as vehicle or pedestrian access, shall be landscaped to a minimum depth of 2m.
- IYL is generally expecting to see a degree of attractive landscaping at the front of all houses facing the street to help create an appealing streetscape for all residents.
- There are limits on how high any tree or shrub can be depending on the distance from the boundary. (See Land Covenants.)

- Landscaping is to be completed within three months of the dwelling receiving a code of compliance certificate.

Please see the Land Covenants for further details.

5. FENCING REQUIREMENTS

For the purposes of this rule, a fence or other screening structure is not the exterior wall of a building or accessory building.

- The maximum height of any fence in the required building setback from a road boundary shall be 1.2m.
- This rule does not apply to fences or other screening structures located on an internal boundary between two properties zoned residential, or residential and commercial or industrial.
- Side and rear fences must be erected prior to any building construction unless otherwise agreed by IYL.
- All rear and side boundaries should be fenced to a height of 1.8m. A lower height at the street frontage of 1.2m transitioning up to a 1.8m height (for a minimum of 2m from the road boundary) is required.
- Any Lot which bounds a reserve must be fenced to a maximum height of 1.2m and have a minimum visual permeability/openness of 50% (e.g. Warner fence) – except where required to screen a bin storage area.
- All fencing proposed shall be shown on the landscape or site plan provided as part of the plan approval process.

6. PARKING & GARAGES

- Garages shall not comprise more than 50% of the ground floor elevation viewed from any one road boundary on any one site and shall not be more than 6.5m wide. For garages with the vehicle door generally facing a shared access or road boundary, the minimum garage setback shall be 5.5m from the shared access (not including access allotments) or road boundary.
- **Road boundary building setback**
The minimum building setback from road boundaries shall be 3m on any site within the Yaldhurst Outline Development Plan.
- **Ground floor habitable space and overlooking of street**
The ground floor of a residential unit shall have a habitable space with a window area of at least 2m² facing the road boundary.
- **Service, storage and waste management spaces**
Ideally the design should allow an area of sufficient size at the side or rear of the dwelling for storage of rubbish bins, of minimum size of 3m x 1.5m.

If this is not possible and bins are to be stored at the front between the dwelling and road boundary, the design must provide for the 3m x 1.5m area to be screened behind 1.8m high timber or trellis fence facing the street.

- **Minimum unit size**
The minimum net floor area (including toilets and bathrooms, but excluding carparking, garaging or balconies) for any residential unit shall be as follows:

| | Number of bedrooms | Minimum net floor area |
|---|--------------------|------------------------|
| 1 | Studio | 35m ² |
| 2 | 1 bedroom | 45m ² |
| 3 | 2 bedrooms | 60m ² |
| 4 | 3 or more bedrooms | 90m ² |

- **Other Conditions**
 - No relocatable buildings are allowed (unless otherwise approved by IYL).

- All buildings must be constructed from new or high quality recycled materials (unless otherwise approved by IYL).
- Exterior wall cladding (excluding gable ends and trim) shall be either timber, concrete block, local stone, weatherboards, brick or textured plaster – and finished in their natural colour, neutral tones, or coloured earthy mid-tones (unless otherwise approved by IYL).

7. PLAN APPROVAL PROCESS

Applying for Approval

An application for design approval must be submitted to IYL prior to applying for your building consent to CCC. A Construction Bond of \$2,000 is payable to IYL when an application for design approval is submitted.

In the event that the design approval application and bond payment are not submitted prior to the start of construction, the Developer reserves the right to charge a \$250 administration fee to process the delayed development approval application.

Sample documents to assist you in preparing your design application are available from IYL.

- Application cover letter;
- Approval checklist;
- Exterior finishes checklist;
- Sample building plans;
- Construction Bond Agreement.

Refund of Construction Bond

The bond will be returned on confirmation from IYL that no amounts are owing and on completion of the following:

- The building must be completed and site landscaped in accordance with the approved plans.
- The site is left in a tidy condition.
- Any remedial or reinstatement works associated with the construction (e.g. kerbing) have been completed.
- All covenants and conditions have been complied with throughout the construction process.
- Where the above requirements have not been met, IYL may, without prejudice to any of its other rights, recover the cost for repairs, correspondence and administration from the bond prior to releasing it to the Lot owner.
- The Lot owner should advise IYL when they consider the works are complete and the bond is due for refund. IYL will complete an inspection as soon as possible, and if in agreement refund the bond promptly.

8. RULES DURING CONSTRUCTION OF YOUR HOUSE

These are fully detailed in the Building Covenants. In summary:

- Construction noise must be limited to reasonable hours and not be at an unacceptable level.
- Side and rear fences must be erected prior to any building construction.
- Erosion and sediment control measure must be in place.
- No animals on site during construction.
- Appropriate rubbish disposal measures must be in place.
- Limits on washing down construction vehicles and requirements to handle any spillage.
- Limits on builders signage.

9. BUILDING & SELLING

Construction of a dwelling house must commence within two years of settlement of purchase, unless otherwise approved by IYL.

No Lot shall be on-sold to another party until a house has been constructed, unless otherwise approved by IYL.

10. ENFORCEMENT

IYL may take steps to ensure observance of these guidelines but shall not have any legal responsibility or liability for any lack of enforcement or enforceability or application or waiver of any of these guidelines or any consents or approvals given by IYL under these guidelines. The Lot Owners agree to keep IYL fully indemnified from any claim, liability, loss or action arising against it or its agents in respect of these guidelines having regard to their intent to provide for the interests of Lot Owners inter se and their individual obligations of observance and rights of enforcement of the guidelines.

DISCLAIMER

The information contained herein is true and correct to the best of Infinity Yaldhurst Limited's knowledge. However, Infinity Yaldhurst Limited, its directors, employees, advisers and agents do not make any representation or warranty, express or implied, as to the accuracy, reliability or completeness of the information contained in this document. All compliance with covenants, consent conditions, building regulations, territorial authority requirements and any other statutory requirements is the responsibility of each Lot Owner and you should seek your own professional advice.