



AGENDA FOR THE

ORDINARY MEETING OF

SELWYN DISTRICT COUNCIL

TO BE HELD IN THE

COUNCIL CHAMBERS

SELWYN DISTRICT COUNCIL

ROLLESTON

WEDNESDAY 3 NOVEMBER 2021

COMMENCING AT 1 PM

Council 3 November 2021 Public

Attendees: Mayor (S T Broughton), Councillors, M A Alexander, J B Bland, S N O H Epiha, J A Gallagher, D Hasson, M P Lemon, M B Lyall, S G McInnes, G S F Miller, R H Mugford & N C Reid

03 November 2021 01:00 PM - 05:00 PM

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Public portions of this meeting are audio-recorded and livestreamed via the Council's website and YouTube channel.

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki te tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the sea
E hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hau hū	A touch of frost, a promise of a glorious day
Tīhei mauri ora!	

COUNCIL AFFIRMATION

Let us affirm today that we as Councillors will work together to serve the citizens of Selwyn District.

To always use our gifts of understanding, courage, common sense, wisdom and integrity in all our discussions, dealings and decisions so that we may solve problems effectively.

May we always recognise each other's values and opinions, be fair minded and ready to listen to each other's point of view.

In our dealings with each other let us always be open to the truth of others and ready to seek agreement, slow to take offence and always prepared to forgive.

May we always work to enhance the wellbeing of the Selwyn District and its communities.

REPORT

TO: Chief Executive

FOR: Council Meeting, 03 November, 2021

FROM: Group Manager – Community Services and Facilities

DATE: 21 October 2021

SUBJECT: **DEVELOPMENT OF A SELWYN STRATEGIC HERITAGE PLAN AND ESTABLISHMENT OF AN INTERIM SELWYN HERITAGE CONTESTABLE FUND**

RECOMMENDATION

‘That Council receive the Report “Development of a Selwyn Strategic Heritage Plan and Establishment of an Interim Selwyn Heritage Contestable Fund” and approve:

- a) The preliminary Project Brief for the Selwyn Strategic Heritage Plan, (The Plan) and recognise that preparation to develop the final Project Brief and the associated Plan will then commence.
- b) The Terms and Conditions (T&C’s) proposed for the Selwyn Community Heritage Committee (the Committee), for a fixed term period, to oversee the development of the Plan.
- c) The establishment of an Interim Selwyn Community Heritage Fund (the interim Fund), as described, for a fixed term period until the Plan is adopted.

1. PURPOSE

This Report progresses activity that responds to two decisions made by Council in regards to Selwyn heritage and interim funding:

- Selwyn District Council in its long term planning process, 2021 – 2031, made the decision that Council develop a heritage strategy over the 2021 – 2022 period, ensuring engagement with the heritage sector.
- \$50,000 has been made available in Year 1 of Long Term Plan (LTP) (2021-2022) to provide short-term, interim support for Selwyn heritage groups.

[Refer Minutes of the Selwyn District Council, Long Term Plan 2021– 2031 submission deliberations, Thursday 20 May 2021. https://www.selwyn.govt.nz/_data/assets/pdf_file/0004/452587/Long-Term-Plan-Deliberation-Minutes-Thursday-20-May-2021-final.pdf]

2. **SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT**

As above, the development of the Plan responds to decisions made in the 2021 - 2031 LTP and will have the effect of developing and implementing a heritage strategy for Council. The actions proposed are particularly intended to contribute to promoting and achieving cultural community outcomes. Any cost options associated with implementing the Plan will be provided at the time the completed Plan is presented to Council in July / August, 2022.

The decision to create an interim Fund was also made as part of 2021 - 2031 LTP.

It is noted that Ngāi Te Ruahikihiki and Te Taumutu Rūnanga form an important part of the Selwyn district. Ngāi Tahu is expected to have an interest particularly in the Plan and the associated process as the proposed actions will potentially have implications for the relationships of Ngāi Tahu and their culture and traditions with their ancestral land and other taonga. At this point no specific communication has occurred with Ngāi Tahu however the Report proposes Ngāi Tahu is included in the membership of the Selwyn Community Heritage Committee.

There is a level of community interest in the actions proposed. While some understanding exists on the community's views on the matter, the proposed actions will involve further engagement to more fully understand views of community members and groups, as well as the numbers of people or groups affected.

3. **HISTORY/BACKGROUND**

The minutes of the Selwyn District Council, LTP 2021– 2031 submission deliberations, Thursday 20 May 2021, pages 17-18, record submissions on the topic of Selwyn heritage. Relevant submissions include: 100044 - Selwyn Heritage and Historical Network, 100187 - Ellesmere Historical Society, 100233 - Prebbleton Heritage, 100284 - Hororata Historical Society, 100458 - Heritage New Zealand, 100510 - Lincoln and Districts Society Inc 100526 - Leeston Community Committee, 100587 - Malvern Community Board and 100642, Darfield Genealogy and Local History Inc.

As part of LTP deliberations, Councillors Mugford and Bland were appointed to be part of a committee to oversee the interim funding and confirm the Project Brief for the Terms of Reference for the heritage strategy development.

4. **PROPOSAL**

i) **Preliminary Project Brief; Selwyn Strategic Heritage Plan (The Plan)**

Heritage is an important part of community well-being in Selwyn district (the district). Heritage is Selwyn's past, present and future.

The Plan's vision statement, values and objectives are expected to incorporate identification, protection, recognition and celebration of heritage buildings, sites, objects, activities, celebrations and other elements we value from the past and that we want to safeguard and pass on to future generations.

The vision statement, values and objectives will recognise that heritage lasts for generations and what happens today influences tomorrow's heritage. These will express how Selwyn can become stronger by having a strong connection to our past and our taonga; recognising the different Selwyn stories and places and working together to celebrate Selwyn's rich heritage.

The Plan's goals will include:

- identifying and enhancing Selwyn's heritage
- protecting and promoting Selwyn's heritage
- assisting residents and visitors to learn about and better understand and appreciate the unique stories, celebrations and places which are Selwyn's taonga
- developing and maintaining strong working relationships with strategic partners and key community organisations involved in heritage (local, regional and national).

Council has many activities and assets that can be identified as "heritage". Council has received consultation feedback and submissions relating to a variety of heritage activities and assets. As a result, the Council has decided it is important to develop the Plan. The Council has a responsibility to prepare this Plan with engagement from local Iwi, kaitiaki, communities, and local community groups as well as local businesses focused on protecting, promoting and celebrating Selwyn's history and heritage.

Council expects to have an ongoing role enabling the Plan's implementation through collaborations, partnership and provision of support and resourcing in relation to heritage assets and activities.

The Plan is intended to provide an overarching framework, informed by Council's LTP; consideration of other local government heritage plans; engagement from local Iwi, communities and community groups, key stakeholders (including regional and national) and consultation with relevant Council teams.

The Plan will recognise Selwyn is part of the broader region of Canterbury and part of New Zealand with a range of strategic partners and stakeholders including but not limited to Lincoln University and the University of Canterbury, Canterbury Museum, Archives New Zealand and Heritage New Zealand.

The Plan is expected to provide context for community identity which helps people relate to Selwyn district. This plan will consider environment, landscape, the people, the places, the activities and the celebrations. The Plan will foster learning about Selwyn's past. The Plan will explore the dynamic interaction between tourism and heritage. It will consider the economic characteristics of Selwyn heritage and the need for conservation by generating funding and educating. The Plan will consider tourism opportunities for aspects of Selwyn's natural and cultural heritage.

The Plan will reflect on the existing Council contributions to heritage (including through contestable funds) and those of other local authorities and consider future resourcing to support the implementation of the Plan.

The Plan will identify targets and propose actions to be taken over a five to ten year period to achieve the targets.

The Plan will inform other Council Plans.

The Plan will identify partnerships and collaborations to be created and / or fostered with key partners and heritage stakeholders to enable a collaborative approach to implementation.

The Plan will be presented for Council consideration along with a Report in July / August, 2022.

This Report will propose future financial resourcing options for Council consideration including what, if any, contestable funds should be considered by Council to meet some of the Plan objectives goals. The Report will be prepared by Group Manager – Organisational Performance, Group Manager – Community Services and Facilities and Group Manager – Environmental and Regulatory Services.

ii) Terms and Conditions (T&C's) Selwyn Community Heritage Committee (The Committee)

A Selwyn Community Heritage Committee will be formed to oversee the development of the Plan, commencing 1 January, 2022, and will:

- Make annual funding decisions in relation to the Selwyn Community Heritage Fund¹ (the interim Fund) on behalf of Selwyn District Council (Council) for up to a two year period²
- Agree final project brief for the Plan
- Receive Plan progress updates quarterly and provide advice on process.

The Plan development will involve a significant amount of stakeholder and community engagement.

The Committee will be recognised as a Committee of Council with delegated decision-making responsibilities associated with the interim Fund and providing advice on the draft Plan's process and progress.

The membership of the Committee shall be reviewed each financial year and shall comprise not less than the following four (4) ex-officio members:

- Two (2) Council nominated elected representatives.
- One (1) representative of Ngāi Tahu (Te Taumutu Rūnanga).
- The Mayor.

In addition, from time to time, technical experts (e.g., a representative from Lincoln University) will be invited to attend relevant meetings to provide specific knowledge or expertise to the Committee. A technical expert does not participate in committee decision-making.

A chairperson will be elected from members of the Committee for the initial period until 30 September, 2022. The Committee will be supported by Community Services and Facilities Group.

¹ This Fund is separate and distinct from "Selwyn Heritage Fund"; an existing Fund administered by Council specifically to encourage and assist owners with work required to maintain and enhance heritage buildings in the District as well as work required on protected trees

² Funding for Year Two (2022/2023) of the interim "Selwyn Community Heritage Group Fund" is not confirmed by Council.

iii) Selwyn Community Heritage Fund (The interim Fund)

The interim Fund will primarily be used to support kaitiaki (guardians, conservators, and protectors), communities and community groups to:

- protect and promote Selwyn's history
- provide Selwyn residents and visitors access to Selwyn's history
- assist Selwyn residents and visitors to learn about and better understand the unique stories and places which are Selwyn's taonga (treasured possessions)
- celebrate the unique stories and places which are Selwyn's taonga.

Committee funding decisions will:

- i. recognise Tangata Whenua heritage is an important aspect of Selwyn
- ii. recognise that different **geographic communities** make up Selwyn
- iii. ensure a **variety** of aspects of Selwyn's heritage are supported
- iv. recognise **volunteer** contributions.

The Committee decisions are final and not open for appeal.

The interim funding is intended to support kaitiaki (guardians, conservators, and protectors), communities and community groups and their heritage activities (including but not limited to contributing towards operating costs) during the period the Plan will be developed for Selwyn district.

Timeline

	Date	Action
1	November 2021	Media Release
2	1 December 2021	Applications Open
3	January 2022	Media Release
4	1 February 2022	Applications Close
5	Week commencing 28 February 2022	Council staff meet to review applications, identify applications requiring specific technical expertise, and prepare information and advice to the Committee
6	Week commencing 14 March 2022	Committee receive application pack along with staff and in some
7	Week commencing 21 March 2022	Committee meet to make final funding decisions
8	Week commencing 28 March 2022	Letters sent to all applicants
9	10 April 2022	Grants paid

The Committee will report to Council on funding decisions annually. The Annual Report will include analysis of application themes and will identify specific dollar amounts applied for and allocated. The Annual Report may also highlight strategic risks and opportunities for future Council investment identified through applications received.

5. OPTIONS

The practical options available to Council in respect to this proposal include:

1. Approving the preliminary Project Brief for the Plan and recognise that preparation to develop the final Project Brief and Plan will commence.
2. Approving the T&C's proposed for the Committee, to oversee the development of the Plan for a fixed term period.

3. Approving the establishment of the interim Fund as described, for an interim and fixed term period until the Plan is adopted.
4. Modification of some or all of the Report recommendations.
5. Rejection of the Report recommendations and provision of directions to the Report writer on alternative steps to be taken.

6. **VIEWS OF THOSE AFFECTED / CONSULTATION**

(a) Consultation

There is a level of community interest in the actions proposed. While some understanding exists on the community's views on the matter, the proposed actions will involve further engagement to more fully understand views of community members and groups, as well as the numbers of people or groups affected.

(b) Māori implications

Ngāi Tahu, will have an interest in the process as the proposed actions will potentially have implications for the relationships of Ngāi Tahu and their culture and traditions with their ancestral land and other taonga. Ngāi Tahu involvement is included in the proposed actions and process.

7. **FUNDING IMPLICATIONS**

No funding implications exist at this point beyond the 2021 / 2022 Annual Plan funding decisions.

The draft Plan and an associated Report will be presented for Council consideration in July / August, 2022 and will have given consideration to a second year for the interim Selwyn Community Heritage Fund, as well as short to medium term financial resourcing options associated with the Plan, for Council consideration.



Denise Kidd

GROUP MANAGER – COMMUNITY SERVICES AND FACILITIES

REPORT

TO: Chief Executive

FOR: Council Meeting – 03 November 2021

FROM: Strategy and Policy Planner, Rachael Carruthers

DATE: 18 October 2021

SUBJECT: PRIVATE PLAN CHANGE 63 – REZONING OF LAND IN DARFIELD

RECOMMENDATION

‘That the Council:

- a. accepts the recommendation of the independent Commissioner in regards to Plan Change 63 from Merf Ag Services Ltd and Matthew Reed to rezone land in Darfield; pursuant to Clause 29(4) of the First Schedule of the Resource Management Act 1991, approves Plan Change 63 subject to the modifications described and for the reasons given in the Commissioner’s recommendation dated 30 September 2021;*
- b. approves the public notification of Council’s decision that establishes that the Operative Selwyn District Plan is deemed to have been amended in accordance with the decision in (a) above from the date of the public notice in accordance with Clause 11 of the Resource Management Act;*
- c. delegates the Team Leader Strategy and Policy to take any steps necessary to give effect to recommendation (a) and (b) above; and*
- d. delegates the Team Leader Strategy and Policy to take any steps necessary to give effect to make Plan Change 63 operative at the conclusion of the appeal period where no appeals are filed.’*

1. PURPOSE

This report seeks a decision from Council that Plan Change 63 be approved in accordance with the Commissioner’s recommendation dated 30 September 2021 (Attachment 1) and that it be confirmed for inclusion in the Operative Selwyn District Plan.

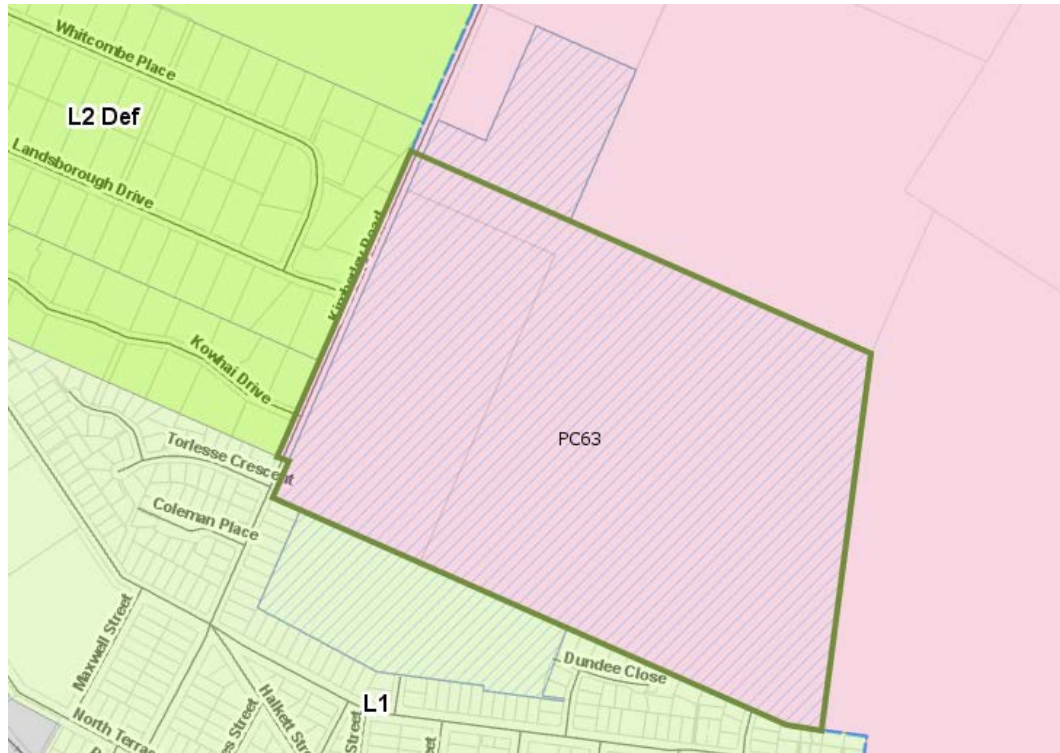
2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This report does not trigger the Council’s Significance Policy. Considering to accept the Commissioner’s recommendation as Council’s decision is a procedural requirement of the Resource Management Act 1991 (the Act).

3. HISTORY/BACKGROUND

The request primarily relates to rural land on the northeastern side of Darfield, and seeks to rezone the land to Living 1, outlined in green below. The request includes the insertion of an Outline Development Plan which extends into the land immediately to the south of this land, which is already zoned Living 1, as shown with blue diagonal hatching below. The land to the north shown shown with blue diagonal hatching was

originally part of the plan change area, but was withdrawn through the process of considering the request.



In addition to the rezoning request, the proposal includes amending the Township Volume provisions so that:

- a retirement village in the location shown on the Outline Development Plan becomes a restricted discretionary activity, with the exercise of discretion limited to urban design matters. An increased permitted site coverage of 45% is provided for this activity.
- fencing restrictions are imposed along the Kimberley Road frontage
- some small-lot medium density development is provided for within the ODP area, with larger lots at the rural and rural-residential interfaces
- the National Planning Standards definition of 'retirement village' is inserted

4. PROPOSAL

An independent Planning Commissioner, Mr Dean Crystal, was appointed to consider all the relevant material in respect of the plan change and to make a recommendation to the Council on the plan change and the submissions received.

This recommendation relates to whether the plan change should be approved, approved with modification (in accordance with the scope provided by the plan change) or declined. The final decision on whether or not this recommendation and, as a consequence the plan change, should be adopted is the responsibility of the Council.

For the reasons set out in his recommendation, the Commissioner recommends that Plan Change 63 be approved subject to the modifications set out in his recommendation and that the matters raised in submissions are accepted, accepted in part or rejected.

5. OPTIONS

In accordance with Clause 29(4) of the First Schedule of the Act, Council may decline, approve, or approve with modifications, the plan change.

a. Approve

Through the Resource Management Act processes, the Commissioner has considered that Plan Change 63 is generally appropriate in terms of the s32 tests and meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, the Commissioner considered that the plan change incorporates appropriate methods to ensure any future land uses are appropriate and will result in a number of positive social, economic and environmental outcomes.

However, the Commissioner considered that modifications are necessary in order to achieve good planning practice. This is discussed below.

b. Approve with modifications

The Commissioner's recommendation is that Plan Change 63 be approved, subject to the modifications described in his recommendation. The primary modifications are:

- new dwellings in the plan change area need to comply with minimum floor heights to address flood risk
- new dwellings in the plan change area need to be connected to a reticulated sewage treatment and disposal system
- the effect of further development on level crossings and the state highway intersection needs to be specifically addressed at the time of subdivision
- other modifications being primarily grammatical to ensure consistency with the text of the Operative District Plan.

The Commissioner considered that, subject to the specified modifications the plan change will implement the policies, and is appropriate in achieving objectives, of the District Plan.

As such, it would be inappropriate for the Council to amend any of the findings contained in the Commissioner's recommendation in the absence of hearing the submissions and considering the substantive material that has been considered.

c. Decline

It is considered that it would be inappropriate for the Council to decline the plan change, as this would be contrary to the recommendation of the independent Commissioner who has determined, through the statutory processes, that the plan change is appropriate.

Recommended Option:

It is recommended that Council accepts the Commissioner's recommendation and approve Plan Change 63 subject to the modifications set out in the recommendation.

If the Council accepts the Commissioner's recommendation and approves Plan Change 63, then Plan Change 63 will continue along the statutory RMA process, with

the decision being publicly advertised and notice being served on all submitters. A 30 day appeal period is provided to lodge an appeal against the decision to the Environment Court. If no appeal is received within this timeframe then Plan Change 63 will be deemed to be operative and the District Plan amended accordingly.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

These matters are addressed in the recommendation of the Commissioner, with the mandatory public notification, serving of the notice of the request on potentially affected parties and submissions processes required under the RMA having provided appropriate opportunity for interested parties to participate in the private plan change process.

(a) Consultation

The mandatory public notification and submissions processes required under the RMA has provided the wider public an opportunity to participate in the private plan change process

(b) Māori implications

Mahaanui Kurataiao Limited, who provide mana whenua environmental services that are endorsed by local Rūnanga, have reviewed the plan change, and this review formed a component of the notified version of the plan change. The review did not identify any wahi tapu or wahi taonga sites of cultural significance within the plan change area.

(c) Climate Change considerations

Plan Change 63 will assist in responding to climate change by providing for a consolidated urban form, and providing pedestrian and cycle linkages to community infrastructure

7. FUNDING IMPLICATIONS

The funding implications are limited to any appeal proceedings. All costs incurred in notifying the decision are on-charged to the private plan change proponent.



Rachel Carruthers
STRATEGY AND POLICY PLANNER

Endorsed For Agenda

A handwritten signature in black ink, appearing to read 'Tim Harris', with a stylized, cursive script.

Tim Harris

GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES

RESOURCE MANAGEMENT ACT 1991

SELWYN DISTRICT COUNCIL

SELWYN DISTRICT PLAN

PROPOSED DISTRICT PLAN CHANGE NUMBER 63

BY

MERF AG SERVICES LTD AND MATTHEW READ

TO

**REZONE 60.6 HECTARES OF LAND LOCATED NORTH OF DARFIELD ON
KIMBERLEY ROAD FROM RURAL OUTER PLAINS TO A MIX OF LIVING 1
AND LIVING 1 (DEFERRED) ZONES**

**Recommendation of
Commissioner Dean Chrystal**

Hearing held on 26th July 2021

Appearances:

Council:

Ms Rachael Carruthers, Council Planner

Mr Murray England, Council Asset Manager – Water Services (by phone)

Mr David Smith, Consultant Transport Engineer

Applicant:

Mr Gerard Cleary (Legal Counsel)

Mr Mervyn Todd (Applicant)

Mr Matthew Read (Applicant)

Ms Lisa Williams (Consultant Traffic Engineer)

Mr Gareth Cox (Real Estate Agent)

Ms Fiona Aston (Consultant Planner)

Submitter

Mr Philip Baldwin (Malvern Housing Trust)

1.0 Introduction

- 1.1 Pursuant to instruction from the Selwyn District Council (the Council) I was appointed to conduct a hearing and make a recommendation on Proposed Change 63 (PC63) to the Selwyn District Plan (District Plan) together with submissions thereon at the Darfield Recreation and Community Centre in Darfield on the 26th of July 2021.
- 1.2 PC63 is a privately initiated plan change by Merf Ag Services Ltd and Matthew Read which seeks to rezone a 60.6ha hectare site located on the northern edge of Darfield adjoining Kimberley Road from Rural Outer Plains to a mix of Living 1 and Living 1 (Deferred) zones. The proposal as notified involved a new policy, new and amended rules and an Outline Development Plan (ODP) to guide development which included the identification of a retirement village, medium density housing areas, larger lot areas, roading and access and reserves.
- 1.3 PC63 was publicly notified on the 1st of July 2020, to which 14 submissions and two further submissions were received. I note here that the submission of Kirsty Lucey and Ben Hanburger were received late.
- 1.4 Of the 14 submissions, 11 were opposed in some form, two were neutral and one was in support.
- 1.5 The issues raised in submissions generally include:
 - The need for the change in zoning to cater for growth given existing zoning
 - Loss of productive land
 - Transportation issues
 - Three waters servicing, including wastewater reticulation
 - Flooding hazard
 - The use of versatile soils
 - Loss of rural outlook and views
 - Increased density and building height
- 1.6 After the hearing I undertook a site visit where I was able to view the site from various positions and get an understanding of how it fitted with and linked to the surrounding environment.

2.0 Section 42A Report

- 2.1 Pursuant to s42A of the Resource Management Act (the Act or the RMA) Ms Carruthers produced a report addressing the proposed plan change and a range of matters she considered were covered by submitters as generally set out below. Two of the key matters, the spatial extent of Darfield/need for the plan change and natural hazards, were primarily addressed in her assessment of objectives and policies covered further below.

Loss of productive land

- 2.2 In response to concerns around the loss of high versatile soils, Ms Carruthers said that the Canterbury Regional Policy Statement (CRPS) defined 'versatile soils' as land classified as Land Use Capability (LUC) I or II in the New Zealand Land Resource Inventory. She said that the PC63 area contained LUC Class 3 land and therefore

considered that the plan change area was not an area of productive land that required protection from residential development.

Infrastructure

- 2.3 With regards to water supply, Mr England said that to meet the anticipated growth at Darfield, a new well had been drilled to increase supply capacity and a resource consent prepared. He considered that the ODP area could be adequately serviced with a potable water supply and that firefighting requirements can be met.
- 2.4 Turning to wastewater, Mr England advised that the Council had approved Darfield Wastewater Project which involves a pipeline to the Pines Wastewater Treatment Plant at Rolleston. He said the Council would work with the developer to ensure that Council wastewater services were provided in a timely manner to the boundary and therefore that connection to the Councils proposed wastewater system should be a condition of any subdivision consent.
- 2.5 In terms of stormwater, Mr England said that there was a viable means to dispose for the plan change area.

Transport

- 2.6 Mr Smith considered that:
- The plan change was not inconsistent with CRPS objectives and policies including those relating to multi-modal transport.
 - The Level Crossing Safety Impact Assessments report and inclusion of level crossing upgrades within the draft Selwyn LTP addressed submitter concerns relating to the level crossings.
 - Work undertaken subsequent to the Integrated Transportation Assessment (ITA) provided an appropriate assessment which addressed concerns raised through submissions relating to the operation of SH73 and the local network. He noted that the cumulative effects of PC63 and other development areas on these intersections had not been specifically addressed.
 - Analysis of Statistics New Zealand travel data demonstrated that the Darfield urban area is a catchment for education travel but relies on the UDS area for employment with over 50% leaving Darfield for work.
- 2.7 In conclusion, Mr Smith said he supported PC63 from a transport perspective subject to the following matters being addressed as matters of discretion within an ITA for any future subdivision consent application in the Plan Change area:
- Safety for all modes at existing level-crossings in the Darfield urban area
 - Operation of State Highway 73 intersections with Matthias Street and McMillan Street

Density/minimum site sizes

- 2.8 In response to the concerns expressed by submitters with regards the minimum site size, Ms Carruthers said that the proposed minimum average site size of 650m² was consistent with the Living 1 zone requirements for

Darfield. She said the site size requirements were consistent with the existing provisions, with the proposed medium density provisions being consistent with those for the Living Z zone.

Rural identity and outlook

- 2.9 In terms of rural identity and outlook, Ms Carruthers said that changes to residential amenity were to be expected with any plan change to expand growth in a township.

Need for a Retirement Village

- 2.10 With regards concerns about the proposed retirement village Ms Carruthers noted that its built form was similar to other forms of comprehensive medium density residential development and that the decision on whether or not to proceed was ultimately a commercial decision and did not need to be considered further.

Statutory Analysis

- 2.11 Ms Carruthers went on to undertake an analysis of the District Plan and other relevant planning documents as summarised below.

Operative Selwyn District Plan

Development Capacity

- 2.12 Ms Carruthers had noted that Environment Canterbury (ECan) felt the application site provided a logical extension to the township boundary, however, they considered the need to rezone additional rural land, when significant available capacity existed within the current township boundary, was unclear. She said ECan considered that it may be more appropriate to consider this at a township and/or District-wide scale through the District Plan Review, in the interests of promoting consolidated, co-ordinated and sustainable urban growth and the efficient use of land and infrastructure. Ms Carruthers noted other submissions had raised similar concerns regarding there already being sufficient zoned land.
- 2.13 Ms Carruthers said that the Malvern Area Plan 2016 (MAP) had identified that there was existing capacity to accommodate over 1,430 additional households within the existing Living 1 and Living X zones. She noted that this capacity included around 80ha of land with a current deferred status, and that the Proposed District Plan (PDP) retained the residential zoning but lifted the deferral.
- 2.14 Ms Carruthers referred to the Selwyn District Growth and Demand Report which from a starting point of 1,283 dwellings in 2021, estimates that it would take until 2051 for Darfield to increase by 1,142 dwellings to reach 2,425 dwellings. This she said suggested that Darfield currently contained sufficient undeveloped Living 1 or Living X zoned land capacity for more than the next 30 years. She therefore considered that the request was contrary to Policies B4.3.4 and 4.3.23 of the District Plan and was at least inconsistent with Objective B4.3.2 to achieve a compact township shape.

Natural Hazards

- 2.15 Ms Carruthers said that consistent with most of the district, the site contained overland flow paths that the modelling suggested would be subject to flooding in the event of a 200-year ARI flood event, with a small area of the site being modelled as subject to flooding in excess of 1m deep in a 500-year ARI flood event and thus a

high hazard area as defined by the CRPS. She considered that the proposal in its current form did not give effect to the objectives and policies relating to natural hazards.

Transport

- 2.16 Ms Carruthers in considering the relevant transport provisions said that given the existing pattern of development in Darfield, it would not be possible to rezone land on the northern side of the township without increasing the need for pedestrians, cyclists or motorists to cross the railway line, contrary to Policy B2.1.20, but noted that a number of level crossing upgrades had been incorporated into Council's 2021-2031 LTP. She also noted that the ODP provided for a range of transport choices, consistent with Policy B4.1.14 and that the proposal was also consistent with Policy B1.2.3 and its location consistent with Policy B2.1.23.

Utilities and Water

- 2.17 Ms Carruthers consider that the plan change was consistent with the provisions relating to utilities, while she said water supply was available and stormwater disposal could be adequately addressed at subdivision stage. In terms of wastewater she considered that given Council's decision to reticulate wastewater from Darfield to Rolleston it would be a better planning outcome to require connection to the public system from the outset.

Quality of the Environment

- 2.18 In terms of the quality of the environment, Ms Carruthers noted Policy B3.4.39 addressed reverse sensitivity effects and said that there were currently no adjoining or near existing activities which were likely to be incompatible with residential activities. She noted that should additional land be zoned for Business 2 activities in the future (as indicated as an option in the MAP), this would be addressed as part of that future development and the plan change was consistent with the policy.

Canterbury Regional Policy Statement

- 2.19 Ms Carruthers accepted that the provisions of Chapters 5 and 11 of the CRPS were relevant. In terms of the areas of disagreement with the Applicant she considered that although the plan change enabled housing choice she did not consider that, given the extent of undeveloped Living 1 and Living X land in Darfield, the further expansion of Darfield's Living 1 zone at this time would support urban consolidation as required by Policy 5.3.1 and therefore it would not give effect to the CRPS.
- 2.20 In terms of natural hazards Ms Carruthers said that Policy 11.3.2 requires all new buildings to have a floor level above the 0.5 AEP design flood level (the 200-year ARI flood level). She said amendments to Rule 4.1 Buildings and natural hazards and Rule 12.1.4 Subdivision matters for discretion would be required to give effect to the objectives and policies relating to natural hazards and she recommended the inclusion of relevant provisions. She went onto note that a small portion of the site north of Dundee Close has been modelled as having flooding greater than 1m deep in a 500-year ARI (0.2% AEP) flood event, and therefore was high hazard area. She said that Policy 11.3.1 requires the avoidance of new subdivision use and development in high hazard areas, unless certain criteria were met and that this had not been addressed by the plan change and therefore as it stood it was contrary to this provision.

- 2.21 Ms Carruthers concluded that overall as it stood PC63 did not give effect to the CRPS in relation to the provision of a compact urban form given the extent of zoned but undeveloped Living 1 and Living X land in Darfield and in relation to natural hazards.

Canterbury Land and Water Regional Plan (LWRP)

- 2.22 Ms Carruthers considered that PC63 could be efficiently and effectively serviced in a manner that maintained water quality and quantity and was consistent with the outcomes sought by the LWRP.

Mahaanui Iwi Management Plan 2013

- 2.23 An assessment of PC63 had been undertaken by Mahaanui Kurataiao Ltd in relation to the Mahaanui Iwi Management Plan 2013 (Management Plan). Ms Carruthers noted that in terms of the recommendations in the report, the Applicant did not propose any changes in response. Having considered the recommendations from the report she considered that PC63 would not compromise the values set out in the Management Plan.

National Environmental Standard for Assessing and Managing Contaminations in Soil to Protect Human Health

- 2.24 Ms Carruthers noted that the NES-CS did not strictly apply in a zone change situation, however, considered that the appropriateness of residential use for the area has been established and that further evaluations may be required through any subsequent consent processes.

National Policy Statement on Urban Development (NPS-UD)

- 2.25 Ms Carruthers considered PC63 was consistent with the intent of Objective 2 and Policy 1 of the NPS-UD by increasing the availability of land for housing in the Darfield area. However, she went on to say that while the plan change would support a competitive land and development market and provide additional development capacity, she considered that these things were already provided for in Darfield. She said areas of land zoned Living 1 or Living X but undeveloped could be developed to provide a range of housing choices, including medium density development, under current SDP provisions.

- 2.26 Ms Carruthers noted that these areas of land had numerous owners and therefore the land was not consolidated into a few landowners who might choose to landbank in the hope of future profit from a constrained supply. She said that meanwhile, the amount of land available for development exceeded that required to meet expected demand for the short term, medium term and long term and that she considered that the plan change was not necessary in order for the Council to give effect to the NPS-UD.

Malvern Area Plan 2016

- 2.27 Ms Carruthers said that the MAP identified that no new land was required to be zoned to provide for residential development out to 2031, but that it identified the PC63 area as DAR 7, being, among others, as potentially suitable for future standard to low-density residential development.

Proposed Amendments

- 2.28 Ms Carruthers said that should the plan change be accepted, it was appropriate to rezone the whole of the site Living 1 accompanied by appropriate rules preventing subdivision or development in advance of public reticulated wastewater, rather than a combination of Living 1 and Living 1 Deferred and associated provisions.

She considered the proposed deferral related only to the timing of planned infrastructure provision, and so the additional future plan change that would be required to remove the deferral would be inefficient.

- 2.29 Ms Carruthers considered that most of the requested changes to rules were appropriate subject to minor amendments. However, she considered additional rules were required in relation to flooding, landscaping and transport matters.

Conclusion

- 2.30 Ms Carruthers said that having assessed the plan change request and the findings of the various peer reviews and evidence, she was not satisfied that PC63 was the best approach when considered against s32 of the Act and that on the basis of the abundance of undeveloped land zoned Living 1 and Living X in Darfield she had concluded that PC63 would not result in the efficient use and development of natural and physical resources, whilst maintaining the amenity value of the area and would not achieve the purposes of the Act
- 2.31 Ms Carruthers recommended that PC63 be declined on the basis it was not consistent with the provisions regarding urban growth management and did not give effect to the objectives and policies of higher order documents.

3.0 Hearing

Applicant

- 3.1 **Mr Cleary** said a particular feature of the proposed rezoning was the intention to establish a purpose built retirement village, a form of residential living which was neither specifically enabled by the District Plan, nor adequately provided for in Darfield.
- 3.2 Mr Cleary noted that in the first district plan prepared under the RMA, the Site was earmarked for residential zoning. However, this had been withdrawn as a consequence of concerns regarding potential reverse sensitivity effects associated with adjacent Selwyn Plantation Board land which no longer exists. He went onto indicated that the Site had been identified in the MAP as an “obvious growth node” and in the PDP as an Urban Growth Overlay.
- 3.3 Mr Cleary submitted that from this history, it was reasonable to conclude that the Site was an appropriate location for the growth of Darfield, which was not surprising given its ability to integrate with the existing urban form of Darfield, and its close proximity to the town centre. He said it would represent consolidated development as that term is applied by both the CRPS and the District Plan.
- 3.4 Mr Cleary considered the position adopted by Ms Carruthers was that the purpose of the Act is reflected in the objectives and policies of the District Plan, despite referring back to s7 matters, including the efficient use and development of resources and the maintenance of amenity values. He submitted that in the circumstances, no recourse to any Part 2 matters was strictly necessary, simply because matters of efficiency of use were enshrined within the objectives and policies of the District Plan and the CRPS.
- 3.5 Mr Cleary referred to Environment Court cases where the issue of oversupply of land had been advanced as a reason why additional rezoning should not proceed including *Marlborough Ridge Ltd v Marlborough District*

Council C111/97. In this case the Council led planning evidence to the effect that there were substantial areas of zoned land in the process of being subdivided (400 lots), with the potential for another 1200 lots to be developed and that the provision of additional residential lots on the appeal site could not be justified on resource management grounds.

- 3.6 The Court confirmed that efficiency in planning terms under the RMA did not equate to a quantitative allocation approach. Rather, what needed to be considered in terms of efficiency was the extent of effects of a proposal on the community at large and not the effects on the expectation of individual investors. The Court preferred the view of the Appellant that providing additional zoned land was enabling of social and economic wellbeing, notwithstanding the substantial existing residential land resource available.
- 3.7 Mr Cleary submitted that in the PC63 case, a reasonable inference from Ms Carruthers recommendation is that the owners of other existing zoned land in Darfield, at least one of which is a substantial long term land banker, should be allowed to develop without further competition from the present proposal. He said that Ms. Carruthers opinion was that while the plan change should support a competitive land and development market, these are already provided for in Darfield i.e. there is enough competition. He submitted that this reasoning had inadvertently strayed into trade competition waters and that to the extent this has occurred, it is not permissible under s 74 (3) of the Act and is therefore irrelevant to any decision making.
- 3.8 Mr Cleary said a rationing approach was rejected by the District Plan in favour of an entirely orthodox strategy which tests plan change requests against the policy framework, including broader objectives and policies relating to the strategic provision of infrastructure. He said the policy framework for the growth of townships, against which the Plan directs that PC63 be tested, can best be described as enabling growth both within and adjoining existing townships. He further said that expansion of townships is specifically contemplated by the objectives and policies, an express policy requirement for expansion being that it adjoins existing urban zoned land so as to achieve a compact township shape.
- 3.9 Mr Cleary submitted that the enabling of township expansion via plan change requests was not undermined by the identically worded Policies (B4.3.4 & B4.3.23) relied upon by Ms Carruthers, policies which seek to encourage new development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity. He said these policies were not directive in nature and could not be read as directing a “containment” approach whereby growth can only occur on existing vacant zoned land before any further land can be rezoned. He accepted that these policies support consolidation and recognized that there may be some benefits of developing existing vacant land in terms of, amongst others, reduced reverse sensitivity effects.
- 3.10 Mr Cleary went onto submit that there was evidence of long-standing land banking of zoned land in Darfield, and there was evidence that some landowners of residential zoned land are simply not developers. He said this land cannot be said to be available, nor indeed should vacant Living 1 land being developed by other parties be considered available either at an appropriate price – however that may be determined – or otherwise.
- 3.11 Mr Cleary noted that in *Appealing Wanaka Incorporated v Queenstown Lakes District Council [2015] NZEnvC 196*, the issue of oversupply was raised as a ground for reversing the Council’s decision to approve a plan

Change. The opponents alleged that the predicted oversupply would result in significant adverse effects on Wanaka's development, including an overall failure to establish anywhere a coherent sense of community.

- 3.12 Having evaluated the competing evidence on demand and supply, the Court in this case concluded that the range of market differentiators was such that demand and supply relationships should not be looked at simplistically. The Court also said that in order to supply the quantity of residential sections demanded at any given price, the quantity of zoned land might have to be very large in proportion to the quantities demanded and in a variety of locations.

- 3.13 Mr Cleary noted that the Court had further stated that plan enabled capacity (zoning) is not synonymous with the volume of sections supplied:

[113] There is also a wider resource management issue here which is that it is important not to confuse zoning with the quantity of sections actually supplied. Land may be zoned residential but that does not mean it is actually assisting to meet the quantity of sections demanded. Only sections for sale can do that. There is no direct relationship between the number of sections theoretically able to be cut out of land zoned residential and the number of sections actually on the market at any one time especially when – as in Wanaka – there are very few landowners with land zoned for residential activities.

- 3.14 Mr Cleary submitted that the evidence was that there was very little in the way of available sections on the market in Darfield and that there had been a huge surge in demand for vacant sections, demand which was not being met by supply. Further, he said the evidence was that there were very few active land developers within the Darfield market and also that there are owners of residential zoned land that are either unlikely to develop and/or have been land banking for at least the lifetime of the current Plan. He also said the evidence demonstrates that there is an unmet demand for retirement village facilities, including care beds.

- 3.15 Mr Cleary submitted that Ms Carruthers had adopted an erroneous and overly simplistic approach towards the issue of land supply, one that confuses the extent of zoning with the quantity of sections available.

- 3.16 Turning to the CRPS Mr Cleary submitted that it did not support a rationing approach, with the primary focus of Objective 5.2.1 of the CRPS and supporting policies being development which is consolidated. He said Policy 5.3.1 seeks to provide as a primary focus that urban growth occurs: *in a form that concentrates, or is attached to, existing urban areas and promotes a co-ordinated pattern of development.*

- 3.17 Mr Cleary submitted that the growth enabled by PC63 was unequivocally consolidated development as that term is used in Objective 5.2.1 and Policy 5.3.1 and that to hold otherwise could only be possible if one were to interpret consolidation as being limited to the containment or concentration of urban growth and to simply ignore the words "or is attached to" in Policy 5.3.1 which he said was wrong.

- 3.18 Mr Cleary concluded by saying that properly interpreted, the relevant objectives and policies of both the CRPS and the District Plan did not support the rationing of additional land for residential development. Nor did they support the containment of development within the existing footprint of townships, rather they supported development which was consolidated.

- 3.19 Mr Cleary submitted that on the evidence available, PC63 gives effect to the CRPS and implements all relevant objectives and policies of the District Plan.
- 3.20 In response to my questions Mr Cleary said there wasn't a single Court decision supporting a rationing approach and that in terms of the NPS-UD Policy 2 was of relevance.
- 3.21 **Mr Todd** indicated that a key driver for PC63 has been to obtain the appropriate zoning to enable the establishment of a retirement village. He said he had engaged Colliers International to provide demographic research and an overview of the existing retirement village and aged care options within Darfield and the surrounding catchments. He said that the Colliers Report conclusions were positive about the level of demand for, and feasibility of establishing, a new retirement village in Darfield and it pointed to the fact that Darfield has a significantly higher percentage (21.7%) of population aged over 65 years than townships such as Rolleston, Leeston and Lincoln and indeed New Zealand and that this age group was predicted to grow by 69.05% between 2013 and 2043.
- 3.22 Mr Todd also indicated he wanted to deliver smaller more affordable sections than have, to date, been available at Darfield due to the size restrictions imposed by the need for onsite effluent treatment and disposal. He said the intention was not to landbank the land but to develop it as soon as rezoning was in place to enable the development of the retirement village and to meet the growing demand for bare land sections in Darfield.
- 3.23 Mr Todd went onto note that while land may have been zoned for residential purposes for many years, many of those current land owners were not developers, and do not seem to have any intention of developing the land into sections. He also said to his knowledge there were very few, if any, titled sections available for sale in Darfield at the present point in time.
- 3.24 **Mr Read** felt that consideration should be given to why current Living zoned land has been so sparsely developed in Darfield, noting that much of it was farmland and felt that those farmers faced challenges in both time and capital to undertake any development. He went on to say that a three staged approach to developing their land was proposed.
- 3.25 Mr Read addressed the flooding risk on their land, noting that two swales had been dug at the request of the Council to address overflow water alongside the Broadgate subdivision as a backup to existing drains. He said the swales had unfortunately been lined with soil rather than stones and that it was now evident that they were creating their own flooding risk. He went onto say that during rainfall events the only pooling observed was in the swales which had resulted in a complaint from a neighbouring owner. He suggested that new methods for mitigating flood risk in this area could be addressed as part of any development of the land.
- 3.26 In her evidence, **Ms Williams** said that having considered the matters raised in the submissions and the Council officers' reports, she concluded that all transport related effects can be adequately managed such that the proposal can be supported from a transport perspective. She agreed with the transport related provisions recommended in the Council officers report relating to assessment of the Rail Level Crossings and SH73 intersections at the time of subdivision. She advised that the upgraded rail crossing would include barriers.

- 3.27 **Mr Cox** provided details of the market demand for residential land in Darfield and Kirwee. He said that over the past 12 months his firm had experienced a large surge in demand for residential sections in the townships of Darfield and Kirwee with over 175 section sales in the year to June 2021. He said this demand had led to all existing titled sections being sold and buyers now committing to contracts in advance of title. He went on to provide details of the various subdivisions around Darfield.
- 3.28 Mr Cox said his firm Property Brokers Darfield continued to field new enquiries each day for future land releases, and he personally had a database in excess of 500 registered parties who are considering purchasing sections in the greater Darfield/Kirwee area. He said in March an auction of 20 sections in Kirwee sold out in under 2 hours, with a large number of unsatisfied buyers, which reinforced the demand for sections in the area. Mr Cox considered the recent approval by the Council for a reticulated wastewater scheme servicing Darfield and Kirwee would further enhance the popularity of the area for purchasers, who will not have to install or maintain their own septic tank system, and further enhances development opportunities.
- 3.29 In response to my question Mr Cox indicated that enquires about properties had increased since the Council decision on providing a wastewater network. He also advised that a lot of people, including farmers in the broader area, were looking to downsize and looking for sections in the 500-700m² range and that there was simply nothing available in this space. He said that even in the 700-2000m² space there was only around 20 sections available at present.
- 3.30 In regard to the existing zoning of Living 1 and Deferred Living X land, Mr Cox said a large portion of this land was currently owned by the Gillanders Family and had been under their ownership for several generations as pastoral farming land. He said they were not land developers and, in his opinion, they would be unlikely to develop this land in the near future. He noted that the other Deferred Living X land was owned by the Frew family who, through a related company, were currently developing the Cressy Oaks subdivision, with all available sections sold out. He said that other Living 1 land available in the Township was held in multiple ownerships, with some of it currently being developed e.g. Hidden Acres which had completely sold out and that Ascot Park Limited, the developer of the Torlesse Estate, had yet to market any of the Living 1 zoned land for which subdivision consent was obtained from the Council within the last 5 years.
- 3.31 **Ms Aston** provided an overview of the plan change request and amendments proposed since it had been lodged. She noted that the site adjoins the existing residential area on two sides, contributing to a consolidated urban form, that its proximity to local employment, commercial and community services and open space makes it well located for urban residential development and that the proposed linkages provided for in the ODP will provide access to these opportunities. She also noted that given these attributes it was unsurprising the site was recognised in both the MAP and PDP for urban growth.
- 3.32 Ms Aston noted that a number of submitters referred to the amount of land already zoned and available around Darfield and that this matter appeared to be the only reason why Ms Carruthers had recommended that PC63 not be approved. She accepted that there would be permanent environmental changes, including those affecting adjoining residents, if residential development proceeded, however she considered submissions do not raise any compelling matters which preclude granting approval to the Plan Change.

- 3.33 Ms Aston accepted that a deferred zoning was now unnecessary given the Council's decision on a reticulated wastewater scheme for Darfield and agreed with Ms Carruthers that if PC63 was approved, the entire site should be zoned Living 1 and there was no need for a new policy. Ms Aston also addressed the ODP which she said provided for internal integration of the development, as well as external integration via roads, walking and cycling, with the surrounding environment and included Overlays that provided for a Retirement Village and Medium Density housing. She also noted it included a requirement for rural residential style fencing along the Kimberley Road frontage of the proposed Living 1 zone; and specified a *minimum average* lot size of 1000m² around the periphery of the development area, although she accepted Ms Carruthers recommendation that this be amended to *minimum* lot size for reasons of simplicity and outcomes. She said these provisions would retain an open space character along the Kimberley Road frontage help mitigate potential reverse sensitivity effects involving rural activities and future business development to the north and east.
- 3.34 Ms Aston did not consider any amendments to the ODP were required following new information received on flood hazards because the very small High Hazard Area was manmade and could be addressed at subdivision time.
- 3.35 In terms of the increased density of development, Ms Aston said that the main intent was to increase the choice of housing typology, and affordability in close proximity to the Darfield main services and employment areas. She noted that the retirement village which could cater for approximately 135 residents would be a restricted discretionary activity with matters of control around Crime Prevention Through Environmental Design principles, residential amenity for neighbours, and creation of visual quality and interest through the separation of buildings, variety in building form, and other details.
- 3.36 Ms Aston went on to address what she considered to be the key resource management issues associated with PC63. Of particular note was the issue of the current land supply where she said it would seem strange, if not misleading, if the MAP (and PDP) identified future growth areas unless it was thought they would be reasonably necessary for development in the 30 year plan period.
- 3.37 Ms Aston also provided evidence that showed that land take up for the last two years in the Darfield and Kirwee area, particularly for suburban size sections, is occurring faster than projected in the Selwyn District Growth forecasts and considered that care needed to be taken when relying on documents such as the MAP for drawing conclusions on land needs. She indicated that recent sales data showed the sections being sold are of sizes closer to 10 per ha or less which puts the take up rate at 4 ha per annum/120 ha over 30 years. She said that under this more realistic scenario, the medium and long term enabled capacity is significantly reduced.
- 3.38 Ms Aston made the point that zoned land doesn't equate to available land, noting that there were several blocks in Darfield that have been zoned for a long time but have not been developed. This included a considerable amount of land in the Living 1 and Living X Deferred Zone (some 50.44 ha) which has been in the possession of the same landowner for many years with no attempt to develop or in case of the Living X land, remove the deferral. Further, the availability of the Church land in the vicinity of Cardale Street and between Darfield High and primary schools (some 7.3 ha) is likewise questionable. She said if the former was removed the available supply reduces by more than half.

- 3.39 Ms Aston summarised the land supply issue by saying the 2021-2051 growth projections are forecasting a significant increase in dwelling numbers and by implication land take up which is confirmed by current residential sales figures. She said the completion of the Darfield wastewater reticulation project, competitive house prices relative to other settlements, and population ageing are factors that are likely increase the rate of take-up of Living 1 land in Darfield and that consequently, the take up of greenfields land could well be 4ha+ per annum.
- 3.40 Ms Aston went on to note that the tenor of the NPS-UD is for Councils to ensure there are minimum impediments to the market functioning competitively, which means erring on the side of oversupply rather than undersupply, enabling development in a range of appropriate locations, and providing opportunities for different housing typologies.
- 3.41 Turning to the objectives and policies of the District Plan, Ms Aston disagreed with Ms Carruthers conclusions on Objectives B4.3.2 and B4.3.4 and Policies B4.3.4 and B4.3.23. She noted that Policy B4.3.4 does not naturally flow from Objective 4.3.4, depending on what is meant by a coordinated and phased development approach. She said it seemed to be referring to the need to ensure development happens across all the settlements in the District in a manner that ensures it can be serviced in a timely way, and is integrated with transport and infrastructure spending programs. She went onto say that there were no servicing constraints to the proposed development and that PC63 supports the objective now that the reticulated wastewater facility has been programmed.
- 3.42 Ms Aston considered Objective B4.3.2 anticipated urban expansion at township edge locations, where it achieved a compact township shape and was consistent with the preferred township growth direction and other provisions of the District Plan. In response to Ms Carruthers concerns that PC63 would not achieve a compact township shape Ms Aston said the site was a similar distance, or closer, to the town centre than parts of the existing Living 1 zone, and closer than the Deferred Living X zone. She did not accept that requiring existing zoned areas to be developed first, before allowing any further township edge growth, would better achieve a compact township shape.
- 3.43 Ms Aston said that Policies B4.3.4 and B4.3.23 'encourage' township growth to occur on existing living zoned vacant land where this is available and suitable for the proposed activity. She did not interpret these policies as precluding township edge growth or being relevant to the assessment of township edge growth proposals. She said in a Darfield context, if interpreted as requiring existing zoned land to be used first, the outcomes would be perverse and contrary to the Plan's strong emphasis on consolidated growth and achieving a compact urban form as the PC63 land was far closer to the town centre than much of the existing living zoned land.
- 3.44 Ms Aston considered the allocative approach to urban growth which Ms Carruthers favoured was not supported in the District Plan and was contrary to the intent of the NPS-UD to support competitive land and development markets.
- 3.45 Ms Aston disagreed that PC63 would as a result of the retirement village require consequential changes to other District Plan rules, which Ms Carruthers considered were outside scope of the plan change (including for hospitals, hospices and comprehensive residential development). She said where an activity may be captured

by more than one activity category, the category which best fits the nature of the activity applied, which in this case is clearly 'Retirement Village'.

- 3.46 Overall, Ms Aston was of the opinion that the proposed rezoning;
- a) was in accordance with and supported the growth direction for Darfield set down in the MAP and PDP;
 - b) promotes the social economic and cultural well-being of current and future residents of Darfield;
 - c) is in accordance with, and supports the objectives and policies of the relevant planning documents including the CRPS and District Plan;
 - d) is the most appropriate planning outcome for the use of the land in a manner the promotes the purpose and principles of the RMA;
 - e) supports the Council in carrying out its functions under Section 31 of the RMA.
- 3.47 Ms Aston concluded by saying that in her opinion there was no sound resource management reason to postpone (indefinitely) land rezonings where, as in this case, planning studies had already identified land that was highly suited to residential development and environmental effects can be avoided or mitigated. She went on to say that the PC63 was consistent with the growth-related District Plan objectives and policies for Selwyn townships generally, and Darfield specifically and the question mark as to whether the proposal was consistent or not with one policy, was in her opinion, not a reason to conclude it does not promote the Act's purpose reading the Plan as a whole.
- 3.48 In response to my questions, Ms Aston agreed that a lower density on Kimberley Road was not essential from an urban design perspective and said that the District Plan did not recognise the full gambit of a Retirement Village.

Submitters

- 3.49 **Mr Baldwin**, representing the Malvern Housing Trust, said the Trust had an objective of housing seniors in the community and supported the plan change providing for medium density housing and a retirement village. He said the term affordable could only encompass smaller sections of around 500m² or less and that there was almost no affordable medium density sections available for seniors in Darfield. This he said was forcing people to move to Christchurch.

Council Response

- 3.50 In response to my questions Mr Smith said that the provision for pedestrian upgrades was in the Councils 2021-2031 Long Term Plan and he agreed that the site had good accessibility to the town centre and its proximity was closer to the centre compared to other areas.
- 3.51 Mr England indicated that the completion date for the wastewater pipeline was scheduled for 1 July 2022 and that mains would be run through Darfield in 2022/2023. He said the Council was informing developers and section purchasers the network was coming and was asking people to hold off developing until the system was ready. He indicated that the cost associated with connecting to the new network system was very favourable compared to an onsite system.

- 3.52 Ms Carruthers indicated that based on the evidence produced she could now support the plan change. She accepted that she was particularly helped in her revised view by the evidence of Mr Cox. She also accepted that the plan change would contribute to a compact urban form.

Right of Reply

- 3.53 At the end of the hearing, I adjourned to enable the Council and the Applicant to consider the draft provisions, including the ODP and to enable the Applicant to provide a right of reply. This was eventually received on the 17th of September 2021, and I closed the hearing on the 20th of September 2021. The right of reply included:

- A revised set of provisions and ODP which was agreed between Ms Carruthers & Ms Aston;
- A discussion on scope in relation to particular provisions on Kimberley Road.

- 3.54 With regards the provisions and the ODP, Mr Cleary indicated that the key agreed provisions were;

- (a) Restricted discretionary activity status for the erection of dwellings that do not incorporate a minimum freeboard height of 400mm above the 0.5% AEP flood event;
- (b) Confirmation that dwellings or principal buildings must be connected to a reticulated sewage and treatment disposal system; and
- (c) Restricted discretionary activity status for retirement villages in the location shown on the ODP.

- 3.55 The agreed provisions also included a Discretionary Activity: Rule 12.1.6.9 in the Subdivision section of the Operative Plan as follows:

12.1.6.9 Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C as 'Kimberley Rd Restrictions' with a minimum allotment size less than 1000m² but not less than 650m².

- 3.56 Mr Cleary said that the effect of this amendment was to change the activity status of a subdivision which does not meet the minimum allotment size requirement shown in the area identified on the ODP as "Kimberley Rd Restrictions" from the default non-complying status to discretionary. He went onto explain that at the hearing there was uncertainty as to why the ODP included a minimum allotment size of 1700m² on Kimberley Road. He said it has subsequently been confirmed that this was a mistake, and that the average allotment size in this location was shown as 1000m² in the response to the Council's request for further information. Furthermore, he said that the ODP in the Application as originally lodged with the Council contained a standard Living 1 Zone minimum lot size of 650m² along the Kimberley Road frontage.

- 3.57 Mr Cleary went on to address the issue of scope, referencing Clause 29 of the RMA and the relevant case law. In line with the case law, he submitted that an outcome which results in a minimum average allotment size of 1000m² along the Kimberley Road frontage, together with the requirement to obtain a fully discretionary activity consent for an allotment between 650m² – 1000m² did not broaden the limits of PC63. He also said the most important limit on jurisdiction is the issue of whether or not the amendment from non-complying to discretionary activity status would result in prejudice to any third parties and in his submission there was no risk of prejudice because the proposed amendment cannot affect the processing of any future subdivision consent application seeking to provide for allotment sizes between 650m -1000m² along the Kimberley Road

frontage. Rather, the question of status is immaterial to those aspects of the consent process which safeguard the interests of potentially affected parties

4.0 Statutory Tests

4.1 The general approach for the consideration of changes to district plans was initially summarised in the Environment Court's decision in Long Bay¹, which has due to various amendments to the RMA been superseded by the Colonial Vineyards decision². The relevant requirements in this case are set out below:

- (a) The plan change should be designed to accord with and assist the Council to carry out its functions under section 31 and to achieve the purpose of the Act (s74(1)(a) and (b)).
- (b) The plan change must give effect to any national policy statement, a national planning standard and the operative regional policy statement (s75(3)(a), (ba) and(c)).
- (c) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects (s76(3)).
- (d) The plan change shall have regard to any relevant management plans and strategies under other Acts (s74(2)(b)(i)) and must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (s74(2A)).
- (e) Finally, section 32 requires that rules are to implement the policies and are to be examined, having regard to their efficiency and effectiveness, as to whether they are the most appropriate method for achieving the objectives of the District Plan taking into account:
 - (i) the benefits and costs of the proposed policies and methods (including rules); and
 - (ii) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
 - (iii) if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.

4.2 Overall, the s32 test is one of appropriateness (i.e., not necessity) and the requirement is to achieve the objectives of the District Plan.

5.0 Assessment

Background

5.1 Before proceeding into the assessment, I consider it is worthwhile noting the background to the proposal site. From the planning map provided by Ms Carruthers of the former Malvern County District Scheme it appears the site was zoned Rural Residential at least as far back as 1990. As I understand it the site was then included

¹ Long Bay – Okura Great Park Society Inc v North Shore City Council A 078/08

² Colonial Vineyards Ltd v Marlborough District Council [2014] NZEnvC 55

in the 1995 Proposed Selwyn District Plan as Living X, however that Plan was subsequently withdrawn and the provisions were never made operative.

- 5.2 The site was then included in the 2000 Townships Volume of the Proposed Selwyn District Plan as a combination of Living 1 and Living X. The Panel considering the submissions were satisfied that the Living X area was suitable for residential development, in terms of location and proximity to the township. However, it had concerns that firstly, such a zoning would limit the ability of the Selwyn Plantation Board (who owned the land at the time) to continue forestry activities in a residential zone from both a rules compliance and reverse sensitivity perspective, and secondly that a Living X zone could encourage the development of larger residential sections in the area than were desirable from the perspective of achieving a compact township form. As a result, the land was zoned Rural (Outer Plains).

- 5.3 I note that the land concerned is no longer owned by the Selwyn Plantation Board and the forest has been cleared.

Actual or Potential Effect on the Environment

- 5.4 I consider the key effects associated with the PC63 can be broken down into four key areas, being infrastructure servicing (water, stormwater and wastewater), development capacity and urban form, general amenity and other matters, including natural hazards. These have been dealt with in turn below.

1. Infrastructure servicing

Wastewater

- 5.5 The Council has now committed to providing Darfield with a reticulated wastewater system and is requiring that all new developments connected to it. On the basis of the above, I accept that any wastewater issue associated with PC63 will be able to be appropriately addressed.

Water

- 5.6 Mr England's evidence was that the ODP area could be adequately serviced with potable water initially via a restricted supply if necessary and ultimately by on-demand metered supply once a new bore was drilled and consented. He also said that firefighting requirements could be met. On this basis, I am satisfied that the water supply can be adequately catered for.

Stormwater

- 5.7 The plan change anticipates that stormwater will discharge to ground via sumps to soakholes which is considered by Mr England to be an appropriate solution. On this basis I consider that stormwater discharges are able to be acceptably managed.

2. Development Capacity and Urban Form

- 5.8 Submitters raised concerns about the need for the rezoning in Darfield given there was already large areas of existing zoned land for residential development. To the extent that there are significant areas of land available the submitters are correct. Indeed, this was also the key concern along with the associated objectives and policies of Ms Carruthers in her s42A report.

- 5.9 As was noted, the MAP identified that there was existing capacity to accommodate over 1,430 additional households within the existing Living 1 and Living X zones. In addition to this, further capacity exists in a large area of Living 2 zoned land. The report *Selwyn District Growth and Demand*, which predicts population growth out to 2051, indicates an increase of 1,142 dwellings for Darfield over this period which suggests that Darfield currently contains sufficient Living 1 or Living X zoned but undeveloped capacity for more than the next 30 years. Ms Carruthers point in her s42A report was that by enabling development in another area, that would not encourage development of this existing zoned land and that would be contrary to objectives and policies on the District Plan.
- 5.10 However, as it transpired the evidence was clearly that the extent of land zoned for residential purposes is somewhat different from the reality of what is actually available for sale and purchase. Further, the availability of certain section sizes was also a limiting factor.
- 5.11 The evidence from Mr Cox was that there were no available sections in the 500-700m² range and even in the 700-2000m² range there was only around 20 sections available at present. He pointed to the subdivisions of Cressy Oaks and Hidden Acres which he said had completely sold out. He also suggested that a large portion of the zoned land was currently owned by the Gillanders Family and had been under their ownership for several generations as pastoral farming land and he said they were not land developers and, in his opinion, they would be unlikely to develop this land in the near future.
- 5.12 Ms Aston had referred to the 2021-2051 growth projections for Darfield as forecasting a significant increase in dwelling numbers which appears to be confirmed by current residential sales figures. On the basis of the evidence before me, I agree. I also accept that the completion of the Darfield wastewater reticulation project, competitive house prices relative to other settlements, and population ageing are factors that may well increase the rate of take-up of land in Darfield.
- 5.13 Both Ms Aston and Mr Cleary made reference to long-term landbanking being an issue at Darfield in terms of land availability. Whether this could be entirely considered as a landbanking problem is in my view somewhat doubtful. In the case of the largest landowner, the Gillanders, they are simply continuing to farm the land as they have done for many years. They don't appear to be developers specifically holding the land for increased financial gain given that some of their land has been zoned for residential purposes for over 30 years now³. What this does raise however, as alluded to by Mr Cleary, is the question of whether this large area of land, some 51ha, and perhaps other areas, should continue to be counted in any figures on development capacity and be considered available. This then raises a further question as to whether the Council should now be considering other zoning options, including densification, as is proposed in this case, and which is clearly a more efficient use of the land resource than say an extensive rural lifestyle area.
- 5.14 In relation to the PC63 site itself, I accept that it is a logical location for growth, that it provides for a consolidated and concentric urban form which is close to existing services and its soils are not of high versatile quality.

³ The Malvern County District Scheme shows part of the Gillanders land as being Residential and part Rural Residential

- 5.15 Further, the MAP identifies the site as DAR 7 – *“a potential future growth area for residential purposes”*, which provides *“a potential opportunity to provide mixed-use living densities to be progressively developed from the current township boundary in the north-east direction”*. As identified by Ms Aston this has been carried over into the PDP in the form of an Urban Growth Overlay. There is therefore clearly a signal for potential urban growth in this area.
- 5.16 Based on the above, I am comfortable that the plan change is appropriate in terms of the urban form it creates and while I accept that there may be on paper extensive zoned residential capacity within the existing Darfield township, this does not in reality equate to residential sections being available to the market. I consider that this along with the other factors identified above, including the sites identification in the MAP and PDP, make the proposed rezoning acceptable in this context.
- 5.17 As alluded to, it seems to me that the issue of development capacity is not as straight forward as counting vacant residential land and there are other factors at play. Further, there is creditable evidence to suggest that market demand for residential properties generally in Darfield is growing and specifically for different types of density. In the end Ms Caruthers accepted that her view on this matter had changed as a result of the evidence received. I accept that this can be a difficult thing to do so she is to be commended for her approach.

3. General Amenity

- 5.18 A number of submitters raised amenity issues associated with the plan change including building height, scale of development, section size and a loss of rural identity, rural views and outlook.
- 5.19 As referred to by Ms Aston there would be permanent environmental changes, including those affecting adjoining residents, if residential development proceeds. That is in my view inevitable in most growth scenarios and I acknowledge there will be a loss rural views and outlook for some residents. However, this needs to be put in context as in this case in particular it has long been signalled that urban development may at some point be appropriate for this location.
- 5.20 The proposed minimum average residential site sizes are consistent with existing zones in the District Plan as is the proposal not to have a minimum site size for the retirement village. While this may result in a higher level of density than normally expected in Darfield, the sites location close to services and community facilities lends itself to this type of development. Further, the evidence of Mr Cox was that there is a growing demand for smaller sites which on the face of it could be seen as a more sustainable and efficient use of the land resource. Overall, I am not convinced that the sections sizes enabled by PC63 will have any more major impact on existing amenity values than a lower density so as to warrant changes being made, particularly when balanced against the benefits they provide.
- 5.21 As I understand it, no changes to the existing permitted building heights are proposed in PC63, and so I do not consider this issue needs to be considered further. Nor am I convinced that the scale of any subsequent development including the proposal development of retirement village will necessarily impact on the broader amenity of the area. Further, I note that the retirement village would require consent to ensure that matters such as outlook, scale, privacy, light spill and landscaping are appropriately addressed.

4. Other Matters and Conclusion

- 5.22 Based on the evidence, it seems to me that the identified high flood hazard area does not stem from natural contours but rather from swales put in place as part of the adjacent Broadgate subdivision. I agree with Ms Aston that this matter can be addressed as part of the earthworks at the subdivision stage. In terms of the remainder of the site, parts are affected by the 0.5 AEP design flood level (the 200-year ARI flood level) and as development is required under Policy 11.3.2 to be set at appropriate floor levels a rule has been proposed to address this. On this basis I am comfortable that the flooding issue has been adequately addressed.
- 5.23 Submitters, including Waka Kotahi NZ Transport Agency have raised various transport related issues associated with the plan change. Based on the evidence provided by Mr Smith and Ms Williams, I am satisfied that these concerns are been adequately addressed or are able to be mitigated, including the upgrade of the level crossings.
- 5.24 I accept that area of the plan change is not on an area of versatile soils in terms of the CRPS and therefore does not require protection from development.
- 5.25 I agree with Ms Carruthers that part of the submission by Westmar Senior Care relating to the potential for the application to have an adverse effect on the viability of the proposed extension to their existing rest home facility in Darfield relates to trade competition and I have not considered this aspect any further.
- 5.26 Overall, having regard to the above and the various provisions that have been put in place I am satisfied that the key actual or potential effects on the environment have been adequately addressed and, in that context, accept that PC63 will not lead to any adverse efficiency related effects or development capacity issues.

National Policy Statement for Freshwater Management 2020

- 5.27 Having reviewed the objective and policies of the National Policy Statement for Freshwater Management (NPS-FM) I do not consider there is anything specifically in them that PC63 does not give effect to. The Council's commitment to building a wastewater pipeline to Rolleston and thus providing Darfield with a reticulated system and requiring new development to connect to that system will further help in achieving the NPS-FM.

National Policy Statement for Urban Development

- 5.28 I accept that the National Policy Statement for Urban Development is of limited relevance in this instance, aside from Objective 2, requiring that planning decisions will improve housing affordability by supporting competitive land and development markets and Policy 2 requiring that local authorities at all times must provide sufficient development capacity to meet expected demand for housing land over the short, medium and long term. Having considered those provisions I agree with Ms Carruthers that PC63 is consistent with their intent.

Canterbury Regional Policy Statement

- 5.29 PC63 is required to give effect to the CRPS and in my opinion the relevant provisions are those located in Chapter 5 and to a less extent Chapter 11. The former provides an overview of significant resource management issues and in particular in relation to PC63, provisions seek to achieve consolidated, well designed and sustainable growth in and around or attached to existing urban areas and promote a coordinated pattern

of development and energy efficiency in urban form, transport patterns and site location (Objective 5.2.1 and Policy 5.3.1). Policy 5.3.2 then sets out the development conditions which are to be met.

5.30 Having reviewed these provisions, I considered PC63 is generally consistent with, and gives effect to, these provisions given it consolidates the boundary of the Darfield township, is in close proximity to the town centre, does not exacerbate any natural hazards, addresses reverse sensitivity effects, is able to integrate with existing and proposed servicing infrastructure and does not impact adversely on the transport networks.

5.31 Policy 5.3.5 seeks to ensure development is appropriately and efficiently serviced with potable water, and sewage and stormwater disposal, while Policy 5.3.6 seeks the avoidance of development which constrains the on-going ability of these services to be developed and used and discourages them where they will promote development in locations which do not meet Policy 5.3.1. I accept that the PC63 land can be efficiently serviced with a water supply which is unconstrained, that stormwater can be appropriately addressed and that with a commitment to a reticulated system in Darfield wastewater will now be appropriately dealt with. In this context PC63 gives effect to the above policies.

5.32 Turning to other provisions, Objectives 5.2.2 and 5.2.3 seeks that development does not result in adverse effects on the operation, use and development of regionally significant infrastructure, while requiring the avoidance of development which adversely affects the safe efficient and effective functioning of the strategic land transport network; and that a safe, efficient and effective transport system to meet local regional, inter-regional and national needs for transport is provided for. I consider that PC63 achieves the intent of these provisions with various mechanisms now in place to ensure connectivity with the Darfield township and the safety of all transport modes.

5.33 I do not consider the flooding issues raised are something that brings the plan change into conflict with Chapter 11.

5.34 Overall, I consider PC 63 gives effect to the Canterbury Regional Policy Statement.

Land and Water Regional Plan

5.35 I do not consider the PC63 is inconsistent with the Land and Water Regional Plan, however I note that future subdivision may well generate the need for consents under this Plan.

Other Relevant Documents

5.36 The other relevant planning documents to be considered in evaluating PC63 under section 74 include:

- (i) Mahaanui Iwi Management Plan 2013
- (ii) Malvern Area Plan

Mahaanui Iwi Management Plan 2013

5.37 An assessment of the Mahaanui Iwi Management Plan 2013 (MIMP) has been undertaken and as I understand it no matters specific to the plan change itself are mentioned although issues associated with potential consents going forward are raised. On this basis I accept that the plan change would not compromise the values set out in the MIMP.

Malvern Area Plan (MAP)

- 5.38 As previously referred to, the plan change is within an area identified in the MAP as a potential future growth area for residential purposes. The MAP also states that:

This Area Plan does not preclude any additional greenfield land from being considered for zoning through privately initiated plan change requests under the RMA, but signals that there is sufficient capacity within the township to accommodate growth through to 2031 without the need for the Council to proactively zone additional land through the District Plan Review.

- 5.39 What has been shown through evidence is that while there might be sufficient zoned but undeveloped residential land and thus sufficient theoretical capacity to accommodate growth, that is not equating to suitably available land on the market for potential purchasers. In these circumstances and given that the site is identified in the MAP for potential residential development I consider PC63 is consistent with its intentions.

Conclusion

- 5.40 Having regard to the requirements of ss74 I considered PC63 to be reasonably consistent with the provisions of the above documents.

Section 32

Proposed Amendments

- 5.41 The proposed amendments to the District Plan are now limited to the inclusion of an ODP and associated rules and a change to the Planning Maps to show the Living 1 Zone.

1. The Outline Development Plan

- 5.42 Having reviewed the revised ODP I consider it addresses all the necessary matters and it and the rules associated are consistent with other ODP's contained within the District Plan.

2. Planning Map

- 5.43 I consider the alterations to the Planning Map would be simply a function of the rezoning.

3. Rules

- 5.44 Having considered the revised rule package I am satisfied that they now addressed all the relevant matters.

- 5.45 In terms of proposed Rule 12.1.6.9, I accept that jurisdiction exists to incorporate the rule as the amendment does not expand the limits of what was sought in the Plan Change application as originally lodged. Furthermore, there is no possibility of prejudice to any third parties, be they submitters or otherwise.

Relevant Objectives and Policies

- 5.46 PC63 does not now propose any alterations to the objectives and policies in the District Plan. It is therefore incumbent on me to determine whether the proposed rezoning is the most appropriate means of achieving the relevant objectives of the District Plan and whether it implements the policies having regard to their efficiency and effectiveness and taking into account the benefits and costs and the risks of acting or not acting.

- 5.47 Having considered the objectives and policies identified in the plan change application and by Ms Carruthers I consider the following are of particular relevance to my considerations.
- 5.48 The natural resources provisions in particular Objectives B1.1.2 and B1.2.1 and Policies B1.1.8, B1.2.1, B1.2.2 and B1.2.3 relate to avoiding development on versatile soils, protecting the quality of, and avoiding effects on, ground or surface water resources from services; and ensuring rezoned land can be serviced.
- 5.49 The physical resources provisions in particular Objective B2.1.1 and Objective B2.1.2 and Policies B2.1.2, B2.1.12, B2.1.13, B2.1.14 and B2.1.15 promote an integrated approach to land use patterns and transport to manage effects and encourage walking and cycling. In addition, those on natural hazards, being Objectives B3.1.1, B3.1.2 and B3.1.3 and Policies B3.1.2 and B3.1.6 seek to ensure that activities do not lead to or intensify natural hazard effects, in this case flooding, or loss of life or damage to property or exacerbate effects on others.
- 5.50 The quality of environment provisions, principally Objectives B3.4.4 and B3.4.5 look to promote a compact urban form and provide a high level of connectivity.
- 5.51 In terms of growth, Objectives B4.1.1 and B4.1.2 promote a range of living environments and for new residential areas to be pleasant places to live and add character and amenity, while Objective B4.3.1 and B4.3.2 and Policy B4.3.2 and B4.3.4 seek that the expansion of townships does not adversely affect other activities and amenity values; and adjoins an existing township at a compatible urban density to achieve a compact township shape; and encourage new residential development to occur on vacant land in existing Living zones, if that land is available and appropriate. Policies B4.3.23 (which is similar to Policy B4.3.4) and B4.3.27 are specific Darfield policies and encourage new residential development on sites in existing Living zones if such sites are available and that activities do not create or exacerbate 'reverse sensitivity' issues in respect of activities in the existing Business 2 Zones or the Midland Railway.
- 5.52 While the weighting is limited at present, I have also looked at the PDP objectives and policies on Urban Growth specifically. They cover some similar matters to the District Plan, including maintaining a consolidated and compact urban form; ensuring sufficient capacity, providing growth in a strategic manner, ensuring the establishment of high-quality urban environments, and integrating growth with existing urban environments. Policy UG-P14 is of particular note in requiring, amongst other things, that growth only occur where there is a demonstrated need for additional development capacity and the land is subject to an Urban Growth Overlay.

Benefits and Costs

- 5.53 I accept that PC63 has benefits in providing for different level of subdivision size, along with the potential for a retirement village. It can also be seen as consolidating the urban form of Darfield and development would be within close proximity to the primary services facilities within Darfield including in particular the medical centre and hospital, the recreational facilities associated with the Darfield Domain and the town centre. It is also centred on lower classed soils and is identified as a potential growth area in both the MAP and PDP.
- 5.54 The costs appear to relate to those experienced by the Applicant in pursuing the plan change and any servicing upgrades required. As the Council is already addressing the water supply issue and intends to provide for wastewater reticulation to the wider township, I do not consider these can be seen as costs associated with

PC63 in the broader sense, and while there will be a cost to connect to the wastewater reticulation pipeline wherever that finishes, for individual section purchasers the costs will, as pointed out by Mr England, be cheaper than the onsite treatment systems which have been required up until now.

Risk of Acting or Not Acting

- 5.55 The risks associated with PC63 primarily relate to land remaining undeveloped, amenity effects and to a lesser extent, reverse sensitivity issues arising in the future.
- 5.56 I have already addressed the undeveloped zoned land issue and capacity issue and I note in particular that the explanations and reasons associated with Policy B4.3.4 “*also recognises that sites in existing zones may not always be available for new activities*”, which seems to be a major part of the issue facing Darfield at present.
- 5.57 In my view amenity effects in this situation, whether they be a loss of rural outlook or a loss of views, will always be at play with an urban growth scenario and short of declining the application and not enabling the associated growth there are few techniques to mitigate against such impacts in these circumstances. In this case ‘up-zoning’ for some form of residential purpose has been in the public arena for some time now and the framework of zoning proposed is in my view an efficient use of the land resource.
- 5.58 In terms of reverse sensitivity issues, these have been addressed through a minimum lot size of 1000m² around the outer rural edge of the PC63 site to reduce the number of potential dwellings exposed to rural activities. I also noted that given the rural land beyond the site is in the ownership of the plan change proponents they have it within their power to impose further mechanisms such as no complaints covenants to address this matter should they choose to do so.
- 5.59 To not enable the plan change could well restrict the growth of Darfield given the evidence before me and would prevent the potential for some bespoke developments in the form of medium density housing and the retirement village.

Conclusion

- 5.60 I consider that overall PC63 is efficient and effective and contains benefits, particularly in terms of the potential retirement village, medium density area, its consolidation of the Darfield urban form and its proximity to community facilities, services and the town centre. Amenity issues have also been adequately addressed as has the issue of reverse sensitivity. On this basis I consider the plan change will implement the policies of the District Plan. Therefore, having reviewed the above objectives and policies and considered the benefits, costs and risks I am of the view that PC63 is the most appropriate means of achieving the objectives of the District Plan. I also consider the plan change is consistent with the current intend of the urban growth provisions in the PDP.

Sections 31

- 5.61 I consider that in terms of consolidation and broader servicing, PC63 will facilitate the integrated management of effects and that this can be achieved without creating any significant actual or potential effects on the environment.

Part 2 of the RMA

- 5.62 Overall, I consider the objectives of the District Plan will be achieved as a result of the changes proposed as part of PC63. I have evaluated the rezoning as being the most appropriate, in terms of its effectiveness and efficiency, and the benefits that it achieves versus the costs imposed. Nevertheless, out of caution I have gone on to consider the matters contained in Part 2 of the Act.

Section 6

- 5.63 Section 6 of the Act relates to matters of national importance. I accept that there are no section 6 matters at play in this case.

Section 7

- 5.64 Section 7 of the Act sets out other matters I am to have particular regard to. Of particular relevance are section 7(b) concerning the efficient use and development of natural and physical resources; section 7(c) relating to the maintenance and enhancement of amenity values and section 7(f) in terms of the maintenance and enhancement of the quality of the environment.
- 5.65 While I acknowledge the concerns expressed that there is ample existing capacity, I accept that the PC63 location has already been identified for potential urban development in the MAP and the PDP. Further, given the evidence regarding the limited development of existing zoned land and the lack of available sections to purchase, particularly at a higher level of density, in my opinion urban development of this site can be seen to represent an efficient use of the land resource taking into account what is proposed and its proximity in relation to the existing urban area and services.
- 5.66 In terms of the maintenance and enhancement of amenity values and the quality of the environment I consider PC63 would achieve these, albeit that some members of the community will eventually lose their current rural outlook and/or views.

Section 8

- 5.67 Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) be taken into account. I accept that there are no specific section 8 matters at play in this case.

Section 5

- 5.68 The ultimate purpose of the plan change is to achieve the purpose of the Act as defined in section 5. In the case of a plan change that purpose is usually subsumed in the greater detail and breadth of the operative objectives and policies which are not sought to be changed. That is broadly the situation in these proceedings.
- 5.69 Matters of urban form and capacity, integration, natural hazards, health and safety and servicing were all effectively addressed by the evidence and overall, I consider the plan change meets the sustainable management purpose of the Act.
- 5.70 I therefore considered for the reasons set out above that PC63 is appropriate in terms of the s32 tests and meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by

providing greater flexibility in the typology of residential development in Darfield and in a location which is in close proximity to the services and facilities the town provides. It will also help in consolidating the urban form of the settlement and I consider the effects of future development can be acceptably mitigated.

6.0 Decision

6.1 For the foregoing reasons I **recommend** to the Selwyn District Council as follows:

1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 the Council approve Plan Change 63 to the Selwyn District Plan as set out in Appendix A.
2. That for the reasons set out in the above the Council accordingly either accept, accept in part or rejected the submissions listed in Appendix B.



Commissioner DM Chrystal

30th September 2021

APPENDIX A

CHANGES TO THE SELWYN DISTRICT PLAN

Rule 1 Activities

Amend Rule 1.1 Status of Activities

Discretionary Activities – Status of Activities

1.1.2 The following activities shall be discretionary activities in Living zones:

...

1.1.2.2 Any of the activities listed in (a) to (h) below, irrespective of whether they comply with the conditions for permitted activities in Rules 2 to 11.

...

(c) Hospitals, hospices and other facilities providing 24 hour medical care, except where provided for in Rule 4.6.4A.

...

Rule 4 Buildings

Add to Rule 4.1 Buildings and Natural Hazards

4.1.1B. In the case of the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C, the erection of any dwelling shall be a restricted discretionary activity where it does not achieve all of the following:

4.1.1B.1 The building has a minimum freeboard height of 400mm above the 0.5% Annual Exceedance Probability flood event

4.1.1B.2 The building is sited on a building platform to be established prior to the issue of the building consent for the dwelling, which is of sufficient size to accommodate a dwelling and associated curtilage, in accordance with any applicable resource consent conditions for subdivision requiring the provision of building platforms

4.1.2 Under Rule 4.1.1 **and 4.1.1B** the Council shall restrict the exercise of its discretion to:

4.1.2.1 The nature of any flooding or land instability and whether this makes the site unsuitable to erect the proposed building or undertake the proposed earthworks.

4.1.2.2 Any effects of buildings or earthworks in displacing or diverting floodwaters and increasing the potential risk of flooding elsewhere.

4.1.2.3 Any mitigation measures proposed

Amend Rule 4.5 Buildings and Sewage Treatment and Disposal

4.5.1 In the Living zones at Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu, and West Melton, **and in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C,** the erection of any dwelling or principal building shall be a permitted activity provided that it is connected to a reticulated sewage treatment and disposal system.

Add to and amend Rule 4.6 Buildings and Building Density

Restricted Discretionary Activities – Buildings and Building Density

- 4.6.3 Except as provided in Rule 4.6.6 the erection of not more than two dwellings on an allotment in a Living 1 zone shall be a restricted discretionary activity.

...

4.6.4A Within the L1 Zone at Darfield a retirement village shall be a restricted discretionary activity where it is located as shown on the Outline Development Plan at Appendix E41C.

4.6.4B Under Rule 4.6.4A the Council shall restrict the exercise of its discretion to consideration of:

4.6.4B.1 Incorporation of Crime Prevention Through Environmental Design (CPTED) principles, including effective lighting, passive surveillance, management of common areas and clear demarcation of boundaries and legible entranceways;

4.6.4B.2 Residential amenity for neighbours, in respect of outlook, scale, privacy, light spill, and access to sunlight, through site design, building, outdoor living space and service/storage space location and orientation, internal layouts, landscaping and use of screening;

4.6.4B.3 Creation of visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour.

Discretionary Activities — Buildings and Building Density

- 4.6.5 Except as provided in Rule 4.6.6, the erection on any allotment of any building (other than an accessory building) which does not comply with Rule 4.6.1, 4.6.2.1, ~~or Rule 4.6.3~~ **or Rule 4.6.4A** shall be a discretionary activity in Living 1 zones and the Living North WM Zone.

Add to Rule 4.7 Buildings and Site Coverage

Permitted Activities — Buildings and Site Coverage

4.7.1 Except as provided in Rule 4.7.2, the erection of any building which complies with the site coverage allowances set out in Table C4.1 below shall be a permitted activity. Site coverage shall be calculated on the net area of any allotment and shall exclude areas used exclusively for access, reserves or to house utility structures or which are subject to a designation.

Table C4.1 Site coverage allowances

Zone		Coverage
Living 1	Including garage	40%
	Excluding garage	40% minus 36m ²
	Emergency Services only	50%
	<u>Retirement village as identified on the ODP at Appendix E41C. Site coverage will be calculated over the entire retirement village site.</u>	<u>45%</u>

Add to Rule 4.13 Buildings and Streetscene

4.13.2A Any fence in the Living 1 Zone at Darfield as identified on the Outline Development Plan at Appendix 41C as 'Kimberley Rd Restrictions' and located within 4m of Kimberley Road shall be limited to a maximum height of 1.2m, be at least 50% open, and be post and rail, post and wire, or traditional sheep or deer fencing only.

...

4.13.5 Any activity which does not comply with Rule 4.13.2A shall be a restricted discretionary activity.

4.13.6 Under Rule 4.13.5 Council shall restrict the exercise of its discretion to the consideration of:

4.13.6.1 The extent to which the proposed fencing achieves high levels of visual transparency;

4.13.6.2 The extent to which the proposed fencing is in keeping with rural character elements;

4.13.6.3 Whether the proposed fencing is necessary as an integral part of a recreational facility such as a swimming pool or tennis court;

4.13.6.4 Whether the proposed fencing is necessary for the care and management of specialist livestock.

Rule 12 Subdivision

Amend Rule 12.1.3.7

12.1.3.7 Any allotment created, including any balance allotment, complies with the relevant allotment size requirements set out in Table C12.1

Table C12.1 – Allotment Sizes

Township	Zone	Average Allotment Size Not Less Than
Darfield	Living 1 <u>except as identified on the Outline Development Plan at Appendix 41C</u>	650m ²
	<u>Living 1 as identified on the Outline Development Plan at Appendix E41C</u>	<u>650m², except for Medium Density (Small-lots) and Retirement Village</u>
		<u>Medium Density (Small-lots):</u> <u>Maximum average allotment size of 500m², with a minimum individual allotment size of 400m²</u>
		<u>Retirement Village: no minimum lot size</u>
	Living 2	5,000m ²
	Living 2 (Deferred)	Refer to Subdivision - General Rules. 5,000m ² if criteria met.

Add Rule 12.1.3.61

12.1.3.61 Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C, shall comply with the layout and contents of that Outline Development Plan and shall comply with any standards referred to in the Outline Development Plan.

Amend Rule 12.1.3.4

12.1.3.4 Any allotment created in: Castle Hill, Doyleston, Lake Coleridge Village, Leeston, Lincoln, Prebbleton, Rolleston, Southbridge, Springston, Tai Tapu and West Melton, or within a Living 3 zone **or within the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C** is supplied with reticulated effluent treatment and disposal facilities; and

Add Rule 12.1.4.84A

12.1.4.84A In relation to the land identified on the Outline Development at Appendix E41C :

- (a) Any adverse effects on safety for users of all transport modes at all existing level crossings in Darfield township**
- (b) Any adverse effects on the operation of the State Highway 73 intersections with Matthias Street and McMillan Street.**

Add Rule 12.1.4.84B

12.1.4.84B In relation to the land identified on the Outline Development Plan at Appendix E41C:

- (a) Whether the subdivision of land or subsequent use of the land is likely to cause or exacerbate potential risk to people or damage to property; and**
- (b) Any measures proposed to mitigate the effects of a potential natural hazard, including:**
 - i. Building platforms within each allotment, of sufficient size to accommodate a dwelling and associated curtilage; and**
 - ii. The filling (with inert hardfill) of any low lying area; and iii. proposed methods and locations for flood offset areas; and**
- (c) How adequate and appropriate any such mitigation measures may be, and the mechanisms to secure any such measures.**

Add Rule 12.1.6.9

Discretionary Activities – Subdivision

12.1.6.9 Any subdivision of land in the Living 1 zone at Darfield as identified on the Outline Development Plan at Appendix E41C as ‘Kimberley Rd Restrictions’ with a minimum allotment size less than 1000m² but not less than 650m²

Definitions

Add new definition of Retirement Village

Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired, and any spouses or partners of such people. It may also include any of the following facilities for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

OUTLINE DEVELOPMENT PLAN AND PLANNING MAPS

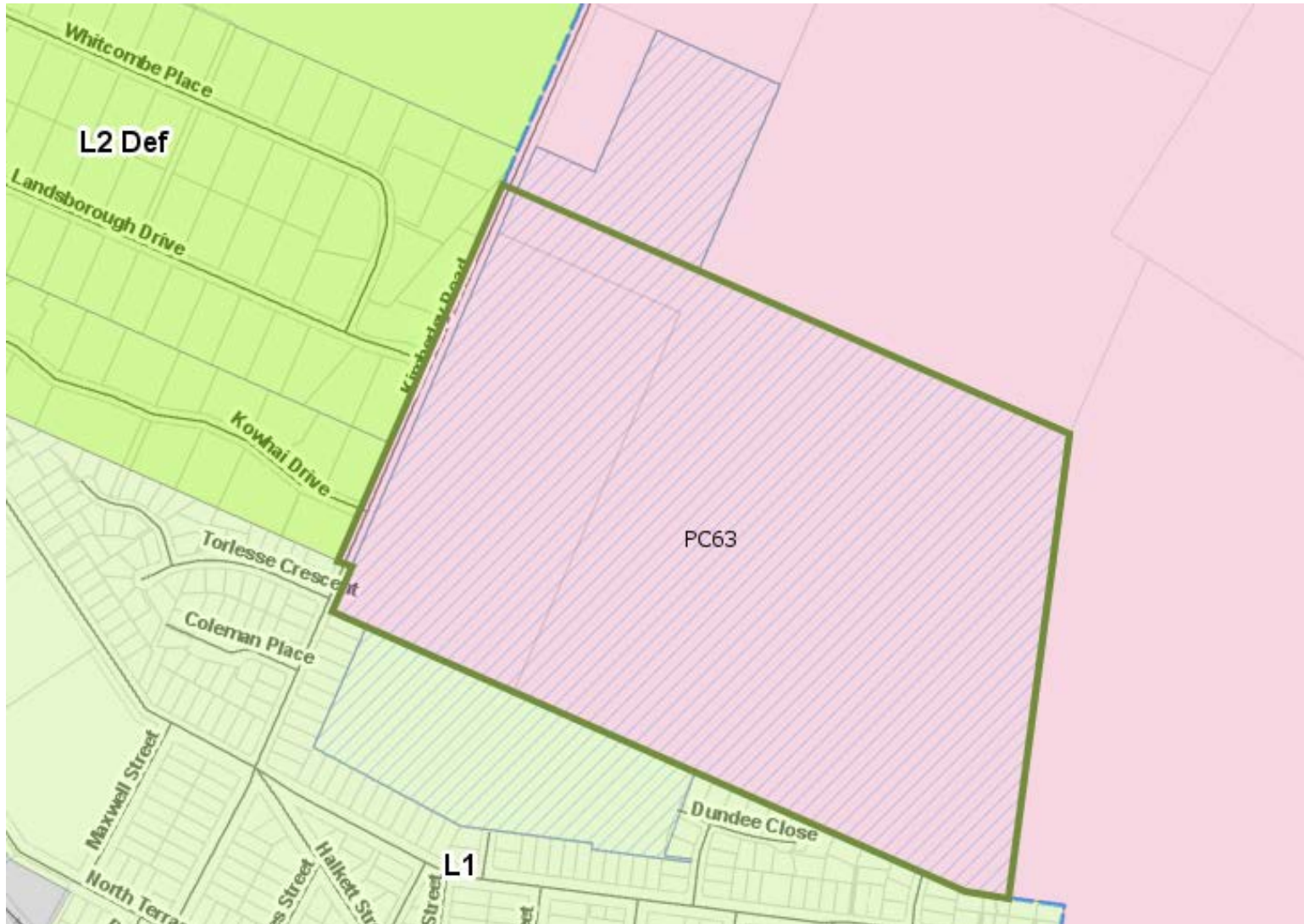
1. Add a new Outline Development Plan as Appendix 41C as shown below.

Part E

OUTLINE DEVELOPMENT PLAN – DARFIELD NORTH



2. Amend the Planning Map by rezoning the area shown outlined in green below from Rural Outer Plains to Living 1.



PC63 – Rezone land at Darfield from Rural Outer Plains to Living 1**APPENDIX B****Recommended Decisions on Submissions**

Sub. Point	Further sub. point	Name	Oppose/Support	Summary of Submissions	Recommended Decision
1.1		Phillipa Joan Anderson	Oppose	The proposed minimum lot sizes are too small. Section sizes should be at least 800m ²	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
1.2		Phillipa Joan Anderson	Oppose	Proposed building heights for houses and rest home are too tall. Buildings should be limited to a single storey, with covenants imposed by and enforced by SDC.	Reject
1.3		Phillipa Joan Anderson	Oppose	The application would result in a loss of rural identity. Refuse the application.	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
1.4		Phillipa Joan Anderson	Oppose	Concerned about increased traffic on Kimberley Road. Refuse the application.	Reject
2.1		Darren and Vanessa Davies	Oppose	Housing down the eastern boundary of the application site would impact on our amazing mountain and rural views and outlook. Refuse the application.	Reject
2.2		Darren and Vanessa Davies	Oppose	Due to the current urban sprawl and the current vacant sections available around the district, we see no need for an extra 60ha to be rezoned. Refuse the application.	Reject
2.3		Darren and Vanessa Davies	Oppose	The application would impact on the infrastructure services within Darfield, as these are already overstretched. Refuse the application.	Reject
3.1		Janice and Collan Perriton	Neither Support Nor Oppose	The application will result in changes to the rural landscape. Properties along Kimberley Road should have a minimum lot size of 2000m ² . This should be placed as a covenant and controlled/managed by SDC.	Accept in part

3.2		Janice and Collan Perriton	Neither Support Nor Oppose	The application will have traffic effects in the area of Kimberley Road in the area of Landsborough Drive. Properties along Kimberley Road should gain their vehicle access from within the development area.	Reject
3.3		Janice and Collan Perriton	Neither Support Nor Oppose	Concerned about noise effects during development. Ensure that a plan is put in place to limit roading and infrastructure noise during the development.	Accept in part
4.1		Paul and Alison Wightman	Oppose	There is insufficient demand for residential land in Darfield to justify zoning the proposed Living 1 Deferred area. Refuse this portion of the application.	Reject
4.2		Paul and Alison Wightman	Oppose	The proposal would result in a loss of rural outlook for properties along the northern boundary of Broadgate, which were sold at a premium to reflect their rural boundary. Refuse the application	Reject
4.3		Paul and Alison Wightman	Oppose	Concerned about noise effects during development. Refuse the application.	Reject
4.4		Paul and Alison Wightman	Oppose	Concerned about air pollution during development Refuse the application.	Reject
4.5		Paul and Alison Wightman	Oppose	The site is presumably at risk from flooding, as identified by Council in March 2020. Refuse the application.	Reject
4.6		Paul and Alison Wightman	Oppose	There is insufficient clarity about when any deferred status would be lifted. Refuse the application.	Reject
4.7		Paul and Alison Wightman	Oppose	The application would result in the loss of 60ha of prime arable land from NZ's economic and productive future. Refuse the application.	Reject
5.1		Crystal Vercoe	Oppose	Concerned about loss of rural outlook. That Council consider the effects on existing properties, including outlook, privacy and the expectations of owners based on the existing zoning.	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
5.2		Crystal Vercoe	Oppose	Concerned about increased traffic, particularly the noise of it and the potential to disturb our dog, who will in turn disturb the neighbours.	Reject

				Refuse the application.	
5.3		Crystal Vercoe	Oppose	There are already too many small (less than 800m ²) sections being developed in Darfield. That Council reconsider the size of sections in the application area.	Reject
	FS 1	Janice and Collan Perriton	support		Reject
5.4		Crystal Vercoe	Oppose	There are too many houses being built in Darfield while the township is still on septic tanks. That Council reconsider the size of sections in the application area.	Reject
5.5		Crystal Vercoe	Oppose	Concerned about the potential height of the retirement village. That Council consider the potential impact of the retirement village on the wider community.	Reject
6.1		Canterbury Regional Council	Neither Support Nor Oppose	The application site appears to provide a logical extension to the township boundary – being close to the existing town centre and providing for a compact urban development pattern. The proposed Plan Change also makes provision for a range of housing types, including older persons housing, which is supported. However, the need to rezone additional rural land, when significant available capacity (i.e. zoned but undeveloped land) exists within the current township boundary, is unclear. To require a thorough assessment of whether it is appropriate to re-zone the land for residential development in light of the direction contained within the CRPS and pNPS-HPL. An appropriate analysis should be undertaken through an RMA process, either through this Private Plan Change application or more appropriately through the Selwyn District Plan review, to determine the outcome of re-zoning this area of land.	Accept in part
6.2		Canterbury Regional Council	Neither Support Nor Oppose	Environment Canterbury supports the provision of reticulated wastewater servicing for the area as part of this proposed Plan Change. To require the outline development plan to include reticulated wastewater servicing, or that a mechanism is in place to require a co-ordinated approach to reticulation (site-wide, to include surrounding ODP areas, or community-wide), at the time of subdivision.	Accept
6.3		Canterbury Regional Council	Neither Support Nor Oppose	Results of the modelling for the 200 year rainfall runoff event show some overland flow flooding across the property, limited to historic channels. There is a small area of significantly deeper flooding (~1 m) proximal to Dundee Close. It appears that this ponding area has been demarked as a potential stormwater pond. Results of the 500 year modelling show that the property is outside of areas defined at 'High Hazard' in the CRPS, with the exception of the small ponding area along the southern boundary. To ensure that any buildings forming part of this development have floor levels suitably above the 200 year flood level as required by CRPS Policy 11.3.2.	Accept
	FS 1	Janice and Collan Perriton	Neutral		Accept

7.1		Duncan and Irene Mattushek	Oppose	The application would result in a loss of rural outlook, privacy and quiet for our property. Refuse the application.	Reject
7.2		Duncan and Irene Mattushek	Oppose	The site is at risk from flooding. Refuse the application.	Reject
	FS 1	Janice and Collan Perriton	Neutral		Accept in part
7.3		Duncan and Irene Mattushek	Oppose	There is a limited amount of good arable agricultural land, and many vacant/unsold sections available in and around Darfield. Ensure that those vacant lots and existing zoned land are developed before the application site is developed.	Reject
7.4		Duncan and Irene Mattushek	Oppose	The existing stormwater network will be unable to cope with the increased runoff from 300+ new homes and associated roads. Ensure that stormwater management would not affect existing properties.	Accept in part
7.5		Duncan and Irene Mattushek	Oppose	The application is unclear about when the deferred status would be lifted over that part of the application site. Confirm that no development could take place in the deferred area until reticulated wastewater treatment is available.	Accept in part
7.6		Duncan and Irene Mattushek	Oppose	Considering the number and variety of birds we see in the paddocks and the healthy bee population during the summer months, it will be a shame to lose this habitat. Refuse the application.	Reject
8.1		Canterbury District Health Board	Support	Based on the AEE presented to the CDHB on the 29th November 2019 and the applicant's willingness to proceed with Option 3 (full reticulation); the CDHB supports the proposed application. The CDHB seeks that the proposal be granted as sought.	Accept
9.1		KiwiRail Holdings Ltd (KiwiRail)	Neither Support Nor Oppose	KiwiRail considers that a Level Crossing Safety Impact Assessment (LCSIA) should be completed for the level crossings in the area as they may be affected by traffic flows generated by the proposed development and other developments. The LCSIA will determine whether mitigation (if any) is required. KiwiRail requests that LCSIA assessments on the level crossings in the area be prepared prior to the plan change proceeding to a hearing, or at the very least clarification on what work has been done with regard to the level crossings and what work is still to be completed so that the effects of the proposal in relation to the level crossings can be fully understood. If as a result of the LCSIA mitigation measures are required, KiwiRail seeks for provisions to be	Accept

				included in the plan change that would enable any mitigation measures or safety improvement measures be undertaken at the time of subdivision.	
10.1		Waka Kotahi NZ Transport Agency	Oppose	<p>Intersection safety and efficiency - Waka Kotahi is concerned that the traffic generation has been underestimated by the applicant, and that the potential effects on State Highway 73 have been severely underestimated.</p> <p>That Council ensure that the effects of the increased volume of traffic on the operation of the existing intersections are considered appropriately.</p>	Accept in part
10.2		Waka Kotahi NZ Transport Agency	Oppose	<p>The applicant has assumed that any level crossing upgrades will be undertaken and funded by KiwiRail, SDC and Waka Kotahi. However, an assessment of the safety of each crossing may be required, given the increase in traffic volumes at these crossings as a result of the proposed plan change.</p> <p>Refuse the plan change, unless the level crossing safety issues have been adequately addressed.</p>	Accept
10.3		Waka Kotahi NZ Transport Agency	Oppose	<p>In its current form, the proposed plan change does not support multi-modal transport options, particularly as retail and commercial development in Darfield is limited. This does not support New Zealand's greenhouse gas emission reduction targets. The proposed plan change would necessitate the need for vehicles and pedestrians to cross both the railway and State Highway 73 to access Darfield School and Darfield High School, with the potential to have adverse effects on pedestrian safety.</p> <p>Refuse the application, unless effects on transport connections and pedestrian safety have been adequately addressed.</p>	Accept
10.4		Waka Kotahi NZ Transport Agency	Oppose	<p>Darfield is situated outside the Urban Development Strategy (UDS) area, but the proposal would result in a large area of residential development that may affect residential demand in the UDS area, particularly Rolleston and Lincoln. There are large areas of land in the Darfield area which are zoned for living but which are currently undeveloped.</p> <p>Refuse the application, unless it can be demonstrated that the plan change is not inconsistent with the Regional Policy Statement.</p>	Accept in part
10.5		Waka Kotahi NZ Transport Agency	Oppose	<p>The application has the potential to affect the safe and efficient operation of the land transport network, and further assessment is required to understand the potential effects of development and determine the extent to which the plan change would result in residential development that is consistent with Chapter 5 of the Regional Policy Statement (RPS).</p> <p>Refuse the application, unless it can be demonstrated that it is not inconsistent with Chapter 5 of the RPS, particularly Objective 5.2.1, Objective 5.2.3 and Policy 5.3.7.</p>	Accept in part
10.6		Waka Kotahi NZ Transport Agency	Oppose	<p>Employment is limited in Darfield, and further residential development at this location is likely to result in travel outside of the immediate area - to the greater Selwyn and Christchurch areas, which does not support multi-modal transport and supports the</p>	Accept in part

				continued reliance on private vehicle use. The application therefore appears to be inconsistent with the Selwyn District Plan objectives in relation to integrating land use and transport planning. Refuse the application, unless it can be demonstrated that it is not inconsistent with the Selwyn District Plan.	
11.1		Maddison McCullough	Oppose	Development of this land would destroy the rural outlook for adjoining properties. Refuse the application to rezone the 40ha of land north of Dundee Close.	Reject
	FS 1	Janice and Collan Perriton	Support		Reject
11.2		Maddison McCullough	Oppose	There is undeveloped residential capacity in Darfield that should be developed before the application site. Refuse the application.	Reject
11.3		Maddison McCullough	Oppose	Development of the site would lead to land erosion, due to the need for a large construction area to be open over a long time, exposed to the high NW winds. Refuse the application.	Reject
11.4		Maddison McCullough	Oppose	Darfield should be provided with a Council reticulated wastewater network before any large residential development occurs in the township, rather than relying on a temporary system. Refuse the application.	Accept in part
	FS 1	Janice and Collan Perriton	Support		Accept in part
11.5		Maddison McCullough	Support In Part	A retirement village has been needed in Darfield for some time. That Council consider whether this is the best location for a retirement village.	Accept in part
12.1		Katherine Molloy	Oppose	There is currently no clearly defined plan for a wastewater system for Darfield. That Council finalise reticulated sewage proposals for Darfield before it considers any zoning change.	Accept in part
12.2		Katherine Molloy	Oppose In Part	There is no timeline indicated for the development of the ODP, and therefore the impacts of such a growth in population on the local area. While a retirement complex and high-density housing are positive for the area, current projections for population growth do not allow for an increase of this size (approx 1400 people for this ODP alone), until 2040. Proposed township growth and its impact on the wider community needs to be clearly identified and planned.	Accept in part
12.3		Katherine Molloy	Oppose	The application does not contain sufficient information about the potential impact on the wider community, specifically in relation to traffic, parking, pedestrian access (especially in	Accept in part

				<p>relation to schools and access across a busy state highway) from the application site to the commercial area of Darfield, schools etc.</p> <p>That the traffic effects of the application be carefully considered.</p>	
13.1		Westmar Senior Care, Darfield	Oppose	<p>An Aged Residential Care facility of this size in Darfield would place considerable pressure on the infrastructure and amenities of Darfield. In particular, increased water usage, increase in traffic on the neighbouring roads, parking and the difficulties in safely getting rid of the waste water.</p> <p>Refuse the application in relation to the retirement village.</p>	Reject
13.2		Westmar Senior Care, Darfield	Oppose	<p>A large complex such as that planned, would make the small rural community into a more metropolitan area which is not what the Darfield community want. The planned area is currently rural, however the buildings may be unsightly and affect the overall community.</p> <p>Refuse the application in relation to the retirement village.</p>	Reject
13.3		Westmar Senior Care, Darfield	Oppose	<p>The application would result in an over-supply of aged residential care in Darfield.</p> <p>Refuse the application in relation to the retirement village.</p>	Reject
14.1		Kirsty Lucey and Ben Hanburger	Oppose	<p>The application would result in the submitter's no- exit street becoming a primary road, raising concerns about the safety of children and pets.</p> <p>That the access route be moved away from the submitter's property.</p>	Reject
14.2		Kirsty Lucey and Ben Hanburger	Oppose	<p>Loss of rural outlook.</p> <p>That the area be reduced in size - continue with the retirement village, but make the area of land smaller. Alternatively, have the yellow lots become green space.</p>	Reject

REPORT

TO: Chief Executive

FOR: Council Meeting – 3 November 2021

FROM: Strategy and Policy Planner, Jessica Tuilaepa

DATE: 28 October 2021

SUBJECT: PRIVATE PLAN CHANGE 66 – REZONING OF LAND IN ROLLESTON

RECOMMENDATION

‘That the Council:

- a. accepts the recommendation of the independent Commissioner in regards to Plan Change 66 from Rolleston Industrial Developments Ltd to rezone land in Rolleston; and pursuant to Clause 29(4) of the First Schedule of the Resource Management Act 1991, approves Plan Change 66 for the reasons given in the Commissioner’s recommendation dated 20 October 2021;*
- b. approves the public notification of Council’s decision that establishes that the Operative Selwyn District Plan is deemed to have been amended in accordance with the decision in (a) above from the date of the public notice in accordance with Clause 11 of the First Schedule of the Resource Management Act;*
- c. delegates to the Team Leader Strategy and Policy to take any steps necessary to give effect to the recommendation in (a) and (b) above; and*
- d. delegates to the Team Leader Strategy and Policy to take any steps necessary to give effect to making Plan Change 66 operative at the conclusion of the appeal period where no appeals are filed.’*

1. PURPOSE

This report seeks a decision from Council that Plan Change 66 be approved in accordance with the Commissioner’s recommendation dated 20 October 2021 (Attachment 1) and that it be confirmed for inclusion in the Operative Selwyn District Plan.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

This report does not trigger the Council’s Significance Policy. Consideration of the acceptance of the Commissioner’s recommendation as Council’s decision is a procedural requirement of the Resource Management Act 1991 (the Act).

3. HISTORY/BACKGROUND

The request relates to approximately 27.2755 hectares of land on the south side of Maddisons Road, adjoining the eastern boundary of IPort, as shown in the aerial photograph below. The request seeks to rezone this land from Rural Inner Plains to Business 2A and also includes the insertion of an Outline Development Plan.



In addition to the rezoning request, the proposal includes amending the Township Volume provisions so that:

- Occupation of the site is precluded until:
 - the over bridge of State Highway 1 between Rolleston Drive and Jones Road is operational; and
 - vehicular access is provided between Midland Port and the site;
- Commercial activities and most retail activities are non-complying within the site;
- Additional provisions apply to the site to manage flood risks;
- Access from the site to Maddisons Road is not permitted (if proposed in future it would therefore be subject to consideration through a resource consent process); and
- Noise sensitive activities are restricted within 80m of the LPC boundary; and
- Various rules that apply standards to other areas within the Business 2A zone will also apply to this site (for example, lighting and landscaping requirements).

4. PROPOSAL

An independent Hearing Commissioner, Mr David Caldwell, was appointed to consider all the relevant material in respect of the plan change and to make a recommendation to the Council on the plan change and the submissions received.

This recommendation relates to whether the plan change should be approved, approved with modification (in accordance with the scope provided by the plan change) or declined. The final decision on whether or not this recommendation and, as a consequence the plan change, should be approved, is the responsibility of the Council.

For the reasons set out in his recommendation, the Commissioner recommends that Plan Change 66 be approved and that the matters raised in submissions are accepted, accepted in part or rejected.

5. OPTIONS

In accordance with Clause 29(4) of the First Schedule of the Act, Council may decline, approve, or approve with modifications, the plan change.

a. Approve

The Commissioner's recommendation is that Plan Change 66 be approved. Through the Resource Management Act processes, the Commissioner has considered that Plan Change 66 is appropriate in terms of the s32 tests and meets the purpose and principles set out in Part 2 of the Act in promoting sustainable management. Specifically, the Commissioner considered that the plan change is appropriate in achieving the objectives of the District Plan, incorporates appropriate methods to ensure any future land uses are appropriately managed and that the rezoning will result in a number of positive outcomes.

b. Approve with modifications

The Council may approve the plan change, but with modifications.

The Commissioner did not consider further modifications to the plan change to be necessary in order to achieve good planning practice. It is noted that a number of modifications were made to the original application through the submission and hearing process, including in response to matters raised by submitters and Council officers. These modifications were supported by Council officers as being appropriate, and have in turn been considered in detail in the Commissioner's recommendation. He has ultimately concluded that they are appropriate and sufficient to address various matters raised.

As such, it would be inappropriate for the Council to amend any of the findings contained in the Commissioner's recommendation in the absence of hearing the submissions and considering the substantive material that has been considered.

c. Decline

It is considered that it would be inappropriate for the Council to decline the plan change, as this would be contrary to the recommendation of the independent Commissioner who has determined, through the statutory processes, that the plan change is appropriate.

Recommended Option:

It is recommended that Council accepts the Commissioner's recommendation and approves Plan Change 66.

If the Council accepts the Commissioner's recommendation and approves Plan Change 66, then Plan Change 66 will continue along the statutory RMA process, with the decision being publicly advertised and notice being served on all submitters. A 30 day appeal period is provided to lodge an appeal against the decision to the Environment Court. If no appeal is received within this timeframe then Plan Change 66 will be deemed to be operative and the District Plan amended accordingly.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

These matters are addressed in the recommendation of the Commissioner, with the mandatory public notification, serving of the notice of the request on potentially affected parties and submissions processes required under the RMA, having provided appropriate opportunity for interested parties to participate in the private plan change process.

(a) Consultation

The mandatory public notification and submissions processes required under the RMA has provided the wider public an opportunity to participate in the private plan change process.

(b) Māori implications

Mahaanui Kurataiao Limited, who provide mana whenua environmental services that are endorsed by local Rūnanga, were consulted as part of an earlier iteration of the plan change request. The outcomes of that consultation were included with the final application, and therefore formed a component of the notified version of the plan change. The comments made recommendations on management of aspects of the development of the site, including landscaping, accidental discovery protocols and sediment and erosion controls. As the request was publically notified, an opportunity was also provided for the Rūnanga to submit on the request.

(c) Climate Change considerations

The National Policy Statement on Urban Development requires consideration of whether the plan change will contribute to an urban environment that supports reductions in greenhouse gas emissions and is resilient to the likely current and future effects of climate change. As such, consideration of climate change impacts have been included by the Commissioner in making his recommendation.

7. FUNDING IMPLICATIONS

The funding implications are limited to any appeal proceedings. All costs incurred in notifying the decision are on-charged to the private plan change proponent.



Jessica Tuilaepa
SENIOR STRATEGY AND POLICY PLANNER

Endorsed For Agenda

A handwritten signature in black ink, appearing to read 'Tim Harris', with a stylized, jagged line extending from the end.

Tim Harris
GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES

Attachment A: Plan Change 66 Package

The Proposed Plan Change undertakes the following in the Township Volume (changes underlined or ~~struck through~~):

1. To amend Township Volume, Part B3 People's Health, Safety and Values by inserting a new policy to read:

Policy B3.1.9:

Avoid new use, or development of land in high flood hazard areas of the Business 2A Zone of Appendix 43A, unless the use or development:

- i. is not likely to result in loss of life or serious injuries; and
 - ii. is not likely to suffer significant damage or loss; and
 - iii. either is:
 - a. not likely to exacerbate the effects of the natural hazard; or
 - b. the effects of the natural hazard can be avoided or appropriately mitigated.
2. To amend Township Volume, Chapter 14 BZ Earthworks to insert a new rule to read:

Restricted Discretionary Activities - Earthworks

14.1.2 Earthworks in the Business 2A zone depicted in the Outline Development Plan in Appendix 43A and within a High Flood Hazard Area shall be a restricted discretionary activity. For the purpose of this rule, High Flood Hazard Area is defined as land where, in a 1 in 500 year Average Recurrence Interval flood event, either:

- i. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or
- ii. the water depth is greater than 1m).

14.1.3 Under Rule 14.1.2 the Council shall restrict the exercise of its discretion to consideration of:

(a) mitigation of the effects of flooding, including by diverting the flood channel to maintain flood storage capacity within the site;

(b) Any potential impacts of the earthworks on the rate, level or volume of flooding within the High Flood Hazard Area;

(c) Whether the earthworks will increase the potential risk to people's safety, well-being and property;

(d) Whether the earthworks will alter the flow of flood water from or onto any other property.

3. To amend Township Volume, Chapter C16 BZone Buildings, Rule 16.1.2.1 to read:

16.1.2.1 A landscaping strip of at least 3 metres width shall be provided along every road frontage except along:

- the frontage with Railway Road; or
- that part of Hoskyns Road abutting Precinct 4 as outlined in Appendix 22; or
- along the frontage of Jones Road identified within the Outline Development Plan at Appendix 43 where the provision of sightlines from rail crossings are required under Rule 17.4.1.2 and vehicle accessways required under Appendix 13; or
- along the frontage of Maddisons Road identified within the Outline Development Plan at Appendix 43A.

4. To amend Township Volume, Chapter C16 BZone Buildings, Rule 16.7 to read:

Natural Hazards

16.7.3 Any new principal building located within the Business 2A Zone depicted in the Outline Development Plan in Appendix 43A and within an area of that Outline Development Plan subject to a 200 year Average Recurrence Interval (ARI) flood hazard event, is a permitted activity if it complies with the following:

16.7.3.1 have a minimum building floor level 300mm above a 200 year Average Recurrence Interval (ARI) flood hazard event. The required floor level shall be identified a maximum of 2 years before the relevant building consent application is formally received by Council, and the building finished floor level is at or above that level.

...

Restricted discretionary activities – Buildings and Building Position

16.7.7

In the Business 2A zone depicted in the Outline Development Plan in Appendix 43A and within a High Flood Hazard Area, any new or extended building shall be a restricted discretionary activity.

For the purpose of this rule, High Flood Hazard Area is defined as land where, in a 1 in 500 year Average Recurrence Interval flood event, either:

- i. the water depth (measured in metres) x the water velocity (measured in metres per second) is greater than 1; or
- ii. the water depth is greater than 1m).

16.7.8 Under Rule 16.7.7 the Council shall restrict the exercise of its discretion to consideration of:

(a) mitigation of the effects of flooding, including by diverting the flood channel to maintain flood storage capacity within the site;

(b) Any potential impacts of the building on the rate, level or volume of flooding within the High Flood Hazard Area;

(c) Whether the building will increase the potential risk to people's safety, well-being and property;

(d) Whether the building will alter the flow of flood water from or onto any other property.

Discretionary Activities – Buildings and Building Position

16.7.29 Any activity which does not comply with Rule 16.7.2.4 or Rule 16.7.3 shall be a discretionary activity.

5. To amend Township Volume, Chapter C17 BZone Roding, Rule 17.2 to read:

17.2.1.2 The site within which the vehicle accessway is formed does not have access directly on to:

i) Railway Road, Rolleston from that part of the Business 2A Zones as is depicted on the Outline Development Plan at Appendix 22; or

ii) Hoskyns Road, Rolleston from that part of the Business 2A Zones identified as Precinct 4 as is depicted on the Outline Development Plan at Appendix 22; or

iii) Maddisons Road, Rolleston from that part of the Business 2A Zone depicted on the Outline Development Plan at Appendix 43A.

...

17.2.2 Any activity which does not comply with Rule 17.2.1.2(ii) or Rule 17.2.1.2(iii) shall be a restricted discretionary activity.

...

17.2.3.2 In relation to Precinct 4 and the Business 2A Zone in Appendix 43A the impacts of an increase in heavy vehicle volumes on the safe operation of Maddisons Road, Maddisons Road/Hoskyns Road intersection, Maddisons Road/Weedons Ross Road intersection and the Weedons Primary School from an increase in heavy vehicle volumes.

17.2.3.3 In relation to Precinct 4 and the Business 2A Zone in Appendix 43A the necessity, extent and cost of upgrades to those roads, i.e. Maddisons Road, Maddisons Road/Hoskyns Road intersection, Maddisons Road/Weedons Ross Road intersection.

6. To amend Township Volume, Chapter C17 BZone Roding, Rule 17.3 to read:

17.3.1.7 The site does not have access directly on to Maddisons Road, Rolleston from that part of the Business 2A Zone depicted on the Outline Development Plan at Appendix 43A.

...

17.3.8 Any activity which does not comply with Rule 17.3.1.6 or Rule 17.3.1.7 shall be a restricted discretionary activity.

...

17.3.9.2 In relation to Precinct 4 and the Business 2A Zone in Appendix 43A the impacts of an increase in heavy vehicle volumes on the safe operation of Maddisons Road, Maddisons Road/Hoskyns Road intersection, Maddisons Road/Weedons Ross Road intersection and the Weedons Primary School from an increase in heavy vehicle volumes.

17.3.9.3 In relation to Precinct 4 and the Business 2A Zone in Appendix 43A the necessity, extent and cost of upgrades to those roads, i.e. Maddisons Road, Maddisons Road/Hoskyns Road intersection, Maddisons Road/Weedons Ross Road intersection.

7. To amend Township Volume, Chapter C17 BZone Roding, Rule 17.6 to read:

17.6.2 The establishment of a road or rail crossing requiring a break in the existing primary shelter belt or future secondary planting strip required by Landscape Treatment 3 in Rule 24.1.3.14 along the Railway Road frontage of the Business 2A Zone, or the establishment of a road crossing requiring a break in the future planting strip required by Landscape Treatment 2; or the establishment of a road crossing requiring a break in the future planting strip required by Landscape Treatment 1 as depicted on the Outline Development Plan in Appendix 43A, shall be a restricted discretionary activity.

...

17.6.3.5 In relation to Precinct 4 and the Business 2A Zone in Appendix 43A the impacts of an increase in heavy vehicle volumes on the safe operation of Maddisons Road, Maddisons Road/Hoskyns Road intersection, Maddisons Road/Weedons Ross Road intersection and the Weedons Primary School from an increase in heavy vehicle volumes.

17.6.3.6 In relation to Precinct 4 and the Business 2A Zone in Appendix 43A the necessity, extent and cost of upgrades to those roads, i.e. Maddisons Road, Maddisons Road/Hoskyns Road intersection, Maddisons Road/Weedons Ross Road intersection.

8. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.5 to read:

22.5.1.2 Any other lighting if it does not exceed:

...

(c) 3 lux spill (horizontal or vertical) on to any part of any adjoining property in the Rural zone which has a common boundary with either the Business 2A Zone as depicted on the Outline Development Plan at Appendix 22, the Business 2A Zone as depicted on the Outline Development Plan at Appendix 43A, or the Business 2B Zone as depicted on the Outline Development Plan for ODP Area 5 at Appendix 37.

...

22.5.1.3 Lighting in the Business 2A Zone which is designed so that:

...

(c) In the Business 2A Zone covered by the Outline Development Plan in Appendix 43 and Appendix 43A, all outdoor lighting is shielded from above and is directed away from adjacent properties outside of the Business 2A Zone. All fixed outdoor lighting is directed away from adjacent roads outside of the Business 2A Zone.

9. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.9 to read:

22.5.1.2 Any other lighting if it does not exceed:

22.9.1 Development in the Business 2A Zone shall be a permitted activity provided that the following condition is met:

22.9.1.1 The area along the common boundary of the Business 2A Zone and the Rural Zone, as depicted in the respective landscape treatment areas identified on the Outline Development Plans at Appendix 22, and Appendix 43 and Appendix 43A, and the principal building, shall be landscaped in accordance with the requirements of Rule 24.1.3.13.

22.9.1.2 In the Business 2A Zone identified on the Outline Development Plan in Appendix 43 and Appendix 43A, landscaping, road connections, railway crossings, sidings and pedestrian links shall be provided generally in accordance with those locations identified on the Outline Development Plan at Appendix 43 and Appendix 43A. The roads shall be constructed in general accordance with the road reserve widths specified in Appendix 43.

10. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.9 to read:

Non-complying Activities – Development within the Business 2A Zone, Rolleston

22.9.7 Any Noise Sensitive Activity located within 80m of Lot 2 DP 475847 (LPC Midland Port) shall be a non-complying activity.

22.9.8 Within the Appendix E43A Rolleston Business 2A Zone Maddisons Road ODP area, no building shall be occupied until such time as:

(a) the over bridge of State Highway 1 between Rolleston Drive and Jones Road is operational; and

(b) vehicular access is provided between the Midland Port site (Lot 2 DP 475847) and a legal road within the Appendix E43A Rolleston Business 2A

Zone Maddisons Road ODP area. Such access shall be secured via a right of way easement in favour of Lot 2 DP 475847 and/or a direct connection from Lot 2 DP 475847 to a legal road vested in Council.

11. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.10 to read:

22.10.1.3 In the Business 2A Zone at Rolleston as depicted on the Outline Development Plan at Appendix 43 and Appendix 43A:

12. To amend Township Volume, Chapter C22 BZ Activities, Rule 22.10 to read:

22.10.3 Any activity which does not comply with Rule 22.10.1.2 or 22.10.1.3 shall be a noncomplying activity.

22.10.4 In the Business 2A Zone at Rolleston as depicted on the Outline Development Plan at Appendix 43A, any commercial activity, or any retail activity that is not otherwise specified in Rule 22.10.1.3, shall be a non-complying activity.

13. To amend Township Volume, Chapter C24 BZ Subdivision, Rule 24.1 to read:

24.1.3.11 In the Business 2A Zone road connections and pedestrian links shall be provided generally in accordance with those locations identified on the Outline Development Plans at Appendix 22, ~~and~~ Appendix 43 and Appendix 43A. The roads shall be constructed in general accordance with the road cross section examples also included in Appendix 22 (and where any conflict occurs with Rule E13.3.1 these cross sections shall take precedence) or the road reserve widths specified in Appendix 43. Furthermore, lots created which abut Hoskyns Road in Precinct 2 as shown on the Outline Development Plan at Appendix 22 should be designed in such a way that buildings will likely be encouraged to front onto and access onto Hoskyns Road.

...

24.1.3.13 The area along the common boundary of the Business 2A Zone and the Rural Zone, as depicted in the respective landscape treatment areas identified on the Outline Development Plans at Appendix 22, ~~and~~ Appendix 43 and Appendix 43A, and the principal building shall be landscaped to the following standards:

...

Note: Common boundary landscaping is required along the full extent of the relevant boundaries as depicted on the Outline Development Plans at Appendix 22, ~~and~~ Appendix 43 and Appendix 43A except across vehicle, rail, or pedestrian crossings. Refer to Rule 17.6.1 in respect of road or rail crossings that require breaks in the existing primary shelterbelt or future secondary planting strip along Railway Road, and breaks in the proposed screening treatment along the Hoskyns Road frontage identified as Precinct 4 and the Maddisons Road frontage depicted in Appendix 43A, and Rule 17.2.2 in respect of vehicle accessways which require breaks in the proposed screening treatment along the Hoskyns Road frontage identified as Precinct 4 and the Maddisons Road frontage depicted in Appendix 43A.

14. To amend Township Volume, by inserting Appendix E43A Rolleston Business 2A Zone Maddisons Road ODP.
15. To amend the Planning Maps, to reflect the Business 2A zoning of the site.

KEY:

- ODP Boundary
- ODP Area
- Landscape Treatment Area 1 and Landscape Bund (Minimum Height of 2.5m)
- Landscape Treatment Area 4 and Landscape Bund (Minimum Height of 2.5m)
- Road Connections from Adjacent Sites
- Indicative High Flood Hazard Area



**B2A ZONE EXTENSION PLAN CHANGE
 MADDISONS ROAD**

OUTLINE DEVELOPMENT PLAN

DRAWING STATUS		REVISION	
FINAL DRAFT		1.0 (23.01.20)	
		2.3 (18.09.20)	
		2.5 (UPDATES)	
		2.6 (FLOOD AREA) 29.06.21	
		2.7 (ROAD NOTES) 20.07.21	
STAGE	CONSENT	DRAWN	
SCALE	1:4000 @ A3	DATE	18.09.20
JOB NO.	021024	DWG NO.	DPMA-DRG-LA-100-A

B



BEFORE THE SELWYN DISTRICT COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 66 at Maddisons
Road, Rolleston

RECOMMENDATION BY COMMISSIONER DAVID CALDWELL

Dated 22 October 2021

Hearing Held: 9 and 10 August 2021

Appearances:

Council:

Liz White – Consultant Planner for Selwyn District Council

Murray England – Council Asset Manager – Water Services

Andrew Mazey – Asset Manager – Transportation

James Bentley – Consultant Landscape Architect for Selwyn District Council

Derek Foy – Consultant Economist for Selwyn District Council (by AVL)

Applicant:

Jo Appleyard and Lucy Forrester – Legal Counsel

Tim Carter – Company Representative

Anne Wilkins – Consultant Landscape Architect

Kim Seaton – Consultant Planner

Michael Copeland – Consultant Economist

Nicholas Fuller – Consultant Traffic Engineer

Nick O'Styke – Real Estate/Industrial Land

Sam Staite – Real Estate/Industrial Land

Tim McLeod – Consultant Civil Engineer

Victor Mthamo – Consultant Versatile Soils

Submitters

Canterbury Regional Council – Nicholas Griffiths, Natural Hazard Scientist

Davina Penny

Simon Thomas

ABBREVIATIONS TABLE

CARP	Canterbury Air Regional Plan
CLWRP	Canterbury Land and Water Regional Plan
CRC	Canterbury Regional Council/Environment Canterbury
CRPS	Canterbury Regional Policy Statement
FENZ	Fire & Emergency New Zealand
IMP	Mahaanui Iwi Management Plan
LPC	Lyttelton Port Company
LURP	Land Use Recovery Plan
NESCS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NPS-UD	National Policy Statement – Urban Development
NPS-UDC	National Policy Statement on Urban Development Capacity
ODP	Outline Development Plan
Our Space	Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrepa Nohoanga
PC1	Plan Change 1 to Chapter 6 of the CRPS
PC66	Private Plan Change 66
PDP	Proposed Selwyn District Plan
PIB	Projected Infrastructure Boundary
pNPS-HPL	Proposed National Policy Statement for Highly Productive Land
RMA	Resource Management Act 1991
RSP	Rolleston Structure Plan
SDC	Selwyn District Council
SDP	Operative Selwyn District Plan
UGO	Urban Growth Overlay
Waka Kotahi	Waka Kotahi NZ Transport Agency

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Introduction

1. I have been appointed to hear submissions and make a Recommendation on Private Plan Change 66 to the Operative SDP.
2. I attended and conducted a hearing at the Selwyn District Council Chambers on 9 and 10 August 2021.

PC66

3. PC66 is a privately initiated plan change by Rolleston Industrial Holdings Limited seeking to rezone 27.27 hectares of Rural Inner Plains land to Business 2A Zone, Maddisons Road, Rolleston. In addition to the zone change, the request seeks the insertion of a new ODP and various amendments to the Township volume of the SDP. The effect of this is, largely, to apply existing provisions to the site.
4. PC66 was formally received by the SDC on 8 October 2020. Following provision of further information it was accepted for notification and publicly notified on 27 January 2021. Submissions closed on 25 February 2021. A Summary of Submissions was notified on 31 March 2021 and further submissions closed on 16 April 2021.
5. A total of 10 submissions were received, together with 2 further submissions.
6. Two submissions were withdrawn prior to hearing.
7. By the time of the hearing, a number of amendments were proposed, largely in response to matters raised in submissions. These included:
 - The addition of a new Policy B3.1.9 addressing High Flood Hazard Areas of the Business 2A Zone;

- A new restricted discretionary activity rule for earthworks within the High Flood Hazard Area marked on the proposed ODP;
- Amending Township Volume Rule 16.1.2.1 to exclude the requirement for a landscaping strip of at least 3 metres along the frontage of Maddisons Road identified within the ODP at Appendix 43A;
- Amending Rule 16.7 to include a permitted activity rule for a new principal building located within the area of the ODP subject to a 200 year Average Recurrence Interval flood hazard event provided it complies with a minimum floor level of 300mm above a 200 year flood event;
- Addition of Rule 16.7.7 to provide a restricted discretionary activity rule for any new or extended building within a High Flood Hazard Area;
- Amending Rule 17.2 to provide a restricted discretionary activity for direct access onto Maddisons Road;
- Amending Rule 17.6 to include the establishment of a road crossing requiring a break in future planting required by Landscape Treatment 1 to be a restricted discretionary activity;
- Amending Rule 22.9 to include, as non-complying activities, any noise sensitive activity located within 80 metres of LPC Midland Port; and providing that no building is to be occupied until the overbridge of State Highway 1 is operational and vehicular access is provided between the Midland Port site and the ODP area; and
- Amending Rule 22.10 to specify that any commercial activity, or any retail activity that is not otherwise specified, is a non-complying activity.

Site Visit

8. I undertook a site visit on 17 August 2021. I attended Mr Thomas' house. I then went to the plan change site. I spent some time going around the plan change site and through to the Move Logistics site. I was accompanied by Mr Van Duyn during that part of my site visit. In addition to the time spent on the site, I spent some time familiarising myself with the surrounding area and locations identified in submissions and discussed during the hearing.

Section 42A Report

9. Pursuant to s42A of the RMA, Ms White produced a report addressing the proposed plan change. Ms White provided a site description together with a discussion of the surrounding environment in paragraphs [10] – [14] of her report. I consider that description to be accurate and adopt it for the purpose of this Recommendation.

10. Ms White also addressed the matters which she considered were raised in the submissions or necessary to be considered, which I summarise below.

Traffic Effects

11. Ms White noted that several submitters had raised concerns over anticipated increased traffic volumes including those raised by Waka Kotahi NZ Transport Agency relating to network concerns (subsequently withdrawn), LPC in relation to potential effects on the supporting transport network or clarification that the generated transport movements would not have material adverse effects, including cumulative effects, on the Midland Port's freight operation (subsequently resolved). Mr Thomas raised concerns in relation to any potential access to Maddisons Road. Ms Greenfield's submission also raised concerns relating to increased traffic, and the Ministry of Education raised a concern in relation to direct access onto Maddisons Road or Weedons Ross Road.
12. Mr Mazey addressed a number of transportation related issues in his transport comments of 7 July 2021. He generally supported the plan change subject to a number of matters including that there be no roading or other vehicular access to Maddisons Road, the ODP be amended to show principal roads (K and D), a requirement for vehicle access from the adjoining Midland Port site, and that any further traffic assessments use the latest version of Council's Rolleston PARAMICS transport model.

Amenity Effects

13. Ms White identified the submitters who had raised landscape and visual effects, noise effects and general amenity effects. She identified reverse sensitivity effects from the potential increased sensitive activities proximate to the Midland Port (LPC).¹
14. Ms White considered that visual effects resulting from the industrial activities would in effect shift the boundary at which the effects were felt on the environment and noted the consistency of the landscape treatments proposed.
15. Mr Bentley in his peer review² of the Applicant's landscape and visual effects assessment, considered the Applicant's methodology to be comprehensive and to have followed best practice. He did recommend a revisiting of the effects rating or provision of a more comprehensive understanding of how the RMA planning terms relate to the 7 point rating scale. Mr Bentley agreed that a worst-case assessment was appropriate and in terms of the mitigation proposed, he considered that sufficient to mitigate the identified adverse landscape and visual amenity effects and to sufficiently deal with the rural-urban interface.

¹ s42A Report dated 15 July 2021 at page 12

² Plan Change 66: Area Plan Change – Business 2A Zone – Landscape and Visual Effects Peer Review dated 30 October 2020

Impacts on Highly Productive Soils

16. Ms White noted that Ms D Penny, Ms C Greenfield and CRC had identified concerns on this issue. Ms White accepted the site was located on soils identified as Class 2 noting that classification applied to land on the eastern side of the existing urban area of Rolleston and the rural area beyond. She identified that the central part of Rolleston, including the remainder of the area zoned for industrial uses, contains Class 3 soils. She noted that any expansion of the industrial area into the immediately adjoining area would include some highly productive soil. She addressed the relevant policy. Overall she concluded that the expansion on to Class 2 land was a relevant matter but one which needed to be considered alongside others.³

Water Supply

17. In relation to water supply, Ms White noted the submissions of Fire & Emergency New Zealand and the Ministry of Education in relation to potential contamination of its bore supplying the Weedons School. In terms of the Ministry's concerns, she did not consider that to be a matter managed by or within the functions of SDC.⁴
18. In his officer comments, Mr England advised he was comfortable that there was available capacity within the network to service the plan change and further capacity upgrades were proposed and planned. He advised future water demand from the proposed plan change could be met. He noted that high water use industries will require specific agreement with SDC. This process was managed through the Selwyn District Council Water Supply Bylaw 2008 (Amended 2018). Overall, Mr England was satisfied that water could be made available for this plan change whilst still ensuring sufficient supply for all areas within the RSP boundary.⁵

Flooding

19. Ms White noted the submissions from CRC in relation to the potential high hazard area on the site. She noted that Mr England agreed that in relation to a 200 year ARI flood event, managing overland flow paths at the time of detailed design could be undertaken through the subdivision process. In relation to high hazard areas, she considered it would be appropriate to identify the high hazard area on the ODP so as to ensure its presence was acknowledged and more directly addressed through the subsequent subdivision process.⁶

Contamination

20. Ms White addressed the submission of CRC which identified two agricultural buildings that appeared to have been there for some time and although these sites were not listed in the Listed Land Use Register, confirmation that no sheep or stock dipping had taken place was

³ s42A Report at paragraph [71]

⁴ s42A Report at paragraph [76]

⁵ Officer Comments of Murray England dated 15 July 2021

⁶ s42A Report at paragraph [85]

advised. Ms White identified that the NESCS would be applicable at subdivision or change of use and she considered there was no need for historic activities to be investigated at this time. She did not consider it would be an impediment to the change in zone.⁷

Urban Form

21. Ms White identified that Waka Kotahi had submitted the proposed rezoning to be a logical extension to the existing Business 2A zoning and consistent with industrial development around the Izone Southern Business Hub anticipated within Our Space. (Waka Kotahi subsequently withdrew its submission.)
22. She also identified CRC's submission noted that the site is located within the PIB shown on Map A within Chapter 6 of the CRPS but was not identified as a Greenfield Priority Area for Business. She further noted that CRC accepted that planning decisions must now also give effect to the NPS-UD including Policy 8. She further identified that CRC had submitted that Our Space did not recommend any future development areas (FDAs) for business be advanced through changes to the CRPS and sought consideration as to whether it would add significant capacity and contribute to a well-functioning urban area, well-connected along transport corridors.⁸
23. Ms White recorded that LPC supported the proposed rezoning in terms of providing additional Business 2A land.
24. In her analysis, Ms White considered it relevant that the site is located within the PIB as this indicated from an integration perspective, it is within an area that she understood forms part of SDC's planning for infrastructure development and servicing. She identified that Mr England noted that the site was outside the RSP and that priority should be given to developments within the RSP but in this particular case the water and wastewater capacity could be made available while ensuring sufficient supply is available for all areas within the RSP boundary.⁹
25. Ms White also identified that the land was within the UGO of the PDP. While noting there was no specific requirement to consider the rezoning against the PDP, the identification of the site within the proposed UGO and general alignment of the site with the proposed policy direction provided some assurance that the rezoning, albeit out of sequence, was not entirely unanticipated and aligned with the future urban form outcomes anticipated for Rolleston.¹⁰

Economic Effects

26. Ms White relied on Mr Foy's peer review¹¹ of the economic assessment submitted with the request and his particular concern that the Business 2A Zone framework currently allowed for

⁷ s42A Report at paragraph [87]

⁸ s42A Report at paragraphs [89] and [90]

⁹ s42A Report at paragraph [92]

¹⁰ s42A Report at paragraphs [95] and [96]

¹¹ Plan Change 66 Economic Review 13 April 2021

a range of non-industrial activities including a diverse range of retail activities and commercial activities. Mr Foy was concerned that at some point an agglomeration of retail and commercial activities in the Business 2A Zone would begin to function as a centre, whether or not the planning environment recognised it as such. Such an outcome would be contrary, in his opinion, to Objective 4.3.8. Mr Foy's recommendation was for conditions restricting the use of the site for retail and commercial activities to be considered.

27. Ms White acknowledged his concern and recommended a non-complying activity rule for any commercial activity or any retail activity not otherwise specified.¹²

Statutory Analysis

28. Ms White, in Part 7 of her s42A Report, undertook a statutory analysis identifying the functions of territorial authorities. She agreed that the proposed ODP and amended plan change rules provide the methods for SDC to manage potential effects of the activity and demonstrated an integrated management structure.
29. Ms White identified Part 2 matters and undertook an analysis of the SDP and other relevant planning documents. She considered the NPS-UD, noting the requirements of Policy 1 in relation to the contribution of the plan change to a well-functioning urban environment. She considered that the definition includes, as a minimum, requirement for the environment to have or enable a variety of sites that are suitable for different business sectors in terms of location and site size. She considered this to be relevant. She also identified that the Applicant considered the location of the site to be significant.
30. Ms White identified and discussed the NPS-UD Policies and Clauses 3.3, 3.5 and 3.8. She considered the proposal would provide significant development capacity, noting that the plan change had been accepted by SDC for notification on that basis. It will assist in ensuring there is sufficient development capacity in respect of business land to meet the expected demands of the District.
31. She addressed and considered accessibility. In her view, the proposal provided good accessibility for all people between housing, jobs, community services, natural spaces and open space, and supported competitive operation of land and development markets. She noted in particular that it was well connected to transport corridors, including both road and rail.
32. In terms of the CRPS she addressed Objective 5.2.1 and Policy 5.3.7 in relation to adverse effects on regionally significant infrastructure and noted a potential tension with Objective 6.2.1(9), Objective 6.2.4, Policies 6.3.4 and 6.3.5, but in line with Policy 6.3.5(2) she considered these were overcome by the additional rule proposed in relation to timing of new development to coordinate with development, funding, implementation and operation of transport.

¹² s42A Report at paragraph [98]

33. She was concerned in relation to Objective 6.2.1(8) which seeks the protection of people from unacceptable risk from natural hazards. She considered changes could be made to address it.
34. She noted that the proposal was explicitly not consistent with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6 because it was proposing urban development outside an existing urban area or identified Greenfield Priority Area. She considered the key consideration to be whether or not the significance of the development capacity provided by the plan change should be given more weight than the current direction in the CRPS.
35. She also identified Chapter 11 (Natural Hazards) and Chapter 15 (Soils) as relevant. In relation to natural hazards, it would not give effect to Policy 11.3.1 which is to avoid subdivision, use and development in high hazard areas, although it was likely that changes could be made to meet the policy direction without necessitating decline.
36. Again, in terms of soil quality, she identified that the versatility of the soil and the irreversibility of impacts on it from the zoning change was raised by submitters. She considered the CRPS provisions were not specifically directed to versatile soils but were about maintaining and improving soil quality more broadly. It was her view that productive capacity would be reduced but overall productive capacity of soils within the District would still be maintained.
37. She addressed Our Space. She noted this was a strategic planning document adopted by the Greater Christchurch Partnership which sought to ensure a balance between providing sufficient capacity for growth while maintaining an urban form that achieved the vision and goals in the Greater Christchurch Urban Development Strategy. In her view, Our Space met the obligations of the previous NPS-UDC, noting that Table 4 of Our Space identified there was sufficient industrial development capacity within the Selwyn District in both the medium and long term. She noted it also identified that industrial and large format retail expansion around the Izone Southern Business Hub, benefiting from improved connections across State Highway 1, was anticipated.
38. On the basis of the assessment in Our Space, she was of the view that SDC had adequately considered the capacity provided for industrial development and as such the rezoning was not 'needed' to meet future demand for further industrial development at a broader level. In her view, however, the broad scale of Our Space meant that it did not go into detail about different types of industrial needs. She identified that here the Applicant was arguing that rezoning would make a contribution to development capacity which was significant because it provides additional land that has a common boundary with the Midland Port and this creates logistical efficiencies and significant cost-savings. It is the only land that could provide an extension to the Midland Port's three rail sidings.
39. Ms White addressed the CLWRP and CARP, considering there was no incompatibility.

40. In terms of the IMP, she agreed with the assessment of the relevant provisions undertaken by the Applicant.
41. As to consistency with plans of adjacent territorial authorities, she did not consider there are any directly relevant issues arising.
42. Ms White addressed s32, noting that the proposal did not involve any new objectives, or any changes to the existing objectives of the SDP, and the issue was therefore the extent to which the purpose of the proposal was the most appropriate way to achieve the purpose of the RMA. She identified s5 and ss6-8. Other than s6(h), she did not consider any of the remaining s6 and 8 matters were relevant to the site.
43. In summary, she considered the proposal provides for the economic and social well-being of residents of Selwyn District and Greater Christchurch; maintenance and enhancement of amenity values (s7(c)), and the quality of the environment (s7(f)) were met despite some impact on rural character and amenity; and that it was an efficient use of an existing physical resource (s7(b)) due to the site's proximity to and accessibility from State Highway 1 and the main north-south rail corridor.
44. She addressed a number of key factors which in her view needed to be weighed up before determining that the proposal was the most appropriate approach to achieving the purpose of the RMA.¹³
45. She ultimately concluded that subject to further evidence, particularly in relation to actual and likely demand for industrial land with the site specific characteristics, it was appropriate for the plan change to be approved, subject to minor amendments set out in her report.¹⁴

The Hearing – Appearances/Evidence

Applicant

46. **Ms Jo Appleyard/Ms Lucy Forrester**, in opening, provided a high-level overview of PC66 and the changes proposed, addressed the main issues in contention, responded to information tabled and introduced the relevant witnesses.
47. In relation to the High Hazard Flood Areas, Ms Appleyard introduced the evidence of Mr McLeod and his view that SDC's flood model was over-estimated, that no part of the site was a high hazard flooding area as defined in the CRPS, and any flooding which may occur could be easily and appropriately mitigated. She noted that Mr McLeod had undertaken a further analysis, confirming "inaccuracies in the LiDAR modelling" but that further assessment would be required to determine that issue finally.¹⁵ She advised the proposed policy and rule had

¹³ s42A Report at paragraph [131]

¹⁴ s42A Report at paragraph [140]

¹⁵ Legal Submissions on behalf of the Applicant at paragraph [12]

been incorporated to address uncertainty which would enable a full site specific assessment prior to seeking any resource consent.¹⁶

48. In relation to flooding, she submitted that while Policy 11.3.1 of the CRPS was an avoidance policy, it also provided for mitigation of the hazard. Ms Appleyard introduced the new proposed policy B3.1.9 which she submitted reflected the wording and intention behind Policy 11.3.1.¹⁷ She submitted the CRPS hazard provisions were given effect to through the policy and rules package.¹⁸
49. She addressed versatile soils, and introduced the evidence of Mr Mthamo. She discussed the written evidence which had been provided by Ms Penny. She submitted that Ms Penny's concerns were overstated and did not take into account the site specific complexities that would inhibit the site from being used effectively and efficiently for rural primary production.
50. Ms Appleyard addressed the NPS-UD and introduced the evidence from Mr O'Styke and Mr Staite, and to a lesser extent Mr Carter, in relation to the current need for industrial land and in particular the shortage of unencumbered freehold industrial land in Selwyn and Greater Christchurch.
51. Ms Appleyard submitted that the most relevant provisions of the NPS-UD to this particular plan change were Objective 6 and Policy 8 in relation to responsive planning.¹⁹
52. Ms Appleyard did not accept that the plan change was necessarily 'unanticipated' by planning documents as it is within the PIB. She submitted that it was appropriate that SDC was responsive to this plan change in a manner consistent with the NPS-UD. She submitted that this was exactly the type of proposal which Policy 8 of the NPS-UD sought to further enable by requiring councils to be responsive.²⁰
53. Ms Appleyard submitted that based on the evidence provided, the plan change would add significantly to development capacity to the extent that it:
 - (a) Would provide for additional industrial land which will be available as freehold and unencumbered for which there is, or is soon to be, a significant shortage and demand in Selwyn and Greater Christchurch; and
 - (b) Provides a unique opportunity for the potential to extend the Midland Port rail siding, an opportunity that could not be replicated elsewhere in the District and which would provide significant efficiencies to any future industrial land owner. Even if the rail siding is not extended, the site would nevertheless enable an open border with the Midland Port, for which very few industrial sites would have the benefit of otherwise.²¹

¹⁶ Legal Submissions on behalf of the Applicant at paragraph [13]

¹⁷ Legal Submissions on behalf of the Applicant at paragraph [17]

¹⁸ Legal Submissions on behalf of the Applicant at paragraph [18]

¹⁹ Legal Submissions on behalf of the Applicant at paragraph [35]

²⁰ Legal Submissions on behalf of the Applicant at paragraph [41]

²¹ Legal Submissions on behalf of the Applicant at paragraph [40]

54. Ms Appleyard addressed issues raised by Mr Thomas in his tabled letter. She then concluded by submitting that the evidence supports the granting of the proposed plan change.
55. **Mr Tim Carter**, a Director and owner of the Applicant, outlined his involvement and investment in development projects, and advised that Carter Group is the owner of IPort directly adjacent to and located west of the PC66 site. He advised that this was a \$500 million business park located between LPC Midland Port and Izone Industrial Park in Rolleston.
56. He discussed the diversity of land offerings IPort provides, noted its strategic position at the intersection of the South Island's freight arteries, and advised that the rezoning was sought to extend IPort and provide more land with open boundaries to Midland Port with the intention that land within the site would be sold as unencumbered freehold land.
57. He discussed the Carter Group participation in the Our Space process and identified a number of concerns the Carter Group holds in relation to Our Space. In terms of business capacity assessments, he considered these failed to take into account the significant role Rolleston has in terms of strategic freight.
58. He advised that the plan change site was identified as early as 2013 in the LURP which is why the site is included in the PIB, and noted the land was purchased with the intention of ultimately rezoning it to industrial as 'anticipated' in the planning documents. He advised that the location was considered the most logical extension to IPort and that it provided a unique opportunity for the potential to extend LPC's rail siding or the potential for other investors to establish with an open border and access to the rail siding and Midland Port.
59. **Mr Mike Copeland** provided economic evidence. He identified that Selwyn District's population has grown and is forecast to continue to grow at a rate more than twice as fast as for the Canterbury region and for New Zealand. He advised that employment growth in the Selwyn District has been much faster than the Canterbury region and New Zealand with manufacturing and construction sectors having been the District's major employment growth sectors. He advised that Selwyn District's GDP had grown by 72.5% in the period 2010-2020 as compared to the New Zealand GDP growing by 31.4%.
60. He advised that the contributing sectors to the growth had been manufacturing, construction and agriculture, forestry and fishing. He noted that manufacturing and construction were two of the three sectors specifically associated with demand for industrial land, with the third being the transport, postal and warehousing sector. He identified a number of factors which would underpin future growth and demand in the Selwyn District including the rapid growth in expected population and employment, increased significance of manufacturing, construction and related industries, a trend towards 'live, work, play' solutions in the face of the growing population within the District, and the continued increased demand for industrial land for non-labour intensive industries such as transport and logistics. He provided examples of inland ports and related activities such as packing and unpacking of containers.

61. Relying on employment numbers advised by the Applicant, and applying a multiplier of 1.5, he advised that this would be lifted to 90-120 employees or 0.4%-0.5% of the District's current workforce. Overall, the estimated GDP generated by the land covered by the proposed plan change, including multiplier effects, would be in the range of \$11.1 million to \$14.8 million per annum or 0.4%-0.5% of the District's current GDP.
62. He considered that locating industrial activities on the site would provide agglomeration economies which he defined as cost-savings or revenue increases which occur as a result of firms locating near to each other in industrial clusters. He noted the site was in close proximity to other industrial activities and close to inland ports with good access to both rail and road networks. He noted that the rezoning of the site immediately adjacent to LPC's Midland Port would enable the extension of LPC's rail siding in a straight line through the site which, if it eventuated, would be expected to help LPC meet an increase in demand for containerised cargo by facilitating longer trains and lower transport costs between Rolleston and LPC.
63. He considered that the demand for industrial land at Rolleston would be primarily driven not necessarily by future industrial employment in Selwyn but by the demand for freight and logistics based in this location given the key trade routes to and from Lyttelton Port pass through Rolleston, and the Izone and IPort industrial parks at Rolleston have two inland ports located within them. There was therefore considerable potential for growth given the growing importance of Port Lyttelton and greater use of inland ports.
64. It was also his opinion that encouraging greater choice and competition in industrial (and other) land supply markets would provide economic benefits from additional land capacity. He did not consider this plan change would give rise to any economic externalities and overall the plan change was consistent with the economic wellbeing of people and the community and the efficient development and use of resources.
65. **Mr Sam Staite**, Director of Industrial Sales and Leasing Division for Colliers Christchurch, provided evidence addressing industrial land availability in Greater Christchurch, industrial land in Rolleston, and consideration of the specific plan change site.
66. He advised that industrial land in Greater Christchurch is in high demand and that there had been increasingly high demand in the past six months for industrial zoned land with more owner-occupier interest, in particular for bare and Greenfield sites.
67. He advised that there may be a perception that there is a lot of industrial land around Greater Christchurch, however very little of it is unencumbered. The limited freehold land which could be purchased, and constraints in many of the existing industrial sites, meant that demand would substantially outweigh supply for this kind of industrial land long before 2048.
68. He noted that Rolleston was a particularly attractive hub for industrial activities due to various factors. He advised that there was current demand for occupiers for land parcels in excess of 5 hectares and there were next-to-no such options available. He provided examples of

reasonably recent industrial developments including those developed by Ngāi Tahu where the forecasts indicated they would provide 5-10 year industrial land supply but they had lasted less than 12 months and both developments he identified were in their final 5% sell-down. He advised that land demand for industrial land is at an all time high and there is simply not enough supply currently.

69. He also identified that warehousing is progressively getting bigger at both the local and international scale, and that the trend in warehousing, partially fast-tracked by Covid 19, led to there being an increase in demand for larger industrial sites capable of accommodating larger warehousing facilities. He also identified that there had been an increased reliance on efficient logistics and transport, and that this was now at the front of all consumer business decisions. He identified that reducing reliance on a congested roading network was becoming critical with the rise of corporate responsibility around greener transport options, and rail connectivity was a vastly growing trend as was evident from the Move Logistics operation established in the IPort.
70. He advised that there were no sites that he was aware of in Greater Christchurch which would provide potential to extend a port rail siding.
71. **Mr Nick O'Styke** is a Director of Industrial Sales for Bayleys Canterbury. He advised that freehold industrial land in Canterbury, in particular Selwyn, is in high demand and that while there may be land that is zoned industrial, from a practical perspective, that did not mean there was sufficient freehold industrial land supply to meet the current demand.
72. He also considered that the majority of the current market for industrial land was for owner-occupier arrangements and that there was a real shortage in that area. The demand was reflected in significant increases in the industrial list values over the last few years.
73. He noted that in ten years in the industrial land industry, he had only ever seen growth in demand and that had become exponential. He was of the view that Christchurch and in particular Rolleston was very close to an acute shortage in industrial unencumbered freehold land. He noted that land in Rolleston is now at least twice the list value in 2019. Land which was once \$100-\$140 per sqm is now in the range of \$195-\$300 per sqm. He identified a number of factors which make Rolleston attractive for industrial land investors, including proximity to the Midland Port and MetroPort and associated rail transport, better ground conditions in Selwyn comparable to sites in Christchurch, and new amenities in Selwyn including wider roads, better infrastructure and close proximity to State Highway 1 and West Coast Road.
74. Since the establishment of Izone, he estimated that over 150 businesses have moved their operations into Rolleston. He described the plan change site as unique and providing an opportunity to future developers to extend the Midland Port's rail siding and/or share an open border with the Lyttelton Port.

75. **Ms Anne Wilkins** addressed landscape. She identified the relevant plan provisions, and concluded that the extension could be suitably absorbed into the landscape character over the long term and considered that the industrial large scale developments that are both emerging and existing acted to mitigate changes made at the plan change site by effectively enveloping the site. She addressed the visual impacts, identified those potentially affected, described the proposed mitigation, and noted that overall there was agreement between her and Mr Bentley on landscape and visual matters.
76. **Mr Nick Fuller**, Transport Engineer, advised that the proposed rezoning was predicted to generate 180 vehicle movements per hour and 2,885 vehicle movements per day. He noted the primary site access would be from extensions to two roads that link to IPort Drive. He identified access arrangements, including an access to serve the LPC Midland Port which would open for LPC traffic only. He noted that no access was proposed to Maddisons Road as part of the plan change, however that could be considered as a restricted discretionary activity at a later stage.
77. He addressed wider transport effects noting that traffic modelling indicated that even without the application site, Jones Road/Hoskyns Road and Hoskyns Road/State Highway 1 intersections have approaches at or over capacity. He discussed the proposed rule which would preclude activities from commencing until such time as the State Highway 1 overbridge was completed. He considered this would allow the intersection capacity and safety issues to be resolved prior to the site generating traffic on the network.
78. He addressed matters raised by submitters before concluding that the transport effects of the proposed plan change were acceptable.
79. **Mr Victor Mthamo** addressed versatile soils noting that the soil properties at the site indicate that it falls predominantly into LUC Class 2 and were therefore classed as highly productive. He did not consider the plan change would necessarily have significant adverse effects on the District or region's versatile soils or create any shortages of land for a number of reasons which I shall return to. He responded to Ms Davina Penny's submission.
80. **Mr Timothy McLeod**, a Senior Civil Engineer, provided evidence in relation to flood risk and particularly the high hazard areas. He provided evidence in relation to the LiDAR data and modelling, which he considered demonstrated that it was not accurate due to errors in the terrain model. He discussed a further preliminary assessment that he had carried out, the results of which were inconclusive and discussed the proposed rules to allow flood hazard risk assessment during resource consenting. He considered that to be appropriate.
81. Mr McLeod also addressed the submission relating to water supply for fire fighting and agreed with Mr England that there was additional capacity.
82. **Ms Kim Seaton** provided evidence addressing planning related issues including further amendments to the proposal in response to the Officer's Report. She also provided an

analysis of the NPS-UD. She described the proposal and site, addressed the revisions to the proposal made prior to the hearing, and addressed issues raised by submitters in terms of traffic effects, amenity effects and highly productive soil. She addressed water supply, flooding, and contamination. She addressed urban form and economic effects, before referring to the s32 Report lodged with the application and addressing the NPS-UD, the CRPS, Our Space and a number of policies in the SDP.

83. Ms Seaton addressed alternatives, benefits and costs, and concluded that the proposal is the most appropriate way of achieving the purpose of the RMA. She considered that the Officer's Report over-emphasised the role of demonstrable demand for the land as a factor in determining the appropriateness of the proposal, but that the demand was nevertheless demonstrated.

Submitters' Evidence

84. **Ms Davina Penny** (Submitter PC66-0003) presented in support of her submission, particularly focusing on soil and land. Ms Penny was clear in her view that the rezoning of this land would take highly valued land out of future productive use and in addition it would have a sterilising effect on other land around the site due to reverse sensitivity effects. She considered this would start to give rise to a 'creep effect' and over time more land would be lost. Ms Penny addressed the pNPS-HPL and also noted that the CRPS had an entire chapter dedicated to the issue of protecting soils. She considered Section 15 of the CRPS to be comprehensive and also identified provisions in Section 5 of that document.
85. She expressed a concern that the Applicant had not referred to the LUC properties of the land in its initial application. She identified in particular Policy 5.3.12 in relation to maintaining and enhancing natural and physical resources contributing to Canterbury's overall rural productive economy. She identified the Issues, Objectives and Policies in Chapter 15 addressing soil degradation and also identified a number of relevant policies in the SDP.
86. She provided comments on the s42A Report and the evidence of Mr Mthamo. She concluded that it would be wrong for this land to be rezoned. She sought the protection of the land and application of the policies as they are intended to be applied. Ms Penny also supported the submission from Ms Greenfield in relation to concerns about increased levels of traffic.
87. **Mr Nicholas Griffiths** provided evidence on behalf of the Canterbury Regional Council. Mr Griffiths has been employed by the Canterbury Regional Council as a Natural Hazard Scientist since September 2011. He agreed that the LiDAR data inaccuracies would have impacted on the flood model results at the PC66 site but considered that Mr McLeod had over-stated the impact of those inaccuracies. He considered that even without those inaccuracies, modelled water depths in the channel that runs through the western part of the property would still meet the CRPS definition of high hazard areas, albeit to a differing degree and spatial extent. He advised that there was nothing in the evidence of Mr McLeod that changed the circumstances

relating to the identification of the high hazard area and he considered that any development within the high hazard area needed to be consistent with Policy 11.3.1 in the CRPS.

88. **Mr Simon Thomas** (Submitter PC66-0002) noted that there appeared to have been two changes made by the Applicant in response to his submission but neither of them met his 'fallback expectations' in the undesirable event that the plan change should proceed. He identified that his major concern regarded the establishment of a road crossing to Maddisons Road and was concerned that making such a restricted discretionary activity could see it being challenged within 'a couple of years'. He considered it should only be granted if the ODP is amended to provide a notation that there be no roading or other vehicular access to Maddisons Road. If that needed to be stated as a prohibited activity, then so be it.
89. Mr Thomas also spoke to his concerns with the proposed 2.5 metre bund on the northern and eastern boundaries and provided his view that the development would still be visible once the Landscape Treatment 1 had matured. He referred and spoke to the High Court decision in *Harewood Gravels Company Limited v Christchurch City Council and Yaldhurst Quarries Joint Action Group* [2018] NZHC 3118, 30 November 2018, highlighting various paragraphs. He noted the absence of a detailed development proposal and the resulting uncertainty that that had as to the potential landscape and rural character effects and identified what he considered to be a number of inconsistencies and gaps in the Applicant's case.
90. Overall, he considered that the application should be refused.

Tabled Documents

LPC

91. LPC provided a letter advising that it supported those aspects of the recommendation of the s42A Report to accept LPC's submission on PC66.²² It advised that it supported the proposed amendments to PC66 as detailed in Section 8 of the s42A Report and that such amendments were consistent with advice that LPC had received from its planner and traffic engineer.
92. It advised agreement with the s42A Report [64] and the reason provided in relation to the preclusion of noise sensitive activities. In relation to its preclusion of the operation of activities facilitated by the rezoning until such time as the northward access is provided from Midland Port site and legal road within the site, it advised that it agreed that the ODP would not need to be modified to notate an agreed required vehicle access connection as LPC could advise that a specific location has not yet been identified. It recorded that the transport effects associated with such a connection would appropriately be managed through subsequent consenting and engineering approval. It simply sought a cross-reference to Rule 22.9.8 on the ODP.

²² Letter LPC re Plan Change 66 – Lyttelton Port Company Submission, 22 July 2021

93. The letter also attached a letter in support from LPC to the Applicant dated 21 July 2021. This discussed the background to the Midland Port. It noted that it became operational in June 2016. It identified that the rail connection with the Port improves container freight efficiency and decreases travel time and freight costs and reduces road congestion by removing trucks on the Port route. It advised further that Midland Port is strategically positioned to offer connectivity to all transport modes throughout the South Island and a supply chain that includes Midland Port could be optimised to ensure that containers are moved to and from ports at the lowest cost.
94. The letter identified the key features of Midland Port's location in terms of the main trunk rail line, State Highway 1 and within 1 kilometre of the Southern Motorway Stage 2. It identified direct access via a dedicated rail shuttle, connections with a range of shipping services and shipping lines, rail access to all points west and south of Rolleston, and that Rolleston is at the heart of the region catering for significant amounts of both export and import cargo. The letter included support for the inclusion of the 27 hectares of land for future industrial development. It noted that the containerised cargo is forecast to increase from about 370,000 teu in 2015 to over 1 million teu by 2041. The letter stated that the Midland Port was part of LPC's long-term plan to make sure that it could meet demand and handle bigger vessels and increase volume that is expected over the next 20-30 years.

Ministry of Education

95. The Ministry of Education provided a letter dated 30 July 2021 to be tabled at the hearing. That advised that it would not attend the hearing. Having reviewed the s42A Report dated 15 July 2021 and the evidence submitted on behalf of the Applicant, it noted:
- The Ministry supported the approach in relation to the new Rule 17.2.1.2(iii);
 - The Ministry supported the landscaping treatment proposed and agreed with the reporting officer's recommendations contained in paragraphs [57] – [58] of her report; and
 - The Ministry recognised that water quality is managed by the regional council but notwithstanding this it acknowledged the work undertaken by WSP in relation to site servicing and consideration to water effects.
96. It accepted the recommendations from the reporting officer and concluded, overall, if the recommendations were adopted, its submission points were adequately addressed.

Council Officers' Reply

97. Mr Mazey noted that his evidence had highlighted a few transport matters that needed further consideration and he was satisfied that that had now occurred. He agreed with the direct reference to Rules 17.2.1.2 and 17.6, and concluded that there was agreement between SDC and the Applicant on all transport matters relating to the plan change.

98. Mr England remained confident that the plan change could be serviced. He did note that it will get to a point at some stage where upgrades would be required as a result of growth. He described the water bores and the large-scale infrastructure and its high capacity. He advised that the approach taken on infrastructure was a 'just in time' approach, as SDC did not wish to pay for infrastructure or carry unnecessary debt. He advised that issues in relation to the high hazard area were outside his area of expertise. He discussed the capacity of the Pines Wastewater Treatment Plant is approaching capacity, but it is proposed to increase the capacity to 120,000 person equivalents. In terms of trade waste, he confirmed that it could be dealt with through trade waste consents.
99. Mr Foy advised that he had reviewed the evidence and had revised some of his conclusions in relation to the application. He listed the points of agreement. He agreed with Mr Copeland's summary of relevant economic issues and his assessment of the economic benefits of PC66. He noted that he had identified a lack of evidence in relation to any need for the siding, or industrial land. He considered that those needs had been identified in evidence and noted the conclusion of Mr O'Styke and Mr Staite regarding the existing shortage of freehold industrial land, Ms Seaton's observation that the NPS-UD did not require councils to only provide enough land to meet demand, and the attendant benefits identified by Mr Copeland. He also identified that LPC's letter in support of the application explained how LPC would benefit from an extended rail siding and that the site is the only location that would provide the opportunity to accommodate such. He was satisfied that the proposed non-complying activity rule in relation to commercial or retail activity would minimise the likelihood that the site could contribute to an ongoing agglomeration of retail and other commercial activities. He concluded that there were no outstanding points of the application with which he disagreed provided the non-complying activity status was accepted.
100. Mr Bentley confirmed that he was largely in agreement with Ms Wilkins on landscape and visual matters concerning PC66. He was comfortable with the methodology employed by Ms Wilkins. He discussed plant growth rates and agreed with matters such as the height of the bund, Ms Wilkins' evidence in relation to species, noted the implicit maintenance rule, and that the retention of the existing shelterbelt on the eastern boundary may inhibit progress of the bund and establishment of the planting.
101. Ms White reviewed some of her conclusions identifying the key determination for the plan change, in terms of whether or not the rezoning is the most appropriate way to achieve the purpose of the RMA, is whether or not the significance of the development capacity it provides outweighs the inconsistency with Objective B4.3.3 of the SDP and various provisions within the CRPS and the loss of versatile soils that will result from the rezoning. She noted that her preliminary view was that further evidence was required of the demand for the type of development capacity provided for the site as a reason for its significance. She considered that sufficient evidence had been provided of the demand for this type of development capacity and she considered it appropriate for the plan change to be approved. She noted that a

number of the recommendations had been accepted or alternative ways of achieving her concerns had been agreed.

102. In terms of Policy 8 of the NPS-UD, she addressed that from a planning perspective and its relationship with the CRPS.
103. She was satisfied that the approach to the Maddisons Road boundary was appropriate and that the matters of discretion in relation to the proposed accessway were sufficient to address issues. She was comfortable with the setback of sensitive activities proposed. In terms of Ms Penny's evidence it was again her opinion that versatile soils were an important matter to weigh up but did not preclude acceptance of the plan change.

Applicant's Closing Submissions

104. Comprehensive Closing Submissions were provided addressing the potential inconsistency between the CRPS and the NPS-UD, potential scope issues I had raised in relation to the potential access along Maddisons Road, versatile soils, matters in relation to the ODP, provided further information in relation to Midland Port, addressed matters raised by Mr Thomas and provided a full updated version of the rules package and ODP together with an explanation as to why changes had been included.
105. In relation to the potential inconsistency between the CRPS and the NPS-UD, the submissions included a timetable and brief description of relevant planning documents, and in response to a question raised by me during the hearing as to whether PC1 gave effect to the NPS-UD, the Closing Submissions addressed that in some detail. Ultimately, the Applicant accepted that PC1 does, to some extent, give effect to the NPS-UD as it is required to under s62(3) of the RMA, but that it was not the end of the requirement to give effect to the NPS-UD in the Canterbury Region identifying that the report to the Minister expressly acknowledged that the proposed change did not purport to, nor was it required to, give full effect to the NPS-UD as it had not been practicable for CRC to fully implement the NPS-UD within the scope of the change being processed through the streamlined planning process and within timeframes available.
106. The submissions addressed the principles of statutory interpretation, particularly how the CRPS was to be interpreted in light of the NPS-UD, particularly given the CRPS contains an 'avoid' policy with respect to development outside Map A, yet the later in time, and higher order, NPS-UD contains Objective 6 and Policy 8.
107. It was submitted that the 'avoid' policy in the CRPS could not apply to development that is otherwise to be enabled by Policy 8 of the NPS-UD and that I was "entitled to grant this consent (*sic*)"²³ despite it being outside of the Greenfield Priority Areas and the 'avoid' objective in the CRPS provided the proposal:

²³ Closing Legal Submissions on behalf of Rolleston Industrial Developments Limited dated 25 August 2021 at paragraph [50]

- (a) Adds significantly to development capacity; and
- (b) Contributes to well-functioning urban environments.

108. The Closing Submissions also identified a potential scope issue which I had raised in relation to access along Maddisons Road explaining that the original application sought amendment of the permitted activity Rule 17.2.1.2 to exclude access on to Maddisons Road as a permitted activity, together with amendments to the restricted activity Rule 17.6.2 and the matters of discretion in 17.6.3.

Summary of Information Received and Evidence Provided

109. I have included a comprehensive and somewhat lengthy summary of the information provided to me, and the evidence led at the hearing. All that information and evidence has informed my Recommendation and while that evidence and information provided is publicly available, this summary may assist the reader.

Statutory Tests

110. The relevant statutory considerations were summarised in Attachment 3 to the application at pages 7-36 and by Ms White in her s42A Report at paragraphs [99] – [104].

111. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.²⁴ This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.²⁵

112. The general requirements are:

- (a) The district plan (change) should accord with and assist the local authority to carry out its functions under s31 and to achieve the purpose of the RMA;²⁶
- (b) When preparing the district plan (change) the territorial authority must give effect to any National Policy Statement, a National Planning Standard, the New Zealand Coastal Policy Statement and the operative Regional Policy Statement;²⁷
- (c) When preparing its district plan (change) the territorial authority shall:
 - (i) Have regard to any proposed Regional Policy Statement;²⁸
 - (ii) Give effect to any operative Regional Policy Statement;²⁹

²⁴ *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

²⁵ *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

²⁶ s74(1)(a) and (b) of the RMA

²⁷ s75(3)(a), (ba) and (c) of the RMA

²⁸ s74(2)(a)(i) of the RMA

²⁹ s75(3)(c) of the RMA

- (d) The district plan (change) must not be inconsistent with an operative Regional Plan for any matter specified in s30(1) or a Water Conservation Order,³⁰ and must have regard to any proposed Regional Plan on any matter of regional significance;³¹
- (e) The territorial authority must also have regard to any relevant management plans and strategies under other Acts, and must take into account any relevant planning document recognised by an iwi authority and lodged with a territorial authority, to the extent that its contents has a bearing on the resource management issues of the district;³²
- (f) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.³³

113. Section 32 requires that:

- (a) The policies are to implement the objectives, and the rules are to implement the policies;
- (b) Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account the benefits and costs of the proposed policies and methods, and the risk of acting or not acting if there is uncertain or insufficient information; and
- (c) If a National Environmental Standard applies, and the proposed rule imposes a greater prohibition or restriction than that, then whether the greater prohibition or restriction is justified in the circumstances.

114. Overall, the test is one of appropriateness, and the requirement is to achieve the objectives of the district plan.

Assessment of Actual or Potential Effects on the Environment

115. I consider that the key effects associated with PC66, and raised in submissions, have been identified correctly by Ms White in paragraph [31] of her s42A Report. I will use those headings.

Traffic Effects

116. A number of submitters raised concerns over increases in traffic volumes as a consequence of PC66 and the effects flowing from that primarily in relation to the functioning of the transport network and/or on amenity values of the surrounding sites.

³⁰ s75(4) of the RMA

³¹ s74(2)(a)(ii) of the RMA

³² S74(2)(b)(i) and s74(2A) of the RMA

³³ s76(3) of the RMA

117. Waka Kotahi (Submitter PC66-0005) was neutral in its submission but noted that it was proposing a series of upgrades in the vicinity of the Hoskins Road/State Highway 1 intersection which would include the closure of the intersection. The submission was subsequently withdrawn.
118. In essence Waka Kotahi, and CRC, sought deferral of development until such time as the State Highway 1 upgrades were completed.
119. LPC (Submitter PC66-0008) raised concerns that the proposal would result in increased vehicle movements on the network which may detrimentally affect network safety, efficiency and effectiveness, expressing particular concerns in relation to the impact on its main access via Jones Road.
120. To address these concerns, Rule 22.9.8 is proposed. It provides, relevantly:

22.9.8 Within the Appendix E43A Rolleston Business 2A Zone Maddisons Road ODP area, no building shall be occupied until such time as:

- a. the over bridge of State Highway 1 between Rolleston Drive and Jones Road is operational; and*
- b. vehicular access is provided between the Midland Port site (Lot 2 DP 475847) and a legal road within the Appendix E43A Rolleston Business 2A Zone Maddisons Road ODP area. Such access shall be secured via a right of way easement in favour of Lot 2 DP 475847 and/or a direct connection from Lot 2 DP 475847 to a legal road vested in Council.*

121. On the basis of the evidence, I am satisfied that Rule 22.9.8 meets the traffic related concerns raised by CRC. Again I note the submission was withdrawn by Waka Kotahi but of course the issue raised is still relevant.
122. In terms of the issues raised by LPC, as noted above, I was provided with a copy of a letter dated 22 July 2021 from Ms Kelleher, the Head of Environment and Sustainability with LPC, which recorded that the transport effects associated with a proposed northward access from the Midland Port site would appropriately be managed through the subsequent consenting and engineering approval and that it was not considered necessary that a specific location for connection to Lot 2 DP 475847 be required, and a cross-reference to proposed Rule 22.9.8 on the ODP was sufficient.
123. I agree that the issues raised by the submitters in relation to effects on intersections and in particular prior to the State Highway 1 upgrades, have been addressed. The concerns of LPC have also been appropriately resolved.
124. In terms of the Ministry of Education's submission, it was supportive of the site's road access as proposed in the ODP and proposed amendments to Rules 17.2 and 17.3 in order to avoid increased traffic passed the Weedons School which was accessed via Weedons Ross Road. For completeness, it sought added reference to Rule 17.2.1.2(iii).

125. Ms Greenfield identified a concern that the expansion of the industrial zone would cause an increase in commercial and private vehicles on local roads which are rural in nature. She identified as examples Newtons Road and Maddisons Road which she submitted were not designed for large volumes of trucks and private commuter vehicles. She considered that even without direct road access onto Maddisons Road, there would be a significant number of additional vehicles which would find their way on to it as it is a very convenient link to the West Coast Road and Christchurch Airport campus. If allowed, she considered SDC needed to do the 'decent thing' and introduce well considered traffic management on the adjacent local roads.
126. While not a matter raised in her submission, Ms Penny commented in her evidence that heavy vehicle traffic on rural roads is affecting the enjoyment and amenity value of the area and that Weedons and Templeton should not be disregarded. The roads were not designed for that size, weight and volume of vehicle and is impacting on the enjoyment of users and residents of the area.³⁴ Ms Penny also identified transportation issues in terms of weighting to be given in the overall assessment, rather than as an effect of itself.
127. Mr Thomas raised a concern in relation to the traffic assessment being premised on there being no access to the site via Maddisons Road whereas PC66 itself allowed for such access by a resource consent application. His concerns related to loss of amenity to rural residents and additional cost to ratepayers. At the hearing, Mr Thomas identified that his major concern regarding the establishment of a road crossing to Maddisons Road had not been resolved. He was concerned that the Applicant making access a restricted discretionary activity rendered it subject to challenge in "no more than a couple of years" and again submitted that PC66 should only be granted if the ODP is amended to provide the correct notation that there will be no roading or other vehicular access to Maddisons Road.
128. He raised a concern that future use of Maddisons Road was not known meaning the assessment by the Applicant was "hardly definitive".³⁵
129. He raised the economic effects on ratepayers in particular of the potential impacts on roading and servicing infrastructure and again was critical that the Applicant had not even attempted to define or quantify those and considered that the traffic evidence for the Applicant led him to a view that there needed to be inclusion of his suggested 20 year restriction or making a road crossing a prohibited activity.
130. During discussions Mr Thomas described the road getting busier in the 13 years he has been living on Maddisons Road with a shift west from Christchurch and the development of the industrial land. He advised that traffic generated from the industrial areas uses Maddisons Road "quite a lot".

³⁴ Statement of Davina Penny 6 August 2021 at page 2

³⁵ Further to Submission by Simon Thomas PC66-0002 dated 6 August 2021 at paragraph [4] on page 5

131. In terms of the submissions of Mr Thomas and Ms Greenfield, Mr Fuller considered the restricted discretionary assessment matters would satisfactorily capture the key matters regarding the potential adverse effects that could occur should an access be provided to Maddisons Road. He considered the assessment matters were such that an access to Maddisons Road is not a given, as it would need to be proved that the effects on the network and passing the Weedons Primary School are acceptable.³⁶
132. In relation to Ms Greenfield's submission, he stated that the site will take access from within the IPort Industrial Park and the quickest route to West Coast Road was via Hoskins Road and West Melton Road. He acknowledged that the shortest route to the Christchurch Airport could be via Maddisons Road, but as that was a specific location it is unlikely to be an origin/destination for a high percentage of plan change generated traffic. He also stated that the narrow carriageway width of Maddisons Road and high number of cross-road intersections suggests that it would not be an attractive route, particularly for heavy vehicles. Overall, he did not consider that there would be a noticeable change in traffic on Maddisons Road as a result of the plan change.³⁷
133. Mr Mazey advised that the matters that he had identified as requiring further consideration had been addressed and he agreed with Mr Fuller's proposal. He agreed in particular to the direct reference to Rule 17.2.1.2 and Rule 17.6 on the amended ODP and he considered this to be an improvement on what had been initially proposed and suggested by him.
134. During discussions, Mr Mazey advised that on the rural roading network, the issue of amenity effects was not "really" addressed and that the focus was on safety and efficiency and effectiveness.
135. Ms Seaton agreed with Mr Fuller that a notation to the effect of "no vehicle access" on the ODP would be problematic due to the non-complying activity status afforded to any activity that does not comply with the ODP (Rule 24.1.3.11).
136. Ms White agreed with Ms Seaton's comments and did not consider there to be any outstanding traffic matters relating to the request. The reference to the rules was an existing mechanism in the plan and aligned with what had happened on Hoskins Road. She had a preference to keep, as much as possible, in accordance with the plan provisions. She noted that Mr Mazey was satisfied that such roads functioned to provide access and the issue was whether any access could be provided efficiently and safely. She considered that the matters of discretion were appropriate. In response to a question from me, she advised that there were no notification provisions which either precluded or directed notification.

³⁶ Statement of Evidence of Nicholas Peter Fuller, 23 July 2021 at paragraph [41]

³⁷ At paragraph [43]

My assessment on this issue

137. In terms of the changes proposed by the Applicant in relation to Maddisons Road, I consider they are within scope. The proposed reliance on restricted discretionary activity rules were clearly identified in the application.
138. In terms of the merits, I have thought carefully about the matters of discretion and whether they are sufficient to address all the relevant matters. From a traffic engineering perspective, and the avoidance of an inappropriate burden on ratepayers, I am satisfied that the rules which are presently incorporated into the plan, with the minor amendments proposed, will provide the appropriate mechanism for any such issues to be addressed.
139. In terms of the wider effects on the roading network, including Maddisons Road, there was no disagreement between the traffic experts. The proposed Rule 22.9.8 which provides that no building shall be occupied until such time as the overbridge of State Highway 1 between Rolleston Drive and Johns Road is operational; and that vehicular access is provided between the Midland Port site and a legal road, address, satisfactorily, the concerns raised by CRC and LPC and I note that Waka Kotahi has withdrawn its submission.
140. I acknowledge the concerns of the relevant submitters in relation to increased volumes of traffic, and particularly heavy traffic, and the particular concerns in relation to cumulative effects. I acknowledge that the increase in heavy traffic does impact on local residents and other road users but, on balance, I am of the view that the increase in heavy traffic is not of such moment as to render the plan change inappropriate. The site is very well connected to the roading network, including the State Highway. There is also significant potential for use of the rail network, particularly in relation to movements to the Port.

Amenity Effects

141. A number of submitters raised matters relating to effects on amenity values. These are summarised in the s42A Report at paragraphs [48] – [55]. I consider those paragraphs contain an accurate summary of the matters raised and I adopt that summary for the purposes of this Recommendation.

Noise

142. I did not receive any expert evidence in relation to potential noise concerns, in particular those raised by LJ & CM Manion (Submitter PC66-0004) who submitted that the noise levels applying to the Business 2A zone were too high for the adjoining Rural Inner Plains zoned houses on 4 hectare blocks and who also sought conditions relating to the Hyster container handlers.
143. In her further information request of 4 November 2020, Ms White identified, amongst other things, that the application proposed that future development would be subject to existing Business 2A noise standards. It noted that the change in zoning proposed would enable a

range of activities to take place on the site, many of which can generate high levels of noise and may not be able to meet those standards. This was to enable a proper understanding and assessment of effects on rural residents arising from the rezoning. It sought an assessment from an acoustic expert outlining the likely range of noise levels for activities enabled by the rezoning, and whether these are able, or likely, to comply with the noise limits.³⁸

144. In response, a Design Advice Memo from Mr Mark Lewthwaite at Powell Fenwick was provided. This addressed the criteria in the SDP noting that any future development of the site would be subject to those rules. In relation to the Business 2A zone noise standards, noise limits are contained in Table C9.3 and Rule 22.4.1.5 which relate to noise limits assessed in Living zones and Rural zones respectively. He stated that the noise limits applying under the Business 2A zone were “not unreasonable for a future business activity”. The report also noted that they were sufficiently permissive to allow for a range of business activities and while the business activities facilitated by the rezoning could be noisy, acoustic input at the planning stage would allow for any necessary mitigation measures to be implemented.
145. Ms White considered that the application of the default Business 2A noise limit may necessitate noise suppression of the motors of the Hyster container handlers if necessary to ensure permitted limits would be achieved. She considered that approach to be appropriate and consistent with how noise is managed under the SDP, whereas a blanket requirement for a particular type of mitigation as sought by the submitters LJ & CM Manion would be inconsistent with the current SDP approach and could be inefficient if mitigation is not required to achieve the noise limits.³⁹

My Assessment

146. I acknowledge there are some difficulties in determining noise effects at this stage. I consider that the approach adopted of applying the Business 2A zone noise limits is appropriate. Particular activities can be addressed at consent stage and there is nothing to suggest that a tailored approach is required at this point.

Dust/Odour

147. Submitters LJ & CM Manion were also concerned regarding the potential for activities to be established within the site which could cause dust or odour issues and sought specifically that no fertiliser plants, compost sites or similar, which could cause dust and odour with no option to mitigate, be banned.
148. Ms White identified that pursuant to Rule 13.1.4 various activities (which she footnoted) require consent within the Business 2A zone as a controlled activity with matters of control specifically relating to potential nuisance effects arising from dust, odour, smoke and noise. She also noted that any activities requiring an offensive trade licence, composting or disposal onto land

³⁸ Letter Selwyn District Council to Applicant dated 4 November 2020 at paragraph [5]

³⁹ s42A Report at paragraph [62]

of any organic matter, and scrapyards, expressly required consent as a discretionary activity. Ms White also noted that dust and odour are matters which are specifically managed under the CARP, which the activities within the site would also be subject to. She considered that the current Business 2A provisions in combination with the CARP were sufficient to address potential dust and odour activities arising from activities that may seek to establish.⁴⁰

149. I agree with that assessment. The adoption of the Business 2A zone rule enables an assessment of the potential nuisance effects at consenting stage.

Landscape and Visual Effects

150. As identified in the landscape and visual effects assessment which was submitted as part of the Request, there is limited certainty over the specific development that will occur as a consequence of the zoning change.
151. The assessment (which was provided as Appendix C to the application) addressed the methodology, noting that the area for the plan change use is dependent on a range of factors such as demand and operational requirements and therefore there was a degree of ambiguity in the actual appearance of the site over time. The assessment was therefore based on visibility and context. The report noted that the assessment was undertaken on the basis of the building parameters outlined in Chapter 16 of the Township volume and was based on a 'worst case' scenario being a full build-out of the site which would be facilitated/enabled under the proposed rezoning.⁴¹
152. In her evidence, Ms Wilkins confirmed that she had based her assessment upon the following:
- (a) A 'worst-case' scenario at the plan change site of built heights and without full screening achieved by planting over time;
 - (b) Buildings up to 15 metres in height and structures up to 25 metres in height;
 - (c) Building setbacks from road boundaries and rural zoned adjacent land by 10 metres;
 - (d) Landscape buffers in the form of proposed planted bunding as shown in the ODP.⁴²
153. Ms Wilkins provided a description of the receiving environment at paragraphs [15] – [20] of her evidence. I agree that that is an accurate description and coincides with what I viewed on my site visit.
154. She considered the area to be dynamic, expanding and evolving which meant the landscape was somewhat susceptible and adaptable to change. It was her opinion that the industrial and large-scale developments that are both emerging and existing, particularly the IPort and LPC

⁴⁰ s42A Report at paragraph [63]

⁴¹ Appendix C: Landscape and Visual Impact Assessment dated 9 September 2020

⁴² Statement of Evidence of Anne Eleanor Wilkins dated 23 July 2021 at paragraph [9]

areas, acted to mitigate any changes made at the plan change site. She considered this would be read as an extension to the Business 2A zone, and would be appropriately 'enveloped' (Ms Wilkins' emphasis) within the existing development. She therefore concluded that it could be suitably absorbed into the landscape character over the long term.

155. Ms Wilkins noted that there were approximately 18-20 dwellings within 1 kilometre of the subject site. Her Figure 1 identified those properties. She noted that there were approximately 14 dwellings which were located off the intersection of Weedons Ross Road which would be in proximity to the site. From her site observation and reviews, she considered that very few of the rural residential dwellings would have direct views into the site and noted that many of those properties had established landscaping, trees and fencing preventing any wide sweeping views.⁴³ She identified that there was one relatively newly established dwelling directly across the road from the plan change site, approximately 160 metres from the northern boundary.
156. She considered that the worst case scenario of a full build-out of the site would change the current view from those parties in proximity down Maddisons Road and the change would result in new forms as well as open out more of the surrounding areas of Business 2A zoning to the south. She considered the visual impact on rural residential properties down Maddisons Road would be moderate to high, but with landscaping mitigation the impact could be reduced over time with the establishment of planting. For the other rural residential areas at a wider scale, she considered the impact as less given the distance, or existing screening, resulting in a low to moderate impact.⁴⁴
157. In terms of the residential dwellings in Rolleston and wider areas, Ms Wilkins assessed visual effects as low-moderate for those in Rolleston particularly given the foreground was already highly developed, and given the distance, and that therefore any change would largely be absorbed.⁴⁵
158. In relation to local roads, Ms Wilkins concluded that experienced at speed and temporarily, the plan change site would be absorbed into the character of the industrial area adjacent and effects on road users would be moderate but only for a limited time (i.e. transient).⁴⁶
159. In relation to the recreational areas and particularly the Weedons Reserve, she considered that limited visual impacts would be anticipated given existing vegetation, that views are limited and temporary only, and used by a limited scope of groups. She concluded the anticipated effects on those areas would be low.⁴⁷
160. My site visit to the Weedons Ross Reserve and surrounding areas, supported that description.

⁴³ Statement of Evidence of Anne Eleanor Wilkins dated 23 July 2021 at paragraph [32]

⁴⁴ Statement of Evidence of Anne Eleanor Wilkins dated 23 July 2021 at paragraph [35]

⁴⁵ Statement of Evidence of Anne Eleanor Wilkins dated 23 July 2021 at paragraph [38]

⁴⁶ Statement of Evidence of Anne Eleanor Wilkins dated 23 July 2021 at paragraph [42]

⁴⁷ Statement of Evidence of Anne Eleanor Wilkins dated 23 July 2021 at paragraph [45]

161. Ms Wilkins addressed design and mitigation and made several recommendations, before providing a direct response to the submitters and the officers report.
162. I spent some time during the hearing discussing with Ms Wilkins these issues and clarifying matters of uncertainty. Those discussions were useful.
163. Mr Bentley attended the hearing and provided clarification of comments made in his peer review. He was comfortable with the methodology employed by Ms Wilkins. He confirmed that he agreed with the proposed bunds and their associated landscape treatment. He considered those would greatly assist to mitigate visual effects in the short term and effectively in the long term as the vegetation matured.
164. In relation to the providing of detailed species, he noted that a list of species was provided in Ms Wilkins' evidence which was consistent with those listed in Rule 24.1.3.13 and they contribute primarily to screening rather than an amenity effect. He considered with further design, additional species could be included to ensure a level of amenity consistent to Maddisons Road.
165. He addressed management of planting. He considered that while that was a level of detail not required at this stage of the process, there was an implicit maintenance rule around the replacing of dead and dying or damaged species. He advised that it was likely that some form of irrigation would be required.
166. In terms of the retention of the shelterbelt along the eastern boundary of the site as sought by Mr Thomas, Mr Bentley agreed with Ms Wilkins that its retention may inhibit progress of the bund and establishment of planting. He recommended that the landscape treatments occur as a matter of priority and, as far as possible, constructed in advance of the remainder of the site.
167. Overall, he considered that the requirements specified were sufficient to mitigate the identified adverse landscape and visual effects and sufficiently deal with the rural-urban interface.
168. I took the opportunity to discuss landscape matters with Mr Thomas. He was concerned that while there had been a concession by the Applicant in relation to the implementation of the 2.5 metre bund on the northern and eastern boundaries, that did not include the change from Landscape Treatment 1 to Landscape Treatment 4 on the northern boundary which he had sought. He considered the development would still be visible once Landscape Treatment 1 had matured.
169. I discussed with Mr Thomas the existing landscape and whether the existence of the Midland Port affected him. He advised that at times they could see the lights of the Midland Port at night and could occasionally hear backing signals but it was not really seen. His concerns were this plan change would bring the activity closer.

Analysis

170. I attended Mr Thomas' dwelling on my site visit, and this was helpful. Undoubtedly there will be a change from a landscape perspective, but I consider, in light of the expert evidence and particularly the mitigation measures now proposed by the Applicant, the effects of the change are appropriately addressed.
171. LJ and CM Manion (Submitter PC66-0004) who own a property bordering LPC, raised several issues. First, they had concerns about the impacts of allowing containers up to six containers high. They considered that to be visually unappealing, resulting in blocking of views and shade on their property in the afternoon.
172. They also submitted that the landscaping in Area 4 would take too long to establish and that as a result, sought a 3 metre high landscaped earthbund between their property and the site.
173. Ms Wilkins expressly addressed their concerns in her evidence.⁴⁸ She noted that the Boffa Miskell Report went into detail of shipping container heights, assessing them as buildings and therefore subject to the same rules, being that of a 15 metre height limit. She agreed that this would generally entail five stacked containers.
174. In terms of the effectiveness of landscape, she agreed that it would take time to grow and be effective in screening. She noted however that the Landscape Treatment Area 1 and 4 is required to be at least 1 and 2 metres at the time of planting so that some additional screening were present. She also noted that the planted height would additionally be added to the height of earthbunding which, as noted on the ODP, includes a 2.5 metre high (minimum height) landscape bund along the north, south and east rural zone boundaries.
175. She concluded that with these requirements, the landscaping would be sufficiently effective, and increasingly so over time. She noted pursuant to Rule 24.1.3.13 there was a requirement for landscape planting to be established and located in accordance with the landscape provisions prior to the construction of any new principal buildings associated with the plan change.
176. I accept Ms Wilkins' evidence on these matters. I also note that Mr Bentley considered the container height issue noting that it was likely that five containers could be stacked as a permitted activity but that if six containers would exceed the 15 metre height limit, then a resource consent would be required. He considered that if there was to be any exceedance, that, and the transient nature of containers, could be considered.
177. Ms White considered that there was not sufficient reason to apply a lower height limit to the site for containers than that applying at other Business 2A zoned land, being 15 metres for

⁴⁸ Statement of Evidence of Anne Eleanor Wilkins dated 24 July 2021 at paragraph [54]

buildings and 25 metres for structures. She also noted a 10 metre setback is required from boundaries adjoining rural zoned land pursuant to Rule 16.7.2.7.⁴⁹

178. Overall, I consider the concerns expressed by LJ and CM Manion have been appropriately addressed. The changes made to the ODP in relation to bunding in particular, increase the mitigation of amenity effects on surrounding rural/rural residential sites.
179. Ms Wilkins also addressed the further submission by V Croft. She acknowledged the risk of fringe effects and of industrial creep, but considered that the site was suitably encapsulated, being bordered on two sides by an existing industrial zone so that any adverse effect is minimised. I agree.
180. In relation to the wider effects on the amenity values of the area raised by Ms Greenfield and others, they have been appropriately addressed.
181. I have no doubt that there will be a noticeable change to the environment from moving of the industrial zoning closer to the rural residential properties in Maddisons Road in particular. In relation to the bulk of those properties, given the location of the dwellings and distance, those effects are likely to be moderate to high initially but will be reduced over time. I agree with Ms Wilkins that overall, the impact is likely to be low to moderate.⁵⁰ I note Mr Bentley agreed that the adverse visual effects for houses assessed off Maddisons Road would likely be in the moderate to high category but when considered in conjunction with landscape treatment, they would reduce over time as the planting matures.
182. I have carefully addressed the level of change with both of the experts and I am satisfied that in the wider environment the effects are likely to be acceptable. The Applicant has proffered additional landscape treatment. I accept that this site, given that it is adjacent to the IPort land, and the LPC site, does, to a degree, nestle within the existing industrial zoning.

Reverse Sensitivity

183. Reverse sensitivity was addressed by Ms White in her assessment of amenity effects. She acknowledged that clearly reverse sensitivity effects arise from effects on amenity. The Applicant has proffered, and LPC has accepted, a non-complying activity rule for development of any noise sensitive activity located within 80m of the Midland Port site.
184. Ms White assessed the appropriateness of that rule notwithstanding that it was agreed. She noted that the concern raised by LPC already arises in terms of other Business 2A zonings located in proximity to its operations. She considered that restricting noise sensitive activities near the interface with the Midland Port was generally consistent with the approach taken in the PDP and was supported by a direction in the CRPS.

⁴⁹ s42A Report at paragraph [60]

⁵⁰ Statement of Evidence of Anne Eleanor Wilkins dated 24 July 2021 at paragraph [35]

185. This was also raised by Ms Penny in terms of a sterilisation of land use. Given the nature of the industrial land use, the landscape treatment, bunding and similar, I do not consider that a sterilisation effect is likely to occur.
186. Overall, I am satisfied that reverse sensitivity issues have been appropriately addressed.

Impact on Highly Productive/Versatile Soils

187. Three submitters, D Penny (Submitter PC66-0003), C Greenfield (Submitter PC66-0010) and CRC (Submitter PC66-0007), and S Carrick, a further submitter (PC66-0014), all raised the issue of the loss of highly productive soils. Ms Penny appeared. CRC appeared but did not address this issue, rather focussing on flooding.
188. For the Applicant, Mr Mthamo provided expert evidence. Mr Mthamo has been involved with PC66 since May of 2021 when he was engaged by the Applicant to carry out a desktop study of the effects of the proposal on the potential loss of productive land resulting from a change of land use from Rural to Business.
189. Mr Mthamo holds a Bachelor of Agricultural Engineering (Honours) with a major in Soil Science and Water Resources (University of Zimbabwe), a Master of Engineering Science in Water Resources (University of Melbourne) together with other qualifications. He is a member of Engineering New Zealand and a Chartered Professional Engineer and an International Professional Engineer. He is a past Technical Committee Member of Water New Zealand and New Zealand Land Treatment Collective.
190. Mr Mthamo described the existing soils of the site. He stated that highly productive land or versatile soils are regarded as the best possible land or soils for agricultural production because of their properties. He noted that various documents and statutory planning tools in New Zealand provide definitions of versatile soils and he therefore considered it necessary to provide a common understanding of what versatile soils are. Mr Mthamo discussed the New Zealand Land Resource Inventory and the classification system. He addressed the CRPS and the description that:

Soil versatility is an expression used to describe the land use capability of soils. A highly versatile soil has few limitations for use, that is it will be suitable for primary production with few inputs such as additional water or nutrients. Less versatile soil will need more inputs to achieve similar production or will simply be unsuitable for agriculture or forestry.

191. He also referred to Policy 5.3.12 of the CRPS before summarising the CRC's definitions as defining versatile soils as those that are in LUC Classes 1 and 2, with the total area in LUC Classes 1 and 2 in Canterbury being 293,700 hectares.
192. He noted the objectives and policies of the SDP and also addressed the pNPS-HPL which he noted was still in a consultative stage.

193. In his Summary of Evidence, Mr Mthamo considered that the proposed plan change would not necessarily have adverse significant effects on the District or region's versatile soil resource nor would it create a shortage of land or soil resource for other activities in the future for several reasons including:
- (a) The land is currently used for pasture production and is not intensively farmed. There were limitations under the CLWRP and in particular the Selwyn Te Waihora Sub-regional Plan leading to a view that intensive farming may not be possible due to restrictions on nutrient losses;
 - (b) Advances in technology and farming techniques have been such that the removal of 27.28 hectares is unlikely to result in any significant loss of production as it can be made up elsewhere in the District;
 - (c) The developable area in the context of the LUC 1 and LUC 2 soils in the District and the region is very small (0.05% and 0.009% respectively) and the actual developed area is less. He considered the reduction in agricultural productivity would be insignificant and the productivity from the area could be made up elsewhere within the irrigated land;
 - (d) He also identified potential for reverse sensitivity issues constraining the future use of the land for rural activities and also identified some limitation with the soils. He considered that removal of this land may lead to increased reliability on irrigation for the remainder of the 117 hectares if consented, and, depending on crop yields, it is possible that the increase in productivity may compensate for the removal of the 27.28 hectares.
194. Mr Mthamo then addressed the submissions of Ms Penny in some detail.
195. Given the importance of this topic, I spent some time discussing with Mr Mthamo aspects of his evidence, including assumptions and other matters relied on.
196. Ms Penny provided and presented a comprehensive statement addressing the properties of the soil and land. She stated that it is LUC 2 land that is highly valued for its productive potential and that the rezoning of this land would take it out of future productive use. She considered further that land around the site would be rendered unusable due to reverse sensitivity effects so not only would the 28 hectares be taken out of use, the surrounding LUC 2 or 3 land would also be rendered sterile. This, in her submission, gave rise to a 'creep effect' which should not be allowed to even start.
197. She addressed what she described as the 'forthcoming National Policy Statement' (being the pNPS-HPL) and submitted that while the timing of the release of the pNPS-HPL was not clear, regard should be given to it. She considered it would be "unethical" to grandfather in consents so close to the release of the key requirement. She was critical that the Applicant did not identify the LUC properties of the land in its initial application and submitted that there was ample evidence to indicate that there was no valid reason to grant the consent and allow this land to be rezoned. She submitted it was contrary to policy, plans and the forthcoming NPS.

198. She noted the significance of primary production in Canterbury's rural areas and its contribution to the economic and social wellbeing of Canterbury's people and communities. She stressed the importance of managing resources and activities in rural areas so that the foreseeable potential of the rural primary base of Canterbury is maintained. She identified 5.3.12 of the CRPS being to maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production by:

1. *Avoiding development, and/or fragmentation which:*
 - a. *forecloses the ability to make appropriate use of that land for primary production; and/or*
 - b. *results in reverse sensitivity effects that limit or precludes primary production.*

199. Ms Penny spent some time on Chapter 12 of the CRPS referring me to 15.1 issues – soil degradation, Objective 15.2.1 – maintenance of soil quality, and Policy 15.3.1 – avoid, remedy or mitigate soil degradation in relation to soil, and requested that I consider Chapter 15 as a whole.

200. Ms Penny also identified Policy B1.1.8 in particular, which provides:

Avoid rezoning land which contains versatile soils for new residential or business development if:

- *The land is appropriate for other activities; and*
- *There are other areas adjoining the township which are appropriate for new residential or business development which do not contain versatile soils.*

201. Ms Penny submitted that both aspects were applicable as the land was appropriate for other activities and there are other areas adjoining that do not contain versatile soils. She provided an image which illustrated the proximity of the site to non-LUC classified land being approximately 2.5 kilometres away.

202. Ms Penny addressed the s42A comments recording her understanding that the pNPS-HPL is currently proposed, but in any event there are adequate provisions in the CRPS to which the SDP should be giving regard together with provisions in the SDP. She noted that SDC already had 170 hectares of LUC 2 and 3 land consented for land use in 2020 and it was unacceptable to keep granting consents in clear contravention of current and proposed requirements to act responsibly and ensure such land is safeguarded for long term and future use.

203. Ms Penny addressed Mr Mthamo's evidence in some detail. She submitted that the requirements to reduce nitrate discharge would apply across various sectors and it was not appropriate to assume that this would result in reduced productivity and requested this be regarded with caution.

204. She commented on Mr Mthamo's evidence as to the quantity of LUC 1 and 2 in the Selwyn area. She submitted that each small amount adds up. She commented on Mr Mthamo's reference to case law. She focused her comments in relation to the case on comments made regarding cumulative loss of productive land resources.
205. By way of conclusion, she submitted it would be wrong for this land to be rezoned and that the reasons to decline outweigh the reasons to grant. She noted that the fact that it is 'only' 28 hectares is irrelevant as it does not take many such consents to add up and reduce the available land for production. She considered the 'death by a 1000 cuts' was appropriate in these circumstances.
206. Both Ms Seaton and Ms White addressed the versatile soil issues. Ms Seaton acknowledged the presence of versatile soils but relying on Mr Mthamo, the loss was not considered significant. She did not consider the adverse effects of the versatile soil lost should prevail over the potential benefits of the proposal. Ms Seaton considered Policy B1.1.8 of the SDP. She considered the proposal had some tension with that policy but was not contrary to it. Ms White had a similar opinion and overall considered the loss of versatile soils to be a relevant matter for consideration but one which should form part of the overall evaluation.

My Analysis

207. I discussed Policy B1.1.8 and its avoidance nature with both Ms Seaton and Ms White. Ms Seaton accepted that on its text, it appeared to be a directive and avoidance based policy, but the explanation identified that factors other than its physical qualities were relevant including distance to markets, climate, water resources and activities on surrounding sites.
208. The explanation notes that if a site is useful for production purposes, the second limb of Policy B1.1.8 applies, and that is to avoid rezoning that site if there are alternative sites adjoining the township which are suitable for erecting new buildings and do not contain versatile soils. The explanation also records that the RMA does not recognise adverse effects of activities on soils as having primacy over adverse effects on other parts of the environment.
209. There is no dispute that the soils at the site are classed as highly productive. As Mr Mthamo stated in his summary, the soils are classed as highly productive regardless of whether the definition from the CRPS or the pNPS-HPL are applied. Their importance is recognised in both the CRPS and the SDP.
210. In my view, the identification of the soil as LUC 2 provides a starting point for my consideration of effects. The soils have inherent properties which must be considered carefully.
211. I agree with Ms Penny that care needs to be taken to avoid 'death by a 1000 cuts' and that cumulative effects are relevant.
212. Mr Carrick, in his further submission, also identified cumulative loss and referenced the Our Land 2021 report. Ms Greenfield's submission touched on that issue.

213. Nevertheless, neither the RMA, the CRPS or the SDP place primacy on soils over other natural and physical resources which allow people and their communities to provide for the needs of current and future generations.⁵¹
214. The case law referred to by Mr Mthamo, and particularly the *Canterbury Regional Council v Selwyn District Council* [1997] NZRMA 25 case, is instructive in that Judge Treadwell provided a comprehensive list of factors that need to be considered in determining if land is productive. These were broader than land use capability.
215. Mr Mthamo has carried out such an assessment. He has identified a number of factors relevant to this site which he considers would limit the productive use of the soil. I agree that a number of those are relevant to this site. The land is clearly capable of sustaining productive activity to a degree. Somewhat unusually it is irrigated. I accept Mr Mthamo's evidence there are likely to be limitations in relation to future use, particularly in relation to nitrate discharges. While I do not consider that productive values of soil should be assessed, in essence, on the ability or otherwise of intensification of land use for productive activities, I accept that that may be relevant for the overall assessment.
216. Overall, I agree with Ms White that the loss of the productive soils is a relevant matter to be considered alongside other relevant matters. I do not consider the actual and potential effects on highly productive soils, either by reference just to this particular proposal, or cumulatively, are sufficient to justify rejecting this proposal.

Water Supply

217. FENZ (Submitter PC66-0006) considered that there was an absence of information and lack of clarity in relation to water supply and there was a risk that insufficient water supply for firefighting may be provided into the site.
218. In terms of the issue raised in that submission, Mr England, the Council's Asset Manager – Water Services, provided comments. He noted that the Rolleston scheme was designed as a domestic supply that complies with the NZ Fire Fighting Code of Practice.
219. He further advised that SDC requires all new subdivisions to be designed and constructed in accordance with the SDC's Engineering Code of Practice. Section 7.5.4 addresses fire service requirements including compliance with the Fire Service Code of Practice. He also noted that the SDC's Engineering Code of Practice, Section 7.5.4, places the obligation on site owners for providing fire services which are designed to meet the requirements of the New Zealand Building Code. By way of summary, he stated that reticulated water supply for this proposed plan change would need to be designed to meet firefighting standards. Where the future development of the individual sites requires specific requirements, these would need to be provided by the applicant as on-site solutions.⁵²

⁵¹ SDC Baseline Assessment Versatile Soils (DW015)

⁵² Officer Comments of Murray England at paragraph [19]

220. Mr McLeod for the Applicant referenced Mr England's report. He advised that the design of the earlier stages of the IPort Business Park included making provision for extending water mains into the proposed PC66 area and design checks were carried out at that time by staff working under his direction to confirm the water mains installed on the earlier stages had sufficient capacity to supply the proposed PC66 area to meet firefighting standards for FW4 classification. He agreed with Mr England that SDC existing standards and design processes were sufficient to ensure that adequate water supply for firefighting was achieved.⁵³
221. Ms White noted that the provision of water for firefighting was an existing matter for discretion at the time of subdivision (Rule 24.1.4.3) and referenced Mr England's statement detailing the requirements placed on subdivisions in relation to firefighting capacity under SDC's Engineering Code of Practice.⁵⁴
222. Ms Seaton acknowledged that the Applicant had volunteered a suite of provisions to be inserted into the SDP requiring adequate firefighting water supply. On the basis of Ms White's report, Mr McLeod's evidence, and Mr England's opinions, she accepted that it was unnecessary for the proposed new firefighting water supply rules to be included.
223. Overall I am satisfied that the concerns raised by FENZ can be addressed without the need for specific provisions.

Potential Contamination

224. The Ministry of Education (Submitter PC66-0009) expressed concerns about potential contamination effects of the activities enabled under the Business 2A zoning on the bore which supplies the Weedons School drinking water.
225. Ms White considered that water quality was not a matter managed by SDC or within the functions of territorial authorities under the RMA. She noted that in the response to a request for further information in relation to servicing of the site, a Memorandum by WSP addressed wastewater and concluded that the wastewater network had the capacity to receive wastewater flows predicted from the development of the site and that increased wastewater flows from the rezoning were not predicted to cause any capacity issues in the gravity pipe network during peak wet weather flow. She referred to Mr England's statement confirming that there is a viable means to dispose of wastewater from this plan change site. She concluded that the site was able to be serviced by SDC's wastewater network and would not result in discharges to ground from wastewater.⁵⁵
226. Ms White also identified that in relation to stormwater discharges, any discharges to ground would need to meet the requirements of the CLWRP, either in terms of meeting permitted activity conditions or through a resource consent. Again, Ms White referenced Mr England's

⁵³ Statement of Evidence of Timothy Douglas McLeod at paragraphs [19]-[25]

⁵⁴ s42A Report at paragraph [75]

⁵⁵ s42A Report at paragraphs [76]-[77]

report and his opinion that the proposed discharge of stormwater to ground via sump to soakhole is appropriate and that authorisation of such discharge would be required from CRC in order for a subdivision consent for the site to be granted. He further agreed that there was a viable means of stormwater disposal from the site. In reliance on those matters, and noting that CRC's submission did not raise a concern in relation to stormwater management, she did not consider the Ministry's concerns sufficient to preclude the site's rezoning.⁵⁶

227. On the basis of the evidence referred to above, I am satisfied that, to the degree they are within SDC's jurisdiction, the risk of any contamination is not of such moment as to preclude the site's rezoning. Any proposed discharge of stormwater to ground will require authorisation from CRC in order for a subdivision consent to be granted. Effects can be properly assessed and addressed at that stage.

General Infrastructure Issues

228. While no general concerns were raised by submitters in relation to infrastructure (other than as noted above), I am satisfied, primarily on the basis of Mr England's report, that the site can be appropriately serviced. I comment on this in the following paragraphs addressing Urban Form.

Flooding

229. CRC (Submitter PC66-0007) identified concerns in relation to flooding and particularly raised concerns in relation to what are described as two well-defined overland flow paths carrying reasonable flows during 200 and 500 year ARI events.
230. Its submission recorded that the water depth and the flow speeds in the western channel were such that this area would meet the definition of a high hazard area in Chapter 11 of the CRPS and any development should ideally be avoided. If the rezoning were approved, it sought that the development is undertaken in such a way that the channels are maintained in their current form or realigned so the water could enter and exit the site in the same fashion and with sufficient capacity to avoid overflows into other areas and address potential diversion issues.
231. In the s42A Report, Ms White identified Policy 11.3.1 of the CRPS which directs that new subdivision, use and development of land in high hazard areas is avoided, unless it meets the criteria specified in that policy. She identified the relevant requirements being that the subdivision, use and development:
- Is not likely to result in loss of life or serious injury in the event of a natural hazard occurrence; and
 - Is not likely to suffer significant damage or loss in the event of a natural hazard occurrence; and

⁵⁶ s42A Report at paragraph [78]

- Is not likely to require new or upgraded hazard mitigation works to mitigate or avoid the natural hazard; and
- Is not likely to exacerbate the effects of the natural hazard.

232. At the time of her s42A Report, Ms White was not satisfied that the policy had been given effect to through the proposal, and particularly the proposed rule package only required the new principal buildings located within areas subject to a 200 year ARI flood event to achieve a minimum floor level. She was concerned about a lack of technical evidence to determine if this was sufficient to avoid any likely loss of life or injuries or significant damage or loss. She was also concerned that the minimum floor levels may exacerbate the effects of the natural hazard by displacing flood flows and she did not consider it clear how the proposed bunding may affect the high hazard areas.
233. In light of the strong direction in the CRPS, it was her opinion, at that stage, that it would be appropriate to identify the high hazard area on the ODP and preclude permanent built development within that area or, alternatively, if the high hazard area flow path was to be realigned, then that could be undertaken in a way that met the direction in Policy 11.3.1 of the CRPS, or alternatively add a further standard and term related to matters of discretion in relation to the subdivision rules.
234. As noted in the earlier summary of evidence, Mr McLeod identified LiDAR inaccuracies. Given his preliminary assessment was not conclusive, he still held sufficient doubts around the accuracy of the LiDAR modelling across the site and further upstream to consider it possible that the site is not a high flood hazard area. In any event, he noted that the Applicant was now proposing rules which would allow for the flood hazard risk to be assessed at a proposed development stage. He considered that appropriate given the uncertainty as to whether the site did in fact contain a high flood hazard. It was his opinion that engineering solutions can allow development to occur in high hazard areas, where the effects of the hazard are adequately mitigated. In this case, he considered it appropriate that this be considered on a case by case basis at resource consent stage.
235. Mr Griffiths for CRC provided evidence focusing on the LiDAR inaccuracies and concluded that they were likely to have had an impact on the 500 year ARI modelled results of the PC66 site, but even if they did not exist, the channel through the western part of the site would still meet the CRPS definition of a high hazard area.
236. In discussions, Mr Griffiths noted that with channelised hazard areas, it required more thought as to how it would be addressed while allowing the flows to pass through. Mr Griffiths considered the proposed rules in relation to the high hazard areas may assist in addressing the high hazard issue, but there may still be other issues in relation to the 1:200 year event.

237. At the hearing, Ms White advised that, in her view, the amendments proposed in relation to the high flood hazard area were appropriate to address the matters raised in her report, and the approach proposed would give effect to the CRPS.
238. Overall, I am satisfied that the identification of the area subject to the potential 1:500 hazard, together with the policy proposed B3.1.9, the proposed new rule in relation to earthworks and similar are sufficient to address flood hazard effects.

Contaminated Land

239. As noted in the s42A Report, CRC (Submitter PC66-0007) noted that an aerial imagery for the site showed two agricultural buildings that appeared to have been there for some time and that although the site was not listed in the Listed Land Use Register, confirmation that no sheep or stock dipping has taken place in the area historically is advised with an investigation if required to evidence it.
240. Ms White provided her analysis of this submission in paragraph [87] of her s42A Report and recorded her view that there was no need at this point in time for historic activities to be investigated and, given the limited scale of the land which may be considered contaminated, this did not amount to an impediment to the change in the zone and was a matter which could be appropriately addressed through the NESCS in the future. I agree.

Urban Form

241. CRC identified in its submission that the site is located within the PIB shown on Map A within Chapter 6 of the CRPS but further noted it was not identified as a Greenfield Priority Area for Business. It was therefore inconsistent with Objective 6.2.1 of the CRPS.
242. The submission also recorded that planning decisions must now also give effect to the NPS-UD, including Policy 8.
243. Ms White addressed a number of issues in her analysis at paragraphs [92] – [94]. She noted that the site was located within the PIB as shown on Map A, and that Mr England was satisfied that water and wastewater capacity could be made available for the plan change area while ensuring sufficient supply is available for areas within the RSP boundary.⁵⁷
244. Ms White then addressed Mr Foy's report in relation to economic benefits and whether there was sufficient industrial land zoned and the need for additional industrial land to be zoned at this time.
245. Ms White also addressed the PDP and particularly the Urban Growth Chapter. She identified that new urban areas have an underlying General Rural zoning but are identified within an UGO. She identified that UG-P2 directs that rezoning of land to establish new urban areas

⁵⁷ S42A Report at paragraph [92]

within the UGO is provided for; while UG-P3 directs the avoidance of zoning to establish new urban areas/township extensions outside the UGO. She identified that PC66 was within the UGO. Ms White then set out the relevant policies in the PDP which she considered the proposed rezoning generally aligned with, apart from those relating to high hazard areas, recognising and providing for the finite nature of versatile soil, and extending the township boundary in UG-P15.

246. Ms Seaton expressed her view that the matters raised in relation to this issue by Ms White indicated that the analysis was primarily around whether the proposal is an appropriate extension of the urban area and existing industrial zone. Her reading of Ms White's report was that it sought to address two issues being; is the extension appropriate in the physical location; and is the extension necessary. Ms Seaton noted that those considerations fed into a wider discussion later in the report around the NPS-UD and she would reserve a fuller consideration of that for later in her evidence.
247. Ms Seaton noted that Mr England had confirmed the site could be adequately serviced and that servicing would not occur at the expense of existing urban zoned areas. She noted further that the site sits within the PIB of the CRPS, is contained within the UGO of the PDP, and there was therefore general agreement that the extension of the existing Business 2A zone or some other form of business zoning was anticipated at some point in the foreseeable future.
248. Ms Seaton considered these matters reinforced her own view that the location of the extension is appropriate, being adjacent and bordered on two sides by existing Business 2A zoning, adjacent an existing rail siding with potential to be extended, and in close proximity to State Highway 1 with attendant transport efficiencies.⁵⁸
249. Ms Seaton addressed issues of demand and whether they were relevant before recording her view that the proposal does provide for an appropriate extension of the existing urban form.⁵⁹
250. I address issues in relation to the NPS-UD subsequent in my Recommendation, but in reference to the urban form, I accept the proposal is not entirely unanticipated, that it aligns with future urban form outcomes anticipated for Rolleston and its location adjacent to the existing Business 2A zoning leads to an appropriate urban form.

Economic Effects

251. In terms of economic effects, there were initially some differences between Mr Copeland and Mr Foy. Ultimately those areas of disagreement were resolved to the degree that there were no matters in dispute. Mr Foy's Summary Statement presented at the hearing (by AVL) explicitly recorded agreement with Mr Copeland's assessment of the economic benefits of PC66 and in particular:

⁵⁸ Statement of Evidence of Kim Marie Seaton at paragraph [52]

⁵⁹ Statement of Evidence of Kim Marie Seaton at paragraph [56]

- (a) The site is an appropriate site on which to accommodate industrial activity;
- (b) Economic benefits will arise from businesses choosing to establish on the site, arising from the economic efficiency of co-locating with other industrial businesses;
- (c) If activities on the site are new to Selwyn, there will be additional employment, incomes and expenditure generated for the local district economy, both directly and through induced effects. The magnitude of those effects will be relatively small in a district-wide context;
- (d) The loss of agricultural activity on the site will be very small;
- (e) The proposed rezoning will increase local employment opportunities for Selwyn residents, thereby reducing their commuting costs;
- (f) The site has unique locational advantages, being adjacent to LPC's Midland Port, and the existing rail spur that finishes just south of the site.

252. Mr Foy further accepted:

- (a) The conclusions of Mr O'Styke and Mr Staite regarding the existing shortage of freehold industrial land in Greater Christchurch, particularly in Rolleston;
- (b) Ms Seaton's observation that the NPS-UD does not require that councils should provide only enough land to meet demand and that greater availability of land should not be foreclosed, having, as it does, the attendant economic benefits identified by Mr Copeland;
- (c) LPC's letter (appended to Mr Carter's evidence) in support of the application explains how the company would benefit from an extended rail siding, and that the site is the only location that would provide the opportunity to accommodate an extended siding.

253. Mr Foy also confirmed that non-complying activity status in relation to commercial or retail activity would minimise the likelihood that the site could contribute to an ongoing agglomeration of retail and other commercial activity within the Business 2A zone and agreed that it was an appropriate mitigating factor that should be included if the application is approved.

Conclusion on Economic Effects

254. I have summarised Mr Copeland's evidence in paragraphs [59] – [64] and I do not repeat it. I accept the opinions of the expert economists, informed by the evidence of Mr O'Styke and Mr Staite, and LPC's advice in relation to the benefits to it. The economic benefits extend well beyond direct benefits accruing to the Applicant. The economic costs arising from the loss of agricultural activity are considerably less than minor.

Conclusion On Effects

255. Overall, having considered all the submissions, evidence and the additional matters proposed to address specific issues which have arisen, I consider the effects on the environment are adequately addressed in so far as relevant at this stage. A number of effects will of course be subject to further scrutiny at consent stage in accordance with the framework proposed.

Potential Inconsistency Between CRPS and NPS-UD

256. Before I assess this plan change against the relevant statutory documents, it is appropriate I address the potential inconsistency between the CRPS and NPS-UD.
257. The NPS-UD, and particularly Policy 8 of the NPS-UD, was addressed briefly in opening submissions. It was submitted that it was appropriate that SDC be responsive to this plan change in a manner that is consistent with the NPS-UD. Ms Appleyard submitted that this proposal was exactly the type of proposal which Policy 8 of the NPS-UD sought to enable by requiring councils to be responsive.
258. The s32 report forming part of the Request expressly identified that the plan change was not located within an identified priority area for urban development within Greater Christchurch but the NPS-UD Policy 8 provides for inconsistency with this requirement.
259. It further acknowledged, in relation to Objective 6.2.6 of the CRPS, that the proposal would provide for industrial development adjacent to, but not within an existing industrial area and not within a Greenfield Priority Area.
260. Ms White identified that the plan change is not consistent with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6 because it proposed urban development outside an existing urban area or identified greenfield areas. Her opinion was that a key consideration for whether this plan change be approved or declined comes down to whether or not the significance of the development capacity provided by the plan change should be given more weight than the current direction in the CRPS.
261. Ms Seaton, in her written evidence, addressed Ms White's comments in paragraph [113] of the Officer's Report in relation to the inconsistency with the relevant objectives and policy. Ms Seaton considered PC66's capacity would be significant, and it was therefore appropriate for SDC to be responsive to the plan change and approve it in accordance with the NPS-UD, regardless of the inconsistency with existing restrictive CRPS urban boundary policies.
262. I discussed this issue with Ms Appleyard, Ms Seaton and Ms White during the hearing and particularly the inconsistency with relevant objectives in the CRPS and queried how the NPS-UD applied in circumstances where there were clear avoidance policies in the CRPS. Following those discussions, I asked Ms Appleyard to provide further comment on that issue in her closing submissions.

263. CRC's submission identified that Chapter 6 seeks that development is located and designed in a way that achieves consolidated and coordinated urban growth that integrates with the provision of infrastructure. The submission noted that the site is located within the PIB shown on Map A but was not identified as a Greenfield Priority Area for business. The plan change request is therefore considered to be inconsistent with the land use and infrastructure framework of Objective 6.2.1(3) which "*avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS*".
264. CRC's submission acknowledged that planning decisions must now also give effect to the NPS-UD and that Policy 8 of the NPS-UD requires local authorities to be responsive to unanticipated or out-of-sequence plan change proposals etc. The decision sought in relation to this issue was:

To give careful consideration through the hearing process and the section 32 analysis to whether the proposed Plan Change will add significant development capacity and contribute to a well-functioning urban environment that is well-connected along transport corridors in the Greater Christchurch area.

265. CRC neither supported nor opposed the proposal.
266. I record that this was not an issue in dispute. None of the submitters on this proposal argued, or even suggested, the responsive planning provisions of the NPS-UD were not available to me.

The Applicant's Submissions

267. I have summarised the Applicant's submissions on this issue earlier in my Recommendation.⁶⁰ The submissions included a table which had also been provided to the Panel hearing the PDP which provided a timeline and brief description of the relevant planning documents related to this issue. The table identified the LURP which took effect in December 2013 and amended the CRPS to include Chapter 6 (Recovery and Rebuilding of Greater Christchurch Area) and identified Greenfield Priority Areas. The document also introduced the first iteration of Map A in the CRPS.
268. The NPS-UDC took effect in December 2016. Ms Appleyard described its purpose as being to ensure that councils enabled development capacity for housing and businesses (through the land-use planning infrastructure) so that urban areas could grow and change in response to the needs of the community. She noted the emphasis was to direct councils to provide sufficient development capacity and enable development to meet demand in the short, medium, and long term.
269. The next document referred to was Our Space, which was endorsed by the Greater Christchurch Partnership in June 2019 and was prepared to give effect to the NPS-UDC and particularly the provision of sufficient development capacity.

⁶⁰ Paragraphs [104] - [106]

270. Our Space proposed that Map A of the CRPS be amended to include Future Development Areas which would give effect to the NPS-UDC. Ms Appleyard pointed my attention to the note at the bottom of the map which provides:

While it is intended Our Space provides some direction to inform future RMA processes, [this map] is indicative only.

271. The NPS-UD took effect in August 2020. Ms Appleyard identified as being of particular relevance the following change in the direction to councils to *“at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term”*.
272. The table records that it also introduced a range of policies and objectives not contemplated in the NPS-UDC and particularly Objective 6 and Policy 8.
273. The next document was PC1 which was made operative in July 2021. It was approved by the Minister for the Environment under the Streamlined Planning Process and amended the CRPS to include in Map A the Future Development Areas identified in Our Space. This document also introduced new objectives and policies around the Future Development Areas. The comments state that it did not fully give effect to the NPS-UD as it includes only the Future Development Areas from Our Space which only gave effect to the NPS-UDC.
274. In response to a question which I raised at the hearing, Ms Appleyard addressed the issue of whether PC1 gave effect to the NPS-UD.
275. Ms Appleyard accepted that PC1 does, to some extent, give effect to the NPS-UD as is required under s62(3) of the RMA, but it is submitted that it is not the end of the requirement to give effect to the NPS-UD in the Canterbury Region. She submitted it does not in and of itself give effect to the NPS-UD in its entirety and identified relevant passages from the report to the Minister acknowledging this.
276. Ms Appleyard then addressed the principles of statutory interpretation and the hierarchy of planning documents, cited various passages from *EDS v New Zealand King Salmon* [2014] NZSC 38, discussed the reconciliation approach, submitted that adopting the interpretation of ‘avoid’ in the context of interpreting the CRPS would not reconcile it with Policy 8 of the NPS-UD and that a rigid interpretation of the word ‘avoid’ inherently prevents local authorities from being responsive or even considering the merits of a plan change that would otherwise add significantly to development criteria and contribute to well-functioning urban environments where these fall outside of Greenfield Priority Areas.⁶¹
277. She submitted further that the requirement of the NPS-UD, that local authorities be responsive to development capacity meeting certain criteria even if it is unanticipated or out-of-sequence, is clearly intended to target exactly this type of objective in the CRPS and to say that the ‘avoid’

⁶¹ Closing Legal Submissions on behalf of Rolleston Developments Limited dated 25 August 2021 at paragraph [33]

policy in the CRPS prevents all developments that fall outside of Map A would be to act in a manner contrary to the specific direction in Policy 8.

My Analysis

278. I considered seeking an opinion from SDC's solicitors on this issue, or providing the submitters with an opportunity to address me on it, particularly given the detailed submissions Ms Appleyard made in her closing. Ultimately, I did not consider that necessary, or indeed, given the nature of CRC's submission, appropriate. This issue was simply not a matter in dispute on this proposal. I am aware, as Commissioner on a number of other private plan changes, that the relationship of the NPS-UD and the CRPS is a much more controversial and central issue attracting full argument.
279. With no disrespect to Ms Appleyard's comprehensive submissions, I am of the view that this issue can only be addressed in so far as it relates to the particular proposal before me. In the absence of full argument, it would be inappropriate for me to purport to make a finding of general application. My Recommendation on this plan change is based on the submissions and evidence which have been put before me which should not be taken as in any way determining the outcome of those arguments.
280. On the basis of my careful consideration of the NPS-UD, and having some regard to the Ministry for the Environment guidance material provided, I consider that the restrictive objectives and policies of the CRPS, and particularly Objective 6.2.1, do not, in the particular circumstances of this proposal, act as a veto on my ability to assess the merits of the proposal and making my Recommendation.
281. In the context of this proposal, I consider such a veto would lead to an absurd outcome and one which would seem to undermine the purpose of the responsive planning provision which enable, in appropriate circumstances, the consideration of unanticipated or out-of-sequence land development.
282. In terms of this particular proposal, I am comfortable that my consideration and Recommendation on the merits is not directly in conflict with the relevant provisions of the CRPS when properly understood. This location is within the PIB identified in Map A. It directly adjoins a Business 2A zone and, acknowledging little if any weight can be provided to the PDP, is identified within the Future Growth Overlay. It is not locationally in accordance with Map A in that it is not identified as a Greenfield Development Area. It does not otherwise confront the Objective 6.2.1.

Statutory Assessment

Statutory Tests

283. The plan change is of course subject to a range of provisions in the RMA. As identified earlier in my Recommendation, there are a number of matters on which I need to be satisfied. These include that the plan change:

- (a) Is in accordance with:
 - (i) The Council's functions as set out in s31 of the RMA;
 - (ii) The purpose and principles in Part 2 of the RMA;
 - (iii) The Council's duty under s32 of the RMA;
- (b) Gives effect to:
 - (i) Any relevant national policy statement;
 - (ii) Any relevant national environmental standard;
 - (iii) The CRPS;
- (c) Have regard to:
 - (i) Any relevant management plans and strategies under other Acts;
 - (ii) The extent to which the district plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities;
 - (iii) The actual and potential effects of activities on the environment;
- (d) Must not be inconsistent with an operative regional plan for any matter specified in s30(1) or a Water Conservation Order;
- (e) Must take into account any relevant planning documents recognised by iwi authority;
- (f) Must not have regard to trade competition or the effects of trade competition.

Statutory Assessment

284. The request for the plan change was accompanied by a comprehensive s32 evaluation and assessment against the statutory framework.

285. In relation to the statutory framework, it identified ss74 and 75 of the RMA. In terms of its s31 functions, the report noted that any plan change must assist SDC to carry out its functions so

as to achieve the purpose of the RMA. It identified that the functions of the territorial authority include:

- Establishing, implementing and reviewing objectives, policies, and methods to achieve the integrated management of the effects of the use and development of land; and
- Controlling actual or potential effects of the use and development of land.

286. It noted that the proposal provides for the use and development of land for industrial activities and seeks to implement existing SDP Business 2A zone provisions over the site with only such amendments as are necessary to recognise the site, the proposed ODP and any issues that are particular to the site. It considered that the proposed ODP and the amended SDP rules provide the methods for SDC to manage potential effects of this activity and demonstrates an integrated management approach.

287. In terms of s75, it noted that s75 requires a district plan to state objectives for the district, policies to implement the objectives and rules to implement the policies. As proposed, the proposal did not introduce any new, or alter any existing, objectives.

288. The application identified that pursuant to s75(3)(a), (b) and (c), a district plan is required to give effect to any National Policy Statement, Coastal Policy Statement and the CRPS.

289. The application identified that the New Zealand Coastal Policy Statement was not relevant to the site given the large distance between the site and the coastal environment. I agree.

290. The application identified the National Policy Statement for Renewable Energy Generation 2011 but recorded it did not involve nor was it located in proximity to any renewable generation activity or any main electricity transmission lines nor substations. It considered the National Policy Statement for Electricity Transmission 2008 was not relevant. Again, I agree.

291. In terms of the National Policy Statement for Freshwater Management 2020, the application identified that stormwater and wastewater discharges would be dealt with at a future consenting stage but there were no practices or effects anticipated that would be inconsistent with it. Again, I agree.

NPS-UD

292. In relation to the NPS-UD, the application identified the matters of principle relevance to the plan change as:

- Objective 1, as defined by Policy 1 to seek a well-functioning urban environment;
- Recognise that urban environments, including their amenities values, develop and change over time (Objective 4);

- Objective 6 – that local authority decisions on urban development are integrated with infrastructure planning and funding decisions, and strategic over the medium term and long term, and responsive, particularly in relation to proposals which would supply a significant development capacity;
 - In relation to Policy 1, the application recorded that planning decisions must contribute to well-functioning urban environments, defined as an urban environment that, among other matters less relevant to this application, provides for accessibility for all people between housing, jobs, community services, natural spaces, open space;
 - It identified Policy 2 in relation to the obligation for local authorities at all times to provide at least sufficient development capacity to meet expected demand for housing and business land over the short term, medium term and long term;
 - It further identified that Policy 6 requires decision-makers to have particular regard to matters including: the planned urban built form in those RMA planning documents that have given effect to this NPS may involve significant changes in an area, including detracting from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generations.
293. Overall, the assessment was that the plan change was generally consistent with the objectives and policies of the NPS-UD and in particular it would provide for a compact urban shape and well-functioning urban environment, being an extension of an existing zone into an area that whilst not identified as a Priority Greenfield Area by the CRPS, was nevertheless within the PIB and therefore anticipated for future urban development. It also stated that the site was able to be serviced adequately and would allow for both land use and transport efficiencies, noting its proximity to strategic transport routes. It noted that the site was able to be serviced adequately.
294. Policy 8 was identified as being particularly relevant to the proposed plan change. That policy provides:
- Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*
- (a) *unanticipated by RMA planning documents; or*
 - (b) *out-of-sequence with planned land release.*
295. The assessment noted that it was largely unanticipated by the SDP and CRPS, but again identified that it was within the PIB noted on Map A of the CRPS. The assessment provided that the plan change was considered to add significantly to development capacity. It considered that the contribution would be significant noting that the existing area of Business 2A zoning in Selwyn District is all in Rolleston and is 342 hectares. The proposed 27 hectare extension to the Business 2A zoning was an 8% increase on what is currently within the

District. The existing combined area of Business 2A and Business 2 zoning in Rolleston is 387 hectares. The proposed extension would be a 7% increase in that zoning representing a 6% increase to the Business 2 and 2A zoning across the entire Selwyn District.

296. The application identified that the 27 hectare extension also provided an 84% increase on the Business 2A zoning that has a common boundary with the Lyttelton Port's Midland Port. It stated there were great logistical efficiencies and significant cost-savings for enterprises to locate within the Business 2A zoned land that has an open boundary to Lyttelton Port's Midland Port, meaning that containers can be moved by heavy Port vehicles that are not legally allowed to operate on the road. It noted that there is currently 31.9 hectares of land that has an open boundary to Lyttelton Port's Midland Port, and that this proposal would increase the land with an open boundary by 84%.
297. It noted that the site is the only land which can provide an extension to the Lyttelton Port's three rail sidings that have been constructed within its area. Containers could only be efficiently loaded and unloaded on the straight portion of the rail siding and the potential extension utilising this 27 hectares would be 563 metres. This would increase the potential for a straight efficient rail siding by 104%. It noted that the longer the trains, the lower the transport costs and more containers that would be removed from the roading network between Midland Port and Lyttelton Port's water site operation. This was considered to be a significant increase in development capacity.
298. In her report, Ms White largely agreed with the matters identified but considered that the directions in Part 3 of the NPS-UD were relevant. She noted Clause 3.3 which requires that "at least" sufficient development capacity is provided within the District to the expected demand for business land, including different business sectors, in the short, medium and long terms. She considered this to be important because Our Space had assessed and determined there was sufficient capacity for industrial land within Greater Christchurch already. She noted however that the NPS-UD policy only requires that sufficient capacity is provided, not that more is precluded.
299. Ms White also identified Clause 3.5 which requires that local authorities be satisfied that additional infrastructure to service the development is likely to be available. She considered this had been demonstrated through the request, particularly in the response to the request for further information addressing servicing capacity and this had been confirmed by Mr England.
300. Ms White also identified Clause 3.8 which provides direction on how local authorities are to consider plan changes that provide significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release. She noted this required particular regard to be had to development capacity, provided that capacity would contribute to a well-functioning urban environment, be well connected along transport corridors, and meet the criteria in a regional policy statement for determining what is considered to add significantly to development capacity. She confirmed, and there was no dispute on this, that there were

as yet no criteria in the CRPS. Ms White was of the opinion that the proposal provided significant development capacity. She noted that it had been accepted by SDC for notification on that basis.

301. Ms White considered the proposal would provide good accessibility for all people between housing, jobs, community services, natural spaces and open space, and that it would have, or enable, a variety of sites suitable for different business sectors in terms of location and size and supported the competitive operation of land and development markets. Overall, Ms White considered that the rezoning would contribute to a well-functioning urban environment as defined under the NPS-UD and it was well-connected to transport corridors, including both road and rail network.
302. Ms White noted that development capacity was a matter to which particular regard must be had but it was not, of itself, a 'trump card'; rather the significance of the capacity provided needed to be weighed up against the other matters.
303. At the time of her report, Ms White noted the comments by Mr Foy, where he expressed concerns in relation to a lack of information in relation to how any additional demand for port activity would translate into additional industrial land needed to support the expansion of LPC activity.
304. By the time Ms White presented her oral comments and summary at the hearing, she confirmed that in light of Mr Foy's satisfaction in relation to the need for additional industrial land in Rolleston, as well as for the rail siding, there was sufficient evidence of demand for the type of development capacity provided by the site.
305. On that basis, she considered it appropriate for the plan change to be approved. Ms White had a slightly different view on the relevance of demand for land than Ms Seaton, in that she considered demand was relevant when considering whether the rezoning was more appropriate than the status quo in achieving the plan's objectives and purpose of the RMA, particularly given the inconsistency of the proposal with the provisions of the CRPS and SDP objectives. In the end, she did not consider that difference of opinion to be relevant, because additional evidence had been provided demonstrating demand.
306. At the hearing, Ms Seaton noted the general agreement that the proposal gave effect to the NPS-UD, including that it would provide a well-functioning urban environment and that the proposal would provide significant development capacity. She also identified that there was some disagreement in relation to the extent of the significance, considering that Ms White, and the CRC's submission, had placed undue emphasis on the demand for industrial land as a requisite for approval of the plan. She advised that the evidence from Mr O'Styke and Mr Staite demonstrated that demand but considered that the NPS-UD did not require rezoning proposals to be limited by demonstrable demand. Local authorities must provide "at least" sufficient development capacity to meet expected demand for the short, medium and long term.

307. Ms Seaton also considered that the Officers Report had placed unnecessary emphasis on the rail siding extension as a necessary element to ensure the proposal was significant. On the basis of the documentation provided by LPC, the evidence of Mr Staite, Mr O'Styke and Mr Copeland, the opportunity to extend the rail siding was considered to be a distinguishing characteristic of the site but not the only one. She considered it clear that even without that, it would remain nevertheless a significant addition to the Selwyn and Greater Christchurch's industrial land capacity.
308. Ms Seaton's evidence identified that there were a range of matters which needed to be considered, or had particular regard to, in order to determine whether PC66 gives effect to the NPS-UD. She set out a number of the objectives and policies in a tabular form together with her comments in relation to the same.
309. This table provided a helpful and thorough summary of the relevant objectives and policies and spanned some four pages of Ms Seaton's evidence.⁶²
310. In her view, the key considerations in the NPS-UD, in respect of this plan change, were:
- (a) Whether the proposal provides 'significant' development capacity (Objective 6, Clause 3.8);
 - (b) Will the proposal contribute to a well-functioning urban environment (Objective 1, Policy 1, Policy 6, Clause 3.8, Clause 3.11);
 - (c) Is the site able to be adequately serviced with infrastructure (Objective 6, Policy 10, Clause 3.5); and
 - (a) Is it well-connected along the transport corridors (Clause 3.8).
311. While I have considered the NPS-UD as a whole, I agree that they are the key considerations.

Significant Development Capacity

312. Objective 6 of the NPS-UD provides: (my emphasis)

Local authority decisions on urban development that affect urban environments are:

- (a) integrated with infrastructure planning and funding decisions; and*
- (b) strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.*

313. Policy 2 provides:

⁶² Statement of Evidence of Kim Marie Seaton dated 23 July 2021 at paragraph [61], pages 12-16

Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

314. Policy 6 identifies that any relevant contribution that will be made to the requirements of the National Policy Statement to provide or realise development capacity is one of the matters which I must have particular regard to.

315. Policy 8 provides:

Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

- (a) unanticipated by RMA planning documents; or*
- (b) out-of-sequence with planned land release.*

316. Clause 3.3 again addresses the capacity issue. It provides:

Sufficient development capacity for business land

- (1) Every tier 1, 2, and 3 local authority must provide at least sufficient development capacity in its region or district to meet the expected demand for business land:*
 - (a) from different business sectors; and*
 - (b) in the short term, medium term, and long term.*

317. Clause 3.3(2) identifies, or in essence defines, what development capacity must be in order for it to be sufficient.

318. As can be seen by even a summary reading of the above objectives and policies, the provision of at least sufficient development capacity is an important plank of the NPS-UD. In my view, it is not about increasing development capacity at any cost. It is however clearly one of the drivers.

319. Ms White, in her s42A Report, discussed Our Space and identified that SDC had adequately considered capacity provided for industrial development and it was not therefore demonstrated that the rezoning was needed.⁶³ Ms Seaton did not share Ms White's then apparent confidence that Our Space in fact evidenced adequate consideration of capacity. Ms Seaton noted that while the Hearing Panel Report on Our Space stated that it accepted the capacity assessment at that time was adequate for its present purposes, it specifically recommended further work be done in the next capacity assessment in relation to demand and location of industrial and business land in close proximity to freight hubs. Ms Seaton's understanding was that this arose specifically in response to Rolleston and IPort.⁶⁴

⁶³ S42A Report at paragraph [120]

⁶⁴ Statement of Evidence of Kim Marie Seaton dated 23 July 2021 at paragraph [83]

320. I have referred to the evidence of Mr Staite or Mr O'Styke earlier in this Recommendation. Both of those witnesses, who are actively engaged in the industrial land market, identified limitations on land capacity at perhaps a more nuanced level. It was the evidence of both of those witnesses that there was very limited availability of the type of land which this proposal was seeking to provide and particularly freehold industrial land. I found their evidence quite compelling.
321. In the end, there was no material disagreement between Ms White and Ms Seaton in relation to this issue. There was also clear agreement between the economists in relation to demand and capacity. Mr Carter provided additional evidence, based on his experience, in relation to demand and current limitation on capacity.
322. Overall, I am satisfied that development capacity provided by this proposal is significant. Its significance results not only from its scale, but its location adjacent to the existing Business 2A zone and the Midland Port, together with the potential for the rail siding extensions to occur. The addition of land with an 'open border' to the LPC site also supports a finding of significance. My site visit provided a clear understanding of the relevance of that particular aspect, particularly given the open border between the Move Logistics site and the Midland Port.

Will the Proposal Contribute to a Well-Functioning Urban Environment

323. Policy 1 defines a well-functioning urban environment as one that, as a minimum: (relevantly)
- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
 - (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
 - (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
 - (e) *support reductions in greenhouse gas emissions; and*
 - (f) *are resilient to the likely current and future effects of climate change.*
324. Ms Seaton addressed this issue quite carefully.⁶⁵ In terms of the variety of sites that are suitable for different business sectors in terms of location and site size, she considered that was achieved, firstly because of its location immediately adjoining Midland Port and the particular freight-heavy industries it may attract as a result, or because it would enable LPC itself to expand in the future. She also considered the provision of large, unencumbered greenfield industrial sites, based on the evidence of Mr Staite and Mr O'Styke, would lead to that being achieved.

⁶⁵ Statement of Evidence of Kim Marie Seaton dated 23 July 2021 at paragraphs [67] – [72]

325. Ms White considered that the rezoning would contribute to a well-functioning urban environment as that is defined under the NPS-UD.⁶⁶
326. In relation to the remainder of the relevant provisions of Policy 1, Ms White and Ms Seaton were in agreement. They both considered it to be well connected along transport corridors, with Ms Seaton noting its proximity to the State Highway, north-south rail corridor and the deferral of development until such time as certain transport upgrades are undertaken. While public transport may be somewhat limited at the moment, that is clearly a matter which is outside of the Applicant's control and, in my view, is more relevant to housing development.
327. In terms of (c), I agree that it is located close to the existing Rolleston residential area with good and improving transport links. Ms Seaton acknowledged that it could not be said to provide any notable access to community services and natural open spaces except in so far as the site is part of Rolleston Township. I agree with Ms Seaton's view that accessibility is less of an issue for industrial development than it would be for residential development. I also agree that with it adjoining an existing industrial area it is not disjointed from the current urban boundary, providing for a compact and logical extension of the urban area.⁶⁷
328. In relation to (d), again on the basis of Mr Copeland's evidence, the level of agreement between Mr Copeland and Mr Foy, and the evidence of Mr O'Styke and Mr Staite, I consider this proposal will support, and limit as much as possible, adverse effects on the competitive operation of land and development markets.
329. In terms of (e), I agree that the opportunity for an extended siding, and the proximity to the north-south rail corridor and State Highway 1, are likely to support reductions in greenhouse gas emissions from heavy freight.
330. On this point, I asked about the use of the Midland Port during the hearing. The comment was made during the hearing that almost all containers between Midland Port and the Lyttelton Port were by rail. In her Reply, Ms Appleyard advised that she had confirmed with LPC that almost 100% of all containers travelling between Midland Port and Lyttelton Port travelled by rail. It was only where they have missed the train due to logistical reasons that containers may travel by road. Ms Appleyard also advised that there were on average 18 trains per week with three per day Monday to Friday, two on Saturday, and one on Sunday travelling between Midland Port and Lyttelton Port.⁶⁸ That reinforces, in my view, the potential to support reductions of greenhouse gas emissions from heavy vehicles.
331. In relation to (f) and effects of climate change, I accept that given its distance from any coastal location, sea level rise and inundation is not relevant. Ms Seaton identified the potential increases in the frequency and severity of storms and flood hazards were relevant. On the

⁶⁶ S42A Report at paragraph [109]

⁶⁷ Statement of Evidence of Kim Marie Seaton dated 23 July 2021 at paragraph [68]

⁶⁸ Closing Legal Submissions on behalf of Rolleston Industrial Developments Limited dated 25 August 2021 at paragraph [69]

basis of Mr McLeod's evidence, she considered that hazard could be appropriately managed at the time of development or subdivision. I agree.

Assessment

332. As noted in paragraph [309], Ms Seaton provided a summary of, and assessment against, the relevant objectives and policies of the NPS-UD. This was provided in a tabular form. This appears in the table included in paragraph [61] of her evidence of 23 July 2021.

333. I have considered both Ms Seaton's evidence, and Ms White's report and subsequent evidence in relation to the various relevant objectives and policies of the NPS-UD. I largely accept Ms Seaton's assessment as recorded in that table, and largely accepted by Ms White.

Overall Conclusion on NPS-UD

334. I have carefully considered the evidence and submissions in relation to this issue. As noted, I largely accept the evidence of Ms Seaton and the position of Ms White in relation to the application of the NPS-UD. Ms White's position at hearing essentially reflected agreement between herself and Ms Seaton. I agree that it is appropriate for SDC to be responsive in relation to this plan change. It clearly provides significant development capacity notwithstanding the fact that it is not entirely anticipated by the CRPS, or the SDP. It will, in my view:

- (a) Contribute to a well-functioning urban environment; and
- (b) Is well connected along transport corridors.

335. It contributes to well-functioning urban environments as defined in Policy 1. It assists in the provision of at least sufficient development capacity to meet the expected demand for business land over the short term, medium term and long term, in terms of Policy 2. It has appropriate rules in terms of building heights and density relative to the business use in that location. I have had particular regard to the matters identified in Policy 6. Without limitation, in my view this will have considerable benefits consistent with a well-functioning urban environment and will make a relevant contribution to provide development capacity.

336. In my view, the evidence clearly supports a finding that approving this application would give effect to the NPS-UD.

CRPS

337. The request expressly identified that the SDP was required, pursuant to s73(4) of the RMA, to give effect to the CRPS.⁶⁹ The s32 assessment addressed the CRPS at paragraph [81] through to [83].

⁶⁹ Attachment 3: s32 Evaluation at pages 26-32

338. Ms White assessed the CRPS in paragraphs [112] to [116] of her report and generally concurred with the Applicant's assessment in relation to Chapters 5, 6, 7, 14 and 16. She noted however, a tension with Objective 5.2.1 and Policy 5.3.7 relating to potential adverse effects on regionally significant infrastructure and similar tensions with Objective 6.2.1(9), Objective 6.2.4, Policy 6.3.4 and 6.3.5, but considered that those tensions were overcome by the additional rule which had been proposed by the Applicant to amend the plan change in a manner that ensured the timing of new development was coordinated with the development, funding, implementation and operation of transport.⁷⁰
339. Ms White also identified that in its then form, it did not give effect to Objective 6.2.1(8) which requires the protection of people from unacceptable risk from natural hazards. She considered that could be addressed by an amendment to the plan and she confirmed at the hearing that she was satisfied that the changes proposed did that.
340. As was expressly acknowledged by the Applicant, the plan change is not consistent with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6 because it proposed urban development outside an existing urban area or identified greenfield priority area. She then addressed Chapter 11 (Natural Hazards) and Chapter 15 (Soils), which were not assessed in the request.

Chapter 6

341. In terms of the identified inconsistency with Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 or Policy 6.3.6, I have addressed that earlier in this Recommendation. But for the NPS-UD, this application would have faced a significant, if not insurmountable, hurdle.
342. My findings in relation to that matter does not of course mean those policies are irrelevant. As noted earlier, in my opinion, this proposal is not one which could be described as being directly at odds with the purpose of those provisions, other than in terms of location. As I have noted, it is within the PIB on Map 1. While I can give little weight to it at this stage, the land is also identified in the PDP as within the UGO.
343. As noted earlier, CRC did not oppose the proposal, but sought careful consideration of whether the plan change would add significant development capacity and contribute to a well-functioning urban environment that is well connected along transport corridors in the Greater Christchurch area. I have done so. I am satisfied that in the context of this particular plan change, the inconsistency does not act as a veto.

Chapter 5

344. I accept the Applicant's assessment, and my view is that it is consistent with the relevant objectives and policies of Chapter 5.

⁷⁰ S42A Report at paragraph [112](a)

345. I note Ms Penny identified Chapter 5 and particularly the importance of primary production in Canterbury's rural areas. Ms Penny specifically referenced Policy 5.3.12 1. being:

Maintain and enhance natural and physical resources contributing to Canterbury's overall rural productive economy in areas which are valued for existing or foreseeable future primary production, by:

1. *avoiding development, and/or fragmentation which;*
 - a. *forecloses the ability to make appropriate use of that land for primary production; and/or*
 - b. *results in reverse sensitivity effects that limit or precludes primary production.*

346. I acknowledge of course that policy. In my view it is not one which is intended to lock up rural areas. Rather, it anticipates an assessment of the existing or foreseeable primary production values. As noted earlier, I have received considerable evidence from Mr Mthamo in relation to the limitations on the use of this particular site for primary production. Overall, and on the basis of Mr Mthamo's evidence, this is not a policy I have attached significant weight to. This site does not appear to be an area which is valued for existing and foreseeable future primary production.

Chapter 11

347. In terms of Chapter 11, Ms White identified Policies 11.2.1, 11.2.2, 11.3.1 and 11.3.2.
348. Those provisions were properly identified by Ms White. In the circumstances, I consider that the methods identified by the Applicant appropriately addresses those policies.

Chapter 15

349. Chapter 15 was not addressed by the Applicant in its s32 report, and Ms Greenfield and Ms Penny specifically identified this issue. Ms Penny addressed Chapter 15 in her evidence and, as summarised earlier in this Recommendation, addressed in a very clear manner her concerns in relation to loss of highly productive or versatile soils.
350. I have carefully considered the matters she raised but overall I agree with Ms White that while the productive capacity of the soil will be reduced, the overall productive capacity of soils within the District will still be maintained.

CLWRP and CARP

351. Ms White and Ms Seaton were in agreement that the establishment of activities within the site would either need to meet the permitted activity conditions of those plans, or require a resource consent. The effects associated with discharges from future development of the site would therefore be considered at the time of detailed development. Ms White considered that there was nothing particular about the site or its proximity to other land uses which would impede

the ability to appropriately mitigate effects. She also noted that no issues of concern were raised in relation to incompatibility of the development for a range of industrial uses with the provisions of the LWRP or CARP.

352. I do not consider that PC66 is inconsistent with either of those documents.

IMP

353. The IMP is recognised by an iwi authority and lodged with the Council. The request included an assessment of the relevant provisions within the IMP and provided (as Appendix E) correspondence from Mahaanui. It noted that the proposal had been assessed by Mahaanui Kurataiao against the IMP and that comments were made in relation to it. It did identify that concerns were raised about the future water takes or discharges that might be needed. The assessment itself was contained in paragraphs [89] – [96] of the s32 evaluation, and I agree with that assessment.

LURP

354. Again this was assessed in the s32 evaluation. It noted that the LURP anticipates the provision of additional industrial business land to accommodate industrial sector growth which is to be achieved via rezoning of greenfield priority areas. The assessment noted that the proposal was inconsistent with the greenfield priority area provisions, although consistent with the general thrust of providing for additional industrial land for business growth.

355. I consider that Policy 8 of the NPS-UD provides for inconsistency with the LURP where significant development capacity is provided and a well-functioning urban environment is ensured.

Section 32(1)(a) – Extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act

356. The proposal does not involve any new objectives, or any changes to the existing objectives within the SDP. The assessment required under s32(1)(a) relates to the extent to which the purpose of the proposal is the most appropriate way to achieve the purpose of the RMA. As noted by Ms White, the stated purpose of the proposal is to provide for the establishment of new industrial development on the site. Ms White noted that the request evaluated the extent to which the enabling the establishment of industrial development on the site achieves the purpose of the RMA.

Section 32(3) – Objectives and Policies

357. Given the proposal did not propose any alterations to the objectives, I need to determine whether the proposed rezoning is the most appropriate means of achieving the relevant objectives of the SDP and whether it implements the policies having regard to their efficiency

and effectiveness and taking into account the benefits and costs and the risks of acting or not acting.

358. The s32 report contained a detailed assessment of the relevant change provisions against the objectives and policies of the SDP. In terms of land and soil – Objective B1.1.2, this provides that new residential and business activities do not create shortages of land or soil resources for other activities in the future.
359. While some loss of soil resource will inevitably occur, I acknowledge the assessment that the loss of soils is small relative to the wider rural zone.
360. In terms of water, Objective B1.2.1 seeks that expansion of townships maintain or enhance the quality of ground or surface water resources. Objective B1.2.2 seeks that activities on land and the surface of water in Selwyn District do not adversely affect ground or surface water resources, wahi tapu or wahi taonga, maintain or enhance the ecological and habitat values of water bodies and their margins, maintain and enhance the water quality and ecological values of sites for mahinga kai and promote public access along rivers and streams.
361. Policy B1.2.1 is to ensure that all activities and townships have appropriate systems for water supply, and effluent and stormwater treatment and disposal to avoid adverse effects on the quality of groundwater or surface water bodies. Policy B1.2.2 is to ensure that land rezoned to a living or business zone can be serviced with a water supply and effluent and stormwater disposal without adversely affecting groundwater or soil surface water bodies. Policy B1.2.5 requires sewage treatment and disposal to be reticulated.
362. As noted in the assessment, the objectives and policies generally seek to protect water quality within the District, for the benefit of communities, maintaining cultural values and maintaining ecological systems and habitats. As noted, the proposal is able to be adequately serviced, it does not contain any sensitive waterways, and it is anticipated that stormwater will be able to be disposed of to ground subject to regional council consents.
363. In relation to transport networks, the s32(3) evaluation addressed the various objectives and implementing policies. The assessment noted that the primary road access to the proposal would be via the existing Business 2A zone that adjoins and with no direct access to a State Highway or arterial road. It also noted that of particular value is the site's ability to extend rail infrastructure on the adjoining LPC Midland Port and main rail corridor to directly serve the new zone, or an extension of the Midland Port, if desired. It noted further that any new road, access or vehicle crossing to Maddisons Road would require resource consent and overall considered that the proposal would achieve the transport related objectives and policies of the SDP. I agree.
364. In relation to the new Rule 22.9.8 which requires no occupation of buildings until such time as the overbridge over State Highway 1 between Rolleston Drive and Johns Road is operational, and vehicular access is to be provided directly to Midland Port, or otherwise would be a non-

complying activity, again I consider that to be efficient and effective. In terms of cost, the rule in relation to the non-occupation of buildings prior to the overbridge being constructed, that has some potential costs in terms of delay, but I note it is addressing occupation and as such will not necessarily slow the overall development of the site.

- 365. In terms of the stipulation in relation to bunding requirements on rural boundaries on the ODP and consequent rule changes to allow road crossing breaks in the bund, I agree that they are appropriate. The bunding provides benefits in terms of landscape and visual effects. I note that any road crossing break would need to assess not only issues in relation to vehicle access to Maddisons Road, but also landscape and visual amenity effects. The prohibition on any such access for a period of 20 years as sought by Mr Thomas, would in my view be inefficient and may have unanticipated costs.
- 366. Policy B2.2.1 addresses servicing and utilities. I consider that has been appropriately addressed.
- 367. In terms of natural hazards, relevant objectives include B3.1.1, B3.1.2 B3.1.3 and Policies B3.1.2 and 3.1.6.
- 368. The s32 report identified that parts of the plan change site are known to be subject to potential flood hazards and the rule had been proposed to ensure principal buildings located in the areas of known flood hazard had been adequately addressed.
- 369. Additionally, a specific policy and rule has been introduced to address the potential high hazard area. This requires assessment pursuant to s32AA. Section 32AA provides further evaluation for changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed.
- 370. Section 32AA enables that assessment to be referred to in the decision-making record in sufficient detail to demonstrate that further evaluation was undertaken in accordance with this section.
- 371. On the basis of the evidence, I consider the additional policy and rules are efficient and effective. These include policies and rules which require the extent of any high flood hazard to be assessed at the time of development. If there is a high flood hazard present which cannot be mitigated, development is to be avoided. If it is present but can be effectively mitigated, resource consent may be obtained to enable the development. If a high flood hazard is not present, no further consideration of high flood hazard is required. The ODP was amended to indicate where a high flood hazard may be present based on present monitoring. Those provisions are sufficient to ensure that any significant flood risk is appropriately addressed.
- 372. In terms of the quality of the environment, these were addressed on page 20 of the evaluation and I agree that the existing Business 2A zone rules, together with the additional landscape treatment proposed, will appropriately address amenity character and similar values. I agree

that the plan change will provide for a compact urban form with a high level of connectivity to the existing industrial business area.

373. In relation to noise, I am satisfied that the relevant policies are met. Policy B3.4.12 which addresses night-time glare can be met by the plan change area being subject to the existing lighting rules.
374. In terms of Policy B3.4.14 which addresses the avoidance of dust nuisance, that will be appropriately addressed through the construction and consenting process.
375. In relation to landscaping and amenity planting, Policy B3.4.32 encourages sites fronting roads to be landscaped or screened. The proposed ODP and additional rules meet that requirement.
376. I consider the rule addressing setbacks from LPC appropriately address the risk of reverse sensitivity issues. It will have some cost in terms of development potential, but that cost is in my view acceptable.
377. In terms of the growth of the township, while the plan change site is not within a greenfield priority area, it is located within the PIB and the ODP proposed is consistent with the ODPs of the adjoining Business 2A zone. The site will be serviced with infrastructure and will be developed with efficient infrastructure links. It will, in my view, provide for a compact urban shape. With respect to Policy B1.1.8 and the loss of versatile soils, I agree that there is some tension with that policy. In terms of costs, I accept, on the basis of the evidence of Mr Mthamo, Ms Seaton and Mr Copeland that the proportion of versatile soils to be lost is small, the soils are subject to some nutrient loss and soil characteristic constraints (potentially) and that the loss is not significant. There are, in my view, significant potential benefits arising from this rezoning in providing for the well-functioning urban environment in a compact form and the potential transport efficiencies.
378. In terms of the Rolleston specific policies, again these were addressed in the s32 evaluation. Policy B4.3.71 is to avoid rezoning land for new residential or business development (other than Business 2 and 2A zoning) west of State Highway 1 and the South Island main trunk line. Policy B4.3.73 is to encourage land rezoned for new business development to adjoin an existing business zone of similar character, where sites are available and appropriate for the proposed activity, and Policy B4.3.74 is to encourage additional Business 2 or 2A zones to locate west of State Highway 1, preferably adjoining the existing Business 2 or 2A zone.
379. Overall, I consider that the proposal is consistent with the objectives and policies of the SDP.

Overall s32 Analysis and Conclusions

Proposed Amendments

380. The proposed amendments to the SDP have been identified and summarised in paragraph [7].

Outline Development Plan

381. Having reviewed the revised ODP, I consider that it addresses all of the necessary matters and is consistent with other ODPs contained within the SDP.

Planning Maps

382. Any changes to the planning maps will be necessitated as a function of the rezoning.

Objectives and Policies

383. PC66 did not propose any alterations to the objectives. The additional policy addressing natural hazards has been assessed.
384. I consider that the proposed rezoning, and the associated provisions, are the most appropriate means of achieving the relevant objectives of the SDP.
385. I consider the respective rules, including some modifications pre and during the hearing, and discussed throughout this Recommendation, implement respective policies and that the provisions, which include a combination of operative and introduced rules, operative policies, and an introduced policy, are the most appropriate to achieve the objectives.

Benefits and Costs

386. I accept that PC66 has significant benefits as addressed throughout this Recommendation. It, in my view, leads to an efficient use of land use, increased industrial land choice, and provides considerable opportunities for an efficient use of infrastructure, including the rail network and State Highway network.
387. I consider that the costs are limited. These relate to costs incurred by the Applicant in pursuing the plan change and of course the development costs associated with the ultimate land development. I acknowledge that there may be some amenity costs experienced by neighbouring property owners, and there will also be a loss, albeit small, of productive soils. In my view, the costs are at most modest and can be appropriately managed by the overall rules and methods.

Risk of Acting or Not Acting

388. I am satisfied that there is sufficient information that the risks associated with acting or not acting have been identified and considered.
389. In relation to alternatives, they appear at this stage to be somewhat limited. One alternative is of course to leave the land zoned as it presently is and for the Applicant, if it so chooses, to rely on a resource consenting process. I do not consider that approach to be efficient.

390. No suitable alternative sites were identified. In any event, in my view this site has considerable benefits with any potential costs being limited, appropriately addressed, or capable of mitigation. In particular, I accept the location adjacent to an existing Business 2A zone and key transport corridors will mitigate potential adverse effects and enable ready access by vehicular and rail transport methods. The potential effects of the proposal are acceptable and able to be avoided or mitigated.

NPS-UD Clause 3.11 Using Evidence and Analysis

391. I have considered Clause 3.11 of the NPS-UD which provides local authorities must clearly identify the resource issues being managed and use evidence about land and development markets, and the results of monitoring required by the NPS-UD, to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:
- (a) Achieving well-functioning urban environments; and
 - (b) Meeting the requirements to provide at least sufficient development capacity.
392. Clause 3.11(2) requires that I must specifically refer to those matters in relevant evaluation reports and further evaluation reports prepared under s32 and s32AA of the RMA.
393. The resource management issues being addressed have been identified throughout this Recommendation. I have used the evidence available to me about land development markets. Only regulatory options are within my jurisdiction. Different regulatory options appear to be approving the plan change; declining and leaving it to the Applicant to pursue resource consents if it chooses; awaiting the outcome of the PDP or awaiting the outcome of the review of the CRPS. In my view, the most appropriate option is the approval of this plan change.

Conclusion

394. I consider overall that PC66 is efficient and effective and contains benefits which in my view are significant. It provides additional choice for industrial land, it addresses connectivity issues, it has economic benefits which have ultimately been agreed between the experts in those areas. It provides significant opportunities.
395. I consider it will implement the policies of the SDP, recognising that there is some tension in limited areas including in relation to productive soil and growth of townships.
396. Overall, having reviewed all of the relevant objectives and policies, the changes proposed and having considered the benefits, costs and risks, I consider that PC66 is the most appropriate means of achieving the objectives.

Section 31

397. I am satisfied that in terms of servicing and consolidation of urban development, PC66 will achieve integrated management of effects and will enable additional industrial capacity and choice in a manner that can be achieved without creating any significant actual or potential effects on the environment.

Part 2 Matters

398. I agree with the assessment contained in the additional request, and addressed in the evidence of Ms Seaton and Ms White.
399. For completeness, I briefly address those provisions now.

Section 6

400. Other than s6(h), I agree there are no matters of national importance which are directly relevant to this site and proposal.

Section 7

401. Section 7 sets out the matters to which I am to have particular regard. Of particular relevance in my view is s7(b) relating to the efficient use and development of natural and physical resources; s7(c) relating to maintenance and enhancement of amenity values, and s7(f) in terms of the maintenance and enhancement of the quality of the environment.
402. While I acknowledge the concern addressed by some of the submitters in relation to amenity values and the quality of the environment, I consider those matters are appropriately addressed.
403. Notwithstanding the loss of versatile soils, I consider that PC66 represents a more efficient use of the land resource than its current rural zoning.

Section 8

404. Section 8 requires that I take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I accept that there are no explicit s8 matters at play in this particular application.

Section 5

405. The ultimate purpose of the plan change is to achieve the purpose of the RMA as defined in s5. I consider that in general terms the purpose can largely be assessed in the detail and breadth of operative objectives and policies which are not sought to be changed. There are some additional matters which I have addressed, particularly in relation to the proposed additional policy.

Overall Conclusion

406. Overall, I consider that PC66 is appropriate in terms of the s32 tests and that it meets the purpose and principles set out in Part 2 of the RMA. It will enable people and communities to provide for their economic and cultural wellbeing while providing greater industrial land capacity. PC66, in my view, promotes sustainable management.
407. In terms of the amendments which have been made post submission, they have been addressed in this Recommendation. I consider that they are practical and effective and efficient in terms of ensuring subsequent development is appropriately managed, particularly in relation to the potential hazard issue. The deferral of occupation pending development of the Rolleston overbridge appropriately addresses transportation network concerns. It may have some potential effect on timing of development going to market but given it is based on occupation, it enables the Applicant to get on with the development in the meantime.
408. The identification of the flood hazard, and rules to address it, are entirely appropriate. The additional rule proposed (rendering any commercial activity, or retail activity that is not otherwise specified in Rule 22.10.1.3 as non-complying (proposed Rule 22.10.4)) is entirely appropriate and avoids potential retail distribution effects. The proposed Rule 22.9.7 in relation to noise sensitive activities located within 80 metres of the LPC Midland Port as a non-complying activity is again entirely appropriate. It may restrict some areas of development on the site, but it recognises the importance of the Midland Port as regionally significant infrastructure.
409. I have additionally addressed s32AA in the body of my Recommendation.

Recommendation

410. For the reasons above, I **recommend** to the Selwyn District Council:
- (1) **Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 the Council approves Plan Change 66 to the Selwyn District Plan as set out in Appendix A.**
 - (2) **That for the reasons set out in the body of my Recommendation, and summarised in Appendix B, the Council either accept, accept in part or reject the submissions identified in Appendix B.**



David Caldwell
Hearing Commissioner

Dated: 22 October 2021

REPORT

TO: Chief Executive
FOR: Council Meeting – 3 November 2021
FROM: Asset Manager – Water Services
DATE: 20 October 2021
SUBJECT: **Hearing of Council Trade Waste Bylaw and Wastewater Drainage Bylaw (Bylaws) and recommendation to Council**

1. RECOMMENDATION OF BYLAW SUBMISSIONS COMMITTEE

‘That the Council:

- (a) Amend the Trade Waste Bylaw as per the Bylaws Submissions Committee recommendation, such bylaw to be known as the Trade Waste Bylaw 2016 in the attached form.*
- (b) Amend the Wastewater Drainage Bylaw as per the Bylaws Submissions Committee recommendation, such bylaw to be known as the Wastewater Drainage Bylaw 2016 in the attached form.’*

2. PURPOSE

The purpose of this report is to:

- a) Lead the Council through the hearing and deliberation process
- b) Provide an overview of the Bylaws consultation process
- c) Provide a summary of submissions received on the Trade Waste Bylaw 2016 and the Wastewater Drainage Bylaw 2016
- d) Provide and recommend the final form of the Bylaws

HISTORY/BACKGROUND

The 2009 predecessors to the Bylaws were modelled on the New Zealand Standard General Model Bylaws and adapted to suit the Selwyn District Council. The current Bylaws are based on the 2009 bylaws but were redrafted and revised when adopted in 2016.

Selwyn District Council Trade Waste Bylaw

This Bylaw aims to control trade waste discharges into the Selwyn District wastewater system in order to protect Council infrastructure and to ensure protection of the Council’s staff, contractors, the community and the wider environment, and facilitate compliance with discharge permits for wastewater

treatment plants. This Bylaw provides for an equitable spread of costs between domestic and trade dischargers.

Selwyn District Council Wastewater Drainage Bylaw

This Bylaw aims to ensure that wastewater drainage is managed in a way that is appropriate for both the community and the wider environment. This bylaw will also clarify issues such as responsibilities of owners of houses and the use of common drains.

3. PROPOSED AMENDMENTS TO BYLAWS

A number of general consistency, terminology and drafting changes were made to each of the Bylaws in the course of the review. In addition, a number of other changes have been made to each of the Bylaws during and following consultation, including:

Trade Waste Bylaw

- The charging regime in the Trade Waste Bylaw has been amended to charge *Permitted Dischargers* (which make up the vast majority of Trade Waste Dischargers) a Uniform Annual Charge (in respect of administration costs) together with a purely volumetric charge based on treatment cost (based on the Council's cost of treating standard wastewater as reflected in the Council's domestic wastewater targeted rate).
- A number of general consistency, terminology and drafting changes.

Wastewater Drainage Bylaw

- The Wastewater Drainage Bylaw requires all repair, design and maintenance work to be carried out by an appropriately qualified person and references Building Act, Good Industry Practice, statutory requirements and relevant codes of practice for these purposes.
- Addition of a maximum daily flow of 5m³ unless otherwise approved.
- New connections to existing Common Drains are prohibited.
- A number of general consistency, terminology and drafting changes.

4. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The intention to review and amend the Bylaws was assessed against the Significance and Engagement Policy. Both Bylaws were originally determined as being of significant interest to the public as they each potentially affect a strategic asset (being the Council's sewage collection, treatment and disposal systems)¹. However, the amendments proposed by Council staff and advisers were minor and did not appear to create a significant impact on the public².

However, because the Bylaws were originally determined as being of significant interest to the public, the Council determined to follow the special consultative procedure in relation to the proposed amendments to the Bylaws in accordance with section 156(1)(a)(i) of the LGA.

¹ Section 156(1)(a)(i), LGA.

² Section 156(1)(a)(ii), LGA.

5. VIEWS OF THOSE AFFECTED/CONSULTATION

a) Views of those affected

The general public were invited to make submissions on the proposed amendments to the Bylaws. Specific groups and organisations were invited to submit directly as identified relevant to the Bylaws. In accordance with the requirements of section 148 of the LGA, the Minister of Health was sent a copy of the revised Selwyn District Council Trade Waste Bylaw.

b) Consultation

Public consultation on the Bylaws was undertaken between 31 July 2021 and 3 September 2021. Notification measures included utilising the Public Notices in the Press, Council Call, Council Website.

One submission was received and a Bylaw Submissions Committee consisting of Councillors Epiha and McInnes and supported by Council staff was convened to consider and hear the submissions made on the Bylaws. The minutes of the hearing and subsequent deliberation of the Bylaw Submissions Committee on 24 September 2021 are attached.

c) Maori implications

The Council considers that the public notification and opportunity for submission process has provided appropriate opportunity for mana whenua Māori contribution to the decision making process. Local Rūnunga were be directly notified of this consultative process.

d) Climate Change

Managing of trade waste discharges will enable Council to control potential adverse impacts on the wastewater treatment and discharge processes.

6. RELEVANT POLICY/PLANS

There is no inconsistency with other relevant policy and plans. The New Zealand General Model Bylaw templates and Council policies have been considered as part of the review process.

7. NEGATIVE IMPACTS

The proposed amendments to the Bylaws are unlikely to negatively impact on the community as a whole or on the Council activities and will assist in the long term sustainable management of Council's wastewater schemes.

8. LEGAL IMPLICATIONS**NZ Bill of Rights:**

Section 155(2)(b) of the Local Government Act 2002 requires that any bylaw not be inconsistent with the NZ Bill of Rights Act 1990. Council has obtained legal advice to ensure that the proposed new bylaw is consistent with the NZ Bill of Rights Act 1990.

The Bylaws will be made in a democratic manner by the Council following public notification of its intentions, the taking and hearing of submissions and the final consideration being made by elected members of Council.

9. FUNDING IMPLICATIONS

There are not expected to be any operational or capital costs to the Council as a result of adopting the Bylaws.

10. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?

The proposed amendments to the Bylaws have been developed by the Asset Manager – Water Services in conjunction with other Council Staff, an engineering consultancy firm (Stantec) and Council Solicitors (Buddle Findlay).

11. TIMELINE

The balance of the Bylaw amendment timeline is as follows:

Timeline	Selwyn District Council Trade Waste Bylaw and Wastewater Drainage Bylaw
3 November 2021	Adoption of the Selwyn District Council Trade Waste Bylaw and Wastewater Drainage Bylaw at Council Meeting
13 November 2021	Public notification of the adoption of the Selwyn District Council Trade Waste Bylaw and Wastewater Drainage Bylaw by Council and the commencement date for these Bylaws
15 November 2021	Commencement date of new Selwyn District Council Trade Waste Bylaw and Wastewater Drainage Bylaw



Murray England
ASSET MANAGER – WATER SERVICES

ENDORSED FOR AGENDA



Murray Washington
GROUP MANAGER INFRASTRUCTURE

Appendix 1 – Amended form of Trade Waste Bylaw 2016

Appendix 2 - Amended form of Wastewater Drainage Bylaw 2016

Appendix 3 – Minutes of Bylaws Submissions Committee Hearing and Meeting – 24 September 2021

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

(as reviewed and amended in 2021)

The Selwyn District Council makes the following bylaw regulating trade wastes pursuant to sections 145(a) and (b) and 146(a)(iii) of the Local Government Act 2002.

Explanatory Notes - These explanatory notes do not form part of this bylaw, but explain the general effects.

Trade Waste Discharged into the Wastewater System can negatively impact the Wastewater System, environment and public health. Trade Waste is produced by a wide variety of businesses such as industrial processes and manufacturing, food outlets, service stations, hairdressers, pet shops and medical centres. The Wastewater System includes pipes, pumping stations and treatment plants.

Purpose

The purpose of this bylaw is to manage Trade Waste Discharges into the Wastewater System in order to:

- *protect public health and the environment;*
- *promote Cleaner Production;*
- *protect the Wastewater System infrastructure;*
- *protect Wastewater System workers;*
- *protect the Stormwater System;*
- *ensure compliance with Consent conditions;*
- *provide a basis for monitoring Discharges from Trade Premises;*
- *provide a basis for charging Trade Waste users of the Wastewater System to cover the cost of conveying, treating and disposing of or re-using their waste;*
- *facilitate the fair sharing of the costs of treatment and disposal between Trade Waste and domestic dischargers;*
- *encourage waste minimisation; and*
- *encourage water conservation.*

Scope

This bylaw provides for the:

- *acceptance of long-term, intermittent, or temporary Discharge of Trade Waste to the Wastewater System;*
- *establishment of three grades of Trade Waste: permitted, conditional and prohibited;*
- *evaluation of individual Trade Waste Discharges against specified criteria;*
- *correct storage of materials in order to protect the Wastewater and Stormwater Systems from spillage;*
- *correct disposal of Tankered Waste to protect the Wastewater System;*
- *installation of flow Meters, samplers or other devices to measure flow and quality of the Trade Waste Discharge;*
- *Pre-Treatment of Trade Waste before it is accepted for Discharge to the Wastewater System;*
- *sampling and monitoring of Trade Waste Discharges to ensure compliance with this bylaw;*
- *Council to accept or refuse a Trade Waste Discharge;*
- *charges to be set to cover the cost of conveying, treating and disposing of, or reusing, Trade Waste and the associated costs of administration and monitoring;*
- *administrative mechanisms for the operation of the bylaw; and*
- *establishment of waste minimisation and management programmes (including sludges) for Trade Waste producers.*

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

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SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

1. TITLE

- 1.1 This bylaw is the Selwyn District Council Trade Waste Bylaw 2016.

2. DATE OF COMMENCEMENT

- 2.1 This bylaw comes into force on 1 September 2016.
- 2.2 This bylaw was reviewed and amended in 2021 and comes into effect in its amended form on 15 November 2021.

3. APPLICATION OF BYLAW

- 3.1 This bylaw regulates the Discharge of Trade Waste to a Wastewater System operated by the Council.
- 3.2 **Trade Premises and other users to which the bylaw applies**
- (a) This bylaw applies to all premises within the District from which Trade Wastes are Discharged or are likely to be Discharged into the Wastewater System. This bylaw also applies to the Discharge of Tankered Waste into the Wastewater System.
 - (b) Pursuant to section 196 of the Act, the Council may refuse to accept the Discharge of any Trade Waste which is not in accordance with this bylaw.
- 3.3 **Compliance with other Acts:** The provision of Trade Waste services by the Council is subject to statute and regulation and nothing in this bylaw derogates from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the RMA, the Building Act 2004, the HSNO and any regulations made pursuant to those Acts or any other relevant statutory or regulatory requirements. References to a repealed enactment include its replacement. In the event of any inconsistency between this bylaw and the legislation the more stringent applies.

4. DEFINITIONS

- 4.1 In this bylaw, unless the context otherwise requires:
- (a) **Access Point** is a place where access may be made to a Drain for inspection (including sampling or measurement), cleaning or maintenance;
 - (b) **Act** means the Local Government Act 2002;
 - (c) **Approve** or **Approved** means Approved in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
 - (d) **Average** means an average calculated over the period of 12 months or such shorter time as the relevant data is available;
 - (e) **Bioaccumulation** means the accumulation of harmful substances in an organism or the environment;
 - (f) **Biosolids** means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial Wastewater treatment plants;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (g) **Characteristic(s)** means any of the physical, quantitative or chemical qualities of Trade Waste;
- (h) **Cleaner Production** means the implementation of effective operations, methods and processes to reduce or eliminate the quantity or toxicity of wastes;
- (i) **Condensing Water** means any water used in trade, industry, or commercial processes in such a manner that it does not take up matter into solution or suspension;
- (j) **Conditional Trade Waste** means any Trade Waste which is not Permitted or Prohibited Trade Waste;
- (k) **Consent** means a consent granted in writing by the Council authorising the Discharge of Conditional Trade Waste to the Wastewater System;
- (l) **Consent Holder** means a Person who has obtained a Consent to Discharge Trade Waste and includes any Person who does any act on behalf or with the express or implied Consent of that Person;
- (m) **Contaminant** includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:
 - (i) when Discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
 - (ii) when Discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is Discharged;
- (n) **Contingency Management Procedures** means procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of activities on the environment of an unexpected or unscheduled Discharge or potential Discharge, of Contaminants into the Wastewater System;
- (o) **Council** means Selwyn District Council or any Officer authorised to exercise the authority of the Council;
- (p) **Cytotoxic Waste** means waste matter that is contaminated by a cytotoxic drug;
- (q) **Discharge or Discharged** means a discharge of Trade Waste into the Wastewater System whether directly or indirectly;
- (r) **Disconnection** means the physical cutting and sealing of a Drain;
- (s) **District** means Selwyn District;
- (t) **Domestic Sewage** means Foul Water (with or without matter in solution or suspension) Discharged from a Dwelling, or wastes of the same character Discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be Discharged into the Wastewater System;
- (u) **Drain** means that section of private drain between the Consent Holder's Trade Premises and the Point of Discharge through which Wastewater is conveyed from the Trade Premises;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (v) **Dwelling** means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more Persons. A Dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site unless that building or part of a building is being used for overnight accommodation;
- (w) **Enforcement Officer** means any officer appointed by the Council as an enforcement officer under section 177 of the Act, as an enforcement officer with powers of entry as prescribed in sections 171-174 of that Act;
- (x) **Fees and Charges** means the fees and charges determined by the Council from time to time as described in Schedules 1C and 1D of this bylaw and prescribed in accordance with the Act for services provided by the Council associated with the Discharge of Trade Waste;
- (y) **Foul Water** means a Discharge from any Sanitary Fixture or Sanitary Appliance;
- (z) **Grease Trap** means any grease removal device Approved by the Council that allows kitchen and/or food production Wastewater to cool, and the grease and solids to separate from the Wastewater;
- (aa) **Hazardous Substance** has the same meaning as hazardous substances in the HSNO;
- (bb) **Infrastructure Manager** means the person appointed by the Council from time to time to manage Council infrastructure;
- (cc) **Management Plan** means a plan for the management of operations on Trade Premises from which Trade Wastes are Discharged and may include plans for Cleaner Production, waste minimisation, spill management, Discharge, Contingency Management Procedures and relevant industry codes of practice;
- (dd) **Mass Limit** means the total mass of any Characteristic that may be Discharged to the Wastewater System during any stated period from a single Point of Discharge or collectively from several points of Discharge;
- (ee) **Maximum Concentration** means the instantaneous peak concentration that may be Discharged at any instant in time;
- (ff) **Meter** means any device or apparatus for measuring flow;
- (gg) **Occupier** means the Person occupying Trade Premises or the person responsible for any trade, commercial or industrial activity on those Trade Premises, and includes the owner of the Trade Premises if the Trade Premises are unoccupied;
- (hh) **Permitted Discharge** means a Discharge which does not have any physical or chemical Characteristics other than those listed in Schedule 1A of this bylaw and which complies with all the standards listed in that schedule;
- (ii) **Person** means a natural person, corporation or a body of persons whether corporate or otherwise, and includes the Crown or any successor of a person;
- (jj) **Point of Discharge** means the boundary between the Council's Wastewater System and a Drain, except where otherwise specified in a Trade Waste Consent;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (kk) **Pre-Treatment** means any processing of Trade Waste designed to reduce or vary any Characteristic in a Trade Waste before Discharge in order to comply with a Trade Waste Consent or this bylaw;
- (ll) **Prohibited Trade Waste** means Trade Waste that has, or is likely to have, any Characteristic(s) listed in Schedule 1B;
- (mm) **Sanitary Appliance** means any appliance used for sanitation, including machines for washing dishes and clothes;
- (nn) **Sanitary Fixture** means any fixture which is intended to be used for sanitation, including but not limited to fixtures used for washing and/or excretion;
- (oo) **Sewage** means Foul Water and may include Trade Wastes;
- (pp) **Sewage Sludge** means the material settled out and removed from Sewage during treatment;
- (qq) **Sewer** means the parts of the Wastewater System including the public sewer main and public sewer lateral connections that carry away Domestic Sewage or Trade Waste from a Point of Discharge;
- (rr) **Stormwater** means surface water run-off resulting from precipitation;
- (ss) **Stormwater System** means the Council's system for conveying and/or treating Stormwater;
- (tt) **Tankered Waste** means water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for Discharge, excluding Domestic Sewage Discharged directly from house buses, caravans, buses and similar vehicles;
- (uu) **Temporary Discharge** means a Discharge of an intermittent or short duration, including such Discharge from premises where another Discharge is authorised;
- (vv) **Trade Premises** means:
 - (i) premises used or intended to be used for any industrial or trade purpose;
 - (ii) premises used or intended to be used for the storage, transfer, treatment, disposal of waste materials or for other waste management purposes, or used for composting organic materials;
 - (iii) premises from which a Contaminant is Discharged in connection with any industrial or trade process; or
 - (iv) premises from which Trade Waste other than Domestic Sewage is Discharged including any land wholly or mainly used for agriculture or horticulture;
- (ww) **Trade Waste** means any liquid, with or without matter in suspension or solution Discharged to the Wastewater System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature and may include:
 - (i) Condensing Water;
 - (ii) Stormwater which cannot be practically separated from Wastewater; and
 - (iii) Domestic Sewage;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (xx) **UAC** means the annual uniform charge to cover the Council's costs described in Schedule 1D;
- (yy) **Wastewater** means water or other liquid, including waste matter in solution or suspension, Discharged from premises to the Wastewater System;
- (zz) **Wastewater System** means the system operated by the Council for the collection, treatment and disposal of Sewage and Trade Wastes, including Sewers, pumping stations, storage tanks, Sewage treatment plants, outfalls, and related structures;
- (aaa) **Working Day** means any day of the week other than:
 - (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki, Labour Day, Canterbury Anniversary Day;
 - (ii) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year;
 - (iii) if 1 January falls on a Friday, the following Monday;
 - (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
 - (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

4.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.

4.3 Explanatory notes have been included for information purposes only. They do not form part of this bylaw, and may be made, amended, or revoked without formal process.

5. ABBREVIATIONS

5.1 In this bylaw, unless the context otherwise requires, the following abbreviations have the following meanings in this bylaw:

- (a) **\$/kg** means dollars per kilogram;
- (b) **\$/L/s** means dollars per litre per second;
- (c) **\$/m³** means dollars per cubic metre;
- (d) **°C** means degrees Celsius;
- (e) **AFC** means the annual Fees and Charges in respect of a consented or permitted discharge;
- (f) **ANZECC** means Australian New Zealand Environment and Conservation Council;
- (g) **B** means boron;
- (h) **BOD₅** means Biochemical Oxygen Demand;
- (i) **Br₂** means bromine;
- (j) **Cl₂** means chlorine;
- (k) **CN** means cyanide;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (l) **COD** means Chemical Oxygen Demand;
- (m) **DP** means deposited plan;
- (n) **ED** means the estimated Permitted Discharge factor being:
 - (i) if the Average daily Permitted Discharge is 0.545m³ or less, 1; or
 - (ii) if the Average daily Permitted Discharge exceeds 0.545m³, the number of times by which the Average daily Permitted Discharge exceeds 0.545m³;
- (o) **F** means fluoride;
- (p) **g/m³** means grams per cubic metre;
- (q) **GST** means goods and services tax;
- (r) **HAHs** means halogenated aromatic hydrocarbons;
- (s) **HCHO** means formaldehyde;
- (t) **Hr** means hour;
- (u) **HSNO** means Hazardous Substances and New Organisms Act 1996;
- (v) **L** means litre;
- (w) **L/s** means litre per second;
- (x) **LGA** means Local Government Act 2002;
- (y) **m³** means cubic metre;
- (z) **m³/d** means cubic metres per day;
- (aa) **max** means maximum;
- (bb) **MBAS** means methylene blue active substances;
- (cc) **MfE** means Ministry for the Environment;
- (dd) **mg/L** means milligram per litre;
- (ee) **mL/L** means millilitre per litre;
- (ff) **mg/mL** means milligram per millilitre;
- (gg) **mm** means millimetres;
- (hh) **N** means nitrogen;
- (ii) **NH₃** means ammonia;
- (jj) **P** means phosphorus;
- (kk) **PAHs** means polycyclic (or polynuclear) aromatic hydrocarbons;
- (ll) **PBBs** means polybrominated biphenyls;
- (mm) **pH** means a measure of acidity/alkalinity;
- (nn) **RMA** means Resource Management Act 1991;
- (oo) **s** means second;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (pp) **STR** means the targeted rate payable in respect of one separately used or inhabited part of a rating unit connected to a Council provided sewerage scheme under the Council's then operative long term plan or annual plan;
- (qq) **STRP** means the STR actually being paid in respect of the relevant Trade Premises;
- (rr) **SO₄** means sulphate;
- (ss) **UV** means ultra violet; and
- (tt) **UVT** means ultra violet transmission.

6. COMPLIANCE WITH THE BYLAW

6.1 Classification of Trade Waste Discharges

- (a) Discharges of Trade Waste are classified as either:
 - (i) permitted;
 - (ii) conditional; or
 - (iii) prohibited.

6.2 Trade Waste Discharges Allowed in Certain Circumstances: No Person may Discharge Trade Waste into the Wastewater System unless –

- (a) the Discharge meets all of the requirements of Schedule 1A and is expressly allowed by clause 9.1 as a Permitted Discharge; or
- (b) the Discharge is expressly allowed by a Trade Waste agreement under clause 8.1 and the Occupier complies with any conditions of the agreement; or
- (c) the Discharge is expressly allowed by a Trade Waste Consent.

6.3 No Person may cause or allow the Discharge of a Prohibited Trade Waste.

6.4 No Person may add or permit the addition of Condensing Water to any Discharge of Trade Waste except in accordance with a Consent granted under this bylaw.

6.5 No Person may add or permit the addition of Stormwater to any Discharge of Trade Waste except in accordance with a Consent granted under this bylaw.

6.6 Application to waive need for Trade Waste Consent: Any Person may apply to the Council for a waiver of a requirement to obtain a Trade Waste Consent under this bylaw on the basis that, due to the nature, volume or other circumstance of the Trade Waste concerned, it would needlessly affect the operation of any business or cause inconvenience to any Person, without any corresponding reduction of impact on the operation of the Wastewater System.

6.7 Non-Acceptance of Trade Waste: The Council may decline to accept any Discharge of Trade Waste.

6.8 Council May Prevent Discharges: The Council may prevent any unauthorised Discharge.

6.9 Compliance with HSNO and RMA: The Discharge of Trade Waste in accordance with this bylaw does not have any effect on any obligation under the HSNO or the RMA.

6.10 Breach of Bylaw to Cause or Allow Unauthorised Discharge:

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- (a) Every Occupier or Consent Holder of Trade Premises and every contractor, employee and agent of every Occupier or Consent Holder on Trade Premises breaches this bylaw who, without authorisation in accordance with this bylaw, by any act or omission, causes or allows the entry into the Wastewater System of any Hazardous Substance or any:
 - (i) matter containing corrosive, toxic, biocidal, ecotoxic (with or without Bioaccumulation), radioactive, flammable or explosive materials;
 - (ii) matter likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous when mixed with Wastewater;
 - (iii) Prohibited Trade Waste; or
 - (iv) matter likely to be harmful to the Wastewater System.
- (b) No Person may store, transport, handle or use, or cause to be stored, transported, handled or used any Hazardous Substance, or any matter listed in section 6.10(a) in a manner that may allow that matter to enter the Wastewater System and cause any harmful effect to the Wastewater System or the receiving environment, or people and animals.

Explanatory note: Under section 239 of the Act every Person commits an offence and is liable on conviction to the penalty set out in section 242(4) or (5) (as the case may be), who breaches a bylaw made under Part 8 of the Act. This bylaw is made under Part 8 of the Act.

7. APPLICATION FOR A TRADE WASTE CONSENT**7.1 Formal Application:**

- (a) Any Person may apply for Consent to Discharge Trade Waste to the Wastewater System.
- (b) A Consent Holder may apply to the Council to vary conditions of a Consent.
- (c) An application must be made using the prescribed form in Appendix B or Appendix C.

7.2 Processing of an Application: The Council will acknowledge an application in writing within 10 Working Days of its receipt.**7.3 Application Fee:** Every application must be accompanied by the fee prescribed by the Council's Fees and Charges.**7.4 Separate Areas:** Where Trade Waste is produced or Discharged from more than one area of Trade Premises, a separate "Description of Trade Waste and Premises" form (in Appendix B) for each area must be included in an application, whether or not the areas are part of separate trade processes.**7.5 Information and Analysis:**

- (a) On the receipt of any application for a Consent to Discharge from any premises or to alter an existing Discharge, the Council may:
 - (i) require the applicant to submit any additional information which it considers necessary to reach an informed decision;

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- (ii) require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant;
 - (iii) require the applicant to submit a Management Plan; or
 - (iv) whenever appropriate, have the Discharge investigated and analysed as provided for in clause 13.
 - (b) The Council will notify the applicant of any requirement under this clause 7.5 within 10 Working Days of receipt of the application. When the requested information has been received the Council will continue to process the application.
- 7.6 **Additional Information:** If the information provided to the Council under clause 7.5 is insufficient to reach an informed decision, the Council may, at any time during the processing of an application, request the applicant to provide any information it considers necessary to reach an informed decision. Such information may include a Management Plan.
- 7.7 **True and Accurate Information:** All information supplied in, or in support of, an application for Consent to Discharge Trade Waste must be accurate and not misleading in any respect.
- 7.8 **Consideration of an Application:** Within 20 Working Days (or such other time as is considered necessary by the Council) of receipt of an application complying with this bylaw, and all further information requested, the Council may grant the application, or decline the application giving reasons for its decision.
- 7.9 **Consideration Criteria:** In deciding whether to grant or decline an application, the Council may have regard to any matter it considers relevant, including any of the following:
- (a) The Characteristics of the Trade Waste:
 - (i) the health and safety of Council staff, agents and the public;
 - (ii) the limits and/or maximum values for Characteristics specified in Schedules 1A and 1B of this bylaw;
 - (iii) the extent to which the Trade Waste may react with other waste or Foul Water and any undesirable effects, including the settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater System;
 - (iv) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to people and animals, the environment, the Wastewater System, and the Sewage treatment; and
 - (v) Pre-Treatment of the Trade Waste.
 - (b) The receiving system and environment:
 - (i) the flows and velocities in the Sewers and the material or construction of the Sewers;
 - (ii) the capacity of the Sewers, and the capacity of Sewage treatment works and other facilities;
 - (iii) the nature of any Sewage treatment process and the extent to which the Trade Waste is able to be treated in the Sewage treatment works;

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- (iv) the timing and balancing of flows into the Wastewater System;
- (v) any statutory requirements relating to the Discharge of raw or treated Wastewater to receiving waters, the disposal of Sewage Sludges, beneficial use of Biosolids, and any Discharge to air, including compliance with any resource consent, Discharge permit or water classification;
- (vi) the effect of the Discharge after treatment on the receiving environment;
- (vii) the conditions on resource consents for the Wastewater System;
- (viii) requirements for, and limitations on, Sewage Sludge disposal and re-use;
- (ix) effects or potential effects on existing or future Discharges;
- (x) any existing Pre-Treatment works on the premises and the potential for their future use;
- (xi) Cleaner Production techniques and waste minimisation practices;
- (xii) the control of Stormwater;
- (xiii) any Management Plan; and
- (xiv) the Discharge of Tankered Waste.

7.10 Conditions of Trade Waste Consent: A Consent to Discharge Conditional Trade Waste may be granted subject to such conditions as the Council may in its discretion consider necessary, which may include, but are not limited to, conditions addressing:

- (a) the designated Point of Discharge;
- (b) the maximum periodic volume of the Discharge;
- (c) the maximum rate of Discharge;
- (d) the duration of maximum Discharge;
- (e) the maximum limit or permissible range of any specified Characteristics, including concentrations and/or Mass Limits;
- (f) the period or periods of time during which the Discharge, or a particular concentration, or volume of Discharge may occur;
- (g) the acidity or alkalinity of the Discharge at the time of Discharge;
- (h) the temperature of the Discharge;
- (i) the provision of screens, Grease Traps, silt traps or other Pre-Treatment works;
- (j) the provision and maintenance of inspection chambers, manholes or other apparatus or devices providing reasonable access to Drains for sampling and inspection;
- (k) the provision and maintenance of sampling, analysis and testing, and flow measurement requirements;
- (l) the method or methods to be used for measuring flow rates and/or volumes and for taking samples of the Discharge to determine the charges applicable to the Discharge;

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- (m) the provision and maintenance of Meters or devices to measure the volume or flow rate of any Discharge, and a regime for testing such Meters;
- (n) the provision and maintenance of services (including electricity, water, compressed air or otherwise) required to operate Meters;
- (o) the timely provision by the Consent Holder, in an Approved format, of flow and/or volume records and results of analyses (including of Pre-Treatment by-products such as Sewage Sludge disposal);
- (p) the provision and implementation of a Management Plan;
- (q) risk assessment of damage to the environment due to an accidental Discharge of a chemical;
- (r) the Consent Holder's agreement to allow the Council access to the premises for the purposes of inspection and sampling at any reasonable time;
- (s) waste minimisation and management;
- (t) Cleaner Production techniques;
- (u) remote control of Discharges;
- (v) third party treatment, carriage, Discharge or disposal of by-products of Pre-Treatment including Sewage Sludge disposal;
- (w) the provision of a bond or insurance in favour of the Council where failure to comply with a Consent could result in damage to the Wastewater System, or could result in the Council being in breach of any statutory obligation; and
- (x) remote monitoring of Discharges.

7.11 Pre-Treatment:

- (a) The Council may approve a Conditional Trade Waste Consent subject to the provision of appropriate Pre-Treatment systems to enable the Occupier to comply with this bylaw. Such Pre-Treatment systems must be provided, operated and maintained by the Occupier at their expense.
- (b) The disposal of solid waste from refuse or garbage grinders, and macerators from Trade Premises to the Wastewater System is a conditional Discharge and therefore requires Council Consent under this bylaw.
- (c) An Occupier must not, unless it has a Consent from the Council under this bylaw, add or permit the addition of any potable, Condensing Water or Stormwater to any Trade Waste stream in order to vary the level of any Characteristics of the waste.

7.12 Mass Limits: Where Mass Limits are specified in a Consent for any Characteristic, the Maximum Concentration of that Characteristic may also be limited. When setting Mass Limit allocations for a Characteristic the Council may consider:

- (a) the operational requirements of and risk to the Wastewater System;
- (b) risks to the health and safety of people and the ultimate receiving environment;
- (c) the planned or actual beneficial re-use of Biosolids or Sewage Sludge;

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- (d) conditions in the Wastewater System near the Discharge point and elsewhere in the Wastewater System;
- (e) the extent to which the available industrial capacity of the Wastewater System was used in the last financial period and is expected to be used in the forthcoming period(s);
- (f) whether or not the applicant uses Cleaner Production techniques;
- (g) whether there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another;
- (h) any reduction to the pollutant Discharge from the Wastewater System;
- (i) the proportion of the mass flow of a Characteristic of the Discharge to the total mass flow of that Characteristic in the Wastewater System;
- (j) the total mass of the Characteristic that can be accepted by the Wastewater System, and the proportion (if any) to be reserved for future allocations; and
- (k) whether or not there is an interaction between Characteristics which increases or decreases the effect of a Characteristic on the Sewer reticulation, treatment process, or environment.

8. TRADE WASTE AGREEMENTS

- 8.1 The Council may, at any time and at its discretion, enter into a written agreement with any Occupier for the Discharge and reception of Trade Wastes into the Wastewater System. Any such agreement may be made in addition to, or in place of, a Consent.
- 8.2 Any agreement with the Council to Discharge Trade Waste into the Wastewater System which was in force immediately prior to the commencement of this bylaw, is, for the purpose of this bylaw, treated as if it were a Trade Waste agreement referred to in sub-clause 8.1.

9. DURATION OF CONSENTS

- 9.1 **Permitted Discharges:** Permitted Trade Waste may be Discharged until such time as:
 - (a) The Council amends or revokes this bylaw with the effect that the Discharge is no longer permitted;
 - (b) Changes to resource consents for the Wastewater System mean the Council can no longer lawfully accept and dispose of Discharges; or
 - (c) The Council suspends or cancels the right to Discharge pursuant to clauses 6.6, 11 or 12 of this bylaw.
- 9.2 **Consents and Review of Conditions:**
 - (a) Consents may be granted for a term not exceeding five years when the Council is satisfied that:
 - (i) the nature of the trade activity, or the process design and/or management of the premises are such that the Consent Holder has a demonstrated ability to meet the conditions of the Consent during its term;

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- (ii) Cleaner Production techniques are implemented, or investment in Cleaner Production equipment or techniques is made; or
 - (iii) significant investment in Pre-Treatment facilities has been made, such that a period of certainty is reasonable.
 - (b) The Council may review the conditions of a Consent at any time. The reasons for review may include but are not limited to:
 - (i) non-compliance with a Consent or this bylaw;
 - (ii) accidental spills or mishaps;
 - (iii) changes to the Council's resource consents authorising the Wastewater System and disposal of Sewage;
 - (iv) changes to the Council's environmental policies or the outcomes of those policies;
 - (v) changes in the available technology and processes for control and treatment of Trade Wastes;
 - (vi) any of the matters listed in clauses 7.10 or 7.12;
 - (vii) the existence of any legal obligation imposed on the Council; or
 - (viii) the findings of a technical review pursuant to clause 10.
- 9.3 **Temporary Consents:** Temporary Consents may be granted in accordance with clause 9.2 of this bylaw.
- 9.4 **Disinfected/Super Chlorinated Water:** Any water used during the repair and construction of water mains shall be de-chlorinated prior to the Discharge into the Wastewater System. Application for Temporary Discharge Consent shall be made. Such water shall not be disposed of to the Stormwater System or water courses.
- 9.5 **Variation of conditions by a Consent Holder:** An Occupier or Consent Holder may seek to vary any condition of a Consent by making a written application to the Council.

10. TECHNICAL REVIEW AND VARIATION

- 10.1 The Council may at any time during the term of a Consent (including a Permitted Discharge), undertake a technical review of the Consent or Permitted Discharge.
- 10.2 The reasons for a review may include (without limitation):
- (a) the level of Consent Holder compliance, including any accidents, spills or process mishaps;
 - (b) the Council has good reason to believe that the quantity and nature of the Discharge changes, or is likely to change, to such an extent that it becomes non-compliant, and/or it becomes either a Conditional or Prohibited Trade Waste;
 - (c) new information becomes available;
 - (d) there is a need to meet any new resource Consent imposed on the Discharge from the Council's treatment plant or there are any changes in the resource Consent conditions held by the Council; or

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- (e) there is a need to meet other legal or environmental requirements imposed on the Council.

10.3 Following such a review, and after the Council consults with the Consent Holder, the Council may, by written notice to the Consent Holder, require an Occupier discharging permitted Trade Wastes to apply for a Consent in accordance with clause 7.

11. SUSPENSION OR CANCELLATION ON NOTICE

11.1 The Council may suspend or cancel any Consent, or any right to Discharge permitted Trade Waste, at any time following 20 Working Days' notice to the Consent Holder (in the case of a conditional Discharge), or the Occupier (in the case of a Permitted Discharge), when:

- (a) there is any failure to comply with any condition of a Consent;
- (b) the Occupier or Consent Holder fails to maintain effective control over the Discharge;
- (c) the Occupier or Consent Holder fails to limit the volume, nature, or composition of a Discharge in accordance with this bylaw or a Consent;
- (d) when the Occupier or Consent Holder negligently does or omits to do anything which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to, any part of the Sewer System or the treatment plant or threatens the health or safety of any Person;
- (e) the continuing Discharge poses a threat to the environment;
- (f) the Discharge, alone or in combination with any other Discharge may result in a breach of any resource consent held by the Council;
- (g) the Consent Holder fails to provide and maintain a Management Plan required under a conditional Consent;
- (h) the Consent Holder fails to adhere to a Management Plan during any unexpected, unscheduled or accidental occurrence;
- (i) the Occupier or Consent Holder fails to pay any Fees and Charges due;
- (j) the Consent Holder denies the Council access to the premises for the purpose of measuring, sampling or monitoring the Discharge; and
- (k) any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the Consent.

12. SUMMARY CANCELLATION

12.1 Any Trade Waste Consent may at any time be summarily cancelled by the Council on written notice to the Consent Holder if:

- (a) the Consent Holder causes or allows the Discharge of any prohibited substance;
- (b) the Council is lawfully directed to cancel the Consent summarily;
- (c) the Consent Holder unlawfully Discharges any Trade Waste;

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- (d) continuing the Discharge, in the opinion of the Council, poses an immediate threat to the environment or public health; or
- (e) continuing the Discharge may, in the opinion of the Council, result in a breach of its resource consent(s).

13. SAMPLING, TESTING AND MONITORING

13.1 General: The Council may require a Consent Holder to undertake or allow to be undertaken the sampling, testing and monitoring of any Discharge to determine:

- (a) compliance with this bylaw or a Consent;
- (b) the classification of a Discharge as a Permitted, Conditional, or Prohibited Discharge; or
- (c) Fees and Charges payable.

13.2 Costs: The Consent Holder is liable for all reasonable costs associated with the Discharge including the taking, preservation, transportation and analysis of samples and monitoring the Discharge.

13.3 Access Point: The Consent Holder shall ensure that there is, at all times, an Access Point complying with the requirements of the New Zealand Building Code permitting the Council to undertake the sampling, testing and monitoring contemplated by clause 13.1.

13.4 Entry to Premises: Pursuant to sections 171 and 172 of the Act, an Enforcement Officer may enter premises from which, in the opinion of that officer, Trade Wastes are being or have been Discharged and may:

- (a) take readings and measurements; and
- (b) observe accidental occurrences and clean-up.

13.5 Frequency of Sampling

- (a) The frequency of samples shall be as determined by the Council.
- (b) As a general guide:

Average Flow m ³ /d	Frequency of Sampling
0 -5	1 per year
5 – 30	2-3 per year
30 -100	4-6 per year
> 1000	Council to determine as special case

- (c) Sampling shall be carried out at the time of the year that the Trade Waste Discharge produces the greatest effect (whether flow or strength). Successive samples shall be taken on different days of the week, where possible.

13.6 Metering: Metering, whether for flow or quality measurement of the Discharge, may be required by the Council at its discretion.

13.7 Flow Metering: Flow metering is likely to be required when:

- (a) there is no reasonable relationship between a metered water supply to the premises and the Discharge;
- (b) the Council declines to approve an alternative method of flow estimation; or

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- (c) the Discharge represents a significant proportion of the total Discharge received by the Wastewater System.

13.8 Approved Meter:

- (a) The type of Meter used for the measurement of the rate or quantity of Discharge is subject to the approval of the Council.
- (b) The Consent Holder is responsible for the supply, installation, reading and maintenance of any Meter required by the Council.
- (c) Meters remain the property of the Consent Holder.

13.9 Location of Meter: Meters must be located in a position Approved by the Council and must be readily accessible for reading and maintenance. Meters must be installed according to the manufacturer's instructions.

13.10 Calibration of Meter: The Consent Holder must ensure in-situ calibration of Meter equipment and instrumentation is carried out, by a Person and method Approved by the Council, upon installation and at least once a year. Meters must be accurate to within 10%, and must not deviate from the previous Meter calibration by more than 5%. Independent certification of each calibration result must be submitted to the Council.

13.11 Adjustments: If a Meter is found to be inaccurate by more than 10% the Council may adjust any charges based on the Meter reading to account for that inaccuracy, and may back-date any adjusted charges for a period at the discretion of the Council not exceeding 12 months.

13.12 Records: Records of flow and/or volume must be made available for viewing by the Council at any reasonable time, and must be submitted to the Council at intervals specified in a Consent.

13.13 Estimating Discharge:

- (a) Where no Meter is used to measure a Discharge the Council may estimate the Discharge by reference to the quantity of water supplied to the premises, and may determine the charges payable according to that estimation.
- (b) If a Meter is out of repair or ceases to register, or is removed, the Council may estimate the Discharge on the basis of Discharges during the previous 12 months or any other factor it considers relevant, and may determine the charges payable according to that estimate.

13.14 Tampering: Any Person who tampers with a Meter installed to comply with a requirement under this bylaw, or a Consent, commits an offence against this bylaw. Where a Meter has been tampered with the Council may declare the reading void and may determine any charges payable according to its estimate of the Discharge.

13.15 Monitoring for compliance

- (a) The Council may:
 - (i) monitor and audit any Discharge by having samples taken and analysed in an Approved laboratory by agreed or Approved methods;
 - (ii) audit sampling and analysis carried out by or on behalf of an Occupier or Consent Holder; or

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- (iii) audit compliance with any Management Plans.
- (b) Taking, preserving, transporting and analysing samples and monitoring Discharges may be undertaken by any Person and method Approved by the Council.

14. TANKERED WASTE

- 14.1 Any Person may apply to the Council for permission to Discharge Tankered Waste at an Approved location.
- 14.2 Any Person discharging Tankered Waste within the District must:
- (a) hold a Consent to Discharge domestic septic tank or industrial wastes;
 - (b) supply to the Council material safety data sheets detailing the contents of the waste;
 - (c) obtain tests to determine the Characteristics of the waste where those Characteristics are otherwise not known;
 - (d) obtain specialist advice on Pre-Treatment if required by the Council and meet the cost of all testing and advice;
 - (e) not collect or transport the waste to the Approved location of Discharge until appropriate arrangements and methods for disposal have been Approved;
 - (f) give the Council 24 hours' notice prior to the disposal of wastes other than those sourced from domestic septic tanks; and
 - (g) comply with the Liquid and Hazardous Wastes Code of Practice (2003).
- 14.3 Any Person disposing of, or causing the disposal of Tankered Waste other than in accordance with this bylaw commits an offence against this bylaw.

15. BYLAW ADMINISTRATION

- 15.1 **Review of Decisions:** If any Person is dissatisfied with a decision of an Enforcement Officer made under this bylaw, that Person may, not later than 20 Working Days after being notified of the decision, request the Infrastructure Manager to review the decision.
- 15.2 **Accidents and Non-compliance:** In the event of an unauthorised Discharge, or any event which may have an adverse effect on the Wastewater System, the Occupier or Consent Holder must advise the Council immediately. This requirement is in addition to any other notification required to be given.

16. FEES AND PRESCRIBED CHARGES

- 16.1 **Charges:** Fees and Charges payable under this bylaw are listed in Schedules 1C and 1D. Fees and Charges are levied by the Council in accordance with section 150 of the Act and must be paid within one calendar month of the end of each charging period. The Council may vary Fees and Charges for different Sewage catchment areas.

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16.2 Cease to Discharge: The Occupier or Consent Holder is deemed to be continuing a Discharge and is liable for all Fees and Charges until notice of Disconnection is given.

16.3 Failure to Pay: Fees and Charges payable under this bylaw are recoverable as a debt.

16.4 Notice of Disconnection:

(a) Permanent Disconnection:

- (i) An Occupier or Consent Holder must give 48 hours' notice in writing to the Council of a requirement to disconnect a Point of Discharge or terminate a Consent.
- (ii) The Person discharging must notify the Council of any change of address to which invoices or a final invoice can be sent.
- (iii) On permanent Disconnection or termination of a Discharge, the Person discharging may, at the Council's discretion, be liable for Trade Waste charges to the end of the current charging period.

(b) Temporary Disconnection:

- (i) Where demolition or re-laying of a Drain is required, not less than five (5) Working Days' notice must be given to the Council by the Occupier or Consent Holder.

16.5 Cease to Occupy Premises: When a Consent Holder ceases to occupy Trade Premises from which Trade Wastes are Discharged that Consent Holder remains liable for any obligations existing at the date of termination, and any Consent terminates unless it is transferred to a new Occupier.

17. SERVICE OF DOCUMENTS

17.1 Delivery or post: Any notice or other document given, served or delivered under this bylaw may (in addition to any other method permitted by law) be given, served or delivered by being:

- (a) sent by pre-paid ordinary mail, courier, or facsimile, to the recipient at his or her last known place of residence or business, or sent by email to the recipients last known email address;
- (b) sent by pre-paid ordinary mail, courier, or facsimile, or email to the recipient at any address for service specified by him or her;
- (c) where the recipient is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at, its registered office; or
- (d) delivered to the recipient.

18. EXISTING DISCHARGES

18.1 If, prior to the commencement of this bylaw, a Person Discharges Trade Waste in accordance with an agreement or existing consent with the Council, subject to the provisos in clause 18.2 that Discharge may continue until the earlier of:

- (a) the date of expiry of the agreement or existing consent; or
- (b) 1 July 2025,

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at which time such Discharge shall be governed by the terms of this bylaw.

18.2 Clause 18.1 is subject to the following provisos:

- (a) a Person Discharging Trade Waste may only rely on clause 18.1 if all the terms of the agreement or existing consent authorising the Discharge are complied with and any Fees and Charges owing are paid; and
- (b) notwithstanding any regulation of the Discharge of Trade Waste under this bylaw pursuant to clause 18.1, the terms of any agreement or consent in existence before the commencement of this bylaw (including, for the avoidance of doubt, all provisions which relate to development contributions under the Act or payments in lieu of development contributions) shall remain in force for the remainder of the term of the agreement or consent.

18.3 If, prior to the commencement of this bylaw:

- (a) a Person Discharges Trade Waste otherwise than in accordance with an agreement or existing consent with the Council; and
 - (b) at no time did that Discharge require consent under any bylaw,
- that Discharge may continue for a period of no longer than one year from the date on which this bylaw comes into force.

19. OFFENCES AND PENALTIES

19.1 Every Person who fails to comply with this bylaw or breaches the conditions of any Consent granted under this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$200,000 or as set out in section 242 of the Act.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)

_____ **Mayor**

_____ **Chief Executive**

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**20. SCHEDULE 1A****Permitted Discharge Characteristics****1A.1 Introduction**

A Discharge of Trade Waste is classified as permitted if it complies with all of the following:

1A.2 Physical Characteristics**1A.2.1 Flow**

- (a) The volume of the Discharge in any 24 hour period must be less than 5m³.
- (b) The maximum instantaneous flow rate must be less than 2.0 L/s.

1A.2.2 Temperature

The temperature must not exceed 40°C.

1A.2.3 Solids

- (a) Non-faecal gross solids must have a maximum dimension not exceeding 15mm.
- (b) The suspended solids content must have a maximum concentration not exceeding 600g/m³.
- (c) The settleable solids content must not exceed 50mL/L.
- (d) The total dissolved solids concentration must not exceed 1500mg/L.
- (e) The Discharge must not contain fibrous, woven, sheet film or any other materials which may adversely interfere with the free flow of Wastewater in the drainage system or treatment plant.

1A.2.4 Fats, oil and grease

- (a) There must be no free or floating layer of fat, oil or grease.
- (b) Emulsified mineral oil, fat or grease which is not biodegradable must not exceed 200g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage, throughout the range of pH 6.0 to pH 10.0.
- (c) Emulsified oil, fat or grease which is biodegradable must not exceed 500g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range of pH 4.5 to pH 10.0.
- (d) Emulsified oil, fat or grease must not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range of pH 4.5 to pH 10.0.

1A.2.5 Solvents and other organic liquids

There must not be a free layer (whether floating or settled) of solvents or organic liquids.

1A.2.6 Emulsions of paint, latex, adhesive, rubber, plastic

- (a) Where emulsions of paint, latex, adhesive, rubber, or plastic are not treatable they may be discharged provided the total suspended solids does not exceed 100g/m³.
- (b) The Council may determine that the need exists for Pre-Treatment of such emulsions if they consider that Trade Waste containing emulsions unreasonably interferes with the operation of the Council treatment plant e.g. reduces % UVT (ultra violet transmission).
- (c) Emulsions of both treatable and non-treatable types, must not be discharged at a concentration and pH that causes coagulation and blockage at the mixing zone in the Sewer.

1A.2.7 Colour

The Discharge must not contain any colour or colouring substance that impairs Wastewater treatment processes or compromises the Council's resource consent to Discharge treated Sewage.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**1A.3 Chemical characteristics****1A.3.1 pH value**

The pH must be between 6.0 and 10.0 at all times.

1A.3.2 Organic Strength**1A.3.2.1**

The Biochemical Oxygen Demand (BOD₅) must not exceed 600g/m³.

Table 1A.1 – General chemical characteristics
(Mass limits may be imposed, refer to 7.10)

Characteristics	Maximum Concentration (g/m³)
MBAS	500
Ammonia (measured as N)	
- free ammonia	50
- ammonia salts	200
Kjeldahl nitrogen	150
Total Phosphorous (as P)	50
Sulphate (measured as SO ₄)	500
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	5

Table 1A.2 – Heavy metals

Metal	Maximum Concentration (g/m³)	Metal	Maximum Concentration (g/m³)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.05
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	5	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	10	Zinc	10

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**Table 1A.3 – Organic compounds and pesticides**

Compound	Maximum Concentration (g/m³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered in New Zealand).	0.2 in total
Organophosphate pesticides	0.1 ⁽¹⁾

1. Excludes pesticides not registered for use in New Zealand

Table 1A.4 – Liquid pharmaceutical waste and antibiotics

Mass Limit (L) (monthly)	Maximum Concentration (mg/mL)
10	125 mg / 5 ml
5	250 mg / 5 ml
3	Above 250 mg / 5 ml

1. Any Discharge above these limits is required to be a controlled Discharge and requires a Trade Waste agreement referred to in clause 8 of the Selwyn District Council Trade Waste Bylaw 2016.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**21. SCHEDULE 1B****PROHIBITED CHARACTERISTICS****1B.1 Introduction**

This schedule defines Prohibited Trade Wastes.

1B.2 Prohibited Characteristics**1B.2.1**

Any Discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:

- (a) Interfere with the free flow of Wastewater in the Wastewater System;
- (b) Damage any part of the Wastewater System;
- (c) In any way, directly or indirectly, cause the quality of the treated sewage or residual biosolids and other solids from any Wastewater treatment plant to breach the conditions of a resource consent;
- (d) Pose a risk to the health or safety of any person;
- (e) After treatment be toxic to fish, animals or plant life in the receiving waters;
- (f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance;
- (g) Have a colour or colouring substance that causes the discharge from any Wastewater treatment plant to receiving waters to be coloured; or
- (h) After treatment be potentially harmful to human health in the receiving waters.

1B.2.2

The following are prohibited characteristics:

- (a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- (b) Except those listed as permitted in Schedule 1A, liquid, solid or gas which might be flammable or explosive in the wastes, including oil, fuel, solvents, calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Sewage;
- (c) Asbestos;
- (d) Tin (as tributyl and other organotin compounds);
- (e) Any organochlorine pesticides;
- (f) Waste that contains or is likely to contain material from a genetically modified organism other than those approved under the HSNO;
- (g) Any health care waste prohibited for Discharge to Wastewater systems under NZS 4304 and any pathological or histological wastes;
- (h) Any pharmaceutical liquid waste containing Cytotoxic Waste; and
- (i) Radioactivity levels not compliant with the Ministry of Health (2020) Code of Practice for Unsealed Radioactive Material.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**22. SCHEDULE 1C****SYSTEM OF CHARGING IN RESPECT OF VOLUME AND STRENGTH OF TRADE WASTES AND SPECIAL WASTES****Permitted Discharges**

1. Permitted Dischargers will be charged on a volumetric basis in accordance with the following formula:

$$AFC = ((ED \times STR) - STRP) + UAC$$

Conditional and Temporary Discharges

2. Trade Waste producers (other than Permitted Dischargers) will be charged the UAC together with the actual cost of treating the Trade Wastes Discharged.
3. The total cost to Council of receiving, conveying, treating and disposing of Wastewater from within its District and is made up of capital, maintenance, operating consumables, labour, and administration costs.
4. The costs for each discharger of Wastewater are apportioned by volume, Biochemical Oxygen Demand (BOD₅), Inert Suspended Solids (ISS), Volatile Suspended Solids (VSS), total nitrogen (TN) and total phosphorous (TP) of Discharged Wastewater, and summed to give the total costs of reticulation to, and treatment at, the treatment plant.
5. The annual volume in cubic metres of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each subsequent financial year, is designated as Q (m³/year).
6. The annual BOD₅ in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as B_w (kg/year).
7. The annual ISS in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as D_w (kg/year).
8. The annual VSS in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as E_w (kg/year).
9. The annual TN in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as F_w (kg/year).
10. The annual TP in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as G_w (kg/year).
11. The estimated annual cost of receiving and disposing of (but not treating) all waste during each subsequent financial year is designated as C₁ (\$).
12. The estimated annual costs to the Council for treatment of all waste during each financial year is designated as C₂ (\$), and apportioned to volume, BOD₅, ISS, VSS, TN and TP on a site-specific basis relating to Wastewater treatment processes. The estimated current apportionment of costs is shown below, however Council may amend the basis of apportionment based on actual operational costs incurred in a given financial year.

WWTP	% of total operational treatment cost apportioned to				
	Volume	BOD ₅	ISS	VSS	TN
Pines*	28	32	11	19	10
Leeston*	55	31	0.6	6	7
Other WWTP	To be confirmed on an individual basis				

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

*Based on existing treatment processes and Discharge consent requirements; to be revised annually and following future upgrades

13. Charges for volume of wastes are based on either the measured volume Discharged or the volume estimated from the measured volume of water entering the premises during the period corresponding most closely with each financial year. This volume is designated as V (m³/year).
14. The charges in respect of BOD₅, ISS, VSS, TN and TP are based on the measured composition of Wastewater Discharged from the premises during the period corresponding most closely with each financial year. BOD₅, ISS, VSS, TN and TP charges are respectively designated B_T, D_T, E_T, F_T, and G_T (kg/year).
15. The charge provided for in clause 14 for each financial year levied on the Occupier or Consent Holder is calculated using the following formula:

Annual Trade Waste Charge =

$$\left[C_1 \times \frac{V}{Q} \right] + \left[C_2 \times \left[\left(\frac{V}{Q} \times Volume \right) + \left(\frac{B_T}{B_W} \times BOD \right) + \left(\frac{D_T}{D_W} \times ISS \right) + \left(\frac{E_T}{E_W} \times VSS \right) + \left(\frac{F_T}{F_W} \times TN \right) + \left(\frac{G_T}{G_W} \times TP \right) \right] \right]$$

Where Volume, BOD₅, ISS, VSS, TN and TP are replaced by the relevant percentages shown in clause 12 above.

In calculating any such charge any Domestic Sewage Discharged from the premises affected is deemed to be Trade Waste.

Definition:

C ₁	Estimated annual cost (\$) of receiving + disposing of all sewage
C ₂	Estimated annual cost (\$) for treating all sewage
V	Vol of waste IN/OUT of premises – m ³ /year
Q	Volume measure into WWTP - m ³ /year
Volume	Taken from a table page 31, depending on the location
B _T	Kg/year of BOD discharge from the premises
B _W	Kg/year of BOD received at WWTP
BOD	Biochemical Oxygen Demand
D _T	Kg/year of ISS discharge from the premises
D _W	Kg/year of ISS received at WWTP
ISS	Inert Suspended Solid
E _T	Kg/year of VSS discharge from the premises
E _W	Kg/year of VSS received at WWTP
VSS	Volatile Suspended Solid
F _T	Kg/year of TN discharge from the premises
F _W	Kg/year of TN received at WWTP
TN	Total Nitrogen
G _T	Kg/year of TP discharge from the premises
G _W	Kg/year of TP received at WWTP
TP	Total Phosphorous

16. The Consent Holder is levied for all reasonable costs incurred by Council to measure the Discharge volume or characterise the Discharged Wastewater as required to determine clauses 13 and 14 above.
17. Council may amend this Trade Waste charging system as required to recover actual operational costs relating to Wastewater reticulation, treatment and disposal in accordance with section 150 of the Act.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**23. SCHEDULE 1D**

The following table lists the Fees and Charges which are, or will be, prescribed in accordance with section 150 of the Act.

A. Administrative Charges	
Category	Description
A1 Connection Fee	Payable on application for connection to Discharge.
A2 Compliance Monitoring	The cost of sampling and analysis of Trade Waste discharges.
A3 Disconnection Fee	Payable following a request for Disconnection from Wastewater System.
A4 Trade Waste application fee	Payable on an application for a Trade Waste Discharge.
A5 Re-inspection Fee	Payable for each re-inspection visit by the Council where a notice served under this bylaw has not been complied with by the Trade Waste discharger.
A6 Special rates for loan charges	Additional rates for servicing loans raised for the purposes of constructing or improving the Wastewater System.
A7 Temporary Discharge fee	Payable prior to receipt of Temporary Discharge.
A8 UAC	An annual management fee for a Trade Waste Discharge to cover the Council's costs associated with: <ul style="list-style-type: none"> (a) Administration (b) General compliance monitoring (c) General inspection of Trade Waste Premises as set out in the Long Term Plan or Annual Plan
A9 Rebates for Trade Premises within the District	Reduction of fees is provided for in section 150(2) of the LGA. In no circumstances will the charge be less than the Council's Wastewater charge for the equivalent period.
A10 New or Additional Trade Premises	Pay the annual fees and a pro rata proportion of the various Trade Waste Charges relative to flows and loads.
B Trade Waste Charges	
Category	Description
B1 Volume	Payment based on the volume Discharged \$/m ³ For permitted discharges, categories have been simplified as indicated in Schedule 1C
B2 Flow rate	Payment based on the flow rate Discharged \$/L/s
B3 Suspended solids (split between Inorganic and Volatile Suspended Solids)	Payment based on the mass of suspended solids \$/kg
B4 Organic loading	Biochemical oxygen demand or chemical oxygen demand \$/kg.
B5 Nitrogen	Payment based on the defined form(s) of nitrogen \$/kg.

B Trade Waste Charges	
Category	Description
B6 Phosphorous	Payment based on the defined form(s) of phosphorous \$/kg.
B7 Metals	Payment based on the defined form(s) of the metal(s) \$/kg.
B8 Transmissivity	A charge based on the inhibiting nature of the Trade Waste to UV light used by the Council's disinfection process.
B9 Screenable Solids	Payment based on the mass of screenable solids \$/kg.

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B10	Toxicity charge	Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³
B11	Incentive rebate	A rebate for Discharging materials beneficial to the Council's Wastewater System \$/kg and/or \$/m ³
B12	Depreciation	Operating cost related to capital and normally spread across the volume and mass charges.
B13	Capital	Apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional consent.
C Tankered Waste Charges		
	Category	Description
C1	Tankered Waste	Set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependant on the Trade Waste.
C2	Toxicity	Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**24. SCHEDULE 1E**

Examples of types of Trade Waste activities producing Trade Waste.

Note:

Any Discharge other than Domestic Sewage may need to be authorised by a Consent. The examples set out below are not an exhaustive list.

Likely to be permitted	Likely to be conditional	Likely to be conditional
Beautician Building construction – slab formation Café (no cooking) Carpet cleaning mobile units Carwash (automated) Ceramics and pottery (Hobby Club) Coffee Lounge (no cooking) Community Hall (no hot food cooked) Day care centre (with no hot food cooked and served on site) Delicatessen (no meat cooked onsite. No hot food prepared or served) Doctors' surgeries (excluding day care surgical facilities) Dog groomers Florist Fruit and vegetable market (retail) Funeral parlour Hairdressing salon Ice cream parlour Kennels Nut shop Optical processes Painter (small commercial) Pet shop (retail) Sandwich bar/salad bar School canteen (no cooking) School ceramics and pottery Service stations Swimming pool (non-municipal) Takeaway food (not hot food) Venetian blind cleaning	Abattoir Approved stormwater discharged to sewer Beverage manufacturers (including wineries) Bakeries Cafes Churches (with catering facilities) Clothing manufacturers Concrete batching plants Dairy processing plants Day care centre (with hot food cooked and served on site) Dentists Doctors' surgeries/medical centres (with day care surgical facilities) Dry cleaners Electroplaters Fellmongers Food processors including canneries Foundries Fruit and vegetable processors including canneries Galvanizers Hospitals (including day care surgical facilities) Hotels and motels with catering facilities Laundries Landfills (leachate discharge) Manufacturers of chemicals, and of chemical, petroleum, coal, rubber and plastic products Manufactures of clay, glass, plaster, masonry, and mineral products Manufacturers of fabricated metal products, machinery and equipment	Manufacturers of fertiliser Manufacturers of paper and paper products Marae Mechanical workshops Medical laboratories Metal finishers Mortuaries Municipal swimming pool Optical factory Pharmacies Photo processors Premises with commercial macerators Printers Restaurants (excluding those with commercial macerators) Schools, polytechnics, universities (with laboratories) Scientific and other laboratories Spray painting facilities Stock sale yards Takeaway premises Tankered Waste Tanneries and leather finishing (including fellmongery) Textile fibre and textile processors Truck wash facilities Vaccine manufacturers Vehicle wash facilities Veterinary facilities Waste management processors Wholesalers/retailers including butchers, greengrocers and fishmongers (excluding those with commercial macerators) Wool scourers

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

25. REFERENCED DOCUMENTS

New Zealand Standards

NZS 4304:2002 Management of healthcare waste

NZS 5465:2001 A2 Self-containment for motor caravans and caravans

NZS 9201 Part 22:1999 Model General Bylaws – Wastewater Drainage

NZS 9201 Part 23:2004 Model General Bylaws – Trade Waste

Joint Australian / New Zealand Standards

AS/NZS 5667: Water quality – Sampling

Part 1:1998 Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples

Part 10:1998 Guidance on sampling of waste waters

British Standards

BS 3680: Measurement of liquid flow in open channels

Part 11A:1992 Free surface flow in closed conduits – Methods of measurement

Part 11B:1992 Free surface flow in closed conduits – Specification for performance and installation of equipment for measurement of free surface flow in closed conduits

BS 5728: Measurement of flow of cold potable water in closed conduits

Part 3:1997 Methods for determining principal characteristics of single mechanical water meters (including test equipment)

BS 6068: Water quality

Part 6: Sampling Section 6.10:1993 Guidance on sampling of waste waters

BS EN 25667-1: 1994 Water quality. Sampling. Guidance on the design of sampling programmes

BS 6068-6.1:1981

BS EN 25667-2: 1993 Water quality. Sampling. Guidance on sampling techniques

BS 6068-6.2: 1991

BS EN 5667-3: 2003 Water quality. Sampling. Guidance on the preservation and handling of water

BS 6068-6.3: 2003 Samples

New Zealand Legislation

Building Act 2004

Hazardous Substances and New Organisms Act (HSNO 1996) and associated Regulations

Health Act 1956

Health and Safety at Work Act 2015

Land Transport Rule Dangerous Goods 2005 Rule 45001/2005

Local Government Act (LGA) 2002

Resource Management Act (RMA) 1991 and associated regulations

Other Publications

Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ) and Australia New Zealand Environment and Conservation Council (ANZECC) Guidelines for Wastewater Systems:

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Acceptance of Trade Wastes (industrial waste) 12 (1994) Document available from Australian Water Association (AWA) www.awa.asn.au

American Water Works Association

Standard methods for the examination of water and wastewater 20th Edition (1999)

Document available from American Water Works Association www.aCouncil.org

Ministry of Business, Innovation and Employment

New Zealand Building Code (NZBC) 1992 and Approved Documents

Document available from <http://www.building.govt.nz/getting-started/>

Ministry for the Environment (MfE)

Landfill Acceptance Criteria (2004)

The New Zealand Waste Strategy (2002)

Documents available from Ministry for the Environment New Zealand www.mfe.govt.nz

Ministry of Health

Ministry of Health (2020) Code of Practice for Unsealed Radioactive Material

Document available from the Ministry of Health www.health.govt.nz

New Zealand Water and Wastes Association (NZCOUNCIL)

Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003)

Liquid and Hazardous Wastes Code of Practice (2003)

Documents available from New Zealand Water & Wastes Association (NZCOUNCIL)

www.nzCouncil.org.nz

New Zealand Water Environment Research Foundation (NZWERF)

New Zealand Municipal Wastewater Monitoring Guidelines (2002)

Document available from New Zealand Water Environment Research Foundation (NZWERF)

www.nzwerf.org

Sydney Water Corporation

Trade Waste Policy (2004)

Document available from Sydney Water Corporation www.sydneywater.com.au

United States Environment Protection Agency (US EPA)

Method 9095A Paint Filter Liquids Test (1996)

Document available from United States Environmental Protection Agency www.epa.gov

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Application for Permitted Trade Waste Discharge
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<p>PERMITTED DISCHARGE CRITERIA</p> <p>TICK THE RELEVANT BOXES BELOW TO SHOW WHY YOUR DISCHARGE IS PERMITTED.</p> <p>IF YOUR DISCHARGE DOES NOT MEET THE PERMITTED DISCHARGE CRITERIA, PLEASE FILL IN APPENDIX B (NOT THIS FORM).</p> <p>PERMITTED INDUSTRIES</p> <p>SCHEDULE 1E HAS A LIST OF ACTIVITIES THAT ARE 'LIKELY TO BE PERMITTED'. IF YOUR TYPE OF INDUSTRY IS LISTED AS 'LIKELY TO BE PERMITTED', PLEASE WRITE WHAT TYPE OF INDUSTRY YOU ARE BELOW:</p> <p>_____</p> <p>OR</p> <p>OTHER INDUSTRIES</p> <p>IF YOUR DISCHARGE IS NOT LISTED AS A PERMITTED INDUSTRY, PLEASE TICK THE RELEVANT BOXES BELOW TO SHOW HOW YOUR DISCHARGE MEETS THE PERMITTED DISCHARGE CRITERIA:</p> <p>MAXIMUM DAILY FLOW</p> <p>(GREATER THAN 5 M³/DAY WILL REQUIRE A CONSENT)</p> <p>CONFIRM AVERAGE DAILY FLOW _____</p> <p>MAXIMUM TEMPERATURE</p> <p>LESS THAN 40°C <input type="checkbox"/></p> <p>SOLIDS</p> <p>NO GROSS SOLIDS >15MM <input type="checkbox"/></p> <p>SUSPENDED SOLIDS <600G/M³ <input type="checkbox"/></p> <p>SETTLEABLE SOLIDS <50 ML/L <input type="checkbox"/></p> <p>NO FIBROUS, WOVEN, SHEET FILM OR OTHER MATERIALS WHICH MAY BLOCK WASTEWATER PIPES OR PLANT <input type="checkbox"/></p>	<p>FATS, OIL AND GREASE</p> <p>NO FREE/FLOATING LAYER OF FAT, OIL OR GREASE <input type="checkbox"/></p> <p>THE DISCHARGE CONTAINS NO EMULSIFIED MINERAL OIL, FAT OR GREASE <input type="checkbox"/></p> <p>IF THE DISCHARGE CONTAINS EMULSIFIED MINERAL OIL, FAT OR GREASE, PLEASE EXPLAIN HOW THE DISCHARGE MEETS THE PERMITTED ACTIVITY CRITERIA (REFER TO SCHEDULE 1A): _____</p> <p>_____</p> <p>SOLVENTS AND OTHER ORGANIC LIQUIDS</p> <p>NO FREE/FLOATING/SETTLED LAYER OF SOLVENTS OR ORGANIC LIQUIDS <input type="checkbox"/></p> <p>EMULSIONS OF PAINT, LATEX, ADHESIVE, RUBBER, PLASTIC</p> <p>THE DISCHARGE DOES NOT CONTAIN EMULSIONS OF PAINT, LATEX, ADHESIVE, RUBBER OR PLASTIC <input type="checkbox"/></p> <p>OR</p> <p>THE DISCHARGE CONTAINS THESE MATERIALS BUT TOTAL SUSPENDED SOLIDS ARE <100 G/M³ <input type="checkbox"/></p> <p><u>ADVICE NOTE:</u> THE COUNCIL MAY DETERMINE THAT THE NEED EXISTS FOR PRE-TREATMENT OF SUCH EMULSIONS IF THE TRADE WASTE CONTAINING EMULSIONS UNREASONABLY INTERFERES WITH THE OPERATION OF THE COUNCIL TREATMENT PLANT E.G. REDUCES % UVT (ULTRA VIOLET TRANSMISSION). EMULSIONS OF BOTH TREATABLE AND NON-TREATABLE TYPES, MUST NOT BE DISCHARGED AT A CONCENTRATION AND PH THAT CAUSES COAGULATION AND BLOCKAGE AT THE MIXING ZONE IN THE SEWER.</p> <p>COLOUR</p> <p>THE DISCHARGE DOES NOT CONTAIN COLOUR OR COLOURING SUBSTANCE <input type="checkbox"/></p> <p>PH</p> <p>THE PH VALUE IS BETWEEN 6 AND 10 AT ALL TIMES <input type="checkbox"/></p> <p>BOD</p> <p>THE BOD OF THE DISCHARGE IS <600 G/M³ <input type="checkbox"/></p> <p>OTHER CHEMICAL CHARACTERISTICS</p> <p>PLEASE CONFIRM THAT YOU HAVE REVIEWED SCHEDULE 1A AND THAT YOUR DISCHARGE DOES NOT EXCEED ANY OF THE MAXIMUM CONCENTRATIONS <input type="checkbox"/></p>
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SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

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Application for Permitted Trade Waste Discharge
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SIGNATURE BLOCK	FOR OFFICE USE ONLY
FULL NAME	APPLICATION NUMBER _____
_____	APPLICATION RECEIVED AND CHECKED BY
_____	INSPECTOR CLERK
POSITION	_____
_____	DATE _____
	<input type="checkbox"/> PERMITTED
	<input type="checkbox"/> CONDITIONAL
1. I AM DULY AUTHORISED TO MAKE THIS APPLICATION	PROPERTY LINK IDENTIFICATION NUMBER

2. I BELIEVE THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT.	BUILDING CONSENT NUMBER

SIGNATURE _____	TRADE WASTE CONSENT
	APPROVED BY _____
DATE _____	CONSENT NO _____
	DATE _____
	APPLICATION FEE
	\$ _____
	GST _____
	TOTAL \$ _____
	CASHIER RECEIPT

	FILE NUMBER

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

Application for Consent to Discharge Trade Waste
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<p>TRADE NAME AND STREET ADDRESS OF PREMISES</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>PHONE _____</p> <p>AFTER HOURS CONTACT _____</p> <p>PHONE _____</p> <p>FAX _____</p> <p>POSTAL ADDRESS OF CUSTOMER FOR CHARGING</p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>_____</p> <p>OWNER OF PREMISES (IF DIFFERENT FROM ABOVE)</p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>_____</p> <p>ADDRESS FOR SERVICE FOR FURTHER ENQUIRIES CONCERNING THIS APPLICATION</p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>_____</p> <p>PHONE _____</p> <p>FAX _____</p> <p>VALUATION NUMBER</p> <p>_____</p> <p>LOT NUMBER</p> <p>_____</p> <p>DP NUMBER</p> <p>_____</p> <p>THIS APPLICATION RELATES TO:</p> <p><input type="checkbox"/> PROPOSED NEW DISCHARGE</p> <p><input type="checkbox"/> AN EXISTING DISCHARGE FOR WHICH NO CONSENT EXISTS, CURRENT POINT OF PLACE OF DISCHARGE</p> <p>_____</p> <p><input type="checkbox"/> RENEWAL OF A CONSENT</p> <p><input type="checkbox"/> TRANSFER OF A CONSENT</p> <p><input type="checkbox"/> VARIATION TO AN EXISTING CONSENT – NATURE OF VARIATION _____</p> <p>_____</p>	<p>TERM OF CONSENT SOUGHT</p> <p>FROM _____</p> <p>FOR A PERIOD OF:</p> <p>1 YR <input type="checkbox"/> 2 YRS <input type="checkbox"/> 5 YRS <input type="checkbox"/></p> <p>OTHER (SPECIFY) <input type="checkbox"/></p> <p>ARE THE PREMISES ALREADY CONNECTED TO THE PUBLIC SEWER?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>IF NO A BUILDING CONSENT APPLICATION WILL ALSO BE REQUIRED</p> <p>CONNECTIONS REQUIRED</p> <p>SIZE _____ NO _____</p> <p>SIZE _____ NO _____</p> <p>DESCRIPTION OF THE MAIN TRADE ACTIVITY</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>DIAGRAM FOR CONNECTION LOCATION (SHOW DISTANCES FROM BOUNDARIES, KERBS, BUILDINGS)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>USE AND ATTACH ADDITIONAL SHEETS AS REQUIRED</p>
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SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B
Application for Consent to Discharge Trade Waste
Page 2 of 6

SIGNATURE BLOCK	FOR OFFICE USE ONLY
FULL NAME	APPLICATION NUMBER _____
_____	APPLICATION RECEIVED AND CHECKED BY
_____	INSPECTOR CLERK
POSITION	_____
_____	DATE _____
3. I AM DULY AUTHORISED TO MAKE THIS APPLICATION	<input type="checkbox"/> PERMITTED
4. I BELIEVE THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT.	<input type="checkbox"/> CONDITIONAL
SIGNATURE _____	PROPERTY LINK IDENTIFICATION NUMBER
DATE _____	_____
	BUILDING CONSENT NUMBER

	TRADE WASTE CONSENT
	APPROVED BY _____
	CONSENT NO _____
	DATE _____
	APPLICATION FEE
	\$ _____
	GST _____
	TOTAL \$ _____
	CASHIER RECEIPT

	FILE NUMBER

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

DESCRIPTION OF TRADE WASTE AND PREMISES

Page 3 of 6

PLEASE PRINT CLEARLY		
1. GENERAL PREMISES		
1.1 FULL LEGAL NAME OF COMPANY/PARTNERSHIP ETC/NAMES OF APPLICANT/S		
1.2 TRADING AS (BEING THE OWNER/OCCUPIER(S) OF THE TRADE PREMISES LOCATED AT):		
1.3 LIMITED COMPANY OR BODY CORPORATE NUMBER (AS APPLICABLE)		
1.4 POSTAL NAME AND ADDRESS	1.5 NAME AND ADDRESS OF OWNER/OCCUPIER	1.6 CONTACT DETAILS FOR ENQUIRIES (IF DIFFERENT)
NAME	NAME	NAME
	DESIGNATION	DESIGNATION
	PHONE	PHONE
ADDRESS	CELLPHONE	CELLPHONE
	FAX	FAX
	EMAIL	EMAIL

1.7 TOTAL VOLUME OF WASTES:	1.8 GENERAL CHARACTERISTICS OF WASTES:
AVERAGE DAILY VOLUME:..... M ³	TEMPERATURE (°C) TYPICAL RANGE
MAXIMUM VOLUME IN ANY 8 HR PERIOD:..... M ³	BOD ₅ (MG/L) COD (MG/L)
MAXIMUM DAILY VOLUME:..... M ³	SUSPENDED SOLIDS (MG/L)
MAXIMUM FLOW:..... M ³	INERT SUSPENDED SOLIDS (MG/L)
SEASONAL FLUCTUATION (RANGE):..... M ³	VOLATILE SUSPENDED SOLIDS (MG/L)
	TOTAL NITROGEN (MG/L)
	TOTAL PHOSPHOROUS (MG/L)
	PH
	FATS, OIL AND GREASES(MG/L)

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

DESCRIPTION OF TRADE WASTE AND PREMISES

Page 4 of 6

1.9 THE SOURCE OF WATER USED ON THE PREMISES IS:

(A) FROM..... COUNCIL M³/WORKING DAY

(B) FROM OTHER SOURCES (*STATE SOURCE*) M³/WORKING DAY

1.10 THE WASTES DO/DO NOT, CONTAIN CONDENSING WATER OR STORMWATER AND THE LAYOUT OF DRAINS ON THE PREMISES IS/IS NOT, SUCH AS TO REASONABLY EXCLUDE THE POSSIBILITY OF SUCH BECOMING MIXED WITH TRADE WASTES.

1.11 IT IS/IS NOT PROPOSED THAT DOMESTIC WASTEWATER AND TRADE WASTE SHOULD BE DISCHARGED AT THE SAME POINT OF DISCHARGE.

1.12 THE PROPOSED METHOD FOR FLOW MEASUREMENT IS:

☐ A PERMANENT INSTALLATION OF SUITABLE FLOW MEASURING EQUIPMENT

☐ BASED ON WATER USAGE AS MEASURED BY METER

☐ OTHER, (*SPECIFY*)

1.13 LIST ANY SUBSTANCES CONTAINED IN SCHEDULE 1A OR 1B OF THE BYLAW WHICH ARE STORED, USED, OR GENERATED ON THE PREMISES

1.14 DESCRIBE MITIGATION MEASURES EMPLOYED TO PREVENT ACCIDENTAL SPILLAGES OF THESE SUBSTANCES FROM ENTERING THE PUBLIC SEWER OR STORMWATER SYSTEM.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

DESCRIPTION OF TRADE WASTE AND PREMISES

Page 5 of 6

1.15 SITE PLANS OF THE PREMISES ARE ATTACHED WHICH CLEARLY SHOW THE LOCATION OF THE FOLLOWING AS APPROPRIATE:

<input type="checkbox"/> PROCESS AREAS	<input type="checkbox"/> FLOW MEASURING DEVICES	<input type="checkbox"/> TRADE WASTE DRAINS
	<input type="checkbox"/> EMERGENCY SPILL DEVICES	<input type="checkbox"/> DOMESTIC WASTEWATER DRAINS
		<input type="checkbox"/> OPEN AREAS DRAINING TO TRADE WASTE DRAINS
<input type="checkbox"/> OTHER (<i>SPECIFY</i>)		<input type="checkbox"/> STORMWATER DRAINS

1.16 DETAILED DRAWINGS AND DESCRIPTIONS FOR THE FOLLOWING ARE ATTACHED AS APPROPRIATE.

<input type="checkbox"/> PRE-TREATMENT SYSTEMS	<input type="checkbox"/> FLOW MEASURING DEVICES	<input type="checkbox"/> EMERGENCY SPILL CONTAINMENT
<input type="checkbox"/> SAMPLING POINTS	<input type="checkbox"/> METHOD OF FLOW METER CALIBRATION	

1.17 AN INDEPENDENT WASTE AUDIT OF THE PREMISES HAS / HAS NOT BEEN CARRIED OUT BY:

.....

1.18 A DISCHARGE MANAGEMENT PLAN IS/IS NOT ATTACHED.

1.19 THE HEALTH AND SAFETY REQUIREMENTS AND SECURITY ARRANGEMENTS FOR SELWYN DISTRICT COUNCIL STAFF ENTERING THE PREMISES AREA ARE AS FOLLOWS (*SPECIFY*):

.....

.....

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**APPENDIX C****APPLICATION FOR TEMPORARY DISCHARGE****Page 1 of 2**

PLEASE PRINT CLEARLY	
APPLICANT	
NAME COMPANY ADDRESS PHONE FAX APPLICANT RESPONSIBLE FOR LIQUID WASTE <input type="checkbox"/> TRANSPORTATION <input type="checkbox"/> GENERATION <input type="checkbox"/> LICENSED TRANSPORTER	
NAME COMPANY ADDRESS PHONE FAX	
APPLICATION SOUGHT FOR	
<input type="checkbox"/> ONE DISCHARGE <input type="checkbox"/> A NUMBER OF DISCHARGES OF THE SAME KIND OF LIQUID WASTE UP TO A PERIOD OF ONE YEAR.	
PROPOSED POINT OF DISPOSAL IF FROM PREMISES TO PUBLIC SEWER, WHAT IS THE EXISTING TRADE WASTE CONSENT NUMBER?	PROPOSED TIMING OF PROPOSAL TIME DATE
LIQUID WASTE	
QUANTITY M ³ SOURCE PROCESS IN WHICH WASTE WAS PRODUCED	

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**APPENDIX C****APPLICATION FOR TEMPORARY DISCHARGE****Page 2 of 2**

GENERAL CHARACTERISTICS	
TEMPERATURE (°C)	BOD ₅ (MG/L)
COD (MG/L)	TOTAL NITROGEN
SUSPENDED SOLIDS (MG/L)	TOTAL PHOSPHOROUS
INERT SUSPENDED SOLIDS (MG/L)	PH
VOLATILE SUSPENDED SOLIDS (MG/L)	FATS, OIL AND GREASES(MG/L)
LIST ANY CHARACTERISTICS WHICH ARE LIKELY TO BE GREATER THAN 50% OF CONCENTRATIONS STIPULATED IN SCHEDULE 1A OF THE TRADE WASTE BYLAW	
ANALYSIS (CHECK WITH SELWYN DISTRICT COUNCIL TO SEE WHETHER THIS IS REQUIRED)	
<input type="checkbox"/> ATTACHED	<input type="checkbox"/> NOT REQUIRED
DECLARATION	
WE HEREBY CERTIFY THAT THE ABOVE LIQUID WASTE IS ACCURATELY DESCRIBED.	
APPLICANT: TRANSPORTER/GENERATOR:	

FOR OFFICE USE ONLY	
APPLICATION NUMBER:	
APPLICATION RECEIVED BY DATE.....	
DISCHARGE:	<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED
BY	
DATE	
TEMPORARY DISCHARGE	
IF APPROVED:	WHERE DISCHARGED
	TIME AND DATE
IF NOT APPROVED:	WHERE REFERRED TO:
TEMPORARY DISCHARGE FEE	
	\$ CASHIER RECEIPT:.....
GST	\$ FILE NUMBER:.....
TOTAL	\$

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016**APPENDIX D**

Page 1 of 1

**CONSENT TO DISCHARGE TRADE WASTE TO THE PUBLIC SEWER
Pursuant to the Selwyn District Council Trade Waste Bylaw 2016**

To

(Consent Holder Trade Name)

Address:

(Street Address of Trade Premises)

Phone..... Fax

Name

(Contact Name)

Address:

(Address for Charging and Servicing of Documents)

(Trade Activity)

In response to, and in terms of, the information declared in your application of..... to discharge trade waste from the above premises, the consent of the Selwyn District Council is hereby given for the term and subject to the conditions set out below:

1. That this consent relates to a proposed new discharge/an existing non-consented discharge/renewal of a consent/variation to an existing consent.
2. That this is a consent to discharge conditional trade waste.
3. That the provisions of the Selwyn District Council Trade Waste Bylaw 2016 are complied with at all times.
4. That this consent is valid for a period of..... years and will expire on.....
5. That the trade waste discharged under this consent may consist only of wastes that have been assessed and approved by the Council.
6. That this consent is subject to the specific conditions set out in Schedule 1A which is attached.

For and on behalf of the Selwyn District Council:

Enforcement Officer:	FOR OFFICE USE ONLY:
Name:	Consent Number:
Signature:	Application Number:
Date:	File No:

Selwyn District Council Wastewater Drainage Bylaw 2016

SELWYN DISTRICT COUNCIL WASTEWATER DRAINAGE BYLAW 2016

(as reviewed and amended in 2021)

The Selwyn District Council makes the following bylaw regulating Wastewater Drainage pursuant to sections 145(a) and (b) and 146(b)(iii) of the Local Government Act 2002.

Explanatory Notes

These explanatory notes do not form part of this bylaw but are intended to indicate the general effect of the provisions contained in the bylaw.

Purpose

The purpose of this bylaw is to control and monitor Wastewater drainage into the public Wastewater System in order to:

- protect public health and the environment;*
- manage, regulate and protect the Council's water supply from misuse or damage;*
- protect the Stormwater system infrastructure;*
- protect the Wastewater System infrastructure;*
- provide a basis for monitoring Wastewater Discharge from Dwellings;*
- ensure compliance with consent conditions; and*
- protect the use of land, structures and infrastructure associated with Wastewater drainage.*

Scope

This bylaw provides for the:

- conditions of Discharge of Wastewater from any Dwelling;*
- liability of Persons who are in breach of this bylaw; and*
- administrative mechanisms for the operation of the bylaw.*

Selwyn District Council Wastewater Drainage Bylaw 2016

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Selwyn District Council Wastewater Drainage Bylaw 2016

1. TITLE

- 1.1 This bylaw shall be known as the Selwyn District Council Wastewater Drainage Bylaw 2016.

2. DATE OF COMMENCEMENT

- 2.1 This bylaw comes into force on 1 September 2016.
- 2.2 This bylaw was reviewed and amended in 2021 and comes into effect in its amended form on 15 November 2021.

3. APPLICATION OF BYLAW

- 3.1 This bylaw applies in respect of the Wastewater System maintained by the Selwyn District Council and to the Discharge of Wastewater and other substances into that system.
- 3.2 Nothing in this bylaw authorises the Discharge of Trade Waste that is subject to the Trade Waste Bylaw.
- 3.3 **Compliance with other Acts:** The provision of Wastewater services by the Selwyn District Council is subject to statute and regulation and nothing in this bylaw derogates from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and any regulations made pursuant to those Acts and any other relevant statutory or regulatory requirements. References to a repealed enactment include its replacement. In the event of any inconsistency between this bylaw and the legislation the more stringent applies.
- 3.4 **Compliance with Selwyn District Council Engineering Code of Practice and Building Act:** The Council will only provide Wastewater services to a Drain or Approved Sewer that complies with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.

4. DEFINITIONS

- 4.1 In this bylaw, unless the context otherwise requires:
- (a) **Approve or Approved** means approval in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
 - (b) **Biosolids** means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial Wastewater treatment plants;
 - (c) **Buried Services** means all public Sewers, Rising Mains, Trunk Sewers and other underground utilities owned or managed by the Council;
 - (d) **Certifying Drainlayer** means a fully qualified and experienced registered drainlayer or such other qualified Approved Person;
 - (e) **Code of Practice** means the Selwyn District Council Engineering Code of Practice;
 - (f) **Common Drain** means a Drain serving more than one premise;

Selwyn District Council Wastewater Drainage Bylaw 2016

- (g) **Council** means the Selwyn District Council or any officer authorised to exercise the authority of the Council;
- (h) **Customer(s)** means a Person who Discharges or has the right to Discharge Wastewater to the Wastewater System with the consent of Council;
- (i) **Discharge or Discharged** means Discharge of Wastewater into the Wastewater System whether directly or indirectly;
- (j) **Disconnection** means the physical cutting and sealing of the Drain from a premise;
- (k) **Drain** means that section of private drain between the Customer's premises and the Point of Discharge through which Wastewater is conveyed from the premises;
- (l) **Dwelling** means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more Persons. A Dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site unless that building or part of a building is being used for overnight accommodation;
- (m) **Enforcement Officer** means any officer appointed by the Council as an enforcement officer under section 177 of the Act, as an enforcement officer with powers of entry as prescribed in sections 171-174 of that Act;
- (n) **Excavation** means any works including tunnelling, thrust boring, cultivation, post driving or any disturbance of land;
- (o) **Fees and Charges** means the Fees and Charges determined by the Council from time to time in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002 for services provided by the Council associated with the Discharge of Wastewater;
- (p) **Good Industry Practice** means the procedures, methods, specifications and Standards followed when works are carried out:
 - (i) in a sound and workmanlike manner;
 - (ii) with due care, skill and foresight;
 - (iii) in a safe and prudent manner;
 - (iv) in compliance with all applicable legislation, laws, licences and Standards; and
 - (v) to the standard of diligence, prudence and foresight that would reasonably be expected to be observed by a highly skilled and highly experienced contractor engaged in carrying out such activities;
- (q) **Infiltration** means groundwater entering the Wastewater System or Drain through defects such as poor joints, and cracks in pipes or manholes;
- (r) **Inflow** means water Discharged into a Drain or the Wastewater System from unauthorised connections or drain laying faults and includes Stormwater entering through unauthorised down pipe connections or from low gully traps;

Selwyn District Council Wastewater Drainage Bylaw 2016

- (s) **Person(s)** means a natural Person, corporation or a body of Persons whether corporate or otherwise;
- (t) **Point of Discharge** is the boundary between the Wastewater System and a Drain;
- (u) **Pressure Drain** means a Drain through which Wastewater is pumped from a premise into the Wastewater System;
- (v) **Pressure Drain System** means a system comprising a pumping station and Pressure Drain that conveys Wastewater from a premise to the Wastewater System;
- (w) **Prohibited Characteristics** means the characteristics set out in Schedule 1;
- (x) **Prohibited Waste** means waste that has, or is likely to have, any of the Prohibited Characteristics set out in Schedule 1;
- (y) **Public Notice** has the same meaning as in the Local Government Act 2002;
- (z) **Rising Main** means a Sewer through which Wastewater is pumped;
- (aa) **Sanitary Appliance** means any appliance used for sanitation, including machines for washing dishes and clothes;
- (bb) **Sanitary Fixture** means any fixture which is intended to be used for sanitation, including but not limited to fixtures used for washing and/or excretion;
- (cc) **Service Opening** means a manhole, inspection chamber, rodding eye or similar means for gaining access for inspection, cleaning or maintenance, to the Wastewater System;
- (dd) **Sewage** means a Discharge from any Sanitary Fixture or Sanitary Appliance;
- (ee) **Sewage Sludge** means the material settled out and removed from Sewage during treatment;
- (ff) **Sewer** means the public Sewer Main and public Sewer Laterals that carry away Wastewater from the Point of Discharge;
- (gg) **Sewer Lateral** means that section of the Sewer between the Sewer Main and a Drain;
- (hh) **Sewer Main** means that section of the Sewer that carries away Wastewater from the Sewer Lateral;
- (ii) **Standards** means the relevant standards or codes specified in or reasonably inferred from this bylaw or, if this bylaw is silent as to the standard or code to apply, those relevant standards and/or codes published by Standards New Zealand. Where no applicable New Zealand Standard exists, those relevant standards and/or codes published by Standards Australia;
- (jj) **Stormwater** means all surface water run-offs resulting from precipitation;
- (kk) **Trade Waste** has the same meaning as in the Trade Waste Bylaw;
- (ll) **Trade Waste Bylaw** means the Selwyn District Council Trade Waste Bylaw 2016;
- (mm) **Trunk Sewer** means a Sewer, having a diameter of 150mm or greater, which forms part of the principal drainage network of the Wastewater System;

Selwyn District Council Wastewater Drainage Bylaw 2016

- (nn) **Wastewater** means water or other liquid, including waste matter in solution or suspension, Discharged into the Sewer;
- (oo) **Wastewater System** means the system operated by the Council and all its component parts, through which Wastewater is conveyed; and
- (pp) **Working Day** means any day of the week other than:
 - (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki, Labour Day, Canterbury Anniversary Day;
 - (ii) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year;
 - (iii) if 1 January falls on a Friday, the following Monday;
 - (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
 - (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

5. PROTECTION OF WASTEWATER SYSTEM

5.1 Access to system: No Person other than the Council and its authorised agents may access any part of a Wastewater System, except to:

- (a) make Approved connections to the Point of Discharge; and
- (b) to clear blockages,

provided that such work is undertaken by Approved Persons.

5.2 No Person to connect to or interfere with a Wastewater System without Council Approval: No Person may:

- (a) make any connection to, or otherwise interfere with, any part of the Wastewater System;
 - (b) cause or allow Inflow or Infiltration into the Wastewater System;
 - (c) Discharge more than 2.0 litres/second of Wastewater into the Wastewater System;
 - (d) Discharge more than 5m³ of Wastewater into the Wastewater System in any 24 hour period; and
 - (e) Discharge Prohibited Waste,
- except when Approved.

5.3 Temporary use restrictions or prohibitions: All Persons must comply with any temporary use restrictions or prohibitions imposed by the Council on the use of the Wastewater System.

5.4 Working around Buried Services:

- (a) Any Person causing damage or disruption to the Wastewater System is liable for the cost of repairs and any other costs incurred as a result of the damage or disruption.
- (b) No Person may make any connection to, or otherwise interfere with, any part of the Wastewater System except when Approved.

Selwyn District Council Wastewater Drainage Bylaw 2016

- (c) Any damage or disruption to the Wastewater System must be reported to the Council immediately.
- (d) No Person may undertake any Excavation work within 2 metres of any part of the Wastewater System, except with the prior written approval of the Council.
- (e) When granting approval for Excavation work near the Wastewater System, the Council may impose such conditions as it considers necessary.

5.5 Building over or diversion of Wastewater System:

- (a) No Person may build over or divert any part of the Wastewater System except with the prior approval of the Council.
- (b) The Council may grant such approval subject to any conditions it considers necessary.
- (c) All costs arising from such work must be met by the Person seeking to undertake the building work or diversion.

5.6 Spillages and adverse events: The occupier of premises at which Sewage is spilt, or where any other event occurs which may have an adverse effect on the Wastewater System, must notify the Council immediately.

5.7 Design, construction, repairs and maintenance:

- (a) Every Person shall repair a damaged or broken Drain on his, her or its property through a Certifying Drainlayer in accordance with the Code of Practice, the Building Act, and Good Industry Practice and any other relevant statutory or regulatory requirements.
- (b) All Drains shall be designed and constructed and repaired by a qualified Person, at the owner's expense in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements or by some other arrangement acceptable to the Council.
- (c) All Drains shall be managed and maintained at the owner's expense by a qualified Person in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.

6. WASTEWATER SYSTEM AND PRESSURE DRAIN SYSTEMS

6.1 Unless authorised by the Council no Person may:

- (a) cause or allow any water from a water pipe, artesian well, ram or other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter the Wastewater System, or a Drain or pressure main connected with the Wastewater System;
- (b) cause or allow any water which may contain fat, sediment or other extraneous matter to be Discharged from a butcher's shop, fish shop, restaurant or other premises (except a Dwelling) where food is prepared, processed or served, directly to the Wastewater System, or a Drain or pressure main connected with the Wastewater System;
- (c) use any waste disposal unit connected to any drainage works other than for the purpose of disposing of ordinary domestic household waste; or

Selwyn District Council Wastewater Drainage Bylaw 2016

- (d) cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into any Drain or pressure main connected to the Wastewater System.

6.2 Pressure Drain System:

- (a) Customers shall only use a Pressure Drain System with the written approval of the Council.
- (b) All Pressure Drain Systems shall be designed, constructed and repaired by a qualified person at the Customer's expense in accordance with the requirements of the Pressure Sewer National Guidelines, Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements or by some other arrangement acceptable to the Council.
- (c) Every Person shall repair a damaged or broken Pressure Drain Systems on his, her or its property through a Certifying Drainlayer in accordance with the requirements of the Pressure Sewer National Guidelines, Code of Practice, the Building Act, and Good Industry Practice and any other relevant statutory or regulatory requirements.
- (d) All Pressure Drain Systems shall be managed and maintained at the owner's expense by a qualified Person in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.
- (e) Customers with a Pressure Drain System, or any other system that is connected to Wastewater System, shall use that system in accordance with any operating manual or guidelines for that system.

7. CONDITIONS OF DISCHARGE

7.1 Flow Rate:

- (a) The maximum instantaneous flow rate of Wastewater Discharged from any premises must not exceed 2.0 litres per second unless otherwise Approved.
- (b) The maximum daily flow rate of Wastewater Discharged from any premises must not exceed 5m³ per day unless otherwise Approved.

7.2 Prescribed charges: Charges applicable at the time of connection may include:

- (a) an application fee;
- (b) a charge for providing the connection as detailed in the schedule of the fees;
- (c) a development contribution charge determined in accordance with the Local Government Act 2002; and
- (d) any other Fees and Charges.

7.3 Responsibility for maintenance:

- (a) The Council owns and is responsible for the maintenance of the Wastewater System including the pipe and fittings up to the Point of Discharge.
- (b) The Customer owns and is responsible for the maintenance of the Drain connecting the premises to the Point of Discharge.

Selwyn District Council Wastewater Drainage Bylaw 2016

- (c) No Person may extend a Drain, by a pipe or any other means, to serve other premises except where the premises are served by an existing Common Drain or easement.

7.4 Point of Discharge:

- (a) There shall be only one Point of Discharge for each premises unless otherwise Approved.
- (b) Where a Point of Discharge is located on private land, such as in a right of way, a Sewer Lateral within that private land shall be part of the Wastewater System.
- (c) For individual Customers, the Point of Discharge shall be located generally in accordance with the Code of Practice.

7.5 Common Drains:

- (a) New Common Drains are prohibited.
- (b) Existing Common Drains shall serve a maximum of five single Dwelling units, shall have one common Point of Discharge and shall be located in accordance with the Code of Practice.
- (c) There shall be no new connections to existing Common Drains without Council Approval.

7.6 Multiple ownership: The Point of Discharge for different forms of multiple ownership premises shall be as follows, and in accordance with the Code of Practice, unless the Council Approves alternative arrangements:

- (a) premises that have multiple owners but only one valuation number may have a single Point of Discharge;
- (b) new premises that have multiple owners and multiple valuation numbers shall have one Point of Discharge per valuation number; and
- (c) premises that have multiple owners, where the Discharge existed prior to the commencement of this bylaw, may have a Point of Discharge in accordance with the arrangement existing at that time, or as determined by agreement with the Council in any individual case.

7.7 Approval of Point of Discharge: Each Point of Discharge shall be Approved and recorded on the drainage plan.

7.8 Swimming Pools: Unless Approved by the Council, swimming pool Drains must be fitted with a flow limiting device to ensure the Discharge does not exceed a maximum instantaneous flow of 2.0 litres/second.

7.9 Prevention of Inflow and Infiltration:

- (a) All reasonable steps must be taken to prevent Stormwater and groundwater from entering the Wastewater System. To ensure that Stormwater is excluded from the Wastewater System:
 - (i) no Stormwater pipe or Drain may be connected to the Wastewater System;
 - (ii) gully trap surrounds must be set above Stormwater ponding levels and above 1 in 50 year ARI flood levels; and

Selwyn District Council Wastewater Drainage Bylaw 2016

- (iii) inspection covers must not be permanently removed and must be appropriately sealed.
- (b) Large impervious areas greater than 10m² (such as stock yards or truck washing facilities), must be managed to prevent water from outside the facility entering the Wastewater System, by the installation of a nib wall, speed humps, appropriately graded surrounds or using other appropriate methods subject to Approval.
- (c) Drains must be maintained in a good state of repair and free from cracks and other defects which may allow for Infiltration.

7.10 Blockages:

- (a) Gully traps must be kept clear and free of obstructions.
- (b) Any Person who causes a blockage in the Wastewater System, by discharging Prohibited Waste, or by forcing a blockage downstream into the Wastewater System in the course of clearing a Drain is liable for the cost of unblocking the Wastewater System.

7.11 Loading of Material over Wastewater System:

- (a) No Person may place material or objects over the Wastewater System which causes or may cause damage to the Wastewater System.
- (b) No Person may place any additional material over or near the Wastewater System without approval.
- (c) Service Openings must not be covered or obstructed except with Approval. The owner of the premises is liable for removal of any unauthorised covering material or repair of a Service Opening that the Council determines is necessary.

7.12 Access to, and about Point of Discharge:

- (a) In accordance with section 171 of the Local Government Act 2002, an Enforcement Officer may go onto a property to access a Point of Discharge or gully trap for the purpose of checking, testing, and maintenance work including repair, replacement and capital works.
- (b) If the Enforcement Officer is prevented from having access to the property and a return visit is required, the Council may charge a fee for that visit.

7.13 Restrictions for repair or in an emergency: The Council may restrict or prohibit the Discharge of Wastewater for any specified purpose, for any specified period, and for any or all of its Customers, subject to the provisions of the Local Government Act 2002. Such restrictions will be advised by Public Notice.

7.14 Disruption: The Council does not guarantee to receive Wastewater without interruption, however the Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

7.15 Emergencies:

- (a) Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council which result in disruptions to the ability of the Council to receive Wastewater, will be deemed an emergency.

Selwyn District Council Wastewater Drainage Bylaw 2016

- (b) During an emergency, the Council may restrict or prohibit the Discharge of Wastewater for any specified purpose, for any specified period, and for any or all of its Customers.
- (c) Where emergency restrictions have been imposed, such restrictions shall be publicly notified.
- (d) The Council may enact penalties over and above those contained in these conditions to enforce these restrictions.
- (e) The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the officer of the Council authorised for that purpose, subject to subsequent Council ratification.

7.16 Maintenance and repair: Where it is not practical to notify the Customer of a maintenance interruption to the Point of Discharge before maintenance or repair work commences, the Council may shutdown the Point of Discharge without notice, and the Customer shall be advised as soon as possible.

7.17 Payment:

- (a) The Customer is liable to pay for the Discharge of Wastewater and related services in accordance with the Fees and Charges prevailing at the time.
- (b) The Council may recover all unpaid Wastewater charges in accordance with sections 57 to 82 of the Local Government (Rating) Act 2002.

7.18 Disconnection at the Customer's Request: A Customer must give seven (7) Working Days' notice in writing to the Council of a requirement for Disconnection, whether permanent or temporary, from the Wastewater System. Disconnection is at the Customer's cost.

8. BREACHES AND INFRINGEMENT OFFENCES

8.1 Every Person who fails to comply with this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 or as set out in section 242 of the Local Government Act 2002.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)

_____ **Mayor**

_____ **Chief Executive**

Selwyn District Council Wastewater Drainage Bylaw 2016

SCHEDULE 1 – PROHIBITED WASTE

Prohibited Waste is waste that has, or is likely to have, any of the Prohibited Characteristics set out below. Prohibited Characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the water supply network serving the premises, or in any other water supply that is Approved by the Council for the purpose of discharging waste.

Prohibited Characteristics

1. Any Discharge has Prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - (a) interfere with the free flow of Wastewater in the Wastewater network;
 - (b) damage any part of the Wastewater System;
 - (c) in any way, directly or indirectly, cause the quality of the effluent or Biosolids and other solids from any Wastewater treatment plant to breach the conditions of a resource consent, water right, permit or other governing legislation;
 - (d) pose a risk to the health and safety of any Person;
 - (e) after treatment be toxic to fish, animal or plant life in the receiving waters;
 - (f) cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance;
 - (g) have a colour or colouring substance that causes the Discharge of any Wastewater treatment plant to receiving waters to be coloured; or
 - (h) after treatment be potentially harmful to human health in the receiving waters.
2. The following are Prohibited Characteristics:
 - (a) harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - (b) liquid, solid or gas which might be flammable or explosive in the wastes, including oil, fuel, solvents, calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
 - (c) asbestos;
 - (d) tin (as tributyl and other organotin compounds);
 - (e) any organochlorine pesticides;
 - (f) waste that contains or is likely to contain material from a genetically modified organism other than those approved under the Hazardous Substances and New Organisms Act 1996;
 - (g) any health care waste prohibited for Discharge to Wastewater Systems under NZS 4304 and any pathological or histological wastes;

Selwyn District Council Wastewater Drainage Bylaw 2016

- (h) any pharmaceutical liquid waste containing Cytotoxic Waste; and
- (i) Radioactivity levels not compliant with the Ministry of Health (2020) Code of Practice for Unsealed Radioactive Material.

Bylaws Submissions Committee

Bylaw Hearing

Thursday 24 September 2021

Hearing

Hearing opened: 1pm

Moved Shane Epiha / Second Sophie McInnes

Present:

Councillor Shane Epiha
Councillor Sophie McInnes
Murray England (SDC),
Mark Odlin (Buddle Findlay)

Chair: Sophie McInnes
Moved Shane Epiha

Murray reported that one submission was received on the Trade Waste Bylaw and that the submitter did not wish to be heard. No submissions were received on the Wastewater Drainage Bylaw.

Hearing Closed

Moved Sophie McInnes / Second Shane Epiha

Deliberations

Deliberations Opened

Moved Shane Epiha / Second Sophie McInnes

Tradewaste Bylaw

Murray talked through the summary of submissions on the Tradewaste Bylaw along with response from Staff. Each matter was discussed and all proposed amendments were agreed and some minor further changes made.

The changes included:

- Inclusion of a subtitle confirming that the Bylaw had been reviewed in 2021
- Correction of some typographical errors
- Consolidation of the definitions of *Condensing Water* and *Cooling Water*
- Amendment and correction of the definition of *ED* (estimated Permitted Discharge factor)
- Inclusion of definition of *STRP* being the target rate actually paid in respect of a SUIP
- Correction to Permitted Dischargers' charging formula
- Changes indicated in the table below
- References to the *ESSS* wastewater treatment plant were amended to reference *Pines*.

Wastewater Drainage Bylaw

- Updated title to match Trade Waste Bylaw

General

The Committee, having considered the submissions of interested parties and the advice provided by Council staff and advisers resolved that it was satisfied that:

- Bylaws remain the most appropriate way of addressing the perceived problems;
- The **attached** forms of Tradewaste Bylaw and Wastewater Drainage Bylaw are the most appropriate forms of bylaw and do not give rise to any implications under the New Zealand Bill of Rights Act 1990; and
- The requirements of Part 8, Subpart 1 of the Local Government Act 2002 in relation to the making of the Bylaws have been satisfied.

The committee discussed the proposed recommendation to Council and changed the proposed resolution wording to start with 'Amend' rather than 'Make'.

Accordingly, the Committee recommended that the Council amend the Bylaws in the **attached** form.

That the Bylaw Submission's Committee recommends that the Council:

- a) Amend the Trade Waste Bylaw as per the Bylaws Submissions Committee recommendation, such bylaw to be known as the Trade Waste Bylaw 2016.
- b) Amend the Wastewater Drainage Bylaw as per the Bylaws Submissions Committee recommendation, such bylaw to be known as the Wastewater Drainage Bylaw 2016.

Moved Shane Epiha / Second Sophie McInnes

Deliberations closed 1:56pm

Moved Sophie McInnes / Second Shane Epiha

Submission received along with the agreed position reached with the submitter.

Matter	Change sort	Council response
SoP	"Maximum daily low should be "flow"	Agree. SoP was amended
Explanatory Notes	"explains" should be "explain"	Agree. Bylaw proposed to be amended
Explanatory Notes	"Some Trade Waste" would be much better that "Trade Wastes... can negatively impact the Wastewater system" because not all "Trade Wastes... can negatively impact..."	Agree in part. Propose change from 'Trade Waste Discharged into the Wastewater System <u>can</u> negatively...' to 'Trade Waste Discharged into the Wastewater System <u>may</u> negatively...'
Purpose	Water conservation is already promoted by Council's charging system for water, and I am not sure how the Trade Waste Bylaw will add to that?	No change proposed. Water conservation is a minor consideration compared to some of the other matters identified under the purpose statement. However, charging based, in part, on volumetric discharge will influence water conservation.
Title	Shouldn't the title include "(as amended 2021)" or similar to save confusion with the existing Bylaw?	Agree in part. This matter is covered in part in Clause 2.2 This bylaw was reviewed and amended in 2021. We have, however, included a subtitle to read <i>as reviewed and amended in 2021</i>
Definitions		
Domestic Sewage	I really like the definition, "... wastes of the same character..." should preclude much time wasting, as long as you have an effective and efficient system to judge this. However, Trade Waste definition needs altering to align with the Domestic Sewage definition, e.g., "... does not include ...wastes of the same character..." because any waste should not be both Trade Waste and Domestic Sewage	No change proposed. We have dealt with minor tradewaste discharges by adding a simplified Application for Permitted Trade Waste Discharge as setout in Appendix A
Trade Waste	see above, and see also the definition of Sewer which includes "'domestic Wastewater" (that should be Domestic Sewage?) or Trade Waste" The "or" denotes that these are 2 different things	Agree - we have recast this definition and the definition of Sewer now refers to <i>Domestic Sewage</i>
Abbreviations	\$ deleted = \$ inserted?	Agree. No change is proposed, this is a nuance of how the document changes were tracked (arising out the fact that we are no longer using inverted commas for definitions).
6.10 (iii) and (iv)	6.10 (iii) and (iv) should be one clause not two?	No change proposed. Drafting of these provisions as separate grounds for a breach was intentional

Section 9.6	9.6 deletion requires that the confusion of Domestic Sewage vs Trade Waste needs to be resolved. 12.1 (c) is the simple solution for when Domestic Sewage becomes Trade Waste	No change proposed. We have dealt with minor tradewaste discharges by adding a simplified Application for Permitted Trade Waste Discharge as setout in Appendix A
Effectiveness and Efficiency	Nail Bar RFI	Agree in part. Thank you for your comments in relation to the potential impact of the bylaw on small trade waste dischargers. It is for precisely this reason that the Council proposes to introduce the <i>Permitted Discharges</i> regime in the revised bylaw. Under this regime, small and low impact trade waste dischargers will not have to enter into a trade waste agreement with the Council and will pay a trade waste fee equivalent to domestic sewage targeted rates.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

[\(as reviewed and amended in 2021\)](#)

The Selwyn District Council makes the following bylaw regulating trade wastes pursuant to sections 145(a) and (b) and 146(a)(iii) of the Local Government Act 2002.

Explanatory Notes

- These explanatory notes do not form part of this bylaw, but ~~explains~~[explain](#) the general effects.

Trade Waste Discharged into the Wastewater System can negatively impact the Wastewater System, environment and public health. Trade Waste is produced by a wide variety of businesses such as industrial processes and manufacturing, food outlets, service stations, hairdressers, pet shops and medical centres. The Wastewater System includes pipes, pumping stations and treatment plants.

Purpose

The purpose of this bylaw is to manage Trade Waste Discharges into the Wastewater System in order to:

- protect public health and the environment;*
- promote Cleaner Production;*
- protect the Wastewater System infrastructure;*
- protect Wastewater System workers;*
- protect the Stormwater System;*
- ensure compliance with Consent conditions;*
- provide a basis for monitoring Discharges from Trade Premises;*
- provide a basis for charging Trade Waste users of the Wastewater System to cover the cost of conveying, treating and disposing of or re-using their waste;*
- facilitate the fair sharing of the costs of treatment and disposal between Trade Waste and domestic dischargers;*
- encourage waste minimisation; and*
- encourage water conservation.*

Scope

This bylaw provides for the:

- acceptance of long-term, intermittent, or temporary Discharge of Trade Waste to the Wastewater System;*
- establishment of three grades of Trade Waste: permitted, conditional and prohibited;*
- evaluation of individual Trade Waste Discharges against specified criteria;*
- correct storage of materials in order to protect the Wastewater and Stormwater Systems from spillage;*
- correct disposal of Tankered Waste to protect the Wastewater System;*
- installation of flow Meters, samplers or other devices to measure flow and quality of the Trade Waste Discharge;*
- Pre-Treatment of Trade Waste before it is accepted for Discharge to the Wastewater System;*
- sampling and monitoring of Trade Waste Discharges to ensure compliance with this bylaw;*
- Council to accept or refuse a Trade Waste Discharge;*
- charges to be set to cover the cost of conveying, treating and disposing of, or reusing, Trade Waste and the associated costs of administration and monitoring;*
- administrative mechanisms for the operation of the bylaw; and*
- establishment of waste minimisation and management programmes (including sludges) for Trade*

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

Waste producers.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

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SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

1. TITLE

- 1.1 This bylaw is the Selwyn District Council Trade Waste Bylaw 2016.

2. DATE OF COMMENCEMENT

- 2.1 This bylaw comes into force on 1 September 2016.
- 2.2 This bylaw was reviewed and amended in 2021 and comes into effect in its amended form on ~~(date)~~ 15 November 2021.

3. APPLICATION OF BYLAW

- 3.1 This bylaw regulates the Discharge of Trade Waste to a Wastewater System operated by the Council.
- 3.2 **Trade Premises and other users to which the bylaw applies**
- (a) This bylaw applies to all premises within the District from which Trade Wastes are Discharged or are likely to be Discharged into the Wastewater System. This bylaw also applies to the Discharge of Tankered Waste into the Wastewater System.
 - (b) Pursuant to section 196 of the Act, the Council may refuse to accept the Discharge of any Trade Waste which is not in accordance with this bylaw.
- 3.3 **Compliance with other Acts:** The provision of Trade Waste services by the Council is subject to statute and regulation and nothing in this bylaw derogates from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the RMA, the Building Act 2004, the HSNO and any regulations made pursuant to those Acts or any other relevant statutory or regulatory requirements. References to a repealed enactment include its replacement. In the event of any inconsistency between this bylaw and the legislation the more stringent applies.

4. DEFINITIONS

- 4.1 In this bylaw, unless the context otherwise requires:
- (a) **Access Point** is a place where access may be made to a Drain for inspection (including sampling or measurement), cleaning or maintenance;
 - (b) **Act** means the Local Government Act 2002;
 - (c) **Approve** or **Approved** means Approved in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
 - (d) **Average** means an average calculated over the period of 12 months or such shorter time as the relevant data is available;
 - (e) **Bioaccumulation** means the accumulation of harmful substances in an organism or the environment;
 - (f) **Biosolids** means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial Wastewater treatment plants;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (g) **Characteristic(s)** means any of the physical, quantitative or chemical qualities of Trade Waste;
- (h) **Cleaner Production** means the implementation of effective operations, methods and processes to reduce or eliminate the quantity or toxicity of wastes;
- (i) **Condensing Water** means any water used in trade, industry, or commercial processes in such a manner that it does not take up matter into solution or suspension;
- (j) **Conditional Trade Waste** means any Trade Waste which is not Permitted or Prohibited Trade Waste;
- (k) **Consent** means a consent granted in writing by the Council authorising the Discharge of Conditional Trade Waste to the Wastewater System;
- (l) **Consent Holder** means a Person who has obtained a Consent to Discharge Trade Waste and includes any Person who does any act on behalf or with the express or implied Consent of that Person;
- (m) **Contaminant** includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:
- (i) when Discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
 - (ii) when Discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is Discharged;
- (n) **Contingency Management Procedures** means procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of activities on the environment of an unexpected or unscheduled Discharge or potential Discharge, of Contaminants into the Wastewater System;
- ~~(o)~~ **Cooling Water** has the same meaning as **Condensing Water**;
- ~~(p)~~(o) **Council** means Selwyn District Council or any Officer authorised to exercise the authority of the Council;
- ~~(q)~~(p) **Cytotoxic Waste** means waste matter that is contaminated by a cytotoxic drug;
- ~~(r)~~(q) **Discharge** or **Discharged** means a discharge of Trade Waste into the Wastewater System whether directly or indirectly;
- ~~(s)~~(r) **Disconnection** means the physical cutting and sealing of a Drain;
- ~~(t)~~(s) **District** means Selwyn District;
- ~~(u)~~(t) **Domestic Sewage** means Foul Water (with or without matter in solution or suspension) Discharged from a Dwelling, or wastes of the same character Discharged from other premises; but does not include any solids, liquids, or gases that may not lawfully be Discharged into the Wastewater System;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

~~(v)~~(u) **Drain** means that section of private drain between the Consent Holder's Trade Premises and the Point of Discharge through which Wastewater is conveyed from the Trade Premises;

~~(w)~~(v) **Dwelling** means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more Persons. A Dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site unless that building or part of a building is being used for overnight accommodation;

~~(x)~~(w) **Enforcement Officer** means any officer appointed by the Council as an enforcement officer under section 177 of the Act, as an enforcement officer with powers of entry as prescribed in sections 171-174 of that Act;

~~(y)~~(x) **Fees and Charges** means the fees and charges determined by the Council from time to time as described in Schedules 1C and 1D of this bylaw and prescribed in accordance with the Act for services provided by the Council associated with the Discharge of Trade Waste;

~~(z)~~(y) **Foul Water** means a Discharge from any Sanitary Fixture or Sanitary Appliance;

~~(aa)~~(z) **Grease Trap** means any grease removal device Approved by the Council that allows kitchen and/or food production Wastewater to cool, and the grease and solids to separate from the Wastewater;

~~(bb)~~(aa) **Hazardous Substance** has the same meaning as hazardous substances in the HSNO;

~~(cc)~~(bb) **Infrastructure Manager** means the person appointed by the Council from time to time to manage Council infrastructure;

~~(dd)~~(cc) **Management Plan** means a plan for the management of operations on Trade Premises from which Trade Wastes are Discharged and may include plans for Cleaner Production, waste minimisation, spill management, Discharge, Contingency Management Procedures and relevant industry codes of practice;

~~(ee)~~(dd) **Mass Limit** means the total mass of any Characteristic that may be Discharged to the Wastewater System during any stated period from a single Point of Discharge or collectively from several points of Discharge;

~~(ff)~~(ee) **Maximum Concentration** means the instantaneous peak concentration that may be Discharged at any instant in time;

~~(gg)~~(ff) **Meter** means any device or apparatus for measuring flow;

~~(hh)~~(gg) **Occupier** means the Person occupying Trade Premises or the person responsible for any trade, commercial or industrial activity on those Trade Premises, and includes the owner of the Trade Premises if the Trade Premises are unoccupied;

~~(ii)~~(hh) **Permitted Discharge** means a Discharge which does not have any physical or chemical Characteristics other than those listed in Schedule 1A of this bylaw and which complies with all the standards listed in that schedule;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- ~~(jj)~~(ii) **Person** means a natural person, corporation or a body of persons whether corporate or otherwise, and includes the Crown or any successor of a person;
- ~~(kk)~~(iii) **Point of Discharge** means the boundary between the Council's Wastewater System and a Drain, except where otherwise specified in a Trade Waste Consent;
- ~~(ll)~~(kk) **Pre-Treatment** means any processing of Trade Waste designed to reduce or vary any Characteristic in a Trade Waste before Discharge in order to comply with a Trade Waste Consent or this bylaw;
- ~~(mm)~~(ll) **Prohibited Trade Waste** means Trade Waste that has, or is likely to have, any Characteristic(s) listed in Schedule 1B;
- ~~(nn)~~(mm) **Sanitary Appliance** means any appliance used for sanitation, including machines for washing dishes and clothes;
- ~~(oo)~~(nn) **Sanitary Fixture** means any fixture which is intended to be used for sanitation, including but not limited to fixtures used for washing and/or excretion;
- ~~(pp)~~(oo) **Sewage** means Foul Water and may include Trade Wastes;
- ~~(qq)~~(pp) **Sewage Sludge** means the material settled out and removed from Sewage during treatment;
- ~~(rr)~~(qq) **Sewer** means the parts of the Wastewater System including the public sewer main and public sewer lateral connections that carry away ~~domestic Wastewater~~Domestic Sewage or Trade Waste from a Point of Discharge;
- ~~(ss)~~(rr) **Stormwater** means surface water run-off resulting from precipitation;
- ~~(tt)~~(ss) **Stormwater System** means the Council's system for conveying and/or treating Stormwater;
- ~~(uu)~~(tt) **Tanker Waste** means water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for Discharge, excluding Domestic Sewage Discharged directly from house buses, caravans, buses and similar vehicles;
- ~~(vv)~~(uu) **Temporary Discharge** means a Discharge of an intermittent or short duration, including such Discharge from premises where another Discharge is authorised;
- ~~(ww)~~(vv) **Trade Premises** means:
- (i) premises used or intended to be used for any industrial or trade purpose;
 - (ii) premises used or intended to be used for the storage, transfer, treatment, disposal of waste materials or for other waste management purposes, or used for composting organic materials;
 - (iii) premises from which a Contaminant is Discharged in connection with any industrial or trade process; or
 - (iv) premises from which Trade Waste other than Domestic Sewage is Discharged including any land wholly or mainly used for agriculture or horticulture;

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

(ww) Trade Waste means any liquid, with or without matter in suspension or solution Discharged to the Wastewater System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include:-

(i) ~~Condensing or Cooling Water;~~

(ii) ~~Stormwater which cannot be practically separated from Wastewater; and~~

~~(xx)(iii)~~ Domestic Sewage;

~~(yy)(xx)~~ **UAC** means the annual uniform charge to cover the Council's costs described in Schedule 1D;

~~(zz)(yy)~~ **Wastewater** means water or other liquid, including waste matter in solution or suspension, Discharged from premises to the Wastewater System;

~~(aaa)(zz)~~ **Wastewater System** means the system operated by the Council for the collection, treatment and disposal of Sewage and Trade Wastes, including Sewers, pumping stations, storage tanks, Sewage treatment plants, outfalls, and related structures;

~~(bbb)(aaa)~~ **Working Day** means any day of the week other than:

- (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki, Labour Day, Canterbury Anniversary Day;
- (ii) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year;
- (iii) if 1 January falls on a Friday, the following Monday;
- (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
- (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

4.2 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.

4.3 Explanatory notes have been included for information purposes only. They do not form part of this bylaw, and may be made, amended, or revoked without formal process.

5. ABBREVIATIONS

5.1 In this bylaw, unless the context otherwise requires, the following abbreviations have the following meanings in this bylaw:

- (a) **\$/kg** means dollars per kilogram;
- (b) **\$/L/s** means dollars per litre per second;
- (c) **\$/m³** means dollars per cubic metre;
- (d) **°C** means degrees Celsius;
- (e) **AFC** means the annual Fees and Charges in respect of a **Consented Discharge** consented or permitted discharge;

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SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

- (f) **ANZECC** means Australian New Zealand Environment and Conservation Council;
- (g) **B** means boron;
- (h) **BOD₅** means Biochemical Oxygen Demand;
- (i) **Br₂** means bromine;
- (j) **Cl₂** means chlorine;
- (k) **CN** means cyanide;
- (l) **COD** means Chemical Oxygen Demand;
- (m) **DP** means deposited plan;
- (n) **ED** means the ~~number of times estimated~~ Permitted Discharge factor being:
- (i) if the Average daily Permitted Discharge is 0.545m³ or less, 1; or
- ~~(n)(ii) if the Average daily Permitted Discharge exceeds 545m³ or a multiple thereof~~ 0.545m³, the number of times by which the Average daily Permitted Discharge exceeds 0.545m³.
- (o) **F** means fluoride;
- (p) **g/m³** means grams per cubic metre;
- (q) **GST** means goods and services tax;
- (r) **HAHs** means halogenated aromatic hydrocarbons;
- (s) **HCHO** means formaldehyde;
- (t) **Hr** means hour;
- (u) **HSNO** means Hazardous Substances and New Organisms Act 1996;
- (v) **L** means litre;
- (w) **L/s** means litre per second;
- (x) **LGA** means Local Government Act 2002;
- (y) **m³** means cubic metre;
- (z) **m³/d** means cubic metres per day;
- (aa) **max** means maximum;
- (bb) **MBAS** means methylene blue active substances;
- (cc) **ME** means Ministry for the Environment;
- (dd) **mg/L** means milligram per litre;
- (ee) **mL/L** means millilitre per litre;
- (ff) **mg/mL** means milligram per millilitre;
- (gg) **mm** means millimetres;
- (hh) **N** means nitrogen;

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- (ii) **NH₃** means ammonia;
- (jj) **P** means phosphorus;
- (kk) **PAHs** means polycyclic (or polynuclear) aromatic hydrocarbons;
- (ll) **PBBs** means polybrominated biphenyls;
- (mm) **pH** means a measure of acidity/alkalinity;
- (nn) **RMA** means Resource Management Act 1991;
- (oo) **s** means second;
- (pp) **STR** means the targeted rate payable in respect of one separately used or inhabited part of a rating unit connected to a Council provided sewerage scheme under the Council's then operative long term plan or annual plan;
- (qq) **STRP** means the STR actually being paid in respect of the relevant Trade Premises;
- ~~(qq)~~~~(rr)~~ **SO₄** means sulphate;
- ~~(rr)~~~~(ss)~~ **UV** means ultra violet; and
- ~~(ss)~~~~(tt)~~ **UVT** means ultra violet transmission.

6. COMPLIANCE WITH THE BYLAW

6.1 Classification of Trade Waste Discharges

- (a) Discharges of Trade Waste are classified as either:
 - (i) permitted;
 - (ii) conditional; or
 - (iii) prohibited.

6.2 Trade Waste Discharges Allowed in Certain Circumstances: No Person may Discharge Trade Waste into the Wastewater System unless –

- (a) the Discharge meets all of the requirements of Schedule 1A and is expressly allowed by clause 9.1 as a Permitted Discharge; or
- (b) the Discharge is expressly allowed by a Trade Waste agreement under clause 8.1 and the Occupier complies with any conditions of the agreement; or
- (c) the Discharge is expressly allowed by a Trade Waste Consent.

6.3 No Person may cause or allow the Discharge of a Prohibited Trade Waste.

6.4 No Person may add or permit the addition of Condensing ~~Water or Cooling~~ Water to any Discharge of Trade Waste except in accordance with a Consent granted under this bylaw.

6.5 No Person may add or permit the addition of Stormwater to any Discharge of Trade Waste except in accordance with a Consent granted under this bylaw.

6.6 Application to waive need for Trade Waste Consent: Any Person may apply to the Council for a waiver of a requirement to obtain a Trade Waste Consent under this bylaw on the basis that, due to the nature, volume or other circumstance of the Trade Waste concerned, it would

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needlessly affect the operation of any business or cause inconvenience to any Person, without any corresponding reduction of impact on the operation of the Wastewater System.

- 6.7 **Non-Acceptance of Trade Waste:** The Council may decline to accept any Discharge of Trade Waste.
- 6.8 **Council May Prevent Discharges:** The Council may prevent any unauthorised Discharge.
- 6.9 **Compliance with HSNO and RMA:** The Discharge of Trade Waste in accordance with this bylaw does not have any effect on any obligation under the HSNO or the RMA.
- 6.10 **Breach of Bylaw to Cause or Allow Unauthorised Discharge:**
- (a) Every Occupier or Consent Holder of Trade Premises and every contractor, employee and agent of every Occupier or Consent Holder on Trade Premises breaches this bylaw who, without authorisation in accordance with this bylaw, by any act or omission, causes or allows the entry into the Wastewater System of any Hazardous Substance or any:
 - (i) matter containing corrosive, toxic, biocidal, ecotoxic (with or without Bioaccumulation), radioactive, flammable or explosive materials;
 - (ii) matter likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous when mixed with Wastewater;
 - (iii) Prohibited Trade Waste; or
 - (iv) matter likely to be harmful to the Wastewater System.
 - (b) No Person may store, transport, handle or use, or cause to be stored, transported, handled or used any Hazardous Substance, or any matter listed in section 6.10(a) in a manner that may allow that matter to enter the Wastewater System and cause any harmful effect to the Wastewater System or the receiving environment, or people and animals.

Explanatory note: Under section 239 of the Act every Person commits an offence and is liable on conviction to the penalty set out in section 242(4) or (5) (as the case may be), who breaches a bylaw made under Part 8 of the Act. This bylaw is made under Part 8 of the Act.

7. APPLICATION FOR A TRADE WASTE CONSENT

- 7.1 **Formal Application:**
- (a) Any Person may apply for Consent to Discharge Trade Waste to the Wastewater System.
 - (b) A Consent Holder may apply to the Council to vary conditions of a Consent.
 - (c) An application must be made using the prescribed form in Appendix B or Appendix C.
- 7.2 **Processing of an Application:** The Council will acknowledge an application in writing within 10 Working Days of its receipt.
- 7.3 **Application Fee:** Every application must be accompanied by the fee prescribed by the Council's Fees and Charges.
- 7.4 **Separate Areas:** Where Trade Waste is produced or Discharged from more than one area of Trade Premises, a separate "Description of Trade Waste and Premises" form (in Appendix B)

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for each area must be included in an application, whether or not the areas are part of separate trade processes.

7.5 Information and Analysis:

- (a) On the receipt of any application for a Consent to Discharge from any premises or to alter an existing Discharge, the Council may:
 - (i) require the applicant to submit any additional information which it considers necessary to reach an informed decision;
 - (ii) require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant;
 - (iii) require the applicant to submit a Management Plan; or
 - (iv) whenever appropriate, have the Discharge investigated and analysed as provided for in clause 13.
- (b) The Council will notify the applicant of any requirement under this clause 7.5 within 10 Working Days of receipt of the application. When the requested information has been received the Council will continue to process the application.

7.6 Additional Information: If the information provided to the Council under clause 7.5 is insufficient to reach an informed decision, the Council may, at any time during the processing of an application, request the applicant to provide any information it considers necessary to reach an informed decision. Such information may include a Management Plan.

7.7 True and Accurate Information: All information supplied in, or in support of, an application for Consent to Discharge Trade Waste must be accurate and not misleading in any respect.

7.8 Consideration of an Application: Within 20 Working Days (or such other time as is considered necessary by the Council) of receipt of an application complying with this bylaw, and all further information requested, the Council may grant the application, or decline the application giving reasons for its decision.

7.9 Consideration Criteria: In deciding whether to grant or decline an application, the Council may have regard to any matter it considers relevant, including any of the following:

- (a) The Characteristics of the Trade Waste:
 - (i) the health and safety of Council staff, agents and the public;
 - (ii) the limits and/or maximum values for Characteristics specified in Schedules 1A and 1B of this bylaw;
 - (iii) the extent to which the Trade Waste may react with other waste or Foul Water and any undesirable effects, including the settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater System;
 - (iv) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to people and animals, the environment, the Wastewater System, and the Sewage treatment; and
 - (v) Pre-Treatment of the Trade Waste.

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- (b) The receiving system and environment:
- (i) the flows and velocities in the Sewers and the material or construction of the Sewers;
 - (ii) the capacity of the Sewers, and the capacity of Sewage treatment works and other facilities;
 - (iii) the nature of any Sewage treatment process and the extent to which the Trade Waste is able to be treated in the Sewage treatment works;
 - (iv) the timing and balancing of flows into the Wastewater System;
 - (v) any statutory requirements relating to the Discharge of raw or treated Wastewater to receiving waters, the disposal of Sewage Sludges, beneficial use of Biosolids, and any Discharge to air, including compliance with any resource consent, Discharge permit or water classification;
 - (vi) the effect of the Discharge after treatment on the receiving environment;
 - (vii) the conditions on resource consents for the Wastewater System;
 - (viii) requirements for, and limitations on, Sewage Sludge disposal and re-use;
 - (ix) effects or potential effects on existing or future Discharges;
 - (x) any existing Pre-Treatment works on the premises and the potential for their future use;
 - (xi) Cleaner Production techniques and waste minimisation practices;
 - (xii) the control of Stormwater;
 - (xiii) any Management Plan; and
 - (xiv) the Discharge of Tankered Waste.

7.10 **Conditions of Trade Waste Consent:** A Consent to Discharge Conditional Trade Waste may be granted subject to such conditions as the Council may in its discretion consider necessary, which may include, but are not limited to, conditions addressing:

- (a) the designated Point of Discharge;
- (b) the maximum periodic volume of the Discharge;
- (c) the maximum rate of Discharge;
- (d) the duration of maximum Discharge;
- (e) the maximum limit or permissible range of any specified Characteristics, including concentrations and/or Mass Limits;
- (f) the period or periods of time during which the Discharge, or a particular concentration, or volume of Discharge may occur;
- (g) the acidity or alkalinity of the Discharge at the time of Discharge;
- (h) the temperature of the Discharge;
- (i) the provision of screens, Grease Traps, silt traps or other Pre-Treatment works;

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- (j) the provision and maintenance of inspection chambers, manholes or other apparatus or devices providing reasonable access to Drains for sampling and inspection;
- (k) the provision and maintenance of sampling, analysis and testing, and flow measurement requirements;
- (l) the method or methods to be used for measuring flow rates and/or volumes and for taking samples of the Discharge to determine the charges applicable to the Discharge;
- (m) the provision and maintenance of Meters or devices to measure the volume or flow rate of any Discharge, and a regime for testing such Meters;
- (n) the provision and maintenance of services (including electricity, water, compressed air or otherwise) required to operate Meters;
- (o) the timely provision by the Consent Holder, in an Approved format, of flow and/or volume records and results of analyses (including of Pre-Treatment by-products such as Sewage Sludge disposal);
- (p) the provision and implementation of a Management Plan;
- (q) risk assessment of damage to the environment due to an accidental Discharge of a chemical;
- (r) the Consent Holder's agreement to allow the Council access to the premises for the purposes of inspection and sampling at any reasonable time;
- (s) waste minimisation and management;
- (t) Cleaner Production techniques;
- (u) remote control of Discharges;
- (v) third party treatment, carriage, Discharge or disposal of by-products of Pre-Treatment including Sewage Sludge disposal;
- (w) the provision of a bond or insurance in favour of the Council where failure to comply with a Consent could result in damage to the Wastewater System, or could result in the Council being in breach of any statutory obligation; and
- (x) remote monitoring of Discharges.

7.11 Pre-Treatment:

- (a) The Council may approve a Conditional Trade Waste Consent subject to the provision of appropriate Pre-Treatment systems to enable the Occupier to comply with this bylaw. Such Pre-Treatment systems must be provided, operated and maintained by the Occupier at their expense.
- (b) The disposal of solid waste from refuse or garbage grinders, and macerators from Trade Premises to the Wastewater System is a conditional Discharge and therefore requires Council Consent under this bylaw.
- (c) An Occupier must not, unless it has a Consent from the Council under this bylaw, add or permit the addition of any potable, Condensing Water, ~~Cooling Water~~ or Stormwater to any Trade Waste stream in order to vary the level of any Characteristics of the waste.

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- 7.12 **Mass Limits:** Where Mass Limits are specified in a Consent for any Characteristic, the Maximum Concentration of that Characteristic may also be limited. When setting Mass Limit allocations for a Characteristic the Council may consider:
- (a) the operational requirements of and risk to the Wastewater System;
 - (b) risks to the health and safety of people and the ultimate receiving environment;
 - (c) the planned or actual beneficial re-use of Biosolids or Sewage Sludge;
 - (d) conditions in the Wastewater System near the Discharge point and elsewhere in the Wastewater System;
 - (e) the extent to which the available industrial capacity of the Wastewater System was used in the last financial period and is expected to be used in the forthcoming period(s);
 - (f) whether or not the applicant uses Cleaner Production techniques;
 - (g) whether there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another;
 - (h) any reduction to the pollutant Discharge from the Wastewater System;
 - (i) the proportion of the mass flow of a Characteristic of the Discharge to the total mass flow of that Characteristic in the Wastewater System;
 - (j) the total mass of the Characteristic that can be accepted by the Wastewater System, and the proportion (if any) to be reserved for future allocations; and
 - (k) whether or not there is an interaction between Characteristics which increases or decreases the effect of a Characteristic on the Sewer reticulation, treatment process, or environment.

8. TRADE WASTE AGREEMENTS

- 8.1 The Council may, at any time and at its discretion, enter into a written agreement with any Occupier for the Discharge and reception of Trade Wastes into the Wastewater System. Any such agreement may be made in addition to, or in place of, a Consent.
- 8.2 Any agreement with the Council to Discharge Trade Waste into the Wastewater System which was in force immediately prior to the commencement of this bylaw, is, for the purpose of this bylaw, treated as if it were a Trade Waste agreement referred to in sub-clause 8.1.

9. DURATION OF CONSENTS

- 9.1 **Permitted Discharges:** Permitted Trade Waste may be Discharged until such time as:
- (a) The Council amends or revokes this bylaw with the effect that the Discharge is no longer permitted;
 - (b) Changes to resource consents for the Wastewater System mean the Council can no longer lawfully accept and dispose of Discharges; or
 - (c) The Council suspends or cancels the right to Discharge pursuant to clauses 6.6, 11 or 12 of this bylaw.

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9.2 Consents and Review of Conditions:

- (a) Consents may be granted for a term not exceeding five years when the Council is satisfied that:
 - (i) the nature of the trade activity, or the process design and/or management of the premises are such that the Consent Holder has a demonstrated ability to meet the conditions of the Consent during its term;
 - (ii) Cleaner Production techniques are implemented, or investment in Cleaner Production equipment or techniques is made; or
 - (iii) significant investment in Pre-Treatment facilities has been made, such that a period of certainty is reasonable.
- (b) The Council may review the conditions of a Consent at any time. The reasons for review may include but are not limited to:
 - (i) non-compliance with a Consent or this bylaw;
 - (ii) accidental spills or mishaps;
 - (iii) changes to the Council's resource consents authorising the Wastewater System and disposal of Sewage;
 - (iv) changes to the Council's environmental policies or the outcomes of those policies;
 - (v) changes in the available technology and processes for control and treatment of Trade Wastes;
 - (vi) any of the matters listed in clauses 7.10 or 7.12;
 - (vii) the existence of any legal obligation imposed on the Council; or
 - (viii) the findings of a technical review pursuant to clause 10.

9.3 Temporary Consents: Temporary Consents may be granted in accordance with clause 9.2 of this bylaw.

9.4 Disinfected/Super Chlorinated Water: Any water used during the repair and construction of water mains shall be de-chlorinated prior to the Discharge into the Wastewater System. Application for Temporary Discharge Consent shall be made. Such water shall not be disposed of to the Stormwater System or water courses.

9.5 Variation of conditions by a Consent Holder: An Occupier or Consent Holder may seek to vary any condition of a Consent by making a written application to the Council.

10. TECHNICAL REVIEW AND VARIATION

10.1 The Council may at any time during the term of a Consent (including a Permitted Discharge), undertake a technical review of the Consent or Permitted Discharge.

10.2 The reasons for a review may include (without limitation):

- (a) the level of Consent Holder compliance, including any accidents, spills or process mishaps;

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- (b) the Council has good reason to believe that the quantity and nature of the Discharge changes, or is likely to change, to such an extent that it becomes non-compliant, and/or it becomes either a Conditional or Prohibited Trade Waste;
 - (c) new information becomes available;
 - (d) there is a need to meet any new resource Consent imposed on the Discharge from the Council's treatment plant or there are any changes in the resource Consent conditions held by the Council; or
 - (e) there is a need to meet other legal or environmental requirements imposed on the Council.
- 10.3 Following such a review, and after the Council consults with the Consent Holder, the Council may, by written notice to the Consent Holder, require an Occupier discharging permitted Trade Wastes to apply for a Consent in accordance with clause 7.

11. SUSPENSION OR CANCELLATION ON NOTICE

- 11.1 The Council may suspend or cancel any Consent, or any right to Discharge permitted Trade Waste, at any time following 20 Working Days' notice to the Consent Holder (in the case of a conditional Discharge), or the Occupier (in the case of a Permitted Discharge), when:
- (a) there is any failure to comply with any condition of a Consent;
 - (b) the Occupier or Consent Holder fails to maintain effective control over the Discharge;
 - (c) the Occupier or Consent Holder fails to limit the volume, nature, or composition of a Discharge in accordance with this bylaw or a Consent;
 - (d) when the Occupier or Consent Holder negligently does or omits to do anything which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to, any part of the Sewer System or the treatment plant or threatens the health or safety of any Person;
 - (e) the continuing Discharge poses a threat to the environment;
 - (f) the Discharge, alone or in combination with any other Discharge may result in a breach of any resource consent held by the Council;
 - (g) the Consent Holder fails to provide and maintain a Management Plan required under a conditional Consent;
 - (h) the Consent Holder fails to adhere to a Management Plan during any unexpected, unscheduled or accidental occurrence;
 - (i) the Occupier or Consent Holder fails to pay any Fees and Charges due;
 - (j) the Consent Holder denies the Council access to the premises for the purpose of measuring, sampling or monitoring the Discharge; and
 - (k) any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the Consent.

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12. SUMMARY CANCELLATION

- 12.1 Any Trade Waste Consent may at any time be summarily cancelled by the Council on written notice to the Consent Holder if:
- (a) the Consent Holder causes or allows the Discharge of any prohibited substance;
 - (b) the Council is lawfully directed to cancel the Consent summarily;
 - (c) the Consent Holder unlawfully Discharges any Trade Waste;
 - (d) continuing the Discharge, in the opinion of the Council, poses an immediate threat to the environment or public health; or
 - (e) continuing the Discharge may, in the opinion of the Council, result in a breach of its resource consent(s).

13. SAMPLING, TESTING AND MONITORING

- 13.1 **General:** The Council may require a Consent Holder to undertake or allow to be undertaken the sampling, testing and monitoring of any Discharge to determine:
- (a) compliance with this bylaw or a Consent;
 - (b) the classification of a Discharge as a Permitted, Conditional, or Prohibited Discharge; or
 - (c) Fees and Charges payable.
- 13.2 **Costs:** The Consent Holder is liable for all reasonable costs associated with the Discharge including the taking, preservation, transportation and analysis of samples and monitoring the Discharge.
- 13.3 **Access Point:** The Consent Holder shall ensure that there is, at all times, an Access Point complying with the requirements of the New Zealand Building Code permitting the Council to undertake the sampling, testing and monitoring contemplated by clause 13.1.
- 13.4 **Entry to Premises:** Pursuant to sections 171 and 172 of the Act, an Enforcement Officer may enter premises from which, in the opinion of that officer, Trade Wastes are being or have been Discharged and may:
- (a) take readings and measurements; and
 - (b) observe accidental occurrences and clean-up.

13.5 Frequency of Sampling

- (a) The frequency of samples shall be as determined by the Council.
- (b) As a general guide:

Average Flow m ³ /d	Frequency of Sampling
0 -5	1 per year
5 – 30	2-3 per year
30 -100	4-6 per year
> 1000	Council to determine as special case

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- (c) Sampling shall be carried out at the time of the year that the Trade Waste Discharge produces the greatest effect (whether flow or strength). Successive samples shall be taken on different days of the week, where possible.
- 13.6 **Metering:** Metering, whether for flow or quality measurement of the Discharge, may be required by the Council at its discretion.
- 13.7 **Flow Metering:** Flow metering is likely to be required when:
- (a) there is no reasonable relationship between a metered water supply to the premises and the Discharge;
 - (b) the Council declines to approve an alternative method of flow estimation; or
 - (c) the Discharge represents a significant proportion of the total Discharge received by the Wastewater System.
- 13.8 **Approved Meter:**
- (a) The type of Meter used for the measurement of the rate or quantity of Discharge is subject to the approval of the Council.
 - (b) The Consent Holder is responsible for the supply, installation, reading and maintenance of any Meter required by the Council.
 - (c) Meters remain the property of the Consent Holder.
- 13.9 **Location of Meter:** Meters must be located in a position Approved by the Council and must be readily accessible for reading and maintenance. Meters must be installed according to the manufacturer's instructions.
- 13.10 **Calibration of Meter:** The Consent Holder must ensure in-situ calibration of Meter equipment and instrumentation is carried out, by a Person and method Approved by the Council, upon installation and at least once a year. Meters must be accurate to within 10%, and must not deviate from the previous Meter calibration by more than 5%. Independent certification of each calibration result must be submitted to the Council.
- 13.11 **Adjustments:** If a Meter is found to be inaccurate by more than 10% the Council may adjust any charges based on the Meter reading to account for that inaccuracy, and may back-date any adjusted charges for a period at the discretion of the Council not exceeding 12 months.
- 13.12 **Records:** Records of flow and/or volume must be made available for viewing by the Council at any reasonable time, and must be submitted to the Council at intervals specified in a Consent.
- 13.13 **Estimating Discharge:**
- (a) Where no Meter is used to measure a Discharge the Council may estimate the Discharge by reference to the quantity of water supplied to the premises, and may determine the charges payable according to that estimation.
 - (b) If a Meter is out of repair or ceases to register, or is removed, the Council may estimate the Discharge on the basis of Discharges during the previous 12 months or any other factor it considers relevant, and may determine the charges payable according to that estimate.

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13.14 Tampering: Any Person who tampers with a Meter installed to comply with a requirement under this bylaw, or a Consent, commits an offence against this bylaw. Where a Meter has been tampered with the Council may declare the reading void and may determine any charges payable according to its estimate of the Discharge.

13.15 Monitoring for compliance

- (a) The Council may:
 - (i) monitor and audit any Discharge by having samples taken and analysed in an Approved laboratory by agreed or Approved methods;
 - (ii) audit sampling and analysis carried out by or on behalf of an Occupier or Consent Holder; or
 - (iii) audit compliance with any Management Plans.
- (b) Taking, preserving, transporting and analysing samples and monitoring Discharges may be undertaken by any Person and method Approved by the Council.

14. TANKERED WASTE

14.1 Any Person may apply to the Council for permission to Discharge Tankered Waste at an Approved location.

14.2 Any Person discharging Tankered Waste within the District must:

- (a) hold a Consent to Discharge domestic septic tank or industrial wastes;
- (b) supply to the Council material safety data sheets detailing the contents of the waste;
- (c) obtain tests to determine the Characteristics of the waste where those Characteristics are otherwise not known;
- (d) obtain specialist advice on Pre-Treatment if required by the Council and meet the cost of all testing and advice;
- (e) not collect or transport the waste to the Approved location of Discharge until appropriate arrangements and methods for disposal have been Approved;
- (f) give the Council 24 hours' notice prior to the disposal of wastes other than those sourced from domestic septic tanks; and
- (g) comply with the Liquid and Hazardous Wastes Code of Practice (2003).

14.3 Any Person disposing of, or causing the disposal of Tankered Waste other than in accordance with this bylaw commits an offence against this bylaw.

15. BYLAW ADMINISTRATION

15.1 Review of Decisions: If any Person is dissatisfied with a decision of an Enforcement Officer made under this bylaw, that Person may, not later than 20 Working Days after being notified of the decision, request the Infrastructure Manager to review the decision.

15.2 Accidents and Non-compliance: In the event of an unauthorised Discharge, or any event which may have an adverse effect on the Wastewater System, the Occupier or Consent Holder

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must advise the Council immediately. This requirement is in addition to any other notification required to be given.

16. FEES AND PRESCRIBED CHARGES

- 16.1 Charges:** Fees and Charges payable under this bylaw are listed in Schedules 1C and 1D. Fees and Charges are levied by the Council in accordance with section 150 of the Act and must be paid within one calendar month of the end of each charging period. The Council may vary Fees and Charges for different Sewage catchment areas.
- 16.2 Cease to Discharge:** The Occupier or Consent Holder is deemed to be continuing a Discharge and is liable for all Fees and Charges until notice of Disconnection is given.
- 16.3 Failure to Pay:** Fees and Charges payable under this bylaw are recoverable as a debt.
- 16.4 Notice of Disconnection:**
- (a) Permanent Disconnection:
 - (i) An Occupier or Consent Holder must give 48 hours' notice in writing to the Council of a requirement to disconnect a Point of Discharge or terminate a Consent.
 - (ii) The Person discharging must notify the Council of any change of address to which invoices or a final invoice can be sent.
 - (iii) On permanent Disconnection or termination of a Discharge, the Person discharging may, at the Council's discretion, be liable for Trade Waste charges to the end of the current charging period.
 - (b) Temporary Disconnection:
 - (i) Where demolition or re-laying of a Drain is required, not less than five (5) Working Days' notice must be given to the Council by the Occupier or Consent Holder.
- 16.5 Cease to Occupy Premises:** When a Consent Holder ceases to occupy Trade Premises from which Trade Wastes are Discharged that Consent Holder remains liable for any obligations existing at the date of termination, and any Consent terminates unless it is transferred to a new Occupier.

17. SERVICE OF DOCUMENTS

- 17.1 Delivery or post:** Any notice or other document given, served or delivered under this bylaw may (in addition to any other method permitted by law) be given, served or delivered by being:
- (a) sent by pre-paid ordinary mail, courier, or facsimile, to the recipient at his or her last known place of residence or business, or sent by email to the recipients last known email address;
 - (b) sent by pre-paid ordinary mail, courier, or facsimile, or email to the recipient at any address for service specified by him or her;
 - (c) where the recipient is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at, its registered office; or
 - (d) delivered to the recipient.

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18. EXISTING DISCHARGES

18.1 If, prior to the commencement of this bylaw, a Person Discharges Trade Waste in accordance with an agreement or existing consent with the Council, subject to the provisos in clause 18.2 that Discharge may continue until the earlier of:

- (a) the date of expiry of the agreement or existing consent; or
- (b) 1 July 2025,

at which time such Discharge shall be governed by the terms of this bylaw.

18.2 Clause 18.1 is subject to the following provisos:

- (a) a Person Discharging Trade Waste may only rely on clause 18.1 if all the terms of the agreement or existing consent authorising the Discharge are complied with and any Fees and Charges owing are paid; and
- (b) notwithstanding any regulation of the Discharge of Trade Waste under this bylaw pursuant to clause 18.1, the terms of any agreement or consent in existence before the commencement of this bylaw (including, for the avoidance of doubt, all provisions which relate to development contributions under the Act or payments in lieu of development contributions) shall remain in force for the remainder of the term of the agreement or consent.

18.3 If, prior to the commencement of this bylaw:

- (a) a Person Discharges Trade Waste otherwise than in accordance with an agreement or existing consent with the Council; and
 - (b) at no time did that Discharge require consent under any bylaw,
- that Discharge may continue for a period of no longer than one year from the date on which this bylaw comes into force.

19. OFFENCES AND PENALTIES

19.1 Every Person who fails to comply with this bylaw or breaches the conditions of any Consent granted under this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$200,000 or as set out in section 242 of the Act.

The **COMMON SEAL** of the
SELWYN DISTRICT COUNCIL
 was hereunto affixed, in accordance
 with the Special Order made by the
 Council on _____
 in the presence of: _____

 Mayor

 Chief Executive

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

20. SCHEDULE 1A**Permitted Discharge Characteristics****1A.1 Introduction**

A Discharge of Trade Waste is classified as permitted if it complies with all of the following:

1A.2 Physical Characteristics**1A.2.1 Flow**

- (a) The volume of the Discharge in any 24 hour period must be less than 5m³.
- (b) The maximum instantaneous flow rate must be less than 2.0 L/s.

1A.2.2 Temperature

The temperature must not exceed 40°C.

1A.2.3 Solids

- (a) Non-faecal gross solids must have a maximum dimension not exceeding 15mm.
- (b) The suspended solids content must have a maximum concentration not exceeding 600g/m³.
- (c) The settleable solids content must not exceed 50mL/L.
- (d) The total dissolved solids concentration must not exceed 1500mg/L.
- (e) The Discharge must not contain fibrous, woven, sheet film or any other materials which may adversely interfere with the free flow of Wastewater in the drainage system or treatment plant.

1A.2.4 Fats, oil and grease

- (a) There must be no free or floating layer of fat, oil or grease.
- (b) Emulsified mineral oil, fat or grease which is not biodegradable must not exceed 200g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage, throughout the range of pH 6.0 to pH 10.0.
- (c) Emulsified oil, fat or grease which is biodegradable must not exceed 500g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range of pH 4.5 to pH 10.0.
- (d) Emulsified oil, fat or grease must not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range of pH 4.5 to pH 10.0.

1A.2.5 Solvents and other organic liquids

There must not be a free layer (whether floating or settled) of solvents or organic liquids.

1A.2.6 Emulsions of paint, latex, adhesive, rubber, plastic

- (a) Where emulsions of paint, latex, adhesive, rubber, or plastic are not treatable they may be discharged provided the total suspended solids does not exceed 100g/m³.
- (b) The Council may determine that the need exists for Pre-Treatment of such emulsions if they consider that Trade Waste containing emulsions unreasonably interferes with the operation of the Council treatment plant e.g. reduces % UVT (ultra violet transmission).
- (c) Emulsions of both treatable and non-treatable types, must not be discharged at a concentration and pH that causes coagulation and blockage at the mixing zone in the Sewer.

1A.2.7 Colour

The Discharge must not contain any colour or colouring substance that impairs Wastewater treatment processes or compromises the Council's resource consent to Discharge treated Sewage.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

1A.3 Chemical characteristics**1A.3.1 pH value**

The pH must be between 6.0 and 10.0 at all times.

1A.3.2 Organic Strength**1A.3.2.1**

The Biochemical Oxygen Demand (BOD₅) must not exceed 600g/m³.

Table 1A.1 – General chemical characteristics
(Mass limits may be imposed, refer to 7.10)

Characteristics	Maximum Concentration (g/m ³)
MBAS	500
Ammonia (measured as N)	
- free ammonia	50
- ammonia salts	200
Kjeldahl nitrogen	150
Total Phosphorous (as P)	50
Sulphate (measured as SO ₄)	500
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	5

Table 1A.2 – Heavy metals

Metal	Maximum Concentration (g/m ³)	Metal	Maximum Concentration (g/m ³)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.05
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	5	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	10	Zinc	10

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Table 1A.3 – Organic compounds and pesticides

Compound	Maximum Concentration (g/m ³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered in New Zealand).	0.2 in total
Organophosphate pesticides	0.1 ⁽¹⁾

1. Excludes pesticides not registered for use in New Zealand

Table 1A.4 – Liquid pharmaceutical waste and antibiotics

Mass Limit (L) (monthly)	Maximum Concentration (mg/mL)
10	125 mg / 5 ml
5	250 mg / 5 ml
3	Above 250 mg / 5 ml

1. Any Discharge above these limits is required to be a controlled Discharge and requires a Trade Waste agreement referred to in clause 8 of the Selwyn District Council Trade Waste Bylaw 2016.

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21. SCHEDULE 1B**PROHIBITED CHARACTERISTICS****1B.1 Introduction**

This schedule defines Prohibited Trade Wastes.

1B.2 Prohibited Characteristics**1B.2.1**

Any Discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:

- (a) Interfere with the free flow of Wastewater in the Wastewater System;
- (b) Damage any part of the Wastewater System;
- (c) In any way, directly or indirectly, cause the quality of the treated sewage or residual biosolids and other solids from any Wastewater treatment plant to breach the conditions of a resource consent;
- (d) Pose a risk to the health or safety of any person;
- (e) After treatment be toxic to fish, animals or plant life in the receiving waters;
- (f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance;
- (g) Have a colour or colouring substance that causes the discharge from any Wastewater treatment plant to receiving waters to be coloured; or
- (h) After treatment be potentially harmful to human health in the receiving waters.

1B.2.2

The following are prohibited characteristics:

- (a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- (b) Except those listed as permitted in Schedule 1A, liquid, solid or gas which might be flammable or explosive in the wastes, including oil, fuel, solvents, calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Sewage;
- (c) Asbestos;
- (d) Tin (as tributyl and other organotin compounds);
- (e) Any organochlorine pesticides;
- (f) Waste that contains or is likely to contain material from a genetically modified organism other than those approved under the HSNO;
- (g) Any health care waste prohibited for Discharge to Wastewater systems under NZS 4304 and any pathological or histological wastes;
- (h) Any pharmaceutical liquid waste containing Cytotoxic Waste; and
- (i) Radioactivity levels not compliant with the Ministry of Health (2020) Code of Practice for Unsealed Radioactive Material.

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

22. SCHEDULE 1C

SYSTEM OF CHARGING IN RESPECT OF VOLUME AND STRENGTH OF TRADE WASTES AND SPECIAL WASTES

Permitted Discharges

1. Permitted Dischargers will be charged on a volumetric basis in accordance with the following formula:

$$AFC = (ED \times STR) + ((ED \times STR) - STRP) + UAC$$

Conditional and Temporary Discharges

2. Trade Waste producers (other than Permitted Dischargers) will be charged the UAC together with the actual cost of treating the Trade Wastes Discharged.
3. The total cost to Council of receiving, conveying, treating and disposing of Wastewater from within its District and is made up of capital, maintenance, operating consumables, labour, and administration costs.
4. The costs for each discharger of Wastewater are apportioned by volume, Biochemical Oxygen Demand (BOD₅), Inert Suspended Solids (ISS), Volatile Suspended Solids (VSS), total nitrogen (TN) and total phosphorous (TP) of Discharged Wastewater, and summed to give the total costs of reticulation to, and treatment at, the treatment plant.
5. The annual volume in cubic metres of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each subsequent financial year, is designated as Q (m³/year).
6. The annual BOD₅ in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as B_w (kg/year).
7. The annual ISS in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as D_w (kg/year).
8. The annual VSS in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as E_w (kg/year).
9. The annual TN in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as F_w (kg/year).
10. The annual TP in kilograms of all wastes received at the Council's treatment plant where the Trade Wastes are treated, during each financial year is designated as G_w (kg/year).
11. The estimated annual cost of receiving and disposing of (but not treating) all waste during each subsequent financial year is designated as C₁ (\$).
12. The estimated annual costs to the Council for treatment of all waste during each financial year is designated as C₂ (\$), and apportioned to volume, BOD₅, ISS, VSS, TN and TP on a site-specific basis relating to Wastewater treatment processes. The estimated current apportionment of costs is shown below, however Council may amend the basis of apportionment based on actual operational costs incurred in a given financial year.

WWTP	% of total operational treatment cost apportioned to				
	Volume	BOD ₅	ISS	VSS	TN
ESSSPines*	28	32	11	19	10
Leeston*	55	31	0.6	6	7
Other WWTP	To be confirmed on an individual basis				

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*Based on existing treatment processes and Discharge consent requirements; to be revised annually and following future upgrades

13. Charges for volume of wastes are based on either the measured volume Discharged or the volume estimated from the measured volume of water entering the premises during the period corresponding most closely with each financial year. This volume is designated as V (m³/year).
14. The charges in respect of BOD₅, ISS, VSS, TN and TP are based on the measured composition of Wastewater Discharged from the premises during the period corresponding most closely with each financial year. BOD₅, ISS, VSS, TN and TP charges are respectively designated B_T, D_T, E_T, F_T, and G_T (kg/year).
15. The charge provided for in clause 14 for each financial year levied on the Occupier or Consent Holder is calculated using the following formula:

Annual Trade Waste Charge =

$$\left(C_1 \times \frac{V}{Q} \right) + \left[C_2 \times \left[\left(\frac{V}{Q} \times \text{Volume} \right) + \left(\frac{B_T}{B_W} \times BOD \right) + \left(\frac{D_T}{D_W} \times ISS \right) + \left(\frac{E_T}{E_W} \times VSS \right) + \left(\frac{F_T}{F_W} \times TN \right) + \left(\frac{G_T}{G_W} \times TP \right) \right] \right]$$

Where Volume, BOD₅, ISS, VSS, TN and TP are replaced by the relevant percentages shown in clause 12 above.

In calculating any such charge any Domestic Sewage Discharged from the premises affected is deemed to be Trade Waste.

Definition:

C ₁	Estimated annual cost (\$) of receiving + disposing of all sewage
C ₂	Estimated annual cost (\$) for treating all sewage
V	Vol of waste IN/OUT of premises – m ³ /year
Q	Volume measure into WWTP – m ³ /year
Volume	Taken from a table page 31, depending on the location
B _T	Kg/year of BOD discharge from the premises
B _W	Kg/year of BOD received at WWTP
BOD	Biochemical Oxygen Demand
D _T	Kg/year of ISS discharge from the premises
D _W	Kg/year of ISS received at WWTP
ISS	Inert Suspended Solid
E _T	Kg/year of VSS discharge from the premises
E _W	Kg/year of VSS received at WWTP
VSS	Volatile Suspended Solid
F _T	Kg/year of TN discharge from the premises
F _W	Kg/year of TN received at WWTP
TN	Total Nitrogen
G _T	Kg/year of TP discharge from the premises
G _W	Kg/year of TP received at WWTP
TP	Total Phosphorous

16. The Consent Holder is levied for all reasonable costs incurred by Council to measure the Discharge volume or characterise the Discharged Wastewater as required to determine clauses 13 and 14 above.
17. Council may amend this Trade Waste charging system as required to recover actual operational costs relating to Wastewater reticulation, treatment and disposal in accordance with section 150 of the Act.

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23. SCHEDULE 1D

The following table lists the Fees and Charges which are, or will be, prescribed in accordance with section 150 of the Act.

A. Administrative Charges	
Category	Description
A1 Connection Fee	Payable on application for connection to Discharge.
A2 Compliance Monitoring	The cost of sampling and analysis of Trade Waste discharges.
A3 Disconnection Fee	Payable following a request for Disconnection from Wastewater System.
A4 Trade Waste application fee	Payable on an application for a Trade Waste Discharge.
A5 Re-inspection Fee	Payable for each re-inspection visit by the Council where a notice served under this bylaw has not been complied with by the Trade Waste discharger.
A6 Special rates for loan charges	Additional rates for servicing loans raised for the purposes of constructing or improving the Wastewater System.
A7 Temporary Discharge fee	Payable prior to receipt of Temporary Discharge.
A8 UAC	An annual management fee for a Trade Waste Discharge to cover the Council's costs associated with: <ul style="list-style-type: none"> (a) Administration (b) General compliance monitoring (c) General inspection of Trade Waste Premises as set out in the Long Term Plan or Annual Plan
A9 Rebates for Trade Premises within the District	Reduction of fees is provided for in section 150(2) of the LGA. In no circumstances will the charge be less than the Council's Wastewater charge for the equivalent period.
A10 New or Additional Trade Premises	Pay the annual fees and a pro rata proportion of the various Trade Waste Charges relative to flows and loads.
B Trade Waste Charges	
Category	Description
B1 Volume	Payment based on the volume Discharged $\$/m^3$ For permitted discharges, categories have been simplified as indicated in Schedule 1C
B2 Flow rate	Payment based on the flow rate Discharged $\$/L/s$
B3 Suspended solids (split between Inorganic and Volatile Suspended Solids)	Payment based on the mass of suspended solids $\$/kg$
B4 Organic loading	Biochemical oxygen demand or chemical oxygen demand $\$/kg$.
B5 Nitrogen	Payment based on the defined form(s) of nitrogen $\$/kg$.

B Trade Waste Charges	
Category	Description
B6 Phosphorous	Payment based on the defined form(s) of phosphorous $\$/kg$.
B7 Metals	Payment based on the defined form(s) of the metal(s) $\$/kg$.
B8 Transmissivity	A charge based on the inhibiting nature of the Trade Waste to UV light used by the Council's disinfection process.
B9 Screenable Solids	Payment based on the mass of screenable solids $\$/kg$.

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B10	Toxicity charge	Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³
B11	Incentive rebate	A rebate for Discharging materials beneficial to the Council's Wastewater System \$/kg and/or \$/m ³
B12	Depreciation	Operating cost related to capital and normally spread across the volume and mass charges.
B13	Capital	Apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional consent.
C Tankered Waste Charges		
	Category	Description
C1	Tankered Waste	Set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependant on the Trade Waste.
C2	Toxicity	Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³

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24. SCHEDULE 1E

Examples of types of Trade Waste activities producing Trade Waste.

Note:

Any Discharge other than Domestic Sewage may need to be authorised by a Consent. The examples set out below are not an exhaustive list.

Likely to be permitted	Likely to be conditional	Likely to be conditional
Beautician Building construction – slab formation Café (no cooking) Carpet cleaning mobile units Carwash (automated) Ceramics and pottery (Hobby Club) Coffee Lounge (no cooking) Community Hall (no hot food cooked) Day care centre (with no hot food cooked and served on site) Delicatessen (no meat cooked onsite. No hot food prepared or served) Doctors' surgeries (excluding day care surgical facilities) Dog groomers Florist Fruit and vegetable market (retail) Funeral parlour Hairdressing salon Ice cream parlour Kennels Nut shop Optical processes Painter (small commercial) Pet shop (retail) Sandwich bar/salad bar School canteen (no cooking) School ceramics and pottery Service stations Swimming pool (non-municipal) Takeaway food (not hot food) Venetian blind cleaning	Abattoir Approved stormwater discharged to sewer Beverage manufacturers (including wineries) Bakeries Cafes Churches (with catering facilities) Clothing manufacturers Concrete batching plants Dairy processing plants Day care centre (with hot food cooked and served on site) Dentists Doctors' surgeries/medical centres (with day care surgical facilities) Dry cleaners Electroplaters Fellmongers Food processors including canneries Foundries Fruit and vegetable processors including canneries Galvanizers Hospitals (including day care surgical facilities) Hotels and motels with catering facilities Laundries Landfills (leachate discharge) Manufacturers of chemicals, and of chemical, petroleum, coal, rubber and plastic products Manufactures of clay, glass, plaster, masonry, and mineral products Manufacturers of fabricated metal products, machinery and equipment	Manufacturers of fertiliser Manufacturers of paper and paper products Marae Mechanical workshops Medical laboratories Metal finishers Mortuaries Municipal swimming pool Optical factory Pharmacies Photo processors Premises with commercial macerators Printers Restaurants (excluding those with commercial macerators) Schools, polytechnics, universities (with laboratories) Scientific and other laboratories Spray painting facilities Stock sale yards Takeaway premises Tankered Waste Tanneries and leather finishing (including fellmongery) Textile fibre and textile processors Truck wash facilities Vaccine manufacturers Vehicle wash facilities Veterinary facilities Waste management processors Wholesalers/retailers including butchers, greengrocers and fishmongers (excluding those with commercial macerators) Wool scourers

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25. REFERENCED DOCUMENTS

New Zealand Standards

NZS 4304:2002 Management of healthcare waste

NZS 5465:2001 A2 Self-containment for motor caravans and caravans

NZS 9201 Part 22:1999 Model General Bylaws – Wastewater Drainage

NZS 9201 Part 23:2004 Model General Bylaws – Trade Waste

Joint Australian / New Zealand Standards

AS/NZS 5667: Water quality – Sampling

Part 1:1998 Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples

Part 10:1998 Guidance on sampling of waste waters

British Standards

BS 3680: Measurement of liquid flow in open channels

Part 11A:1992 Free surface flow in closed conduits – Methods of measurement

Part 11B:1992 Free surface flow in closed conduits – Specification for performance and installation of equipment for measurement of free surface flow in closed conduits

BS 5728: Measurement of flow of cold potable water in closed conduits

Part 3:1997 Methods for determining principal characteristics of single mechanical water meters (including test equipment)

BS 6068: Water quality

Part 6: Sampling Section 6.10:1993 Guidance on sampling of waste waters

BS EN 25667-1: 1994 Water quality. Sampling. Guidance on the design of sampling programmes

BS 6068-6.1:1981

BS EN 25667-2: 1993 Water quality. Sampling. Guidance on sampling techniques

BS 6068-6.2: 1991

BS EN 5667-3: 2003 Water quality. Sampling. Guidance on the preservation and handling of water

BS 6068-6.3: 2003 Samples

New Zealand Legislation

Building Act 2004

Hazardous Substances and New Organisms Act (HSNO 1996) and associated Regulations

Health Act 1956

Health and Safety at Work Act 2015

Land Transport Rule Dangerous Goods 2005 Rule 45001/2005

Local Government Act (LGA) 2002

Resource Management Act (RMA) 1991 and associated regulations

Other Publications

Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ) and Australia New Zealand Environment and Conservation Council (ANZECC) Guidelines for Wastewater Systems:

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Acceptance of Trade Wastes (industrial waste) 12 (1994) Document available from Australian Water Association (AWA) www.awa.asn.au

American Water Works Association

Standard methods for the examination of water and wastewater 20th Edition (1999)
Document available from American Water Works Association www.aCouncil.org

Ministry of Business, Innovation and Employment

New Zealand Building Code (NZBC) 1992 and Approved Documents
Document available from <http://www.building.govt.nz/getting-started/>

Ministry for the Environment (MfE)

Landfill Acceptance Criteria (2004)
The New Zealand Waste Strategy (2002)
Documents available from Ministry for the Environment New Zealand www.mfe.govt.nz

Ministry of Health

Ministry of Health (2020) Code of Practice for Unsealed Radioactive Material
Document available from the Ministry of Health www.health.govt.nz

New Zealand Water and Wastes Association (NZCOUNCIL)

Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003)
Liquid and Hazardous Wastes Code of Practice (2003)
Documents available from New Zealand Water & Wastes Association (NZCOUNCIL)
www.nzCouncil.org.nz

New Zealand Water Environment Research Foundation (NZWERF)

New Zealand Municipal Wastewater Monitoring Guidelines (2002)
Document available from New Zealand Water Environment Research Foundation (NZWERF)
www.nzwerf.org

Sydney Water Corporation

Trade Waste Policy (2004)
Document available from Sydney Water Corporation www.sydneywater.com.au

United States Environment Protection Agency (US EPA)

Method 9095A Paint Filter Liquids Test (1996)
Document available from United States Environmental Protection Agency www.epa.gov

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Application for Permitted Trade Waste Discharge
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<p>PERMITTED DISCHARGE CRITERIA</p> <p>TICK THE RELEVANT BOXES BELOW TO SHOW WHY YOUR DISCHARGE IS PERMITTED.</p> <p>IF YOUR DISCHARGE DOES NOT MEET THE PERMITTED DISCHARGE CRITERIA, PLEASE FILL IN APPENDIX B (NOT THIS FORM).</p> <p>PERMITTED INDUSTRIES</p> <p>SCHEDULE 1E HAS A LIST OF ACTIVITIES THAT ARE 'LIKELY TO BE PERMITTED'. IF YOUR TYPE OF INDUSTRY IS LISTED AS 'LIKELY TO BE PERMITTED', PLEASE WRITE WHAT TYPE OF INDUSTRY YOU ARE BELOW:</p> <p>_____</p> <p>OR</p> <p>OTHER INDUSTRIES</p> <p>IF YOUR DISCHARGE IS NOT LISTED AS A PERMITTED INDUSTRY, PLEASE TICK THE RELEVANT BOXES BELOW TO SHOW HOW YOUR DISCHARGE MEETS THE PERMITTED DISCHARGE CRITERIA:</p> <p>MAXIMUM DAILY FLOW</p> <p>(GREATER THAN 5 M³/DAY WILL REQUIRE A CONSENT)</p> <p>CONFIRM AVERAGE DAILY FLOW _____</p> <p>MAXIMUM TEMPERATURE</p> <p>LESS THAN 40°C <input type="checkbox"/></p> <p>SOLIDS</p> <p>NO GROSS SOLIDS >15MM <input type="checkbox"/></p> <p>SUSPENDED SOLIDS <600G/M³ <input type="checkbox"/></p> <p>SETTLABLE SOLIDS <50 ML/L <input type="checkbox"/></p> <p>NO FIBROUS, WOVEN, SHEET FILM OR OTHER MATERIALS WHICH MAY BLOCK WASTEWATER PIPES OR PLANT <input type="checkbox"/></p>	<p>FATS, OIL AND GREASE</p> <p>NO FREE/FLOATING LAYER OF FAT, OIL OR GREASE <input type="checkbox"/></p> <p>THE DISCHARGE CONTAINS NO EMULSIFIED MINERAL OIL, FAT OR GREASE <input type="checkbox"/></p> <p>IF THE DISCHARGE CONTAINS EMULSIFIED MINERAL OIL, FAT OR GREASE, PLEASE EXPLAIN HOW THE DISCHARGE MEETS THE PERMITTED ACTIVITY CRITERIA (REFER TO SCHEDULE 1A): _____</p> <p>_____</p> <p>SOLVENTS AND OTHER ORGANIC LIQUIDS</p> <p>NO FREE/FLOATING/SETTLED LAYER OF SOLVENTS OR ORGANIC LIQUIDS <input type="checkbox"/></p> <p>EMULSIONS OF PAINT, LATEX, ADHESIVE, RUBBER, PLASTIC</p> <p>THE DISCHARGE DOES NOT CONTAIN EMULSIONS OF PAINT, LATEX, ADHESIVE, RUBBER OR PLASTIC <input type="checkbox"/></p> <p>OR</p> <p>THE DISCHARGE CONTAINS THESE MATERIALS BUT TOTAL SUSPENDED SOLIDS ARE <100 G/M³ <input type="checkbox"/></p> <p><u>ADVICE NOTE:</u> THE COUNCIL MAY DETERMINE THAT THE NEED EXISTS FOR PRE-TREATMENT OF SUCH EMULSIONS IF THE TRADE WASTE CONTAINING EMULSIONS UNREASONABLY INTERFERES WITH THE OPERATION OF THE COUNCIL TREATMENT PLANT E.G. REDUCES % UVT (ULTRA VIOLET TRANSMISSION). EMULSIONS OF BOTH TREATABLE AND NON-TREATABLE TYPES, MUST NOT BE DISCHARGED AT A CONCENTRATION AND PH THAT CAUSES COAGULATION AND BLOCKAGE AT THE MIXING ZONE IN THE SEWER.</p> <p>COLOUR</p> <p>THE DISCHARGE DOES NOT CONTAIN COLOUR OR COLOURING SUBSTANCE <input type="checkbox"/></p> <p>PH</p> <p>THE PH VALUE IS BETWEEN 6 AND 10 AT ALL TIMES <input type="checkbox"/></p> <p>BOD</p> <p>THE BOD OF THE DISCHARGE IS <600 G/M³ <input type="checkbox"/></p> <p>OTHER CHEMICAL CHARACTERISTICS</p> <p>PLEASE CONFIRM THAT YOU HAVE REVIEWED SCHEDULE 1A AND THAT YOUR DISCHARGE DOES NOT EXCEED ANY OF THE MAXIMUM CONCENTRATIONS <input type="checkbox"/></p>
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**APPENDIX A
Application for Permitted Trade Waste Discharge
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SIGNATURE BLOCK	FOR OFFICE USE ONLY
FULL NAME _____ _____	APPLICATION NUMBER _____
POSITION _____	APPLICATION RECEIVED AND CHECKED BY _____ INSPECTOR CLERK _____
1. I AM DULY AUTHORISED TO MAKE THIS APPLICATION	DATE _____ <input type="checkbox"/> PERMITTED <input type="checkbox"/> CONDITIONAL
2. I BELIEVE THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT.	PROPERTY LINK IDENTIFICATION NUMBER _____
SIGNATURE _____	BUILDING CONSENT NUMBER _____
DATE _____	TRADE WASTE CONSENT
	APPROVED BY _____
	CONSENT NO _____
	DATE _____
	APPLICATION FEE
	\$ _____
	GST _____
	TOTAL \$ _____
	CASHIER RECEIPT _____
	FILE NUMBER _____ _____

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

Application for Consent to Discharge Trade Waste
Page 1 of 6

<p>TRADE NAME AND STREET ADDRESS OF PREMISES</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>PHONE _____</p> <p>AFTER HOURS CONTACT _____</p> <p>PHONE _____</p> <p>FAX _____</p> <p>POSTAL ADDRESS OF CUSTOMER FOR CHARGING</p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>_____</p> <p>OWNER OF PREMISES (IF DIFFERENT FROM ABOVE)</p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>_____</p> <p>ADDRESS FOR SERVICE FOR FURTHER ENQUIRIES CONCERNING THIS APPLICATION</p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>_____</p> <p>PHONE _____</p> <p>FAX _____</p> <p>VALUATION NUMBER</p> <p>_____</p> <p>LOT NUMBER</p> <p>_____</p> <p>DP NUMBER</p> <p>_____</p> <p>THIS APPLICATION RELATES TO:</p> <p><input type="checkbox"/> PROPOSED NEW DISCHARGE</p> <p><input type="checkbox"/> AN EXISTING DISCHARGE FOR WHICH NO CONSENT EXISTS, CURRENT POINT OF PLACE OF DISCHARGE _____</p> <p><input type="checkbox"/> RENEWAL OF A CONSENT</p> <p><input type="checkbox"/> TRANSFER OF A CONSENT</p> <p><input type="checkbox"/> VARIATION TO AN EXISTING CONSENT – NATURE OF VARIATION _____</p> <p>_____</p>	<p>TERM OF CONSENT SOUGHT</p> <p>FROM _____</p> <p>FOR A PERIOD OF:</p> <p>1 YR <input type="checkbox"/> 2 YRS <input type="checkbox"/> 5 YRS <input type="checkbox"/></p> <p>OTHER (SPECIFY) <input type="checkbox"/> _____</p> <p>ARE THE PREMISES ALREADY CONNECTED TO THE PUBLIC SEWER?</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>IF NO A BUILDING CONSENT APPLICATION WILL ALSO BE REQUIRED</p> <p>CONNECTIONS REQUIRED</p> <p>SIZE _____ NO _____</p> <p>SIZE _____ NO _____</p> <p>DESCRIPTION OF THE MAIN TRADE ACTIVITY</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>DIAGRAM FOR CONNECTION LOCATION (SHOW DISTANCES FROM BOUNDARIES, KERBS, BUILDINGS)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>USE AND ATTACH ADDITIONAL SHEETS AS REQUIRED</p>
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SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B
Application for Consent to Discharge Trade Waste
Page 2 of 6

SIGNATURE BLOCK	FOR OFFICE USE ONLY
FULL NAME _____ _____	APPLICATION NUMBER _____
POSITION _____	APPLICATION RECEIVED AND CHECKED BY INSPECTOR CLERK _____
3. I AM DULY AUTHORISED TO MAKE THIS APPLICATION	DATE _____ <input type="checkbox"/> PERMITTED <input type="checkbox"/> CONDITIONAL
4. I BELIEVE THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT.	PROPERTY LINK IDENTIFICATION NUMBER _____
SIGNATURE _____	BUILDING CONSENT NUMBER _____
DATE _____	TRADE WASTE CONSENT APPROVED BY _____ CONSENT NO _____ DATE _____
	APPLICATION FEE \$ _____ GST _____ TOTAL \$ _____
	CASHIER RECEIPT _____
	FILE NUMBER _____

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

DESCRIPTION OF TRADE WASTE AND PREMISES

Page 3 of 6

PLEASE PRINT CLEARLY

1. GENERAL PREMISES		
1.1 FULL LEGAL NAME OF COMPANY/PARTNERSHIP ETC/NAMES OF APPLICANT/S		
1.2 TRADING AS (BEING THE OWNER/OCCUPIER(S) OF THE TRADE PREMISES LOCATED AT):		
1.3 LIMITED COMPANY OR BODY CORPORATE NUMBER (AS APPLICABLE)		
1.4 POSTAL NAME AND ADDRESS	1.5 NAME AND ADDRESS OF OWNER/OCCUPIER	1.6 CONTACT DETAILS FOR ENQUIRIES (IF DIFFERENT)
NAME	NAME	NAME
	DESIGNATION	DESIGNATION
	PHONE	PHONE
ADDRESS	CELLPHONE	CELLPHONE
	FAX	FAX
	EMAIL	EMAIL

1.7 TOTAL VOLUME OF WASTES:	1.8 GENERAL CHARACTERISTICS OF WASTES:
AVERAGE DAILY VOLUME:..... M ³	TEMPERATURE (°C) TYPICAL RANGE
MAXIMUM VOLUME IN ANY 8 HR PERIOD:..... M ³	BOD ₅ (MG/L) COD (MG/L)
MAXIMUM DAILY VOLUME:..... M ³	SUSPENDED SOLIDS (MG/L)
MAXIMUM FLOW: M ³	INERT SUSPENDED SOLIDS (MG/L)
SEASONAL FLUCTUATION (RANGE):..... M ³	VOLATILE SUSPENDED SOLIDS (MG/L)
	TOTAL NITROGEN (MG/L)
	TOTAL PHOSPHOROUS (MG/L)
	PH
	FATS, OIL AND GREASES(MG/L)

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

DESCRIPTION OF TRADE WASTE AND PREMISES

Page 4 of 6

<p>1.9 THE SOURCE OF WATER USED ON THE PREMISES IS:</p> <p>(A) FROM..... COUNCIL M³/WORKING DAY</p> <p>(B) FROM OTHER SOURCES (<i>STATE SOURCE</i>) M³/WORKING DAY</p> <p>.....</p>
<p>1.10 THE WASTES DO/DO NOT, CONTAIN CONDENSING WATER OR STORMWATER AND THE LAYOUT OF DRAINS ON THE PREMISES IS/IS NOT, SUCH AS TO REASONABLY EXCLUDE THE POSSIBILITY OF SUCH BECOMING MIXED WITH TRADE WASTES.</p> <p>1.11 IT IS/IS NOT PROPOSED THAT DOMESTIC WASTEWATER AND TRADE WASTE SHOULD BE DISCHARGED AT THE SAME POINT OF DISCHARGE.</p>
<p>1.12 THE PROPOSED METHOD FOR FLOW MEASUREMENT IS:</p> <p><input type="checkbox"/> A PERMANENT INSTALLATION OF SUITABLE FLOW MEASURING EQUIPMENT</p> <p><input type="checkbox"/> BASED ON WATER USAGE AS MEASURED BY METER</p> <p><input type="checkbox"/> OTHER, (<i>SPECIFY</i>)</p>
<p>1.13 LIST ANY SUBSTANCES CONTAINED IN SCHEDULE 1A OR 1B OF THE BYLAW WHICH ARE STORED, USED, OR GENERATED ON THE PREMISES</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>1.14 DESCRIBE MITIGATION MEASURES EMPLOYED TO PREVENT ACCIDENTAL SPILLAGES OF THESE SUBSTANCES FROM ENTERING THE PUBLIC SEWER OR STORMWATER SYSTEM.</p> <p>.....</p> <p>.....</p> <p>.....</p>

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

DESCRIPTION OF TRADE WASTE AND PREMISES

Page 5 of 6

1.15 SITE PLANS OF THE PREMISES ARE ATTACHED WHICH CLEARLY SHOW THE LOCATION OF THE FOLLOWING AS APPROPRIATE:

<input type="checkbox"/> PROCESS AREAS	<input type="checkbox"/> FLOW MEASURING DEVICES	<input type="checkbox"/> TRADE WASTE DRAINS
	<input type="checkbox"/> EMERGENCY SPILL DEVICES	<input type="checkbox"/> DOMESTIC WASTEWATER DRAINS
		<input type="checkbox"/> OPEN AREAS DRAINING TO TRADE WASTE DRAINS
<input type="checkbox"/> OTHER (<i>SPECIFY</i>)		<input type="checkbox"/> STORMWATER DRAINS

1.16 DETAILED DRAWINGS AND DESCRIPTIONS FOR THE FOLLOWING ARE ATTACHED AS APPROPRIATE.

<input type="checkbox"/> PRE-TREATMENT SYSTEMS	<input type="checkbox"/> FLOW MEASURING DEVICES	<input type="checkbox"/> EMERGENCY SPILL CONTAINMENT
<input type="checkbox"/> SAMPLING POINTS	<input type="checkbox"/> METHOD OF FLOW METER CALIBRATION	

1.17 AN INDEPENDENT WASTE AUDIT OF THE PREMISES HAS / HAS NOT BEEN CARRIED OUT BY:
.....

1.18 A DISCHARGE MANAGEMENT PLAN IS/IS NOT ATTACHED.

1.19 THE HEALTH AND SAFETY REQUIREMENTS AND SECURITY ARRANGEMENTS FOR SELWYN DISTRICT COUNCIL STAFF ENTERING THE PREMISES AREA ARE AS FOLLOWS (*SPECIFY*):
.....
.....

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX B

DESCRIPTION OF TRADE WASTE AND PREMISES

Page 6 of 6

2. PROCESS																																									
USE A SEPARATE PAGE FOR EACH PROCESS AND ATTACH COPIES OF TYPICAL ANALYSES FOR WASTEWATER FROM EACH SEPARATE PROCESS																																									
2.1 PROCESS NAME AND DESCRIPTION																																									
.....																																									
2.2 TYPE OF PRODUCT PROCESSED																																									
.....																																									
2.3 VOLUME OF WASTEWATER		2.4 IF BATCH DISCHARGES:																																							
AVERAGE DAILY VOLUME:.....		QUANTITY																																							
M ³		M ³																																							
MAXIMUM DAILY VOLUME:		FREQUENCY:																																							
M ³		M ³																																							
MAXIMUM FLOW:		RATE OF DISCHARGE																																							
.....L/	L																																							
S		/S																																							
2.5 THE WASTEWATER CONTAINS THE FOLLOWING CHARACTERISTICS WHICH WHEN MIXED WITH OTHER WASTEWATERS AND DISCHARGED FROM THE PREMISES, ARE NEAR OR IN EXCESS OF THE LIMITS STIPULATED IN SCHEDULE 1B OF THE BYLAW (CHARACTERISTICS IN TABLES 1A.1, 2 AND 3).																																									
.....																																									
<table border="1"> <thead> <tr> <th colspan="5">VALUE OR CONCENTRATION</th> </tr> <tr> <th colspan="2">FROM PROCESS</th> <th colspan="2">AT POINT OF DISCHARGE</th> </tr> <tr> <th>TYPICAL</th> <th>MAX</th> <th>TYPICAL</th> <th>MAX</th> </tr> </thead> <tbody> <tr><td>.....</td><td>.....</td><td>.....</td><td>.....</td></tr> <tr><td>.....</td><td>.....</td><td>.....</td><td>.....</td></tr> <tr><td>.....</td><td>.....</td><td>.....</td><td>.....</td></tr> <tr><td>.....</td><td>.....</td><td>.....</td><td>.....</td></tr> <tr><td>.....</td><td>.....</td><td>.....</td><td>.....</td></tr> <tr><td>.....</td><td>.....</td><td>.....</td><td>.....</td></tr> </tbody> </table>					VALUE OR CONCENTRATION					FROM PROCESS		AT POINT OF DISCHARGE		TYPICAL	MAX	TYPICAL	MAX
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2.6 THE FOLLOWING STEPS HAVE BEEN / WILL BE TAKEN TO IMPROVE THE TRADE PROCESS AS PART OF A STRATEGY OR CLEANER PRODUCTION.																																									
.....																																									
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DATE OF IMPROVEMENTS																																									
.....																																									

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX C

APPLICATION FOR TEMPORARY DISCHARGE

Page 1 of 2

PLEASE PRINT CLEARLY	
APPLICANT	
NAME	
COMPANY	
ADDRESS	
PHONE FAX	
APPLICANT RESPONSIBLE FOR LIQUID WASTE <input type="checkbox"/> TRANSPORTATION <input type="checkbox"/> GENERATION <input type="checkbox"/> LICENSED TRANSPORTER	
NAME	
COMPANY	
ADDRESS	
PHONE FAX	
APPLICATION SOUGHT FOR	
<input type="checkbox"/> ONE DISCHARGE	
<input type="checkbox"/> A NUMBER OF DISCHARGES OF THE SAME KIND OF LIQUID WASTE UP TO A PERIOD OF ONE YEAR.	
PROPOSED POINT OF DISPOSAL	PROPOSED TIMING OF PROPOSAL
.....	TIME
IF FROM PREMISES TO PUBLIC SEWER, WHAT IS THE EXISTING TRADE WASTE CONSENT NUMBER?	DATE
LIQUID WASTE	
QUANTITY M ³	
SOURCE	
PROCESS IN WHICH WASTE WAS PRODUCED	

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX C

APPLICATION FOR TEMPORARY DISCHARGE

Page 2 of 2

GENERAL CHARACTERISTICS	
TEMPERATURE (°C)	BOD ₅ (MG/L)
COD (MG/L)	TOTAL NITROGEN (MG/L)
SUSPENDED SOLIDS (MG/L)	TOTAL PHOSPHOROUS (MG/L)
INERT SUSPENDED SOLIDS (MG/L)	PH
VOLATILE SUSPENDED SOLIDS (MG/L)	FATS, OIL AND GREASES (MG/L)
LIST ANY CHARACTERISTICS WHICH ARE LIKELY TO BE GREATER THAN 50% OF CONCENTRATIONS STIPULATED IN SCHEDULE 1A OF THE TRADE WASTE BYLAW	
ANALYSIS (CHECK WITH SELWYN DISTRICT COUNCIL TO SEE WHETHER THIS IS REQUIRED)	
<input type="checkbox"/> ATTACHED	<input type="checkbox"/> NOT REQUIRED
DECLARATION	
WE HEREBY CERTIFY THAT THE ABOVE LIQUID WASTE IS ACCURATELY DESCRIBED.	
APPLICANT: TRANSPORTER/GENERATOR:	

FOR OFFICE USE ONLY	
APPLICATION NUMBER:	
APPLICATION RECEIVED BY DATE	
DISCHARGE:	<input type="checkbox"/> APPROVED <input type="checkbox"/> NOT APPROVED
BY	
DATE	
TEMPORARY DISCHARGE	
IF APPROVED:	WHERE DISCHARGED
	TIME AND DATE
IF NOT APPROVED:	WHERE REFERRED TO:
TEMPORARY DISCHARGE FEE	
	\$ CASHIER RECEIPT:
GST	\$ FILE NUMBER:
TOTAL	\$

SELWYN DISTRICT COUNCIL TRADE WASTE BYLAW 2016

APPENDIX D

Page 1 of 1

**CONSENT TO DISCHARGE TRADE WASTE TO THE PUBLIC SEWER
Pursuant to the Selwyn District Council Trade Waste Bylaw 2016**

To

(Consent Holder Trade Name)

Address:

(Street Address of Trade Premises)

Phone..... Fax

Name

(Contact Name)

Address:

(Address for Charging and Servicing of Documents)

(Trade Activity)

In response to, and in terms of, the information declared in your application of..... to discharge trade waste from the above premises, the consent of the Selwyn District Council is hereby given for the term and subject to the conditions set out below:

1. That this consent relates to a proposed new discharge/an existing non-consented discharge/renewal of a consent/variation to an existing consent.
2. That this is a consent to discharge conditional trade waste.
3. That the provisions of the Selwyn District Council Trade Waste Bylaw 2016 are complied with at all times.
4. That this consent is valid for a period of..... years and will expire on.....
5. That the trade waste discharged under this consent may consist only of wastes that have been assessed and approved by the Council.
6. That this consent is subject to the specific conditions set out in Schedule 1A which is attached.

For and on behalf of the Selwyn District Council:

Enforcement Officer:	FOR OFFICE USE ONLY:
Name:	Consent Number:
Signature:	Application Number:
Date:	File No:

Selwyn District Council Wastewater Drainage Bylaw 2016

SELWYN DISTRICT COUNCIL WASTEWATER DRAINAGE BYLAW 2016

[\(as reviewed and amended in 2021\)](#)

The Selwyn District Council makes the following bylaw regulating Wastewater Drainage pursuant to sections 145(a) and (b) and 146(b)(iii) of the Local Government Act 2002.

Explanatory Notes

These explanatory notes do not form part of this bylaw but are intended to indicate the general effect of the provisions contained in the bylaw.

Purpose

The purpose of this bylaw is to control and monitor Wastewater drainage into the public Wastewater System in order to:

- protect public health and the environment;*
- manage, regulate and protect the Council's water supply from misuse or damage;*
- protect the Stormwater system infrastructure;*
- protect the Wastewater System infrastructure;*
- provide a basis for monitoring Wastewater Discharge from Dwellings;*
- ensure compliance with consent conditions; and*
- protect the use of land, structures and infrastructure associated with Wastewater drainage.*

Scope

This bylaw provides for the:

- conditions of Discharge of Wastewater from any Dwelling;*
- liability of Persons who are in breach of this bylaw; and*
- administrative mechanisms for the operation of the bylaw.*

Selwyn District Council Wastewater Drainage Bylaw 2016

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3. APPLICATION OF BYLAW	3
4. DEFINITIONS	3
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7. CONDITIONS OF DISCHARGE	8
8. BREACHES AND INFRINGEMENT OFFENCES	11
SCHEDULE 1 – PROHIBITED WASTE	12

Selwyn District Council Wastewater Drainage Bylaw 2016

1. TITLE

- 1.1 This bylaw shall be known as the Selwyn District Council Wastewater Drainage Bylaw 2016.

2. DATE OF COMMENCEMENT

- 2.1 This bylaw comes into force on 1 September 2016.
- 2.2 This bylaw was reviewed and amended in 2021 and comes into effect in its amended form on [15 November 2021](#).

3. APPLICATION OF BYLAW

- 3.1 This bylaw applies in respect of the Wastewater System maintained by the Selwyn District Council and to the Discharge of Wastewater and other substances into that system.
- 3.2 Nothing in this bylaw authorises the Discharge of Trade Waste that is subject to the Trade Waste Bylaw.
- 3.3 **Compliance with other Acts:** The provision of Wastewater services by the Selwyn District Council is subject to statute and regulation and nothing in this bylaw derogates from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and any regulations made pursuant to those Acts and any other relevant statutory or regulatory requirements. References to a repealed enactment include its replacement. In the event of any inconsistency between this bylaw and the legislation the more stringent applies.
- 3.4 **Compliance with Selwyn District Council Engineering Code of Practice and Building Act:** The Council will only provide Wastewater services to a Drain or Approved Sewer that complies with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.

4. DEFINITIONS

- 4.1 In this bylaw, unless the context otherwise requires:
- (a) **Approve or Approved** means approval in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;
 - (b) **Biosolids** means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial Wastewater treatment plants;
 - (c) **Buried Services** means all public Sewers, Rising Mains, Trunk Sewers and other underground utilities owned or managed by the Council;
 - (d) **Certifying Drainlayer** means a fully qualified and experienced registered drainlayer or such other qualified Approved Person;
 - (e) **Code of Practice** means the Selwyn District Council Engineering Code of Practice;
 - (f) **Common Drain** means a Drain serving more than one premise;

Selwyn District Council Wastewater Drainage Bylaw 2016

- (g) **Council** means the Selwyn District Council or any officer authorised to exercise the authority of the Council;
- (h) **Customer(s)** means a Person who Discharges or has the right to Discharge Wastewater to the Wastewater System with the consent of Council;
- (i) **Discharge or Discharged** means Discharge of Wastewater into the Wastewater System whether directly or indirectly;
- (j) **Disconnection** means the physical cutting and sealing of the Drain from a premise;
- (k) **Drain** means that section of private drain between the Customer's premises and the Point of Discharge through which Wastewater is conveyed from the premises;
- (l) **Dwelling** means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more Persons. A Dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site unless that building or part of a building is being used for overnight accommodation;
- (m) **Enforcement Officer** means any officer appointed by the Council as an enforcement officer under section 177 of the Act, as an enforcement officer with powers of entry as prescribed in sections 171-174 of that Act;
- (n) **Excavation** means any works including tunnelling, thrust boring, cultivation, post driving or any disturbance of land;
- (o) **Fees and Charges** means the Fees and Charges determined by the Council from time to time in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002 for services provided by the Council associated with the Discharge of Wastewater;
- (p) **Good Industry Practice** means the procedures, methods, specifications and Standards followed when works are carried out:
 - (i) in a sound and workmanlike manner;
 - (ii) with due care, skill and foresight;
 - (iii) in a safe and prudent manner;
 - (iv) in compliance with all applicable legislation, laws, licences and Standards; and
 - (v) to the standard of diligence, prudence and foresight that would reasonably be expected to be observed by a highly skilled and highly experienced contractor engaged in carrying out such activities;
- (q) **Infiltration** means groundwater entering the Wastewater System or Drain through defects such as poor joints, and cracks in pipes or manholes;
- (r) **Inflow** means water Discharged into a Drain or the Wastewater System from unauthorised connections or drain laying faults and includes Stormwater entering through unauthorised down pipe connections or from low gully traps;

Selwyn District Council Wastewater Drainage Bylaw 2016

- (s) **Person(s)** means a natural Person, corporation or a body of Persons whether corporate or otherwise;
- (t) **Point of Discharge** is the boundary between the Wastewater System and a Drain;
- (u) **Pressure Drain** means a Drain through which Wastewater is pumped from a premise into the Wastewater System;
- (v) **Pressure Drain System** means a system comprising a pumping station and Pressure Drain that conveys Wastewater from a premise to the Wastewater System;
- (w) **Prohibited Characteristics** means the characteristics set out in Schedule 1;
- (x) **Prohibited Waste** means waste that has, or is likely to have, any of the Prohibited Characteristics set out in Schedule 1;
- (y) **Public Notice** has the same meaning as in the Local Government Act 2002;
- (z) **Rising Main** means a Sewer through which Wastewater is pumped;
- (aa) **Sanitary Appliance** means any appliance used for sanitation, including machines for washing dishes and clothes;
- (bb) **Sanitary Fixture** means any fixture which is intended to be used for sanitation, including but not limited to fixtures used for washing and/or excretion;
- (cc) **Service Opening** means a manhole, inspection chamber, rodding eye or similar means for gaining access for inspection, cleaning or maintenance, to the Wastewater System;
- (dd) **Sewage** means a Discharge from any Sanitary Fixture or Sanitary Appliance;
- (ee) **Sewage Sludge** means the material settled out and removed from Sewage during treatment;
- (ff) **Sewer** means the public Sewer Main and public Sewer Laterals that carry away Wastewater from the Point of Discharge;
- (gg) **Sewer Lateral** means that section of the Sewer between the Sewer Main and a Drain;
- (hh) **Sewer Main** means that section of the Sewer that carries away Wastewater from the Sewer Lateral;
- (ii) **Standards** means the relevant standards or codes specified in or reasonably inferred from this bylaw or, if this bylaw is silent as to the standard or code to apply, those relevant standards and/or codes published by Standards New Zealand. Where no applicable New Zealand Standard exists, those relevant standards and/or codes published by Standards Australia;
- (jj) **Stormwater** means all surface water run-offs resulting from precipitation;
- (kk) **Trade Waste** has the same meaning as in the Trade Waste Bylaw;
- (ll) **Trade Waste Bylaw** means the Selwyn District Council Trade Waste Bylaw 2016;
- (mm) **Trunk Sewer** means a Sewer, having a diameter of 150mm or greater, which forms part of the principal drainage network of the Wastewater System;

Selwyn District Council Wastewater Drainage Bylaw 2016

- (nn) **Wastewater** means water or other liquid, including waste matter in solution or suspension, Discharged into the Sewer;
- (oo) **Wastewater System** means the system operated by the Council and all its component parts, through which Wastewater is conveyed; and
- (pp) **Working Day** means any day of the week other than:
 - (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki, Labour Day, Canterbury Anniversary Day;
 - (ii) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year;
 - (iii) if 1 January falls on a Friday, the following Monday;
 - (iv) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
 - (v) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

5. PROTECTION OF WASTEWATER SYSTEM

5.1 Access to system: No Person other than the Council and its authorised agents may access any part of a Wastewater System, except to:

- (a) make Approved connections to the Point of Discharge; and
- (b) to clear blockages,

provided that such work is undertaken by Approved Persons.

5.2 No Person to connect to or interfere with a Wastewater System without Council Approval: No Person may:

- (a) make any connection to, or otherwise interfere with, any part of the Wastewater System;
 - (b) cause or allow Inflow or Infiltration into the Wastewater System;
 - (c) Discharge more than 2.0 litres/second of Wastewater into the Wastewater System;
 - (d) Discharge more than 5m³ of Wastewater into the Wastewater System in any 24 hour period; and
 - (e) Discharge Prohibited Waste,
- except when Approved.

5.3 Temporary use restrictions or prohibitions: All Persons must comply with any temporary use restrictions or prohibitions imposed by the Council on the use of the Wastewater System.

5.4 Working around Buried Services:

- (a) Any Person causing damage or disruption to the Wastewater System is liable for the cost of repairs and any other costs incurred as a result of the damage or disruption.
- (b) No Person may make any connection to, or otherwise interfere with, any part of the Wastewater System except when Approved.

Selwyn District Council Wastewater Drainage Bylaw 2016

- (c) Any damage or disruption to the Wastewater System must be reported to the Council immediately.
- (d) No Person may undertake any Excavation work within 2 metres of any part of the Wastewater System, except with the prior written approval of the Council.
- (e) When granting approval for Excavation work near the Wastewater System, the Council may impose such conditions as it considers necessary.

5.5 Building over or diversion of Wastewater System:

- (a) No Person may build over or divert any part of the Wastewater System except with the prior approval of the Council.
- (b) The Council may grant such approval subject to any conditions it considers necessary.
- (c) All costs arising from such work must be met by the Person seeking to undertake the building work or diversion.

5.6 Spillages and adverse events: The occupier of premises at which Sewage is spilt, or where any other event occurs which may have an adverse effect on the Wastewater System, must notify the Council immediately.**5.7 Design, construction, repairs and maintenance:**

- (a) Every Person shall repair a damaged or broken Drain on his, her or its property through a Certifying Drainlayer in accordance with the Code of Practice, the Building Act, and Good Industry Practice and any other relevant statutory or regulatory requirements.
- (b) All Drains shall be designed and constructed and repaired by a qualified Person, at the owner's expense in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements or by some other arrangement acceptable to the Council.
- (c) All Drains shall be managed and maintained at the owner's expense by a qualified Person in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.

6. WASTEWATER SYSTEM AND PRESSURE DRAIN SYSTEMS**6.1** Unless authorised by the Council no Person may:

- (a) cause or allow any water from a water pipe, artesian well, ram or other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter the Wastewater System, or a Drain or pressure main connected with the Wastewater System;
- (b) cause or allow any water which may contain fat, sediment or other extraneous matter to be Discharged from a butcher's shop, fish shop, restaurant or other premises (except a Dwelling) where food is prepared, processed or served, directly to the Wastewater System, or a Drain or pressure main connected with the Wastewater System;
- (c) use any waste disposal unit connected to any drainage works other than for the purpose of disposing of ordinary domestic household waste; or

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- (d) cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into any Drain or pressure main connected to the Wastewater System.

6.2 Pressure Drain System:

- (a) Customers shall only use a Pressure Drain System with the written approval of the Council.
- (b) All Pressure Drain Systems shall be designed, constructed and repaired by a qualified person at the Customer's expense in accordance with the requirements of the Pressure Sewer National Guidelines, Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements or by some other arrangement acceptable to the Council.
- (c) Every Person shall repair a damaged or broken Pressure Drain Systems on his, her or its property through a Certifying Drainlayer in accordance with the requirements of the Pressure Sewer National Guidelines, Code of Practice, the Building Act, and Good Industry Practice and any other relevant statutory or regulatory requirements.
- (d) All Pressure Drain Systems shall be managed and maintained at the owner's expense by a qualified Person in accordance with the Code of Practice, the Building Act, Good Industry Practice and any other relevant statutory or regulatory requirements.
- (e) Customers with a Pressure Drain System, or any other system that is connected to Wastewater System, shall use that system in accordance with any operating manual or guidelines for that system.

7. CONDITIONS OF DISCHARGE**7.1 Flow Rate:**

- (a) The maximum instantaneous flow rate of Wastewater Discharged from any premises must not exceed 2.0 litres per second unless otherwise Approved.
- (b) The maximum daily flow rate of Wastewater Discharged from any premises must not exceed 5m³ per day unless otherwise Approved.

7.2 Prescribed charges: Charges applicable at the time of connection may include:

- (a) an application fee;
- (b) a charge for providing the connection as detailed in the schedule of the fees;
- (c) a development contribution charge determined in accordance with the Local Government Act 2002; and
- (d) any other Fees and Charges.

7.3 Responsibility for maintenance:

- (a) The Council owns and is responsible for the maintenance of the Wastewater System including the pipe and fittings up to the Point of Discharge.
- (b) The Customer owns and is responsible for the maintenance of the Drain connecting the premises to the Point of Discharge.

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- (c) No Person may extend a Drain, by a pipe or any other means, to serve other premises except where the premises are served by an existing Common Drain or easement.

7.4 Point of Discharge:

- (a) There shall be only one Point of Discharge for each premises unless otherwise Approved.
- (b) Where a Point of Discharge is located on private land, such as in a right of way, a Sewer Lateral within that private land shall be part of the Wastewater System.
- (c) For individual Customers, the Point of Discharge shall be located generally in accordance with the Code of Practice.

7.5 Common Drains:

- (a) New Common Drains are prohibited.
- (b) Existing Common Drains shall serve a maximum of five single Dwelling units, shall have one common Point of Discharge and shall be located in accordance with the Code of Practice.
- (c) There shall be no new connections to existing Common Drains without Council Approval.

7.6 Multiple ownership: The Point of Discharge for different forms of multiple ownership premises shall be as follows, and in accordance with the Code of Practice, unless the Council Approves alternative arrangements:

- (a) premises that have multiple owners but only one valuation number may have a single Point of Discharge;
- (b) new premises that have multiple owners and multiple valuation numbers shall have one Point of Discharge per valuation number; and
- (c) premises that have multiple owners, where the Discharge existed prior to the commencement of this bylaw, may have a Point of Discharge in accordance with the arrangement existing at that time, or as determined by agreement with the Council in any individual case.

7.7 Approval of Point of Discharge: Each Point of Discharge shall be Approved and recorded on the drainage plan.**7.8 Swimming Pools:** Unless Approved by the Council, swimming pool Drains must be fitted with a flow limiting device to ensure the Discharge does not exceed a maximum instantaneous flow of 2.0 litres/second.**7.9 Prevention of Inflow and Infiltration:**

- (a) All reasonable steps must be taken to prevent Stormwater and groundwater from entering the Wastewater System. To ensure that Stormwater is excluded from the Wastewater System:
 - (i) no Stormwater pipe or Drain may be connected to the Wastewater System;
 - (ii) gully trap surrounds must be set above Stormwater ponding levels and above 1 in 50 year ARI flood levels; and

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- (iii) inspection covers must not be permanently removed and must be appropriately sealed.
- (b) Large impervious areas greater than 10m² (such as stock yards or truck washing facilities), must be managed to prevent water from outside the facility entering the Wastewater System, by the installation of a nib wall, speed humps, appropriately graded surrounds or using other appropriate methods subject to Approval.
- (c) Drains must be maintained in a good state of repair and free from cracks and other defects which may allow for Infiltration.

7.10 Blockages:

- (a) Gully traps must be kept clear and free of obstructions.
- (b) Any Person who causes a blockage in the Wastewater System, by discharging Prohibited Waste, or by forcing a blockage downstream into the Wastewater System in the course of clearing a Drain is liable for the cost of unblocking the Wastewater System.

7.11 Loading of Material over Wastewater System:

- (a) No Person may place material or objects over the Wastewater System which causes or may cause damage to the Wastewater System.
- (b) No Person may place any additional material over or near the Wastewater System without approval.
- (c) Service Openings must not be covered or obstructed except with Approval. The owner of the premises is liable for removal of any unauthorised covering material or repair of a Service Opening that the Council determines is necessary.

7.12 Access to, and about Point of Discharge:

- (a) In accordance with section 171 of the Local Government Act 2002, an Enforcement Officer may go onto a property to access a Point of Discharge or gully trap for the purpose of checking, testing, and maintenance work including repair, replacement and capital works.
- (b) If the Enforcement Officer is prevented from having access to the property and a return visit is required, the Council may charge a fee for that visit.

7.13 Restrictions for repair or in an emergency: The Council may restrict or prohibit the Discharge of Wastewater for any specified purpose, for any specified period, and for any or all of its Customers, subject to the provisions of the Local Government Act 2002. Such restrictions will be advised by Public Notice.

7.14 Disruption: The Council does not guarantee to receive Wastewater without interruption, however the Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

7.15 Emergencies:

- (a) Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council which result in disruptions to the ability of the Council to receive Wastewater, will be deemed an emergency.

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- (b) During an emergency, the Council may restrict or prohibit the Discharge of Wastewater for any specified purpose, for any specified period, and for any or all of its Customers.
- (c) Where emergency restrictions have been imposed, such restrictions shall be publicly notified.
- (d) The Council may enact penalties over and above those contained in these conditions to enforce these restrictions.
- (e) The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required, by the officer of the Council authorised for that purpose, subject to subsequent Council ratification.

7.16 Maintenance and repair: Where it is not practical to notify the Customer of a maintenance interruption to the Point of Discharge before maintenance or repair work commences, the Council may shutdown the Point of Discharge without notice, and the Customer shall be advised as soon as possible.

7.17 Payment:

- (a) The Customer is liable to pay for the Discharge of Wastewater and related services in accordance with the Fees and Charges prevailing at the time.
- (b) The Council may recover all unpaid Wastewater charges in accordance with sections 57 to 82 of the Local Government (Rating) Act 2002.

7.18 Disconnection at the Customer's Request: A Customer must give seven (7) Working Days' notice in writing to the Council of a requirement for Disconnection, whether permanent or temporary, from the Wastewater System. Disconnection is at the Customer's cost.

8. BREACHES AND INFRINGEMENT OFFENCES

8.1 Every Person who fails to comply with this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 or as set out in section 242 of the Local Government Act 2002.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)

_____ **Mayor**

_____ **Chief Executive**

SCHEDULE 1 – PROHIBITED WASTE

Prohibited Waste is waste that has, or is likely to have, any of the Prohibited Characteristics set out below. Prohibited Characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the water supply network serving the premises, or in any other water supply that is Approved by the Council for the purpose of discharging waste.

Prohibited Characteristics

1. Any Discharge has Prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - (a) interfere with the free flow of Wastewater in the Wastewater network;
 - (b) damage any part of the Wastewater System;
 - (c) in any way, directly or indirectly, cause the quality of the effluent or Biosolids and other solids from any Wastewater treatment plant to breach the conditions of a resource consent, water right, permit or other governing legislation;
 - (d) pose a risk to the health and safety of any Person;
 - (e) after treatment be toxic to fish, animal or plant life in the receiving waters;
 - (f) cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance;
 - (g) have a colour or colouring substance that causes the Discharge of any Wastewater treatment plant to receiving waters to be coloured; or
 - (h) after treatment be potentially harmful to human health in the receiving waters.
2. The following are Prohibited Characteristics:
 - (a) harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - (b) liquid, solid or gas which might be flammable or explosive in the wastes, including oil, fuel, solvents, calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
 - (c) asbestos;
 - (d) tin (as tributyl and other organotin compounds);
 - (e) any organochlorine pesticides;
 - (f) waste that contains or is likely to contain material from a genetically modified organism other than those approved under the Hazardous Substances and New Organisms Act 1996;
 - (g) any health care waste prohibited for Discharge to Wastewater Systems under NZS 4304 and any pathological or histological wastes;

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- (h) any pharmaceutical liquid waste containing Cytotoxic Waste; and
- (i) Radioactivity levels not compliant with the Ministry of Health (2020) Code of Practice for Unsealed Radioactive Material.

REPORT

TO: Chief Executive

FOR: Council Meeting – 3 November 2021

FROM: Asset Manager Water Services, and
Water Service Delivery Manager

DATE: 22 October 2021

SUBJECT: **WATER SERVICES MONTHLY UPDATE**

RECOMMENDATION

‘That the Council receives the report “Water Services Monthly Update” for information’.

1. PURPOSE

The purpose of this report is to inform Council on matters of interest in the context of the 5 Waters activity.

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

As this report is for information only it is not considered to be significant in the context of Council's Significance Policy.

3. HISTORY/BACKGROUND

Selwyn District Council's goal for the 5 Waters activities is:

‘To provide water services that meet all relevant standards with a level of service the public can afford and have confidence in, both now and moving forward into the future’.

We discuss key considerations for the 5 Waters activities (Water, Wastewater Stormwater, Land Drainage and Water Races).

3 Waters Reform

Council has previously discussed the Government announcement on 3 Waters Reform. Our strategy will be further discussed under a separate item at today's meeting.

Kainga Ora application status

Council received confirmation that both our applications were unsuccessful. Staff requested a debrief with the evaluators on the application which took place 26 October.

Around 200 applications were received, totalling over \$5 billion worth of investment for which \$1 billion was available. From the 200 applications 84 have progressed to the next stage of evaluation process.

The Council applications scored well in terms of co-funding arrangements but received lower scores compared to other applications due to uncertainty around Plan Change outcomes, travel distance from amenities, car dependency of developments, and the ability for Council to fund these works via other means.

Water Demand Management

Soil moisture levels are holding compared to those experienced this time last year. **Refer Appendix 1.**

Appendix 2 show the ground water levels recorded at a number of bores across the district. Currently ground water levels across the district remain high. These are expected to start to drop as water demand increases heading towards the end of the year. The Royston Common bore is the first to show signs of reducing levels.

Water demand increases over the summer months as property owner's increase watering of lawns and gardens in response to drier and hotter conditions. To help manage demand, Council adopted through the 2021 LTP a strategy to increase the volumetric charge of water at a greater rate than the fixed charge to place an emphasis on the value of water. The cost per m³ of water has risen from \$0.50 per cubic meter (2020/21) to \$0.60 per cubic meter (2021/22).

In addition Council uses water education and water restrictions process to manage peak daily water demand. The water restriction levels used are provided below. Prior to the implication of formal restrictions, Council normally uses an education campaign as a recommendation based on restriction level 1. The levels are provided below:

Levels	Actions
Level 1	<ul style="list-style-type: none"> • No watering of lawns is permitted between the hours of 6am to 9am and 4pm to 9pm only • Garden watering is permitted • There is a requirement to decrease demand especially during peak periods.
Level 2	<ul style="list-style-type: none"> • Watering of lawns is permitted between 9am-4pm and 9pm-6am on alternate days only. <p><i>(Note. If your street address number is even then water on even-numbered days, if your street address number is odd then water on odd-numbered days. For example if your property number is 2, 24b or 108 you can water your lawn as needed on the 8, 10, 12 December and so on during the permitted times. If watering during the daytime we recommend choosing a cooler day to reduce evaporation.)</i></p> <ul style="list-style-type: none"> • Garden watering is permitted. • There is a requirement to decrease demand especially during peak periods
Level 3	<ul style="list-style-type: none"> • No watering of lawns is permitted. • Hand garden watering is permitted, total ban on domestic sprinklers • There is a requirement to decrease demand
Level 4	<ul style="list-style-type: none"> • Total ban on all external non-essential use of water • Consumers may carry water using a bucket, watering can or similar to maintain plants as necessary

Water Race Closures

Council at the 13th October 2021 meeting approved the closure of 11 sections of stock water race. Staff and water race operators are now working with landowners to implement the physical closure. A further three sections of water race will be considered at a hearing to be heard by Cr Mugford and Cr Hasson. A suitable date for the hearing is yet to be confirmed with applicants and the hearing panel.

Stimulus Funding – Darfield Pipeline

At the time of writing this report, progress has been good with approximately 6 km of pipeline installed. There are now five install crews operating, located at Aylesbury Rd, lower Miles Rd, upper Miles Rd and Burnham School Road.

Potential supply chain risks and resource risks are being well managed and are not causing any concern for the project at this stage.

Note: A complete project update is now being provided to Council via the Major Projects Report.

Pines WwTP Operational Health Check

Waugh Infrastructure have been engaged to undertake a Pines WwTP Operational Health Check. A comprehensive piece of work which includes reviewing the content of Pines WwTP section of Contract 1241 and to recommend changes to strengthen this section. Recommendations will be focussed on risk, its management and overall plant performance measures.

In coordination with the Operational Health Check, a much wider Pines WwTP Network Risk analysis is also underway, with a view on ensuring compliance is achieved whilst also, meeting the continuing growth of the district.

4. FUTURE POINTS FOR DISCUSSION

During previous Council meetings, the following topics in addition to those covered above were requested to be presented at a meeting on a future date:

- Water Demand Strategy incl. Ground water levels (ahead of summer)
- 5 Waters Strategy
- Nitrates in ground water
- Water Demand Management strategy

5. PROPOSAL

Staff seek that the Council consider and implement the recommendation set out above.

6. OPTIONS

The options available to Council are to:

- (a) To approve the recommendation of this report, or
- (b) To decline the recommendation of this report

Staff would appreciate feedback on the subject matter and level of information provided in this report.

7. VIEWS OF THOSE AFFECTED / CONSULTATION

Not applicable

8. FUNDING IMPLICATIONS

No funding implications have been identified in relation to the recommendation of this report.



Murray England
ASSET MANAGER WATER SERVICES



Elaine McLaren
WATER SERVICES DELIVERY MANAGER

Endorsed For Agenda

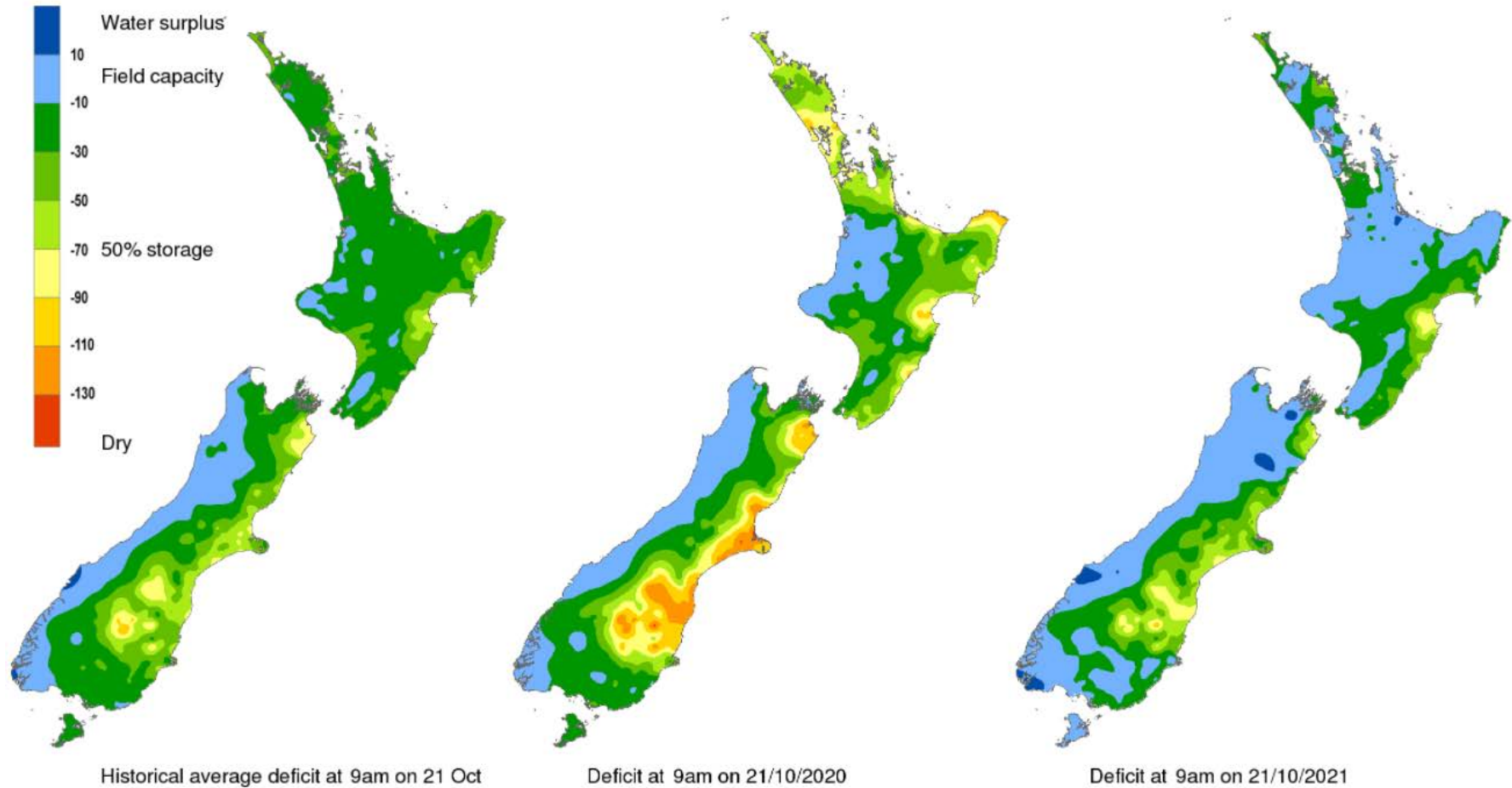


Murray Washington
GROUP MANAGER INFRASTRUCTURE

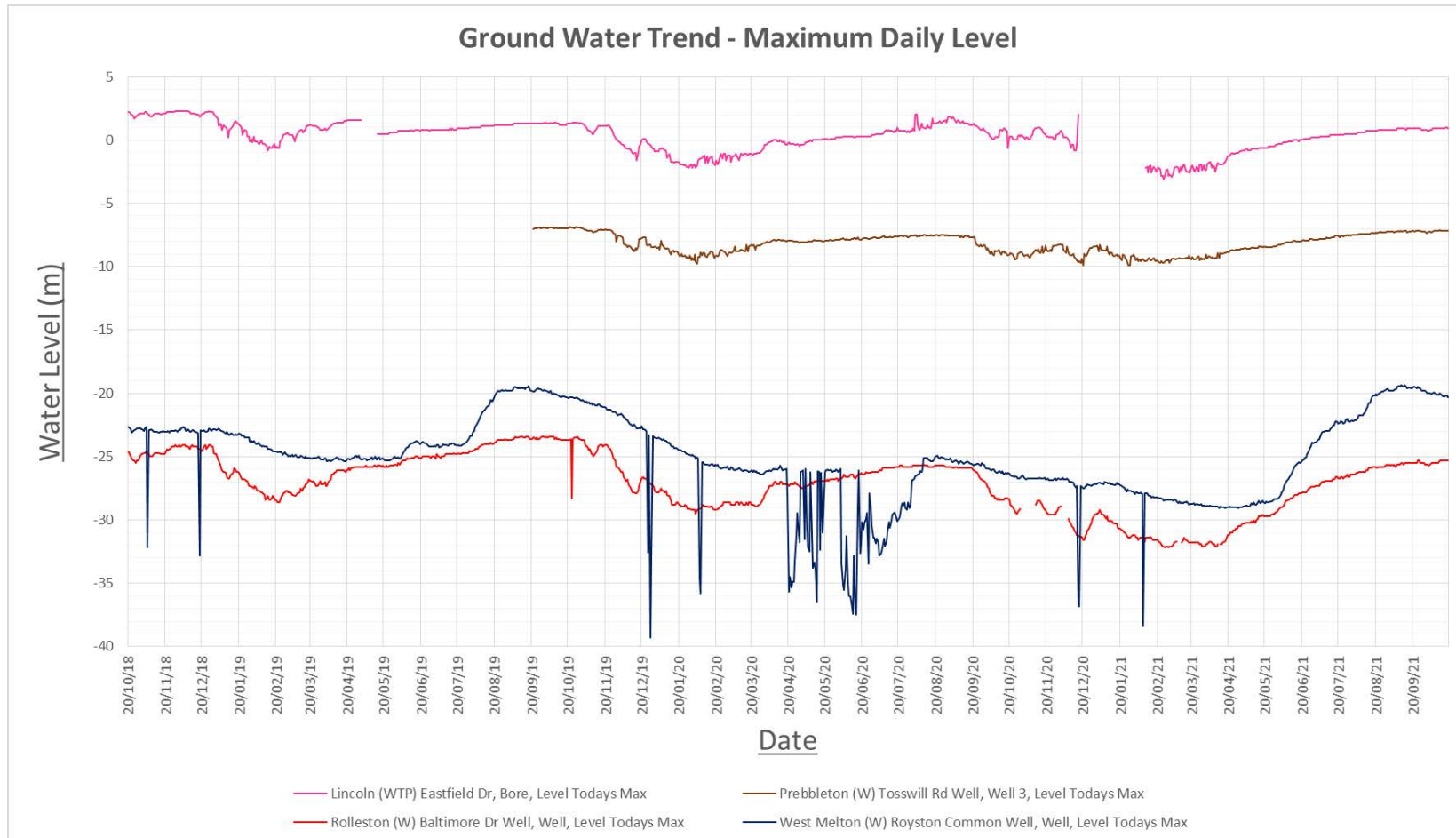
Attachment 1 – Soil moisture Deficit
Attachment 2 – Ground water levels

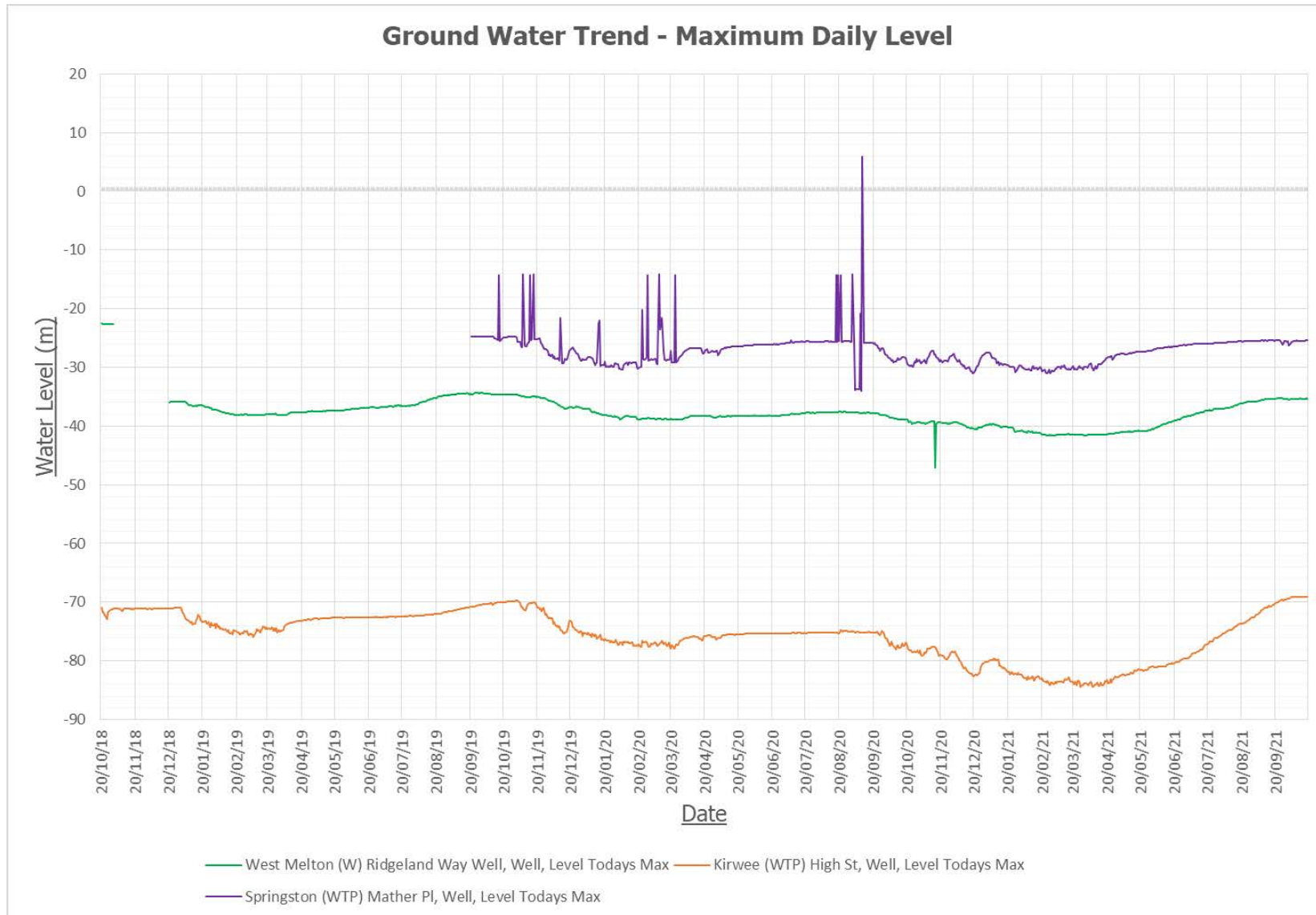
Attachment 1 – Soil moisture Deficit

Soil moisture deficit (mm) at 9am on 21/10/2021



Attachment 2 – Ground water levels





REPORT

TO: Council

FOR: Council Meeting – 3 November 2021

FROM: Personal Assistant to Mayor

DATE: 28 October 2021

SUBJECT: REGISTER OF DOCUMENTS SIGNED AND SEALED

RECOMMENDATION

'That the following transactions and the fixing of the Common Seal under authorised signatures have been approved.'

1. PURPOSE

To advise Council of legal documents approved for signing and sealing.

REGISTER OF DOCUMENTS SIGNED AND SEALED

1	Name of other party	Peter Rowlan Savage
	Transaction type	Deed of Licence
	Transaction description	Reserve 1509 Essendon Road, Darfield - 2.0234 hectares
2	Name of other party	Clayton Robert Yaxley
	Transaction type	Deed of Licence
	Transaction description	Unformed portion of Kowai River Road adjacent to Rural Section 10068 - 5.089 hectares
3	Name of other party	Waka Kotahi
	Transaction type	Licence to Occupy pursuant to the Public Works Act 1981 – to undertake geotechnical site testing as part of the Speed and Infrastructure Programme (Selwyn to Ashburton)
	Transaction description	Part Reserve 1809 corner Breadings Road and Main South Road, Bankside
4	Name of other party	Rupert and Catherine Wright
	Transaction type	Certificate of Approval for plan change 61
	Transaction description	Rezone 30 hectares of land from Rural Outer Plains to Business 2 and Living 1 zones. South west side corner of West Coast Road/State Highway 73 and Creyke Road, Darfield

5	Name of other party	Tracey Marie Motufoua & Maranatha Motufoua
	Transaction type	Deed of Licence
	Transaction description	Part Lot 18 DP 449806 Old West Coast Road - .3540 hectares



Bernadette Ryan
PERSONAL ASSISTANT TO MAYOR

Endorsed For Agenda



David Ward
CHIEF EXECUTIVE

RESOLUTION TO EXCLUDE THE PUBLIC**Recommended:**

'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution	Date information can be released
1.	Public Excluded Minutes	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>	

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1	Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or	Section 7(2)(h)
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1	Enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or	Section 7(2)(i)
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2 *that appropriate officers remain to provide advice to the Committee.'*