



**AGENDA FOR THE**

**ORDINARY MEETING OF**

**SELWYN DISTRICT COUNCIL**

**TO BE HELD VIA ZOOM**

**WEDNESDAY 9 FEBRUARY 2022**

**COMMENCING AT 1 PM**

## Council 9 February 2022 Public Copy

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

02 February 2022 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.

**MINUTES OF AN EXTRAORDINARY MEETING OF THE  
SELWYN DISTRICT COUNCIL  
HELD IN THE SELWYN DISTRICT COUNCIL CHAMBERS  
ON WEDNESDAY 22 DECEMBER 2021 COMMENCING AT 12PM**

**PRESENT**

Mayor S T Broughton, Councillors, M A Alexander, J B Bland, S N O H Epiha, J A Gallagher, M P Lemon, S McInnes, G S F Miller, R H Mugford and N C Reid

**IN ATTENDANCE**

Messrs. M Washington (Group Manager Infrastructure / Acting Chief Executive), K Mason (Group Manager Organisational Performance), S Hill (Group Manager Communication and Customer Services), R Allen (Acquisitions, Disposal and Leasing Manager), P Millar (Acting Major Projects Property Manager), R Raymond (Communications Advisor) and S Tully (Mayoral Advisor); Mesdames J Nikolaou (Property Projects Manager) and N Smith (Executive Assistant), and Ms T Davel (Governance Coordinator)

*The meeting was livestreamed.*

**APOLOGIES**

Apologies was received from Councillors Hasson and Lyall.

**Moved** – Mayor Broughton / **Seconded** – Councillor Reid

*‘That the Council receives the apologies as noted, from Councillors Hasson and Lyall.’*

**CARRIED**

**CONFLICTS OF INTEREST**

None.

**CONFIRMATION OF MINUTES**

1. **Minutes of an Ordinary meeting of the Selwyn District Council held in the Council Chambers on Wednesday 8 December 2021**

**Moved** – Councillor Alexander / **Seconded** – Councillor Lemon

*‘That the Council confirms the minutes of the ordinary meeting of the Selwyn District Council held on Wednesday 8 December 2021.’*

**CARRIED**

## MATTERS REQUIRING ATTENTION

See table at the end of the minutes.

## NOTICE OF MOTION

Councillor McInnes told Council the notice of motion related to support for a campaign for funding free fares for certain population groups. These include the under 25s to ensure they have greater independence; tertiary students due to the debt they have; and also low income households.

Councillor Reid said it was well worth Council discussing the issue. She added that if the government really wants to be carbon neutral they need to start working on it. The other question is who will pay for this. Councillor Reid said we already subsidise single occupancy vehicles much more than what we do those on public transport. This is a reality, roads themselves are public spaces given over to the use and storage of these vehicles. Then we were not even yet looking at air pollution, noise and other health effects from having a sedentary population. The most efficient way to move people is public transport. Councillors McInnes and Reid said if Council wanted to ask for further information in the form of a staff report to discuss it again in the New Year that would be a good option.

The Mayor said it was a good initiative to make public transport as accessible to as many people as we can. He said Council should consider what part they were willing to pay for and he would prefer a report and discussion on the implications and benefits. Councillor Alexander said while he supported the idea the initiative will not get more people on public transport. He said a free zone would get more people on the network. Most of the district is not serviced by regular public transport. A single fare zone was a much better incentive and more achievable.

Councillors agreed that a report need to come back to Council and should include examples of where this had been introduced in the country and whether or not it increased patronage. He would also be interested to see if it would be sustainable long-term.

**Moved (as amended) – Councillor McInnes / Seconded – Councillor Reid**

1. *That Council request Staff to provide a report in conjunction with GCP to a Q1 2022 Council meeting to enable informed discussion on the following paragraph, held in the Notice of Motion*
2. *That the Selwyn District Council supports, and adds their name to, the Free Fares Campaign being coordinated by the Aotearoa Collective for Public Transport Equity. This Collective is growing coalition of unions, climate action organisation, churches, student associations, disability organisations, and local politicians, united under a campaign for Free Fares on public transport.*  
*That the Selwyn District Council continues to strengthen its advocacy to both Central Government and Environment Canterbury for enhanced public transport connections right across the district, including, but not limited to:*
  - a. *A low-carbon, regular, reliable, and expanded transport network across the district.*
  - b. *Accelerated implementation of the PT Futures business case.*
  - c. *Support for the progression of the Greater Christchurch Spatial Plan and Mass Rapid Transit.*

**CARRIED**

## REPORTS

### 1. Group Manager Organisational Performance

*Annual Report for the Year Ended 30 June 2021*

The Chair of the Audit and Risk Subcommittee said the Subcommittee had a good meeting earlier today but also had a presentation of the Annual Report a couple of months prior. At that time, a page turn exercise was undertaken.

She told Council the Subcommittee had auditor-only time with the two auditors during the morning's meeting. She said there were some opportunities for improvement on both sides and this will be taken up with the Group Manager Organisational Performance in the New Year.

**Moved** – Councillor Alexander / **Seconded** – Councillor Lemon

*'That the Council:*

- a) Receives the Annual Report for the year ended 30 June 2021;*
- b) Delegates to the Chief Executive the authority to make alterations of minor effect or to correct any minor errors to the approved Annual Report for the year ended 30 June 2021;*
- c) Authorises the Mayor, Chief Executive and Group Manager Organisational Performance to sign the statement of compliance and responsibility;*
- d) Authorises the Mayor and Chief Executive to sign the representation letter to Audit New Zealand;*
- e) Receives the Auditor's Report on the annual report for the year ended 30 June 2021; and*
- f) Adopts the annual report with the Auditor's Report.'*

**CARRIED**

## GENERAL BUSINESS

### RESOLUTION TO EXCLUDE THE PUBLIC

**Moved** – Councillor Gallagher / **Seconded** – Councillor McInnes

*'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>	
2.	Rolleston Youth Zone Tender			<i>Upon awarding of tender</i>
3.	CWMS extension of member appointments			<i>Upon approval by all TAs</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:

3	To protect the privacy of natural persons, including that of deceased natural persons;	Section 7(2)(a)
1, 2	Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; or	Section 7(2)(h)
1, 2	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)

2 *that appropriate officers remain to provide advice to the Committee.'*

**CARRIED**

The public meeting moved into Public Excluded at 12.25PM

The meeting resumed in open meeting at 1.24pm.

The meeting ended at 1.24pm.

DATED this                      day of                      2021

\_\_\_\_\_  
**MAYOR**



**PUBLIC MATTERS UNDER INVESTIGATION**

<i>Community Centres, Halls and Libraries Network Plan (Council, 13 October 2021)</i>	Report on landbanking - buying land now for future community facilities	2022
<i>Accessibility Report (Council, 13 October 2021): how staff can encourage applicants to ensure buildings were as accessible as possible</i>	Staff report to consider modifications after advice from Chief Executive	2022
<i>Canterbury Museum representative update</i>	To invite Council's Canterbury Museum Representative to brief Council	Q1, 2022

## REPORT

**TO:** Council

**FOR:** Council Meeting – 9 February 2022

**FROM:** Mayor Sam Broughton

**DATE:** 1 February 2022

**SUBJECT:** **MAYOR'S REPORT – DECEMBER 2021 & JANUARY 2022**

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### RECOMMENDATION

*'That Council receives the Mayor's Report for December 2021 and January 2022 for information.'*

Welcome back to the first Council Meeting of 2022. I trust everyone had a good break and are looking forward to continuing our successful leadership for our District.

Families and Businesses continue to move to Selwyn in large numbers reflecting a desire to have Waikirikiri as their home. There is a lot of opportunity here, and the enabling attitude of our Council means there continues to be an atmosphere of change.

The Local Government scene will also continue to change through 2022 as legislative work at the national level rolls on. Already this year we have seen another new reform launched, this time in the Civil Defence space. The numerous reforms, Future for Local Government, Water, Health, RMA, CDEM continue to put a strain on us and other councils as we juggle the need to continue business as usual while reshaping change for the future in a constructive manner. This all has implications for costs and staff time.

Government investment in the District continues with Te Tōhutu Whio school (Rolleston East School) opening last week and the NZUP projects in Rolleston and West Melton are progressing through their refined design following community feedback.

The Greater Christchurch Partnership expects to progress the GC2050 work significantly this year and continuing to advance Selwyn's interests as part of the work of the Sub Region through the Urban Growth Partnership with Government will remain a key focus.

Over the next few months we will confirm our Annual Plan with the community. COVID remains a high health priority and major disruptor, and with the many areas of change noted above and a high level of inflation we can expect cost pressures to increase for our council and community projects and extensions of delivery time frames. This will cause some hard conversations on priorities and rates levels over the coming months.

Following recent discussion about Councillor responsibilities for 2022 and the focus and workload of the organisation, Councillors have been assigned some specific portfolios

to ensure clearer connection to staff and reporting to council on matter of significance from a governance perspective.

Specific role definitions are to be determined in collaboration with each relevant group manager and the CEO.

<b>COMMUNITY FACILITIES</b> Prebbleton-Hororata-Leeston BOB SHANE	<b>3 WATERS</b> Selwyn Huts Rural Townships Transition JEFF JENNY	<b>RŪNANGA RELATIONSHIPS</b> MARK MALCOLM
<b>RMA CHANGES</b> NICOLE MALCOLM	<b>INVESTMENT STRATEGY</b> MURRAY L. GRANT	<b>REGIONAL COUNCIL</b> PT-Biodiversity-River Management SOPHIE DEBRA

## 1. Acknowledgements

This month 'shout out' goes to Jackie Thornley for the support given at Lincoln Library to residents needing My Vaccine Pass identification.

## 2. Meetings

- |            |                                                                                                                                                                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 December | Audit & Risk Subcommittee meeting.<br>Councillor Training, Legislative responsibility.<br>Official opening of Te Ara Ātea building in Rolleston.<br>Civil Defence Emergency Management Volunteers appreciation event.                                        |
| 2 December | Met with Police Inspector Peter Cooper.<br>Canterbury Employer Chamber of Commerce Platinum lunch with Malcolm Johns CE of Christchurch Airport                                                                                                              |
| 3 December | National Council zoom meeting.                                                                                                                                                                                                                               |
| 6 December | Met with Tihou Messenger-Weepu the South Island mentoring liaison for the Tuia programme.<br>Met with Michael Lovett and Paul Barker from Department of Internal Affairs to discuss reforms and LGNZ Zone 5 matters.<br>Entity D working party zoom meeting. |

	Presented certificates to recipients of the Trailblazers graduation at Te Ara Ātea.
7 December	Met with Stu Duxfield of the Rolleston Salvation Army. Resource Management Reform Local Government Steering Group zoom meeting. Welcome speech to Selwyn Volunteers at an acknowledgement evening at Te Ara Atea.
8 December	Met with Kia Houpapa of Te Taumutu Rūnanga. Council meeting.
9 December	Three Waters update zoom meeting. Spoke at the Selwyn Business After 5 event held at Te Ara Ātea.
10 December	Greater Christchurch Partnership Committee meeting.
11 December	Unveiling of memorial for stillborn babies at Ellesmere Cemetery.
13 December	Spoke at the Community Services and Facility Group strategic planning day.
14 December	Resource Management Reform Steering Group zoom meeting.
15 December	Councillor Briefing.
16 December	Sicon and SDC Governance meeting.
17 December	Transwaste Canterbury annual shareholders zoom meeting. Te Pae Christchurch Convention Centre opening event.
20 December	Hosted Vicky Robertson the CE of the Ministry for the Environment with Canterbury Mayors to discuss engagement in reforms program.
21 December	Future for Local Government panel meeting in Wellington.
22 December	Audit and Risk Subcommittee meeting. Extraordinary council meeting to adopt the Annual Report.
18 January	Trifecta Workshop Civil Defence Emergency Management legislation review.
19-21 January	Future for Local Government subgroup workshop.
26-27 January	Council strategy days.
27 January	LGNZ oral submission to Select Committee for Pae Ora (Healthy Futures) Bill.

28 January	Te Waihora Co-Governance hui zoom meeting.
30 January	Attended Tāwhaki project blessing at Kaitorete Spit with Rūnanga and Minister Woods.



Sam Broughton  
**MAYOR**

## REPORT

**TO:** Council

**FOR:** Council Meeting on 9 February 2022

**FROM:** Chief Executive

**DATE:** 1 February 2022

**SUBJECT:** **SELWYN DISTRICT COUNCIL SUBMISSION ON THE  
CANTERBURY REGIONAL COUNCIL (NGĀI TAHU  
REPRESENTATION) BILL**

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## RECOMMENDATION

*'That Council retrospectively approves Selwyn District Council Submission to the Canterbury Regional Council (Ngāi Tahu Representation) Bill.'*

### 1. PURPOSE

Councillors received the Council's draft submission to the Canterbury Regional Council (Ngāi Tahu Representation) Bill for review on 31 January 2022 with several Councillors providing feedback. Following this feedback revisions were made, with the document submitted on 1 February 2022.

The purpose of this report is for Councillors to formally adopt the *attached* submission which includes Council's position to support the Bill and to note its wish to ensure mana whenua have a voice at the regional leadership table along with. Council's submission is in support of Te Taumutu Rūnanga's submission.

Further information on the Bill, including progress of the Bill can be found [here](#).

It is Council's wish to be heard in support of its submission.



David Ward  
**CHIEF EXECUTIVE**

**Better  
together**

**Make it  
happen for  
Selwyn**

**Be a  
good human**

**Be brave –  
think differently**



1 February 2022

Māori Affairs Committee  
Parliament Buildings  
Wellington  
New Zealand

By email: [ma@parliament.govt.nz](mailto:ma@parliament.govt.nz)

## **Selwyn District Council Submission on the Canterbury Regional Council (Ngāi Tahu Representation) Bill**

1. Selwyn District Council supports the Bill and thanks the Māori Affairs Committee for the opportunity to make this submission.
2. Council acknowledges the following extracts from the crown apology to Ngai Tahu which are an integral part of our support for this Bill

### **Crown Apology to Ngai Tahu 1998 (final two paragraphs):**

- *The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfillment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the takiwa of Ngāi Tahu Whānui.*
- *Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.*

## **Background and context**

3. The Crown has promised a “new age of cooperation” with Ngāi Tahu as Rangatiratanga of the land within the Canterbury Regional Council rohe.
4. Selwyn District is one of the ten territorial local authorities in Canterbury.
5. Stretching across the Canterbury plains Selwyn is bordered by the Rakaia and Waimakariri Rivers, with the Arthurs's Pass National Park in the Southern Alps to the west and Te Waihora Lake Ellesmere and the Pacific Ocean to the east.
6. We recognise Te Taumutu Rūnanga and Ngāi Tūāhuriri as mana whenua in Selwyn District.
7. In addition, we recognise the interests of Te Taumutu Rūnanga and the other Papatipu Rūnanga who share interests in Te Waihora / Lake Ellesmere and are involved with our council through the Canterbury Water Management Strategy Zone Committees.
8. Te Taumutu Rūnanga have advised that they look to support the views of Maata Waka to our council.

9. Through 2016-2019 mana whenua representatives from two Rūnanga held full voting seats on the Selwyn District Council District Plan Committee, a subcommittee of Selwyn District Council. This was a hugely successful process meaning mana whenua could own and create the new District Plan alongside our Council. This resulted in increased partnership between local Rūnanga and ourselves in other projects and no submissions or objections to the draft Plan were received from Rūnanga once it was notified. This reduced time and cost for our community through sharing decision making and listening to one another at the front end of a process before and including at the decision making stage. Selwyn District Council currently demonstrates its commitment to iwi collaboration with direct funding to support Rūnanga relationships.
10. The Greater Christchurch Partnership (GCP) already has full Te Rūnanga o Ngāi Tahu representation at its table which unequivocally enhances the partnership outcomes of the work of the GCP. Similarly, Selwyn District Council Komiti Waiora land drainage committee affords full membership to appointed iwi representatives.

### **Selwyn District Council support for the bill.**

11. Selwyn District Council takes account of the Mahaanui Iwi Management plan for the district. It contains a comprehensive suite of policies and objectives addressing the range of resource management matters of significance to mana whenua. This is also linked with the work of the Canterbury Regional Council and the wider interests of Te Rūnanga o Ngāi Tahu. Of particular focus in Waikirikiri Selwyn is the environmental management of Te Waihora / Lake Ellesmere and its catchment.
12. Selwyn District Council supports the purpose of the bill to reinstate direct Ngāi Tahu representation at council level, as it existed during the transitional governance arrangements period from 2010 until 2019, and commend the Canterbury Regional Council and Te Rūnanga o Ngāi Tahu on their commitment to work together for the benefit of the region.
13. Given the Regional Council is responsible for protecting the health of our environment and seeking a sustainable and prosperous future for all of our communities in Canterbury, developing a genuine partnership with mana whenua is crucial. The approach in this bill to mana whenua representation at a regional governance level is a straightforward and effective way to give effect to basic obligations under current resource management legislation and the Local Government Act 2002.
14. The local government regional boundaries make Canterbury New Zealand's largest region by area and, with 650,000 residents, the country's second most populous, after Auckland. Our region is unique in that despite its size the Canterbury Regional Council's entire area falls with the tribal takiwā of a single iwi – Ngāi Tahu. The bill therefore provides a bespoke solution to honouring local government Treaty obligations in Canterbury and allows the Regional Council to demonstrate its commitment to a meaningful and enduring Treaty partnership.
15. Mana whenua representation on the Regional Council will strengthen the strategic partnerships in Canterbury between nga Papatipu Rūnanga and local government.
16. The Regional Council has been clear that the benefits of mana whenua representation at the council table include greater efficiency in planning and consenting processes, reduced



costs for the council and consent applicants, and improved enforcement decisions. The council also noted the presence of Ngāi Tahu councillors was significant, providing confidence to Papatipu Rūnanga and wider tribal members that their voice remained present at the Council decision-making level.

17. Like the Canterbury Regional Council, Selwyn District Council wishes to ensure mana whenua have a voice at the regional leadership table.

## Conclusion

18. Selwyn District Council supports the Canterbury Regional Council (Ngāi Tahu Representation) Bill.
19. We would like to be heard in support of this submission either in person or digitally.
20. Thank you once again for the opportunity to make this submission.
21. For further information or to answer any questions the Ministry may have about our submission. Contact details are: Sean Tully, Advisor ,Mayors Office  
[sean.tully@selwyn.govt.nz](mailto:sean.tully@selwyn.govt.nz) 027 2660753

Ngā mihi



Sam Broughton

Mayor Selwyn District Council

Koromatua o Waikirikiri

## REPORT

**TO:** Chief Executive Officer

**FOR:** Council Meeting – 9 February 2022

**FROM:** Gail Shaw – Senior Administrator District Licensing Committee  
Malcolm Johnston – Chief Licensing Inspector  
Billy Charlton – Regulatory Manager (Secretary of District Licensing Committee)

**DATE:** 7 December 2021

**SUBJECT:** **JOINT DISTRICT LICENSING COMMITTEE AND CHIEF LICENSING INSPECTOR MONTHLY REPORT FOR PERIOD 1 NOVEMBER 2021 TO 30 NOVEMBER 2021**

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### RECOMMENDATION

*'That the Council receives the report on the activities of the District Licensing Committee and the Chief Licensing Inspector for November 2021.'*

#### 1. PURPOSE

The purpose of the report is to inform the Council of activity in the Alcohol Licensing section.

#### 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. PROPOSAL

Licences issued in November 2021.

##### ***Special Licences for November 2021:***

- SP210121 – Leeston Bowling & Tennis Club – Leeston Bowling & Tennis Club  
On Site Licence: Wednesday 24 November 2021 from 4.00pm to 7.00pm.
- SP210128 – The Alchemist Limited – 22 Raptor Street, Rolleston  
On Site Licence: Saturday 27 November 2021 from 4.00pm to 7.00pm.
- SP210123 - Letitia Kiddey – Ellesmere College  
On Site Licence: Friday 5 November 2021 from 7.00pm to 11.00pm.
- SP210120 – MBJKT Holdings Limited – Rhodes Park Reserve, Tai Tapu  
On Site Licence: Sunday 6 March 2022 from 10.00am to 4.00pm.
- SP210119 – The Thirsty Caravan – Klondyke Corner  
On Site Licence: Friday 11 February 2022 from 10.00am to 10.00pm.

***New Managers Certificates for November 2021:***

- R961776 – Deuxbeau Hartley-Tilley - Countdown Rolleston.
- R961781 – Louis Feldman – The Rock Rolleston.
- R961448 – Timothy Higgs – Prebbleton Village Tavern.
- R961782 – Bethany Wood – The Milk Bar.
- R961780 – Tracy Henderson – Springston Associated Sports Club.

***Renew Managers Certificates for November 2021:***

- R961669 – Sheryl Dense – The Store @ Tai Tapu.
- R961673 – Christian Bochsichler – Otahuna Lodge.
- R950222 – Michael Miles – Prebbleton Rugby Football Club.
- R960942 – Deborah Coughlan – Freshchoice Leeston.
- R961183 – Stuart Boon – Dunsandel Bowling Club.
- R961184 – Sarah Lurajud – Weedons Country Club.
- R950224 – Jeromy Knowler – Prebbleton Rugby Football Club.
- R961512 – Brent Little – Four Square West Melton.
- R961456 – Christopher Fifield – West Melton Rugby Club.
- R960411 – Alastair Dunn – Lincoln Rugby Football Club.
- R961511 – Trudy Maclellan – Moveable Feasts.
- R961777 – Harsh Ramola – A Pocket Full of Spices.
- R961779 – Jessica Sherry – Lincoln Headquarters.
- R961393 – Russell Chapman – Ellesmere Golf Club.
- R961186 – Glenys Mitchell – Leeston Bowling & Tennis Club.

***Renew Off Licence for November 2021:***

- R920108 – Rossendale Wines Limited  
Rossendale Wines – 122 Old Tai Tapu Road, Christchurch.

***Renew Club Licence for November 2021:***

- R900039 – Windwhistle Winter Sports Club Inc  
Mt Olympus Ski Field – 1220 Harpers Road, Lake Coleridge.

***Temporary Authority On Licences for November 2021:***

- R910025 – Nicola Clark  
West Melton Tavern – 60 Grierson Avenue, RD1, Amberley.

***Temporary Authority Off Licences for November 2021:***

- R920023 - Nicola Clark  
West Melton Tavern – 60 Grierson Avenue, RD1, Amberley.

***Licences currently being processed in November 2021:***

A total of 49 applications are currently being processed and awaiting issue, which can be broken down into the following categories:

***On Licence: 4 New applications***

- R910163 – Trading Karma Limited (Square Meal).
- R910171 – TGH Prebbleton Limited (The Good Home Prebbleton).
- R910172 – Randhawa Enterprises Limited (Nawab Eatery).
- R910173 – Yello Catering Limited (Yello Shack Café).

**Off Licence: 2 New applications**

- R920147 – Leon & Bronwyn McKavanagh (Summerhill Heights Vineyard).
- R920150 – Jaal Enterprise Limited (Liquorland Prebbleton).

**On Licence: 8 Renewal applications**

- R910013 – Mountain Dream Limited (Sheffield Hotel).
- R910149 – Alpine 182 Degrees Limited (Springfield Hotel).
- R910115 – Country Feast Company Limited (Country Feasts).
- R910156 – Pelemi Limited (The Store @ Tai Tapu).
- R910154 – The Milk Bar Limited (The Milk Bar).
- R910129 – Memorys Trading Limited (Memorys Café & Restaurant).
- R910054 – Canterbury Hospitality 2017 Limited (Armadillos at the Bridge).
- R910032 – MBJKT Holdings Limited (Tai Tapu Hotel).

**Off Licence: 4 Renewal applications**

- R920011 – Mountain Dream Limited (Sheffield Hotel).
- R920140 – Alpine 182 Degrees Limited (Springfield Hotel).
- R920091 – General Distributors Limited (Countdown Rolleston).
- R920029 – MBJKT Holdings Limited (Tai Tapu Hotel).

**Off Licence: 1 Variation application**

- R920020 – Prebbleton Hotel Limited (Henrys Prebbleton).

**Club Licence: 3 Renewal applications**

- R900031 – Dunsandel Bowling Club Inc (Dunsandel Bowling Club).
- R900016 – Greendale Golf Club Inc (Greendale Golf Club).
- R900011 – Ellesmere Golf Club Inc (Ellesmere Golf Club).

**Managers Certificate: 10 New applications**

**Managers Certificate: 10 Renewal applications**

**Special Licence: 7 Applications**

**4. COMMENTS FROM THE DISTRICT LICENSING COMMITTEE**

**Waivers requested and approved in November:**

- Country Feasts Co Limited – Motukarara Harness Racing  
COVID 19 - Traffic light system meant the event could go ahead.
- The Alchemist Limited – 22 Raptor Street, Rolleston  
Application sent within the 20 working day period however this went to junk mail and was missed by administration. This issue has been corrected going forward.
- Rolleston Rugby Football Club – Rolleston Rugby Club  
COVID 19 - Traffic light system meant the event could go ahead.
- Hororata Golf Club – Hororata Golf Club  
COVID 19 - Traffic light system meant the event could go ahead.

**5. INSPECTOR'S REPORT FOR NOVEMBER 2021**

The DLC Hearing set down for Springfield Hotel in November was postponed to February 2022. This delay was due to an application to postpone the Hearing from the applicant's consultant.

A DLC hearing for a Manager's Certificate did go ahead under strict COVID -19 protocols. Police had opposed the application. However, following the evidence heard from the applicant, the Police reconsidered their opposition and withdrew it. The Manager's Certificate was subsequently issued.

The Chief Licensing Inspector undertook several Webinar training sessions over November 2021. These were run by the Christchurch Crown Solicitor's office.

West Melton Tavern changed ownership in November 2021.

COVID-19 has continued to disrupt a number of planned events where Special Licences had been issued. Hopefully the new Protection Framework (Traffic Light System) may provide more stability and consistency going forward.

During November 2021 the Chief Licensing Inspector carried out monitoring at Southbridge Superette, Memories Café Springston, Super Liquor Leeston, Fresh Choice Leeston, Dunsandel Bowling Club, Mughal Kitchen Lincoln, Nom Nom Kitchen Lincoln, West Melton Tavern, and Tai Tapu Hotel.



Gail Shaw  
**SENIOR ADMINISTRATOR  
DISTRICT LICENSING COMMITTEE**



Malcolm Johnston  
**CHIEF LICENSING INSPECTOR**



Billy Charlton  
**REGULATORY MANAGER (SECRETARY DISTRICT LICENSING COMMITTEE)**

**Endorsed For Agenda**



Tim Harris  
**GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES**



## SDC Licences Report

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### Licences Aggregate Report for the period 2021-11-01 to 2021-11-30

Licence Type	# Issued	% in time*	Avg Days
Club Licence	1	100%	20
On Licence	0	0	0
Off Licence	1	100%	19
Special Licence	5	100%	10
Manager's Certificate	20	95%	12

\* = 'In time' is 15 days for Special licences and 20 days for other licences

**The Manager's Certificate application for Timothy Higgs was not issued within the 20 working days. The application went to hearing due to opposition from the Police. The certificate was granted and issued by the District Licensing Committee on 30 November 2021, it took a total of 57 working days to issue due to COVID-19 and the availability of required attendees to the Hearing.**

## REPORT

**TO:** Chief Executive Officer

**FOR:** Council Meeting – 9 February 2022

**FROM:** Gail Shaw – Senior Administrator District Licensing Committee  
Malcolm Johnston – Chief Licensing Inspector  
Susan Atherton – Acting Regulatory Manager (Secretary of District Licensing Committee)

**DATE:** 19 January 2022

**SUBJECT:** **JOINT DISTRICT LICENSING COMMITTEE AND CHIEF LICENSING INSPECTOR MONTHLY REPORT FOR PERIOD 1 DECEMBER 2021 TO 31 DECEMBER 2021**

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### RECOMMENDATION

*'That the Council receives the report on the activities of the District Licensing Committee and the Chief Licensing Inspector for December 2021.'*

#### 1. PURPOSE

The purpose of the report is to inform the Council of activity in the Alcohol Licensing section.

#### 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. PROPOSAL

Licences issued in December 2021.

##### ***Special Licences for December 2021:***

- SP210125 – Lincoln Bowling Club – Lincoln Bowling Club  
On Site Licence: Friday 10 December 2021 from 2.00pm to 6.30pm.
- SP210130 – Country Feasts Co Limited – Motukarara Raceway  
On Site Licence: Sunday 5 December 2021 from 11.00am to 7.00pm.
- SP210133 – Yello Catering Limited – Tawera Memorial Hall  
On Site Licence: Friday 4 February 2022 from 7.00pm to 12.00am (midnight)  
Saturday 5 February 2022 from 7.00pm to 12.00am (midnight).
- SP210134 – Rolleston Rugby Football Club – Rolleston Rugby Football Club  
On Site Licence: Saturday 2 April 2022 from 6.00pm to 12.00am (midnight).
- SP210129 – Lone Goat Vineyard Limited – Lone Goat Vineyard  
On Site Licence: Saturday 15 January 2022 from 4.00pm to 9.00pm.

- SP210127 – Country Feasts Co Limited – Motukarara Raceway  
On Site Licence: Wednesday 29 December 2021 from 11.00am to 7.00pm.
- SP210132 – Hororata Golf Club – Hororata Golf Club  
On Site Licence: Sunday 9 January 2022 from 9.30am to 10.00pm.

***New Managers Certificates for December 2021:***

- R961790 – Tracey-Lee Butcher – Countdown Rolleston.
- R961786 – Isabella Berry – Mexicali Fresh Lincoln.
- R961785 – Bradley Thomson – Liquorland Rolleston Drive.
- R961783 – Britney Cradock – Mrs O's Café.
- R961788 – Adam McBlain – Darfield Hotel.
- R961791 – Edith Baird – Rolleston Rugby Football Club.
- R961792 – Olivia Jennison – Countdown Rolleston.
- R961784 – Jacob McCleary – Porters Lodge.

***Renew Managers Certificates for December 2021:***

- R960549 – Delwyn Taege – Darfield Four Square.
- R961639 – Courtney Hyde – Robert Harris Café Rolleston.
- R961038 – David Bradford – Crate & Barrel.
- R960617 – Ernest Stern – Mt Hutt Lodge.
- R961629 – Grant Hatton – FreshChoice Prebbleton.
- R961679 – John Dunne – Porters Alpine Lodge.
- R961418 – Kenneth May – Kirwee Bowling Club.
- R961677 – Zara Mullally – Liquorland Tennyson Street.
- R961502 – Simranjeet Kaur – The Flaming Rabbit.
- R961674 – Andie McNeill – Good Home Prebbleton.
- R961256 – Roselle Wanhalla – FreshChoice Leeston.
- R961194 – Lisa Banks – The Store @ Tai Tapu.
- R960537 – Yvonne Grant – Darfield Hotel.

***New On Licence for December 2021:***

- R910173 – Yello Catering Limited  
Yello Shack Café – 5672 West Coast Road, Springfield.

***Renew Club Licence for December 2021:***

- R900031 – Dunsandel Bowling Club Inc  
Dunsandel Bowling Club – 2 Leeston Dunsandel Road, Dunsandel.

***Temporary Authority On Licences for December 2021:***

- R910083 – Union Fare Limited  
Hartnells – 597 Springs Road, Prebbleton.

**Licences currently being processed in December 2021:**

A total of 37 applications are currently being processed and awaiting issue, which can be broken down into the following categories:

***On Licence: 3 New applications***

- R910163 – Trading Karma Limited (Square Meal).
- R910171 – TGH Prebbleton Limited (The Good Home Prebbleton).
- R910172 – Randhawa Enterprises Limited (Nawab Eatery).



**Off Licence: 2 New applications**

- R920147 – Leon & Bronwyn McKavanagh (Summerhill Heights Vineyard).
- R920150 – Jaal Enterprise Limited (Liquorland Prebbleton).

**On Licence: 9 Renewal applications**

- R910013 – Mountain Dream Limited (Sheffield Hotel).
- R910149 – Alpine 182 Degrees Limited (Springfield Hotel).
- R910115 – Country Feast Company Limited (Country Feasts).
- R910156 – Pelemi Limited (The Store @ Tai Tapu).
- R910154 – The Milk Bar Limited (The Milk Bar).
- R910129 – Memorys Trading Limited (Memorys Café & Restaurant).
- R910054 – Canterbury Hospitality 2017 Limited (Armadillos at the Bridge).
- R910032 – MBJKT Holdings Limited (Tai Tapu Hotel).
- R910044 – Wilderness Lodge Arthurs Pass Ltd (Wilderness Lodge Arthurs Pass).

**Off Licence: 4 Renewal applications**

- R920011 – Mountain Dream Limited (Sheffield Hotel).
- R920140 – Alpine 182 Degrees Limited (Springfield Hotel).
- R920091 – General Distributors Limited (Countdown Rolleston).
- R920029 – MBJKT Holdings Limited (Tai Tapu Hotel).

**Off Licence: 1 Variation application**

- R920020 – Prebbleton Hotel Limited (Henrys Prebbleton).

**Club Licence: 2 Renewal applications**

- R900016 – Greendale Golf Club Inc (Greendale Golf Club).
- R900011 – Ellesmere Golf Club Inc (Ellesmere Golf Club).

**Managers Certificate: 5 New applications**

**Managers Certificate: 8 Renewal applications**

**Special Licence: 3 Applications**

**4. COMMENTS FROM THE DISTRICT LICENSING COMMITTEE**

There were no waivers requested and approved in December.

## 5. INSPECTOR'S REPORT FOR DECEMBER 2021

In December the Chief Licensing Inspector met with Council staff administering the hiring of Council owned Halls and Community Centres to confirm the requirements of the Sale and Supply of Alcohol Act legislation. Organisers of high risk events, such as 18<sup>th</sup> and 21<sup>st</sup> birthday parties, continue to request 'bring your own' (BYO) at Council Halls and Community Centres. High risk BYO events can be problematic and can potentially compromise the Council from a legal perspective. The Chief Licensing Inspector is of the view that Council staff have a good grasp of the issues at hand and provide sound guidance to organisers where a special licence might be required.

Lincoln University Students Association have confirmed they intend to apply for a special licence for another outdoor concert during Orientation Week at the University. The event is planned for February 23, 2022. A similar event last year attracted a significant number of noise complaints. Organisers state planning is well underway and are confident their noise mitigation arrangements will ensure they do not have a repeat of last year's issues.

During December 2021 the Chief Licensing Inspector carried out monitoring at Thirsty Liquor Darfield, Darfield Hotel, Armadillos, Pedal Pusher, The Rock, Lincoln HQ, Rolly Inn, Straight 8 Estate, Dunsandel Tavern, Hororata Village Bar & Café, Hororata Golf Club, Weedons Country Club, Coalgate Tavern, West Melton Tavern, Silver Dollar, Springfield Hotel, and Tai Tapu Hotel.



Gail Shaw  
**SENIOR ADMINISTRATOR  
DISTRICT LICENSING COMMITTEE**



Malcolm Johnston  
**CHIEF LICENSING INSPECTOR**



Susan Atherton  
**ACTING REGULATORY MANAGER (SECRETARY DISTRICT LICENSING  
COMMITTEE)**

***Endorsed For Agenda***



Ben Rhodes  
**ACTING GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES**



## SDC Licences Report

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### Licences Aggregate Report for the period 2021-12-01 to 2021-12-31

Licence Type	# Issued	% in time*	Avg Days
Club Licence	1	0%	46
On Licence	1	0%	29
Off Licence	0	%	0
Special Licence	7	100%	10
Manager's Certificate	21	100%	10

\* = 'In time' is 15 days for Special licences and 20 days for other licences

**The Club and On Licence were not issued within 20 working days due to the delay in receiving the Medical Officer of Health reports. The current IMO (Immediate Modification Order) suspends the obligations of Police and Medical Officer of Health to inquire into any new or renewal application within 15 working days while the Epidemic Notice is in force.**

## REPORT

**TO:** Chief Executive  
**FOR:** Council Meeting – 9 February 2022  
**FROM:** Group Manager – Community Services and Facilities  
**DATE:** 28 January 2022  
**SUBJECT:** **COMMUNITY SERVICES AND FACILITIES GROUP UPDATE**

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## RECOMMENDATION

*'That the Council receives the Report "Community Services and Facilities Group Update" for information.'*

### 1. PURPOSE

Contributing to Council Outcomes for Community of:

- Social and Cultural wellbeing - To build community connectedness, inclusivity & safety by providing opportunities & resources for volunteers & communities
- Economic wellbeing - To promote economic development by collaboration, networking, information sharing & encouraging visitors.

The purpose of this Report is to inform Council on matters of interest in the context of the community service activity.

Previous Report covered period until 31 October 2021.

Information included in this Report generally relates to period up until 31 December, 2021.

### 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. ACTIVE SELWYN (including Selwyn Aquatics Centre, Selwyn Sports Centre and fitness programme delivery)

<b>Community Services and Facilities Group -</b> Population 01 July 2021 71,500 (Stats NZ) <b>Note:</b> In YTD column if the figure is higher than YTD of previous year it is shown in bold. In Month column if the figure is higher than month of previous year it is shown in bold. November 2021 in Black. December 2021 in Blue YTD to 31 December 2021 in Black	<b>MONTH</b> <b>2021/22</b> Traffic Light Orange = 1M distancing and Vacc. Pass	<b>YTD</b>
<b>ACTIVE SELWYN - AQUATICS – NOVEMBER DECEMBER</b>		
<b>Events:</b> Active Selwyn Events – <u>Contributes to Target of 100.</u> Reported in C&ED. Commentary here: There were no events due to COVID L3 & 2;	0 <b>1</b>	8
<b>Programmes:</b> (Participants enrol and attend for a term) <b>Aqua</b> <b>Fitness programmes</b> MONTH	568 <b>602</b>	3709
<b>Learn to Swim</b> <b>Term 4 Enrolments</b>	<b>2844</b> <b>2844</b>	15537
<b>Community Pools:</b> <b>Nov</b> Darfield: 989; Southbridge: 478; Sheffield: 181 <b>December:</b> Darfield 1446, Southbridge 1078, Sheffield 318, Season Nov - March.	<b>1648</b> <b>2842</b>	<b>4490</b>
<b>Visits to Pools:</b> <u>Annual Target: 300,000 visits.</u>	21503 <b>26370</b>	146095
<b>Swims per capita:</b> <u>Annual Target: 4.5.</u>	Annual	1.37
<b>Annual User Survey:</b> The % satisfaction with SAC. <u>Target: ≥ 90%.</u>	Annual	
<b>NZRA Pool Accreditation:</b> SAC achieves 100% compliance. <u>Target: ≥ 100%.</u>	Annual	
<b>Revenue:</b> The percentage of Council owned swimming pools generating revenue meeting or exceeding 20% of operating costs (excluding capital projects) <u>Target: 75%.</u>	Annual (at conclusion of summer season)	
<b>ACTIVE SELWYN - COMMUNITY SPORT AND RECREATION – NOVEMBER DECEMBER</b>		
<b>SSC Door Count.</b> <u>Target: 250,000.</u>	<b>12993</b> <b>13717</b>	<b>114221</b>
<b>SSC &amp; Community Centre Recreation Programmes Delivered:</b> District Wide <u>Target: 60,000.</u>	6658 <b>4756</b>	<b>32875</b>
<b>SSC Participants</b> <u>Annual Target: 36,000.</u> Virtual: <b>NOVEMBER DECEMBER</b>	<b>4225</b> <b>3034</b>	<b>20374</b>
<b>LEC Participants</b> <u>Annual Target: 16,000.</u>	1678 <b>1196</b>	7725
<b>WMCRC Participants</b> <u>Annual Target: 8,000.</u>	755 <b>526</b>	<b>3550</b>
<b>User Satisfaction Survey:</b> <u>Annual Target: 90% at each centre.</u> SSC LEC WMRCC	Annual	
<b>Revenue:</b> The percentage of Council owned community centres/halls, by Ward, continue to generate revenue meeting or exceeding 20% of operating costs (excluding capital project costs) per annum. <u>Target: 75%.</u> <b>(Measure is all Community Spaces, not just SCC)</b>		

### **3.1. Aquatics Highlights Months November & December 2021**

Summer Pools opened in November with Covid protocols in place. Completion of the heating at Southbridge Pool in mid-December has had positive feedback from the community and the facility is proving popular right up until closing time now due to the warm water temperatures. Darfield Pool learn to swim has had 41 enrolments for learn to swim in term 4, its first ever learn to swim term.

### **3.2. Selwyn Sports Centre (SSC) and Fitness Programme Highlights Months November & December 2021**

The move from Alert Level 2 to Orange under the Covid-19 Protection Framework had an immediate impact on Selwyn Sports Centre with more people (especially parents) entering the facility which shows in the visitor numbers reported. December would normally be one of the quietest months but ended up being slightly busier than November due to this change in Covid systems. Fitness programmes and classes, including group fitness, were back to their designated spaces and courts were able to be utilise for sporting activities again.

### **3.3. Active Selwyn Planning**

Darfield Pool refurbishment project has begun with the consultants engaged and initial scoping taking place. The budget for this project is \$1.7m. There are potential issues for timing and delivery due to supply chain delays as a result of COVID.

**4. ARTS, CULTURE AND LIFELONG LEARNING**

<b>Community Services and Facilities Group -</b> Population 01 July 2021 71,500 (Stats NZ) <b>Note:</b> In YTD column if the figure is higher than YTD of previous year it is shown in <b>bold</b> . In Month column if the figure is higher than month of previous year it is shown in <b>bold</b> . <b>November 2021 in Black</b> . <b>December 2021 in Blue</b> YTD to 31 December 2021 in Black	<b>MONTH</b> <b>2021/22</b> Traffic Light Orange = 1M distancing and Vacc. Pass	<b>YTD</b>
<b>ACLL - NOVEMBER DECEMBER</b>	<b>MONTH</b> <b>2021/22</b>	<b>YTD</b> <b>2021/22</b> <b>December</b>
<b>Library users.</b> Target Group: as a percentage of population not less than 75%. (defined as visitors to the library) ( <b>Door count + website</b> ) Pop 71,500	<b>56%</b> <b>66%</b>	<b>64%</b>
<b>Membership</b> Active members Average PA	<b>23972</b> <b>24665</b>	<b>143112</b>
Members added	318 <b>866</b>	2337
<b>Door Count:</b> Target: 280K. <b>Physical Visits by site:</b> Lincoln – 8352 <b>8066</b> , Rolleston – 5218 (Te Ara Ātea) <b>13208</b> , Leeston – 2971 <b>3088</b> , Darfield – 3188 <b>3211</b>	19709 <b>27575</b>	132697
<b>Av visits by population:</b> Target: <u>≥8.38</u> . The average number of physical (and digital) visits per annum to Selwyn libraries meets or exceeds national average per capita (population divided by visitors per month). Pop 71,500	Annual	
<b>Service Centres:</b> Target: <u>20%</u> . The % of overall rates / water and dog registration payments made at Library / Council Service Centres annually. Nov Library/SC 2003 51% <b>Dec Library/SC 2343 52%</b> Nov HQ 1914 49% <b>Dec HQ 2186 48%</b>	Annual	<b>49.66%</b>
<b>Digital Visits:</b> Target: 300,000. The number of “digital” visits per annum to Selwyn libraries *(either logged into library website, using library computer or using WiFi and own device). Website 24277 <b>32318</b> Database Usage 11306 <b>17565</b>	35583 <b>49883</b>	<b>250609</b>
<b>Loans/Items Issued:</b> Target: 435,000 2021-28. The number of loans of physical and/or digital resources per annum across Selwyn Libraries. Print 31930/ <b>43754</b> ; Non-Book 1217/ <b>2176</b> ; eBook 2585/ <b>3035</b> ; eAudio 2250/ <b>5358</b> eMag 463/ <b>485</b>	38445 <b>54784</b>	252516
<b>Programming:</b> Target: 15,000 per annum. <b>Participants</b> at programmed classes and activities.	1365 <b>1452</b>	9724
<b>Programming:</b> Target: 1,500 per annum. <b>Events/sessions/programmes</b> delivered by Libraries and/or Library staff. <b>Total for MONTH:</b> Nov <b>Dec</b> programmes/attended <b>Literacy Programmes:</b> 19/120 <b>20/329</b> <b>Digital Literacy programmes:</b> 12/45. <b>4/8</b> <b>Lifelong Learning – Older programmes:</b> 37/314 <b>19/257</b> <b>Lifelong Learning – Youth programmes:</b> 0/0 <b>2/21</b> <b>Lifelong Learning – Family / Children programmes:</b> 7/93 <b>18/334</b> <b>Group:</b> 0/0 0/0 <b>Outreach:</b> 47/793 – <b>29/503</b>	122 <b>92</b>	708
<b>Arts, Culture and Heritage:</b> Target: <u>≥ 20</u> per annum. A range of arts, culture and heritage initiatives to take place annually. <b>Counted in Events Total C&amp;ED sheet. Entered here for information only.</b>	5 <b>3</b>	18

<b>Satisfaction Survey:</b> <u>Target: 90%.</u> Arts Culture Heritage and Local History Programme Participants are satisfied / very satisfied (participant surveys)	0	0
<b>Satisfaction Survey:</b> <u>Target: ≥ 90%.</u> The % satisfaction with Selwyn District Libraries from Annual User Survey.	Annual	

### Te Ara Ātea – Official opening date 1 December 2021.

#### Tours prior to the opening date:

Function / Tour	Date	Attendees
Mayor	Tues 23 Nov	2
Whakatau Whare (blessing)	Wed 24 Nov	75
Internal SDC staff Tours x3	Wed 24 Nov	150 total
Reid Family	Wed 24 Nov	15
Wards and Neighbours	Thurs 25 Nov	65
Exhibitors	Fri 26 Nov	40
Rolleston Volunteers	Fri 26 Nov	5
School - Principals, BOT Chair, Pole Contributors	Fri 26 Nov	25
Heritage	Mon 29 Nov	35
Arts	Mon 29 Nov	25
GLAM (Galleries, Libraries, Archives, Museums)	Mon 29 Nov	40
Media	Tues 30 Nov	5
Waitaha	Tues 30 Nov	20
Papatipu Rūnanga	Tues 30 Nov	60
Whakatuwhera (opening)	Wed 1 Dec	100
<b>TOTAL ATTENDEES</b>		<b>662</b>

Due to the COVID environment, Arts, Culture and Lifelong Learning (ACLL) Team held a “Season of Tours” between Tuesday 23 November and Wednesday 1 December, associated with opening of Te Ara Ātea. In total there were 16 functions and tours and with 650 people through.

In the Whakatau Whare provided the opportunity to celebrate the settling of the building and kicked off the “Season of Tours” in the period leading up to the formal Opening. This ceremony and its blessing was led by Corban Te Aika and it laid to rest the soil that was lifted at the start of construction by returning it to Papatūānuku. The first Tour following provided Council staff, including their children, the opportunity to explore Te Ara Ātea.

Waitaha School brought through a group of both staff and students to see how the impact of their input, including the sensory carpet, “core board” language wayfinding, colour choices, interactive experiences, and fully accessible bathroom. The Reid family were hosted in a private Tour, in recognition of the endless time, effort and energy that John Reid had committed to Te Ara Ātea prior to his passing. The Selwyn schools’ principal and board chairperson evening demonstrated how Te Ara Ātea is a learning destination in many different ways. With schools from around the district being in attendance, it exemplified that Te Ara Ātea is for all of Selwyn. Te Taumutu Rūnanga gifted the name Te Ara Ātea to the community and Council were able to acknowledge this, as well as the generosity of their knowledge, through the Papatipu Rūnanga Tour and Function. That evening involved waiata and reo as the Rūnanga found their place in Te Ara Ātea. Reo and cultural inclusion is very prominent throughout the building and the Rūnanga were able to closely relate to the He taoka hei tohu mātauraka which is a celebrated Ngāi Tahu taoka, treasure. This is both physically displayed as well as captured as one of the new-age photogrammetry offerings.



The week also saw Tours / Functions for the following:

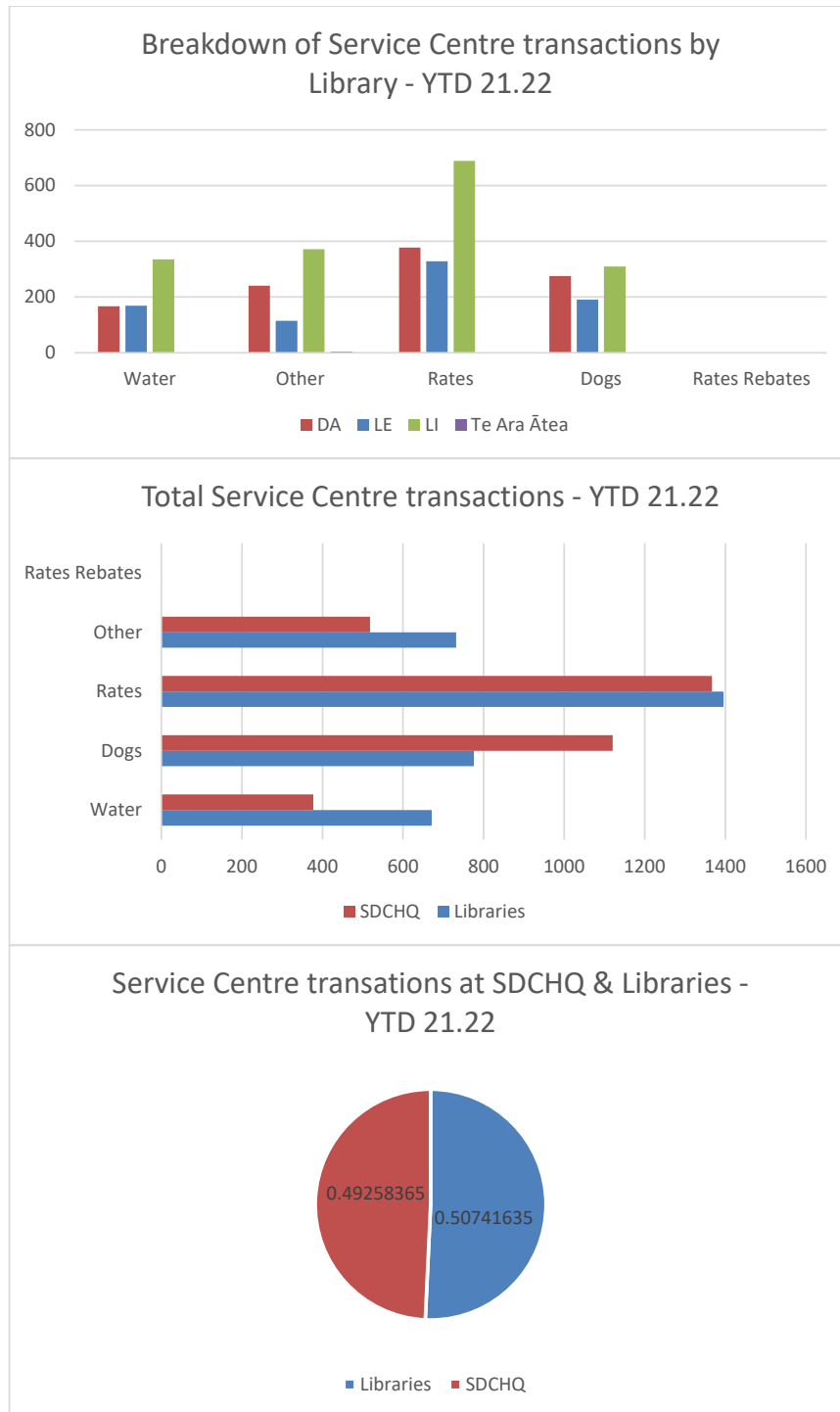
- Councillors
- Historians and historic groups
- Artists
- Te Ara Ātea exhibitors
- Art galleries, libraries and museum colleagues
- Neighbouring businesses and residents
- Previous library staff and volunteers
- Media

These Tours / Functions were concluded with the Whakatuwhera which marked a milestone for Selwyn as the formal and official opening. The opening was attended by Councillors, neighbouring Mayors, MPs and heads of government and community organisations. Council over the next period hosted approximately three bookable tours per day to display to the public the exciting possibilities that this building presents to the Selwyn community, demonstrating that Te Ara Ātea is for learning, gathering, connecting, exploring and celebrating the district's heritage and people.

#### Comparison Rolleston Library / Te Ara Ātea

Door Count	January 2022 To 26 Jan	November 2021	December 2021	January 2021 <small>As comparison</small>	December 2020 <small>As comparison</small>	Year ending 30 June 2021
Rolleston Library	Not Applicable	5218	Not Applicable	8,586	7077	98,044
Te Ara Ātea	20,091	Not Applicable	13,208	Not Applicable	Not Applicable	Not Applicable
Items Issued	January 2022 To 26 Jan	November 2021	December 2021	January 2021	December 2020	Year ending 30 June 2021
Rolleston Library	Not Applicable	10,940	Not Applicable	14,233	12,748	60,589
Te Ara Ātea	19,217	Not Applicable	23,724	Not Applicable	Not Applicable	Not Applicable
Programme Participation	January 2022 To 26 Jan	November 2021	December 2021	January 2021	December 2020	Year ending 30 June 2021
Rolleston Library	Not Applicable	165	Not Applicable	302	385	6,509
Te Ara Ātea	524	Not Applicable	739	Not Applicable	Not Applicable	Not Applicable

Projecting across a 12 month period, based on the first two months of operations at Te Ara Ātea, there is potential for an increase in door count of up to 98% in comparison with the financial year ending 30 June, 2021 at Rolleston Library.

**4.1. ACLL Delivered Face to Face Service Centre Activity.****YTD 31 December 2021**

Libraries / Service Centres (face to face transactions)	–	50.74% of total
Selwyn Council HQ (face to face transactions)	–	49.26% of total
KPI = not less than 20% of total		

## 4.2. ACLL - Programme Delivery (including Outreach)

### November 2021

What	Where	Partner	Attendance
Watercolour for Kids	Darfield Library, Leeston Library, Lincoln Library, Te Ara Ātea		42 total
The Business of Art	Darfield Library		7
Artists in Libraries	Darfield Library, Te Ara Ātea	Selwyn Artist Collective	28 total
Lost Wax Casting Jewellery Making Workshops	Lincoln Library, Rolleston Community Centre + Te Ara Ātea		36 total over two sites Part 1 + 2
Lincoln University Art Tour	Lincoln University	Lincoln University	30 total over two tours
Digital Marketing for Start-ups	Lincoln Library		15

### Other Highlights

Explore Watercolour	Darfield Library		6 week workshop 48 total
Bookbinding Workshop	Leeston Library		6
Floral Letters Workshop	Leeston Library		13
Book Repair Workshop	Lincoln Library		10
Rekindle Eco-Print	Tawera Community Hall	Rekindle	4
Hiwa Wahine (Women Empowering Women)	Rolleston Community Centre	Connected, MSD	51 total, 4 sessions.
Level 2 measures were continued throughout November and are followed at all in-person programmes. Measures include reduced capacity, masks, and 2m physical distancing. Selwyn Libraries continued to be one of the only libraries in New Zealand to be delivering in-person programmes at Level 2. Some regular programmes have been restarted at all libraries, including Storytime, Babytime, and Code Club, all using reduced capacity and distancing.			

### December 2021

#### Selwyn Art Series

What	Where	Partner	Attendance
NZ Art History Talk	Te Ara Ātea		25
He Toi Whakairo – Where there is artistic excellence – Ngāi Tahu artist panel discussion	Te Ara Ātea		10

### Other Highlights

Christmas Storytimes	Darfield Library, Leeston Library, Lincoln Library, Te Ara Ātea		110 total
Hear me, see me – Te Puna Wai o Tuhinapo exhibition and discussion	Te Ara Ātea	Te Puna Wai o Tuhinapo	25
Christmas Carols	Te Ara Ātea	Selwyn Community Choir	70
ECV @ Kirwee School Fun Day	Kirwee School	Kirwee School	160
Ukulele Performance	Darfield Library	Darfield Ukulele Group	39
Rekindle Soap Making	Leeston Library	Rekindle	8
Flower Crown Making Workshop	Te Ara Ātea		15
With the introduction of the COVID Protection Framework (Traffic Lights System), and the decision by SDC to require vaccine passes at all Selwyn Libraries sites, a full range of regular programmes have been able to restart, including those that include the touching of equipment such as LEGO, robotics, gaming, and JP services. The ECV continues to deliver an outreach service (including programmes) in outlying communities by requiring vaccine passes.			

## 5. COMMUNITY AND ECONOMIC DEVELOPMENT

Community Services and Facilities Group - Population 01 July 2021 71,500 (Stats NZ) <b>Note:</b> In YTD column if the figure is higher than YTD of previous year it is shown in <b>bold</b> . In Month column if the figure is higher than month of previous year it is shown in <b>bold</b> . <b>November 2021 in Black</b> . <b>December 2021 in Blue</b> YTD to 31 December 2021 in Black	MONTH 2021/22 Traffic Light Orange = 1M distancing and Vacc. Pass	YTD
<b>COMMUNITY &amp; ECONOMIC DEVELOPMENT NOVEMBER</b>		
<b>DECEMBER</b>		
<b>Community Capacity Building</b>		
Community Capacity Building <b>initiatives:</b> <u>Target: ≥500 participants per annum.</u> Capacity Building initiatives are facilitated/funded/delivered to more than 500 representatives of community clubs/groups/committees per annum.	<b>62</b> 26	<b>476</b>
<b>Participant Survey</b> <u>Target: ≥90%.</u> Community Capacity Building participants are satisfied/very satisfied with programmes/services delivered. 27 surveys	1 0	96%
<b>Contestable Funding:</b> <b>Selwyn Creative Communities:</b> 27 Aug 21 7 Community Groups Funded, \$9434.25 26 Nov 21 3 Community Groups Funded, 6937.43 <b>Selwyn Community Fund:</b> <u>Target: 40 per annum.</u> Community Grant Funding enables Community-based Initiatives 31 October; Round 2: 12 applications funded. Total \$33,650.00 Average \$2804.23		<b>SCF</b> <b>30</b>
<b>Tourism &amp; Visitor Promotion</b>		
Visitor promotion <b>initiatives:</b> <u>Target: ≥12 initiatives.</u> To take place annually. (which include promotion initiatives within them)	2 2	<b>7</b>
Visitor promotion <b>campaigns:</b> <u>Target: ≥1 campaign.</u> To take place with business and community partners. November; spring campaign December; summer campaign	1 1	2
Produce and distribute a range of <b>promotional materials.</b> <u>Target: Production: 1, Distribution: 3 per annum.</u> (e.g., Visitor Guide, Special Interest Guide) Meet us in the Country	0 1	2
<b>From the Land Website</b> usage. <u>Target: ≥10%.</u> Baseline: 63,669 21/22 <b>Social Media:</b> users 4435; 7432 Fb page: new followers +29 Likes; +28 +66 +55 Instagram 1654 followers. +10 new followers 1672 +18	<b>Users</b> <b>4425</b> 7432	<b>63669+</b> <b>35469</b> <b>+55%</b>
<b>Community Development - Neighbourliness</b>		
Initiatives that <b>foster neighbourliness</b> take place: <u>Target ≥ 12 initiatives.</u> 4 MYS cancelled in November 1 MYS held in December	1	3
<b>Community Development - Newcomers &amp; Migrants</b>		
Initiatives targeting <b>newcomers</b> take place. <u>Target: ≥12 events.</u>	0 0	<b>19</b>
<b>Business &amp; Economic Development</b>		
<b>Business excellence</b> in Selwyn District celebrated through biannual event <u>Target: One event held biannually.</u> (Selwyn Awards 31 July 2021).	0	1

Initiatives to promote <b>economic development/local business</b> and/or celebrate business excellence are delivered, resourced or facilitated annually. <u>Target: 6</u>	3	3
<b>Community Events</b>		
<b>Community/Wellbeing Events Delivered:</b> <u>Target: 100.</u> Ensure a range of sport, recreation and wellbeing events that contribute towards the Performance Indicator of not less than 100 community events annually targeting newcomers, families with children, young people as well as older people. Active Selwyn, Community and Economic Development and ACLL all contribute to the total. <b>November:</b> Workshops at Libraries and halls; Christmas craft, Bingo <b>December:</b> Outdoor Movies, Christmas Craft, SWELL Active seniors, Navigational Rampage, Mini Gym Christmas Party.	3 11	56
<b>Events:</b> <u>Target: 10,000 attend events.</u>	80 291	4372
<b>Participants</b> in 25 community events are satisfied/very satisfied with event delivered. <u>Target: ≥90%.</u> 26 events surveyed; 98%		98%
<b>Selwyn Youth Council</b>		
<b>Youth Consultation/Advocacy</b> Activities take place annually. <u>Target: 6 per annum.</u>	0 0	2

### 5.1. Community Grants

Selwyn Community Fund				
Funding Round	Amount Funded (\$)	No. Community Groups Funded	Average Amount Funded	Close Date
Round 1	\$46,712.00	18	\$2,595.11	31-Jul
Round 2	\$33,650.80	12	\$2,804.23	31-Oct
Round 3				31-Jan
Round 4				30-Apr
<b>Total YTD</b>	<b>\$80,362.80</b>			

Selwyn Creative Communities			
Close date	Amount Funded (\$)	Community Groups Funded	Average Amount Funded
27-Aug-21	\$9,434.25	7	\$1,347.75
26-Nov-21	\$6,937.43	3	\$2,312.48
<b>Total YTD</b>	<b>\$16,371.68</b>		

In the November round of Selwyn Creative Communities, three projects were funded – Art Group of Lincoln, Lincoln Envirotown Trust and the Selwyn Community Choir. In December, Creative New Zealand provided additional funding to support the arts sector through the Delta outbreak. We are working on additional marketing of this funding and this Fund this year, in order to receive more applications to distribute the extra funding to the community.

### 5.2. Capacity Building

Wellbeing Forum on 18 November was well attended with people sharing good news stories of 2021 and plans for 2022. This was an opportunity for all present to hear what others are doing and identify and encourage collaboration in these spaces; particularly in terms of service delivery as well as interest in colocation.

A Business Mentors information session was held on 24 November at the West Melton Community Centre with approximately 15 in attendance. Presented by Anton Holzner, a Business Advisor with ChristchurchNZ who collaborates with Business Mentors to provide information, advice and support to those in new and start-up businesses in Canterbury.

Anton spoke about how Business Mentor works and the benefits for people new to business in having a successful local business person sitting alongside in a supporting role as a mentor. He also spoke of the benefits of becoming a mentor for those successful business people wanting to give back to the community and help support and grow new businesses with their own knowledge and experience gained over time. Another session will be provided in the Employment series in March 2022.

### **5.3. Community Events**

Outdoor Movie in Leeston on 3 December, the first outdoor community event under the Orange Traffic Light System, using vaccination passes. There were 75 people in attendance and no issues with vaccine passes.

Digital Online Event Applications went live on the website and community have started using the system for booking one off events at reserves. Council staff across various teams made their respective contributions and an event approval was concluded in two days which previously may have taken up to 2-3 weeks. The system provides a simple online process and a seamless approach. Externally – event's organisers are also enjoying the ease of the system. Grant Ross, Director of Sport from Rolleston College reported, "Using the system was easy, and now I know what information is required for booking an event it will make the process easier".

### **5.4. Community, Newcomers and Accessible Selwyn**

**Faces of Selwyn:** People continue to download and listen to this series via podcast with 284 downloads in November.

#### **NICU "Cuddlehearts"**

A local Ellesmere club that meets at Leeston Community Centre were making small fabric 'cuddlehearts' as a group. They were making these in support of a member's niece with a young baby at Brisbane NICU. "The cuddle hearts cultivate a stronger bond between mum and incubated baby and have helped both milk production in mum and attachment for the new-born". Council staff worked with the group and prepared a plan with CDHB NICU coordinator sign off, to provide 'cuddlehearts' to Christchurch NICU. Council staff at libraries arranged to receive the hearts, and the club members sanitised and ironed the hearts before packaging. The group was approved Selwyn Community Funding to help with the costs of packaging the hearts. Donations of cotton fabric allowed for fabric packs to be assembled for locals to collect from Selwyn district libraries. Council Call and CDHB both published articles about this project. As a follow-on the Selwyn Times has had 2 articles about the 'cuddlehearts', with stories of the babies/families receiving them and what a difference it has made. 200 packs of 4 hearts have now been delivered to CDHB with work continuing.

#### **Swell on Air**

As 2021 Swell Expo was cancelled, the information and knowledge that residents could have found at the expo was brought to print media and radio by utilising booked advertising space and putting some of the information in a radio show through interviews. Swell 2021 became a printable lift out in the Selwyn Times featuring 64

services and businesses in Selwyn which focussed on “living well, better”, as well as a “SWELL on Air” programme hosted at Plains FM, and on podcast. 32 businesses and organisations responded to participating in the radio programme. The programme launched on 22 November at 9am. The series comprised of 14 x 30 minute shows that ran until the 23 December 2021. Plains FM reported that 438 listeners tuned into the programmes in November & December. The podcasts remain available on Spotify and Apple Podcasts.

### **Hapai Card**

The next Report to Council will include an update of activity in relation to how Council operated facilities are introducing the Hapai Access Card.

### **5.5. Visitor Promotion**

Staff facilitated a Tourism Working Group meeting with 5 key operators representing the sector on 9 December. Positive feedback was received on Council’s proposed campaigns, initiatives and plans for the year ahead. The operators are interested in organising a familiarisation tour with key ChristchurchNZ staff and taking a lead on upcoming Council initiatives including Taste Selwyn.

The last month of the spring campaign promoted open days at Jetboat World in Springfield, garden tours at Casa Rossa and the Herbal Garden as well as the eight Selwyn Golf Courses.

The first month of the summer campaign featured festive promotions including gift ideas e.g. accommodation/experience vouchers and buying local produce/beverages for the holidays. Camping, berry picking, summer cocktails, mountain biking, fishing, walking & hiking in Selwyn are all highlights of the campaign.

### **5.6. Economic Development Highlights**

The “Business After 5” event at Te Ara Ātea in December was successful with approx. 30 people in attendance. Guest presenter, Soon-Lee Spicer, gave a demonstration of her artwork and talked of how she made the career transition from lawyer to artist.

A Climate Action Online Workshop was delivered on 11 November in partnership with the Sustainable Business Network and Enterprise North Canterbury. On 18 November a “Creating Resilient Communities” event was delivered at Melton Winery and was an in-person opportunity for businesses to connect and discuss resilience and sustainability, in partnership with the Selwyn Responsible Business Network.

A successful Ski Selwyn campaign was delivered which included an innovative approach to influencers, photography and the production of a film within the district. Billboards, bus-backs and print media were featured across Canterbury. A campaign partnership with ChristchurchNZ and neighbouring regions was in place which enabled reach into the North Island and wider South Island. Selwyn ski fields and key partners re-shared content, geo-tagged Selwyn, used Selwyn hashtags and helped to build a strong presence online. Council also partnered on a photography and short film project with a crew of world class skiers. The film features iconic Selwyn locations and will be entered into film festivals worldwide with Red Bull TV also signalling interest in the finished product. Collectively, the Film’s production

crew's social media had a direct reach of 235,000 accounts and an organic reach of 26 million accounts which included their sponsors re-sharing content. Posts on Tourism Facebook pages reached over 210,000 accounts with additional engagement on Instagram. Council also enabled a film screening at Lincoln Events Centre which took place on 12 December with 70 Selwyn ski club members in attendance.

### **5.7. Youth Employment**

Council continues to undertake activity regarding Selwyn young people and employment. As part of this activity it has undertaken a project on Selwyn young people and employment / career opportunities in local government. Council organised an opportunity for young Selwyn people and their caregivers / support person to meet with and / or listen to, in a one to one capacity, with an individual staff member. Staff members were asked to talk about why they decided to pursue a career they did, what training / experience was useful and how hard was it really, and were also asked to describe what a day in their work life might look like. Each of the individual staff members were also videoed and videos were uploaded on to Council's Facebook Page. These Reports to Council do not usually promote individual staff member's for their contribution, but in this instance it seems appropriate, as this activity was "outside" of every staff member's role and took some courage as well as a bit of time. The video "stars" were:

- Karen Sheppard - Communications Group talking about her role in marketing
- Sophia Shamy - People, Capability and Culture Group talking about her role in human resources
- Chris Burke - Property Group talking about his role in council recreation reserves
- Cristene Trenuela-Chan - Community Services & Facilities Group talking about her role in coordinating community events
- Armon Coskun - ICT Group talking about his role in IT/desktop support
- Phillip Millar - Property Group talking about his role in major projects
- Steve Clarke - Compliance Group talking about his role animal control
- Shontelle Whakatihi - Customer Services talking about her role in delivering customer service.

While the in-person turn-out was limited on the day, we are pleased with the online engagement as below:

Career Pathways at Selwyn District Council - Social media campaign

Total Facebook posts: 9

- Including 7 organic videos posts, and two boosted posts.
- All posts included link through to booking website.

Social media campaign reach – 39,500 *(the number viewing a video)*

Social media campaign link clicks – 516 *(the number clicking on a link to view additional videos)*

Social media campaign engagement - 134 *(the number reacting, commenting or sharing a post).*



**6. COMMUNITY SPACES (including updates related to Council's increased role in operational planning and activity related to community centres, halls, pools and reserves previously operationally managed by Community Committees)**

<b>Community Services and Facilities Group -</b> <b>Population 01 July 2021 71,500 (Stats NZ)</b> <b>Note:</b> In YTD column if the figure is higher than YTD of previous year it is shown in <b>bold</b> . In Month column if the figure is higher than month of previous year it is shown in <b>bold</b> . <b>November 2021 in Black. December 2021 in Blue</b> <b>YTD to 31 December 2021 in Black</b>	<b>MONTH</b> <b>2021/22</b> Traffic Light Orange = 1M distancing and Vacc. Pass	<b>YTD</b>
<b>COMMUNITY SPACES - NOVEMBER</b> <b>DECEMBER</b>	<b>MONTH</b> <b>2021/22</b>	<b>YTD</b> <b>2021/22</b>
<b>Bookings:</b> <u>Target: 5% Increase per annum on baseline.</u> The total bookings (Community, Corporate and Private) of Council community Centres and Halls, by Ward, <b>Community</b> <b>Corp</b> <b>Rec Classes</b> 455                                  96                                  153 <b>252</b> <b>46</b> <b>119</b>	704 <b>417</b>	3385
<b>Revenue:</b> <u>Target: 75%.</u> The percentage of Council owned community centres/halls, by Ward, continue to generate revenue meeting or exceeding 20% of operating costs (excluding capital project costs) per annum.  <b>Revenue</b> <b>Expenditure</b> <b>YTD REV 272218</b> <b>YTD EXP 696336</b> 49019                                  108259 <b>30034*</b> <b>105661*</b>	45% <b>28.42%</b>	39%
<b>Door count:</b> Community Centres: <u>Target: 150,000 visits per annum</u>  <b>Month 21/22</b> <b>Nov Dec</b> <b>20/21</b> LEC                      7780 <b>4050</b> Target 60,000 pa                      21648 RCC                      3708 <b>2217</b> Target 30,000 pa                      19305 WMCRC                      2336 <b>1402</b> Target 30,000 pa                      10736 Duns. CC                      182 <b>350</b> Target TBA                      603 Tai Tapu CC                      500 <b>250</b> 1480 Te Ara Ātea <b>167</b> Target TBA	14506 <b>8436</b>	<b>76553</b>
<b>Survey:</b> <u>Target: ≥ 90%.</u> The % satisfaction from user surveys for Lincoln Events Centre (LEC), Rolleston Community Centre (RCC) and West Melton Community Centre (WMCC).	Annual	

**6.1. Community Spaces Planning**

Te Ara Ātea has been brought into the room booking system. The first month of operation saw 14 bookings in the Te Ara Ātea community spaces, 9 internal bookings and 5 external. The first exhibit in Te Whare Tapere was the Te Puna Wai ō Tuhinapo Art Exhibition and a number of community meetings were booked in Toi Huarewa. Numbers attending were restricted at time of bookings, in anticipation of the change in COVID alert levels.

**6.2. Community Spaces Rev/Exp spreadsheet November and December 2021**

WARD		Hires Nov Corp	Hires Nov Comm	SDC Classes	Nov Rev	Nov opex	Rev + 20% of opex	Hires Dec Corp	Hires Dec Comm	SDC Hires	Dec Rev	Dec opex
Selwyn	RCC	4	137		9,796.00	16,043.00		1	57	0	3,925.00	6,870.00
	West Melton	2	64	48	3,937.00	17,748.00		1	27	31	5,311.00	10,973.00
Central	Weedons	4	18		1,308.00	1,835.00		1	6	0	272.00	1,574.00
	Te Are Atea							0	5	9	359.00	
Ellesmere	Southbridge	0	0	0		1,236.00		0	0	0		104.00
	Lakeside	3	4	0	3,781.00	2,988.00		1	5	0	805.00	1,507.00
	Dunsandel	5	5		1,091.00	1,714.00		9	9	0	1,914.00	467.00
	Darfield	4	30		1,854.00	6,991.00		4	13	7	1,409.00	3,811.00
Malvern	Hororata		1		52.00	202.00		0	2	0		736.00
	Glentunnel		16		530.00	364.00		0	10	0	35.00	97.00
	Tawera		14		256.00	719.00		0	20	0	52.00	401.00
	Lake Coleridge	0	0		70.00	256.00		0	0	0		180.00
	Sheffield		6		143.00	847.00		0	3	0		311.00
	Greendale		9		191.00	873.00		1	7	0		271.00
Springs	LEC	44	79	102	19,348.00	47,793.00		18	51	70	12,671.00	23,411.00
	Tai Tapu	17	17	3	4,726.00	3,593.00		3	3	2	1,201.00	2,794.00
	Greenpark	0	0	0		662.00		1	0	0	83.00	171.00
	Prebbleton	6	2	0	445.00	171.00		4	5	0	202.00	
	Springston	7	6	0	590.00	1,464.00		2	2	0	157.00	119.00
	Ladbrooks	0	36	0	270.00	187.00		0	18	0	1,080.00	127.00
	Broadfield	0	11	0	631.00	1,573.00		0	9	0	558.00	54.00
		<b>96</b>	<b>455</b>	<b>153</b>	<b>49,019.00</b>	<b>108,259.00</b>		<b>46</b>	<b>252</b>	<b>119</b>	<b>30,034.00</b>	<b>105,661.00</b>

**6.3. Community Committees**

Council decision 08 December. Staff will be writing to each of the 24 remaining committees to provide options going forward.

Letter 22 December to Committees advising of ending of Selwyn District Council email addresses for those committees that have been discharged.

A handwritten signature in black ink, appearing to read 'DKidd', is positioned above the printed name.

**Denise Kidd**  
**Group Manager – Community Services and Facilities**

## REPORT

**TO:** Chief Executive Officer

**FOR:** Council Meeting - 9 February 2022

**FROM:** Robert Love – Team Leader – Strategy and Policy

**DATE:** 1 December 2021

**SUBJECT:** PREBBLETON WATER TREATMENT FACILITY - NOTICE OF REQUIREMENT DECISION

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### RECOMMENDATION

*That the Council:*

- (a) *Pursuant to Section 168A(4) of the Resource Management Act 1991, the Selwyn District Council accepts the recommendation of the independent Commissioner (attached) to confirm the Notice of Requirement for the Prebbleton Water Treatment Facility outlined in the report dated June 2021.*
- (b) *Waives its appeal rights under Section 174(1) to enable the designation to become operative with immediate effect.*
- (c) *Delegates to the Team Leader Strategy and Policy the delegation to take any steps necessary to give effect to recommendation (a) above.'*

### 1. PURPOSE

This report seeks a decision from the Council to recommend that the Notice of Requirement for the Prebbleton Water Treatment Facility be **confirmed** for inclusion in the Selwyn District Plan.

### 2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

As a Requiring Authority the Selwyn District Council lodged a Notice of Requirement (NOR) pursuant to section 168A of the Resource Management Act 1991 (RMA), to designate the site on Shands Road Prebbleton (RES 263), for a new water treatment facility, to provide for "water treatment facility".

The application site is vacant site, with access via Shands Road. The area of the proposed designation is identified in Figure 1 below:



**Figure 1 – Extent of proposed designation**

The designation is provide water treatment facilities for the Prebbleton Township to meet existing and future water demands. The designation provides for the construction and operation of new facilities, including:

- Two 1,000m<sup>3</sup> water reservoirs to provide for chlorine contact time and regular water turnover;
- A treatment and pump building, containing five rooms containing fluoride, chlorine, pumps and UV filter, the generator and electrical room;
- Two water supply bores;
- A DN250 overflow/scour pipe and soak pit for draining reservoirs;
- A 220 KW emergency generator that will be located within the treatment building

The Notice of Requirement was not publicly notified, and no parties were considered to be adversely affected by the proposed designation. The conditions proposed to be attached the designation were considered to ensure that the noise levels from normal operations would not exceed the permitted noise limits and to maintain the existing character and amenity of the site and surroiunding environment.

The notification report and the recommendation were considered and written by an independent planning consultant. These reports were reviewed and endorsed by an independent commissioner and accepted by the Commissioner as their recommendation to Council.

### **3. HISTORY/BACKGROUND**

The site has been identified and acquired by the Selwyn District Council as a Water and Utility site. The site is not currently designated in the Selwyn District Plan (“the Plan”).

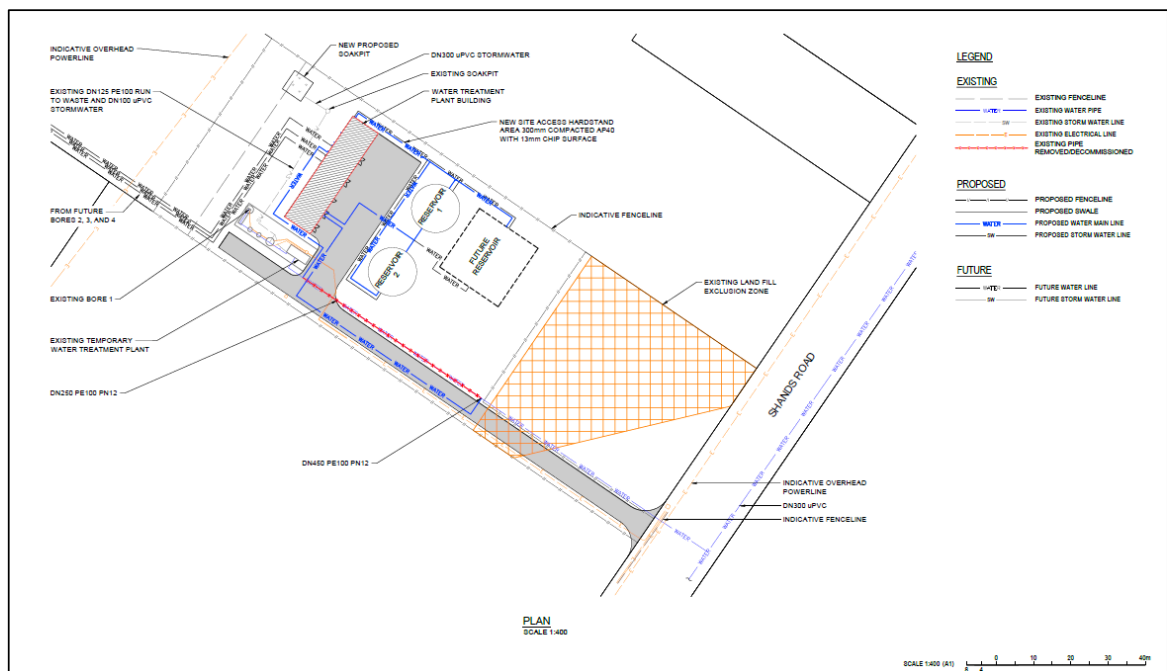
The designation is sought by the Selwyn District Council to provide a water treatment facility for the Prebbleton township in response to increased demand, resulting from projected population growth and climate change.

#### 4. PROPOSAL

The Selwyn District Council has given notice of its requirements for a new designation for the subject site and to provide water treatment facilities for the Prebbleton township, as detailed in **Figure 2** below. The purpose of the NOR is to provide for a “water supply”.

The notice provides a detailed description of the proposal. In summary, the designation provides for the construction and operation of new facilities, including:

- Two 1,000m<sup>3</sup> water reservoirs to provide for chlorine contact time and regular water turnover;
- A treatment and pump building, containing five rooms containing fluoride, chlorine, pumps and UV filter, the generator and electrical room;
- Two water supply bores;
- A DN250 overflow/scour pipe and soak pit for draining reservoirs;
- A 220 KW emergency generator that will be located within the treatment building



**Figure 2 – Site Plan of proposed water treatment facility**

#### The proposed works associated with the NOR

Details of the proposed works are outlined in Section 3 of the AEE. In summary, the proposal seeks to construct a treatment plant on the subject site.

Planting is proposed to comprise of trees and native shrubs to be planted around the edges of the water treatment plant to screen the the structures from adjacent properties.

The requiring authority requests that the requirement for an Outline Plan under s.176A of the RMA is waived for the proposed treatment plant.

A number of conditions are proposed to manage operational effects and construction works. A landscape plan is also proposed to address visual amenity. Conditions proposed include noise management, and the provision of a Dust Management Plan and an Erosion and Sediment Control Plan.

## 5. OPTIONS

The Council has four options in its decision making.

- a. To **accept** the Commissioner's recommendation to confirm the designation. Through the Resource Management Act process, the environmental impacts have been examined and are shown to be acceptable.
- b. To **reject** the Commissioners recommendation and modify the requirement. It is not considered that modifying the requirement is necessary as the NOR has been through a rigorous Resource Management Act assessment process and the recommendation is in line with what was applied for.
- c. To **recommend conditions**. The conditions included in the Commissioner's recommendation have been considered through the Resource Management Act process, and are considered necessary to control the adverse effects of any pump station constructed on the site. No other conditions are considered necessary.
- d. To **recommend withdrawing** the requirement. This option would not benefit the community as the proposed designation provides an important function to the Prebbleton community with regard to water services.

## 6. VIEWS OF THOSE AFFECTED / CONSULTATION

### (a) Views of those affected

Pursuant to section 169(1) of the Resource Management Act, the Council decided that no parties were adversely affected by the proposed designation, and therefore notification of the NOR was not required.

### (b) Consultation

Pursuant to section 169(1) of the Resource Management Act, the Council decided that no parties were adversely affected by the proposed designation, and therefore no consultation was undertaken.

### (c) Māori implications

No implications for Maori are anticipated. The proposal is considered to be in accordance with the principles of the Mahaanui Iwi Management Plan.

**(d) Climate Change considerations**

No implications for Climate Change are anticipated.

**7. FUNDING IMPLICATIONS**

There are no funding implications to Council as Territorial Authority in confirming the Notice of Requirement.



Robert Love

**TEAM LEADER – STRATEGY AND POLICY**

***Endorsed For Agenda***



Tim Harris

**GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES**



## **Appendix 1: Prebbleton Water Treatment Facility – Notification and Decision Report**

## Sections 169, 149ZCB(1) to (4), 149ZCC (1) to (4), 149ZCE and 149ZCF Resource Management Act 1991



Report pursuant to section 95 of the Resource Management Act 1991 recommending whether a notice of requirement should be publicly notified, limited notified or non-notified.

Decision pursuant to sections 169 and sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF

**Author:** Jane Anderson

**Position:** Consultant Planner

**Resource Consent Number:** D210003

<b>REQUIRING AUTHORITY:</b>	Selwyn District Council
<b>PROPOSAL:</b>	To designate the site as a 'water treatment facility'.
<b>LOCATION:</b>	Shands Road, Prebbleton
<b>LEGAL DESCRIPTION:</b>	RES 263 SHANDS ROAD BLK XIII CHRISTCHURCH SD (2.7518 hectares) contained in Record of Title 981668
<b>ZONING:</b>	The site is zoned Inner Plains under the provisions of the Operative District Plan (Rural) Volume.

## Introduction

1. The Selwyn District Council (the Requiring Authority) has lodged a Notice of Requirement (NOR) with the Selwyn District Council (the Council), pursuant to s.168 of the Resource Management Act 1991 (RMA), for a designation for a new water treatment facility on Shands Road, Prebbleton (RES 263), as detailed in **Figure 1** below). The NOR was lodged by the Requiring Authority on the 11 June 2021.



Figure 1 – Location of site (Source: GHD, June 2021)

## Background

2. The site has been identified and acquired by the Selwyn District Council as a Water Treatment Facility site.
3. The site has been reclassified from reserve land “for a public pound” to a Local Purpose (Utility) Reserve pursuant to the Reserves Act 1977.
4. The existing Prebbleton water supply has little capacity to add permanent treatment to drinking water to meet the requirements of the Drinking Water Standards for New Zealand (DWSNZ). It is on this basis that the Selwyn District Council, as requiring authority, is seeking alternative water treatment facilities in the area.

## Notice of Requirement Proposal

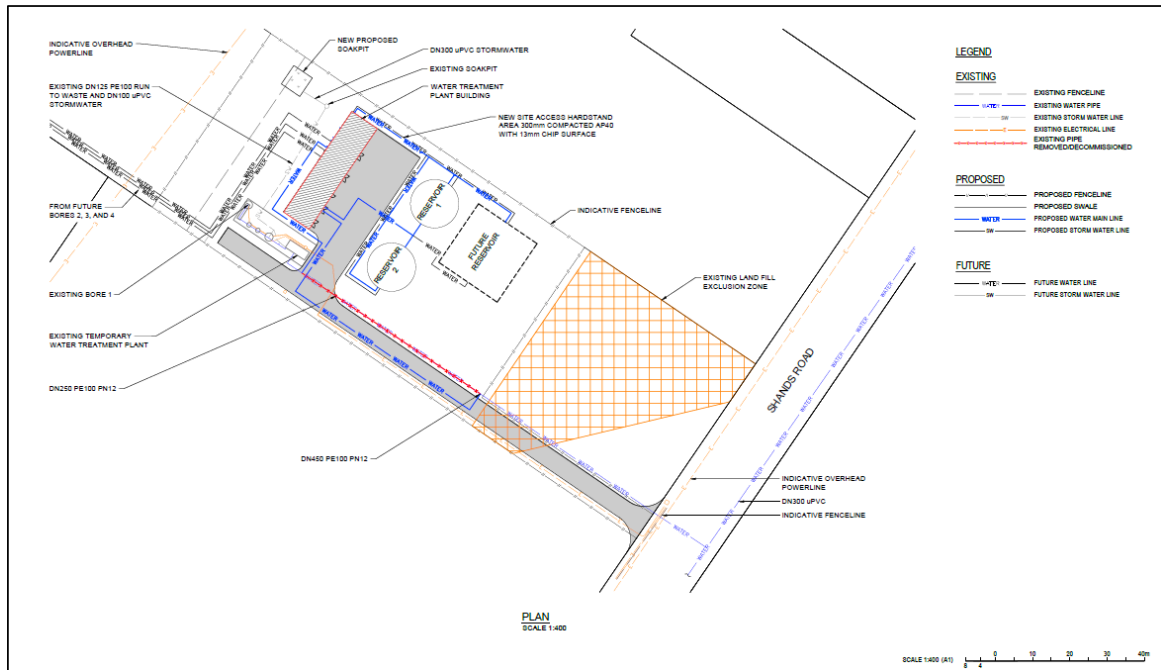
### Purpose of the NOR

5. The Selwyn District Council has given notice of its requirements for a new designation for the subject site (as detailed in **Figure 2** below) to provide water treatment facilities for the Prebbleton Township.

### The proposed works associated with the NOR

6. Details of the proposed works are outlined in Section 2 of the AEE. In summary, the proposal seeks to construct a new treatment facility that shall include:
  - Two 1,000m<sup>3</sup> water reservoirs to provide for chlorine contact time and regular water turnover;
  - A treatment and pump building, containing five rooms containing fluoride, chlorine, pumps and UV filter, the generator and electrical room;
  - Two water supply bores;
  - A DN250 overflow/scour pipe and soak pit for draining reservoirs;
  - A 220 KW emergency generator that will be located within the treatment building

7. Access to the facility will be provided from Shands Road and shall be constructed along the southern boundary of the site.
8. The area immediately surrounding the reservoirs will consist of loose chip gravel and a vehicle access and turning area for routine inspections and maintenance.



**Figure 2 – Site Plan of proposed water treatment facility**

9. Planting is proposed to comprise of trees and native shrubs to be planted along the eastern, southern and western boundaries of the site. An existing macrocarpa shelterbelt along the northern boundary is located on the adjacent property (187 Blakes Road).
10. The requiring authority requests that the requirement for an Outline Plan under s.176A of the RMA is waived for the proposed treatment plant.
11. A number of conditions are proposed to manage operational effects and construction works. Conditions proposed include landscape planting management, noise management, and the provision of a Dust Management Plan and an Erosion and Sediment Control Plan.

## Description of the Existing Environment

12. The application site is legally described as RES 263 SHANDS ROAD BLK XIII CHRISTCHURCH SD (2.7518 hectares) contained in Record of Title 981668, located on Shands Road, Prebbleton (as detailed in **Figure 1** above).
13. The subject site is flat and currently vacant. The site is accessed from Shands Road, and is located approximately 100m from the Shands Road / Blake Road intersection.
14. The nearest waterway is a drain that runs parallel to Blakes Road, to the northeast of the site.
15. The surrounding environment consists of predominantly rural residential land uses. The applicant has identified four dwellings located within 80 metres of the subject site, 187 and 169 Blakes Road and 578 and 598 Shands Road.
16. The Prebbleton Township is located to the east of the subject site.

## Matters to be Considered

### Section 169 Notice of Requirement to Territorial Authority

17. Section 169 applies if a territorial authority is given notice of a requirement under section 168 for a designation for a public work within its district from a Minister of the Crown.

18. Section 169(1) states:

*(1) If a territorial authority is given notice of a requirement under section 168, the territorial authority must, within 10 working days, decide whether to notify the notice under—*

*(a) subsection (1A); or*

*(b) sections 149ZCB(1) to (4), 149ZCC(1) to (4), 149ZCE, and 149ZCF, which apply with all necessary modifications and as if—*

*(i) a reference to an application or notice were a reference to the notice of requirement; and*

*(ii) a reference to an applicant were a reference to the requiring authority; and*

*(iii) a reference to the Minister or the EPA were a reference to the territorial authority; and*

*(iv) a reference to an activity were a reference to the designation.*

### Section 149ZCE Assessment – Environmental Effects

19. Section 149ZCE sets out the relevant considerations for determining whether adverse effects on the environment are likely to be more than minor for the purposes of making a decision on notification.

#### **149ZCE [Territorial Authority] to decide if adverse effects likely to be more than minor**

*For the purpose of deciding under section 149ZCB(2)(a) whether an activity will have or is likely to have adverse effects on the environment that are more than minor, the [Territorial Authority]—*

*(a) must disregard any effects on persons who own or occupy—*

*(i) the land in, on, or over which the activity will occur or apply; or*

*(ii) any land adjacent to that land; and*

*(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*

*(c) in the case of a controlled activity or a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion; and*

*(d) must disregard trade competition and the effects of trade competition; and*

*(e) must disregard any effect on a person who has given written approval in relation to the relevant application or notice.*

## Assessment of Environmental Effects

20. The actual and potential adverse effects of the proposal relate to visual, character and amenity, noise, transport and contaminated soil effects.

### Permitted baseline

21. In determining whether the adverse effects of a proposal are more than minor, section 149ZCE allows the Council to disregard the adverse effects of permitted activities. The site is zoned Inner Plains.

22. In the Inner Plains Rural zone, any activity that is not a residential activity shall be a permitted activity, subject to the following conditions:

- Road boundary building setback of 10m and internal boundary setback of 5m;
- Site coverage restricted to 35% or 500m<sup>2</sup>, whichever is the lesser;
- Maximum building height of 8m,
- No more than two full time equivalent staff employed on the site live off site;
- Maximum gross floor area of any building of 100m<sup>2</sup>; and
- Maximum vehicle movements of 60 per day.

23. The proposed new water treatment plant will meet the bulk and location requirements of the Inner Plains Rural zone.

Character and amenity, and visual effects

24. Non-residential and non-rural activities establishing within rural areas have the potential to result in adverse effects on residential coherence, character and amenity. Effects on character and amenity occur as a result of development that is not compatible with a rural environment and that detract from the pleasantness or attractiveness of the area.
25. The site is located on Shands Road, with the proposed Water Treatment Plant buildings being located approximately 60 metres from the road boundary, and approximately 10m from both internal boundaries. The Water Treatment site is proposed to include a building with two large reservoir tanks. The area immediately surrounding the reservoirs will consist of loose chip gravel and a vehicle access and turning area for routine inspections and maintenance.
26. The proposal provides a landscaping plan that includes landscaping around the edges of the Water Treatment Plant. It is noted that the existing macrocarpa shelterbelt (approximately 6m in height) is located on the adjacent property of 187 Blakes Road. The applicant has offered a condition that provides for “a replacement shelterbelt or alternative form of screening with a minimum height of 6m” should this shelterbelt be removed. The existing and proposed landscaping will screen the water treatment plant and associated structures from adjacent rural properties. A small bund (0.5m in height) and landscaping is proposed along the south eastern edge of the water treatment plant area to provide screening of the plant when viewed from Shands Road.
27. In terms of the scale of the development, the applicant has advised that the proposed reservoirs on site will not exceed 8 metres, and all buildings will comply with the relevant setbacks and recession planes set out in the District Plan.
28. Further, as discussed below, once the site is operative the traffic generation is anticipated to be low and similar in intensity to the traffic generated by rural properties.
29. The assessment in the application states that the effects of the proposal on visual amenity will be less than minor.
30. The Requiring Authority has consulted with properties directly adjacent to the site. The property owners at 187 Blakes Road raised concerns relating to the likely height of the tanks. The applicant has stated that they have reviewed options for reducing the height of the tanks but have been unable to find a practical option. I note that the site is currently screened from the adjacent property by their existing macrocarpa hedge, and note the proposed condition for replacing this shelterbelt where required in the future.
31. I consider that the proposed landscaping will provide adequate screening of the existing and proposed structures and hard-stand areas of the water treatment plant when viewed from adjacent properties.
32. Overall, the proposed conditions and the outline plan process are considered sufficient to ensure that any adverse effects on the residential character, amenity and visual effects will be less than minor.

Noise

33. The application states that noise omitted from the site will meet the relevant standards of the District Plan.
34. It is noted that the closest residential dwelling is located 60m to the northeast of the site (578 Shands Road), with the Living 2A zone approximately 200m to the east.
35. The proposed emergency generator is proposed to be installed within the treatment building. As no information is available regarding the acoustic treatment of this building, the Requiring Authority has accepted the following noise conditions:

1. *Noise arising as a result of the operation of the activity on the site, including all ancillary equipment and associated activities and maintenance activities shall not exceed the following limits, measured at the notional boundary of any rural dwelling or any dwelling on Living zoned land:*

- a) *Daytime (7:30am to 8pm) 50dBA  $L_{10}$  and 85dBA  $L_{max}$*
- b) *Night time (8:00pm to 7:30am) 45dBA  $L_{10}$  and 70dBA  $L_{max}$*

2. *Prior to the installation of a generator on the site, the consent holder shall submit evidence of compliance with condition 1 to the Team Leader Compliance, Selwyn District Council"*

36. I consider that, subject to the above conditions, any adverse noise effects associated with the water treatment plant will be less than minor.

#### Traffic

37. Access to the site is provided via Shands Road. There is sufficient space on site for the manoeuvring and parking of vehicles. Existing vehicle movements to and from the site will be restricted to routine maintenance inspections. On completion of the construction activities, the anticipated traffic generation from the subject site is anticipated to be low. It is considered that any adverse traffic effects resulting from the ongoing operation of the site will be less than minor.

#### Contaminated Soils

38. The applicant has provided a Detailed Soil Investigation (DSI) that has identified three area of interest on the site, a landfill, market garden and railway carriage / sheds. The DSI has been peer reviewed by the Contaminated Land Officer at Environment Canterbury.
39. Sampling has been undertaken in the area identified as a historic market garden, and determined that the contaminants were below expected background concentrations. This area is not considered contaminated.
40. Composite sampling has been undertaken in the area identified as Landfill and the Railway Carriage / Sheds area. This sampling found high levels of asbestos, lead and arsenic exceeding commercial land use criteria. The Contaminated Land Officer has noted that this form of sampling is not recommended due to the non-homogenous nature of the activity. However, as the proposal seeks to disturb less than 375m<sup>2</sup> of soil, the Contaminated Land Officer has recommended that subject to works being undertaken in accordance with all of the conditions of the permitted activity earthworks rule in the NESCS, and subject to conditions, the proposal will meet the permitted activity status. The Officer has recommended that these controls include a Site Management Plan that includes:
  - Controls in place to limit the spread of contaminants within the site; and
  - That the soil must be reinstated to an erosion resistant state within 1 month of the completion of works.
41. I accept the recommendations of the Contaminated Land Officer, and consider that subject to conditions, that any potential adverse earthworks effects will be less than minor.

#### Construction effects

42. In order to manage the potential effects of the construction phase, the Requiring Authority has proposed that the construction phase will be subject to Construction Noise standards.
43. Traffic associated with the construction of the treatment plant will be temporary in duration. All construction traffic will access the site from Shands Road. Construction of the water treatment plant is scheduled to take approximately 12 months to complete and will be limited to the hours of 7am and 6pm Monday to Saturday.
44. I consider that the proposed management conditions will ensure that any adverse effects associated with the construction phase for the proposed water treatment plant will be less than minor.

#### **Summary – Assessment of Environmental Effects**

45. Overall, I consider that based on the above assessment, and subject to conditions, that the effects of the development will be less than minor.




## Section 149ZCF Assessment – Affected Person

46. Section 149ZCF sets out the relevant considerations for determining whether a person is an affected person in relation to the application. However, a Territorial Authority must decide a person is not an affected person if they have provided approval for the application by way of written notice.
47. I consider that there are no affected persons for the purposes of notification.

## Recommendation

48. It is recommended that the notice of requirement be processed on a non-notified basis.

<b>Reported and recommended by</b>  <b>Jane Anderson</b> <b>Consultant Planner</b>	<b>Date: 18 October 2021</b>
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## Commissioner's Note

I have read the above planning report, and the application, I have studied the plans, and I have viewed aerial photographs to understand the location.

When I initially received the planning report, I noted that there was little information in the application about the size and scale of the proposed buildings and structures, and that without them I was in a difficult position determining whether the neighbourhood properties were affected. I also noted that during a consultation process undertaken by the applicant, the property owners at 187 Blakes Road raised concerns relating to the likely height of any tanks.

The applicant subsequently provided further plans showing the location of proposed buildings and reservoirs, and subsequent to that confirmation that the maximum height (the reservoirs) would be 8 metres as per the definition of a utility building (which does not include attachments to the roof), with all other buildings complying with the District Plan setbacks and recession planes.

Given that information I am satisfied that the proposed buildings and structures are sufficiently separated, and screened, from adjoining properties such that any effects on neighbouring properties will be less than minor. I expect those confirmations of size and location of buildings and structures to be either incorporated into the application document, or be subject to suitable conditions in the recommendation/decision under Section 171 of the Resource Management Act which will follow.


I also agree with the reporting planner that all other possible adverse effects identified in the above planning report will be less than minor.



On that basis, I agree with the recommendation that this notice of requirement be processed on a non-notified basis.

## Decision

That, under delegated authority, the notice of requirement be processed on a -non-notified basis

 <b>Ken Lawn</b> <b>Commissioner</b>	<b>Date: 19 October 2021</b>
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## REPORT

**TO:** Chief Executive Officer

**FOR:** Council Meeting – 9 February 2022

**FROM:** Strategy and Policy Planner, Rachael Carruthers

**DATE:** 17 January 2021

**SUBJECT: PRIVATE PLAN CHANGE 67 – REZONING OF LAND IN WEST MELTON**

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### RECOMMENDATION

*‘That the Council:*

- a. accepts the recommendation of the independent Commissioner in regards to Plan Change 67 from GW Wilfield Limited to rezone land in West Melton; pursuant to Clause 29(4) of the First Schedule of the Resource Management Act 1991, approves Plan Change 67 subject to the modifications described and for the reasons given in the Commissioner’s recommendation dated 10 January 2022;*
- 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 67 operative at the conclusion of the appeal period where no appeals are filed.’*

### 1. PURPOSE

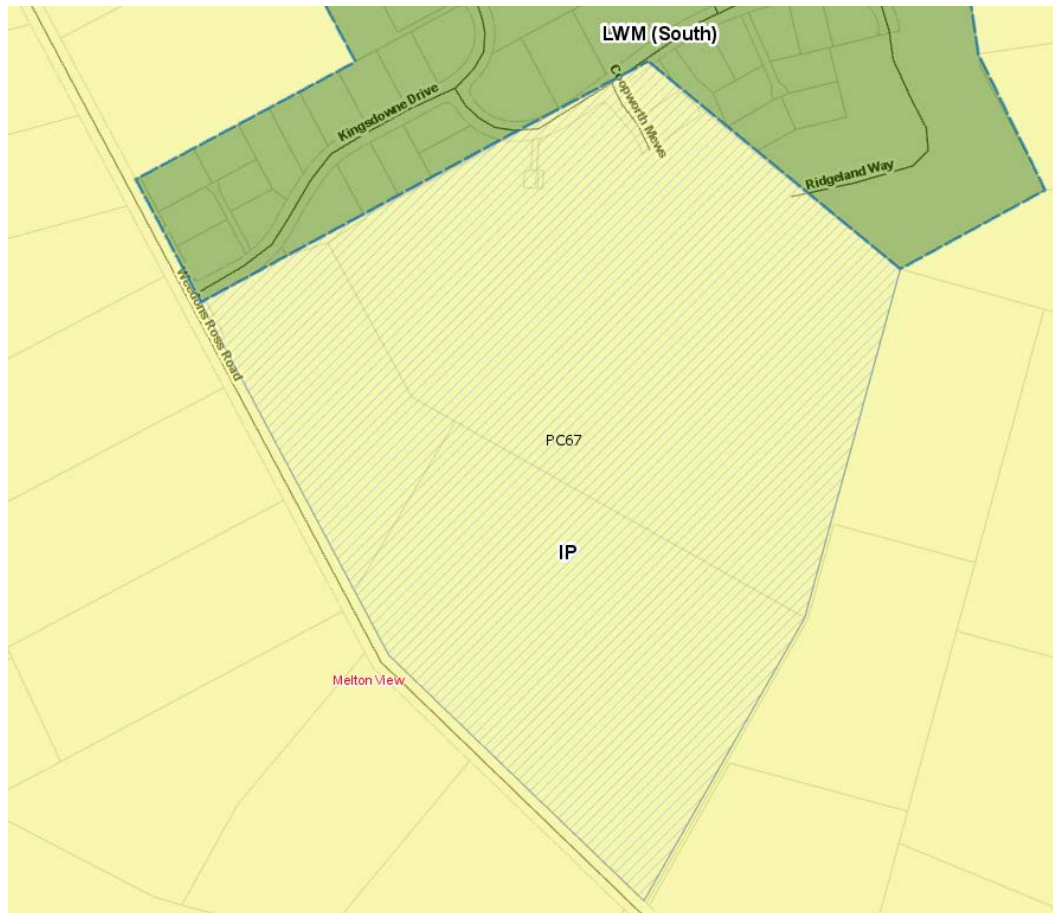
This report seeks a decision from Council that Plan Change 67 be approved in accordance with the Commissioner’s recommendation dated 10 January 2022 (Attachment 1) and that it be confirmed for inclusion in the Operative Selwyn District Plan.

### 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 southeastern edge of West Melton, and seeks to rezone the land to Living WM South, consistent with the adjoining land to the north, as shown with blue diagonal hatching below.



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

- the existing Outline Development Plan for the Living WM South area is amended to incorporate the additional land
- although works can start earlier, subdivision can only be completed once both: the State Highway 73/Weedons Ross Road intersection is signalized; and a pedestrian/cycle path is constructed on Weedons Ross Road between the intersection with State Highway 73 and the southern intersection with Kingsdowne Drive
- residential development includes measures to address climate change, including solar power generation, rain harvesting, indigenous vegetation plantings and Homestar 6<sup>®</sup> certification.

#### 4. PROPOSAL

An independent Planning 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 adopted is the responsibility of the Council.

For the reasons set out in his recommendation, the Commissioner recommends that Plan Change 67 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 67 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 concluded that Plan Change 67, as amended in response to submissions, is appropriate in terms of the appropriate legal tests and meets the purpose and principles set out in Part 2 of the RMA in promoting sustainable management. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by provision of additional residential development in West Melton and where the effects of that development can be acceptable and mitigated.

The Commissioner gave particular regard to the wider strategic planning framework, and in particular the Canterbury Regional Policy Statement and the National Policy Statement on Urban Development, concluding that Plan Change 67 will add significant development capacity and contribute to a well-functioning urban environment, and that the rezoning is therefore the most appropriate outcome.

### **b. Approve with modifications**

The Commissioner considered that 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 67 as set out in the recommendation.

If the Council accepts the Commissioner's recommendation and approves Plan Change 67, then Plan Change 67 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 67 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, reviewed the proposal for adjoining Plan Change 59 in 2018, and this review formed a component of the notified version of this plan change. The review did not identify any wahi tapu or wahi taonga sites of cultural significance within the Plan Change 67 area.

**(c) Climate Change considerations**

Plan Change 67 will assist in responding to climate change by providing for a consolidated urban form, and providing pedestrian and cycle linkages to community infrastructure. Residential development on each site would be subject to additional design and landscaping requirements intended to respond to climate change.

**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***



Ben Rhodes  
**ACTING GROUP MANAGER ENVIRONMENTAL AND REGULATORY SERVICES**

**BEFORE THE SELWYN DISTRICT COUNCIL**

**IN THE MATTER OF** Clause 21 of the First Schedule of the  
Resource Management Act 1991

**AND**

**IN THE MATTER OF** Proposed Plan Change 67, being a  
request by GW Wilfield Limited  
(Applicant) to rezone approximately 33.4  
hectares of land from Rural Inner Plains  
to Living West Melton South in Wilfield,  
West Melton

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**RECOMMENDATION OF COMMISSIONER DAVID CALDWELL**

**Dated 10 January 2022**

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**Hearing Held: 14 and 15 September 2021**

**Appearances:**

Council:

Ms Liz White – Consultant Planner for Selwyn District Council

Mr Shane Bishop – Consulting Engineer

Mr David Smith – Consultant Technical Director of Transportation Planning at Abley

Mr Hugh Nicholson – Consultant Urban Design and Landscape

Mr Ben Baird – Policy Analyst with Selwyn District Council

Applicant:

Ms Lauren Semple – Legal Counsel

Mr Hamish Wheelans – Company Representative

Mr Gary Sellars – Real Estate Market/Valuation

Mr Fraser Colegrave – Economics

Mr David Compton-Moen – Landscape and Urban Design

Mr Victor Mthamo – Flooding and Versatile Soils

Mr Andrew Hall – Infrastructure

Mr Andrew Metherell – Transport

Ms Kim Seaton – Planning

Submitters

Mr Michael Wakefield – Counsel for submitters CCC and CRC

Mr Keith Tallentire – Planning, for submitters CCC and CRC

Mr Robert John Smith and Chanel Anne Farrelly – Further submitter



**ABBREVIATIONS TABLE**

<b>CARP</b>	Canterbury Air Regional Plan
<b>CCC</b>	Christchurch City Council
<b>CLWRP</b>	Canterbury Land and Water Regional Plan
<b>CRC</b>	Canterbury Regional Council / Environment Canterbury
<b>CRPS</b>	Canterbury Regional Policy Statement
<b>FUDAs</b>	Future Urban Development Areas
<b>GCP</b>	Greater Christchurch Partnership
<b>HBA</b>	Housing and Business Development Capacity Assessment
<b>HCA</b>	Greater Christchurch Housing Development Capacity Assessment 30 July 2021
<b>IMP</b>	Mahaanui Iwi Management Plan
<b>LUC</b>	Land Use Capability
<b>MfE</b>	Ministry for the Environment
<b>NPS-UD</b>	National Policy Statement – Urban Development
<b>NPS-UDC</b>	National Policy Statement on Urban Development Capacity
<b>ODP</b>	Outline Development Plan
<b>Our Space</b>	Our Space 2018-2048: Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga
<b>PC67</b>	Private Plan Change 67
<b>PDP</b>	Proposed Selwyn District Plan
<b>PIB</b>	Projected Infrastructure Boundary
<b>Pines WTP</b>	Pines Wastewater Treatment Plan
<b>pNPS-HPL</b>	Proposed National Policy Statement for Highly Productive Land
<b>RMA</b>	Resource Management Act 1991
<b>SDC</b>	Selwyn District Council
<b>SDP</b>	Operative Selwyn District Plan
<b>UDS</b>	Urban Development Strategy
<b>UGO</b>	Urban Growth Overlay
<b>Waka Kotahi</b>	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 67 to the Operative SDP.
2. I attended and conducted a hearing into the submissions on PC67 at the West Melton Community Centre on 14 and 15 September 2021. Ms Semple on behalf of the Applicant filed her submissions in reply on 29 September 2021. The hearing was formally closed on 26 October 2021.
3. I have structured my Recommendation by briefly introducing PC67 and the process to date, and briefly recording my site visit.
4. I have not included a specific summary of all of the documents considered, evidence provided and submissions made. All of that information is publicly available and has been uploaded to SDC's plan change site at [www.selwyn.govt.nz/pc67](http://www.selwyn.govt.nz/pc67). I refer to the relevant evidence, submissions and other documents, when addressing the particular issues and statutory provisions. I have carefully considered all of the relevant documents, evidence and submissions.

## PC67

5. PC67 is a private plan change initiated by GW Wilfield Limited to rezone approximately 33.4 hectares of Rural Inner Plains to Living West Melton (WM South) zone. In addition to the zone change, the Request seeks insertion of a new ODP to guide development. Otherwise, it proposed no amendments to the Living (WM South) zone provisions as they would apply to the site under the proposed zoning.
6. The purpose of the proposal, being its more general objective, was described as being to provide for a new Living West Melton Zone as an extension of the adjoining existing residential area. The application stated that provision for an increase in density within the Plan Change area, whilst maintaining a requirement for low density residential development on the rural-urban interface, was considered appropriate to enable persons and the community to provide for their health and wellbeing, while avoiding, remedying or mitigating potential adverse effects.<sup>1</sup>
7. The proposal identified that the subject land adjoined an existing residential area which was then zoned Living 2 and Living 2A but which was subject to Plan Change 59 which sought to amend the zoning to Living WM (South) Zone. The request noted that the density of development and ODP layout proposed in the present plan change request was consistent with that proposed under Plan Change 59 and was dependent on the adoption of that. It stated that if Plan Change 59 did not become an operative part of the SDP then this application would

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<sup>1</sup> s32 Evaluation at para [51]

no longer be an efficient or effective use of the land subject to it.<sup>2</sup> Plan Change 59 became operative on 17 June 2021.

8. PC67 was formally received by SDC on 15 October 2020. A Request for Further Information was issued on 2 November 2020 and following provision of that information, it was accepted by SDC under clause 25(2)(b) of Schedule 1 to the RMA on 24 February 2021. Public notification occurred on 10 March 2021.
9. 11 submissions were lodged and 1 further submission was received. A late submission was received and ultimately rejected. 1 submission was withdrawn. 1 submission was in support, and supported by further submission. 1 was neutral, 1 supported in part and the remainder opposed in full or in part.
10. By the commencement of the hearing, a number of amendments had been proposed. These largely responded to matters raised in the submissions and included:
  - Amendments to the proposed ODP text to ensure that the ability for future public transportation was factored into the internal road layout;
  - Amendments to the ODP to improve pedestrian and cycle linkages in the southern portion of the ODP area;
  - An amendment to Rule 12.1.57A, to specify that a cycle/pedestrian path must be constructed on Weedons Ross Road; and
  - A new rule requiring any subdivision include a legal instrument binding on future allotment owners specifying solar power generation requirements, rain harvesting requirements, requirement to achieve Homestar 6© rating as a minimum standard or proven equivalent, and for allotments greater than 3,000m<sup>2</sup>, not less than 15% to be planted in native vegetation.

#### **Site Visit**

11. I am familiar with West Melton and its surrounds. At the time of the hearing, I took the opportunity to re-familiarise myself with the surrounding area, viewed the site, and identified the location of a number of submitters.
12. Following the hearing, I again viewed the site and its surrounds. I drove into and through the area of West Melton to the north of SH63 and through to Halkett Road. I observed the West Melton School, the nursery and kindergarten, the Presbyterian Church and the commercial area running alongside Weedons Ross Road which consists of a supermarket and various other tenancies.

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<sup>2</sup> Request to Change the SDP under cl 21 of the First Schedule of the RMA 1991 dated 9 October 2020, Attachment 3: Section 32 Evaluation at para [3]

13. To the south of the State Highway, I observed the community facilities based around the West Melton Community and Recreation Centre and domain.

#### **The Site and Surrounding Environment**

14. The Applicant, in its s32 evaluation, provided a description of the PC67 site and surrounds. The s42A Report also provided a summary description of the site and surrounding environment, accompanied by an aerial photograph as her Figure 1. Ms White's Figure 2 illustrated the current zoning of the site and surrounding area under the SDP.<sup>3</sup> I accept the descriptions provided are accurate and adopt them for the purposes of this Recommendation.
15. West Melton is within the subregional area known as Greater Christchurch. It is identified in the Selwyn 2031: District Development Strategy (Selwyn 2031) as a service township. The service townships are identified as having an estimated population in range between 1,500 and 6,000. Its function is *"based on providing a high amenity residential environment and primary service to rural townships and the surrounding rural area"*.

#### **Statutory Framework**

16. The Environment Court has provided a comprehensive summary of the mandatory requirements in its decision in *Long Bay*.<sup>4</sup> This was updated to reflect changes to the RMA in 2009 in the Environment Court's decision in *Colonial Vineyards*.<sup>5</sup>
17. 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;<sup>6</sup>
  - (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;<sup>7</sup>
  - (c) When preparing its district plan (change) the territorial authority shall:
    - (i) Have regard to any proposed Regional Policy Statement;<sup>8</sup>
    - (ii) Give effect to any operative Regional Policy Statement;<sup>9</sup>

<sup>3</sup> s42A Report dated 23 August 2021 at paras [11] – [14]

<sup>4</sup> *Long Bay – Okura Great Park Society Inc v North Shore City Council* A078/08

<sup>5</sup> *Colonial Vineyards Limited v Marlborough District Council* [2014] NZEnvC 55

<sup>6</sup> s74(1)(a) and (b) of the RMA

<sup>7</sup> s75(3)(a), (ba) and (c) of the RMA

<sup>8</sup> s74(2)(a)(i) of the RMA

<sup>9</sup> 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,<sup>10</sup> and must have regard to any proposed Regional Plan on any matter of regional significance;<sup>11</sup>
- (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;<sup>12</sup>
- (f) The policies are to implement the objectives, and the rules are to implement the policies;<sup>13</sup>
- (g) The plan change shall have regard to the actual or potential effects on the environment of activities including, in particular, any adverse effects.<sup>14</sup>

18. Section 32 requires that:

- (a) 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;
- (b) 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;
- (c) The objectives of the proposal (here the stated purpose of the proposal) are to be the most appropriate way to achieve the purpose of the RMA;<sup>15</sup>
- (d) The provisions in PC67 are the most appropriate way to achieve the objectives of the SDP and the purpose of the proposal.<sup>16</sup>

#### **Assessment of Actual or Potential Effects on the Environment**

19. Ms White identified the key matters either raised by submitters, or necessary to be considered in ensuring that SDC's statutory functions and responsibilities are fulfilled, at paragraph [29] of the s42A Report. She identified those matters as:

- (a) Traffic effects;

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<sup>10</sup> s75(4) of the RMA

<sup>11</sup> s74(2)(a)(ii) of the RMA

<sup>12</sup> s74(2)(b)(i) and s74(2A) of the RMA

<sup>13</sup> s75(1)(b) and (c) of the RMA

<sup>14</sup> s76(3) of the RMA

<sup>15</sup> s32(1)(a)

<sup>16</sup> s32(1)(b)

- (b) Effects on township character;
  - (c) Density;
  - (d) Night sky darkness;
  - (e) Impacts on versatile soil;
  - (f) Urban form;
  - (g) Servicing;
  - (h) Geotechnical and contaminated land.
20. I largely adopt those headings.

#### Traffic Effects

##### *Submissions*

- 21. Submitters Wendy Beaven (PC67-0003), J Manera (PC67-004) and H P Stevenson (PC67-0007) identified concerns arising from the increase in traffic movements from the plan change in light of the existing traffic and state of the rural roads. They additionally raised a concern in relation to upgrades being required which may impact on rates.
- 22. A Anderson (PC67-0009) identified the roading improvements that were necessary and sought that any approval be subject to signalisation of SH73 and Weedons Ross Road and widening along Weedons Ross Road being completed.
- 23. W and K Posthuma (PC67-0005) again raised concerns in relation to increased traffic and the particular effects on their driveway and sought that the road entrance to the site be moved a minimum of 20 metres from their entranceway.
- 24. CCC (PC67-0006) raised a number of traffic issues relating to greenhouse gas emissions, future public transport not being planned or funded, effects on the Greater Christchurch transport network, increased emissions, congestion and longer journey times.
- 25. Waka Kotahi (PC67-0010) raised a restriction of the development until the completion of signalisation of SH73 and Weedons Ross Road.
- 26. CRC (PC67-0011) raised concerns in relation to additional traffic and the reliance on planned signalisation. Again, it noted the absence of public transport leading to increased private motor vehicle use.



*Information and Evidence*

27. The application included an Integrated Traffic Assessment approved by Mr Andrew Metherell and dated 9 October 2020.
28. This was a comprehensive Integrated Traffic Assessment describing the site, the existing transport infrastructure, existing travel patterns, the off-road cycle/pedestrian provisions, the bus network, and identified a number of upgrades to be undertaken. It addressed traffic effects on local subdivision roads, the SH73/Weedons Ross Road intersection and addressed the relevant objectives and policies contained in the planning documents.
29. As noted, following submissions, a number of amendments were made to the ODP plan and text. These included amendments to the proposed ODP text to ensure that the need for future public transport opportunities could be accounted for in the road network, an additional pedestrian/cycle link on the southern portion of the PC67 area, and additions to Rule 12.1.57A specifying that a cycle/pedestrian path must be constructed on Weedons Ross Road prior to issue of a completion certificate pursuant to s224 of the RMA. That rule provides: (underlined)

*No completion certificate shall be issued under section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as:*

- (a) *the State Highway 73/Weedons Ross Road intersection is signalised; and*
- (b) *for any subdivision of Lot 163 DP508829, Lot 723 DP558751 or Rural Sec 102 BLK XI Rolleston SD, a pedestrian/cycle path is constructed on the Weedons Ross Road between the intersection of State Highway 73/Weedons Ross Road and the southern intersection of Kingsdowne Drive/Weedons Ross Road.*

30. I note the pedestrian/cycle path along Weedons Ross Road necessitates work outside the application site and within the road corridor. The ODP Transport Plan identifies the shared pedestrian/cycleway from the southern intersection of Kingsdowne Drive to the southern road required by the ODP.

Evidence

31. **Mr Metherell** provided expert evidence for the Applicant. He is a Chartered Professional Engineer, a Chartered Member of Engineering New Zealand, and holds a Bachelor of Engineering (Civil). He has over 20 years experience in traffic engineering and transportation planning and is the Christchurch Traffic Engineering Team Leader at Stantec.
32. Mr Metherell confirmed that he had assessed the additional 131 residential lots as potentially generating approximately 80 vehicle movements per hour (vph) during the peak times and 790 vehicle movements per day (vpd) based on external traffic generation rates of vph per household in West Melton.<sup>17</sup>

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<sup>17</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [6.1]

33. Based on existing traffic patterns and previously adopted analysis, he assessed that at peak times, 65% of the additional traffic generated could travel to/from the east along SH73, 25% could travel to/from the south along Weedons Ross Road, and a combined 10% could travel to/from West Melton township and the west along SH73. He considered this to be a conservative distribution.<sup>18</sup>
34. In response to matters raised by submitters in relation to the local network, he noted Weedons Ross Road is an arterial road which connects directly to the Christchurch Southern Motorway and so is expected to have a traffic carrying function. He advised that it was planned to be widened by SDC and that the traffic signals at SH73 would enable accessibility to and from the highway.
35. In relation to the submission of Mr Anderson seeking Weedons Ross Road widening as well as the SH73 intersection signalisation should be completed before the site was developed, Mr Metherell agreed in relation to the intersection signalisation. He did not however accept that there was a requirement for Weedons Ross Road widening to be carried out before the site could be developed. He advised that the development of the site would only generate small volumes of additional traffic and Weedons Ross Road is an important arterial road, and that SDC had signalled an intention to widen this in the short term.
36. In relation to the matters raised by submitter Posthuma and effects on their driveway, he advised that the intersection had been proposed in a location that was midway between the existing driveways for 577 and the submitter's property at 581 Weedons Ross Road. This provided flexibility in designing the intersection and he noted that any localised road upgrades necessary at the subdivision would be addressed at the detailed design stage. He did not agree with the submitter's concerns in relation to the impacts on the intersection and the operation of their driveway as it would be separated by approximately 100 metres. He considered that Weedons Ross Road would continue to carry modest traffic volumes for an arterial road and the low volume residential driveway would continue to be able to operate safely.<sup>19</sup>
37. In response to the matters raised by Mr Tallentire in his evidence in relation to potential cumulative effects on the Christchurch City network, he advised that the comparatively low increase in traffic generated by 130 households meant the wider strategic network change in performance would be barely perceptible.
38. **Mr David Smith**, Technical Director Transportation Planning at Abley, provided transport comments on PC67. In his report forming part of the s42A Report, he concluded that from a transport perspective, the plan change could be supported subject to three matters being addressed:

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<sup>18</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [6.2]

<sup>19</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [9.7]

- (a) Requirement for signalisation of SH73/Weedons Ross Road intersection and associated works prior to development;
  - (b) Provision of a shared path connecting SH73/Weedons Ross Road intersection to the northern intersection of Kingsdowne Drive; and
  - (c) Provision of shared path along the east side of Weedons Ross Road including between the northern and southern Kingsdowne Drive intersections to form a continuous shared path along Weedons Ross Road site access and SH73 prior to development.
39. Mr Smith's Summary Statement of Evidence at the hearing identified the matters which had been of concern to him, and how they had been addressed.<sup>20</sup>
40. Mr Smith addressed paragraphs [96] to [110] of Mr Tallentire's evidence. He noted that he had assessed the impact of the travel on the operation of the Christchurch City road network in his report. He estimated the plan change would generate 111 trips in peak hour and up to 75% of that traffic would be relatively evenly split between State Highway 73 (via Yaldhurst) and SH1/74 (via Weedons) to access Christchurch. That amounted to approximately 30-50 vehicles two-way per hour, or less than 1 vehicle two-way per minute on each corridor. He addressed the lane capacity and advised that traffic generated would constitute a very small proportion of the capacity of the existing State Highway network. He also advised that when traffic reaches the city, the wide range of workplace, education, shopping and other destinations result in less than 1 vehicle per minute dispersing across the Christchurch urban road network with an increasingly diluted effect on any given road link. It was his view that the effects of this increase (noting that his view was in isolation from other similar developments) would not be noticeable to other transport users.<sup>21</sup>
41. Mr Smith noted that the proposed Rule 12.1.57A(a) and (b) sought to address matters that he had identified in his contributing report. He considered that, as far as practical, the amendments proposed by the Applicant maximised the opportunities for improved walking and cycle connectivity and potential future public transport connections. He supported the ODP updates allowing for efficient integration with possible changes in bus service provision in the future.

#### Analysis and Finding

42. Overall, I am satisfied that the effects on the wider roading network have been properly assessed and the actual or potential effects of the traffic generated by the plan change are likely to be less than, or at the most, minor and certainly not at a level which would render the plan change inappropriate.

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<sup>20</sup> Summary Statement on Plan Change 67 10 September 2021

<sup>21</sup> Summary Statement on Plan Change 67 10 September 2021 at paras [6] and [7]

43. There is clear expert evidence that the dispersal and dilution effects discussed by both Mr Methereil and Mr Smith would render such effects barely perceptible in Christchurch City. I accept that evidence.
44. In terms of the local effects on West Melton roading, including the concerns expressed by W and K Posthuma (PC67-0005) in relation to their driveway, these have been appropriately addressed in the expert evidence, which I accept. If there are any residual effects, they can be considered and addressed at subdivision stage.

#### Cumulative Traffic Effects

45. CRC and CCC both raised cumulative traffic effects. **Mr Tallentire** noted the other plan changes proposed for West Melton. I understand that in terms of PC74, SDC is still awaiting a response to a further information request issued on 3 February 2021, and in terms of PC77, SDC is awaiting a response to the further information request of 27 April 2021. In my view, assessing the transportation effects of this plan change cumulatively to those of PC74 and PC77 would be inappropriate at this stage. I note that the Integrated Traffic Assessment did assess traffic effects cumulative on PC59.

#### Effects on Township Character

46. As identified by Ms White, a number of submitters raised issues in relation to effects on township character and density. J Manera (PC67-0004), H Stevenson (PC67-0007) and the West Melton District Residents Association (PC67-0008) all raised concerns in relation to the effects on township character in particular. Ms Manera was concerned about West Melton becoming larger and loss of the 'country feel'. Ms Stevenson was concerned that the low density, rural-residential character of West Melton would be permanently changed to the detriment of residents and the environment with only the developers benefiting. The West Melton District Residents Association was also concerned that the plan change "might erode the unique low-density, rural residential character of West Melton". It also identified concerns in relation to heightened demand for, and stress on, key village infrastructure including the shopping centre and parking, community centre facilities, schools and churches. It was also concerned in relation to precedent for piecemeal development and the erosion of the rural character and small community.
47. E Anderson (PC67-0009) supported the low density nature of the development including the larger buffer lots adjoining rural land, while opposing the plan change overall.
48. W and K Posthuma (PC67-0005) submitted that they had moved to West Melton 16 years ago for the rural lifestyle, space and peace, and opportunities to use the land as they wished. They submitted that as West Melton had grown busier, the nature of the area had changed but accepted it would continue to grow. They sought that their land be included in the zoning should it be approved, and if not, they sought a number of mitigation measures including a bund, setbacks and moving of the proposed road entrance.

49. CCC (PC67-0006) sought that the plan change be refused unless its concerns, which were wide-ranging, were addressed. In relation to this issue in particular, they submitted that the density proposed was less than the requirements outlined in Objective 6.3.7(5) of the CRPS of 10hh/ha for greenfield development, and, if allowed, sought a minimum density requirement of 15hh/ha.
50. Ms White's analysis of this issue was contained in paragraphs [47] to [52] of her report. She noted the divergence of views as to whether PC67 was in keeping with the current character of the township or would detract from it. She noted any expansion to an urban area would alter peoples' experience and that it was not reasonable to expect that townships remain static.
51. In terms of density, she noted that Policy 6.3.7 of the CRPS referred to a requirement of a density of 10hh/ha in greenfield areas in Selwyn but that this related to Greenfield Priority Areas of which this was not one. She advised the SDP, Policy B4.3.101, promoted new residential areas in West Melton that maintain the lower residential density of the existing village, where practical. She also identified Policy B4.3.98 with its primary focus for new residential development north of SH73 and south of Halkett Road and only to a limited extent of new low density residential development south of SH73.
52. Ms White did not consider the current capacity of facilities was an impediment to rezoning.
53. **Ms Seaton** largely agreed with Ms White's views and noted that Mr Nicholson, Mr Compton-Moen and Ms Lauenstein all agreed that the proposed density of PC67 was appropriate in terms of the character and density both current and future of the township.
54. **Mr Nicholson** was concerned that the application of a higher density would not be consistent with the surrounding context and would lead to a less consolidated urban form, with a greater dependence on private vehicles and greater landscaping and visual effects.<sup>22</sup>
55. In his Summary, **Mr Compton-Moen** advised that he considered the density proposed was appropriate for the character of the receiving environment with West Melton having a different character than Rolleston or Lincoln. He did not consider the site was appropriate for higher density development at this stage, but identified that the proposed layout, with a high level of internal connectivity, did not preclude this from occurring.
56. Mr Tallentire considered that while density at or close to 15hh/ha would use the subject land more efficiently, given the location of the site, he tended to agree with Mr Nicholson that increased densities would likely exacerbate the transport issues of concern as it would seem unlikely to improve the viability of enhanced public transport services.<sup>23</sup>
57. **Ms Lauenstein** considered that PC67 builds on the existing character of West Melton by naturally extending the residential character of PC59 through to the southern portion of the

<sup>22</sup> Evidence of Hugh Nicholson at para [7.4]

<sup>23</sup> Statement of Evidence of Keith Roger Tallentire 6 September 2021 at para [115]

south-east quadrant. Larger lots along the rural interface, internal and external connections, green spaces and high amenity green pedestrian and cycle linkages, will break the development into smaller components allowing views into the rural land and preserving a sense of openness. She considered this added to the small town feel and village type character and would contribute to a well functioning urban environment.<sup>24</sup>

58. Ms Lauenstein also addressed the issue of size of the township. Her opinion was that there is not a set number of people that determine the character of a small township.<sup>25</sup> However, she advised that the size of a township can start to affect its character and cohesion when walking distances from the outer areas to the centre start to exceed the 10-12 minute walking distance. She considered however that low amenity and bad connectivity have a far greater negative impact on the experience than a slight increase in distance travelled. She considered the ability to walk through a known neighbourhood that provides a sense of place provides a far stronger character than the actual size of the township.<sup>26</sup> She considered further that density and lot sizes did not, in themselves, determine character or amenity and it was often the historic setting, the design and landscaping of streetscapes, green spaces and public spaces that creates variety and character. Most importantly, she considered that it was the sense of community that gives a place its character which can only be achieved through well designed and interconnected neighbourhoods consolidated around a shared communal hub.<sup>27</sup> She considered that some growth in West Melton is definitely to be encouraged as it would allow the township to grow in a consolidated balanced urban form and ultimately allow it to function better.<sup>28</sup>
59. Overall it was her assessment that PC67 does not diminish the character of West Melton. To the contrary, she considered it assists to enhance the existing character by working towards a better consolidated form with better communal connections.<sup>29</sup>
60. Mr Compton-Moen considered that in terms of existing landscape character, the proposal was considered to have minor effects with it being viewed as a natural extension of the Wilfield development. The proposed low density residential development promoted in the plan change would only have a moderate magnitude of change in the Inner Plains rural character.<sup>30</sup> He considered that from an urban design perspective, the scale of the development and the changes would promote an efficient use of land without compromising the character of urban West Melton and appearing as a natural extension of the township.<sup>31</sup>

<sup>24</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.19]

<sup>25</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.19]

<sup>26</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.20]

<sup>27</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.21]

<sup>28</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.22]

<sup>29</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [5.27]

<sup>30</sup> Statement of Evidence of David John Compton-Moen 30 August 2021 at para [7.4]

<sup>31</sup> Statement of Evidence of David John Compton-Moen 30 August 2021 at para [7.5]

#### Finding

61. Overall, I accept that development in accordance with the plan change may potentially adversely affect amenity of those neighbouring the development. I also accept it would, if approved, introduce more residents and associated movements into West Melton. I find, and having carefully considered the expert evidence on this issue, given the proposal's location, scale and the requirements of the ODP, it is unlikely to have anything more than minor effects on the character of West Melton. I agree with Ms White that the current capacity of facilities are not an impediment to a rezoning.
62. In light of the policy framework in the SDP, and the existing character of West Melton, I consider the proposed density is appropriate. In my view, the density of 15hh/ha sought by CCC and CRC would, at this stage, be inappropriate. The density proposed reflects the West Melton character and the SDP policy framework.

#### Night Sky Darkness

63. The site is located within the West Melton Lighting Observatory Area. Policy B3.4.13 directs that potential night glow is reduced from outdoor lighting in the area around the West Melton Observatory. The explanation to that policy explains that it is not intended to prevent residential development but to ensure that potential night glow is reduced by appropriate design.
64. As noted by Ms White, a matter of discretion for subdivision (Rule 12.1.4.6) allows for consideration within the Living WM Zone as to whether street lighting options would assist in mitigating any adverse effects on the operation of the West Melton Observatory. Ms White identified that there are restrictions on illuminated signage.

#### Findings

65. The concerns raised by submitters W Beavan, J Manera, H Stevenson and E Anderson identify an important issue. It is one expressly recognised in the SDP.
66. Both Ms Seaton and Ms White agreed that this was a relevant issue but not one which was sufficient on its own to decline the plan change. Ms Seaton noted that in the neighbouring Wilfield development, the subdivision resource consent had included a condition of consent requiring shielding of outdoor lighting so that any light spill was directed at an angle 90 degrees below the vertical.
67. I consider that this is an important issue and one well raised by the submitters. However it is one which is capable of being addressed at subdivision stage, and it is not one which justifies declining the plan change.

### Versatile Soils

68. Both CCC (PC67-0006) and CRC (PC67-0011) raised concerns in relation to the loss of versatile soils. Both submitters identified the pNPS-HPL which was released for public consultation in 2019.
69. Overall Ms White considered that expansion of the residential area into 13.7 hectares of LUC Class 2 and 19.7 hectares of LUC Class 3 land was a relevant matter to be considered in 'weighing up' whether the plan change was the most appropriate way to achieve the objectives, but not a sole determining factor.
70. The Applicant led expert evidence from **Mr Mthamo**. Mr Mthamo has been involved with PC67 since the beginning of August 2021. He described the soils on the site noting that details of the soils were provided in the S-maps Online and Canterbury Maps. These identified the soils as predominantly Templeton silt loam which are deep and with moderate drainage. He identified an area of Eyre silty loams of approximately 10% of the area which are generally shallow and stony. He discussed the New Zealand Land Resource Inventory which he advised provides a default ranking for land according to its long-term productive ability and addressed the pNPS-HPL and its recognition that the LUC classification was simply a default position or a starting point for identifying productive values in soils.<sup>32</sup> He identified that soil properties such as physical limitations, land use suitability, slope limitations, characteristic soil stoniness, depth and similar could change over very short distances and so the mapping which had informed the LUC was too imprecise to capture the differences. He noted the pNPS-HPL leaves open the prospect that more detailed information/analysis of the soils or other environmental factors may impact on the overall assessment of their value.
71. He undertook a more detailed assessment of the soils and other factors that he considered were likely to impact intensive agricultural productivity in PC67, and advised that in his opinion the area and the soils within it should not be categorised as having high agricultural or pastoral production potential. Even if so, he did not consider the potential loss significant, given "*the abundant available land/soils with high production potential in the Selwyn district and wider Canterbury*".
72. He identified that the PC67 site was within a zone where groundwater was over-allocated and that current constraints on water takes would present a considerable hurdle for any person looking to secure productive value from this land given the criticality of irrigation water.<sup>33</sup> He also identified the requirements of the CLWRP's Selwyn Te Waihora Sub-Regional Plan which imposed limits on the discharge of nitrates and phosphorous from farming activities and imposed a requirement to avoid exceeding the baseline rates from the 2009-2013 farming years where they exceeded 15kg N/ha/year. He also identified reverse sensitivity and

<sup>32</sup> Statement of Evidence of Victor Mkurutsi Mthamo 30 August 2021 at para [4.6]

<sup>33</sup> Statement of Evidence of Victor Mkurutsi Mthamo 30 August 2021 at para [4.15]



fragmentation given that PC67 was adjacent to earlier stages of the Wilfield residential subdivision.

73. He was of the opinion that it was unlikely that the size of PC67 would, on its own, warrant the investment required to turn it into productive land and concluded that taking into account both the natural capital of the soils as recognised by the LUC classes, and the site specific factors, the PC67 soils should not be considered highly productive such that warrant their protection from the impacts of residential development.
74. Mr Mthamo also addressed the degree of loss, estimating a 0.024% reduction in productive land and any loss of the soils as a result of PC67 was insignificant.
75. Mr Tallentire in paragraph [123] of his evidence acknowledged Mr Mthamo's evidence in relation to the site specific factors and his opinion that any loss of versatile soils through PC67 would be insignificant. He raised a concern that PC67 was being considered in isolation.
76. In response to Mr Tallentire's evidence, Mr Mthamo undertook a further assessment which he presented at the hearing. That assessment identified all SDC plan changes (operative and proposed) to estimate the amount of LUC Classes 1-3 soils so that he could understand the net changes or loss in versatile soils since 2018 when SDC published its baseline report. He concluded that the cumulative potential loss in productive soils since 2018, up to and including PC67, was 0.325%.<sup>34</sup>
77. **Mr Robert Smith and Ms Chanel Farrelly**, further submitters in support of the original submission of John and Sandra Owens, also spoke on this issue. Mr Smith outlined his background in food production/agronomy and discussed a number of matters relating to land use in the area. He identified that the population in New Zealand was rising and that the land in the area in which they lived was generally classified as lifestyle with a 4 hectare minimum land area and little to no income. He considered the land to be more suitable for houses and that SDC should be making more land available for residences. He also identified the fire risk in the area and discussed that issue. He considered that risk was better managed if the land is populated into smaller sections.
78. He discussed West Melton and its proximity to Christchurch and its amenities. He discussed the nature of the land in what he described as the area between Rolleston and West Melton down towards Christchurch as being light, sandy, stony country which was only fit for housing or industry. It was not capable of productive use.

#### Finding

79. Again versatile soils are an important issue. Policy B1.1.8 appears to be reasonably directive in its approach. It directs that the rezoning of land for new residential development is avoided

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<sup>34</sup> Summary Statement of Evidence of Victor Mkurutsi Mthamo 14 September 2021 at paras [9] – [10]

if it is appropriate for other activities and there are other areas adjoining the township that are appropriate for new residential development which do not contain versatile soils.

80. The explanation to that policy 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.
81. 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.<sup>35</sup>
82. Mr Mthamo has carried out an assessment of the productive value of the land by applying the list of factors that Judge Treadwell considered need to be considered in determining if land is productive.<sup>36</sup> He identified a number of factors relevant to this site which he considered would limit the productive use of the soil.
83. I acknowledge Mr Mthamo's evidence that there may be some limitations in relation to future use. I do not consider that productive values of the soils should be assessed purely on the basis of the ability or otherwise to intensify land use for productive activities. While that is relevant, it is not, in my view, determinative. Versatile/highly productive soils have inherent values which must be carefully considered.
84. Overall, I do not consider the loss of the productive soils is, of itself, a ground for declining this proposal. It is however a relevant factor which I have considered in reaching my overall Recommendation.
85. The pNPS-HPL remains just that – proposed. It does not have any statutory weight at present. Its relationship with the NPS-UD remains to be settled. I have therefore given it little weight. In any event, I consider this proposal will result in a minimal loss of versatile soils within a district or regional context.

#### Servicing – Infrastructure

86. The submitters W Beaven, J Manera and H Stevenson identified concerns in relation to the impact that this plan change may have on current water supplies and questioned whether there was sufficient supply to service the development.
87. CRC in both its submission and in its evidence, considered the application to be inconsistent with Policy 6.3.5(2) of the CRPS which is to ensure that the nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of transport and other infrastructure. It submitted further that it was not consistent with the NPS-UD requirement for local authority decisions on urban development that affect urban environments to be integrated with infrastructure planning and funding decisions, and strategic

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<sup>35</sup> SDC Baseline Assessment Versatile Soils (DW015)

<sup>36</sup> *Canterbury Regional Council v Selwyn District Council* [1997] NZRMA 25

over the medium and long term. It submitted that to ensure alignment with Policy 6.3.5, any proposed or potential future upgrades to SDC's reticulated services network should not be relied on, particularly given that it will occur out-of-sequence. It also identified other plan changes within the West Melton area that would require servicing and submitted that an ad hoc or out-of-sequence development may result in a first in first served allocation of reticulated services resulting in the potential prevention of development potential of more suitable locations. Overall it submitted that a strategic planning exercise was the most appropriate to determine the scale and direction of any growth of the township including infrastructure constraints and how they may be addressed.

#### Evidence

88. **Mr Hall** is a director of Davie Lovell Smith. His area of expertise is consulting in civil engineering related to the development of land. He prepared the infrastructure report included in the application and had reviewed the geotechnical report and used its findings in his investigations.
89. In his evidence he addressed the provision of services to the site, including stormwater, wastewater, water supply and other services.
90. He also addressed the effects and requirements around earthworks. On this issue, he considered earthworks was not an impediment to the approval of this application but it would be subject to appropriate conditions on specific land use applications at the time of the subdivision.
91. In relation to water supply, he advised that 130 lots produced an additional water supply demand of 15.6l/s but that if the larger lots are required to have a storage tank, and be placed on a restrictor, that would reduce demand to 13.89l/s.<sup>37</sup> He noted SDC had confirmed that there was future capacity for the proposal in the West Melton network. He advised that the West Melton water supply had been upgraded to include a connection to the Edendale water supply and the redevelopment of the Wilfield Bore. He identified that the proposal may require some pipe upgrades, but the specific detail of those upgrades would be addressed through the subdivision consenting and engineering approval process.<sup>38</sup> He also identified that water supply would be further supplemented by harvesting rainwater in tanks which was now required. He had no concerns in relation to water supply for fire fighting.
92. In terms of wastewater, he identified it could be serviced by a local pressure sewer with additional flows requiring an upgrade of the Silver Peaks pump station but not the rising main. He noted that the network connection from West Melton back to the Pines WTP had been reconsidered. He advised there had been a reduction in water ingress and this had led to an increased capacity which he considered ensured the viability of the plan change development.

<sup>37</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at para [4.1]

<sup>38</sup> Summary of Evidence 14 September 2021 at [1.2(b)(iii)]

He also considered that additional capacity could be achieved by pumping the wastewater all the way to the Pines WTP if necessary.<sup>39</sup>

93. In relation to stormwater, he confirmed that it would be discharged to ground given the underlaying of the site with gravels and the depth of groundwater. He noted this would be subject to CRC consents.<sup>40</sup>
94. Mr Hall addressed the submissions which had raised concerns about the impact of the plan change on groundwater and existing wells.<sup>41</sup> He acknowledged that there was not currently sufficient supply to meet all proposed plan changes in West Melton but that SDC had confirmed there were viable means to achieve this future demand.<sup>42</sup>
95. In terms of CRC's submission, he stated that capacity can be provided and steps were well advanced to achieve it.<sup>43</sup>
96. **Mr Shane Bishop**, a principal engineer at Stantec New Zealand, provided officer comments in his report of 19 August 2021 and forming part of the s42A Report.
97. In his Summary of Evidence, Mr Bishop advised that the potential impacts of this plan change had been considered in the context of ultimately servicing the Three Waters demands of the current community and West Melton area plan changes currently submitted. These included PC74, PC77 and this plan change.<sup>44</sup>
98. In terms of water supply, he advised there was capacity to meet existing demands and part of the planned/proposed future growth but upgrades are required to accommodate additional growth.<sup>45</sup> He identified the SDC 2021-31 Long Term Plan included budget for further upgrades of the West Melton water supply to address capacity constraints, new water sources and pipelines to service growth.<sup>46</sup> He considered the proposed rain tanks to be consistent with SDC's Water Conservation and Demand Management Plan and while additional capacity to fully service this and other West Melton plan changes was not currently available, capacity upgrades were proposed and planned and the future water demand can be met.<sup>47</sup>
99. In relation to wastewater, he accepted that the system had capacity to accept and convey flows from the existing catchment and proposed flows from the plan change to the Pines WTP. He noted that was designed to be progressively upgraded to accommodate 60,000 person equivalents with plans to increase the treatment capacity to 120,000 person equivalents being prepared. He noted that upgrades were planned and budgeted for within the Long Term Plan and there was a viable means to treat and dispose of wastewater.<sup>48</sup>

<sup>39</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at paras [5.1] – [5.7]]

<sup>40</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at paras [6.1] – [6.4]

<sup>41</sup> Submissions 3 (Beaven), 4 (Manera), 7 (Stevenson) and 8 (West Melton District Residents Association)

<sup>42</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at para [7.1]

<sup>43</sup> Statement of Evidence of Andrew James Emil Hall 30 August 2021 at para [7.2]

<sup>44</sup> Summary Statement 13 September 2021 at para [3]

<sup>45</sup> Summary Statement 13 September 2021 at para [6]

<sup>46</sup> Summary Statement 13 September 2021 at para [6]

<sup>47</sup> Summary Statement 13 September 2021 at para [9]

<sup>48</sup> Summary Statement 13 September 2021 at paras [10] – [12]

100. In terms of stormwater, he noted the proposed discharge to ground via soak holes in public areas and roads and soak holes in private properties/individual sites was consistent with the surrounding urban development area. He considered that to be a viable means to dispose of stormwater and recommended a stormwater consent from CRC was obtained prior to resource consent from SDC.<sup>49</sup>
101. Mr Tallentire's evidence addressed infrastructure, largely from a policy perspective.<sup>50</sup> He noted that Pines WTP was at or near capacity and that it was his understanding that the current operational consents granted by CRC allow for up to 47,777 PE and there was no application to increase that. He considered this reinforced concerns that enabling PC67 would undermine the timely delivery of land already identified for urban development within the PIB. From a policy perspective, he considered there was no real and demonstrable provision for appropriate infrastructure to service or accommodate PC67. In his view, it was not enough to seek to demonstrate that feasible servicing options existed. He considered that in order to satisfy the NPS-UD, the evidence must show how the plan change would be integrated with infrastructure planning and funding directions.

#### Finding

102. I have clear evidence from Mr Hall and Mr Bishop that the developed site can be appropriately serviced from an infrastructural perspective. Both Mr Bishop and Mr Hall acknowledged that there will be upgrades needed. A good deal of the infrastructure, and particularly in relation to the Pines WTP, is planned and budgeted for within the 2021-2031 Long Term Plan.
103. I have considered issues in relation to the certainty of infrastructure provision, particularly in relation to the Pines WTP. This is a matter that I have also discussed in other plan change hearings that I have held. It appears that there is a high degree of confidence within SDC that any necessary upgrades will be consented (if needed) and available. I understand that the Pines 120 project is well under way and, as noted, is identified within the relevant Long Term Plan with funding, through development contributions, identified.
104. It is apparent that SDC and its officers have been able to provide infrastructure, often working closely with developers, through what has been a remarkable period of urban growth following the Christchurch earthquake sequence.
105. That has been achieved through careful planning but also through responsive decisions. Overall, I consider that given the identification of feasible options, many of which are in fact planned and funded, the approach taken is appropriate.
106. I am satisfied that infrastructural concerns have been appropriately addressed.

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<sup>49</sup> Summary Statement 13 September 2021 at para [13]

<sup>50</sup> Evidence of Keith Roger Tallentire on behalf of CRC and CCC 9 September 2021 at paras [88] – [95]

Site Suitability – Geotechnical and Contaminated Land

107. The infrastructure report provided with the request included a geotechnical assessment prepared by an engineering geologist and an associate engineering engineer at Miyamoto International. This did not identify any issues of concern. This was peer reviewed by Mr McCahon of Geotech Consulting Limited. Having reviewed the report, he did not consider that there were any geotechnical issues that would preclude rezoning of the site for residential development. He agreed that there was minimal to no liquefaction potential at the site and the site would be equivalent to TC1 technical land classification.
108. In terms of the contaminated land, a Preliminary Site Investigation (PSI) was undertaken. The PSI was reviewed by CRC's contaminated land team. They identified 2 HAIL sites and agreed with the recommendation for a detailed site investigation to be undertaken to assess those HAIL activities. They identified another HAIL activity on the site which had been remediated and validated and were satisfied that the PSI identified all known HAIL activities.
109. No major flood issues were identified with the land. Mr Mthamo did not consider that development enabled by PC67 would be susceptible to significant flooding or increase any potential risk for flooding.

Finding

110. I accept the evidence in relation to these matters and am satisfied that there are no issues in relation to site suitability.

Landscape and Visual Effects

111. The application included, as Appendix C, a landscape and visual effects assessment undertaken by Mr David Compton-Moen. In that assessment, he concluded that in terms of the existing landscape character of the receiving environment, the proposal would have minor effects on that existing landscape character with the plan change area being viewed as a natural extension of the Wilfield development. He also identified that the proposed low density residential development promoted would have a moderate magnitude of change on the Inner Plains rural character. While the increase in dwellings may seem large, the proposed lot sizes were appropriate for the West Melton area and was similar in terms of bulk and location to the existing West Melton residential developments. He noted there was a minor loss of significant vegetation or changes to topographical features from the proposal with the greatest change being with the loss of the open character with more dwellings and buildings, infrastructure, etc.
112. The assessment also included a visual assessment addressing the existing context and a number of mitigation measures.
113. Mr Nicholson broadly agreed with Mr Compton-Moen's descriptions of the landscape character and visual context. It was his opinion that the change to landscape character resulting from the proposed plan change would be greater than Mr Compton-Moen's view, and that it would

have a moderate-high impact which reflected the change from an open rural landscape with long views with limited built elements, to a suburban landscape with shorter views, enclosed spaces and a greater number of built elements. He considered visual impact to be moderate. Mr Nicholson's primary concerns were of an urban design nature.

#### Finding

114. In my view, any change such as this will have visual and landscape character effects. This is as a result of its very nature in changing what is presently a reasonably open rural landscape to a suburban one. In relation to landscape and visual amenity effects, I consider the effects such that they are likely to be appropriate and acceptable and certainly not sufficient to justify declining the plan change request.

#### Reverse Sensitivity

115. The submitters Winston and Kristina Posthuma (PC67-0005) raised this issue in their submission. The submission stated, relevantly:

*We lose the lifestyle protections provided by the rural zoning, and we are concerned we will be restricted in our ability to use our land for rural purposes.*

116. They identified further:

*Reduced ability to use our land freely for rural purposes, as activities like running farm machinery, permitted burn offs or our grandchildren riding dirtbikes are likely to spark complaints from neighbours living a more suburban lifestyle.*

117. They sought that their land be included in the rezoning but if not, they asked that a bund be built on their side of the road. This was both to address effects in relation to traffic noise and privacy, and also submitted that it would be likely to reduce the noise created by rural use of their property which would benefit residents of the subdivision and reduce complaints. In addition to the bund, they sought (relevantly):

- Development of properties within the proposed subdivision is restricted to low density larger sections only for sections closest to the road, to create a buffer zone;
- Houses are not to be built within 40 metres of the road boundary, to increase the distance between homes and the rural zone.

118. Ms White identified a potential for new residents to be sensitive to the surrounding rural activities. She noted that residential zones adjoining rural zones are extremely common and this plan change simply altered the current location of the interface between residential and rural activities. In her opinion, there was nothing particular about either the site or the surrounding rural uses that warranted particular mitigation. Ms White identified Mr Nicholson's evidence. Mr Nicholson had been asked to address the additional bunding sought.

119. Mr Nicholson's report acknowledged that the bund would reduce potential reverse sensitivities but the road width and proposed edge treatment were generally considered to be an acceptable solution as in other parts of the district.<sup>51</sup>

#### Finding

120. I accept Mr Nicholson's evidence and Ms White's opinion on this issue. I note the ODP plans specify that the sections directly adjacent to Inner Plains zoned land will have a notice on their LIMs referring to potential reverse sensitivity issues. The interface treatment includes having larger residential sections as perimeter blocks where the sections immediately adjoin a boundary with the Inner Plains. While that does not directly relate to the property of the Posthumas, I consider the road width and proposed edge treatment will address reverse sensitivity issues. To require the placement of further low density development lots along Weedons Ross Road would not, in my view, be efficient.

#### Effects on Urban Form

121. I address urban form and associated issues in my assessment of the various statutory documents rather than simply addressing it from an effects perspective.

#### Conclusion On Effects

122. Overall, having considered all of the submissions, the evidence and reports, in my view with the additional matters proposed to address specific concerns that have been raised, the actual and potential 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 rule framework adopted. There is nothing, in my view, from an effects perspective which would render this plan change inappropriate.

#### **Rezoning Request – W & K Posthuma (PC67-0005)**

123. In relation to the Posthumas' request that their land be included in the zoning change, should it be approved, and putting aside potential issues of scope given the nature of the plan change proposal, I agree with Ms White that the assessments provided by the Applicant in relation to this rezoning, are not sufficient to be relied on to assess the rezoning of the additional land. No further evidence was presented by or on behalf of the Posthumas. I do not consider it is appropriate to assess, or to rezone the submitter's land.

#### **Statutory Documents**

##### The Relationship Between the NPS-UD and CRPS

124. Before I assess this plan change against the relevant statutory documents, it is appropriate that I address the relationship between the NPS-UD and the CRPS.

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<sup>51</sup> Statement of Evidence of Hugh Anthony Nicholson 23 August 2021 at para [9.7]



125. This is a critical issue and was subject of detailed submissions on this plan change. Indeed it is an issue which has been raised on a number of other plan changes in the Selwyn District. It is an issue which has also arisen in the context of the hearings of the PDP. It has generated numerous submissions and opinions. Notwithstanding the importance of this issue, and the range of submissions and opinions on it, it is my understanding that no submitters, territorial authorities, nor CRC, have sought guidance from the Courts.
126. While stating the obvious, my consideration of this issue is not intended to be a de facto declaration. I have considered this matter on the basis of the submissions, and the evidence where relevant. I am familiar with, and have applied in my Recommendation, the principles of statutory interpretation. The principles, in my view, are well summarised in *Simons Pass Station Limited v Mackenzie District Council*<sup>52</sup> and I do not repeat those here. I have considered the text, the purpose of the responsive planning provisions, and, in light of the absence of case law, the guidance provided through MfE.
127. This part of my Recommendation is not addressing the merit or otherwise of the plan change against the relevant statutory framework. It is simply addressing the issue of whether the directive objectives and policies in the CRPS (and the SDP objectives and policies which implement those) operate, in essence, as a veto on my ability to recommend approval to SDC, or, more importantly, on SDC's subsequent decision, because the plan change is outside the areas identified in Map A of the CRPS.
128. I have been provided with detailed submissions by Ms Semple for the Applicant, both in her opening and in her closing submissions.<sup>53</sup>
129. Ms Semple, in her Closing Submissions, provided a copy of a Memorandum from Mr Paul Rogers which addressed this issue in the context of the plan changes and the submissions on the PDP.<sup>54</sup> This Memorandum has been publicly released.
130. I have also been assisted by the very comprehensive legal submissions by **Mr Wakefield** on behalf of CCC and CRC. I have carefully considered those submissions in full.

#### Key Objectives and Policies

##### *CRPS*

131. The key objectives and policies of the CRPS in relation to this particular issue are:
- (a) Objective 6.2.1:

##### ***Recovery framework***

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<sup>52</sup> *Simons Pass Station Limited v Mackenzie District Council* [2020] NZHC 3265, (2020) 22 ELRNZ 277 at paras [25] – [35] and [38]

<sup>53</sup> Synopsis of Opening Legal Submissions 14 September 2021 and Closing Legal Submissions 29 September 2021

<sup>54</sup> Memorandum of 13 September 2021 Subject: NPS – CRPS – Plan Changes to the ODP and Submissions on the PDP

*Recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that:*

1. *identifies priority areas for urban development within Greater Christchurch;*

...

3. *avoids urban development outside of existing urban areas or greenfield priority areas for development, unless expressly provided for in the CRPS;*

...

- (b) Policy 6.3.1:

***Development within the Greater Christchurch Area***

*In relation to recovery and rebuilding for Greater Christchurch:*

1. *give effect to the urban form identified in Map A, which identifies the location and extent of urban development that will support recovery, rebuilding and planning for future growth and infrastructure delivery;*

...

3. *enable development of existing urban areas and greenfield priority areas, including intensification in appropriate locations, where it supports the recovery of Greater Christchurch;*

4. *ensure new urban activities only occur within existing urban areas or identified greenfield priority areas as shown on Map A, unless they are otherwise expressly provided for in the CRPS;*

...

***SDP***

132. The most relevant objectives and policies in the SDP on this issue are:

- (a) Objective B4.3.3:

*For townships within the Greater Christchurch area, new residential or business development is to be provided within existing zoned land or priority areas identified in the Regional Policy Statement and such development is to occur ...*

- (b) Policy B4.3.1: (relevantly)

*Ensure new residential, rural residential or business development either:*

...

- *The land is rezoned to an appropriate Living or business Zone and, where within the Greater Christchurch area, is contained within existing zoned land and greenfield priority areas identified in the Regional Policy Statement and developed in accordance with an Outline Development Plan incorporated into the District Plan.*

*NPS-UD*

133. The key objectives, policies and other matters within the NPS-UD in relation to this particular issue are:

(a) Objective 2:

*Planning decisions improve housing affordability by supporting competitive land and development markets.*

(b) Policy 2:

*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.*

(c) Objective 6:

*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.*

(d) Policy 8:

*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.*

(e) Subpart 2 – Responsive planning of the NPS-UD provides:

**3.8 Unanticipated or out-of-sequence developments**

*(1) This clause applies to a plan change that provides significant development capacity that is not otherwise enabled in a plan or is not in sequence with planned land release.*

*(2) Every local authority must have particular regard to the development capacity provided by the plan change if that development capacity:*

*(a) would contribute to a well-functioning urban environment; and*

*(b) is well-connected along transport corridors; and*

*(c) meets the criteria set under subclause (3); and*

- (3) *Every regional council must include criteria in its regional policy statement for determining what plan changes will be treated, for the purpose of implementing Policy 8, as adding significantly to development capacity.*

134. I note that the above is not intended to be an exclusive list. There are other objectives and policies within the NPS-UD which provide relevant context, including Policy 1.

#### Parties' Submissions

135. Ms Semple identified that the reason for Policy 8's central focus in this case was because the PC67 land falls outside of the areas identified for development in Map A of the CRPS. She submitted that there was no dispute that the provisions of the CRPS are clear that, in such cases, development is to be avoided unless explicitly provided for elsewhere in the CRPS, which this proposal is not.<sup>55</sup>

136. Ms Semple acknowledged that unless an alternative pathway is available, I would be unable to approve the plan change without falling foul of the requirement for the SDP to give effect to the development pattern established by Map A and the CRPS. Ms Semple submitted that the NPS-UD did provide that alternative pathway, and in light of the clear direction and its place in the hierarchy of RMA documents, it provided a process by which PC67 could be approved.

137. Ms Semple identified and discussed the 2019 MfE document *Planning Successful Cities: A Discussion Document on a Proposed National Policy Statement on Urban Development*, Wellington: Ministry for the Environment at pages 38 and 39. These provisions recognise that urban areas are dynamic and complex systems which are continually changing in response to wider economic and social change and that as much as cities need to anticipate and plan for growth, they must also remain open to change and be responsive to demand. That document also identified one of the challenges with the current planning system is it is one that is not responsive enough to changing circumstances or opportunities. It states:

*Existing urban boundaries or planned land release sequences are sometimes defended to encourage a particular urban settlement pattern, or to manage infrastructure costs. The proposed NPS-UD is seeking to support the Urban Growth Agenda's objective to provide a system that is more open and responsive to new urban development opportunities in areas where they are most needed.*

138. The tool which Ms Semple identified to provide flexibility and responsiveness necessary to reflect the reality/complexity of development in the urban areas was the direction in the NPS-UD though Objective 6 and Policy 8. She submitted "*put simply, Policy 8 re-opens the door that fixed urban growth or infrastructure boundaries had previously slammed shut*".<sup>56</sup>

139. Ms Semple noted the NPS-UD sits atop the hierarchy of documents prepared under the RMA. She submitted that because it was released after all of the subsidiary operative Canterbury

<sup>55</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.6]

<sup>56</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.15]

RMA documents, those documents cannot be presumed (and are, in fact, unlikely) to have given effect to it.

140. Mr Wakefield submitted that from a legal perspective, at the core of the request by CCC and CRC that the application be declined, was a contest between the CRPS and the NPS-UD. He submitted the proper process was to attempt to reconcile the NPS-UD and CRPS in a manner that accords with the wider statutory context and the hierarchy of the planning documents outlined in *Colonial Vineyards*. He submitted that in effect, if the GW Wilfield approach was accepted, it would mean that Change 1 to the CRPS, and the core urban growth strategy in the CRPS was ignored. He submitted further this would be entirely at odds with the decade of strategic planning undertaken by the GCP and the recent housing capacity assessments endorsed by the GCP. He submitted that this context and the CRPS itself, should not be disregarded in favour of isolated policies in the NPS-UD that (properly understood) provide an administrative pathway only, rather than a direction that must be applied to all lower order planning documents.<sup>57</sup>

141. Mr Wakefield submitted that the criteria set out in clause 3.8(2) engaged with the expectation that urban environments are well functioning and well serviced, and submitted that the overlapping nature of those criteria with other NPS-UD objectives and policies, indicate that *“while the responsive planning framework provides a pathway – it remains part of the wider scheme of the NPS-UD and is required to deliver on its overarching objectives”*.<sup>58</sup> He then identified several reasons why that interpretation was supported. These were, in summary:

- (a) There is nothing expressly stated in the NPS-UD that gives Policy 8 an elevated significance over other objectives and policies;
- (b) The parent objective (Objective 6) puts three different matters on equal footing with the implication that the responsive planning framework cannot be treated as a process isolated from the remainder of the NPS-UD;
- (c) That the guidance prepared by MfE is consistent with that interpretation, emphasising the words ‘complement’ and:

*Local authorities need to anticipate and plan for growth while **remaining open to change and being agile and responsive to development opportunities**.*

- (d) He noted further the guidance provided that the responsive planning policy limits a local authority's ability to refuse certain private plan change requests without considering evidence and that the responsive planning policy sought to ensure flexibility to enable development that may not be currently in council infrastructure plans.

<sup>57</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [9.9]

<sup>58</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.6]

142. He submitted that the MfE guidance aligned with the interpretation preferred by CCC and CRC; that is, it operates as a pathway for the consideration of requests to release land for development capacity out-of-sequence, but only where it can be demonstrated that early release is warranted on the merits, and in a manner that complements (his emphasis) existing strategic planning.<sup>59</sup> He submitted that the CRPS could not be said to be non-compliant with Policy 8 and that it may be entirely appropriate, as a means of achieving Objective 6 of the NPS-UD, to develop a restrictive framework that enables growth or provides for responsiveness in certain areas, and restricts growth elsewhere.<sup>60</sup>
143. He submitted that if precedence was given to being responsive (on development capacity alone) without engaging the other criteria, the result could be a proliferation of ad hoc and potentially insignificant and speculative developments being approved which could potentially result in urban growth that was not properly integrated and potentially inconsistent with existing growth strategies. He submitted that would be plainly at odds with the forward-looking objective of the NPS-UD.<sup>61</sup>
144. He submitted that if the responsive planning framework provides a way to release land for development capacity in a manner that can depart from the CRPS framework, which he summarised as softening the avoid framework, that would undermine the intent of the NPS-UD if responsiveness could come at a potential cost to pre-existing strategic decisions.<sup>62</sup> He submitted that SDC must not overlook its obligation to give effect to the strong 'avoid' framework set out in the CRPS. He recorded that CCC and CRC specifically disagree with the Memorandum from the SDC which noted that the hard line policies are what the responsive planning provisions of the NPS-UD are seeking to work around.<sup>63</sup>
145. In her Closing Legal Submissions, Ms Semple submitted that the approach adopted by CRC and CCC in this hearing amounted to a thinly veiled attempt to eschew and undermine the NPS-UD, in particular the intent of Policy 8, and to hold fast to a fixed (non-responsive) urban limit framework that controls where and when development occurs.<sup>64</sup> It was her submission that such an approach is precisely the mischief (in a legal sense) that Policy 8 is seeking to address. Ms Semple footnoted that submission to the discussion document on National Policy Statement for Urban Development 2019 which provides at page 19:

*One challenge with the current planning system is that it is not responsive enough to changing circumstances or opportunities. Existing urban boundaries or planned land release sequences are sometimes defended to encourage a particular urban settlement pattern, or to manage infrastructure costs.*

146. She submitted that the position of CRC was directly contrary to the positive obligation on regional councils in s30(1)(ba) of the RMA to establish, implement and review "objectives,

<sup>59</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.7](d)

<sup>60</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.7](e)

<sup>61</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.7](f)

<sup>62</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.8]

<sup>63</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [4.9]

<sup>64</sup> Closing Legal Submissions 29 September 2021 at para [2.3]

policies, and methods to **ensure** that there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region" (her emphasis) and the requirement of s62(3) of the RMA to give effect to a National Policy Statement.<sup>65</sup>

147. She submitted that the approach failed to acknowledge the critical role regional and territorial authorities have in responding urgently to the nation's housing crisis. She submitted further that as a matter of law, the NPS-UD sits at the apex of the hierarchy of RMA documents and that lower order documents, including regional policy statements and regional and district plans, are required to give effect to these higher order documents. Ms Semple cited the *King Salmon* decision, where the Supreme Court noted that through this requirement, the Minister secures "a measure of control" over what regional and territorial authorities decide to do.<sup>66</sup>
148. She submitted that Policy 8 effectively directs that non-compliance with the Chapter 6/Map A framework can no longer act as an automatic barrier to assessing the merit of a plan change which meets certain specified criteria (as set out in clause 3.8).<sup>67</sup>
149. She submitted that the rationale for Policy 8 was obvious and the plan processes are generally too slow to account for a rapidly shifting residential housing market trying to respond to a housing shortage/crisis and further that local authorities are not able to predict the location and timing of all possible opportunities for urban development, when plans are being formulated.<sup>68</sup>
150. She submitted it was not a contest and identified that, as reinforced by the guidance provided by MfE, in giving effect to the NPS-UD, local authorities may continue to identify in RMA plans where they expect development to occur and where urban services/infrastructure are anticipated to be provided.<sup>69</sup>
151. She submitted further that pursuant to s62(3) RMA, the framework specifying the expectation of where development could and could not occur, the CRPS with its avoid framework did not give effect to the responsive policies of the NPS-UD and as such did not give effect to the NPS-UD in that regard.
152. She submitted that the CRPS, including the recent Change 1, did not address or give effect to the responsive planning provisions in Policy 8 of Subpart 2 of the NPS-UD. She submitted that those provisions did not "cover the field" of matters the national direction requires to be addressed in order to give effect to Part 2.<sup>70</sup> It was her submission in those circumstances I am entitled to, and in fact must, place weight on the higher order document and its clear and precise direction to me. In doing so, she submitted the SDP would appropriately give effect to

<sup>65</sup> Closing Legal Submissions 29 September 2021 at para [2.5]

<sup>66</sup> Closing Legal Submissions 29 September 2021 at para [2.7]

<sup>67</sup> Closing Legal Submissions 29 September 2021 at para [2.14]

<sup>68</sup> Closing Legal Submissions 29 September 2021 at para [2.15]

<sup>69</sup> Closing Legal Submissions 29 September 2021 at para [2.17] (referencing Ministry for the Environment (2020). *National Policy Statement on Urban Development 2020, Understanding and implementing the responsive planning policies*, Ministry for the Environment: Wellington, page 3)

<sup>70</sup> Closing Legal Submissions 29 September 2021 at para [2.27]

the NPS-UD in terms of s75(3)(a).<sup>71</sup> To the extent that this created a tension with the ability of the SDP to give effect to s75(3)(c), that matter was resolved by weighting. Where the RMA document does not cover all the field, she submitted I am entitled to have recourse to the higher order document or Part 2. In this case the higher order document provided the clear direction.<sup>72</sup>

153. She noted Counsel for CRC and CCC emphasised the need to read and apply the NPS-UD as a whole, without elevating one set of policies over another, and in broad terms agreed with that. She did not agree that lawful compliance with the directive in Policy 8 elevates it and the responsive planning framework above the other aspirations of the NPS-UD. She submitted that to engage Policy 8, the plan change must contribute to what Counsel for CRC and CCC identified as the core objective of the NPS-UD, namely a well functioning urban environment. She submitted that if the plan change in question does not meet that criteria, then Policy 8 will be of no benefit to it. That provides a safeguard through the requirement in Policy 8 for any unanticipated or out-of-sequence plan change to demonstrate it will contribute to achieving the outcome. She submitted that safeguard illustrated that Policy 8 is provided as an additional or complementary tool for securing the aspirations of the NPS-UD, not a separate or disconnected threat to those aspirations.
154. Ms Semple provided and referred me to the legal opinion from Adderley Head (footnoted earlier). Again that is a comprehensive assessment. While that was provided with the closing submissions, it addresses relevant matters arising through the course of the hearing. No issue was raised with its provision in that manner by Mr Wakefield.
155. I am aware that submissions from CRC and CCC in other forums have made it clear that they do not accept Mr Rogers' opinion. In the circumstances, I have focused my consideration on the submissions of Ms Semple and Mr Wakefield. I do not consider it appropriate that I purport to determine the correctness or otherwise of Mr Rogers' opinions in the context of this hearing.

#### Evaluation

156. I have carefully considered all of the matters raised in the submissions which I have summarised at some length, and in the relevant planning evidence. This is a difficult issue given that a district plan must give effect to (a) any national policy statement; and ... (c) any regional policy statement.<sup>73</sup>
157. There are a number of provisions of the NPS-UD that are particularly relevant to this issue.
158. Mr Wakefield identified these in paragraph [4.2] of his legal submissions as being Objective 1; Objective 6; Policy 2; Policy 6; Objective 6(c)/Policy 8. To that list I consider Objective 2 is very relevant. This provides:

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<sup>71</sup> Closing Legal Submissions 29 September 2021 at para [2.28]

<sup>72</sup> Closing Legal Submissions 29 September 2021 at para [2.29]

<sup>73</sup> s75(3)(a) and (c)



*Planning decisions improve housing affordability by supporting competitive land and development markets.*

159. Objective 3 is also relevant. This provides, relevantly for this issue:

*Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: ...*

(c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

160. On its face, the direction in Policy 8 appears to be very clear. It 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.*

161. Policy 8 specifically addresses responsiveness to plan changes. It must be given some meaning. It does not address development which is simply out-of-sequence. It also addresses development that is “unanticipated” by the RMA planning documents. In my view, “unanticipated” must be read to include circumstances where planning documents (here the CRPS as reflected in the SDP) contain avoidance objectives. Development in areas outside of those identified in Map A is clearly “unanticipated”.

162. To read otherwise would amount, in my view, to a significant watering down, or even an undermining, of the responsive provisions of the NPS-UD. It would lead to a conclusion that the responsive planning provisions of the NPS-UD did not apply to plan changes within Greater Christchurch. Mr Wakefield submitted that giving effect to Chapter 6 of the CRPS demands that PC67 is declined, and that there is no flexibility to decide otherwise.<sup>74</sup> I do not accept that submission. In my view, that interpretation is not one which is available on a proper interpretation of the NPS-UD, and recognising its position in the hierarchy of documents.

163. Ms Semple identified the position the NPS-UD holds in the hierarchy of documents prepared under the RMA. I consider, given the position the NPS-UD holds in the hierarchy of documents, that it is the latter in time document, promulgated in the context of a housing crisis, and when interpreted by considering its text and its purpose and the contextual matters, it enables qualifying plan changes to be assessed on their merits, notwithstanding the avoidance objectives and policies of Chapter 6.

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<sup>74</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [7.2]

164. Overall, I consider Policy 8 provides the method by which a qualifying plan change can be assessed on its merits. By a 'qualifying plan change', I mean one that would add significantly to development capacity and contribute to well functioning urban environments.
165. Those matters, and particularly the requirement to contribute to a well-functioning urban environment, addresses concerns about ad hoc decision-making, as identified by Mr Wakefield and Mr Tallentire. Being responsive to qualifying plan changes, Policy 8, in my view, simply gets a qualifying plan change to the starting gate. It enables a proper assessment of it to be undertaken. Getting to the starting gate in no way mandates approval. The assessment will require a careful consideration of the relevant objectives and policies of the NPS-UD, and particularly, but without limitation, the matters identified in Policy 1. I must also have particular regard to the matters specified in Policy 6.
166. A finding that Policy 8 and associated clauses provides the ability to assess an unanticipated or out-of-sequence proposal does not remove any obligation to engage with the wider strategic planning framework.
167. I do not accept Mr Wakefield's submission that a finding that Policy 8 and associated clauses enables me to consider the plan change without having to dismiss it out of hand, renders the pre-existing strategic planning decisions as irrelevant. Such forms part of the relevant planning matrix and must be considered. But to hold that the pre-existing strategic planning documents are determinative, would mean that I am unable to have particular regard to the development capacity provided by a plan change (which his para [3.8] specifically addresses) and would significantly undermine the responsive planning provisions of the NPS-UD.
168. If Mr Wakefield's submissions were accepted, any plan change within Greater Christchurch that was not within areas identified on Map A, could not even be considered. SDC would not be able to even consider a proposed plan change's contributions to development capacity, to a well-functioning urban environment, or whether it is well connected to transport corridors.
169. Overall, I largely accept the submissions of Ms Semple where they relate to this issue. In my view, her submission recorded at paragraph [148] above is sound. Policy 8 effectively directs that non-compliance with the Chapter 6/Map A framework can no longer act as an automatic barrier to assessing the merit of a plan change which meets certain specified criteria (as set out in clause 3.8).
170. Again without limitation, I accept her submission that to engage Policy 8, the plan change must contribute what was described by Mr Wakefield as the core objective of the NPS-UD – a well functioning urban environment. I accept her submission that if a plan change does meet that criteria, then Policy 8 will be of no benefit to it. I also accept her submission that provides the safeguard. I agree that Policy 8 is provided as an additional or complementary tool for securing the aspirations of the NPS-UD. It is not a separate or disconnected threat to those aspirations.

171. Again I accept her submission that the CRPS, including the recent Plan Change 1, does not fully address or give effect to the responsive planning provisions in Policy 8 of Subpart 2 of the NPS-UD. I accept that Change 1 did not “cover the field” of matters the national direction requires to be addressed in order to give effect to Part 2. I further accept her submission that in the circumstances I am entitled to place weight on the higher order document and its clear and precise direction to me. I also accept her submission that to the extent this creates a tension with the ability of the SDP to give effect to s75(3)(c), that issue is resolved by weighting. The NPS-UD sits above the hierarchy of planning documents in the RMA and it is the latter in time.
172. This is a complex and important issue and I appreciate the comprehensive manner in which both Counsel have addressed it.
173. I find that I am able to assess this proposal against the relevant statutory provisions and the planning framework. This will of course entail an assessment as to whether it meets the requirements of Policy 8.

### **Statutory Assessment**

#### Statutory Tests

174. I have identified the statutory framework in paragraphs [16] to [18] above and I do not repeat those here.

#### Functions of Territorial Authorities

175. Ms White identified the relevant functions of territorial authorities pursuant to s31.
176. Relevantly, SDC has the function of the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District; the establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District; and the control of any actual or potential effects of their use, development or protection of land, including for the specified purposes. I will return to the capacity issue in my subsequent assessment of the NPS-UD.

#### Part 2 Matters

177. As noted by Ms White in her report, pursuant to s75(1)(b) any changes to the SDP must be in accordance with the provisions of Part 2 of the RMA.
178. Ms White considered, notwithstanding the notification of the PDP, that the purpose of the RMA was currently reflected in the settled objectives and policies of the SDP which PC67 did not seek to change. In her view, there were no matters of national importance relevant to PC67.

In terms of s7, she considered the efficient use and development of natural and physical resources (s7(b)), maintenance and enhancement of amenity values (s7(c)), the quality of the environment (s7(f)) and the finite characteristics of natural and physical resources (s7(g)) to be relevant. It was her view that those matters had ultimately been considered in the effects assessment and submissions above.

179. Ms Seaton agreed that there were no matters of national importance. She considered that the proposal provided for the relevant provisions of s7. This was largely on the basis of the assessment she had undertaken in response to matters raised in the submissions.

#### **NPS-UD**

180. The NPS-UD was, understandably, the focus of the hearing and the planning evidence.

181. Ms Seaton, at [7.4] of her evidence, provided a tabular summary of the relevant objectives and policies, together with her comments thereon.

182. Ms Seaton identified what she considered to be the key considerations of the NPS-UD at her paragraph [7.5]. These are:

- (i) *Will the Proposal provide 'significant' development capacity (Objective 6, Clause 3.8);*
- (ii) *Will the Proposal contribute to a well-functioning urban environment (Objective 1, Policy 1, Policy 6, Clause 3.8, Clause 3.11);*
- (iii) *Is the site able to be adequately serviced with infrastructure (Objective 6, Policy 10, Clause 3.5); and*
- (iv) *Is it well-connected along transport corridors (Clause 3.8).*

183. While there are of course a number of sub-issues that arise, I consider Ms Seaton has properly identified the key considerations in relation to the NPS-UD and I use her headings.

#### (i) Will the Proposal provide 'significant' development capacity (Objective 6, Clause 3.8):

184. An issue arose as to the environment that is relevant for assessing the significance or otherwise of the capacity.

185. The NPS-UD definition of 'urban environment' provides:

*Means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:*

- (a) *is, or is intended to be, predominantly urban in character; and*
- (b) *is, or is intended to be, part of a housing and labour market of at least 10,000 people.*

186. West Melton in and of itself does not constitute a housing and labour market of at least 10,000 people. Ms Seaton confirmed that the decision to put the plan change request forward as part

of the Greater Christchurch Urban Area was in response to advice received from SDC prior to lodgement that the GCP had determined that the area of 'Greater Christchurch' shown on Map A in the CRPS constituted an urban environment for the purposes of the NPS-UD and particularly with respect to processing of plan changes that might seek unanticipated or out-of-sequence development.

187. Ms Seaton assumed that the respective councils of Greater Christchurch had determined that the urban areas of Selwyn and Waimakariri had been delineated by the definition of Greater Christchurch set out and that this definition could be used to inform decision-making as to what constituted an urban environment for the purposes of carrying out the actions required by the NPS-UD. Given the plan change land falls within that definition, Ms Seaton considered it met the requirement of an urban environment and that this had been acknowledged by SDC.<sup>75</sup>
188. While neither Ms White nor Mr Tallentire raised any concerns as to the correctness or otherwise of that delineation and identification, they both signalled it may be relevant in terms of assessing capacity and significance.
189. Ms Seaton advised that the planner's report to Council on 24 February 2021 regarding the decision to accept PC67 identified that the site would provide a significant increase in development capacity at West Melton. Ms Seaton characterised this as the acceptance of the plan change as forming part of the Greater Christchurch urban area, but was considered to be significant at a West Melton scale.<sup>76</sup>
190. Ms White identified that some of the submitters considered that there was a potential inconsistency with treating West Melton as part of Greater Christchurch in order to allow for it to be considered as part of an urban environment under the NPS-UD, but then considering the significance of capacity in relation to West Melton only.
191. Ms White agreed that there appeared to be some inconsistency on the face of it, but was not convinced that was the case. In her view, the definition of Greater Christchurch as an urban environment did not translate into a determination that Greater Christchurch as a whole was the appropriate urban environment against which to determine the significance of development capacity. She noted that that was a matter left to the regional council via the direction in clause 3.8(3) or, in its absence, the decision-maker on a plan change.
192. Ms Seaton considered that significance cannot be assessed purely on the basis of numbers or related geographical area. In her view, the criteria may include location, type of product, overall site size/yield, existing capacity and demand. She considered one plan change may well qualify as providing significant development capacity on the basis of one of the above criteria while another may qualify as significant for different reasons. In her opinion, assessing significance at a Greater Christchurch scale would effectively prevent the majority if not all

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<sup>75</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.9]

<sup>76</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.10]

plan changes from progressing. She considered that would undermine the intent of the NPS-UD which in part was to provide some flexibility to address planning capacity constraints, to free up more land and improve competitiveness.<sup>77</sup>

193. Mr Tallentire agreed that for the purposes of applying the NPS-UD, the relevant urban environment was Greater Christchurch. He noted this aligned with the position adopted in Our Space by the GCP and the information provided with the PC67 request in relation to significant transport and employment links that West Melton has with Christchurch City.<sup>78</sup> However, he considered this had “fundamental implications” for the second test which is whether PC67 would “add significantly” to development capacity. He noted that the PC67 reports anticipated a yield of 131 allotments representing 17% growth in residential capacity within West Melton. Mr Tallentire did not consider that West Melton was the appropriate frame of reference for assessing significant development capacity.
194. He referenced the CRC submission which had identified the medium term housing target for Greater Christchurch as a whole is 32,300 households. He calculated that PC67 would amount to 0.04% of that total. He considered that to be clearly insignificant across the urban environment. Indeed he considered PC67 to be representative of the small speculative proposals that MfE guidance suggest should be filtered out. He considered PC67 did not add significantly to development capacity to warrant consideration under Policy 8 and should therefore be declined as it could not satisfy the relevant statutory and planning framework and specifically the CRPS.
195. Ms Semple submitted that neither the NPS-UD nor the MfE guidelines require the significance assessment to only be undertaken in relation to significance to the “urban environment” as a whole, however that may be defined. She submitted that there was nothing in the NPS-UD which precluded an approach that PC67 would add significantly to the development capacity in West Melton while at the same time identifying Greater Christchurch as the urban environment which is affected by the decision.
196. Mr Wakefield submitted that the proper framework of assessment for what constitutes significant development capacity is the Greater Christchurch Urban Area. He submitted that allowing significance to be assessed at a local scale would not align with the definition of urban environment, nor the overall intent of the NPS-UD, which he submitted was to ensure that urban environments have enough homes to meet the needs of their communities.
197. He submitted that in the circumstances there was no need to defer to the decision-maker: CRC’s evidence and submission on PC67 identifies that the relevant urban environment is Greater Christchurch. While that had not yet manifested in criteria included in the CRPS, he submitted it could be reasonably expected that this is the approach CRC will adopt and, as a result, I should place weight on the CRC position and evidence on this matter. He submitted

<sup>77</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at paras [7.13] – [7.23]

<sup>78</sup> Keith Tallentire Evidence at para [57]

further that when read wholistically, it was clear that the focus of the NPS-UD is on *achieving well-functioning urban environments*, not enabling small-scale developments assessed against a local, rather than sub-regional, frame of reference.<sup>79</sup>

#### Assessment

198. In the absence of criteria in accordance with clause 3.8(3), the determination falls to the SDC as decision-maker on this plan change.
199. Ms Semple referred to the MfE guidance.<sup>80</sup> These identified when it was appropriate to have consideration of:
- (a) Significance of scale and location;
  - (b) Fulfilling identified demand;
  - (c) Timing of development;
  - (d) Availability of infrastructure.
200. I agree that in the absence of specified criteria, it is helpful to consider the MfE guidance, but recognising of course that it is just that – guidance.
201. In discussing the criteria, the guidance notes that it should align with higher order objectives of the NPS-UD and, for example, should not undermine competitive land markets in responsive planning by setting unreasonable thresholds.
202. I consider that assessing criteria only by reference to Greater Christchurch would require plan changes to meet an unreasonable threshold.
203. Aside from the guidance referred to, I consider a careful reading of the NPS-UD overall indicates that a more nuanced approach is available to decision-makers in determining significance. Indeed this more nuanced approach filters through the NPS-UD in a number of policies. For example, Policy 3 in relation to Tier 1 urban environments distinguishes between city centre zones, metropolitan centre zones, and all other locations in the Tier 1 urban environment.
204. Objective 3, in my view, also supports a more nuanced approach. The objective is to enable more people to live in, and more businesses and community services to be located in, areas of the urban environment in which one or more (my emphasis) of the following apply:
- (a) It is in or near a centre zone or other area with many employment opportunities;

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<sup>79</sup> Legal Submissions for CCC and CRC 14 September 2021 at para [5.6]

<sup>80</sup> Ministry for the Environment. (2020). *National Policy Statement on Urban Development 2020, Understanding and implementing the responsive planning policies*, Ministry for the Environment: Wellington, pages 5-6

- (b) The area is well-served by existing or planned public transport;
  - (c) There is high demand for housing or for business land in the area, relative to other areas within the urban environment.
205. That objective, in my view, clearly indicates that different parts of the overall urban environment can be assessed. It anticipates that within the overall urban environment, different areas may require different considerations.
206. Policy 1 and its directions in relation to contribution to a well-functioning urban environment identifies that the urban environments are to have, as a minimum:
- (a) *Have or enable a variety of homes that:*
    - (i) *Meet the needs, in terms of type, price, and location, of different households ...*
207. That again illustrates, in my view, that different locations within the urban environment can be considered when assessing significance.
208. Clause 3.2 requires all Tier 1, 2 and 3 local authorities to provide at least sufficient development capacity:
- (a) *In existing and new urban areas; and*
  - (b) *For both standalone dwellings and attached dwellings; ...*
209. I consider the matters identified, and having regard to the guidance, illustrate that a more nuanced approach to significance is required than that suggested by CRC and CCC.
210. Overall, I accept Ms Semple's submission, and Ms Seaton's evidence in this regard.

#### Demand/Capacity

211. I address here the issues relating to demand and capacity. Those issues are relevant not only to the determination of whether or not the plan change provides significant development capacity but of course are also particularly relevant in determining whether Policy 2, which requires Tier 1, 2 and 3 local authorities, at all times, to 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, and Policy 1(d) – support, and limit as much as possible adverse effects on, the competitive operation of land and development markets – is met.
212. Clause 3.11 of the NPS-UD directs that when making plans, or changing plans, in ways that affect the development of urban environments, local authorities must:



...

- (b) *Use evidence, particularly any relevant HBAs, about land and development markets, ... to assess the impact of different regulatory and non-regulatory options for urban development and their contribution to:*

...

- (ii) *Meeting the requirements to provide at least sufficient development capacity.*

213. **Mr Sellars** was engaged by the Applicant to complete research and prepare and present evidence on the residential land market in Selwyn, in particular the West Melton market. This included providing information on the supply of residential sections and the impact this may have on market choice and price.
214. Mr Sellars is the Director of Valuation and Consultancy at Colliers Valuation. He is a Registered Valuer and a Fellow of the New Zealand Institute of Valuers and of the Property Institute of New Zealand. He specialises in commercial, industrial and land development valuation and consultancy within the CBD and suburban locations of Christchurch and major metropolitan areas in the South Island, and regularly completes research on the Greater Christchurch residential land and industrial business land supply and take-up.
215. His evidence addressed the current supply of residential sections in West Melton, Prebbleton and Rolleston, and quantified the *“current imbalance of supply and demand which has resulted in recent significant price escalation”*.
216. Mr Sellars applied a comprehensive research methodology which he summarised in paragraph [3.1] of his evidence. This involved surveying all developed and undeveloped land in West Melton, Prebbleton and Rolleston to quantify the current number of vacant residential sections, and also to complete research on residential section land that is sold or is available for sale. He advised that all development land had been surveyed and development potential quantified together with a review of all plan changes notified. The section sale data used was obtained from developers or real estate companies involved, and the base sale data was obtained from Property Guru and CoreLogic.
217. In relation to West Melton, he identified that there were 933 titled lots in the township with 680 lots (72.9%) having an area of between 1,000 – 2,999m<sup>2</sup>.<sup>81</sup> Prebbleton contained 1,730 titled lots in the township, with 23.5% of those lots having an area of between 1,000 – 2,999m<sup>2</sup>.<sup>82</sup> In relation to Rolleston, he advised that there were 8,840 titled lots, of which 82.4% sat in the 200 – 999m<sup>2</sup> category.<sup>83</sup>
218. Mr Sellars identified that in West Melton the recent sale prices in August 2021 for a 3,000m<sup>2</sup> section in Wilfield was \$430,000 compared to the average sale price in 2020 of \$286,482.

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<sup>81</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.14]

<sup>82</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.7]

<sup>83</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.9]

This represented an increase of approximately 50%. In terms of Prebbleton, he noted a similar situation applied in relation to 700m<sup>2</sup> sections sold in March 2021 at or around \$325,000 each compared to 2020 prices for sections of that size at \$250,000, being an increase of approximately 30%.<sup>84</sup>

219. Mr Sellars also carried out a comparison of West Melton and Rolleston, again noting that in West Melton the section sizes ranging between 1,000 – 2,999m<sup>2</sup> made up 72.9% whereas in Rolleston this made up 15.2%.<sup>85</sup>
220. He concluded that there is currently virtually no existing supply of residential sections across the entire section range in West Melton and that PC67 would provide the only supply of large residential lots in the township.<sup>86</sup>
221. In Section 9 of his evidence, Mr Sellars addressed the market consequences, having reviewed the evidence prepared by Mr Colegrave. He noted that it is generally well understood that any disruption to the supply and demand in any market normally results in significant price fluctuation, and that for the residential property market to function without major price fluctuations, a reasonably regular supply and range of choice is required.<sup>87</sup>
222. He identified the current residential section market in Greater Christchurch is characterised by price escalation with increases between 20% and 100% during the last 12 months.<sup>88</sup> In relation to West Melton, he identified, from the existing Wilfield subdivision, that in the last 12 months there had been an increase at or around 50%. He described this as exceptional even in a low interest rate environment.<sup>89</sup> He noted that in Prebbleton there had been a significant price escalation and in Rolleston it had been even greater noting that the price escalation at or exceeding 100% within the last nine months had resulted from extremely limited supply.<sup>90</sup> This compared with recent analysis of price escalation in suburban Christchurch indicating an increase of at or around 25% – 30%. Rolleston at 100% plus and West Melton at or around 50% were at the high end of range.<sup>91</sup>
223. Mr Sellars advised that various land developers interviewed had stated that in the current market climate their intention was to restrict supply to small releases of sections by way of deadline treaty or tender in order to maximise price. He considered that if no further supply is available in West Melton then potentially the level of residential land escalation could further increase to approach the level experienced in Rolleston.
224. **Mr Wheelans**, a director of the Applicant who has considerable development experience in West Melton, concluded that the 130 residential lots would be approximately 17% of total

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<sup>84</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.21]

<sup>85</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [3.28]

<sup>86</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [6.7]

<sup>87</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.2]

<sup>88</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.3]

<sup>89</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.5]

<sup>90</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.7]

<sup>91</sup> Statement of Evidence of Gary Russell Sellars 30 August 2021 at para [9.9]

households in West Melton and he considered that “*must be significant in terms of West Melton and also in terms of the typology PC67 provides ...*”.<sup>92</sup> He also advised that if approved, consents could be applied for and civil works commence within months of the approval. In response to discussions, he indicated that it would be possible to have lots on the market within 12 months.

225. **Mr Colegrave** identified a number of concerns with the SDC's estimates of capacity. He considered the estimates of future demand were very conservative, identifying that the HBA assumes short term demand for only 2,714 new dwellings over the next three years, and 8,554 over the next ten years, which equated to annual run rates of only about 900 dwellings over the short term and 850 over the medium term.<sup>93</sup>
226. He identified that the latest building consent data published by Statistics New Zealand showed that nearly 1,800 new dwellings were granted in Selwyn during the 12 months ended June 2021, which was double the assumed short run rate of only 900.<sup>94</sup> He provided a table setting out the HBA's projected dwelling demand to 2031 against the SDC's consents granted since 1991.<sup>95</sup> Overall, he considered that the HBA adopted inexplicably low estimates of demand and its estimates of feasible capacity appeared to be grossly overstated.<sup>96</sup> In his view, and he provided a tabular assessment,<sup>97</sup> the SDC's supply and demand estimates, when revised to “better reflect reality”, showed there are significant shortfalls across all three timeframes and additional supply needs to be identified and rezoned as soon as possible. Otherwise likely prolonged supply shortfalls will place undue pressure on house prices which undermines affordability and limits the District's strong growth potential.<sup>98</sup>
227. He considered that this plan change directly responded to the need for additional dwelling capacity by enabling the development of approximately 130 new homes over time, and from an economic perspective, this represents a significant boost in supply.
228. To assess whether that satisfied the definition of significance in clause 3.8 of the NPS-UD, he reviewed the latest HBA. He noted that at page 10 of that document, it discussed consultation with the development community and describes the land owners that could develop 20 or more dwellings as being significant. After taking into account the shortfalls that he had described, he considered that the proposed development of approximately 130 dwellings on the subject site represented a significant increase in capacity for the Selwyn District, both from an economic and market perspective, and by virtue of the way the term is used in the HBA.

<sup>92</sup> Summary of Evidence of Hamish Wheelans 14 September 2021 at para [22]

<sup>93</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.11]

<sup>94</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.12]

<sup>95</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.13] – Figure 2

<sup>96</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.15]

<sup>97</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 Table 3: Revised Dwelling Supply/Demand Estimate

<sup>98</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [4.43]

229. He noted 130 new lots increased the likely short term district supply by 5.3% and medium term by 3%. He considered this a significant contribution, especially from just one development. It would contribute 9% to the short term district supply shortfall.<sup>99</sup>
230. He considered the significance became clearer when it was placed in the context of the sub-market of rural residential dwellings. He referred to a Memorandum by Formative to SDC which showed that there was existing capacity for 158 extra dwellings across West Melton and Prebbleton and that PC67 would boost that by 82%.<sup>100</sup> He considered that the current lack of any available sections for development in West Melton meant the supply enabled by the proposed plan change was even more significant in that location.<sup>101</sup>

#### Finding

231. Having considered the combined evidence of Mr Sellars and Mr Colegrave as independent experts, and Mr Wheelans' evidence as to what is happening in the market, the provision of approximately 130 lots of this typology does contribute significant development capacity.
232. I accept Ms Semple's submission that this is exactly the sort of circumstance that the NPS-UD provides an opportunity for local authorities to alleviate via Policy 8.<sup>102</sup>
233. There is evidence that the capacity enabled by PC67 is serviceable. Mr Wheelans' evidence was that it could be delivered at pace. It was acknowledged by the Applicant that there would be some infrastructure upgrades which would likely be required. Mr Wheelans confirmed that the Applicant will have funding in place to adequately cover the costs of those upgrades where required.
234. While recognising of course that it is possible that the Applicant will not retain ownership of the site, I do put some weight on Mr Wheelans' evidence given the companies that he is involved with which are undertaking residential development in Greater Christchurch that have created in excess of 2,700 residential sections to meet the increasing demand, and that includes within West Melton. I acknowledge the Applicant has both the experience and appears to have the resourcing to deliver residential development at speed. I accept, that when assessed against the guidance provided by the MfE, this is relevant to determining the significance of development capacity.
235. I have carefully considered the 2021 HCA as addressed in **Mr Baird's** helpful Memorandum.<sup>103</sup> It is clear that SDC is conscious of the need to address growth and capacity and it has been applying considerable resources to ensure that it is well informed. In recent times, the growth in demand appears to have been unprecedented.

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<sup>99</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [5.11]

<sup>100</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [5.12]

<sup>101</sup> Statement of Evidence of Fraser James Colegrave 30 August 2021 at para [5.13]

<sup>102</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.42]

<sup>103</sup> Memorandum of Ben Baird, Policy Analyst, 13 August 2021

236. This is illustrated by the table showing building consents provided in paragraph [42] of Mr Baird's report. Using the Statistics high projection, and comparing it to the building consents since 2018, it is readily apparent that building consents since 2018 have exceeded the projection quite considerably. For example, in 2021, based on the current numbers and extrapolated out for that year, net new dwellings anticipated were 929; 1,710 were consented.
237. Mr Baird was frank in advising that what is driving that increase is not clear and the evidence suggested that while building consents were increasing, that was not in response to nationwide growth.
238. Mr Baird identified other potential explanations as being internal migration increasing, change in household compositions, or demand catching up with the undersupply of previous years. He considered there was very little evidence to validate any of those explanations or to justifying a view that levels of consent would continue. He identified that there was not a growing population which was driving demand and there was a possibility that the growth was only temporary.
239. What appears to me to be readily apparent is that despite the application of the higher growth scenario in the Selwyn Council Growth Model (**SCGM**), the number of new dwellings has significantly exceeded SDC's predictions. Given that, there appears to have been a potentially significant under-estimating of demand. This raises a risk, in my view, of SDC not meeting Policy 2.
240. Even on the basis of the 2021 HCA, Selwyn is predicted to have a shortfall of approximately 14,000 in the long term (13,130 in Mr Baird's table at para [56] of his Memorandum), 4,254 in the medium term (including 1,678 at West Melton and Prebbleton) and 5,349 at West Melton and Prebbleton in the long term.<sup>104</sup>
241. Mr Baird advised that can be met by the FUDA area, some in Darfield and Leeston, and potential intensification work. That is still however uncertain. The inclusion of Darfield and Leeston in the capacity assessment does not appear to address capacity in the areas where there is the most significant demand.
242. The GCP Committee, at its meeting of 10 September 2021, noted, in its Minutes, the presentation by SDC of the July 2021 HCA. The Committee noted that the HCA is a point in time assessment that uses historical statistics to create a forecast of future housing demand. It accepted the document as a compliance report while noting that the report relies on historical statistics and expressing concern that the report does not reflect the current reality of unavailability of land in Selwyn and Waimakariri Districts, and that projecting demand based on historical statistics has an inherent assumption of the status quo.

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<sup>104</sup> Memorandum of Ben Baird, Policy Analyst, 13 August 2021 at para [58]

243. Overall, I consider that there has been, in recent times, and despite the best efforts of SDC and developers, insufficient development capacity. While lack of capacity is not of course the only driver for the price escalations which have occurred both nationally and within the District, and other factors such as economic stimulus, low interest rates and similar have had a significant impact, the NPS-UD focuses on supply and relies heavily on competitive operation of land and development markets to achieve, at least, a move towards price stability. However in that context, the capacity is significant, albeit at the lower end of the scale of significant, and will contribute to assisting SDC in ensuring that it has at least sufficient development capacity in accordance with Policy 2.
244. Even if I found that there was sufficient development capacity, which I do not, the NPS-UD only requires a sufficient development capacity, it does not preclude more.
245. On the evidence which has been provided, and particularly that of Mr Sellars and Mr Colegrave, in my view the adverse effects of an under-supply outweigh, by some considerable margin, any costs which may arise from an over-supply. This is particularly so in a situation where there is clear evidence of rapid price escalation in housing costs in what has been described as a housing crisis. In my view, that context must be given considerable weight.

#### Well-Functioning Urban Environments

246. As identified by Ms Semple in her Opening Submissions, to qualify under Policy 8, a plan change must do more than simply “add significantly to development capacity”, it must also contribute to well-functioning urban environments and be well connected along transport corridors.<sup>105</sup>
247. As identified by Ms White, Policy 6 identifies the matters to which particular regard must be had when making planning decisions that affect urban environments. This includes the benefits of urban development that are consistent with well-functioning urban environments as described in Policy 1.
248. Clause 3.8(2) specifies that for unanticipated or out-of-sequence developments that provide significant development capacity, particular regard to the development capacity is to be had if that development capacity:
- (a) Contributes to a well-functioning urban environment;
  - (b) Is well-connected along transport corridors; and
  - (c) Meets the criteria set out in Clause (3) (as noted there is no criteria set).
249. Policy 1 directs planning decisions contribute to well-functioning urban environments that, as a minimum (my emphasis):

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<sup>105</sup> Synopsis of Opening Legal Submissions 14 September 2021 at para [4.48]

- (a) *Have or enable a variety of homes that:*
  - (i) *Meet the needs, in terms of type, price, and location of different households; and*
  - (ii) *Enable Māori to express their cultural traditions and norms; and*
- (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 effects on, the competitive operation of land and development markets; and*
- (e) *Support reductions in greenhouse gas emissions; and*
- (f) *Are resilient to likely current and future effects of climate change.*

Have or Enable a Variety of Homes to Meet the Needs in Terms of Type, Price and Location of Different Households and Enable Māori to Express their Cultural Traditions and Norms – Policy 1(a)(i) and (ii)

250. In terms of enabling a variety of housing, this proposal does not, in itself, have a variety of homes. By adopting the Living (WM South) Zone provisions it will provide housing of a typology which is largely reflective of what already exists in West Melton in general, and West Melton South in particular. In my view, this issue needs to be considered in the context of the contribution to well functioning urban environments, rather than simply in the context of West Melton itself. In that context, it does contribute towards a variety of homes.

251. In terms of Policy 1(a)(ii) Ms Seaton considered the proposal to be neutral in that regard as being neither enabling or disabling of the expression of cultural traditions.<sup>106</sup> I accept that.

252. I accept Ms Semple's submissions that neither Policy 1 nor Policy 8 require the criteria to be delivered through a single development. I accept that the focus of the inquiry is the extent to which the development will contribute to those outcomes for the urban environment.

Good Accessibility Between Housing, Jobs, Community and Open Spaces, Including by Way of Public or Active Transport

253. Ms White and Mr Nicholson both identified the lack of public transport servicing for the PC67 area. The site is not directly served by public transport.

254. In his evidence summary, Mr Metherell stated that West Melton is serviced by public transport, albeit at a limited level of both route frequency and network provision. He noted it was currently limited to a commuter service between Darfield and Christchurch through West Melton. High

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<sup>106</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.25]

frequency routes were at Rolleston and he noted that those using public transport would generally rely on park and ride, or a cycle or micro-mobility connection from the site to the existing service.<sup>107</sup>

255. He advised that public transport planning is focusing on better service of growth areas and increasing frequency and reliability of service, but he was unaware of any planned substantial change to West Melton's service. He considered with the expansion of Darfield and increased demand from West Melton, some future changes could, in his opinion, be contemplated. He then noted that this could be in the form of an additional route connecting West Melton to Rolleston and/or an increase in the frequency of the existing service. He considered West Melton, as a growth township, could already be considered to be under-provided when considered against the current objectives and would be suitable for additional frequency and ultimately network expansion consideration.
256. Mr Tallentire advised that there was currently only one metro service that operated with a route through West Melton. He described this as a single express commuter bus service from Darfield to Christchurch which only operated on week days during the morning and evening peak.<sup>108</sup>
257. He noted that the CRC submission confirmed that there were currently no planned upgrades or changes to the metro route passing through West Melton. While acknowledging that he was not a transport expert, he noted that in relation to population growth in Greater Christchurch, the Vision section of the Regional Public Transport Plan states "*The integration of public transport and land use planning is essential to managing this growth*". It was his view that approving unplanned or out-of-sequence development outside the PIB inhibits the strategic direction and the efficient and effective provision of public transport, and could force CRC to be reactive to such unanticipated service demands.<sup>109</sup>
258. It was his opinion that development should be commensurate with the level of accessibility already existing or planned, not reliant on a future level of public transport service that is unplanned, unfunded and runs counter to the stated policy directions of statutory documents.<sup>110</sup>
259. Mr Smith, in his review, confirmed there was only one public transport route that services West Melton mostly following SH73. He recognised that the plan change site would have increased active mode connectivity to the bus stops located in the West Melton commercial centre when the proposed Waka Kotahi SH73 West Melton improvements were installed. He advised that as West Melton had a relatively low population base, the existing level of public transport provision nearby is limited. He noted that the site could be developed to enable good access

<sup>107</sup> Summary Statement of Evidence of Andrew Alan Metherell 14 September 2021 at para [9]

<sup>108</sup> Evidence of Keith Roger Tallentire 6 September 2021 at para [99]

<sup>109</sup> Evidence of Keith Roger Tallentire 6 September 2021 at para [101]

<sup>110</sup> Evidence of Keith Roger Tallentire 6 September 2021 at para [103]



to public transport if provided along Weedons Ross Road at some stage in the future to connect West Melton to Rolleston and/or the services to Christchurch via SH73.

Connectivity/Accessibility

260. In terms of access, Mr Metherell identified that Weedons Ross Road would provide the primary vehicle access through a new intersection and that he expected in time the new intersection would be located within a future extension of the urban speed environment. He noted the local connections provided to the adjoining Wilfield subdivision provided local connectivity which did not adversely affect the form and function of existing local roads.
261. Mr Metherell addressed walking and cycling connections, noting the rules proposed to restrict development until further enhancements to the external walking and cycling networks were provided. These would provide a direct off-road pedestrian/cycle path along Weedons Ross Road, and also noted the traffic signalisation of SH73/Weedons Ross Road which was currently funded by Waka Kotahi and in detailed design stage. He identified that aspects of the pedestrian and cycle enhancement links would most likely require funding from the developer and would provide a community benefit.
262. Mr Metherell noted that the transport provisions of the ODP had been further refined and considered these would provide additional certainty that the subdivision would result in an internal transport network for pedestrians and cycles that connected efficiently with the external network along Weedons Ross Road and through Wilfield to support alternative modes which were feasible and attractive at a local level.
263. He considered the refinements would enable residents to utilise alternative modes, particularly e-bikes, for travel to and from local employment destinations and activity centres at Rolleston.
264. Mr Metherell addressed serviceability by public transport, noting that West Melton was serviced by public transport albeit limited, and that high frequency routes were at Rolleston. He identified that public transport planning was focusing on better service of growth and acknowledged that there were no substantial changes planned for the West Melton service although with the expansion of Darfield and increased demand from West Melton, some future changes could be contemplated.
265. Mr Metherell considered the traffic signalisation and other works proposed by Waka Kotahi would enhance the community connectivity and accessibility to key facilities.
266. Mr Smith was satisfied that the amendments proposed would maximise as far as practicable opportunities for improved walk and cycle connectivity to the Town Centre, school and current and potential future public transport connections. He supported the updates to the ODP to ensure that the plan change *“allows for efficient integration with possible changes in bus service provision in the future”*.

267. From an urban design perspective, Mr Compton-Moen considered that the upgrade of the SH73 intersection combined with the lower speed environment would change the receiving environment and allow the town to develop without the road corridor creating a barrier to local movement. In essence it improved access for northern residents (that is those north of SH73) to the community centre, the domain and the Wilfield development. For southern residents (those south of SH6), the school and commercial centre would be more accessible.
268. Mr Compton-Moen considered the plan change area to be well connected to amenities and adjoining residential areas, and providing a high level of internal and external connectivity and accessibility. He put some weight on the installation of a shared path along Weedons Ross Road. He provided a table in terms of walkability and bike/e-scooter distance and time noting that the northern edge of PC67 was closer to key township amenities than some existing residential areas west of West Melton. He considered that travel times within PC67 would not be dissimilar to those from Point A in Preston Downs and with the provision of off-road all-weather paths, travel times on bike or e-scooters greatly reduce travel times to 5 minutes or less.<sup>111</sup> He considered the existing Wilfield development already exhibited a high level of connectivity and accessibility with a network of on-road and off-road facilities and noted that the Transpower pylon network was also utilised to provide an off-road network and greenspace through the development.
269. Ms Lauenstein also addressed connectivity and accessibility. She noted the importance of achieving interconnected, walkable neighbourhoods to encourage people to walk and cycle thereby reducing the need for short vehicular trips within West Melton. She acknowledged that the wider connectivity to Rolleston and Christchurch, either by private vehicles or public transport, remained unchanged in principle by PC67.<sup>112</sup> She considered the ODP showed good direct vehicular and pedestrian/cycle linkages with PC59 linking to the east-west corridor (Pylon Utility Reserve). She noted the second important pedestrian connection of high amenity would be achieved via the upgrade of Weedons Ross Road and the two proposed road access points on Weedons Ross Road providing opportunities for direct vehicular connectivity across it into potential residential infill. She considered the external connectivity to be "well resolved".<sup>113</sup>
270. Ms Lauenstein identified that the ODP as lodged did not graphically show internal linkages within PC67 or dedicated pedestrian/cycle routes, and recommended the ODP be amended to show additional connections, including a small pocket park and green linkages wide enough to allow for trees and generous landscaping.<sup>114</sup> Those recommended amendments were made.
271. Mr Nicholson agreed that the increased use of e-bikes and scooters (micro-mobility) was a positive trend but remained of the view that on the basis of the NZHTS surveys, even with the

<sup>111</sup> Statement of Evidence of David John Compton-Moen 30 August 2021 at para [6.5]

<sup>112</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.10]

<sup>113</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.13]

<sup>114</sup> Statement of Evidence of Nicole Lauenstein 30 August 2021 at para [4.14]

increasing use of micro-mobility, less than 10% of travellers in the PC67 plan change area could be expected to walk or cycle to the West Melton town centre regularly. His opinion was that making walking and public transport viable alternatives to private vehicle trips included ensuring that the urban form of towns provides amenities, services and bus stops within a distance that the average person would be prepared to walk on a daily basis.

272. He supported the revised ODP recommendations of Ms Lauenstein, which included additional internal connections within PC67 to create a stronger pedestrian/green network. He advised that the more direct routes proposed addressed his concern that the internal layout of the ODP did not support the use of walking or cycling as viable alternatives. He remained of the view that PC67 would not promote highly visible walking or public transport networks.

#### Finding

273. I have carefully considered the expert evidence in relation to the accessibility/connectivity issue. In my view the Applicant has done all that it can to address the issues in so far as they are within its control. In terms of the transportation aspect, the expert evidence is clear that it is “well connected along transport corridors”,<sup>115</sup> and that the Applicant has, as far as practicable, addressed accessibility between housing, jobs, communities and open space. It is apparent that public transport is presently at best marginal. However, Mr Smith's evidence was clear that the updates to the ODP ensured that it allowed for efficient integration with possible changes in bus service provision in the future. None of the witnesses for the Applicant disputed that commuting by private motor vehicle for employment opportunities and access to some services would remain.
274. The Applicant has made a number of changes to the ODP to address concerns in relation to connectivity from both a transport and urban design perspective. Some of those changes are reasonably significant, and not all are within the Applicant's control. This is particularly so regarding the combined cycleway/footpath along the Weedons Ross Road frontage. Its completion is largely in the hands of other parties.
275. Overall, on the basis of the expert traffic evidence, I am satisfied that the site does have good road accessibility via SH73, Weedons Ross Road and the Southern Motorway to Christchurch and Rolleston. That is primarily by private vehicles at this time. In terms of accessibility to the Town Centre, it is outside of what is generally accepted to be a walkable distance. However the changes to the ODP combined with the changes being undertaken by Waka Kotahi on SH73, and the additional rule relating to the Weedons Ross Road combined cycleway/footpath, appropriately address that issue. I accept the evidence that the access to the community facilities, including the domain and recreation centre, and to the adjoining development to the north, is acceptable.

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<sup>115</sup> Clause 3.8(2)(b)

276. In relation to public transport, in my view the Applicant has done all that it can to facilitate, potentially, public transport in the future, should it become available. That is certainly not a given. It remains, as acknowledged by Ms Seaton in her paragraph [7.27], that employment opportunities in West Melton are limited. I acknowledge that there are increasing opportunities to work from home and there is potential of increasing employment options in Rolleston but it is likely that commuting to Christchurch, and to a lesser degree, Rolleston, will remain the primary source of employment opportunities.
277. Policy 1 does not require that every plan change meets all of the matters identified in Policy 1. As noted earlier, it is a question of contribution towards a well functioning urban environment. While the employment opportunities in West Melton are limited, and commuting is likely to continue at least in the short term, that is an issue which is not peculiar to West Melton.

Policy 1(d) – Support, and Limit as Much as Possible Adverse Effects on, the Competitive Operation of Land and Development Markets

278. I have addressed the expert evidence of Mr Sellars and Mr Colegrave earlier in this Recommendation. I have also identified Mr Wheelans' evidence. The expert evidence, in particular, is clearly very relevant to the effects on competitive operation of land and development markets. I find that evidence to be compelling. In circumstances where it seems apparent that there are significant issues with constrained supply, and in a context of high demand, that has adversely affected the competitive operation of the land and development market, and indeed has enabled uncompetitive behaviours. I consider this proposal can be seen as supporting and limiting, as much as possible, impacts on the competitive operation of land and development markets.

Greenhouse Gas Emissions

279. In relation to Policy 1(e), Ms Seaton acknowledged there would be an increase to some degree of greenhouse gas emissions arising from private vehicle trips, but they were not necessarily significant. She identified factors mitigating against an increase including the use of electric vehicles and alternative modes of transport, ready accessibility locally to recreational opportunities and convenience shopping, and increased working from home opportunities. She also noted that the proposal provides for a range of sustainability initiatives designed to support the reduction of greenhouse gases.
280. The sustainability initiatives encapsulated in proposed Rule 12.1.3.57B which provides:

*Any subdivision within the Living WM South Zone of Lot 163 DP 508829, Lot 723 DP 558751 or Rural Sec 10802 BLK XI Rolleston SD shall include a legal instrument that is binding on all future allotment owners, that specifies:*

- (a) solar power generation requirements for each residential site;*
- (b) rain harvesting requirements for each residential site;*

- (c) *the requirement for each residential unit to achieve Homestar 6© as a minimum standard or a proven equivalent;*
- (d) *for all allotments greater than 3,000m<sup>2</sup> in area, no less than 15% of the site shall be planted in native vegetation, which may include hedgerows on fence lines.*

281. In her opinion, Policy 1(e) did not require an absolute reduction in greenhouse gas emissions and indeed considered that such was not feasible in any township extension in any location short of prohibiting private vehicle use. She accepted Mr Tallentire's evidence that the extent to which the rule would reduce or offset greenhouse gas emissions is not quantified, but noted that the measures listed were commonly included in recommendations for reduction of domestic greenhouse gas emissions, including in a number of documents including the Productivity Commission and Climate Change Commission reports, the Productivity Commission (2018), Low Emissions Economy, and noted the Christchurch District Plan contained three rules similarly referencing the Homestar standard. She considered the wording to be sufficiently certain for the rule to be workable, but allowing for the possibility that the Homestar 6© standards may be overtaken by a preferred but equivalent standard.
282. Ms Seaton acknowledged that it was unlikely that the PC67 area and West Melton would be self-sufficient and that it would continue to rely on Christchurch and Rolleston for some facilities even if there is increased provision of community and commercial facilities within West Melton in the future.<sup>116</sup>

#### Finding

283. I acknowledge the sustainability initiatives put forward by the Applicant and proposed Rule 12.1.3.57B including solar power generation requirements for each residential site; rain harvesting requirements for each residential site; requirement for each residential unit to achieve Homestar 6© as a minimum standard or a proven equivalent; and that no less than 15% of the site should be planted in native vegetation.
284. I agree that the benefits of those provisions were not quantified, or indeed may not be readily quantifiable. However I accept Ms Seaton's evidence that the measures proposed are commonly included in recommendations for reduction of domestic greenhouse gas emission. Overall I consider Rule 12.1.3.57B is appropriate.
285. I consider, in the context of development, the Applicant has done all that it can to contribute to supporting the reduction of greenhouse gases. This is as a combination of changes made to the ODP and proposed rules to maximise the opportunities for improved walking and cycle connectivity, and potential future public transport connections. The additions to Rule 12.1.57A were identified by the traffic expert as significant in improving modal choice for local trips, and the internal layout of the ODP to provide more direct routes was supported by Mr Nicholson. I have addressed the appropriateness of proposed Rule 12.1.3.57B.

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<sup>116</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.29]

286. If greenhouse gas emissions were found to be such that development in West Melton was inappropriate, that would appear to be applicable to most of the areas of development within Selwyn.
287. I am conscious of the wider strategic planning framework and have had particular regard to that. This includes the focus of development within Selwyn and Rolleston, and to a lesser degree Lincoln. I do not consider that this plan change would impact on that to any measurable degree.
288. In terms of the strategic planning framework's focus on Christchurch City, I do not accept that the market for intensified development within Christchurch City in particular, is the same as those wanting a single dwelling on a section.
289. It appears to me that from the demand/capacity analysis which has been undertaken in the evidence provided at this hearing, it is unlikely that if people are unable to purchase a single dwelling in West Melton, that they will move into Christchurch City. As discussed with Mr Metherell, those seeking the single dwelling option are more likely to go further afield within Selwyn to find it. In the case of West Melton, Darfield is a prime example. If such were to be a result of declining this plan change, then that could potentially result in a worse outcome from a greenhouse gas perspective. That is not a matter which I have given any particular weight to.

## **CRPS**

290. As discussed earlier in this Recommendation, there is an identified inconsistency between Objective 6.2.1(3), Objective 6.2.6, Policy 6.3.1 and Policy 6.3.6. But for the NPS-UD, this application would have faced a significant and indeed an insurmountable hurdle.
291. Ms White's report set out a summary of the objectives and policies of the CRPS which she considered were particularly relevant to the proposal.<sup>117</sup> Ms White considered the proposal did not give effect to Objective 6.2.2(5) because it would not result in a consolidated urban form. She noted that Policy 6.3.4(2) also required new building projects (which she considered would be enabled by the rezoning) supported increased uptake of active and public transport and provide opportunities for modal choice. Ms White considered the site could be developed in a way that provides modal choice and which could in the future be serviced by public transport, but in her view it did not appear likely that the plan change on its own would lead to a change in public transport provision.
292. Ms Seaton and Ms White agreed that in terms of Policy 6.3.5(2), which directs integration between development and infrastructure, that the policy did not require development not to occur until provision of infrastructure was in place. Both considered that it was common for

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<sup>117</sup> s42A Report at para [105]

developments to rely on planned future upgrades to SDC's reticulated service network or services by other agencies.

293. Mr Tallentire identified CRPS Policy 6.3.5(2) and Policy 6.3.5(2)(e) in particular. He interpreted that to mean that appropriate infrastructure should be real and demonstrable. To meet that, it would need to be identified and budgeted for in a timely manner in an annual plan or an LTP unless there could be evidence it is being provided through a developer agreement or similar. He did not agree that evidence merely supporting feasible servicing options was sufficient.
294. I agree with Ms Seaton and Ms White that Policy 6.2.5(2) does not require infrastructure to be in place. There is nothing in the CRPS or the NPS-UD which requires that. It is common for developments to rely on planned future upgrades. I also note development itself can contribute significantly to future upgrades through the development contributions scheme, developer agreements and similar.
295. In relation to the consolidated form, Ms Seaton relied on the evidence of Ms Lauenstein and Mr Compton-Moen. In relation to Policy 6.3.4 identified by Ms White in her paragraph [108], Ms Seaton identified that the words "where possible" meant that it was preferable that provision be made but it was not an absolute requirement to meet the possibility. I agree.
296. She noted Mr Metherell's evidence that the proposal would support likely future increases in the uptake of public transport. She acknowledged, quite properly, that it is likely that those increases may be small and incremental, and dependent in part on the anticipated growth of employment/industrial areas in Rolleston. She therefore acknowledged that there would be the continued reliance on the private car trips to Christchurch and Rolleston for many employment, educational and social destinations. Overall she considered there were some limitations on access to public transport but she did not consider it was inconsistent with Policy 6.3.4 in the round.<sup>118</sup>
297. Mr Tallentire considered that Objective 6.2.1 seeks to achieve an urban form that achieves consolidation and intensification of urban areas and avoids unplanned expansion of urban areas. He considered in that regard it complemented Objective 6.2.2 which addresses urban form and settlement pattern, and in (5) provides:

*Encouraging sustainable and self-sufficient growth of the towns of Rangiora, Kaiapoi, Woodend, Lincoln, Rolleston and Prebbleton and consolidation of the existing settlement of West Melton;*

298. He agreed with the evidence of Mr Nicholson that PC67 did not consolidate the West Melton township or contribute to a compact form and considered that it was inconsistent with Objective 6.2.2(5) and SDP Policies B2.1.13, B4.3.98 and B4.3.99.

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<sup>118</sup> Statement of Evidence of Kim Marie Seaton 30 August 2021 at para [7.42]

299. Mr Tallentire addressed the evidence of Mr Compton-Moen noting that in justifying his opinion on whether PC67 contributed to a compact urban form, he relied on West Melton “developing over time into a compact urban form” and Appendix 2 of his evidence demonstrated how the two other private plan changes lodged with the SDC contributed to this view.

Consolidated or Compact Form – Expert Evidence

300. Mr Compton-Moen provided a description of West Melton township and its growth. He described the concentration of urban growth on the northern side of the State Highway noting that at that time, the provision of traffic flow through the settlement was a priority as opposed to creating a more integrated road corridor (with adjoining land use). He considered this unfortunately served to emphasise the road corridor as a barrier to south-north movement, but that some efforts are now being made to reverse that.
301. He noted that West Melton has grown to become a substantial township, flanking both sides of West Coast Road, with the majority of the township remaining on the northern side. He identified that the Wilfield development is on the southern side of the West Coast Road with access from Weedons Ross Road, and this extended area was partially developed and located to the south of the existing Wilfield development. He noted that PC67 directly adjoined the Wilfield development to the north and it would be integrated with it through two road connections and a green link through to the pylon reserve within it.
302. He addressed issues related to consolidated urban form and growth, noting that it can be difficult to predict and influence the development of intensification of key sites but provided, as Appendix 2 to his evidence, how, from an urban form perspective, West Melton could be expected to develop in the future. He considered, given the location of several key township amenities on the southern side of the State Highway, it was likely future urban growth would be located to the south.
303. He identified areas of agreement with Ms Lauenstein’s urban design evidence which were consistent with his thoughts on the future urban growth/urban form of West Melton. He identified the layout and intensification of future development around the SH73/Weedons Ross Road intersection as important for the future growth of West Melton as a self-sufficient town, and in that regard, he considered it consistent with Policy B4.3.6 of the SDP to “*Encourage townships to expand in a compact shape where practical*” for reasons which he outlined.
304. In his overall conclusion, he considered the proposed plan change a natural extension of residential development in West Melton, and that it was not out-of-sequence being in relatively close proximity to the centre of the settlement. He envisaged that in time, the south-west corner of West Melton, immediately adjoining the community centre and domain, would be developed for residential purposes. He again identified the recent changes to SH73. He noted that urban growth does not often occur as planned or as staged with numerous variables in play. He considered it clear that the development of the PC67 land did not compromise overall achievement of consolidated urban form for West Melton.



305. Ms Lauenstein carried out an urban design analysis of West Melton. She generally agreed with Mr Compton-Moen's description of the wider landscape characteristics and landscape values of West Melton as well as the overall development pattern and character of the township.
306. Ms Lauenstein undertook her own analysis of the entire township. She provided a diagram which included an indicative delineation of the extent of the urban form. Ms Lauenstein advised this was produced to explain the key urban elements and to show the overall urban structure of West Melton rather than to define the extent of growth. In essence, she identified four quadrants, being the north-east, the south-east, the south-west and the north-west. She considered the underlying structure of the four quadrants creates a balanced overall form and repositions the original centre and the domain at the heart of the township. She considered that created a better integrated urban fabric. It was her view that based on the underlying urban structure, all four quadrants of West Melton could be expected to develop further into their full capacity over time, contributing to a compact urban form. She considered PC67 would support the overall structure of West Melton built on four distinct quadrants.
307. She assessed the sequencing of growth and outlined a number of factors which were relevant, along with a desire to develop, or resistance to develop. She addressed structural, spatial and master planning, being based on anticipating and guiding development and that this combined strategic, spatial and structural design and planning. In her view, sequencing of development would be ideal with regard to a consolidated urban form, if it was always centric moving outwards but that was "utterly unrealistic", brought with it issues of efficiency, and was not in itself organic or responsive to most of the issues driving development. She considered that townships often develop in 'chunks' based on market pressure, ownership structure and other matters.
308. Mr Nicholson addressed this issue in some detail. He noted that the CRPS seeks to maintain the urban form and settlement pattern of Christchurch through the consolidation and intensification of urban areas. He identified that in particular it encourages the "consolidation of the existing settlement of West Melton". He identified the objectives of the SDP that seek "growth in existing townships as a compact urban form" referencing Objective B3.4.4. He identified Policy B4.3.98 which anticipates new residential growth or business growth in West Melton on either side of the Weedons Ross Road north of SH73 and south of Halkett Road with only a limited extent of new low density residential development envisaged south of SH73 in order to maintain a consolidated form for future growth. He also identified Policy B4.3.99 which he considered sought to promote a consolidated pattern of urban growth in West Melton in order to achieve a generally compact shape.
309. He described West Melton and considered the centre of it to be on Weedons Ross Road just north of SH73 between the West Melton primary school and the local shopping centre. He provided, as Figure 1, 400, 800 and 1200 metre radius rings around the centre of West Melton to give an indication of walkability catchments.

310. He considered the walkability catchments provide an approximate measure of how compact the urban form is and to what extent the urban form enables walking, cycling and public transport as realistic alternatives to the use of private vehicles. He considered walkability to be one measure to assess the proposed plan change against the various directions relating to consolidation and compactness. He noted that the plan change area was largely outside the walkable catchments shown on his Figure 1 and were separated from the town centre by the high voltage transmission lines and SH73. He noted the plan change site extended south-west to within 400 metres of the existing development area (Johnsons Road).
311. Overall, it was his opinion that the proposed plan change does not consolidate West Melton or contribute to a compact urban form for the township anticipated in Policy B4.3.98 and B4.3.99 of the SDP. He noted that as a general principle, a more compact urban form can be achieved by concentrating development as close to the town centre as practical. He identified there were areas of undeveloped rural land to the north of SH73 within the 1200 metre radius of the town centre and areas of undeveloped rural land to the south of SH73 within both the 400 and 800 metre radius of the town. He considered it likely that development in those areas would make a greater contribution to the consolidation of West Melton.
312. He did not agree with Mr Compton-Moen's view that PC67 was a natural extension of the Wilfield development and that it was an in-sequence development adding development capacity to West Melton. Mr Nicholson considered that while the plan change might be seen as a natural extension if considered solely in the context of the Wilfield subdivision, it was not a natural extension of West Melton in its current size and form as it extended significantly further away from the town centre than any other part of the township. He did not agree that it was in-sequence.

#### Analysis

313. I have carefully considered this issue as it is a matter of some importance both from an urban design perspective and in terms of the relevant objectives and policies of the CRPS and the SDP. Mr Nicholson maintained his opinion that the plan change area does not consolidate West Melton or contribute to a compact form as anticipated by the relevant policies in the SDP in particular, although he recognised value in the improvements that had been made. This was due primarily to the distance of the plan change area from the town centre, and the community severance created by SH73 and the high voltage transmission lines.
314. I do not accept that the high voltage transmission lines provide a community severance. Mr Wheelans provided an example of a development where such had been expressly incorporated and noted its use in the neighbouring subdivision in terms of connectivity and green space. The ODP shows this area as part of the green network and incorporates a shared pedestrian/cycle path.
315. In relation to the community severance which has been created by SH73, there is no doubt that it has had that effect. Indeed the policy framework reflects this. However, I had

considerable evidence in relation to the works Waka Kotahi is undertaking in association with the signalisation works proposed.

316. Mr Wheelans provided considerable evidence in relation to the interface with SH73. He noted that since the development of Prestons Downs and the later development of Wilfield, his company had been in close contact with Waka Kotahi and SDC regarding the interface of the residential areas with the State Highway, and State Highway improvements. He advised that over time two pedestrian connections have been provided to enable north-south connectivity, and speed limits had been moved west and east and lowered to recognise the urbanisation of the township. He noted that within the planned or committed upgrade of the SH73/Weedons Ross Road intersection, there were two existing connections which would be added, providing for pedestrian and cycle connectivity.
317. Mr Metherell was of the opinion that with the availability to integrate the development with the existing Wilfield site, the PC67 site would contribute to consolidation of the urban form given key community facilities are located centrally in West Melton.<sup>119</sup> To further support the urban consolidation, he would expect that the subdivision would result in a transport network that minimised walk and cycle distances to the north-east corner of the plan change which was a standard assessment matter for subdivision.
318. Relevantly to this issue, he addressed specifically the growth of township Policy B4.3.98 which he considered to be of less relevance given the way the West Melton and SH73 corridor has developed. He understood it to be focused on safety and efficiency of the highway. The Waka Kotahi upgrades would be in place before the site could be fully developed. He considered this would allow for safe and efficient access to and across the highway for pedestrians and cyclists as well as vehicle travel. He provided the Waka Kotahi intersection upgrade description which included:

*These changes will help reconnect the community to key facilities, like the community and recreation centre, the Domain, local shops, West Melton School and early childcare facilities. They will also help reduce delays and make travel times ...*

319. Mr Metherell did not consider the site to be inconsistent with Policy B4.3.99 given it was immediately adjacent to the Wilfield subdivision and internal connections would be available. He noted that the distances to the West Melton central facilities were comparable to those from within the existing West Melton urban areas.

#### Assessment

320. I accept the evidence of Mr Wheelans and Mr Metherell that the Waka Kotahi routes will, to a large degree, mitigate the severance effects of SH73.

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<sup>119</sup> Statement of Evidence of Andrew Alan Metherell 30 August 2021 at para [8.5]

321. The evidence of Mr Compton-Moen and Ms Lauenstein was well considered and helpful. As identified by Ms White and Mr Nicholson, their evidence in relation to the compact form and consolidation matters focused on what form the overall development of West Melton should or may take.
322. There is no proposal, either by way of this plan change, any other plan changes which I am aware of, or any Council documents which I am aware, which indicates the development of the south-east and south-west 'quadrants' referred to in the evidence of both Mr Compton-Moen and Ms Lauenstein.
323. I raised the degree of reliance that appeared to have been placed on what may happen in the future with both Mr Compton-Moen and Ms Lauenstein in relation to their views as to compact form and consolidation. They both advised that they were comfortable that PC67 in itself, contributed to a compact shape and consolidated form. Nevertheless, the future growth and the form that development of West Melton should take appear to be a significant factor in their evidence in relation to this issue.
324. A number of matters which Mr Nicholson raised are relevant. It is readily apparent that the plan change area constitutes a moving of the southern boundary of the urban form. This, by its very nature, involves moving away from the commercial activities and other facilities north of SH73. It is, however, well connected to a number of key community facilities, including the community centre and the domain.
325. The appropriateness or otherwise of this proposal and its relationship to the CRPS provisions identified by Mr Tallentire, can be assessed in light of the relevant objectives and policies of the SDP.
326. Objective B4.1.1 is for a range of living environments to be provided for in townships "*while maintaining the overall 'spacious' character of Living zones ...*".
327. Objective B4.1.2 seeks that new residential areas are pleasant places to live and add to the character and amenity values of townships.
328. Policy B4.3.6 provides:
- Encourage townships to expand in a compact shape where practical.*
329. The Explanation and Reasons provides that Policy B4.3.6 promotes shapes and situations that foster a compact or consolidated town shape. Compact is noted as meaning zones of similar lengths and widths, rather than long, thin strips of land following a particular road, waterbodies or other feature. It also identifies that a compact shape helps mitigate adverse effects. The Explanation also notes that a compact shape may not always be practicable if there is a constraint to a zone expanding in a particular direction. I note that no such constraints have been identified in West Melton.

330. The West Melton specific Policy B4.3.99 provides:

*Promote a consolidated pattern of future urban growth in West Melton.*

331. The Explanation and Reasons notes that the future growth is to adhere to a form of development which maintains a generally compact shape. It identifies that while allowing a substantial amount of urban growth with higher densities north of SH73, development south of the highway is to be limited in extent and density. This is noted as being consistent with town form Policy B4.3.6.

332. None of the above policies could be said to be directive. Words such as 'encourage' and 'promote' are not mandatory directives.

333. Policy B4.3.98 is to:

*Provide a primary focus for new residential or business development north of State Highway 73 and south of Halkett Road, and to allow only a limited extent of new low density residential development south of State Highway 73.*

334. The Explanation and Reasons note that West Melton has developed with community facilities on both the northern and southern sides of SH73 and that residential development has taken place north of the highway with lower density south of SH73. The Explanation also notes that new residential growth will be enabled south of the highway but will be limited in extent and density to minimise effects on the safety and efficiency of the highway.

335. Policy B4.3.98 is clear in where the focus of development is to be but it does allow a limited extent of new low density residential development south of SH73. It does not direct that residential growth south of the State Highway is to be avoided.

336. In my view, Policy B4.3.6, Policy B4.3.98 and Policy B4.3.99 need to be assessed and read as part of the Objectives and Policies as a whole. There are a number that seek other outcomes rather than simply compactness. The Wilfield land to the north has been approved for intensification pursuant to PC59 and that is being undertaken. This land directly adjoins and is well connected with that development. It is not an outlier.

337. Overall, I consider that PC67 does contribute to a relatively compact West Melton, albeit one that is not as compact as Mr Nicholson would prefer. It is, in my view, at the very edge of the southern extent of a compact West Melton. If it were not for the high degree of integration with the Wilfield development to the north, and the amendments to the ODP to address connectivity concerns, my finding would likely be different. On balance I consider it is consistent with the relevant objectives and policies in the SDP in relation to compact townships and consolidation which give effect to the relevant objectives and policies of the CRPS.

Conclusion on CRPS

338. The issue of whether or not this gives effect to the CRPS is somewhat complicated by the strong avoidance objective in Chapter 6 which I have concluded do not preclude the assessment of this plan change in reliance on the responsive planning provisions of the NPS-UD. It clearly conflicts with the directive outcomes sought in Objective 6.2.1(3) and Policy 6.3.1(4).
339. In terms of the specific objectives and policies that have been identified in the evidence and submissions which I have heard, these relate particularly to the compact form/consolidation, infrastructure provision, greenhouse gases, transportation and associated matters of modal choice and public transportation. I consider those matters have been appropriately addressed. On balance, I consider that apart from the location, it is compatible with the outcomes sought in the CRPS for new growth.

**CLWRP and CARP**

340. As noted by Ms White, pursuant to s75(4)(b) of the RMA, the SDP cannot be inconsistent with the regional plan. She identified that these include the LWRP and CARP. Ms White noted that the establishment of activities within the plan change site will either need to meet the permitted activity conditions or be required to seek resource consent. She considered there is nothing particular about the site or its proximity to other land uses that would impede the ability to appropriately mitigate effects such that consents could be obtained.
341. Ms Seaton agreed. I note this was not an issue raised in the submission or evidence from CRC and I agree that there is no apparent inconsistency with those regional plans.

**IMP**

342. The IMP is a planning document which is recognised and has been lodged with SDC. Pursuant to s74(2A) of the RMA, in considering this plan change, I must take account of the IMP. The application provided an assessment of the relevant provisions of the IMP at paragraphs [91] – [98]. That assessment noted that the IMP did not identify any specific cultural values associated with the subject land that might be adversely impacted by the development. It noted that any discharges were controlled by CRC and that the plan change area was subject to existing SDP controls over night-time lighting and they would assist in mitigating light pollution.
343. In relation to Wai Māori, the application identified that the land to be rezoned does not contain any waterways with the exception of sections of the artificial water race on the Weedons Ross Road frontage, that effluent would be reticulated, that the stormwater would be treated and disposed of through swales and basins ensuring that no untreated stormwater would reach groundwater, and that roof stormwater would be disposed of straight to ground. I note that since the drafting of that, rainwater tanks have been specified as a condition.

344. Overall, no issues were specifically raised in relation to the IMP and I have taken it into account. Given the nature of the site, and the methods proposed to address matters such as stormwater discharge, I do not consider the IMP creates any difficulties to this proposal.

#### **Consistency with Plans of Adjacent Territorial Authorities**

345. Again this was discussed briefly by Ms White. She noted at her paragraph [11] that matters of cross-boundary interests are outlined in the SDP in Section A1.5 of the Township Volume. Of relevance she identified effects on strategic and arterial road networks for people commuting between Selwyn and Christchurch. She identified that the Methods state that this is identified as an effect of residential growth in the SDP and notes that CCC can submit on proposals to rezone land for growth. CCC has submitted and I have taken its concerns into account.

#### **Management Plans and Strategies Prepared Under Other Acts**

346. Mr Baird, Policy Analyst at SDC, provided a Memorandum addressing growth planning in Selwyn District. This was not focused specifically on this plan change but rather outlined the expected growth and current and future capacity in the context of the broader strategic planning occurring across Greater Christchurch and Selwyn. That memo identified various documents including the Greater Christchurch Urban Development Strategy 2007.
347. I have considered all the documents he has identified. The documents identified included Our Space.<sup>120</sup> Its focus is described as being how best to accommodate housing and business land use needs in a way that integrates with transport and other infrastructural provision, building greater community resilience, and contributing to a sustainable future for Greater Christchurch that meets the needs and aspirations of our existing communities and future generations.<sup>121</sup>
348. The Update addresses Selwyn (and Waimakariri) towns in 5.3. Future urban growth development areas were identified in Rolleston, Rangiora and Kaiapoi. This site was not identified.
349. Selwyn 2031 is Selwyn's District Development Strategy. Mr Baird described that as providing an overarching strategic framework for achieving sustainable growth across the District to the year 2031. He advised that it was intended to guide the future development of the District and to inform SDC's capital investment decisions.<sup>122</sup>
350. Strategic Direction 1 seeks to ensure that there is enough zoned land to accommodate projected household and business growth, while promoting consolidation and intensification within existing townships. Mr Baird's Memorandum recorded the drivers behind this approach as being to manage urban sprawl, maintain a clear urban/rural interface and to minimise the

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<sup>120</sup> Our Space 2018–2048 Greater Christchurch Settlement Pattern Update

<sup>121</sup> Our Space, Message from the Strategy Partners

<sup>122</sup> Ben Baird Memo 19 August 2021 at para [23]

loss of productive farmland. He identified the key objectives supporting the strategic direction as being concentrating growth within the Greater Christchurch area, achieving efficiencies through integration of land use with infrastructure, and the maintenance of a compact urban form.<sup>123</sup>

351. Mr Baird also advised that the township network outlined in Selwyn 2031 seeks growth relative to the centre's role in the District.

352. He advised that SDC had provided for most of the new capacity for growth around Rolleston, and to a lesser extent Prebbleton and Lincoln. That distribution of capacity was preferred because it:

- (a) Supports the township hierarchy of centres, including supporting ongoing expansion in retail service activities in Rolleston;
- (b) Is consistent with the objectives and policies in the regional planning document, national planning frameworks and Selwyn's local plans;
- (c) Provided certainty for community, SDC, government and developers partially through identifying areas around Rolleston that have been signalled as future growth area. He noted that unplanned or dispersed growth patterns can undermine the public and private investments and community;
- (d) Improved the amenity of Rolleston Town Centre by contributing towards Rolleston achieving a critical mass, reducing the need to travel out of Selwyn.

353. Relevantly in terms of Selwyn 2031 and the concentration of urban expansion within the Greater Christchurch area, the issue is stated as:

*Ensuring that sufficient and appropriately zoned land is available to accommodate up to 80% of the urban growth within Selwyn District over the next 20 years within Rolleston, Lincoln, Prebbleton and West Melton townships.*

354. I consider that this proposal generally accords with Strategic Direction 1 and assists in addressing the issue identified. I consider that in terms of location and scale, it is not one which would undermine the preferred distribution of capacity identified in Selwyn 2031.

## **Section 32**

355. The proposal does not include any new objectives, or 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.

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<sup>123</sup> Ben Baird Memo 19 August 2021 at para [24]



356. The s32 Report that formed part of the application noted that the existing objectives are assumed to be the most appropriate way of achieving the purpose of the RMA having previously been assessed as such. Ms White was of a similar opinion. Overall, I agree it is an appropriate assumption. Nevertheless, I have also considered the higher order documents above.
357. The s32 Report noted that the more general objective of the proposal, that being the purpose of the proposal, was to provide a new Living West Melton Zone as an extension of the adjoining existing Residential Zone. The Report considered that to be appropriate to enable persons and the community to provide for their health and well-being, while avoiding, remedying or mitigating potential adverse effects. It acknowledged that there would be a change in the urban form from that existing currently but it was considered to be an efficient use of the physical land resource.

#### Objectives and Policies

358. The s32 Report provided a detailed assessment of the relevant plan provisions against the objectives and policies of the SDP. The table occupied just over 5 pages. I agree that the proposed plan change is generally consistent with a number of objectives and policies of the SDP, particularly those seeking to provide pleasant living environments with high amenity. These include, without reciting all of the objectives and policies listed, those in Chapter 4: Growth of Townships. I agree they are particularly relevant. Objective B4.1.1 seeks the provision of a range of living environments being provided for in townships while maintaining the overall spacious character of Living zones, except within medium density areas identified in an ODP where a high quality, medium density development is anticipated.
359. I agree that the comparatively low site coverage limits, combined with the comprehensive green network, will assist in ensuring that the spacious character and amenity values are maintained.
360. In relation to Objective B4.3.1, the plan change would result in the removal of a relatively small area of land from primary production but it does not adversely effect the amenity values of the township or rural area or sites with special ecological, cultural, heritage or landscape values.
361. The proposal is clearly not consistent with, and indeed in my view is contrary to, Objective B4.3.3 and Policy B4.3.1 in so far as the site is not within a priority area, although an ODP is proposed. That objective and policy largely reflect the CRPS and my discussion of Policy 8 of the NPS-UD is equally relevant to these provisions.
362. Objective B4.3.4 provides for new areas for residential or business development support the timely, efficient and integrated provision of infrastructure, including appropriate transport and movement networks through a coordinated and phased development approach. I have addressed infrastructure provision earlier and I am satisfied that is appropriately addressed.

363. Objective B4.3.5 seeks to ensure that sufficient land is made available in the District Plan to accommodate additional households in the Selwyn District portion of the Greater Christchurch area between 2013 and 2028 through both greenfield growth areas and consolidation within existing townships. As noted, this site is not within a greenfield growth area but some guidance can be taken from Objective B4.3.5 in terms of the need to ensure that there is sufficient land available. As to whether it promotes consolidation, I have addressed this earlier. It avoids the proliferation of new settlements although it does lead to an extension of the township form which I again have addressed above.
364. Objective B4.3.9 addresses the targets for sufficient, feasible development capacity for housing within Greater Christchurch and was inserted in accordance with ss 55(2) and 5(2A) of the RMA from the National Policy Statement on Urban Development Capacity 2016.
365. This seeks that for the period 2018 to 2048, sufficient, feasible development capacity for housing is enabled in the urban areas of Selwyn District within Greater Christchurch in accordance with CRPS Policy 6.2.1a. I consider this proposal assists in meeting that objective.
366. Policy B4.3.98, which is to provide the primary focus for new residential or business development north of SH73 and South Halkett Road and to allow only a limited extent of new low density residential development south of SH73, has been addressed earlier in this Recommendation.
367. The assessment notes that it will remain low density and identifies that the explanation to Policy B4.3.98 indicates that the restriction is necessary to maintain the safety and efficiency of the highway. In terms of Policy B4.3.99 and the promotion of a consolidated pattern of future urban growth in West Melton, the assessment of the proposal considered it would obtain a *“reasonably consolidated growth pattern, albeit the township will develop in a more southerly direction than is currently the case”*. While it appears that there is some tension with that policy, I have addressed this earlier in my Recommendation.
368. Overall, I agree that the proposed plan change is generally consistent with the broader thrust of the objectives and policies of the SDP and particularly, but without limitation, those seeking to provide for pleasant living environments with high amenity. Considering the relevant objectives as a whole and recognising that there is some degree of tension with some of the more specific policies, I consider PC67 gives effect to the relevant objectives and policies overall.

#### Outline Development Plan

369. 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.

Benefits and Costs

370. The s32 evaluation provided with the application identified and addressed the benefits and costs of the plan change by assessing three options. These were to leave the area zoned Rural (Option 1), rezone the entire site to Living WM South Zone (Option 2), or apply for resource consent for subdivision and land use consent under the current zoning (Option 3). In relation to Option 1, the report assessed the benefits as maintaining the existing character and amenity of the area, no time or costs arising from a plan change process, no additional demands on infrastructure and no effects on versatile soils. In terms of the costs/disadvantages, that was stated as not meeting market demand for residential sites in West Melton.<sup>124</sup>
371. In terms of the benefits and costs of rezoning the site to Living WM South (Option 2), the benefits/advantages were identified as increasing the availability of allotments within West Melton Township, economic benefit to SDC from larger ratepaying base, economic benefit to the landowner from development of the property, provision of high quality residential amenity for future residents, and additional supply of housing which would assist in avoiding price rises resulting from otherwise suppressed housing supply.
372. The costs of this option were assessed as change in character and amenity of the site from rural to urban, increased traffic generated in and around West Melton, additional infrastructure capacity required to be provided at developer's cost and loss of low productivity rural land.<sup>125</sup>
373. In relation to Option 3, applying for resource consents to achieve increased density, the benefits were assessed as including a greater ability to fully assess the proposal in light of more detailed information required as part of the subdivision consent application, ability for SDC to place stricter controls on development through consent conditions, and if granted would allow for a greater number of allotments with associated efficiency of land development.
374. The costs/disadvantages were identified as need for purchasers to obtain consent if they wish to alter uses beyond what are permitted in the SDP or already consented, restricted timeframe in which land has to be developed and houses built, less flexibility in development of the land, possibly higher costs to develop the land through the placing of higher controls on development, difficulty of obtaining resource consent for non-complying status subdivision, change in character and amenity of the site from rural to urban, increase in traffic generated, additional infrastructure capacity required to be provided at the developer's cost, and loss of low productivity rural land.
375. The assessment concluded that the costs of option 3 outweighed the benefits. It identified that 'numerically' the benefits of option 1 outweigh the costs but the lost opportunity to provide

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<sup>124</sup> s32 evaluation at para [5]

<sup>125</sup> Supra at page 17

for additional residential urban capacity carries considerable weight. It considered that for option 2, the benefits outweigh the costs.<sup>126</sup>

#### Analysis

376. I accept that the s32 assessment has largely identified the relevant benefits and costs of the three options. I have considered that carefully.

377. In relation to Option 1 – that is leaving the land in its present zoning – a potential benefit is that it may enable a more comprehensive assessment of the growth needs at West Melton at a strategic level.

378. Mr Tallentire considered that an appropriate density might be different if additional growth at West Melton was considered desirable as part of a strategic planning exercise.<sup>127</sup>

379. Ms Lauenstein identified as a main point of disagreement:

*Is a strategic structural plan required to ascertain the appropriate urban form and extent of development for West Melton?*<sup>128</sup>

380. Ms Lauenstein considered that from an urban design perspective, structural planning and plan changes are both valid planning tools with public participation and contribution to the decision-making process. It was her view that they are not reliant upon each other and can run concurrently or independently. She identified the benefit of a plan change as being that there is a certainty around the land availability and the willingness to develop which at a structural planning level cannot be ascertained with certainty. She considered that in the “bigger picture”, plan changes can benefit from wider structural planning “vision” being in place but at the same time they can inform the bigger picture thinking with the information they provide.<sup>129</sup>

381. While Mr Nicholson noted that the Future urban form – anticipated growth pattern diagram referred to by Ms Lauenstein in her evidence was not without merit, it had no standing in the SDP and had not been consulted on with the community. He agreed that sequencing growth is not an exact science but qualified that by noting that simply because land is available for development does not necessarily make it appropriate from an urban design perspective. He considered there were options for growth in West Melton, including north of the State Highway, which could be considered.

382. Overall, I acknowledge that there are benefits in a spatial planning process but in the context of this particular plan change, its scale and location, and the clear evidence in relation to demand/capacity issues, approving this plan change would not impede or disable a future spatial planning process to any degree.

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<sup>126</sup> s32 assessment at para [56]

<sup>127</sup> Statement of Evidence of Keith Roger Tallentire 6 September 2021 at para [116]

<sup>128</sup> Summary of Statement of Evidence of Nicole Lauenstein 14 September 2021 at para [12]

<sup>129</sup> Summary of Statement of Evidence of Nicole Lauenstein 14 September 2021 at para [13]

Economic Benefits/Costs

383. Section 32(2) provides that in assessing the efficiency and effectiveness of the provisions in achieving the objectives, the assessment must identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of that provision, including opportunities for economic growth that are anticipated and employment that are anticipated to be provided or reduced, and if practicable, quantify the benefits and costs.<sup>130</sup>
384. In terms of benefits, PC67 has significant economic benefits. Mr Colegrave provided the only expert economic evidence on this plan change. He addressed this throughout his evidence, and in discussions, but particularly in his paragraphs [5.1] to [5.40]. Mr Colegrave identified a boost in market supply and considered that all other things being equal, the supply boost would help the market to be more responsive to growth and demand, thereby reducing the rate at which the district house prices grow over time (relevant to the status quo).
385. As noted earlier, from an economic perspective, Mr Colegrave was of the view that the 130 new lots represented a significant boost in supply. He considered it would help to foster competition in the local land market. He considered that a direct boost in supply and increased land competition had direct economic benefits from making land and dwellings more affordable than they would otherwise have been. His evidence was that it can also have broader impacts, specifically, by reducing the rate at which dwelling prices grow, future residents will spend less on weekly rent or mortgage payments than they would have otherwise which would boost disposable incomes. With a significant proportion of the extra money likely to be spent locally, lower future dwelling prices (relevant to the status quo) also create additional economic stimulus for the wider benefit of the local area through increased household spending.
386. Mr Colegrave considered that given the *“clearly divergent characteristics of West Melton dwellings, residents, and households”* it followed that the proposed plan change would help meet the NPS-UD requirement to provide a range of typologies.
387. He considered that by enabling the resident population to grow, including via additional development on the subject site, the District will eventually be able to support greater local retail/service provision and hence be less reliant on the city to meet its household needs. In his opinion, this in turn would not only support greater District economic activity and growth, but also reduce vehicle travel and the emissions associated with it. He identified more specifically that greater District critical mass, including at the subject site, would help SDC and community to realise its ambitions for a renewed Rolleston Town Centre, thereby elevating its current status as a lower order KAC to a fully-functioning town. He identified one-off economic stimulus and its direct, indirect and induced effects.

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<sup>130</sup> s32(2)(a)(i) and (ii) and (b)

388. By way of summary, he estimated that the future economic activities enabled by the proposal could boost regional GDP by \$56 million, including flow-on effects, generate employment for 600 people-years and generate \$30 million in household incomes.
389. I discussed the economic benefits with Mr Colegrave, particularly in relation to the growth just from this 130 lot proposal. He advised that overall catchment development in an economic sense was relevant. He advised that construction was a one-off 'sugar hit' but that potential growth could lead to more permanent employment. He considered enabling the resident population to grow, including via additional development on the subject site, would enable the District to eventually be able to support greater local retail/service provision and be less reliant on the City.
390. He identified that the main potential economic loss was the loss of land for rural production. Relying on the evidence, he understood that the land was not particularly valuable for rural production and that this was reflected in its value. He assessed the value as currently about \$10/m<sup>2</sup> whereas by comparison, sections in the adjacent Wilfield development were worth about \$125/m<sup>2</sup> on average. He noted that was 12.5 times higher. He considered the economic costs to be relatively immaterial.

#### Conclusion on Benefits and Costs

391. Overall, I accept that PC67 has a number of benefits. In particular, the benefits relate to the provision of additional capacity in an area where there is clearly insufficient capacity to meet demand, and, on the evidence of Mr Colegrave, it will have significant economic benefits. These go beyond benefits simply accruing to the developer.
392. In terms of costs, overall I consider they have been appropriately addressed in the s32 evaluation. In terms of the matters raised in the submissions in relation to financial costs to the community, such costs will largely be met by the developer either directly, or through development contributions, and this proposal is unlikely to impose any costs directly on the ratepayer base, which will ultimately expand if the land is developed.
393. There may be some amenity costs experienced by local residents, and particularly those near to the site. They are likely to be significantly less than minor. There will also be a loss of productive soils which I have assessed earlier in this Recommendation.

#### Risk of Acting or Not Acting

394. I am satisfied that I have sufficient information before me identifying the risks associated with acting or not acting. They have been identified and considered.

#### NPS-UD Clause 3.11 Using Evidence and Analysis

395. I have considered clause 3.11 of the NPS-UD which provides local authorities must clearly identify the resource management issues being managed, and use evidence about land and

development markets, and the results of the 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.

396. Clause 3.11(2) requires that I must specifically refer to those matters and relevant evaluation reports and further evaluation reports prepared under s32 and s32AA.

397. I have used both the HCA and the evidence provided in relation to those issues by Mr Colegrave and Mr Sellars. I have also considered Mr Wheelans' evidence, particularly in relation to the township and its growth, and his experiences in the development market.

#### Section 32AA

398. Section 32AA requires a further evaluation for any changes that have been made to the proposal since the evaluation report was completed.

399. Section 32AA(1) provides:

- (1) *A further evaluation required under this Act—*
  - (a) *is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
  - (b) *must be undertaken in accordance with section 32(1) to (4); and*
  - (c) *must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
  - (d) *must—*
    - (i) *be published in an evaluation report that is made available for public inspection at the same time as the approved proposal ... or the decision on the proposal, is notified; or*
    - (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) *To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

400. In relation to the changes to the ODP planned, these primarily relate to the shared pedestrian/cycleway. They are to improve connectivity and, in my view, provide a real benefit.

401. The potential costs with the changes, particularly in relation to the cycleway along Weedons Ross Road, are an additional cost to the proponent and potentially delaying release of sections to the market.

402. Again, in terms of the addition of Rule 12.1.3.57A, the costs are additional financial costs to the proponent and potential cost in relation to the timing of release of the sections.
403. In relation to proposed Rule 12.1.3.57B, the potential costs are that the provisions may potentially add greater cost to purchasers of allotments in the development of their dwellings. There are also benefits, albeit unquantified, in the provisions in relation to reduction in greenhouse gas emissions, efficient use of rainwater, and improvement in terms of indigenous vegetation.
404. In relation to other changes to the text, the provision of the words “including supporting opportunities for future public transport routes” are appropriate. They have benefits in ensuring that future public transportation routes can be accommodated. There do not appear to be any costs associated with that.

#### Conclusion

405. Overall, I consider that PC67 is efficient and effective. It provides a number of benefits as outlined above. It provides additional supply and choice in the residential housing market. It has economic benefits as addressed above. The amendments have addressed issues in relation to connectivity, urban form and other issues. There are some costs, but overall, having reviewed all the documents, submissions, and evidence, and in light of the relevant objectives and policies, the changes proposed and having considered the benefits, costs and risks, I consider that PC67 is the most appropriate means of achieving the objective and ultimately the purpose of the RMA.

#### Section 31

406. I am satisfied that the site can be appropriately serviced. I have some concerns in relation to consolidation of urban development. PC67 can achieve integrated management of effects and would enable additional residential capacity and choice in a manner which can be achieved without the creation of significant potential effects on the environment.

#### Part 2 Matters

407. Overall, I largely agree with the assessment contained in the request and addressed in the evidence of Ms Seaton and Ms White. The SDP largely reflects and addresses the relevant Part 2 matters, and the following is very much a summary of the relevant Part 2 matters for the sake of completeness.

#### Section 6

408. I agree that there are no matters of national importance which are directly relevant to this site and to this proposal.



## Section 7

409. Section 7 sets out the matters to which I am to have particular regard. Section 7(b) relating to the efficient use and development of natural and physical resources is relevant; s7(c) in relation to the maintenance and enhancement of amenity values and s7(f) in terms of the maintenance and enhancement of the quality of the environment are also relevant.
410. I acknowledge concerns raised by some of the submitters in relation to their amenity values and to the quality of the environment. I acknowledge that growth may impact on the characteristics that current residents value, but in my view the scale of this proposal is not such as to threaten those. I acknowledge there is some loss of productive or versatile soils. In terms of the efficient use and development of natural and physical resources (s7(b)), I conclude, overall, that this is an efficient use and development of the natural and physical resources.

## Section 8

411. Section 8 requires that I take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). I accept the evidence that there are no explicit s8 matters in play in this particular application. Consultation was undertaken with iwi in relation to the neighbouring development (PC59) and there was nothing explicitly identified in relation to this site that provides any concerns.

## Section 5

412. The ultimate purpose of the plan change must be to achieve the purpose of the RMA as defined in s5. I accept that in general terms the purpose can largely be assessed in the detail and breadth of the operative objectives and policies which the Applicant does not propose to change. Overall, I am satisfied that the purpose of the RMA is achieved.

## **Overall Conclusion**

413. Overall, for the reasons that I have set out above, I conclude that PC67 is appropriate in terms of the s32 tests and meets the purpose and principles set out in Part 2 of the RMA in promoting sustainable management. Specifically, it will enable people and communities to provide for their economic and cultural wellbeing by provision of additional residential development in West Melton and where the effects of that development can be acceptable and mitigated.
414. I have had particular regard to the wider strategic planning framework, and in particular the CRPS. In the wider context of a housing crisis, and in the more localised issues of capacity and demand, and given my conclusions that this will add significant development capacity and contribute to a well functioning urban environment, the rezoning is the most appropriate outcome.

**Recommendation**

415. 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 67 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.

A handwritten signature in blue ink, appearing to read 'D Caldwell', is written over a horizontal line.

**David Caldwell**  
Hearing Commissioner

Dated: 10 January 2022

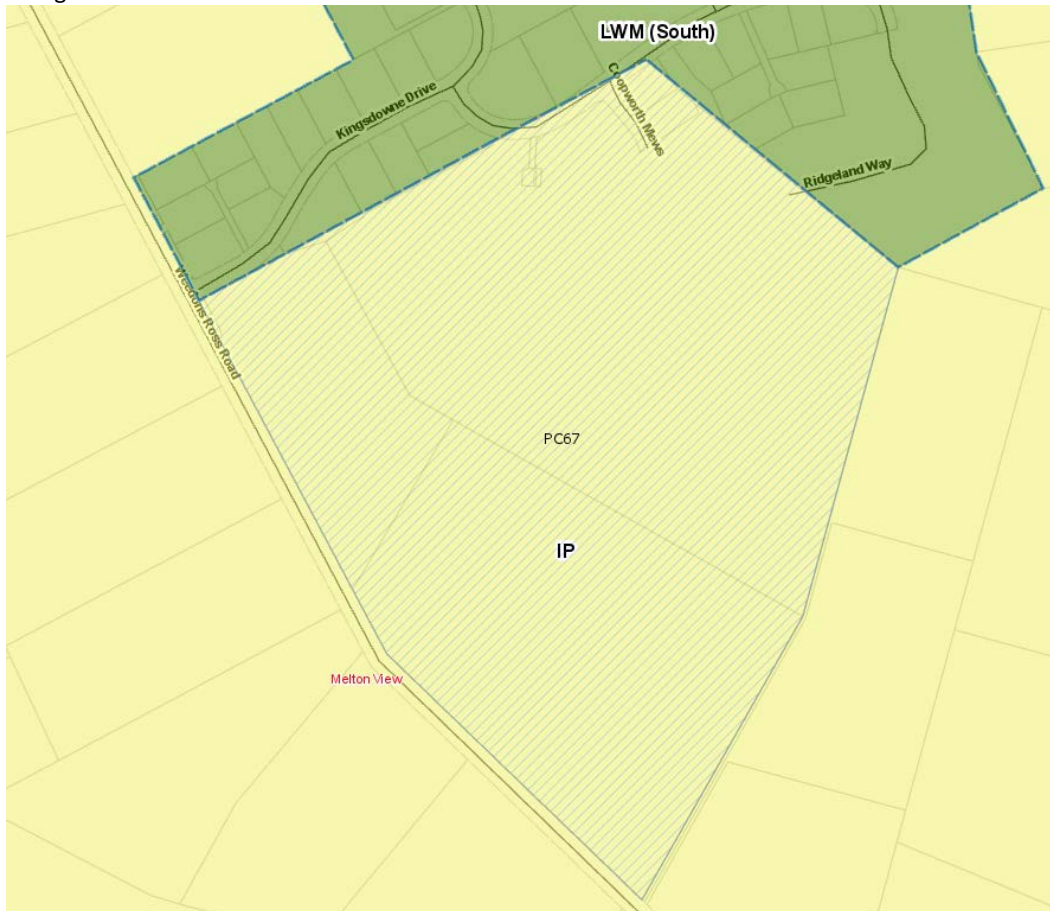
## PC67 Commissioner Recommendation – Schedule of amendments to the Selwyn District Plan

Text to be inserted is shown underlined

Text to be deleted is shown ~~struck through~~

### Planning maps

Amend the zoning of the land shown with blue hatching below from Rural (Inner Plains) Zone to Living WM South Zone:



### Townships Volume, Rule 12 Subdivision

12.1.3.57A	<p>No completion certificate shall be issued under section 224 of the Act within the Living WM South Zone (other than for a boundary adjustment or creation of an allotment solely for utility purposes), until such time as:</p> <p><u>(a) the State Highway 73/Weedons Ross Road Intersection is signalized; and</u></p> <p><u>(b) for any subdivision of Lot 163 DP 508829, Lot 723 DP 558751 or Rural Sec 10802 BLK XI Rolleston SD, a pedestrian/cycle path is constructed on Weedons Ross Road between the intersection of State Highway 73/Weedons</u></p>
------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<u>Ross Road and the southern intersection of Kingsdowne Drive/Weedons Ross Road</u>
<u>12.1.3.57B</u>	<p><u>Any subdivision within the Living WM South Zone of Lot 163 DP 508829, Lot 723 DP 558751 or Rural Sec 10802 BLK XI Rolleston SD shall include a legal instrument that is binding on all future allotment owners, that specifies:</u></p> <p><u>(a) solar power generation requirements for each residential site;</u></p> <p><u>(b) rain harvesting requirements for each residential site;</u></p> <p><u>(c) the requirement for each residential unit to achieve Homestar 6® as a minimum standard or a proven equivalent;</u></p> <p><u>(d) for all allotments greater than 3,000m<sup>2</sup> in area, no less than 15% of the site shall be planted in native vegetation, which may include hedgerows on fence lines.</u></p>

## Townships Volume, Appendix 20

### **OUTLINE DEVELOPMENT PLAN – LIVING WEST MELTON SOUTH ZONE**

#### **Introduction**

This Outline Development Plan (ODP) area comprises ~~73.5~~ 106.9ha and is bound State Highway 73 to the north and Weedons Ross Road to the west.

...

#### **Movement Network**

...

The ODP provides for an integrated transport network incorporating:

...

- Shared pedestrian and cycle connections throughout the ODP area and on the Weedons Ross Road frontage, and including existing connections to the north and west of the ODP area, to enhance safe walking and cycling opportunities to other parts of West Melton township.

The ~~remaining~~ internal roading layout must provide for long term interconnectivity once full development is achieved, including supporting opportunities for future public transport routes. An integrated network of tertiary roads must facilitate the internal distribution of traffic, and if necessary, provide additional property access.

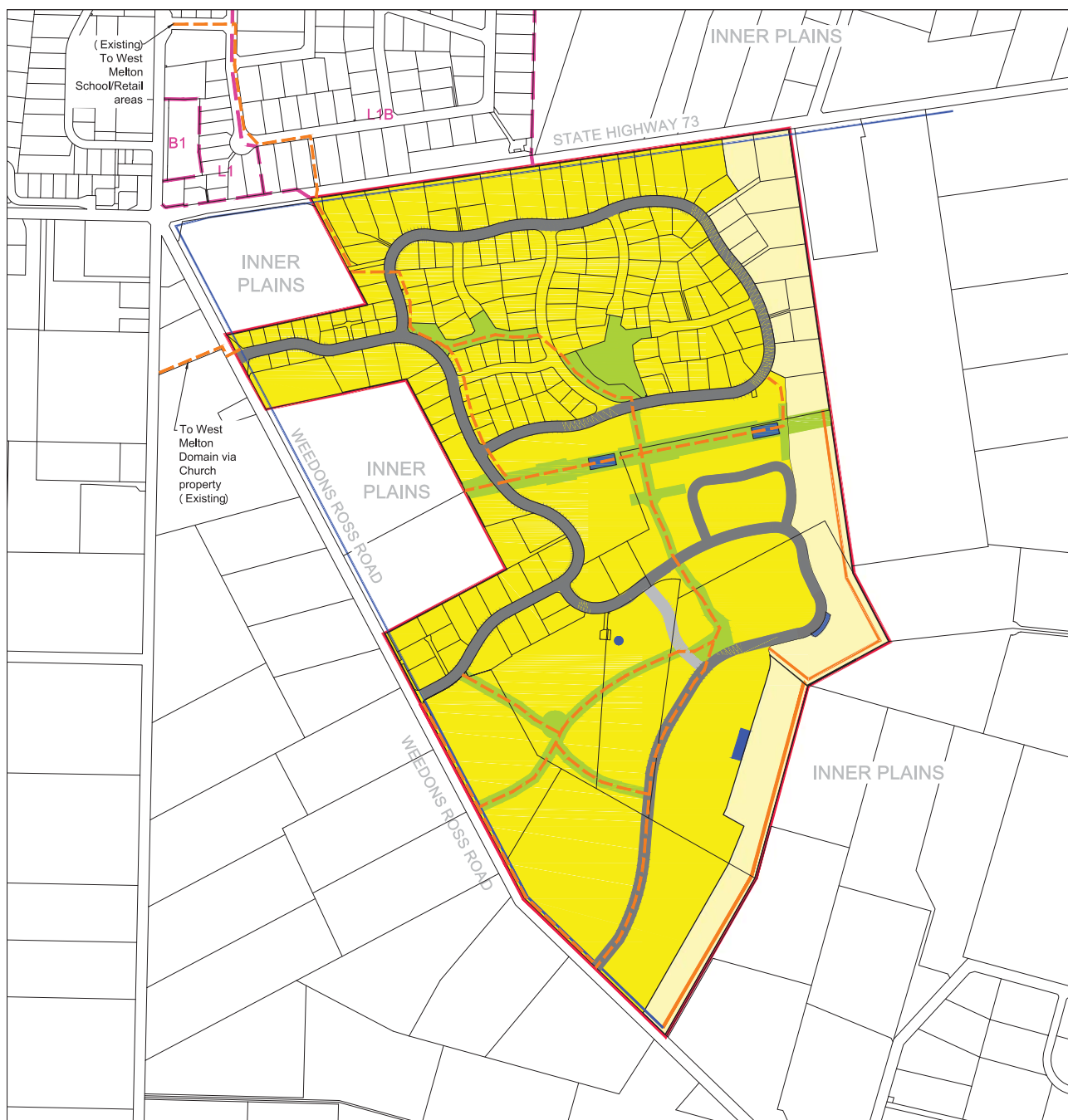
#### **Green Network**

Two neighbourhood parks are required centrally within the northern ODP area, and one park within the southern ODP area, to provide open space.

...

#### **Diagrams**

Replace the diagrams following the Outline Development Plan text with those in the attached document.



### Legend

ODP boundary	Primary Route	Low Density	Neighbourhood Park
Parcel	Secondary Route	Medium Density	Interface Treatment
Indicative location for water bore	Existing water race	Soakage Areas	Shared pedestrian / cycle lane

### Note:

All sections adjacent to Inner Plains zoned land will have a notice on their LIM referring to any potential reverse sensitivity issues between Residential and Rural landuses.

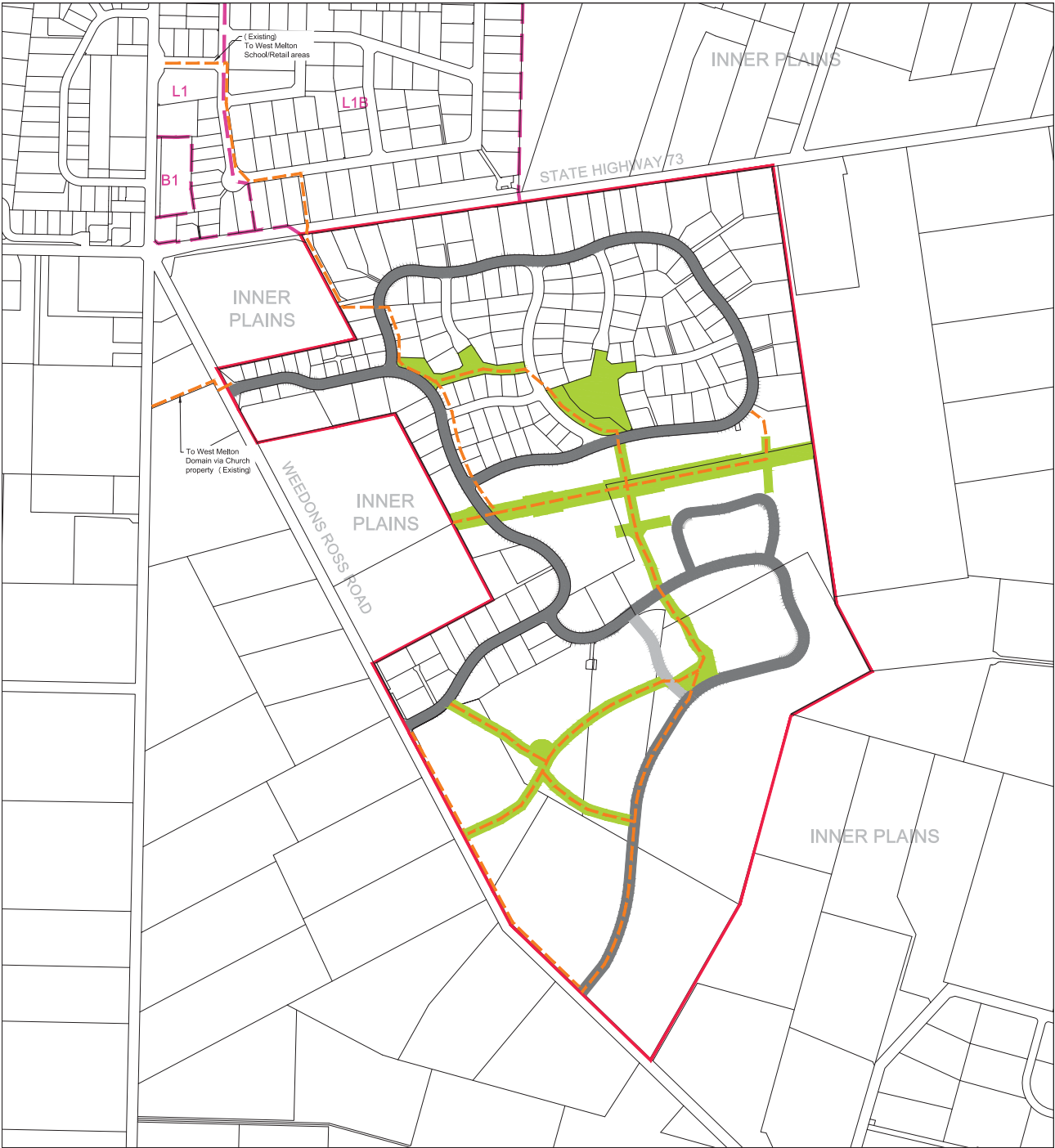
Interface treatment includes having larger residential sections as perimeter blocks where sections immediately adjoin a boundary with Inner Plains.

### Outline Development Plan OVERALL Plan







Living West Melton  
(Living WM) South Zone



Scale: 1:10000@A4



**Legend**

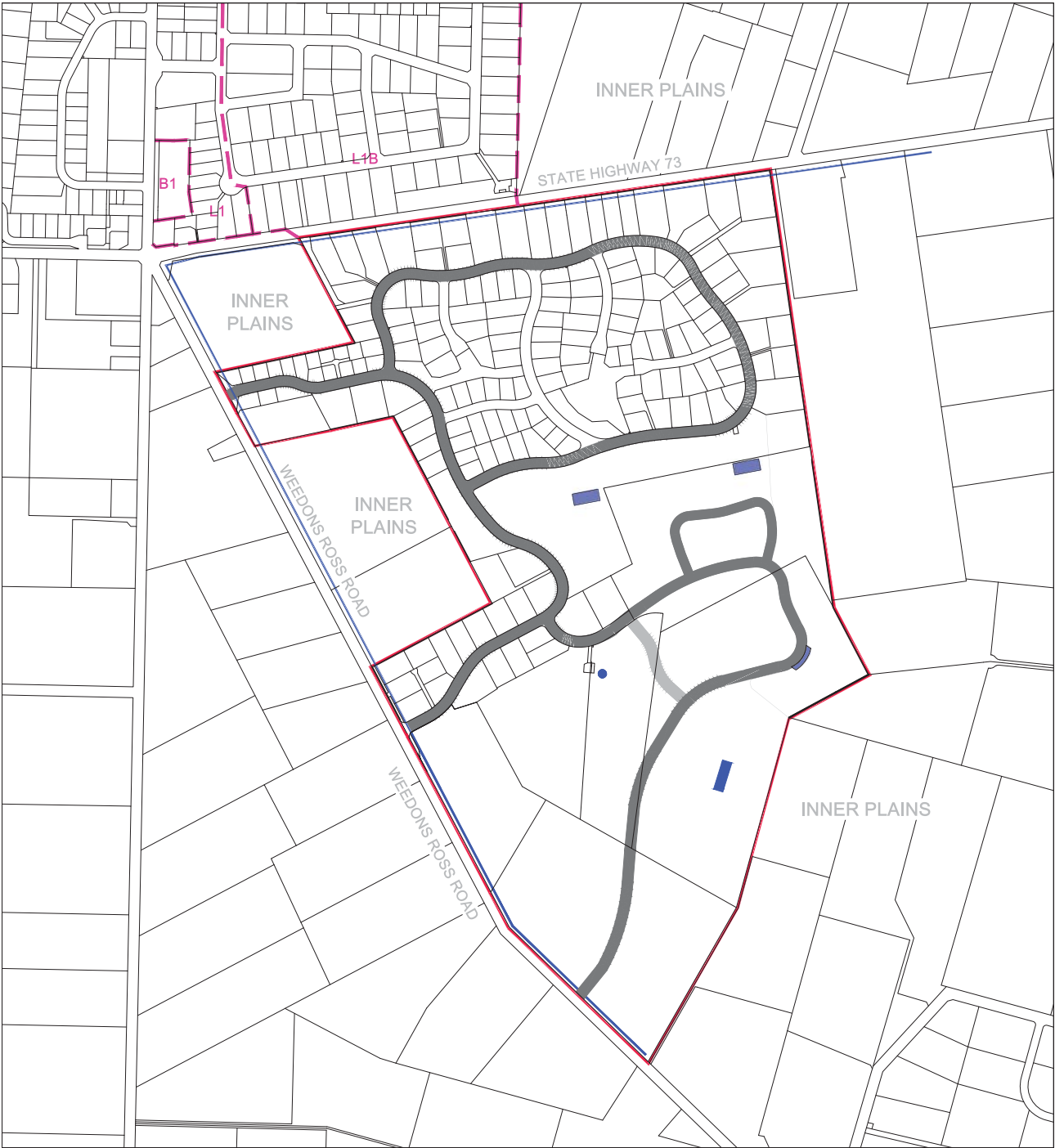
- |                                                                                                  |                                                                                                     |                                                                                                                  |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
|  ODP boundary |  Primary Route   |  Neighbourhood Park           |
|  Parcel       |  Secondary Route |  Shared pedestrian/cycle lane |

**Outline Development Plan**  
TRANSPORT Plan

Living West Melton  
(Living WM) South Zone



Scale: 1:10000@A4



**Legend**

- |              |                 |                                    |               |
|--------------|-----------------|------------------------------------|---------------|
| ODP boundary | Primary Route   | Indicative location for water bore | Soakage Areas |
| Parcel       | Secondary Route | Existing water race                |               |

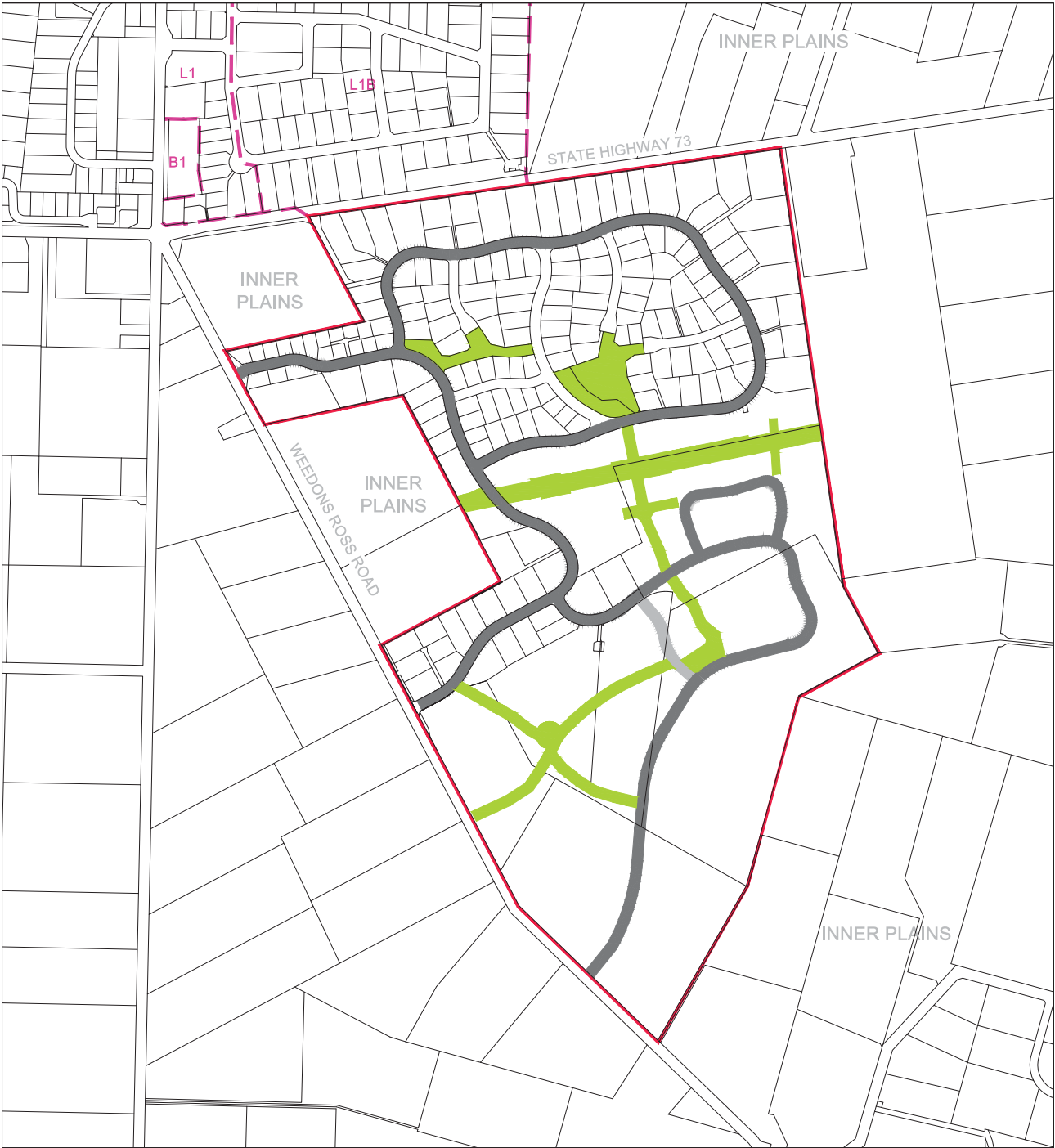
**Outline Development Plan**  
BLUE NETWORK Plan

Living West Melton  
(Living WM) South Zone








Scale: 1:10000@A4





**Legend**

- |                                                                                                  |                                                                                                     |                                                                                                        |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
|  ODP boundary |  Primary Route   |  Neighbourhood Park |
|  Parcel       |  Secondary Route |                                                                                                        |

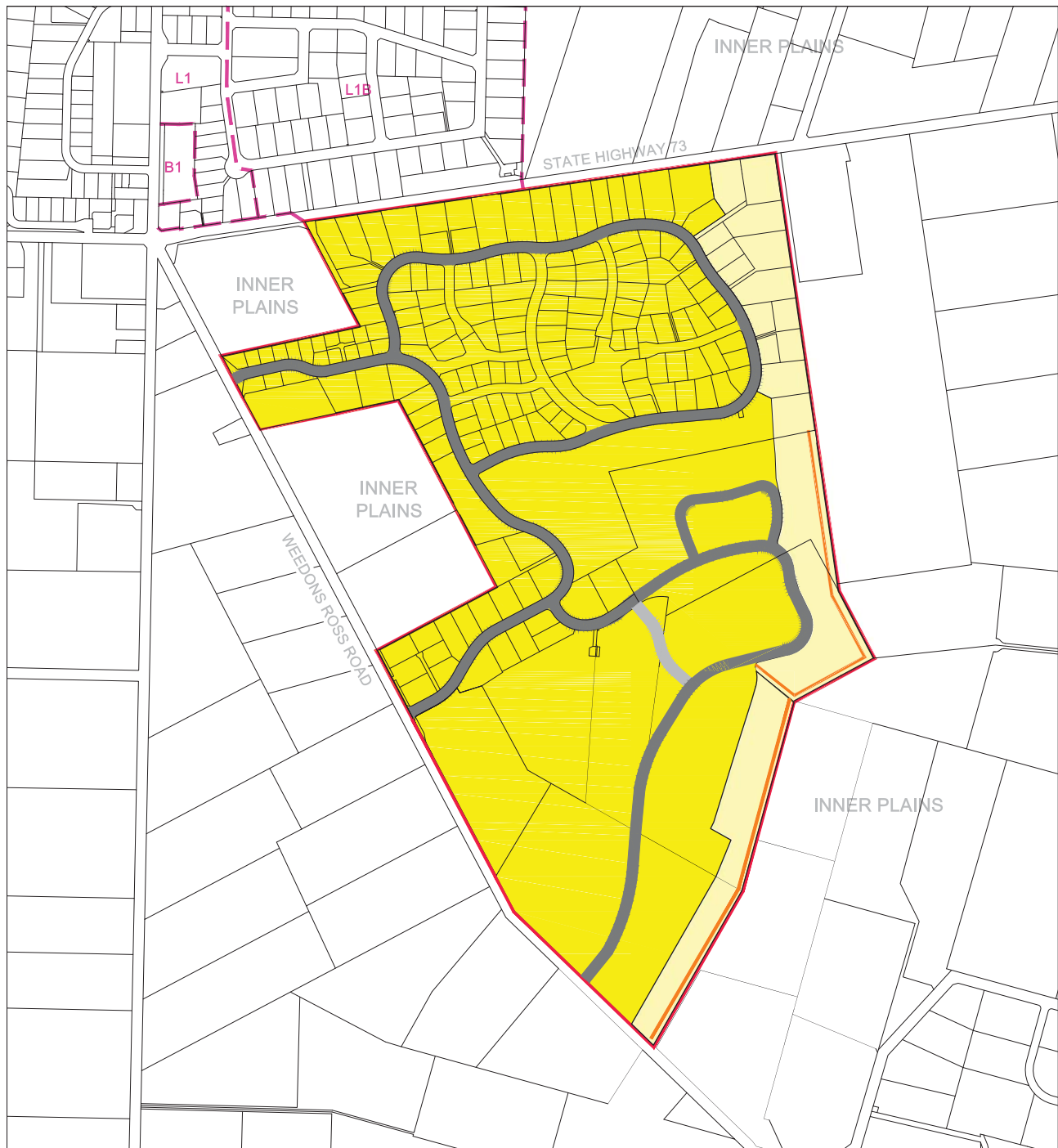
**Outline Development Plan**  
GREEN NETWORK Plan

Living West Melton  
(Living WM) South Zone










Scale: 1:10000@A4





### Legend

	ODP boundary		Primary Route		Low Density		Interface Treatment
	Parcel		Secondary Route		Medium Density		

### Note:

All sections adjacent to Inner Plains zoned land will have a notice on their LIM referring to any potential reverse sensitivity issues between Residential and Rural landuses.

Interface treatment includes having larger residential sections as perimeter blocks where sections immediately adjoin a boundary with Inner Plains.

### Outline Development Plan LANDUSE Plan

Living West Melton  
(Living WM) South Zone



Scale: 1:10000@A4

## APPENDIX B

## SUMMARY OF SUBMISSIONS AND REASONS FOR RECOMMENDATION

Submitter ID	Submitter Name	Point	Position	Summary	Decision Requested	Recommendation	Summary of Reasons
PC67-0002	John and Sandra Owens	001	Support	Supports zone change as it will increase the supply of larger residential sections in the West Melton area.	Rezone the subject land from Rural Zone to Living WM South Zone.	Accept	For the reasons addressed in the body of my Recommendation, I consider the proposed plan change, including the amendments proposed through the hearing process, is the most appropriate way of achieving the purpose of the Act.
PC67-0003	Wendy Beaven	001	Oppose	West Melton is a rural township and submitter is opposed to expansion that will allow higher density housing in the area.	Not specified.	Reject	For the reasons addressed in the body of my Recommendation, I consider the proposed plan change, including the amendments proposed through the hearing process, is the most appropriate way of achieving the purpose of the Act. I find that the density proposed is appropriate.
		002	Oppose	Traffic will increase on busy narrow rural roads.	Not specified.	Reject	The traffic effects have been fully assessed in expert evidence and I find the effects on both the local roading network and the wider roading network less than minor and appropriate.
		003	Oppose	The rezoning will place greater demand on infrastructure, such as impacting on existing wells in the area.	Not specified.	Reject	I accept the evidence of Mr Hall in particular that while there is not currently sufficient supply to meet all proposed plan changes in West Melton, SDC have confirmed that there are viable means to achieve future demand.
		004	Oppose	Increased housing density will negatively impact the night sky darkness near an existing observatory.	Not specified.	Reject	As addressed in the body of my Recommendation, issues can be assessed and addressed through subdivision process.
PC67-0004	Julie Manera	001	Oppose	The expansion of West Melton would risk losing its country feel.	Not specified.	Reject	For the reasons identified in my Recommendation, effects on the character of West Melton are appropriately addressed.
		002	Oppose	Concerned about the impact on existing wells in the area	Not specified.	Reject	I accept the evidence of Mr Hall that while there is not currently sufficient supply to meet all proposed plan changes in West Melton, SDC have confirmed that there are viable means to achieve future demand without impacting on existing users.
		003	Oppose	The night sky and observatory will be impacted by increase in people.	Not specified.	Reject	As addressed in the body of my Recommendation, issues can be assessed and addressed through subdivision process.
		004	Oppose	The rezoning will increase traffic.	Not specified.	Reject	The traffic effects have been fully assessed in expert evidence and I find the effects on both the local roading network and the wider roading network less than minor and appropriate.
PC67-0005	Name Withheld	001	Oppose In Part	Accepts that nature of West Melton has and will continue to change, but is concerned that allowing for further subdivision near their rural zoned land will result in loss of the lifestyle protections provided by the rural zoning, and restrict their ability to use their land for rural purposes, such as running farm machinery, permitted burn offs or riding dirtbikes.  The submitter considers that their land should be included in the zoning change, as their property and others are no	If the plan change is approved, rezone 581 Weedons Ross Rd from Rural to Living WM South zone.	Reject	I received no evidence from the submitters in relation to the appropriateness of rezoning 581 Weedons Ross Road. In addition to potential scope issues, I accept Ms White's opinion that while the request included detailed assessments relating to servicing, landscape and visual effects, traffic, geotechnical matters and contamination, as well as an assessment of rezoning under the requirements of the RMA, there was no assessment in relation to this additional land. Further, the issues of reverse

Submitter ID	Submitter Name	Point	Position	Summary	Decision Requested	Recommendation	Summary of Reasons
				longer suitable for most rural uses, because of the significant surrounding residential development. If their property cannot be included in the rezoning, they consider that amendments should be made to the plan change (refer to subsequent submission points).			sensitivity raised by the submitter have been addressed.
		002	Oppose In Part	The rezoning will result in increased noise from traffic, walkers and neighbours and a loss of privacy.	If 581 Weedons Ross Rd is not rezoned, amend the plan change to: <ul style="list-style-type: none"> <li>require a bund to be built on the west side of the road;</li> <li>restrict development of sections within the site closest to the road to low density larger sections; and</li> <li>require houses to be setback 40 metres from the road boundary.</li> </ul>	Reject	For the reasons provided in my Recommendation, including consideration of Mr Nicholson's evidence, the proposed boundary treatment with Weedons Ross Road is appropriate.
		003	Oppose In Part	Concerned about the impacts of increased traffic movements on the submitter's driveway.	If 581 Weedons Ross Rd is not rezoned, amend the plan change to move the proposed road entrance to the subdivision at least 20 metres further from the submitter's entrance way.	Reject	This issue was addressed by Mr Metherell in particular. He considered that there would not be impacts on the intersection and the operation of their driveway as they would be separated by approximately 100 metres. He advised further that Weedons Ross Road would continue to carry modest traffic volumes for an arterial road and the low volume residential driveway would continue to be able to operate safely. I have accepted that evidence.
PC67-0006	Christchurch City Council	001	Oppose	Considers that the significance of the development capacity and the appropriateness of the proposal needs to be considered in a broader context of the Greater Christchurch sub-region, the direction in the NPS UD as a whole, and the CRPS framework.	Reject plan change unless concerns outlined in submission are addressed.	Reject	The significance of development capacity and appropriateness of the proposal has been considered, and significance of development capacity addressed.
		002	Oppose	Plan Change 67 does not give effect to the CRPS as the site is outside of the areas identified for development in the CRPS, and in the submitter's view must be declined.	Reject plan change unless concerns outlined in submission are addressed.	Reject	I have concluded in the Recommendation that Policy 8 of the NPS-UD enables the merits of PC67 to be assessed, and this addresses the issue identified.
		003	Oppose	Concerned that the proposal relies on a future public transport network which has not been planned or funded to provide connections. Considers that without a funded and established public transport network to service the site, it is likely that this development will impact on the ability of the Christchurch City Council to manage the downstream transport network.  Considers that new urban growth areas and development should be of a form which enables viable public transport services.	Reject plan change unless a funded and implemented public transport system is provided to service the site, including connections to Christchurch City, prior to any residential development.	Reject	Public transport has been addressed in my Recommendation. It would be inappropriate to reject a plan change unless a funded and implemented public transport system was provided prior to residential development. Amendments to the proposal enable public transport to access the site.
		004	Oppose	The proposed density is less than the requirement outlined in Objective 6.3.7(5) of the CRPS of 10 households per hectare for greenfield development in Selwyn District. Considers that a higher minimum density of 15 households per hectare would better achieve efficiencies in coordination of land use and infrastructure, support mixed land use activities, support multi-modal transport systems and protect the productive rural land resource.	Reject plan change unless a minimum level of density for the development of 15 households per hectare is provided, and the relevant recommendations of the review of minimum densities undertaken under Action 3 of Our Space are incorporated in the Plan Change.	Reject	The evidence from urban design/landscape expert considered increased density was inappropriate. Evidence from Mr Tallentire largely agreed. I have accepted the expert evidence.

Submitter ID	Submitter Name	Point	Position	Summary	Decision Requested	Recommendation	Summary of Reasons
		005	Oppose	Considers that productive land in the region holds substantial value as it contributes to the sustainability of the region through providing land on which locally grown and sourced produce can be farmed appropriately, reducing transport costs and providing for a variety of land uses in the surrounding region. Also considers that protecting highly productive land in proximity to the Christchurch City is essential for ensuring that urban environments are resilient to the current and future effects of climate change.	Reject plan change unless a further more detailed assessment of the impact on versatile soils from development in this area, and how to mitigate the impact, is undertaken.	Reject	A more detailed assessment of the impact on versatile soils from development in this area has been undertaken as part of the hearings process.
PC67-0007	Helen P Stevenson	001	Oppose In Part	Opposes the rezoning due to the permanent change it will have on the low density, rural-residential character of West Melton.	Not specified.	Reject	For reasons addressed in the Recommendation.
		002	Oppose In Part	Opposes the rezoning due to the increased pressure it will place on roading and the potential impact of this on rates.	Not specified.	Reject	For reasons addressed in the Recommendation.
		003	Oppose In Part	Opposes the rezoning due to the effects of residential lighting pollution on the local dark-sky reserve.	Not specified.	Reject	For reasons addressed in the Recommendation.
		004	Oppose In Part	Opposes the rezoning due to lack of water supply in the area and adverse impacts of additional water supply on the water table.	Not specified.	Reject	As noted above, this matter has been addressed in the evidence of Mr Hall and Mr Bishop and water supply issues can be addressed
		005	Oppose In Part	Considers that the Council has a duty of care to balance the rights of existing residents and care of the environment against financial benefits to the developer.	Not specified.	Reject	The effects on character and the environment have been assessed in my Recommendation and I consider they are appropriate and acceptable
PC67-0008	West Melton District Residents Association Inc.	001	Oppose In Part	The rezoning may erode the low-density, rural-residential character of West Melton and the value placed on the small footprint of the village by residents, changing it from a small village to a medium-sized town.  The submitter would prefer that demand is addressed through providing for growth in a more moderate, well-managed and well-considered way, through consultation with the community on a Master Plan that balances all elements of the village including commercial spaces, transport, school capacity, key natural resources, and maintenance of the character of the town.	Request Council place PC67 on hold, pending production of a Master Plan for West Melton.	Reject	As addressed in my Recommendation, any changes to character of West Melton are less than minor and appropriate. These issues are addressed through density and various other matters.  In relation to the master planning process, that has been considered and addressed in the evidence and my Recommendation. I consider that the location and scale of this proposal will not impede any spatial or master planning process.
		002	Oppose In Part	The rezoning will place increased stress and demand on key village infrastructure which was not designed for a larger population.  The submitter would prefer that demand is addressed through providing for growth in a more moderate, well-managed and well-considered way, through consultation with the community on a Master Plan that balances all elements of the village including commercial spaces, transport, school capacity, key natural resources, and maintenance of the character of the town.	Request Council place PC67 on hold, pending production of a Master Plan for West Melton.	Reject	Increasing demand on key village infrastructure is not, on the evidence, a sufficient ground for declining the Request.
		003	Oppose In Part	The rezoning would set a precedent for piecemeal development and unbridled expansion.  The submitter would prefer that demand is addressed through providing for growth in a more moderate, well-managed and well-considered way, through consultation with the community on a Master Plan that balances all elements of the village including commercial spaces,	Request Council place PC67 on hold, pending production of a Master Plan for West Melton.	Reject	As addressed in my Recommendation and above in response to Point 001, I consider the location and scale of this proposal will not impede any spatial or master planning process. This rezoning will not set a precedent for piecemeal development or unbridled expansion.

Submitter ID	Submitter Name	Point	Position	Summary	Decision Requested	Recommendation	Summary of Reasons
				transport, school capacity, key natural resources, and maintenance of the character of the town.			
PC67-0009	Elene (Helen) Anderson	001	Support In Part	Supports the low density nature of this development and the provision for larger "buffer" zones with the adjacent rural land as this retains the township's rural feel and sense of community and space.  However, has concerns that further development in West Melton is inconsistent with Environment Canterbury's rejection of submissions on proposed change to Chapter 6 of the CRPS, to expand the areas identified as Future Development Areas outside of Rolleston, Kaiapoi and Rangiora.	Request Council to put consideration of plan change on hold until the Canterbury Regional Policy Statement update process has been completed.	Reject	In the context of the clear evidence in relation to demand and capacity for residential development and the impact that is having on the competitive market, it is inappropriate to await any potential update of the CRPS.
		002	Support In Part	Considers that the consent notice issued on the certificate of title for each lot of the existing Wilfield development, that required lighting to be consistent with the West Melton Lighting Observatory Area rules, should be extended to any new development, as this area is within the West Melton observatory zone and sky glow has been noted by the Observatory to be an issue with the ever-increasing scale of development since 2012.	Add to the certificate of title of each lot in this new development, the same consent notice that requires compliance with the requirements of the West Melton Lighting Observatory Area.	Reject	Can be appropriately addressed through subdivision.
		003	Oppose In Part	Concerned that the planned signalisation of the intersection of SH73 and Weedons Ross Road is now delayed until after winter 2022, and that the traffic assessment is based on this signalisation, along with widening improvements proposed along Weedons Ross Road, that has not yet happened. Considers that this development should not be given approval until these improvements have been made.	Amend plan change to require that prior to development, signalisation of SH73 and Weedons Ross Road; and widening along Weedons Ross Road, is completed.	Accept in part	Rules included in the plan change appropriately address this issue.
		004	Support In Part	Concerned that the ODP lacks any mechanism to protect the night sky and minimise light pollution, which is required given this area is in the West Melton Lighting Observatory Area.	Amend the ODP to specify provisions for protection of the night sky and minimising light pollution, such as specific outdoor lighting to be used, and to require consultation with the West Melton Observatory and Royal Astronomical Society of NZ regarding appropriate use of lighting in both homes and public green spaces.	Reject	It can be addressed through subdivision process.
PC67-0010	Waka Kotahi NZ Transport Agency	001	Neither Support Nor Oppose	Considers that the plan change will have additional traffic effects that would further exacerbate the functioning of the SH73 and Weedons Ross Road intersection prior to its signalisation. Considers that any traffic related effects on the intersection can be addressed by the Plan Change being subject to the provisions addressing this that were applied through Plan Change 59.	Ensure rules 12.1.3.59, 12.1.7 and 12.1.7.10 apply to the plan change area.	Accept	Rules have been incorporated.
		002	Neither Support Nor Oppose	The rezoning of the application site should be considered against the updated provisions of the Urban Development Strategy and the Canterbury Regional Policy Statement.	Give consideration to the implications of the Urban Development Strategy and the Canterbury Regional Policy Statement.	Accept	Particular regard has been had, and consideration given to the relevant documents.
PC67-0011	Canterbury Regional Council - Environment Canterbury	001	Oppose	The plan change is inconsistent with the policy direction in the Canterbury Regional Policy Statement and the strategic sub-regional land use and infrastructure planning	Reject zone change from Rural Zone to Living WM South Zone; or  If the plan change is not rejected,	Reject in part	For the reasons given in my Recommendation, the rezoning is the most appropriate option. A number of amendments have been made throughout the hearing process which in part address the issues

Submitter ID	Submitter Name	Point	Position	Summary	Decision Requested	Recommendation	Summary of Reasons
				framework for Greater Christchurch; including in relation to water supply.	amend the plan change to address issues raised in the submission.		raised by this submitter. Infrastructure, including water supply, has been appropriately addressed, and any inconsistency with Policy direction has been given due regard.
		002	Oppose	Does not consider it has been demonstrated that the proposed plan change will add significantly to development capacity or contribute to a well-functioning urban environment, nor has it been demonstrated that the proposal is, or will be, well connected, and therefore does not give effect to various provisions in the NPS-UD.	Reject zone change from Rural Zone to Living WM South Zone; or If the plan change is not rejected, amend the plan change to address issues raised in the submission.	Reject	For the reasons fully addressed in my Recommendation, the proposed plan change will add significant development capacity, contribute to a well functioning urban environment, and is well connected.
		003	Oppose	Considers that the desirability of growth at West Melton is best considered as part of a future spatial planning exercise rather than ad-hoc and individual assessments prompted by private plan change requests.	Reject zone change from Rural Zone to Living WM South Zone; or  If the plan change is not rejected, amend the plan change to address issues raised in the submission.	Reject	For the reasons recorded in my Recommendation, I consider the granting of this proposal would not impact on future spatial planning exercises due to its scale and location.
		004	Oppose	The plan change is inconsistent with the policy direction in the Canterbury Regional Policy Statement and the strategic sub-regional land use and infrastructure planning framework for Greater Christchurch; including in relation to wastewater disposal.	Reject zone change from Rural Zone to Living WM South Zone; or  If the plan change is not rejected, amend the plan change to address issues raised in the submission.	Reject	Matters have been considered and addressed throughout my Recommendation. Wastewater disposal has been considered and can be appropriately addressed. Particular regard has been had to the policy direction in the context of the evidence and the NPS-UD.
		005	Oppose	The plan change is inconsistent with the policy direction in the Canterbury Regional Policy Statement and the strategic sub-regional land use and infrastructure planning framework for Greater Christchurch; including in relation to public transport.	Reject zone change from Rural Zone to Living WM South Zone; or  If the plan change is not rejected, amend the plan change to address issues raised in the submission.	Reject	Matters have been considered and addressed throughout my Recommendation. Public transport has been considered and can be appropriately addressed. Particular regard has been had to the policy direction in the context of the evidence and the NPS-UD.
		006	Oppose	The submitter wishes to draw attention to the emerging national direction strengthening measures to protect highly productive land from development.	Reject zone change from Rural Zone to Living WM South Zone; or  If the plan change is not rejected, amend the plan change to address issues raised in the submission.	Reject	As addressed in my Recommendation, the NPS-HPL is not operative. It remains a draft. The issues in relation to loss of highly productive land have been addressed in the evidence of Mr Mthamo in particular and is not such to justify rejection of the zone change.
<b>Further Submitter</b>							
PC67--0012	Robert John Smith and Chanel Anne Farrelly (supports submission of John and Sandra Owens)					Accept	For the reasons outlined in relation to the primary submission.

## REPORT

**TO:** Chief Executive  
**FOR:** Council Meeting – 9 February 2022  
**FROM:** Daniel Meehan – Surface Water Engineer  
**DATE:** 24 January 2022  
**SUBJECT:** **POTENTIAL STOCK WATER RACE CLOSURE  
COUNCIL DELIBERATION AND DECISION**

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### RECOMMENDATION

1. *That Council approve the closure of six lengths of water race totalling approximately 8.04 km across the Selwyn District Council Stock Water Race Network;*
2. *That Council form a hearing panel to hear submissions and consider the proposal to close one section totalling approximately 1.3 km of race that received objections during the public consultation process. Councillors Cr Bob Mugford and Cr Debra Hasson to form part of this hearing panel; and*
3. *That Council endorse the recommendations of the hearing panel when reported back to Council.*

### 1. PURPOSE

Staff seek that the Council consider and implement the above recommendations.

By way of background, Council has received applications from private landowners proposing the closure of Stock Water Races in the Malvern, Paparua and Ellesmere Stock Water Race Schemes. Applications and proposals are received from landowners who no longer require the service of the stock water race for their properties. All closures have followed the closure process outlined in Selwyn District Council policy W107 including public consultation and public notification.

A table summarising the closures that went out for public consultation in December 2021 and January 2022 is attached as Appendix A, including a recommendation for each section of race. Races are numbered below based on the Summary of Proposal document which can be found Appendix B. of this report.

Water Race Closure Policy W107 is available in on the Council website.

### 2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

Significance is interpreted in Section 5 of the Local Government Act 2002. The Council's Significance and Engagement Policy further outlines the meaning of 'significance' by stating that:

Significance should be assessed in terms of consequences for:

- The district or region
- Any persons who are likely to be particularly affected by or interested in the proposal, decision or matter

- The capacity of the local authority to perform its role, and the financial and other costs of doing so.

The Significance and Engagement Policy also sets out criteria for assessing significance which are applied in Section 3.1 below.

The 2021/31 LTP identifies the Stock Water Race Network as a strategic asset. Strategic assets are assets or groups of assets that the local authority needs to retain to maintain its capacity to achieve or promote any outcome that is important to the current or future wellbeing of a community. Explicit provision has been made in the 2021/31 LTP for water race closures<sup>1</sup> initiated by rate payers.

The LTP states that the level of significance of a decision will determine the process used by the decision maker considering Council's commitment to constructive community engagement. An assessment of significance has been included below for the Council's discussion and recommendation.

### 3. DECISION MAKING CONSIDERATIONS

The proposed water race closure(s) included in this report in Appendix A have been considered against the criteria for assessing significance from the Significance and Engagement Policy contained in the LTP 2021/31 (p. 207):

#### 3.1. Policy and Outcomes

The community outcomes are considered relevant to proposed water race closures and provided in **Table 1**.

**Table 1 - Community Outcomes**

Community Outcome	Level of Support
A living environment where the rural identity of Selwyn is maintained	Rural land use is changing. The proposed water race closures are being driven by the Community in line with their changing needs, therefore water race closures support this community outcome.
Selwyn has a strong economy which fits within and complements the environmental, social and cultural environment of the District.	Council seeks to support existing agriculture and other land based sectors. Ceasing to operate inefficient and ineffective assets that are no longer required by the Community supports the local economy.

#### 3.2. Communities

Water race closures are generally driven by the Community. The water races proposed for closure are no longer required by the community. They no longer provide economic benefit to the rural communities of the District and this reflects the changing needs of these communities. The number of property owners affected by each closure is detailed in Appendix A.

Consultation to the wider community has occurred along with notification of key stakeholders include Department of Conservation, Fish and Game, Environment Canterbury and New Zealand Fire and Emergency. Affected persons are directly consulted on all water race

<sup>1</sup> LGA 2002 S97(2)a



closures. These include rated and non-rated properties that have a water race on or adjacent to their property. Where a closure has attracted 100% support from directly affected property owners, the closure is considered to be of low significance.

Following approval by the Group Manager Infrastructure, public advertisement of the proposed closures has occurred during December 2021 and January 2022 and posted in the SDC web site URL: <https://www.selwyn.govt.nz/services/water/water-race/water-race-closure-requests>

### 3.3. Ngāi Tahu

The impacts on water race closures have been assessed against the iwi Management Plan and Te Rūnanga O Ngāi Tahu's Freshwater Policy. These assessments are included in Section 7.3 of this report.

### 3.4. Context and Implications

An assessment of the options considered as alternatives to water race closure is included in Section 6 of this report. The proposed water race closure(s) are not expected to have any unintended consequences for community interests. The environmental, social and cultural impacts of the closures have been considered as outlined below:

1. Cultural interests – the race closure(s) proposed are not considered to impact the character of the District, as they are often on private land and exist extensively in other parts of the District. There are no historic assets/fabric as part of the proposed closure. There are not known cultural links to this section of closure.
2. Social interests – water races on private property are not considered to provide amenity value to the wider community and their closure is therefore not considered significant. Race closures on the roadside may have some visual impact in areas with high amenity. Under Council's process, for a rate payer initiated race closure to proceed, all affected property owners (those with a race on or adjacent to their property regardless of whether they are rated for stock water) are consulted and approval is required for closure to be progressed. Further public submissions are invited from the wider community.
3. Economic interests – Council will monitor the cumulative impact on rate revenue reduction which is discussed further in Section 12.
4. Quality of the Environment – opportunities for salvage of aquatic life will be provided in consultation with the Department of Conservation prior to any race closure. Closing ineffective and inefficient races provides environmental benefit as discussed further in Section 7.

There are no known impacts on Council's capacity to undertake its statutory responsibilities. There are no known inconsistencies with any existing policy, plan or legislation.

The proposed water race closure(s) are considered as irreversible where it crosses private property. Council do not hold easements for most water races. A sufficient amount of legal and economic controls will be needed for reinstatement of water race channels on private property, which have cost and political implications. However, stock water supply can be provided from other sources.

The proposed water race closure(s) are not considered to impact a scarce resource. The provision of water for stock can generally be provided from alternative sources.

The proposed water race closures represent the following loss to each of the schemes:

**Table 2 - Impact of Closure**

<b>Scheme</b>	<b>Reduction in length (km)</b>	<b>Reduction in length (%)</b>	<b>Loss of targeted rate income (\$)</b>
Paparua	6.21	1.43%	0.49%
Ellesmere	1.73	0.52%	0.03%
Malvern	1.4	0.16%	0.19%
<b>Total</b>	<b>9.34</b>	<b>(0.56%)*</b>	<b>0.71%</b>

Note that the total percentage loss is in comparison to the total Selwyn District Council Stock Water Race network length.

Based on the above assessment, it is recommended that the proposed closures are considered of **low significance** in terms of consultation requirements. The level of significance impacts the degree of consultation undertaken on the engagement spectrum. Council takes a conservative approach to consultation.

#### **4. HISTORY/BACKGROUND**

##### **4.1. Proposed Closures Recommended for Progression**

Council has received requests to close sections of stock water race received from private landowners. Appendix B summarises the proposed sections and recommendation for each section of race following the public consultation process.

Staff progressed each of these closures after applications and proposals were received. Each race is assessed for the following:

- Confirmation that 80% of landowners affected had agreed to the closure.
- Review of race sections against the maps of ecological value shown in Appendix C of this report.
- Review of race sections against map of strategic races, as shown in Appendix D of this report.
- Review of operation impact for each closure with SDC and SICON Water Race Operational Staff.

These steps are completed prior to a recommendation being made by the Group Manager Infrastructure these races proceed to the public consultation phase of the closure process.

Appendix A table summarises all the races which were advertised during the public consultation. A reference number is given for each closure requested, specific details of the proposed closure including maps is within the Summary of Proposal document, Appendix B of this report.

Public Consultation of the proposed closures occurred during December 2021 and January 2022, this included letters being sent to all affected landowners and key stakeholders. All closures have followed the process outlined in Selwyn District Council policy W107.

After reviewing submissions received during the public consultation phase the recommendations in Appendix A were made for each section of race. Six sections have been recommended that the proposed closure proceed after receiving no formal objections. Two of these sections may require an aquatic survey and potentially fish salvage prior to the physical closing of the race. This was due to them being identified as having ecological values through the closure assessment process.

##### **4.2. Hearing of Proposed Water Race Closures**

Selwyn District Council Policy W107 states that Council will provide an opportunity to hear and consider any objections of a proposed closure before making a recommendation whether the closure should proceed. It is proposed that a hearing would be the best forum to hear submissions regarding these water race closures.

One race receiving an objection from an affected landowner and therefore a hearing is required to hear and consider submissions regarding this closure before Council shall consider if this race is closed or remains open.

The hearing shall be formed by a panel selected by Council consisting of two Councillors and supported by staff. Once the hearing panel has formed details of the hearing will be confirmed including date and location. Indicative timeframe for the hearing will be mid to late March 2022.

A minimum of three weeks' notice will be given to applicants proposing closure and any party who has submitted on the closure. A document will be prepared by staff and provided to the hearing summarising the closures to be heard and include details regarding objections received.

The hearing panel will deliberate after hearing and considering submissions for the proposed closures. Following deliberations a report will be submitted to council outlining recommendations of the panel from the hearing process.

## 5. PROPOSAL

Staff seek that the Council consider and implement the recommendation set out above.

## 6. OPTIONS

Where a request for water race closure is received, there are a number of potential options available to Council. Table 3 outlines the alternative options assessed before it was determined closure was the best option for these proposals.

**Table 3 - Alternative Options Considered**

Option	Details	Advantage	Disadvantage
<b>1. Water race closure</b>	Race closure with the agreement of >80% affected land owners (rate payers on the race or directly adjacent to the race), subject to public consultation and reasoned consideration and response to issues raised during consultation.	Objective is achieved and wishes of rate payers considered. Water can be prioritised to other parts of scheme.	Loss of rating income. Ecological values of races not maintained. Race cannot be re-opened for future use.
<b>2. Piping of water race</b>	Piping can be considered if downstream property owners wish to maintain supply. Piping to be funded by each	Supply to downstream property owners maintained.	Landowners responsible for maintenance of pipes with potential upstream impacts if not maintained.

Option	Details	Advantage	Disadvantage
	landowner. Piping a water race will not maintain the ecological value of an open water race channel.		Higher cost to land owners. Ecological values of races not maintained.
<b>3. Race relocation</b>	Relocation could be considered if downstream property owners wish to maintain supply for stockwater purposes. Costs to be met by landowners.	Rating income retained.	Unlikely to achieve benefits of race closure required by land owners. Potential impacts on adjacent land owners. Cost to land owners.
<b>4. Race retained</b>	Do nothing races retained.	Rating income retained.	Needs of rate payers requesting closure not met.
<b>5. Onsite alternatives</b>	On site alternatives e.g. a well, could be considered if land owners wish to retain a stockwater service.	Stockwater supply retained.	High cost to property owners for installation and ongoing maintenance. Ecological and other race values not retained.

These options are alternatives to closure of an open race if a downstream landowner requires a stockwater supply to continue. Water race closures will only occur for lengths of race (excluding whole or major part of scheme closures) if 80% support from affected land owners is obtained.

## 7. VIEWS OF THOSE AFFECTED/CONSULTATION

### 7.1. Views of those affected

The Local Government Act section 82 requires consultation with persons affected by or have an interest in a decision. They must also be provided with a reasonable opportunity to present their views to the Local Authority.

Rate payer initiated closure have been provided for in the 2021/31 LTP.

As required under Council's water race closure process agreement to close water race forms have been received from all affected properties. An affected property owner has been deemed to be those with a race on or adjacent to the property, regardless of whether the property is rated. All directly affected property owners were notified that the proposed closure has been approved to progress to public consultation. Affected landowners who have not signed the closure approval form were sent a separate letter and given the opportunity to submit on the proposed closure.

The proposed closures have been publically advertised in the following ways:

- 'Council Call' section in the Selwyn Times newspaper 15<sup>th</sup> December
- Public advertisement in the Selwyn Times (22<sup>th</sup> December and 12<sup>th</sup> January) and The Canterbury Press Newspapers (18<sup>th</sup> December 8<sup>th</sup> and 15<sup>th</sup> January)
- Letter sent to Mahaanui Kura Taiao (MKT) & Te Taumutu Rūnanga, Department of Conservation, Fish and Game, Environment Canterbury Regional Council, NZ Fire Service and Christchurch City Council 13<sup>th</sup> December.

- A summary of proposal, maps and copy of the public advert detailing the proposed race closures was posted on Council's website 13<sup>th</sup> December.

No feedback was received from other key stakeholders during the consultation period.

Where a proposed water race closure has attracted at least 80% support and no submissions are received, the closure will progress once approved by Council.

**Recommendation 1** is for the closure of the six sections of stock water race with no objections received to proceed.

Where a proposed water race closure has attracted at least 80% support and did receive submissions objecting to the closure, a hearing will be held to consider submissions before making recommendation for the closure to progress once approved by Council.

## **7.2. Interested Parties Consultation**

To allow any parties with an interest in water race closures to input into the process as required by S 82 (1 (a)) of the LGA, the closures were publically advertised for a minimum of 3 weeks on the Council website. Adverts were also placed in the Selwyn Times and The Press newspapers. A summary including maps of the proposed water race closures were made available to view on the website.

## **7.3. Ngāi Tahu views**

Te Runanga O Ngāi Tahu's Freshwater Policy recognises the importance of providing a stockwater supply to communities. This principal is considered alongside a number of others which seek to protect the environment and its inhabitants. By proposing the closure of ineffective, inefficient and no longer required water race assets, Council is proposing to better balance the needs of rate payers, Iwi and the environment.

*Mahaanui*, The Iwi Management Plan (IMP) 2013, recognises the importance of the water race network and states that they should be managed as waterways. In support of these principals Council require that heavy stock (deer and cattle) is fenced from entering the water races and provides advice to landowners on how to provide stock access to drink without entering the channel. This document can be downloaded from Council's website. Specific mention of the stock water races can be found under drainage management section on page 97 and page 348.

Details of the proposed closure were provided to Ngāi Tahu via Mahaanui Kurataiao Limited, no feedback was received. It should be noted that in general water races requested for closure are often tail end races (lateral races) where excess water is disposed of to ground. Where a water race feeds another water course further consideration will be given to impacts on that waterway.

## **7.4. Ecological Considerations**

The Canterbury Water, Selwyn Waihora Zone Implementation Programme acknowledges that Council are reviewing the operation of the stockwater race network and seeking opportunities for rationalisation while managing some races for biodiversity and community values.

The Implementation Plan supports race rationalisation and recognises the importance of reliable stockwater supplies while identifying opportunities for supporting an aquatic corridor from mountains to sea via water races and creating wetlands at discharge to ground locations.

*Mahaanui*, the Iwi Management Plan 2013 recognises the importance of the water race network for biodiversity and habitat for native freshwater fish. Where appropriate opportunities for salvage of aquatic life and relocation will be provided to DoC and Fish and Game prior to a water race closure occurring.

Council engaged EOS Ecology to undertake an assessment of sites with high ecological value within the Ellesmere and Malvern Water Race schemes in 2011. A copy of the findings of the assessment is included in Appendix C.

In a memo to Council dated 6<sup>th</sup> July 2015, DoC have indicated that the level of input from DoC may need to be prioritised based on predicted distribution of threatened species and external contractors may need to be used if DoC staff cannot assist. DoC may however provide guidance to Council and Contractors on the process the suitable sites for relocation.

Where DoC staff are not available to undertake salvage of aquatic life and it is deemed necessary, consulting companies exist that are equipped to undertake electrofishing, however this may attract significant cost. The Agreement to Close Water Race form states that the benefiting property owners are liable for their share of the costs associated with the closure.

## **8. RELEVANT POLICY/PLANS**

The closures included in this report are consistent with Council Policy W107 Closure of Water Races. A copy of this policy can be found on Council's website.

As stated in section 3 Water Race Closures are being done in line with Council's Significance Policy.

## **9. COMMUNITY OUTCOMES**

Community outcomes are discussed in section 3.1 above.

## **10. NEGATIVE IMPACTS**

Negative impacts or effects will be considered as part of the race closure approvals process and closures will only proceed if negative effects are mitigated or minimised and affected land owners agree.

## **11. LEGAL IMPLICATIONS**

The recommendation complies with the requirements in the Local Government Act and the Council's policies and internal procedures.

## **12. FUNDING IMPLICATIONS**

### **12.1. Rating Impact**

The total loss of rating income from the sections recommended for closure is \$21,717.15 that reflects 0.71% of total rating income. Table 2 in Section 3.4 of this report shows the impact of the proposed closures. The loss of rating income for each section of race is shown in Appendix A.

Properties that continue to have access to other races following closure will continue to pay full water race rates. Properties that no longer have access to stock water races will be changed to the Amenity stock water race rate which this financial year is set at \$45.00. The Twenty five affected properties within Selwyn District will be change the amenity stock water race rate following the closure of these races.

The total income from targeted stock water race rates is \$2,502,395.00 for all properties with access across the district.

The cumulative impact of closures will continue to be considered as more closure requests are received. Rates are reviewed and adjusted at each annual plan and long term plan rating review.

**12.2. Cost Savings**

Many of the closures to date have been short lengths of lateral water race that are maintained by the property owners. Closure of these races have minimal impact on operational costs.

**12.3. Closure Costs**

The cost of any rate payer requested closures will be met by the benefiting property owners.

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

A copy of this report has been provided to the Corporate Services Manager as income accounts will be affected.

***Prepared by***

***Reviewed by***



Daniel Meehan  
**Surface Water Engineer**



Elaine McLaren  
**Water Services Delivery Manager**

***Endorsed For Agenda***



Murray Washington  
**Group Manager Infrastructure**

**APPENDICES**

**APPENDIX A – SUMMARY TABLE OF PROPOSED WATER RACE CLOSURES**

**APPENDIX B – PROPOSE WATER RACE CLOSURE MAPS**

**APPENDIX C – EOS ECOLOGY, MALVERN SITES OF HIGH ECOLOGICAL VALUE – 2011**

**APPENDIX D – STRATEGIC WATER RACES - ECOLOGICAL AND AESTHETICS**



## APPENDIX A – SUMMARY TABLE OF PROPOSED WATER RACE CLOSURES



<b>Water Race Closure Summary Table</b> <b>Public Consultation December 2021 - January 2022</b>							
Closure Ref.	Scheme	Road Name	Page Ref.	Approx. Length Race (km)	Recommendation	Number of Affected Properties	Loss of Water Race Rate Income
1	Paparua	Goulds to Rattletrack Road	4	4.85	Race Closure to proceed. Applicant to install a soakpit on their upstream boundary.	14	\$12,993.10
2	Malvem	Station Road	5	1.3	Hearing required to determine outcome of this proposal.	5	\$5,927.00
3	Paparua	Buchanans Road*	6	0.42	Race Closure to proceed. Applicant to install a soakpit on their upstream boundary.	1	-
4	Paparua	West Coast Road	7	0.15	Race Closure to proceed. Applicant to install a soakpit on their upstream boundary.	1	\$589.65
5	Ellesmere	Pooles Road	8	1.73	Race Closure to proceed. Applicant to install a soakpit on their upstream boundary.	3	\$831.20
6	Paparua	Days Road	9	0.8	Race Closure to proceed. Applicant to install a soakpit on their upstream boundary.	1	\$1,376.20
7	Malvem	Creyke Road	10	0.13	Race Closure to proceed. Applicant to install a soakpit on their upstream boundary.	1	-
<b>Total</b>				<b>9.34</b>		<b>26</b>	<b>\$21,717.15</b>

Page reference is the page that map can be found in the Summary of Proposal Document.

\*Race Section within Christchurch City Boundary

**APPENDIX B – SUMMARY OF PROPOSAL INCLUDING WATER RACE MAPS****Summary of Proposal – Water Race Closures December 2021 – January 2022****1. Proposed Closures**

Selwyn District Council has received formal requests to close the sections of water race listed in Table 1.

These races are considered to be of low significance and the closure of races in Table 1 will not significantly alter the intended level of service provision of the Ellesmere, Malvern and Paparua water race schemes.

Subject to public consultation and Council approval, these races will be closed and stock water supply in these races will cease.

Details of each closure, including maps showing the location, can be found on the page referenced in Table 1.

**Table 1 – Proposed Water Race Closures**

Closure Ref.	Scheme	Road Name	Page Ref.	Approx. Length Race (km)
1	Paparua	Goulds to Rattletrack Road	4	4.85
2	Malvern	Station Road	5	1.3
3	Paparua	Buchanans Road	6	0.42
4	Paparua	West Coast Road	7	0.15
5	Ellesmere	Pooles Road	8	1.73
6	Paparua	Days Road	9	0.8
7	Malvern	Creyke Road	10	0.13
<b>Total</b>				<b>9.34</b>

**2. Impact of Closures**

The proposed water race closures represent the following loss to each of the schemes:

**Table 2 - Impact of Closure**

Water Race	Reduction in length (km)	Reduction in length (%)	Loss of targeted rate income (\$)
Paparua	6.21	1.43%	0.49%
Ellesmere	1.73	0.52%	0.03%
Malvern	1.4	0.16%	0.19%
<b>Total</b>	<b>9.34km</b>	<b>(0.56%)*</b>	<b>0.71%</b>

\*Note = Total % reduction in length is compared to the entire water race network as a whole.

Closure of these races as been assessed for operational impact to each of the Selwyn District Stock Water Race Schemes. It has been determined disturbance and cost impact to operations and maintenance of each scheme will be minor.



### 3. Consultation Process

#### 3.1 Views of those affected

The Local Government Act (LGA) section 82 requires consultation with persons affected by or have an interest in a decision. These persons must also be provided with a reasonable opportunity to present their views to the Local Authority.

For an individual race closure to be progressed the Council requires that the initiator of the water race closure request obtain agreement from at least 80% of affected property owners and provide Council with an 'Agreement to Close Water Race' form signed by affected property owners.

Where a proposed closure has 80% support from affected land owners, the closure is generally considered to be of low significance, and the Council will inform the wider community and consult directly with affected landowners and stakeholders. An affected property owner has been deemed to be those with a race on or adjacent to the property, regardless of whether the property is rated.

Where a proposed water race closure has attracted 100% support and no further objections are received, the closure will progress once approved by Council.

#### 3.2 Interested Parties Consultation

To allow any parties with an interest in water race closures to input into the process, as required by section 82 (1 (a)) of the Local Government Act (LGA), all race closures will require:

- Public advertisement for a minimum of 3 weeks, in Council Call and on the Council website. Maps of proposed water race closures will be available to view at Council or on the website.
- A letter to be sent to all directly affected property owners to notify them that the proposed closure has been approved to progress to public consultation.
- Specific stakeholders, identified as Department of Conservation, Fish and Game, Fire and Emergency New Zealand, Historic Places Trust (specifically where structures e.g. headworks are involved) and Ngāi Tahu will be directly provided with a copy of the above advertisement.

If interested parties wish to present their views there will be an opportunity to present. Should objections to an advertised closure be received, a hearing panel will consider the objection and its relevance to stockwater supply as part of their decision making.

A recommendation to Council was made to delegate powers to hear submissions to the Group Manager - Infrastructure to make recommendation on the significance of water race closures and agree closures not deemed significant.

Formal public hearing will only occur if persons wish to be heard. Any objections to race closures on grounds other than stockwater supply will be considered during public hearing (if applicable) and the hearing decision confirmed by Council. Consideration will need to be given as to whether objectors are stockwater rate payers, and directly or indirectly affected. Should a race be retained for reasons other than stockwater supply a different rating mechanism may be required.

Following any hearings, the Group Manager- Infrastructure will make recommendations to Council, which will make a decision on approval of the closure.



### 3.3 Ecological Considerations

The races proposed for closure will be assessed for ecological value.

The Canterbury Water, Selwyn Waihora Zone Implementation Programme acknowledges that Council is reviewing the operation of the stockwater race network and seeking opportunities for rationalisation while managing some races for biodiversity and community values.

The Ecological Assessment undertaken in the Ellesmere and Malvern schemes by EOS Ecology in 2011 identified that a number of races have high ecological value with freshwater mussels, native aquatic invertebrate biodiversity. In response to the recommendations of this report, the following actions are being taken:

- The Department of Conservation is provided an opportunity to assess all races proposed for closure to assess ecological value and undertake salvage of aquatic life if deemed beneficial.
- The Council is considering options to retain and fund nominated races of high ecological value for environmental purposes.
- A programme of fish screen installations has been funded and all active intakes now have functioning fish screens.

If a race has been dry for a period of time, low levels of aquatic life are expected to be present and limited to isolated pools.

Where a salvage of aquatic life is deemed necessary, consulting companies exist that are equipped to undertake electrofishing, and salvage. However this may attract significant cost. The Agreement to Close Water Race form states that the benefiting property owners are liable for their share of the costs associated with the closure.

### 4. Further Information

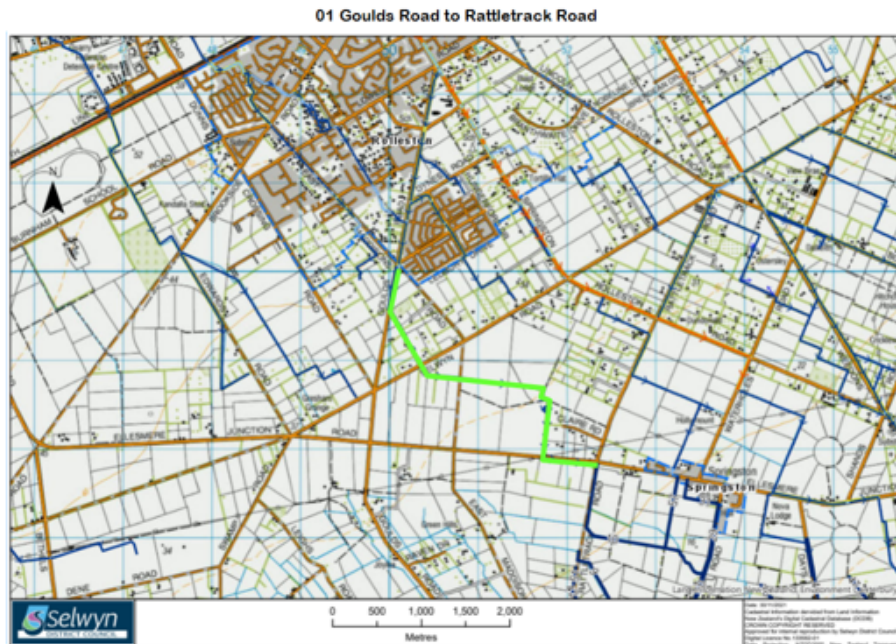
For further information on the proposed closures, or to make a submission, please contact Council on 03 347 2800 or via [WaterRaces@selwyn.govt.nz](mailto:WaterRaces@selwyn.govt.nz).

Any persons wishing to present their views on this matter should notify Council by **21st January 2022**.

### 5. Appendix 1 – Closure Maps and Details

**Closure Reference:** #01 Goulds Road – Rattletrack Road

**Map and Location:**



**Scheme:** Paparua

**Length of Proposed Closure:** 4.85km

**Application Received From:** Hughes Development Limited

**Number of Affected Properties:** 14

**Number of Properties agreed to Closures:** 13 – 93 %

**Percentage Loss of Rating Income:** 0.42%

**Reason for Closure:** To allow for fast tracking of residential development. Alternative sources of stock water available to downstream properties.

**Details of Closure:** This race currently terminates at Rattletrack Road and discharges to the classified Drainage network. Due to issues with sinkholes above Ellesmere Junction Road water rarely makes to the termination point. The closure will require a large soak pit to be installed at the termination point on corner of Goulds and East Maddisons Roads. No viable alternative options to closure are practical for this proposal.

**Closure Reference:** #2 Station Road

**Map and Location:**



**Scheme:** Malvern

**Length of Proposed Closure:** 1.3 km

**Application Received From:** Aylesbury Walnuts Ltd

**Number of Affected Properties:** 5

**Number of Properties agreed to Closures:** 4 – 80 %

**Percentage Loss of Rating Income:** 0.19 %

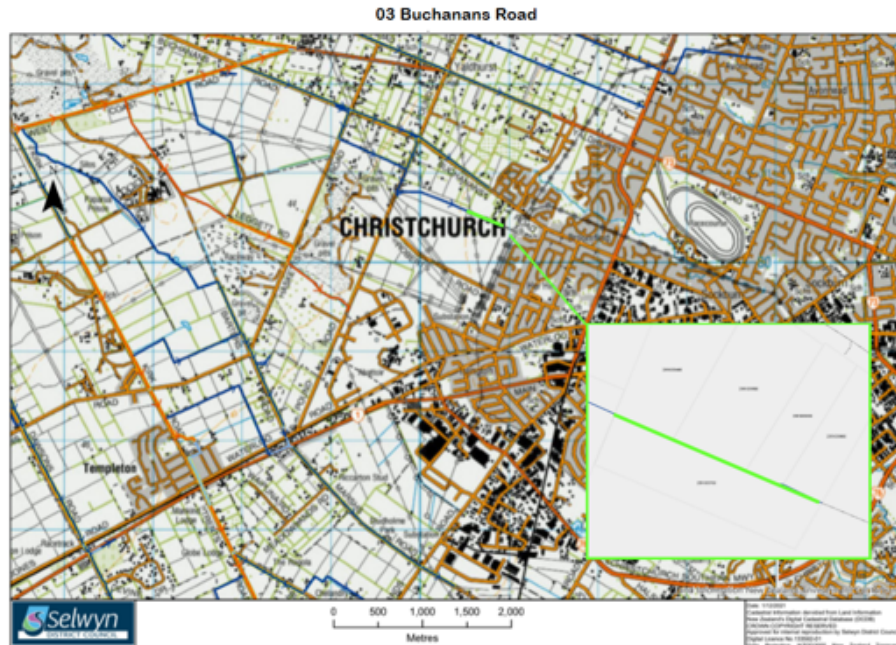
**Reason for Closure:** The landowners have no use for the water race and does not wish to pay water race rates

**Details of Closure:** This is a minor end of line race. The closure only requires the supplying divide to be shut off. No viable alternative options to closure are practical for the proposal.



**Closure Reference:** #3 Buchanans Road

**Map and Location:**



**Scheme:** Paparua

**Length of Proposed Closure:** 0.42 km

**Application Received From:** Maugers Mining

**Number of Affected Properties:** 1

**Number of Properties agreed to Closures:** 1 – 100 %

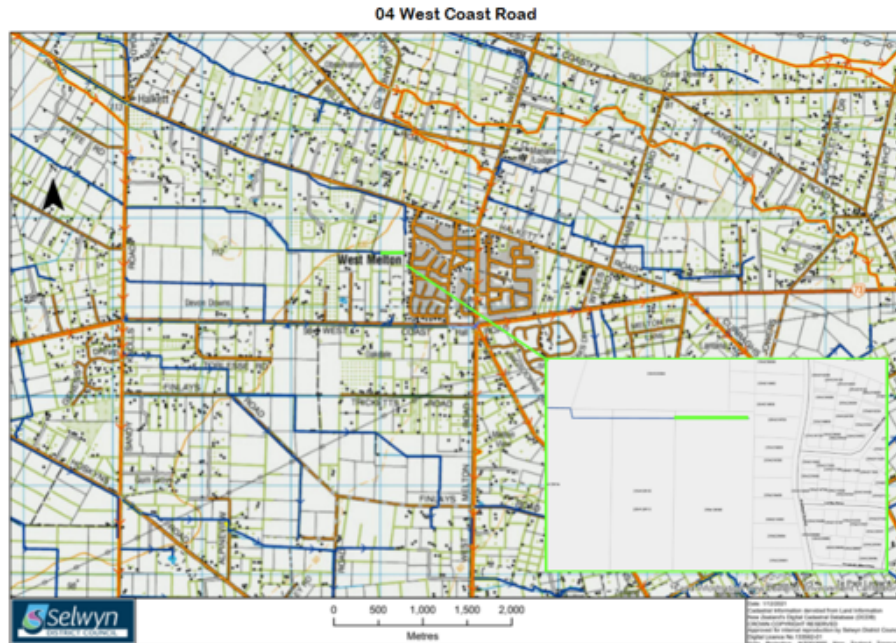
**Percentage Loss of Rating Income:** 0.00 %

**Reason for Closure:** Land is being developed to allow for housing. Stock water is no longer required and the race currently terminates to ground within the property boundary.

**Details of Closure:** This is a minor end of line race. The closure requires a soak pit to be installed at the termination point. No viable alternative options to closure are practical for this proposal.

**Closure Reference:** #4 West Coast Road

**Map and Location:**



**Scheme:** Paparua

**Length of Proposed Closure:** 0.15 km

**Application Received From:** R. Davies

**Number of Affected Properties:** 1

**Number of Properties agreed to Closures:** 1 – 100 %

**Percentage Loss of Rating Income:** 0.02 %

**Reason for Closure:** Land is being developed to allow for housing. Stock water is no longer required and the race currently terminates to ground within the property boundary.

**Details of Closure:** This is a minor end of line race. The closure requires a soak pit to be installed at the termination point. No viable alternative options to closure are practical for this proposal.



**Closure Reference:** #5 Pooles Road

**Map and Location:**



**Scheme:** Ellesmere

**Length of Proposed Closure:** 1.73 km

**Application Received From:** P. Lowery

**Number of Affected Properties:** 3

**Number of Properties agreed to Closures:** 3 – 100 %

**Percentage Loss of Rating Income:** 0.03 %

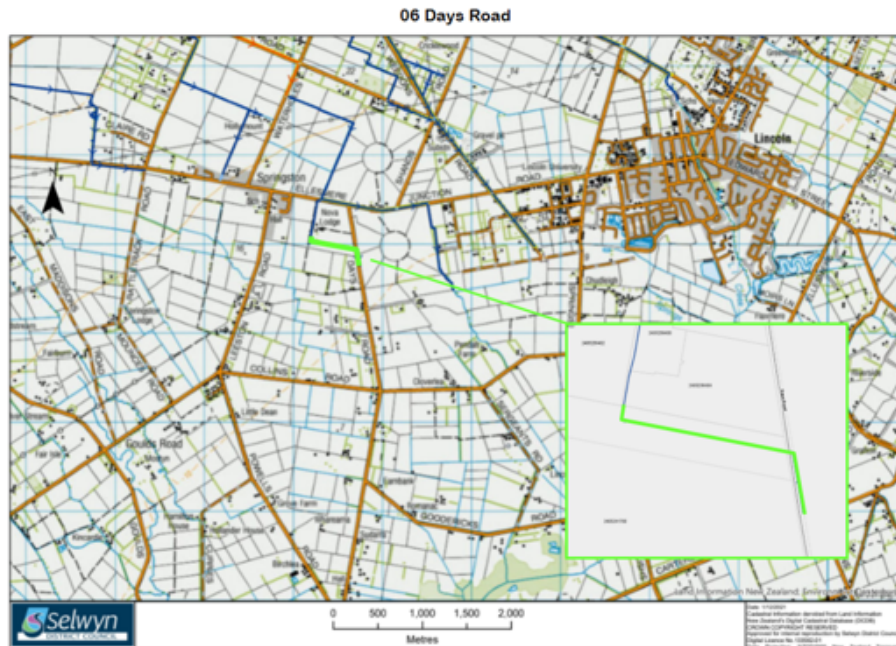
**Reason for Closure:** Race is dry and no longer required for source as source of stock water.

**Details of Closure:** This section of race has been dry for some time due to issues of sinkholes within the Ellesmere scheme. This is a retrospective closure.



**Closure Reference:** #6 Days Road

**Map and Location:**



**Scheme:** Paparua

**Length of Proposed Closure:** 0.8 km

**Application Received From:** C. Sparks

**Number of Affected Properties:** 1

**Number of Properties agreed to Closures:** 1 – 100 %

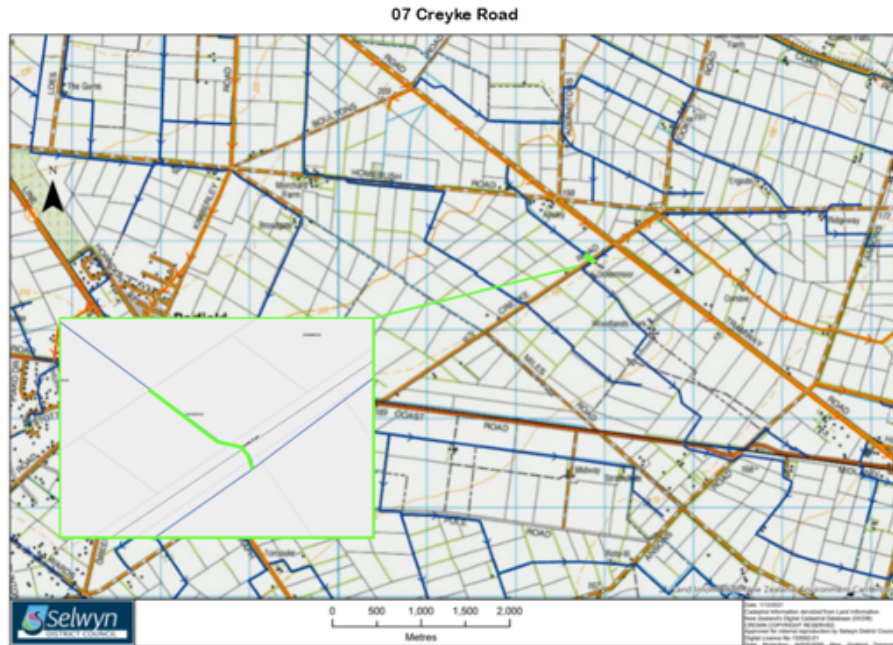
**Percentage Loss of Rating Income:** 0.04 %

**Reason for Closure:** This race has poor and unreliable supply.

**Details of Closure:** The race does not provide a consistent supply for the property owner. This race may top up flows in the adjacent classified drain on Days Road. Therefore, the channel will have to remain open as a stormwater channel.

Closure Reference: #7 ~~Creyke~~ Road

Map and Location:



Scheme: Malvern

Length of Proposed Closure: 0.13 km

Application Received From: C Hopper

Number of Affected Properties: 1

Number of Properties agreed to Closures: 1 – 100 %

Percentage Loss of Rating Income: 0.00 %

Reason for Closure: The race is dry and no longer serves purpose for this property.

Details of Closure: This race has been dry for the past year and does not top up the flow to the ~~Creyke~~ Road race any longer. This is a retrospective closure.



APPENDIX C – EOS ECOLOGY, SITES OF HIGH ECOLOGICAL VALUE – 2011.

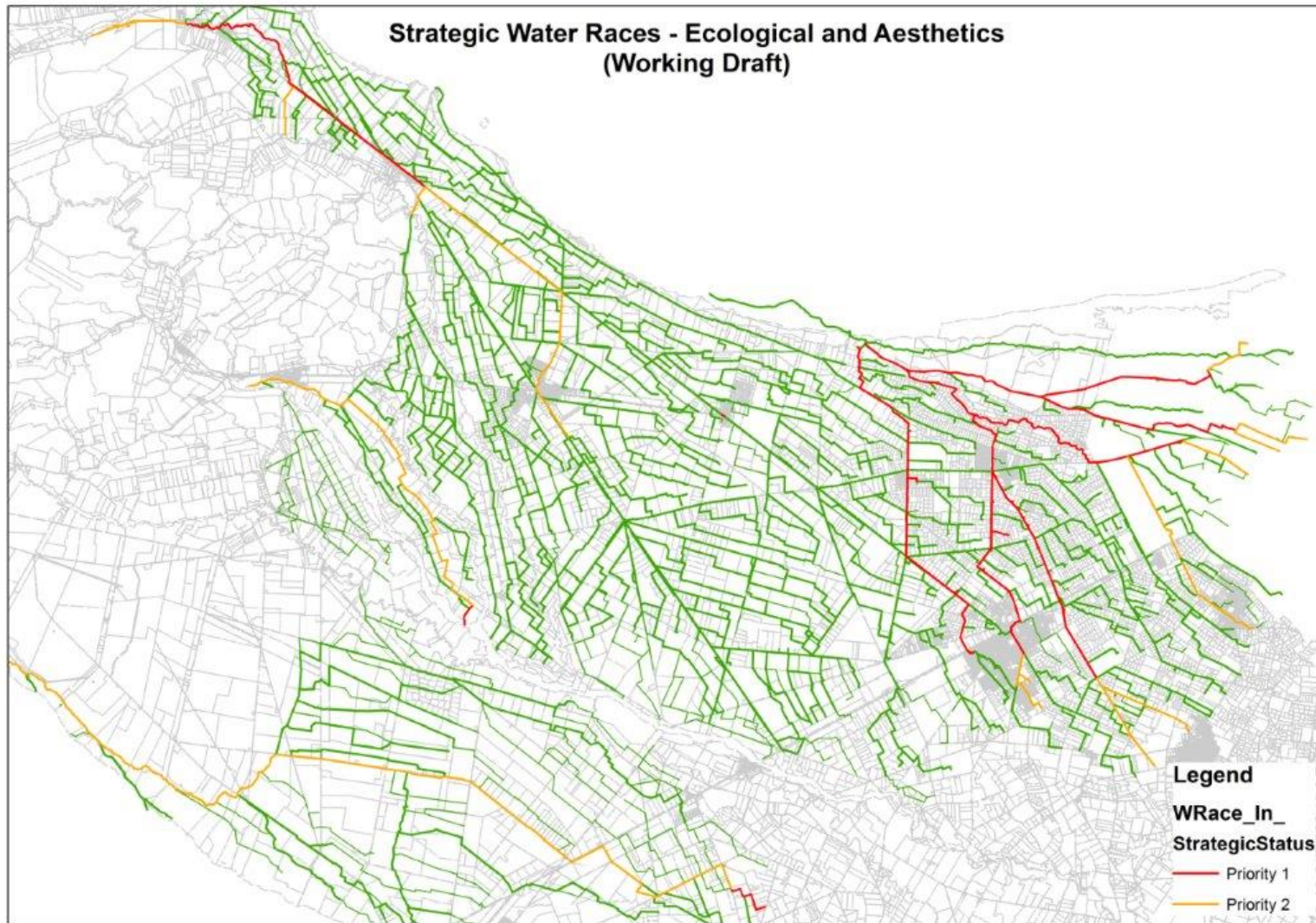








**APPENDIX D – STRATEGIC WATER RACES - ECOLOGICAL AND AESTHETICS**



## REPORT

**TO:** Chief Executive

**FOR:** Council Meeting – 9 February 2022

**FROM:** Asset Manager Water Services, and  
Water Service Delivery Manager

**DATE:** 28 January 2022

**SUBJECT:** **WATER SERVICES UPDATE**

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## RECOMMENDATION

*That the Council;*

- a) receives the report “Water Services Monthly Update” for information’, and*
- b) delegates the Chief Executive authority to prepare and submit a staff submission on the technical papers being consulted on by Taumata Arowai*
- c) Requests that the Chief Executive prepare a submission of key points to the proposed amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 for adoption at the 23 February Council meeting.*
- d) Adopts the revised Terms of Reference as amended by the Te Komiti Waiora District Land Drainage and Waterway Committee*

### 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).

### **Taumata Arowai**

Taumata Arowai officially took over from the Ministry of Health as the drinking water regulator on Monday, 15 November 2021. Wastewater and stormwater provisions in the Act will commence in late 2023.

Taumata Arowai have developed technical content that is targeted at drinking water suppliers that will guide the way drinking water is supplied safely to people in Aotearoa.

They are currently seeking feedback on the following:

- Drinking Water Standards
- Drinking Water Quality Assurance Rules
- Drinking Water Aesthetic Values
- Drinking Water Acceptable Solution for Roof Water Supplies
- Drinking Water Acceptable Solution for Spring and Bore Water Supplies
- Drinking Water Acceptable Solution for Rural Agricultural Water Supplies
- Drinking Water Network Environmental Performance Measures

It is proposed that Selwyn District Council staff provide feedback on the documents as a staff submission. Information on each of the documents is provided in **Appendix 1**.

The submission period closes 28 Mar 2022

### **Proposed changes to the NES-DW**

Proposed amendments to the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 [NES-DW] are proposed that will improve how risks to source water management are considered by making improvements in the following three areas:

Proposal 1: How at-risk source water areas are delineated. This involves establishing scientifically derived methodology for mapping source water risk management areas (SWRMAs) for different types of water bodies (rivers, lakes and aquifers), based on the time it takes for contaminants to travel to a source water intake and the level of filtration or mixing before reaching the intake. A mechanism would also be included that would allow regional councils to propose 'bespoke' delineation, where appropriate. •

Proposal 2: How activities that pose risks to source water are regulated or managed. The overall aim is to ensure higher-risk activities are managed either through more stringent controls or direction where necessary, or through consistent consideration of source water effects.

Proposal 3: Protecting all registered water supplies. It is proposed to expand the NES-DW to cover the same supplies as the Water Services Act (WSA), being all water suppliers other than domestic self-suppliers

[new-dw-consultation-document.pdf \(environment.govt.nz\)](https://www.environment.govt.nz/new-dw-consultation-document.pdf)

The submission period closes 6 March 2022



## Fluoridation

Council has received a letter regarding fluoridation from the Director-General of Health, Dr Ashley Bloomfield, dated 15 December 2021. The letter encourages all local authorities with un-fluoridated community water supplies that service over 500 people to start fluoridation-related preparatory work, especially in areas with larger populations or that have poor oral health outcomes. The letter also sort information on the fluoridation 'readiness' of local authorities, and any cost and planning pressures they face. This will allow the Ministry to better understand how implementation of fluoridation will be phased

It is possible that under legislation, the Director General of Health may at some future point direct that fluoridation is introduced. . As part of the Three Waters reforms, new water services entities are due to be established in July 2024. These entities could be responsible for fluoridating these supplies (subject to any directions being issued).

## 3 Waters Reform

The Working Group on Representation, Governance and Accountability of the New Water Services entities, is now due to report back a bit earlier in late February 2022. This will allow amendment as necessary to the draft Water Entities Bill.

The brief for the working group is to take “a fresh look” at critical elements of the entity design.

The DIA have issued their transition unit work programme (link below). It is a continuation of the “no regrets” work stream, being undertaken in parallel to the working group noted above.

[https://www.dia.govt.nz/diawebsite.nsf/Files/three-waters-reform-programme-2021/\\$file/three-waters-transition-information-pack.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/three-waters-reform-programme-2021/$file/three-waters-transition-information-pack.pdf)

Refer **Appendix 2** for the proposed timeline

## Water Demand Management

First education messaging went out mid-November as temperatures started to increase. Regular messaging has been carried out since November via newspaper adverts, social media posts and Council Call

As of the 26 January 2022 the Selwyn plains area shows moisture levels in deficit as typical for this time of year. **Refer Appendix 3.**

Ground water levels in all bores are now showing a downward trend which is expected to continue through the summer months. **Refer Appendix 4.**

## Te Komiti Waiora District Land Drainage and Waterway Committee

The District Land Drainage Committee had their first meeting on Monday 22 November. The meeting was well attended with a broad discussion held. The committee appointed

co-chairs Craig Pauling (Te Taumutu Rūnanga) and Karel Nurse (Leeston Drainage Committee) to lead the committee.

The committee met again on 21 December 2021 to discuss and confirm the Terms of Reference. Changes made are provided in red text and are recommended by the committee for Council adoption.

**Motion:** Accept all ToR changes in red from the track changes;  
**Moved** Mr Pauling, **Seconded** Mr Nurse. **Motion** carried

The main focus of the committee currently, is the review of the Land Drainage rating structure. **Refer Appendix 5.**

### **Stimulus Funding – Darfield Pipeline**

At the time of writing this report, progress has seen approximately 12km of pipeline installed. The Covid lockdown and restrictions, along with some inclement weather days have impacted the original timeline, options are being deployed to recover lost time, including adding an additional install crew. There are now six install crews operating in multiple locations at, Aylesbury Rd, Miles Rd, Burnham Rd and Pole Rd.

Supply chain risks and resource risks are not causing any concern for the project at this stage but in the current COVID impacted climate are flagged as a constant potential risk. Material suppliers are issuing notifications of escalating production, delivery and pricing pressures which may become an issue in the later months of the project. Currently though, pipe orders are ahead of these with reasonable forward supply received and in store.

Note: A complete project update is provided to Council via the Major Projects Report and a dedicated public facing Selwyn District Council webpage.

### **Pines WwTP Operational Health Check**

The Pines WwTP Operational Health Check (version2) from Waugh Infrastructure is nearing completion. 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 as well as optimising plant operations. Recommendations will be focussed on risk, its management and overall plant performance measures. Completion of this review is expected by the end of the month.

In coordination with the Operational Health Check, a much wider Pines WwTP Network Risk analysis is active, with a view on ensuring compliance is achieved whilst also, meeting the continuing growth of the district. Trade waste discharges, especially uncontrolled ones place strain on the plant and cause operational difficulty. The risk analysis is focussed on proactive warnings and management of these combined with a response plan of immediate measures to mitigate which have been effective in recent months.

**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:

- 5 Waters Strategy / One Water 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 – *Taumata Arowai technical documents***

**Attachment 2 - *Transition unit work programme***

**Attachment 3 – *Soil moisture Deficit***

**Attachment 4 – *Ground water levels***

**Attachment 5 – *Draft Terms of Reference***

## **Attachment 1 – Taumata Arowai technical documents**

### Drinking Water Standards

The proposed Drinking Water Standards (the Standards) will replace the existing Drinking-water Standards for New Zealand (revised 2018). They set limits for contaminants and other characteristics of drinking water.

The Standards apply to all drinking water supplies regardless of the nature of the source water and the number of people served by the supply.

[Drinking Water Standards - Taumata Arowai - Citizen Space](#)

[Drinking Water Standards - Summary \(181 KB, PDF\)](#)

[Drinking Water Standards – Summary of the proposed changes \(175 KB, PDF\)](#)

[Drinking Water Standards \(258 KB, PDF\)](#)

### Drinking Water Quality Assurance Rules

The Drinking Water Quality Assurance Rules (the Rules) set out the requirements a drinking water supplier must comply with to help ensure the drinking water they provide is safe. The Rules are 'compliance rules' for the purposes of the Water Services Act 2021.

To address the large variations across different kinds of drinking water supplies, the Rules are categorised into different drinking water supply types. These have different modules and complexities assigned to them.

[Drinking Water Quality Assurance Rules - Taumata Arowai - Citizen Space](#)

Taumata Arowai also recommend reading the following papers before responding to the consultation:

[Drinking Water Quality Assurance Rules - Summary \(188 KB, PDF\)](#)

[Drinking Water Quality Assurance Rules - Proposed changes \(163 KB, PDF\)](#)

[Drinking Water Quality Assurance Rules \(972 KB, PDF\)](#)

[Guidance to determine water supply populations \(194 KB, PDF\)](#)

[Description of Drinking Water Supply Types \(143 KB, PDF\)](#)

### Drinking Water Aesthetic Values

The aesthetic values (properties) of drinking water that affect its acceptability to consumers, including its taste, odour, appearance and in some instances feel. Consumers will often be more aware of these values than the health-related limits that influence drinking water's safety.

Water is considered acceptable when its aesthetic values are not objectionable to most consumers.

[Drinking Water Aesthetic Values - Taumata Arowai - Citizen Space](#)

Taumata Arowai also recommend reading the following papers before responding to the consultation:

[Drinking Water Aesthetic Values – Summary \(176 KB, PDF\)](#)

[Drinking Water Aesthetic Values \(195 KB, PDF\)](#)

Drinking Water Acceptable Solution for Roof Water Supplies

This Acceptable Solution can be used to demonstrate that certain roof water supplies comply with the requirements of the Water Services Act 2021. This Acceptable Solution may only be used where a networked community supply is not available to the buildings that will be supplied by the roof water supply.

It is estimated there are between 10,000 – 30,000 roof water supplies in Aotearoa, including many marae.

[Drinking Water Acceptable Solution for Roof Water Supplies - Taumata Arowai - Citizen Space](#)

Taumata Arowai also recommend reading the following papers before responding to the consultation:

[Drinking Water Acceptable Solution for Roof Water Supplies - Summary \(129 KB, PDF\)](#)

[Drinking Water Acceptable Solution for Roof Water Supplies \(500 KB, PDF\)](#)

Drinking Water Acceptable Solution for Spring and Bore Water Supplies

A number of marae, papakāinga, small communities, and camping grounds take drinking water from springs and bores and reticulate the drinking water to multiple properties. It is not currently known exactly how many of these supplies exist in New Zealand.

This Acceptable Solution is designed for community water supplies where good quality spring or bore water is supplied to multiple dwellings and buildings.

[Drinking Water Acceptable Solution for Spring and Bore Drinking Water Supplies - Taumata Arowai - Citizen Space](#)

Taumata Arowai also recommend reading the following papers before responding to the consultation:

[Drinking Water Acceptable Solution for Spring and Bore Drinking Water Supplies - Summary \(116 KB, PDF\)](#)

[Drinking Water Acceptable Solution for Spring and Bore Drinking Water Supplies \(361 KB, PDF\)](#)

Drinking Water Acceptable Solution for Rural Agricultural Water Supplies

Rural agricultural drinking water supplies primarily provide stock water or irrigation water and at least 65% of the total supply must be for this purpose. These supplies can also provide drinking water to houses connected to the stock water or irrigation supply, generally to a storage tank on the consumer's property.

It is generally not economic to treat all water in a rural agricultural water supply at a centralised treatment plant. This Acceptable Solution provides a way of ensuring that households and other buildings supplied from a rural agricultural water supply receive water that complies with drinking water standards and is safe to drink.

It's estimated there could be 300-500 rural agricultural water supplies in the country, with each one supplying between 10 to 2,500 people.

[Drinking Water Acceptable Solution for Rural Agricultural Water Supplies - Taumata Arowai - Citizen Space](#)

Taumata Arowai also recommend reading the following papers before responding to the consultation:

[Drinking Water Acceptable Solution for Rural Agricultural Water Supplies - Summary \(127 KB, PDF\)](#)

[Drinking Water Acceptable Solution for Rural Agricultural Water Supplies \(753 KB, PDF\)](#)

[Drinking Water Network Environmental Performance Measures](#)

The Water Services Act 2021 introduces new requirements to monitor and report on the environmental performance of certain drinking water, wastewater, and stormwater suppliers and their operators.

These requirements are designed to provide greater transparency about the performance of networks, the impacts they have on the environment and public health, and to contribute to the continuous and progressive improvement of the quality of water services.

This discussion document sets out a proposed approach for Taumata Arowai to commence monitoring the environmental performance of drinking water networks in mid-2022.

[Drinking Water Network Environmental Performance - Taumata Arowai - Citizen Space](#)

Taumata Arowai also recommend reading the following papers before responding to the consultation:

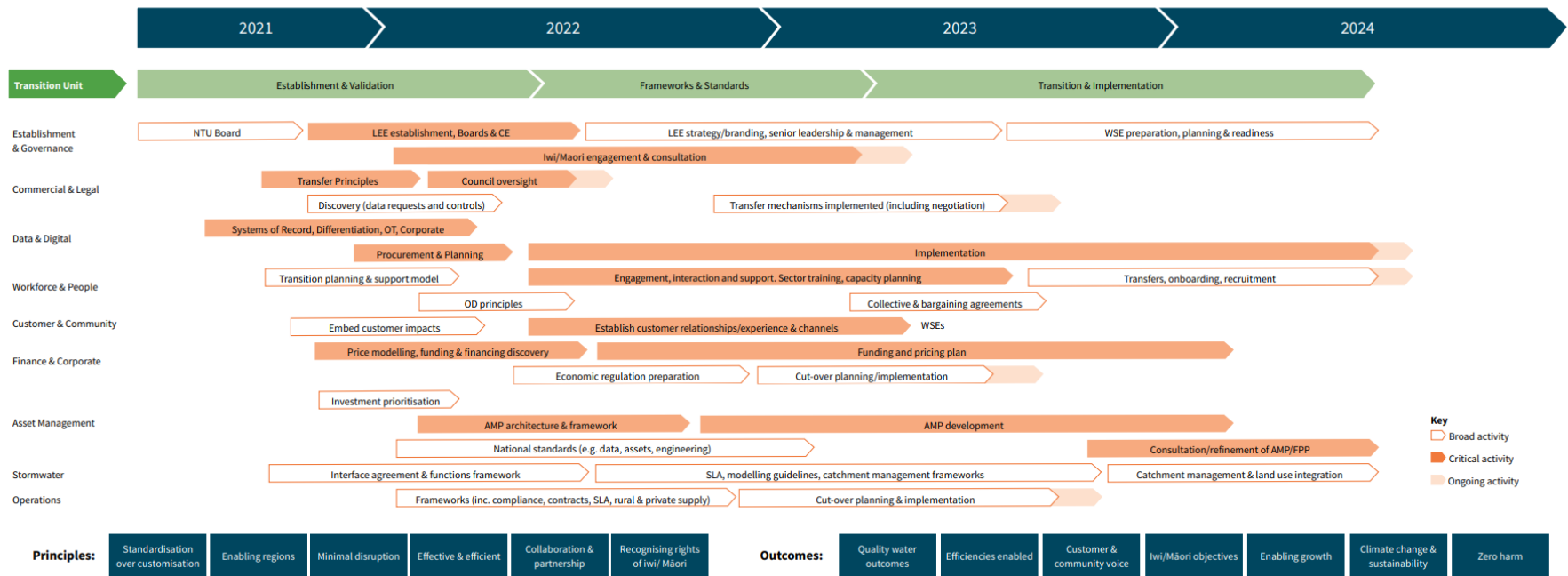
[Drinking Water Network Environmental Performance – Discussion Document – Summary \(182 KB, PDF\)](#)

[Drinking Water Network Environmental Performance – FAQs \(121 KB, PDF\)](#)

[Drinking Water Network Environmental Performance – Discussion Document \(943 KB, PDF\)](#)

## Attachment 2 – Transition unit work programme

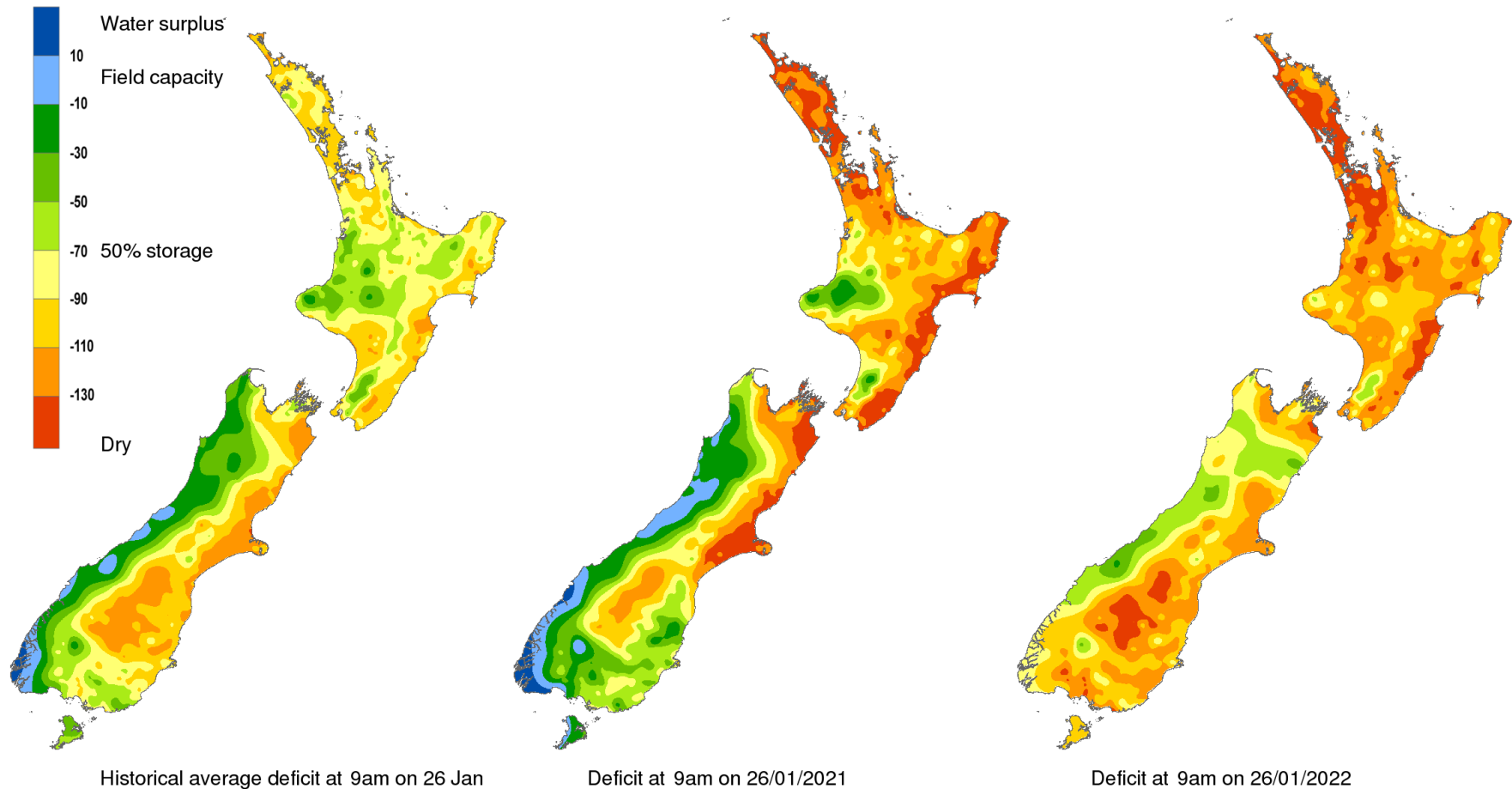
### Indicative Transition Roadmap



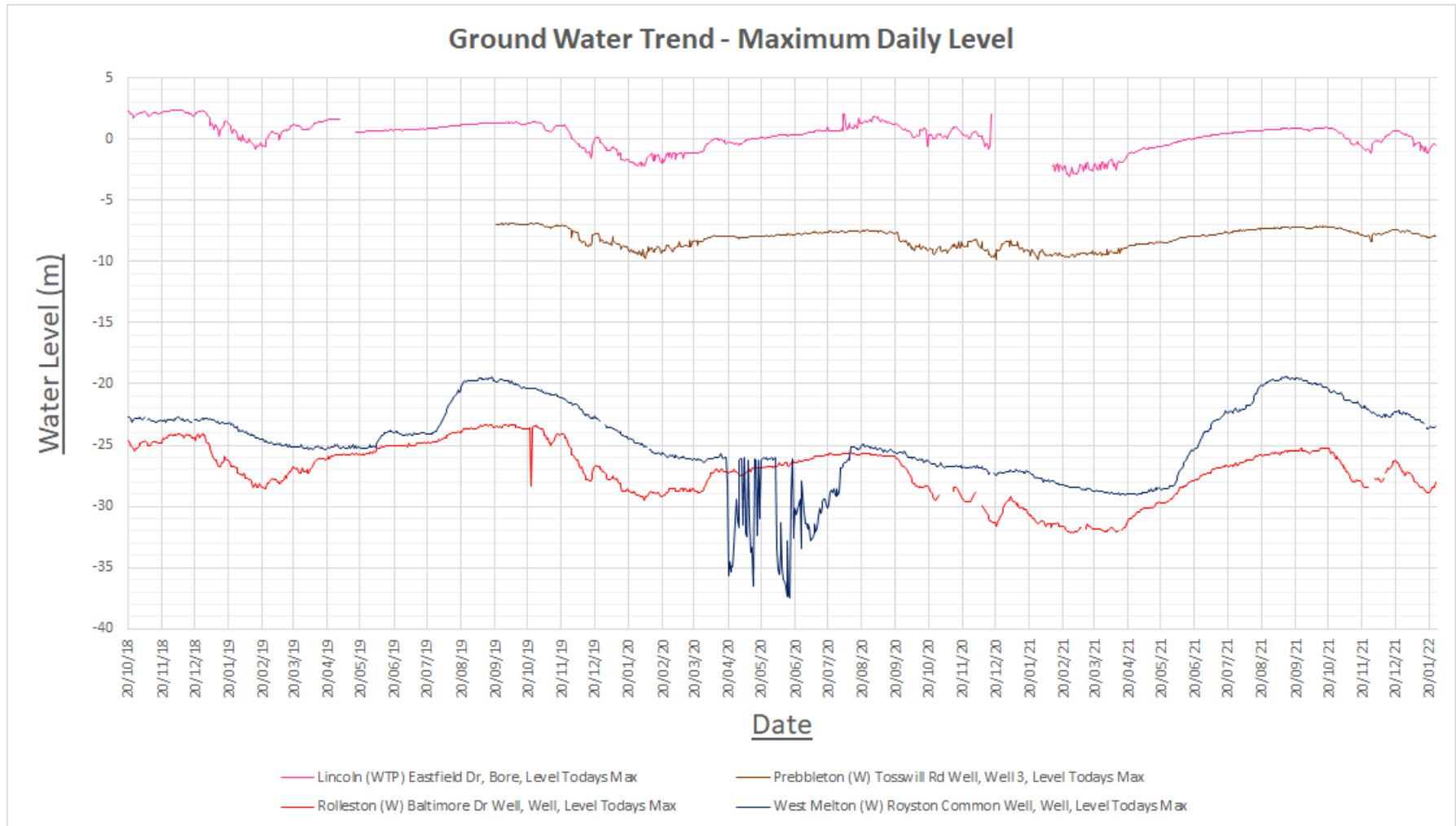


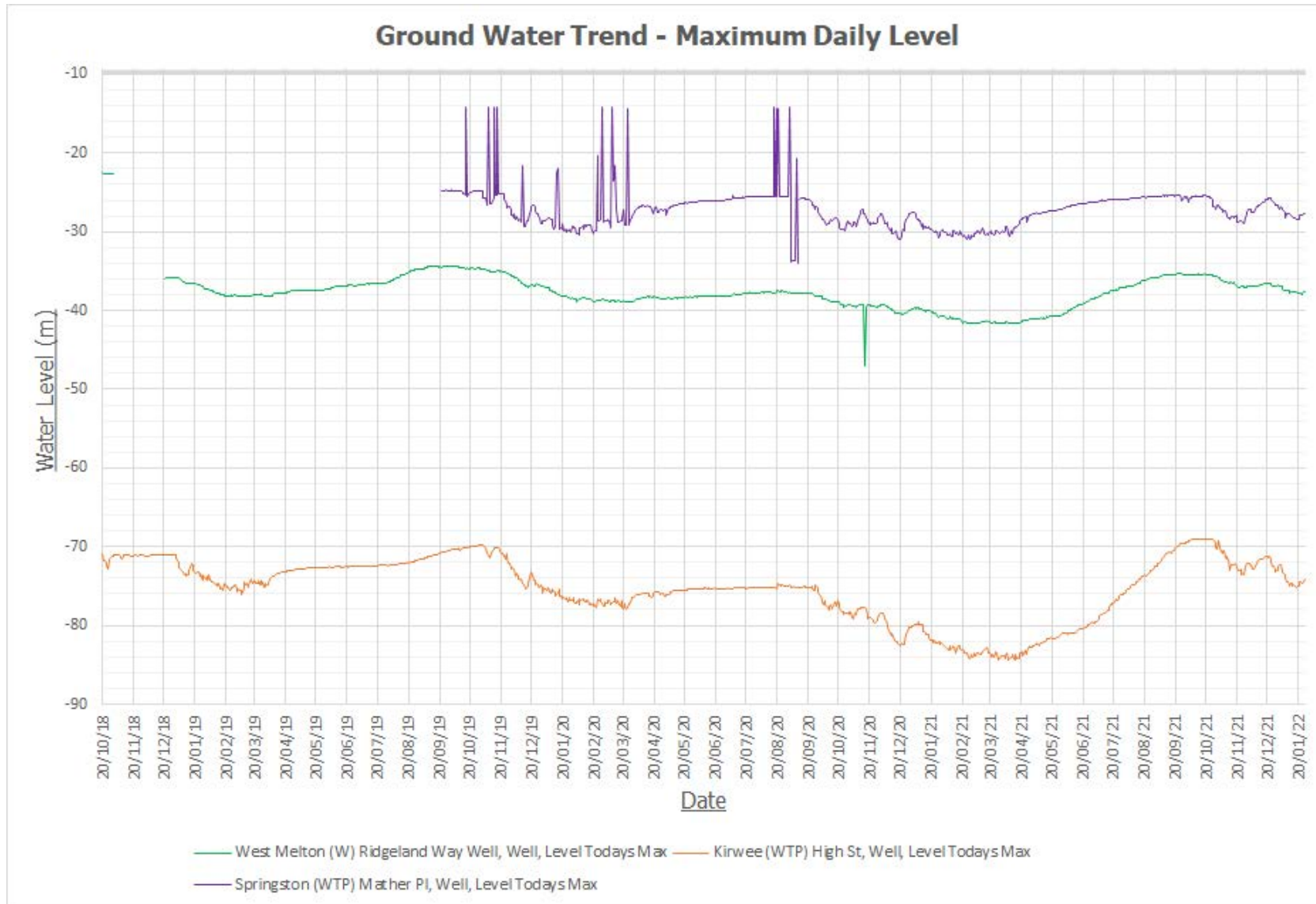
### Attachment 3 – Soil Moisture Deficit

Soil moisture deficit (mm) at 9am on 26/01/2022



**Attachment 4 – Ground water levels**





## **Attachment 5 – Draft Terms of Reference**

### **Selwyn District Council (Council) - Te Komiti Waiora District Land Drainage and Waterway Committee (Committee)**

#### **Terms of Reference 2021 – 2024**

##### **1. Purpose Statement**

The primary purpose of the Committee is to:

- a. provide clear and decisive leadership with respect to the provision of land drainage management in the Selwyn District; and
- b. foster a collaborative approach between drainage committees and stakeholders to achieve integrated decision-making.
- c. To investigate the impact and implement, when feasible, measures to enhance biodiversity, social, cultural, and economic values of SDC classified drains and waterways in the district.

##### **2. Membership**

The District Land Drainage Committee shall be comprised of a maximum of 14 members as set out in Schedule 1. Each group will appoint a representative within its membership. The Mayor of the Selwyn District is an ex-officio member of this Committee.

Advisors are permitted but have no delegated authority (no voting powers). Schedule One provides a list of members and a list of advisors which is to be updated annually. The Arthurs Pass River Protection Scheme, the Hororātā River Scheme and the Taumutu Culverts are excluded from the purview of the Committee at this time as they don't have a Land Drainage function but rather flood protect function.

##### **3. Responsibilities**

The Committee will have direct reporting lines back to Council through which it will recommend appropriate actions, including:

- a. reviewing rating structure and recommending rating levels;
- b. providing direct user and stakeholder representation into the management and operation of the land drainage network in accordance with Council Bylaws and consents;
- c. reviewing the Council's Stormwater and Drainage Bylaw, consents, and associated policies and recommending amendments from time to time to accommodate changing requirements; and
- d. enabling local knowledge and expertise to be utilised to the benefit of the overall system.

##### **4. Quorum**

The quorum at a meeting of the Committee consists of the majority of the members.

Voting shall be on the basis of the majority present at the meeting, with no alternates or proxies.

## **5. Committee Co-Chair**

The Committee shall elect from within its members a co-chair, such election to be made annually. Secretarial services will be provided by Council staff.

The responsibilities of the co-chairs include: chairing of meetings, reviewing agenda and minutes (where required), being the link between staff and the committee.

## **6. Meeting Frequency**

Frequency of meetings shall be determined by the Committee but with a minimum of two meetings per year.

## **7. Committee Delegations**

The Committee operates under delegated authority from Council, to act appropriately and within budget and project guidelines established within Council Annual Plan, Long Term Plan, and Financial Policies.

## **8. Limitation of powers**

The Committee does not have the authority to commit or bind the Council or any person to any path or expenditure or to borrow money and its recommendations do not bind the Council or fetter the Council's ability to deliberate and make decisions.

For the avoidance of doubt, the Council is under no obligation to accept the recommendations of the Committee.

## **9. Operating Principles**

The Committee will at all times operate in accordance with the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 and will observe the following principles:

- a. working in a collaborative and co-operative manner using best endeavours to reach solutions that take into account the interests of all sectors of the community; and
- b. promoting a philosophy of partnership and integrated drainage management to achieve the objective of an effective and well managed drainage network.

Members of the Committee (other than the chairperson who's remuneration shall be determined in accordance with clause 6 of Schedule 7 of the Local Government Act 2002) who are not already paid for their attendance time will be paid a meeting attendance rate of \$125 per half day by the Council.

## **10. Committee support**

- a. The Council will act as the administrating authority and provide secretariat support to the Committee.
- b. The Council will cover the costs associated with providing secretariat support.

## 11. WORK PROGRAMME

Prior to the commencement of each financial year, the Committee, in conjunction with administrative staff, will prepare a work programme to be completed during the financial year ahead. This work programme will align with Council's Annual Plan and Long Term Plan objectives.

## 12. REPORTING TO COUNCIL

The minutes of each Committee meeting will be appended to Council agendas.

### Schedule One

#### List of Committee Members and Advisors

**Table 1: Members**

<del>Te Rūnanga O Ngāi Tahu</del>	<del>TBC</del>
Te Taumutu Rūnanga	Craig Pauling
Te Taumutu Rūnanga	Bridget Robilliard
Te Ngāi Tūāhuriri Rūnanga	TBC
<del>Wairewa Rūnanga</del>	<del>TBC</del>
Selwyn District Council	Mayor Sam Broughton ( <i>ex officio</i> )  Cr Murray Lemon CR  Cr Sophie McInnes CR  Cr Grant Miller  Cr Debra Hasson
Osbornes Land Drainage Committee Rep	Simon Manson
Greenpark Drainage District Committee Rep	Barry Clark
LII Drainage District Committee Rep	John Greenslade
Ellesmere Drainage District Committee Rep	Ivan Robertson
Leeston Drainage District Committee Rep	Karel Nurse
Taumutu Drainage District Committee Rep	Andrew Winchester

Wairiri Valley District Committee Rep	Alex Woodhouse
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**Table 2: Advisors (non-voting)**

Rūnanga advisors	TBC
Environment Canterbury Regional Council	Adrian Meredith  Matt Surman
Department of Conservation	Robin Smith
Fish and Game	Lyndon Slater
Selwyn District Council	Murray England  Daniel Meehan  Creagh Robinson

## REPORT

**TO:** Council

**FOR:** Council Meeting – 9 February 2022

**FROM:** Personal Assistant to Mayor

**DATE:** 31 January 2022

**SUBJECT: REGISTER OF DOCUMENTS SIGNED AND SEALED**

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### 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	Down by the Liffey Gallery Society Incorporated
	Transaction type	Deed of Lease
	Transaction description	‘Old Coronation Library’, Lincoln
2	Name of other party	Christoffel Laurentius Keijzer and Lucy Ann Keijzer
	Transaction type	Licence to Occupy Unformed Legal Road
	Transaction description	Davies Road, Whitecliffs
3	Name of other party	Selwyn District Council
	Transaction type	Declaration of Land to be Public Road – Section 349 LGA 1974
	Transaction description	Part Station Street, Leeston
4	Name of other party	Phillipa Kate Fraser
	Transaction type	Deed of Licence to occupy to 30 June 2020
	Transaction description	Transfer of Deed of Licence from Robin William Hyde to Phillipa Kate Fraser following the sale of Hut 23 Upper Selwyn Huts
5	Name of other party	Central Plains Water Limited
	Transaction type	Easement Instrument to grant easement
	Transaction description	Convey water in gross for the Central Plains water enhancement scheme - Sheffield



6	Name of other party	Country Lane Group Limited
	Transaction type	Retail Operator - Licence to Occupy
	Transaction description	Te Ara Ātea – Café Kiosk

7	Name of other party	Two Rivers Community Trust
	Transaction type	Deed of Licence
	Transaction description	Almond Park, Clinton Street, Darfield

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>	
2.	Purchase of Land and Easements for Kirwee Wastewater Pump Station			<i>Upon settlement of purchase</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 - 2	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 - 2	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.'*