

**MINUTES OF AN ORDINARY MEETING OF THE
SELWYN DISTRICT COUNCIL
HELD IN THE COUNCIL CHAMBER AND VIA ZOOM
ON WEDNESDAY 8 JUNE 2022 COMMENCING AT 1PM**

PRESENT

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

IN ATTENDANCE

Messrs. D Ward (Chief Executive), K Mason (Group Manager Organisational Performance), D Marshall (Group Manager Property), M Washington (Group Manager Infrastructure), S Hill (Group Manager Communication and Customer Services), T Harris (Group Manager Environmental and Regulatory Services), M England (Asset Manager Water Services), R Love (Team Leader Strategy & Policy), M Johnston (Chief Licensing Inspector), R Raymond (Communications Advisor), P Millar (Major Projects Project Manager) and D Robinson (Landscape Architect); Mesdames D Kidd (Group Manager Community Services and Facilities), X Tay (Landscape Architect), E Larsen (Principal Advisor Resource Consents), J Lewes (Strategy and Policy Planner), N Moen (Manager Arts Culture and Lifelong Learning) and N Smith (Executive Assistant to the Chief Executive), and Ms T Davel (Committee Advisor)

The meeting was livestreamed.

The Mayor opened the meeting with the karakia and Councillor Affirmation and welcomed everyone to the meeting. He also welcomed everyone online listening to the meeting.

In attendance were several members of the public in relation to *Item 11, Plan Change 69*.

APOLOGIES

An apology was received in respect of Councillor M Lyall.

Moved – Councillor Alexander / **Seconded** – Councillor Miller

‘That the Council receives the apology from Councillor Lyall, for information.’

CARRIED

IDENTIFICATION OF ANY EXTRAORDINARY BUSINESS

None.

CONFLICTS OF INTEREST

Councillor Hasson in respect to item 8 on the agenda – District Licensing Report

Councillors Hasson, Alexander and Reid in respect to their involvement in the District Plan Review as hearing commissioners, and in particular Item 11 on the agenda on Plan Change 69.

PUBLIC FORUM

Councillors Hasson, Alexander and Reid, having declared an interest due to their involvement as Hearing Commissioners, moved away from the table and did not ask any questions nor participated in the discussion.

1. Sue Prendergast

Mrs Prendergast said her main concern was the major loss of Highly Productive Soils. She said Prebbleton was an example of the encroachment on productive soils in the region. The land in question offers the opportunity for other uses, including cereal crops. Mrs Prendergast spoke in general of the wheat shortage and that the ongoing war in Ukraine should also be a real concern. New Zealand needed to ensure it provides supply not only for its own needs but also for export.

Mrs Prendergast also spoke about the impact of climate change and said the low lying nature of the land in question would be better for production as it gives more options for planning for future weather events. She also said there would have to be increased infrastructure including links to existing major transport networks. Mrs Prendergast concluded by noting the visual impact would be mainly negative and that the area is attractive with its uninterrupted views of surrounding countryside.

2. Mrs Denise Cole and Dr Samuel Carrick

Mrs Cole and Dr Carrick said that to have so many people adding their names to an open letter was amazing. They said that the letter stands on its own and they expect that the Lincoln community will receive a suitable response from Council.

As for them, they were here to speak as individuals and feel this subdivision was a done deal as soon as it was announced. Mrs Cole said that this was, in fact, what one of their own representatives have told the community. She said Council may choose to tell us it's out of its hands, and shift blame to the Commissioner or the developer or the timing. She said the Ward Councillors may even abstain due to a conflict they declared but that was considered a cop out, and she reminded them they were voted in to advocate for the community.

Dr Carrick said that Lincoln was not coping with the pressures from rapid growth and the concerns included rubbish, poor roads, accidents, persistent issue with the availability of medical services and the schools, in particular the High School.

3. Prof Keith Cameron, Lincoln University

Prof Cameron said he had studied soils for more than 40 years noting Lincoln had some beautiful soils. Prof Cameron said the decision today would rob future generations of highly productive land. He agreed with the Mayor that it was not all about houses and that we were

having to protect farming soils. The soil was suitable for arable, pasture and horticultural crops and he also said that only about 2.5% of the total area of the Canterbury plains were in fact suitable.

These soils have taken over 10 000 years to form and in the past 25 years alone, approximately 300 to 400 ha of highly productive land has been lost to housing subdivisions. Approval of PC 69 will increase the loss by about 25%.

Prof Cameron said the government was in the final stages of legislating the protection of highly productive land. Councils will be required to protect land from inappropriate subdivision and while everyone agrees we need housing developments, it should not be to cover up highly productive land in New Zealand. Approval of PC 69 at this time will be in direct conflict with the NPS to protect highly productive land.

Prof Cameron asked Council to decline the plan change or if possible, decline to make a decision until the NPS on highly productive land comes into effect in a few months' time. That will ensure that all of the factors have been considered.

4. Jo Appleyard

Ms Appleyard said she was representing the applicant and noted she was not Council's legal advisor. She agreed that Council cannot delay the decision as it would breach a number of regulations. Ms Appleyard said that all of the topics traversed today in public forum had already been raised and heard during the hearings.

She noted the applicant wishes her to thank the Council for a thorough, robust and fair process. The Commissioner was known for being able to recommend against a decision where he thinks the issue does not come up to scratch.

Councillors Hasson, Alexander and Reid moved back to the table.

CONFIRMATION OF MINUTES

1. Minutes of an ordinary meeting of the Selwyn District Council held in the Council Chamber on Wednesday 25 May 2022

Councillor Alexander noted that the minutes should reflect he had called for an amendment.

Moved (*as amended*) – Councillor Alexander / **Seconded** – Councillor Lemon

*'That the Council confirms the minutes of the ordinary meeting of the Selwyn District Council held on Wednesday 25 May 2022, as circulated **and amended**.'*

CARRIED

MATTERS REQUIRING ATTENTION

See table at the end of the minutes.

REPORTS

1. Mayor

Mayor's Report

Taken as read.

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

'That Council receives the Mayor's report for information.'

CARRIED

2. Joint District Licensing Committee and Chief Licensing Inspector

Monthly Report 1 April 2022 to 30 April 2022

Councillor Hasson, having declared a conflict of interest, moved away from the Council table and did not participate in the discussion, nor vote on the item.

The Chief Licensing Inspector provided a brief update on licensing issues across the District in the last month. He said there was an upward trend in the number of applications for off licences in neighbourhood centres. This was not only a district-wide trend but also nationally.

Moved – Councillor Alexander / **Seconded** – Councillor Bland

'That the Council receives the report on the activities of the District Licensing Committee and the Chief Licensing Inspector for April 2022.'

CARRIED

Councillor Hasson moved back to the Council table.

3. Group Manager Community Services and Facilities

Community Services and Facilities Group Update

Group Manager Community Services and Facilities, Mrs Kidd, presented to Council. She talked about a variety of events across the District including students visiting Te Ara Atea and the Selwyn Sports Centre; the opening of an upgraded Southbridge Hall; and visit to various rural schools.

Mrs Kidd also said Darfield Library & Service Centre was undergoing refurbishments and that she was going to present to the Malvern Community Board shortly on the various changes. Mrs Kidd noted that Selwyn Stories was to collect the history of the district digitally and will soon go live with the existing developed collection.

A short video from the Selwyn Youth Council was shared, with three members of the Youth Council introducing themselves.

Mrs Kidd said she would bring more information on the Hapai card to a future Council meeting. Councillor Alexander had asked about the card noting it would be helpful if Councillors understood more about its uses, in order to talk to their communities about it.

The Mayor congratulated the team for doing great things to engage the community and doing it all around our district.

Moved – Councillor Epiha / **Seconded** – Councillor Mugford

‘That the Council receives the Report “Community Services and Facilities Group Update” for information.’

CARRIED

4. Asset Manager Water Services, and Water Service Delivery Manager
Water Services Monthly Update

Staff took their report as read.

Moved – Councillor Reid / **Seconded** – Councillor Lemon

‘That Council continue the meeting beyond 2 hours (at 3.07pm).’

CARRIED

Some Councillors remarked that they would like to see more communication with communities about chlorination.

Moved - Councillor McInnes / **Seconded** – Councillor Reid

‘That the Council:

- a. ‘receives the report “Water Services Monthly Update” for information’, and*
- b. defer scheduling the hearing date for the Station Rd Stock Water Race until the applicant has increased written support for the proposed closure to at least 80% of directly affected property owners.’*

CARRIED

5. Strategy and Policy Planner
Private Plan Change 69 – Rezoning of Land in Lincoln

This report was taken first to accommodate public forum speakers.

Councillors Hasson, Alexander and Reid, having declared a conflict in respect to their involvement with the wider District Plan Review process as Hearings Commissioners, moved away from the table and did not participate nor vote in the item.

Staff presented and gave a brief update about the process to get to this point.

Council's legal representative, Mr P Rogers, said Council was now mid-way through a process. The process was decided some time ago with the appointment of a skilled and experienced Commissioner who heard all of the evidence and made a recommendation. He took into account all the relevant planning instruments and had given appropriate weighting to all factors.

Mr Rogers said this was not the final decision and Council was now in the hands of the submitters in terms of what their next choice might be. Council will now either accept or reject the recommendation before it. That decision creates the right for submitters to lodge appeals to the Environment Court. The Court usually follows a two stage process with mediation the first option. Mr Rogers said if mediation wasn't successful a hearing before the Environment Court will be the second stage. The Court was used to receive evidence from both experts and private / lay persons. He went on to say that there would be time and cost implications for submitters, Council and the applicant. More importantly was to consider the integrity of the process. He said to delay this until some other piece of legislation comes along would be wrong, in that it would be sending a message that Council is waiting for something which may be more influential to come along and change its mind.

Mr Rogers concluded by saying his direct personal advice would be not to delay.

The Mayor said that the Council has had a lot of similar feelings as had been expressed by the submitters and public forum speakers today. Three years ago Council worked through a district plan review and landed on the opinion of no new residential zonings outside the infrastructure boundaries. Matters of this scale was outside the scope of what was required at the time but since then there had been massive changes to legislation. The Mayor said while he appreciates the sentiment of what has been shared, the legislative framework as it stands today, was in a different space from that time.

Councillor Miller said the matter had received the highest level of community interest, with a public meeting really well attended and concerns raised about the process. He said a highly qualified commissioner was employed to run this process and the commissioner made a number of points in his deliberation which the community does not agree with.

Councillor Miller said that sometimes doing the right and proper thing is not the same thing that burns your heart and for that reason, it gave him no joy but to support the staff recommendation. He added that the intent of Government for a one-size-fits-all option across the board is not always the best for New Zealand.

Councillor Miller said on the positive side from what he has seen on existing developments such as Liffey Springs, it joins sensitive catchments and enhanced the Lincoln Community. He also noted that consultation with runanga showed they were not concerned enough to stop the process. It was clear they were comfortable with what is being proposed.

Councillor Miller said the community was rightly concerned by the lack of infrastructure and in particular roads, education and health in Lincoln. He said Councillors Lyall, Hasson and himself have been consistently advocated for increased infrastructure in Lincoln but the priority has been Rolleston.

Now the time has come for significant investment in Lincoln with a focus on schools and extending medical services.

Councillor Miller concluded by saying the local community will no doubt be disappointed in the decision of Council and also in him for what he has decided but he accepts that. He must vote in favour of the plan change.

Councillor McInnes noted she wanted to move an amendment. She said the decision today is procedural and she would move that Council decline and ask Mr Caldwell to review his recommendation when the National Policy Statement on Highly Productive Land is published in late July. Council's decision could be delayed to the end of the triennium but she said she wasn't proposing a delay for the sake of delaying, it was about the level of weight given to upcoming legislation, evidence regarding which Mr Caldwell has already heard.

Mr Rogers said that his advice will remain in place. What this amendment seeks to do is holding off on the decision with a review of it once the National Policy Statement is released. At the moment what the NPS might provide for remains on some level of doubt, and it might be that there are significant changes or remains as is. For Council to wait for this sends the signal it is not serious about decision-making and was not making a decision based on the evidence at the appropriate time before it, when making a decision. From the point of view of the applicants, they might now consider legal remedies from a judicial review point. Mr Rogers said the process was half-way through and he remained confident that Council should make a decision and leave the next phase one of appeal for the submitters should they choose that avenue. Mr Rogers said respecting the integrity of the process was paramount.

The Mayor said this decision was one of process. He said to reject the advice given today would have no basis and it is not the type of Council Selwyn was. The process needed to be followed.

The Mayor put the amendment to the vote.

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

'That the Council:

- a. receives the report and recommendation of independent Commissioner David Caldwell dated 13 May 2022 on Private Plan Change 69 from Rolleston Industrial Developments Limited to rezone land in Lincoln;*
- b. Decline to make a decision, requesting instead that the recommendation lie on the table until **[30 September 2022]**, during which time it should be reviewed in light of the final version of the National Policy Statement on Highly Productive Land.*
- ~~*c. adopt the recommendation of the Commissioner and, pursuant to Clause 29(4) of the First Schedule of the Resource Management Act 1991, approves Private Plan Change 69 for the reasons given in the Commissioner's recommendation;*~~
- ~~*d. approves the public notification of Council's decision in accordance with Clause 11 of the Resource Management Act;*~~
- ~~*e. approves the inclusion of Private Plan Change 69 in the Council's Variation of the Proposed District Plan, consistent with the resolution of Council on 23 February 2022;*~~
- ~~*f. notes that Private Plan Change 69 will be varied in accordance with the decision in (d) above and will not become fully operative until the completion of that variation; and*~~

~~g. delegates the Team Leader Strategy and Policy to take any steps necessary to give effect to recommendations (b), (c) and (d) above.~~

LOST

The Mayor put the original (substantive) motion to the vote.

Moved – Councillor Lemon / **Seconded** – Councillor Miller

That the Council:

- h. receives the report and recommendation of independent Commissioner David Caldwell dated 13 May 2022 on Private Plan Change 69 from Rolleston Industrial Developments Limited to rezone land in Lincoln;*
- i. adopt the recommendation of the Commissioner and, pursuant to Clause 29(4) of the First Schedule of the Resource Management Act 1991, approves Private Plan Change 69 for the reasons given in the Commissioner's recommendation;*
- j. approves the public notification of Council's decision in accordance with Clause 11 of the Resource Management Act;*
- k. approves the inclusion of Private Plan Change 69 in the Council's Variation of the Proposed District Plan, consistent with the resolution of Council on 23 February 2022;*
- l. notes that Private Plan Change 69 will be varied in accordance with the decision in (d) above and will not become fully operative until the completion of that variation; and*
- m. delegates the Team Leader Strategy and Policy to take any steps necessary to give effect to recommendations (b), (c) and (d) above.*

CARRIED

Councillors Gallagher & McInnes voted against

The Mayor thanked all the presenters and other guests in public forum for their attendance and speaking.

GENERAL BUSINESS

Register of Signed and Sealed Documents

Moved – Councillor Gallagher / **Seconded** – Councillor Hasson

1	Name of other party	Selwyn District Council
	Transaction type	Bylaw
	Transaction description	Waste Management and Minimisation Bylaw 2019
2	Name of other party	Nathan Ruka Ngakuru
	Transaction type	Deed of Licence
	Transaction description	Reserve 3048 and Reserve 4349 Lot 96 Upper Selwyn Huts – 3.4 hectares
3	Name of other party	SDC & Minister of Conservation
	Transaction type	Concession Document (Easement)
	Transaction description	Arthur's Pass Water Intake Infrastructure

CARRIED

MATTERS RAISED IN PUBLIC FORUM

A letter will be drafted to the Lincoln residents in response to their letters written on Plan Change 69.

RESOLUTION TO EXCLUDE THE PUBLIC

Moved – Councillor Reid / **Seconded** – Councillor Gallagher

‘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	Good reason to withhold exists under Section 7	Section 48(1)(a)	
2.	Rolleston Town Centre Update			
3.	Insurance Placement to June 2023			

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

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

CARRIED

The meeting took a brief break between 3.15pm – 3.30pm.

The public meeting moved into Public Excluded at 3.30pm.

The meeting resumed in open meeting at 5.04pm and ended at 5.04pm.

DATED this 02 day of June 2022



MAYOR

PUBLIC MATTERS UNDER INVESTIGATION

Item	Meeting referred from	Action required	Report Date
Water Supply Chlorination – Safe Water	Council 11 May	Chief Executive to correspond with the Chief Executive of Taumata Arowai as a matter of urgency as to what the testing requirements are adding there was no guidance in place for staff.	22 June 2022
Roading code of practice review	Council 11 May and 25 May	To bring back a revised code of practice for consideration	27 July 2022
Accessibility Report: how staff can encourage applicants to ensure buildings were as accessible as possible	13 October 2021	Staff report to consider modifications	27 July 2022
Potential Stock Water Race Closure	April 2022	Review and consider the additional correspondence received in respect of the Proposed Closure of the McLeans Island Road section	27 July 2022
Community Centres, Halls and Libraries Network Plan	13 October 2021	Report on landbanking - buying land now for future community facilities	23 November 2022

