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Frequently asked questions about the new Selwyn District Plan – Partially Operative (Council Decisions) Version

19 August 2023

GENERAL

Terms used:

Operative or ‘current’ District Plan – The existing District Plan that has been in place in Selwyn district and operative since 2008.

Proposed District Plan – The version of the new District Plan that Council consulted on (notified) in October through to December 2020. When appeals are resolved, this plan will fully replace the Operative District Plan.

Variation 1 to the Proposed District Plan – The changes Council made to the Proposed District Plan, required by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, to incorporate medium density residential standards, consulted on in August and September 2022.

Partially Operative (Council Decisions) District Plan – The version of the new District Plan which incorporates Council decisions on submissions on the Proposed District Plan and released on August 19, 2023.

Partially Operative (Appeals) District Plan – The version of the new District Plan with all the appealed sections identified. This will be compiled after 29 September 2023. The new District Plan becomes fully operative once all appeals are resolved.

★ What's a district plan?

A district plan impacts on almost everything you do across our district, and how you do it. It's essentially a 10-year 'rule book' which clarifies what activities you can do as of right (permitted activities) and what activities you or your neighbours cannot do unless they have resource consent approval.

In addition to regulating what you can or cannot do on a property, the District Plan also controls the effects your activity could have on your neighbours and vice versa. For example, how much noise you can make or how close to a boundary you can build a house. The District Plan also protects the uniqueness of our district, for example by helping preserve our cultural and historic heritage, and the natural environment and biodiversity.

★ How is a district plan different from a long-term plan?

While the District Plan is the rule book for land use, the long-term plan is the Council's budget plan and work programme for the district over a 10-year period.

★ Why has the current District Plan been reviewed?

The current District Plan (the Operative District Plan) was notified in two volumes in 2000 and 2001 and most provisions were made operative in 2008. Since then, our district has changed a lot and the current plan is out of date.

The Council has been required by law (Resource Management Act 1991 (RMA)) to review our District Plan every 10 years. We need to check if it is up to date with all the national and regional policies and regulations that have come into force since the last District Plan was prepared.

How is the new District Plan different from the current one?

The new District Plan was supported by a large amount of research and technical evidence that was developed during the review of the Operative District Plan. It has also been informed by engagement with mana whenua, Environment Canterbury, other key stakeholders and the wider Selwyn community.

Key differences between the Operative and new District Plan are:

- The Operative Plan is an effects-based plan.
- The new Plan is an activities-based plan which gives plan users more certainty for what can and cannot be done on a site.
- Instead of two volumes like the current District Plan (Rural and Township), the new Plan is contained in a single electronic document.
- The new Plan includes strategic objectives to provide overarching direction for any new activities in the district.
- The new Plan simplifies the rules by providing separate, tailor-made rules for individual district-wide matters and zones.
- The new Plan simplifies the rule structure by using colour coding to show activities are permitted or require resource consent approval, and the format uses logical flow through different activity types.

What technical information has been used to develop the Proposed District Plan?

District plans require evidence and technical information to support their direction and provisions. The technical reports and other relevant documents that were used to review the Operative Selwyn District Plan can be found under 'Proposed Selwyn District Plan Supporting Information' on Council's website.

THE DISTRICT PLAN REVIEW PROCESS

★ What has happened so far?

The Operative District Plan has been under review for several years. In October 2020, the Proposed District Plan was notified for public submissions. We received 470 submissions, covering around 7,700 individual submission points. Council has also notified one variation to the Proposed District Plan – Variation 1. Variation 1 seeks to incorporate medium density residential zoning into the Proposed District Plan, which is a requirement of legislative changes to the RMA made by Central Government in 2021 to increase housing supply (Enabling Housing Supply and Other Matters) Amendment Act 2021).

Variation 1 was divided into two parts. Variation 1 Part A added a medium density zone into the Proposed District Plan and consequential amendments to other chapters of the Plan. Part B applied medium density zoning to several private plan changes on the Operative District Plan that either had been, or were due to be considered by Council.

110 submissions and 1270 submission points were received on Part A to the Variation and 25 submissions and 330 submission points were received on Part B.

After completing hearings on the Proposed District Plan and Variation 1 and receiving recommendations from the Council appointed Hearing Panel, Council's decisions on both the Proposed District Plan and Variation 1 are being released.

★ What happens now?

The release of Council decisions on the Proposed District Plan and Variation 1 is a formal process guided by the RMA. A different process applies to each. Decisions on the Proposed District Plan may be appealed to the Environment Court within 30 working days of the release of Council decisions. Decisions on Variation 1 cannot be appealed to the Environment Court but may be appealed to the High Court on a point of law. More information about this is provided below.



How will RMA reform affect the Proposed District Plan?

The Government is likely to soon pass two main bills to replace the RMA: the Natural Built Environment Bill and the Spatial Planning Bill. The Natural Built Environment Bill will reduce the number of plans prepared by regional councils and territorial authorities, including district plans, from more than 100 plans to just 15 across the country.

The transition to implement the new legislation could take up to 10 years and because of this, the new District Plan will be able to be used as part of the process for forming a combined regional plan.

The new District Plan will also provide a more streamlined and up-to-date approach to achieving the community's desired environmental, economic, social and cultural outcomes during any transitional period.

WHAT HAS COUNCIL DECIDED ON THE PROPOSED DISTRICT PLAN AND VARIATION 1?

Council decisions are based on the recommendations of the Hearings Panel. In some cases, the Hearings Panel has recommended changes to the Proposed District Plan based on evidence from submitters, the recommendations of Council staff, or their own expert judgement. In other cases, the Hearings Panel has recommended that the Proposed District Plan remains as it was.

Council decisions reflect the entire content of the Proposed District Plan and include changes to the provisions (objectives, policies, rules and standards) and spatial changes to the maps. Council has information sheets available to provide more detail on these decisions. These cover key issues such as:

- Building a house (residential unit) or a minor residential unit
- Operating a business (including a home business)
- Subdividing land
- Protecting indigenous biodiversity and cultural and historical heritage
- Managing risks from natural hazards
- Undertaking earthworks
- Rural activities such as planting forestry, mineral extraction and farming.

Significant changes have been made to zoning in the district and these are shown in the Partially Operative (Council Decisions) District Plan, as compared to the Proposed District Plan. This includes:

- Intensifying existing residential zones in Rolleston, Lincoln and Prebbleton by applying medium density residential zoning.
- Zoning for new greenfield residential land in many of the district's larger settlements including Rolleston, Lincoln, Prebbleton, West Melton, Leeston, Darfield, and some smaller settlements such as Coalgate, Doyleston and Waddington.
- Zoning for additional industrial land in Rolleston.
- Rezoning small amounts of industrial land to residential.
- Four new special purpose zones.
- Changing the status of some local centres to town centres and expanding town centre boundaries.

These changes are all shown on the planning maps. Some of the rezoning reflects earlier decisions made by Council on private plan changes under the Operative District Plan. The changes will significantly increase housing and industrial land supply in the district in the short to medium term.

Additionally, there have been smaller changes to rural density; provision for the Ellesmere Motor Racing Club near Leeston; and the inclusion of two new rural precincts for rural industrial/business activities.

Broader changes made in the Proposed District Plan to rural density, including some parts of the Outer Plains having density increased from 20ha to 40ha, have largely been confirmed.

WHAT IF I DISAGREE WITH COUNCIL'S DECISION?

★ Those parts of the Partially Operative (Councils Decisions) District Plan that are not subject to Variation 1 may be appealed to the Environment Court within 30 working days from the release of Council decisions. This means the appeal period runs from 21 August 2023 until 29 September 2023.

Only submitters or further submitters on the Proposed District Plan can appeal decisions. However, it is possible to join an appeal (known as a 'S274 Party') if you have an interest that is greater than the general public, for example if you own land that is part of a rezoning request and the decision on the rezoning request is being appealed. You can also become a S274 party if you were a submitter or further submitter on the Proposed District Plan.

The Environment Court process takes time and may involve mediation, negotiation or a court hearing. There are costs involved including a filing fee and potential legal costs. More information on the process can be found on the Environment Court website at www.environmentcourt.govt.nz

Once the scope of appeals is known, Council will replace the Partially Operative (Council Decisions) District Plan with the Partially Operative (Appeals) District Plan.

HOW WILL THE PARTIALLY OPERATIVE (COUNCIL DECISIONS) DISTRICT PLAN WORK ALONGSIDE THE OPERATIVE DISTRICT PLAN? DO BOTH PLANS STILL APPLY?

There is a complex interaction between the Operative and new District Plan until the new District Plan becomes fully operative. On the 19 August 2023, all Proposed Plan provisions will have legal effect. However, the status of these provisions will vary.

- Any provisions introduced through Variation 1 (as highlighted in the ePlan) are beyond challenge and will have full weighting. While the medium density residential standards have been in immediate legal effect since 20 August 2022, other provisions that apply to medium density zoning, such as subdivision, have not. From 19 August 2023, all related provisions will apply in full and prevail over Operative District Plan provisions that apply for that activity.
- Proposed District Plan provisions that have not attracted any submissions are already beyond challenge, have full effect, and apply over Operative District Plan provisions for that activity.
- Provisions in the new District Plan that are subject to appeal will also be evaluated against the equivalent rule in the Operative District Plan, with the strictest rule applying. If an activity is permitted under the new District Plan but requires resource consent under the Operative District Plan, a resource consent will be required. This applies to certain rules that had immediate legal effect from when the Proposed Plan was notified (such as listed historic items and their settings, sites and areas of significance to Māori, ecosystems and indigenous biodiversity) as well as rules that now have legal effect (the rest of the Proposed District Plan). A weighting exercise will be undertaken where a resource consent is required where the objectives and policies of the two plans will be compared. Generally, the closer a provision is to becoming operative, the more weight it receives.
- Council will progressively make provisions operative where either those provisions go unchallenged (e.g. are not appealed by the 29th September 2023) or as those appeals are resolved.
- Resource consents that have been applied for before 19 August 2023 will retain the activity status they were applied under but will be subject to a weighting exercise as outlined above.

- Private plan changes that have been made on the Operative District Plan which are currently under appeal will continue unless the appeal is withdrawn or resolved by the Environment Court. However, it is important to recognise that the new District Plan will begin to supersede the Operative District Plan after 19 August 2023 and even if an appeal is resolved by the court, it may not have any weight in the new District Plan.

The Partially Operative (Council Decisions) District Plan and, after the 29th September, the Partially Operative (Appeals) District Plan will be updated, and appropriate colours and symbols will be used in the ePlan to reflect the status of provisions throughout the process.

WHAT DOES THIS MEAN FOR MY PROPERTY?

What information will be put on LIMs because of the new District Plan?

A note on all new Land Information Memoranda (LIM) reports will advise that decisions on the Proposed Plan have been released and that both the Operative and new District Plan need to be consulted before undertaking any land use or subdivision on a particular site.

Any new LIM report for a property will show the latest information held by Council. For example, if a property is identified as being in an area at risk of a particular natural hazard, the LIM report will identify that. This is in response to a legal requirement that councils must include all relevant information they hold about a property in relation to natural hazards in a LIM.

★ Will my rates change because of the new District Plan? What about development contributions?

The setting of rates is undertaken by QV Ltd, separate to any changes to the District Plan. QV act independently of Council and consider land use and the potential use of the land under any zoning. Any changes to development contributions because of the District Plan will be considered by the Council through future annual and long-term plans.

How do I know which rules apply to me?

To find out how the release of decisions on the new District Plan affects you, and which rules may apply to you, view the ePlan – the link can be found at www.selwyn.govt.nz/districtplanreview. You can also view the online plan at local libraries and service centres. The ePlan works in Chrome, Edge, Safari or Firefox browsers.

In the ePlan, you can search for a property by typing the address into the search bar. For more details, check out the *How to navigate the Selwyn ePlan guide* at www.selwyn.govt.nz/districtplanreview.

Are there paper copies of the Proposed Plan?

As part of the transition to an ePlan, the plan is fully electronic and no paper copies are routinely being made available by Council. It is possible to print different chapters in the ePlan in a PDF format.

STILL HAVE QUESTIONS?

★ More information can be found at www.selwyn.govt.nz/districtplanreview

Here, you can find a range of resource, info sheets, Council and Hearing Panel decision and other supporting documents, such as Section 32 reports.

You can also contact us by emailing contactus@selwyn.govt.nz or calling 0800 SELWYN (735 996).

TROUBLESHOOTING ePlan

The ePlan isn't loading

If you have any issues getting the the ePlan to load, check that you have opened it in Google Chrome, Edge, Safari or Firefox browser.

The planning map's search function isn't working

The planning map in the Proposed ePlan has many layers which may take some time to download, especially if your internet connection isn't strong. If you have issues with the search function, we suggest you make a couple of attempts to search for a property but if it is still not successful contact the Council by emailing contactus@selwyn.govt.nz or calling 0800 SELWYN (735 996).

Getting an 'unknown address' property search result

When you zoom in on a property on the planning map, you might get an 'unknown address' search result. To avoid this, search for a property by typing the address in the search bar.

More help on the ePlan

The Council has produced a helpful guide which is available through www.selwyn.govt.nz/districtplanreview.