



**PUBLIC AGENDA**

**FOR THE MEETING OF**

**DISTRICT PLAN COMMITTEE**

**TO BE HELD AT THE**

**SELWYN DISTRICT COUNCIL OFFICES,**  
**COUNCIL CHAMBERS**

**ON WEDNESDAY 16 May 2018**

**COMMENCING AT 9:00AM**

## **Committee Members**

### Chair

Environmental Services Manager Tim Harris

### Selwyn District Council

Mayor Sam Broughton

Councillor Mark Alexander

Councillor Jeff Bland

Councillor Debra Hasson

Councillor Murray Lemon

Councillor Malcolm Lyall

Councillor Pat McEvedy

Councillor Grant Miller

Councillor John Morten

Councillor Bob Mugford

Councillor Nicole Reid

Councillor Craig Watson

Chief Executive David Ward

### Te Taumutu Rūnanga

Hirini Matunga

### Environment Canterbury

Councillor Peter Skelton

### Te Ngāi Tūāhuriri Rūnanga

Tania Wati

### Project Sponsor

Jesse Burgess  
Phone 347-2773

### Project Lead

Justine Ashley  
Phone 027 285 9458

## **Agenda Items**

Item	Page	Type of Briefing	Presenter(s)
<b>Standing Items</b>			
1. Apologies	4	Oral	
2. Declaration of Interest	4	Oral	
3. Deputations by Appointment	4	Oral	
4. Confirmation of Minutes	5-31	Written	
5. Outstanding Issues Register	32	Written	
<b>Specific Reports</b>			
6a. Preferred Option Report – Rural Character and Amenity – ‘Business Activities in Rural Zones’	33-42	Written	Stephanie Styles & James Bentley (Boffa Miskell) & Robert Love
6b. Preferred Option Report – Rural Character and Amenity – ‘Rural Density’	43-63	Written	Stephanie Styles & James Bentley (Boffa Miskell) & Robert Love
6c. Communications and Engagement - Rural Character and Amenity – ‘Business Activities’ & ‘Rural Density’	64-66	Written	Robert Love & Katrin Johnston
7a. Preferred Option Report – Quarrying	67-91	Written	Amy Callaghan (GHD) & Robert Love
7b. Communications and Engagement – Quarrying	92-94	Written	Robert Love & Katrin Johnston
8a. Preferred Option Report – Signage	95-109	Written	Jonathan Cleese (Planz Consultants) & Vicki Barker
8b. Communications and Engagement – Signage	110-112	Written	Vicki Barker & Katrin Johnston
9a. Preferred Option Report – Community and Recreation	113-130	Written	Vicki Barker
9b. Communications and Engagement – Community and Recreation	131-133	Written	Vicki Barker & Katrin Johnston

10a. Preferred Option Report – Relocated Buildings	134-158	Written	Rachael Carruthers
10b. Communications and Engagement – Relocated Buildings	159-161	Written	Rachael Carruthers & Katrin Johnston
11a. Preferred Option Report - Mushroom Farming and Composting	162-175	Written	Robert Love
11b. Communications and Engagement - Mushroom Farming and Composting	176-178	Written	Robert Love & Katrin Johnston
12. Energy and Infrastructure Update	179-186	Written	Nicola Rykers
13. DPR Financial Report	187-190	Written	Jesse Burgess

## **Standing Items**

### **1. APOLOGIES**

### **2. DECLARATION OF INTEREST**

Nil.

### **3. DEPUTATIONS BY APPOINTMENT**

Nil.

### **4. CONFIRMATION OF MINUTES**

Minutes from the meeting of the District Plan Committee on 18 April 2018.



**District Plan Committee  
meeting  
held on Wednesday 18 April 2018 at 9.00am at  
Selwyn District Council,  
Rolleston**

**Present:** The Mayor S Broughton (Chair), Councillors M Alexander, M Lemon, B Mugford, J Bland, N Reid, C Watson, J Morten, Mr D Ward (CEO SDC), Hirini Matunga (Te Taumutu Rūnanga), Ms T Wati (Te Ngāi Tūāhuriri Rūnanga) & P Skelton (Environment Canterbury).

**In attendance:** J Burgess (Planning Manager), J Ashley (District Plan Review Project Lead), R Love (Strategy and Policy Planner), S Hill (Business Relationship Manager), J Tapper (Planning Consultant), K Johnston (Communications Consultant), F Lojkin & P Heveldt (Stantec), & note taker T Van Der Velde (District Plan Administrator).

**Standing Items:**

**1. Apologies**

Cr P McEvedy  
Cr D Hasson  
Cr G Miller  
Cr M Lyall

Apologies for lateness:  
Mr D Ward (CEO SDC)

**Moved – Councillor Alexander / Seconded – Councillor Morten**

*‘That the apologies received from the above Councillors be received for information.’*

**CARRIED**

**2. Declaration of Interest**

Nil.

**3. Deputations by Appointment**

**4. Confirmation of Minutes**

Taken as read and accepted.

**Moved – Councillor Watson / Seconded – Councillor Mugford**

*‘That the Committee accepts the minutes of the 28 March 2018 as being true and correct’.*

**CARRIED**

**5. Outstanding Issues Register**

Nil.

## **6(a) Preferred Options Report – Hazardous Substances and Contaminated Land:**

Mr Love introduced himself and advised that Council have contracted out the Hazardous Substances and Contaminated Land scope of work out to Stantec.

Mr Heveldt introduced himself as an Environmental Scientist with Stantec in Christchurch, with a lengthy career of over 40 years in dealing with hazardous substances and contaminated land. Mr Heveldt along with Ms Lojkin (Principal Planner, also with Stantec) have prepared the preferred option report.

First consideration was that the amendments to the Resource Management Act (RMA) in 2017 removed the requirements for councils to manage hazardous substances. The reason is there was considered to be other relevant legislation – principally the Hazardous Substances and New Organism Act (HSNO) and the Health and Safety Work Act which already deals comprehensively with issues related to hazardous substances.

Mr Heveldt advised that they firstly looked at sites storing and using hazardous substances in the Selwyn District and through a combination of using Environment Canterbury (Ecan) land use register, own experience of the district, driving around the district and looking at sites and various other information sources it was determined that the majority of sites that stored or are users of hazardous substances in the District is quite small. There are agglomerations of larger sites which are well known including I-zone Business Park and the academic and research sites in Lincoln, as well as Synlait and Fonterra. Synlait and Fonterra are covered by resource consents with associated conditions.

The effects that hazardous substances has on sensitive activities and sensitive environments was looked at. Mr Heveldt advised they looked at the risks from sites using or storing hazardous substances in regards to natural hazard events and determined the controls required for compliance with HSNO and other legislation typically provide an appropriate level of risk control.

The cumulative effect of storing hazardous substances was looked at with sites that may be close to each other and how that risk may compound across multiple sites.

In regard to contaminated land the consultants looked at the issues in the district in general and determined that largely it is not a major issue for the district, but needs to be managed and the advent of the National Environmental Standards for contaminated land provides sufficient level of control.

A preferred option for further engagement was determined set out on page 35 of the report and recommends the management and use of hazardous substances and contaminated land is dealt with through the HSNO, Health and Safety Work Act controls and the National Environmental Standards for assessing and managing contaminated soil to protect human health (NESC), rather than using district plan provisions.



It was also determined that the district plan provisions can be retained to manage hazardous substances in close proximity to other sites or sensitive areas. Such provisions should be integrated with the zone provisions and any cumulative effects of the storage and use of hazardous substances can be managed through a combination of zoning and land use rules.

Ms Lojkiné introduced herself and advised that she and Mr Heveldt had a very close look at the current District Plan provisions and also at the provisions of the District Plan of all of the adjoining Districts. It was clear by looking at the current plan provisions that they are pretty wide ranging and that there is a significant amount of overlap with District Plan provisions and legislation that could cause considerable confusion.

The new District Plan opens up an opportunity to rationalise the provisions and get a streamlined District Plan that does what it needs to do.

Legislation such as HSNO and Health and Safety Work Act take care of a lot things, but it may be some sites still have some residual risks to surrounding landowners which we would suggest some measure of control in the District Plan, most preferably through the zone provisions.

Councillor Alexander commented that there are two examples he could give where there is an overlap of one zone in close proximity to the other, including the manufacture of 1080 in I-zone which is permitted in an industrial zone but effects can extend into a residential zone. Councillor Alexander questioned how do you envisage a zone based provision handling that kind of overlap?

Ms Lojkiné responded that she would expect this example to be managed in the zone provisions either by requiring resource consent and imposing conditions that keep the effects contained within the zone or not significant beyond the zone, or by potentially using buffer zones as discussed in the report.

Councillor Lemon questioned that with the preferred approach relying on both HSNO and zoning provisions and the Council gets a complaint, who handles what? If there is a breach how is the HSNO Act enforced? Is that at National level?

Mr Heveldt responded that HSNO is enforced at government level, with WorkSafe being the compliance agency.

*'Cr Morten out 9.13am'*

Councillor Lemon questioned why Leeston is singled out in the report when he has noticed other sites in the district also have the potential for hazardous substances to be stored?

Mr Heveldt responded that there are a number of rural supply businesses in Leeston which have agri-chemicals, and while only one from his memory required resource consent or had quantities that required resource consent, there is a surprising number in Leeston.

Councillor Skelton questioned what Ms Lojkinė was contemplating in the last part of the preferred option in relation to contaminated land and the listed land use register that Ecan holds. Are you intending that there should be anything in the district plan to deal with contaminated land?

Ms Lojkinė responded that what we have recommended in the preferred option is a “stripped down approach” to district plan provisions, along the same sort of approach that Christchurch has adopted. They have a basic policy framework which provides them with some assistance in processing consents, but does not result in an overlap.

Cr Skelton clarified so there will be some measure of control over future uses of contaminated land that is on the register?

Ms Lojkinė responded yes she would recommended that.

*‘Cr Morten in 9.16am’*

The Mayor reiterated for staff to note the concerns that have been raised about leaving a ‘gap’ in provisions. He appreciates that Council does not want overlap but he does not want to retreat so far that Council leaves itself open for things to happen or be done that Council would have otherwise not have allowed with the current rules having remained in place.

**Moved – Councillor Lemon / Seconded – Councillor Watson**

*“That the Committee notes the report.”*

*“That the Committee endorses the Preferred Option for Hazardous Substances and Contaminated Land for further development.”*

**CARRIED**

## **6(b) Communications and Engagement Summary Plan – Hazardous Substances and Contaminated Land**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Hazardous Substances and Contaminated Land topic. (Noted by Committee).

Ms Johnston introduced herself and explained the summary plan is straight forward in the sense that Council are looking at sharing the preferred option report with partners in May. In June Council are looking at targeting landowners with a letter and advising them of preferred option report and the opportunity to provide feedback.

Councillor Watson questioned that Council has individualised the owners and occupiers of sites with hazardous substances and general rate payers as having less interest. He would argue that if you were the neighbour of the person carrying hazardous substances you would be more concerned?

Councillor Watson also advised that as far as engagement is concerned he sees the “Agri Hub,” Lincoln University, Ag Research and Land Care as a direct party to consult with?

Ms Johnston responded the table which indicates the level of interest for certain parties is a work in progress. Throughout the process the level of interest can change. For example once the land owners, rate payers or wider public are contacted and aware there could be more interest which will then need to be reflected in the plan.

Mr Love clarified that it is very general and parts of “Agri Hub” in Lincoln would come under landowners and occupiers consultation.

Mr Watson commented that his preference would be that the “Agri Hub” have some sort of individual point of difference for the use or storage of genetically modified material, organisms and hazardous substances where they have to have some sort of environmental protection.

The Mayor questioned the partners listed on the summary plan as being Mahaanui Kurataiao should be adjusted to read Te Taumutu and Ngāi Tūāhuriri Runanga.

Mr Burgess agreed with the Mayor to have a separate line listing the Runanga.

Mr Matunga clarified that the primary relationship is with the individual Runanga engaged through Mahaanui Kurataiao.

Mayor commented about page 39 in the report regarding targeted consultation by letter with landowners and occupiers. The Mayor wanted to clarify whether the engagement is broad enough to cover those who own industrial land but are not currently using it for industrial purposes so that everyone who may have aspirations in the next 10 years to do something with their land has the same level of contact with their neighbours.

Ms Johnston noted this.

**Moved – Councillor Mugford / Seconded – Councillor Bland**

*“That the Committee notes the summary plan.”*

**CARRIED**

UNCONFIRMED

## 7(a) Preferred Option Report – Lighting and Glare

Ms Lojkin spoke to her preferred option report and explained that work was undertaken by herself from a planning perspective along with Ian Campbell, a lighting engineer from Dunedin who provided technical input.

The reports look at three major types of light effect:

**Light Spill:** Which is where light goes beyond the direct area that it is supposed to light, generally almost impossible to avoid due to the way lighting is developed.

**Glare:** A source of light that shines directly into an observer's eyes.

**Night Glow:** Where waste light either reflects off the ground or is directed upwards where dust and particles in the atmosphere causes it to scatter, resulting in an effect called 'night glow'.

As part of preparing the report Stantec had a look at the major sources of light in the district which involved a drive around the district at night.

Major sources are residential areas in the district as well as rural areas, including Synlait and Fonterra plants. I-zone was considered a separate type of source from the rest of Rolleston settlement as there are more 24 hour operational industrial areas that are lit more.

There are special provisions for the West Melton Observatory in the plan at the moment that control lighting from a certain distance around the observatory to try and minimise effects on astronomic events at the observatory.

The consultants found that the current District Plan approach to the management of light and glare is working reasonably well. However, they recommend it more clearly addresses light spill versus glare as they are separate things that need to be managed differently.

There are also some inconsistencies with the Engineering Code of Practice and the District Plan that need to be resolved. There is no New Zealand standard for spill light but there is an Australian standard which a lot of engineers use to manage light spill beyond the boundary of the light source. Standards are currently under review and are anticipated to be released before District Plan is notified. It is therefore suggested those standards are checked for consistency with the District Plan once released.

There are no glare standards available but there are measures that can be made to the District Plan to provide a clearer way of managing glare.

For the West Melton Observatory Stantec have recommended that Council leave the lighting area at its current size. However, there are some minor errors that need to be corrected to make sure there is a consistent approach to managing the lighting area between the rural area and the West Melton settlement.

There was quite a careful look at whether there needs to be provision to manage night glow in the district, as at the moment there is not. The Consultants have recommended

that it not be included as specific provisions but be identified as a potential issue when going out for public consultation.

Councillor Alexander questioned whether the light spill and the glare reports recognised the technological advancement of LED lighting. For example, the Council has installed LED lights in Foster Park which covers the sports fields to the boundary with no light spill. Cr Alexander explained The District Plan should challenge new users to put in a better style of lighting.

Councillor Watson commented that he generally supports the report and discussed that sport fields are generally lit to 50 lux where as the standard coming out of New Zealand league and New Zealand rugby is 300 to around 350lux which is significantly more. Cr Watson does not want to see the Council be overly restrictive in regards to lighting.

*'Cr Morten out 9.36am'*

Ms Lojkin discussed the Inland Port which has very little spill and are shielded from above.

Mr Matunga commented raised the issue of night glow and the need to protect the night sky in the vicinity of the Marae at Taumutu. The Runanga is very keen to protect the night sky.

Councillor Lemon responded that he wondered if there is opportunity to have an area exclusion zone such as that of Mount John and that this was something Council could investigate. Mr Matunga was supportive of this approach.

The Mayor commented that in general he supports the preferred option excluding the last note to continue not have any specific rules or provisions in the District Plan relating to the protection for our night sky.

Councillor Alexander advised he concurs with The Mayor and would like to see specific policies in the District Plan for the night sky.

*'In D Ward 9.42am'*

Mr Burgess suggested that maybe this is another piece of work that needs to be looked at in detail and be brought back to the District Plan Committee as this topic can also cut across with other topics in the District Plan Review.

Ms Ashley commented that the project team will have further discussions with Ms Lojkin about doing a bit more of work for this piece.

Councillor Watson commented that he thinks Council need to be very careful that Council does not just make this a rural issue. If Council are looking at growth in townships Council should be careful to support urban townships as well to ensure they have peaceful living.

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

Recommendation amended to:

*“That the Committee notes the report.”*

*“That the Committee endorses the Preferred Option (Option 2) for Lighting and Glare for further development (targeted engagement, Section 32 and Drafting Phase), except that further work on the preferred option for the protection of the Selwyn night sky across the District be undertaken and presented to a subsequent District Plan Committee meeting.”*

**CARRIED**

**7(b) Communications and Engagement Summary Plan – Lighting and Glare**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Lighting and Glare topic.

(Noted by Committee).

On the basis that further work is to be carried out in relation to night glow, the Mayor advised that the Communication and Engagement Summary Plan would need to be updated and approved at a subsequent meeting.

**Moved – Councillor Mugford / Seconded – The Mayor**

*“That the Committee notes the summary plan, subject to amendments to incorporate further work regarding night glow.”*

**CARRIED**



## 8(a) Preferred Option Report – Wild Fire Risk

Mr Love introduced himself and spoke to his presentation. Mr Love explained the first graph in his presentation is from Fire and Emergency New Zealand (FENZ) which shows the number of fires per year in the District. This shows significant amount of fires in the District per year and FENZ have advised that the amount of fires will only increase due to climate change creating drier and extended summers.

Mr Love provided a map showing the locations of fires throughout the 2016-2018 period. A significant portion of fires were in the Inner Plains which FENZ are concerned about due to the amount of lifestyle blocks, over grown vegetation and amount of ignition sources.

The overarching philosophy is not to enforce people to create a barren defensible space, but to allow landowners the opportunity to create this space by restricting adjoining landowners from compromising their defensible space. Ultimately it will be up to the landowner to create the defensible space, clear it, maintain it, and appropriately plant it.

Mr Love explained the National Environmental Standard for Plantation Forestry (NES-PF) overlaps with this scope. This standard primarily applies to new forests, over one hectare and for commercial harvesting.

*‘Cr Morten in 9.51am’*

Mr Love explained options as per preferred options report in summary:

Option 2a the Setback of buildings to vegetation.

Mr Love clarified ‘Principal Buildings’ includes buildings such as businesses, churches, community centres but not including garages and sheds.

Option 2b which is the opposite of 2a. 2b is the Setback of new or replanted forestry plantations from buildings / residential zones.

Option 2f setback of shelter belts/ amenity plantings from buildings, similar to Option 2b.

Option 2h is to broaden matters of discretion and control.

Councillor Watson commented that it is a good report, which will enable discussion and feedback. Cr Watson added that when he lived in Canberra they had provisions for houses in rural areas that required sprinklers and metal gutters. Cr Watson questioned if Council could implement something like that in Selwyn where there is a high fire risk?

*‘Cr Bland in 9.54am’*

Mr Burgess responded that it could be an overlap with the building code. It also depends on the status of any resource consent application as a restrictive discretionary activity for a house or principal building in a particular zone may enable fire risk to be considered under these assessment matters. If it is a discretionary activity or non-complying activity we could potentially put conditions on it, including design elements. It depends on how prescriptive Council want to get. It will need to fit in with FENZ requirements.

Mr Love added a lot of it falls under the building code control provisions which is something he looked at in regards to appropriate building materials etc.

Councillor Lemon talked about a debrief meeting after the Port Hills fires and the issues that came out of that, including whether landowners had the right connections for firefighting devices. Cr Lemon asked how Council can capture that in some way, maybe through the building consent process, so that Council have got up to date FENZ recommendations. Mr Burgess commented that he will raise this with Vanessa Mitchell.

Councillor Alexander commented that the recommended provisions are potentially hugely restrictive to lifestyle blocks (setback of 30 metres). Cr Alexander spoke of his own property and his concerns regarding the implications of the proposed the setback provisions for all lifestyle block owners. Cr Alexander considered that the approach was hugely onerous on that sector and will be a regulatory nightmare.

The Mayor asked for clarity around shelter belts in orchards. Mr Love responded that they are included in the report and will be further examined in the section 32 stage.

Ms Wati questioned whether there would be restrictions on fires required for hangi. Mr Love clarified that the use of fire for putting down a hangi was not part of the scope of work.

Councillor Lemon touched on definitions and the importance of these.

Mr Ward commended Mr Love on his first time presentation and comprehensive report. Mr Ward supports the recommendation.

Councillor Bland advises he agrees with Councillor Alexanders comments.

The Mayor sought clarification around where the 30 metres and 40 metres provisions came from and the numbers of properties that will be affected. Mr Love responded that 40 metres comes from the NES-PF provisions and the 30 metres comes from the FENZ guidance. Provisions are district wide but will affect mostly new properties.

Councillor Alexander reiterated his concerns regarding the potential impacts of this applying to existing lifestyle blocks.

Councillor Watson would like more feedback before cutting anything out.

Councillor Alexander commented that a feature of our district is our shelter belts and with this report you could potentially lose them and the character of our district. Cr Alexander commented that he would like this reconsidered.

The Mayor responded that the report is a starting point and there is also an engagement and communications plan to make sure that owners of property in the rural zones as well as the wider public have good engagement and input into this. In addition there will be further discussions with FENZ. If Council adopt what it is in the report it will generate further discussion on points that have been raised around the table.

**Moved – Councillor Lemon / Seconded – Councillor Mugford**

*“That the Committee notes the report.”*

*“That the Committee endorses the Preferred Options 2A, 2B, 2F and 2H for Wild Fire Risk for further development.”*

Councillor Alexander voted against

**CARRIED**

UNCONFIRMED

## **8(b) Communications and Engagement Summary Plan – Wild Fire**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Wild Fire Risk topic.

(Noted by Committee).

Ms Johnston advised this is a topic of interest to a lot of people. The topic is part of public consultation later in the year. Council need to provide clear messaging. Council will share the report to forestry operators and owners and it will be available on the website for feedback.

The Mayor asked if consultation could include images / graphics to allow for better understanding.

Ms Johnston responded yes we are looking at using a similar sort of tool as Long Term Plan consultation which includes summaries and images.

Councillor Alexander commented that from the summary plan a key stakeholder missing is Federated Farmers and also not identified are lifestyle block owners who might be hard to engage because there is no organisation or body specifically tailored to lifestyle block owners. Tree Crop Association might have feedback on impact.

Councillor Reid commented could Council easily identify lifestyle blocks and do a mail out?

Councillor Bland commented that shelter belts are to shelter property from the winds.

The Mayor Commented if Councillors think of any additional groups that need to be engaged please speak to Ms Johnston about it.

**Moved – Mr D Ward / Seconded – Councillor Mugford**

*“That the Committee notes the summary plan.”*

**CARRIED**

*‘Meeting adjourned for a break at 10.24am’*

*‘Meeting reconvened at 10.40am’*

*'The Major advised we will hear from Mr Love for the Intensive Farming Preferred Option and Communications and Engagement reports (items 11a & 11b) then return to item 9 of the agenda'*

### **11(a) Preferred Option Report – Intensive Farming**

Mr Love spoke to his presentation including a set of graphs which demonstrates the current intensive farming situation in Canterbury of which a substantial number of poultry and pig farms are located in the Selwyn District.

Councillor Watson asked Mr Love to distribute maps to him via e-mail.

Mr Love explained the current definitions in the District Plan, with the key determiner being around soil fertility, and the current rules (two rules) in the District Plan. In summary all intensive livestock productions need consent, which during assessment process will have their odour and dust effects assessed.

*'Mr D Ward in 10.43am'*

Mr Love discussed issues in the operative plan. There is currently duplication between Environment Canterbury (Ecan) and Council with assessing dust and odour discharges. This duplication creates confusion, inconsistency with the air regional plan, and the current definitions are not clear in activities that they seek to capture and the controlled rule is complex and unworkable.

Mr Love discussed the Canterbury Air Regional Plan (CARP) and the definitions and catch all rules that apply. Generally new intensive farming activities are classified as restricted discretionary activities, subject to certain conditions. He also noted that the Ministry for the Environment have issued some good practice guides for assessing and managing odour and/or dust and discussed the responsibilities for District Councils and Regional Councils.

Mr Love advised that up to this point engagement that has been undertaken is internally with Selwyn District Council (SDC) Consents and SDC monitoring and compliance. Externally Mahaanui Kurataiao Ltd, Canterbury Regional Council, and NZ Pork have been engaged. Other stakeholders were approached for comment but no responses were received before deadline. Just recently Tegel has engaged and going forward Council will remain actively seeking responses from other stakeholders.

Option 1, which is not recommended, is the status quo (retain current provisions). This is the simplest option and lowest cost but does not address known issues and does not utilise opportunity to improve the effectiveness and efficiency of the Plan.

Option 2 – Amend provisions and remove duplication with the CARP, being the preferred option. Overall SDC will no longer manage odour and dust effects, but will retain controls over other factors (noise, building coverage, transport, etc.). This approach is supported by the legal advice Council has received.

Mr Love provided an example of proposed definitions for Extensive farming and Intensive farming in the plan. The key determiner for these definitions is the use and maintenance of ground cover rather than soil fertility which is in line with the CARP. Mr

Love noted that there may be an issue in what is ground cover for example how much grass per metre, however he recommended that Council use the same approach as Ecan which is for compliance and monitoring to use a common sense approach.

Mr Love discussed Options: Option 2: Amend provisions and remove duplication with CARP which is the preferred option. Removes overlap between Councils, reduces cost and confusion. All potential and actual affects will be addressed either by ECan or SDC.

Option 3a: Amend provisions but retain full control which is similar to option 2.

Option 3b (Amend provisions but retain full control) this option is the same as Option 3a, other than: The use of an alternative definition. Introduction of a reciprocal setback buffer from 300 metres to 400/500 metres. Not recommended due to multiple issues.

In summary, existing plan duplicates provisions and processes within the Regional framework and is complex and unclear. Preferred Option 2 will remove all dust and odour controls, and allow the CARP to deal with this. All intensive farming activities will be permitted subject to conditions (zone, site coverage, noise etc.). Definitions will provide greater clarity as to what an extensive and intensive farm is.

Councillor Alexander asked to clarify setbacks. Cr Alexander explained that it seems if someone wants to establish an intensive farm they do not have the same requirement for a setback – has this been addressed in the proposals?

Mr Love explained this has been addressed in the report and the current situation is considered appropriate. Any effect on a sensitive activity will be considered in the consent process. If someone was going to establish an intensive farm they will have to go through a resource consent process which would assess and address any effect on the neighbouring dwellings. It was considered in the operative district plan as well, whether to put a reciprocal setback in it or not and this was addressed in the presentation.

Councillor Reid questioned the setback of 300 metres, how did we come up with that and asked if Council are moving out of line with what Ecan has (200 metres)? Mr Love responded that is the existing 'reverse sensitivity' setback which appears to be working well.

Mr Skelton commented that it is a sensible approach as long as Council know that one of the problems with dealing with odour and dust is that the land use is established in areas that could be sensitive such as quarries. If Council identify areas where land use is appropriate then that makes the Regional Council's job much easier in controlling discharges.

Councillor Morten asked for Councillor Skelton to clarify if he was suggesting that we identify particular areas that we think are suitable for this type of activity?

Councillor Skelton responded yes that would be ideal.

Councillor Morten commented that if we look at the soil types in our district that there are a number of different soil types spread right across the plains which could be

suitable for carrying out these types of activities. Councillor Morten added have we assumed the only intensive farms are poultry and pigs? Mr Love responded that poultry and pigs are primarily the major ones, however the definition captures any farming activity that would meet the definition.

The Mayor commented that it seems the Committee is comfortable with the report, noting that Mr Love will receive further feedback from Tegel and there will be engagement as discussed in the next report.

**Moved – Councillor Bland / Seconded – Councillor Lemon**

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option (Option 2) for Intensive Farming for further development.”

**CARRIED**

**11(b) Communications and Engagement Summary Plan – Intensive Farming**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Intensive Farming topic.

(Noted by Committee).

Ms Johnston provided the framework of what Council are looking at in regards to consultation. There will be a preferred option report for consultation with affected parties. Once a preferred option report is endorsed Council are looking at targeted consultations with key stakeholders and affected landowners. If it affects a very large number of landowners Council will do that in the public consultation which is a bit later in the year. Council will go out to the district post Long Term Plan with a wide ranging set of issues and draft changes. There will be opportunity for everyone to provide feedback.

**Moved – Councillor Watson / Seconded – Councillor Lemon**

“That the Committee notes the summary plan.”

**CARRIED**



## 9(a) Preferred Option Report – Scheduled Sites

Mr Tapper, Planning Consultant from Planz Consultant spoke to his report.

Mr Tapper conducted a review of Scheduled Sites in current operative plan.

There are currently four sites in the Selwyn District.

1. Brinks Chicken a poultry processing plant to the east of Rolleston,
2. Feedco Feedmill which is a feedmill on Selwyn Road,
3. Alex McDonalds Merchants potato processing in Darfield,
4. Redfern Subdivision in Darfield.

The overall aim of the scope was to determine whether the current provisions for scheduled sites can be carried over to the proposed plan or whether there needs to be changes made.

A scheduled site is a site that has specific rules relating to that site listed within the plan.

Mr Tapper explained Alex McDonalds Merchants have now moved to a new site in Springfield and had sold their old site which had rules enabling them to undertake potato processing on that site. They now have a new resource consent for their new site in Springfield. Mr Tapper has spoken to the new landowner of their old site who is thinking about developing it for residential purposes. As such, the owner suggested there is no practical need for rule to be carried over.

The Redfern subdivision rule in the plan related to ensuring the subdivision was carried out in line with the associated outline development plan. This has now been developed and no longer needs to be a Scheduled Site.

This leaves Brinks Chicken and Feed Co Feedmill, which are subject to one rule that relates to both sites. Nature of rule effectively allows both sites to expand operation or sites as a discretionary activity rather than a non-complying activity. The two sites are already well established.

Mr Tapper views the discretionary activity status for any expansion as appropriate mitigation given that the two sites were already existing prior to the non-complying activity status being inserted in the plan and that the effects of those two sites are already well known and the activities are already established. Mr Tapper also noted that this is the most cost effective and efficient option for Council given the rules can be carried over noting there will need to be some minor rule changes in regards to referencing changes. There is a slight risk that other activities of a similar nature might see this as setting a precedent but this can be handled through the submissions process.

Therefore Mr Tapper's recommendation is to carry over the existing scheduled sites and rules for Brinks and Feedco, with appropriate amendments for referencing.

The Mayor expressed an alternative view in that he would rather see all scheduled sites removed and for any affected landowners to be put in a submission which would create

a level playing field for anyone else operating a similar activity across the district to come in on that basis.

Councillor Alexander commented that the existing scheduled sites deserve the protection, people can see these in the plan and use them as existing examples to submit on, so supports the recommendation.

**Moved – Councillor Watson / Seconded – Councillor Alexander**

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option (Option 1) for Scheduled Sites for further development.”

**CARRIED**

**9(b) Communications and Engagement Summary Plan – Scheduled Sites**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Scheduled Sites topic.

(Noted by Committee).

**Moved – Mr D Ward / Seconded – Councillor Morten**

*“That the Committee notes the summary plan.”*

**CARRIED**

## **10(a) Preferred Option Report – Keeping and Boarding of Animals & Vet Clinics**

Mr Tapper spoke to his report for the Keeping and Boarding of Animals and Vet Clinics. As part of the review Mr Tapper looked at effectiveness of the existing provisions for controlling both vet clinics and the keeping of bees.

The Review identified 3 main issues:

Firstly the operative plan's definition for the boarding of animals currently includes veterinary hospitals and clinics that contain animals overnight but the definition does not include just standard veterinary clinics that do not contain animals overnight. This activity is not currently defined in the plan despite having some unique effects.

Secondly the operative provisions mean that horse training facilities are required to be assessed as a restricted discretionary activity in the rural zone given that they are included under the boarding of animals rules. This is despite them not being entirely different to a standard rural activity where horses are kept on site.

Thirdly the keeping of bees is not currently specifically provided for within the existing planning framework in Selwyn and therefore it is not specifically controlled.

In terms of the control of the boarding of animals (including dog kennels and catteries), Mr Tapper considers the likely effects to be well understood. The potential effects commonly relate to noise from animals, also from traffic (vehicles coming to collect their animals) and inadequate animal control with animals potentially escaping. On that basis animal boarding facilities are generally an accepted part of the rural environment but not generally suitable within townships.

The operative plan has been written along those lines and lists the boarding of animals in rural zones as being restricted discretionary provided the required setback distances from boundaries can be met. The matters of discretion relate to noise, traffic, odour and animal containment. The boarding of animals in living and business zones is non-complying with a couple of discretionary activity statuses in a couple of the business zones.

Mr Tapper considered this to be an appropriate level of control for the boarding of animals and he does not see any reason to alter the level of control.

Keeping of animals it is not currently defined in the plan, however boarding of animals such as commercial rearing and livestock production are all separately defined. It is therefore reasonable to consider that the keeping of animals applies to all other circumstances where animals are kept on site. It would be appropriate to include a definition for clarity.

Mr Tapper discussed the rules for the keeping of animals in living and business zones. Current rules are an appropriate approach. An alternative option may be to cover the keeping of non-domesticated animals in townships through a bylaw.

In terms of vet clinics it is noted that the operative rules do not control vet clinics who do not keep animals overnight. Standard vet clinics are controlled by bulk and location, noise, and traffic rules generally. Vet clinics are commonly located in business zones in the district as vet clinics often operate in a similar manner to commercial activities. Vet clinics have a need to be in close proximity to highly populated areas, the most appropriate approach for this is to consider vet clinics as a permitted activity subject to a range of standards. This is in line with the approach taken by Christchurch City Council.

In terms of horse training facilities, the boarding of animals rules currently capture horse training facilities. On that basis Mr Tapper recommends that horse training facilities have a separate definition within the rural environment.

Lastly Mr Tapper advised that for the keeping of bees, it should be noted that under the Biosecurity Act there is a legal obligation to register as a bee keeper and register hives withASURE Quality which involves inspection and monitoring. Council currently relies on section 17 of the RMA to deal with any adverse effects.

Mr Tapper talked about risks involved. Mr Tapper considers the best practice to be the implementation of a bylaw which is in line with Ashburton District Council.

In summary, the recommendation is for Council to look into implementing a bylaw for the keeping of bees and secondly the existing rules for boarding of animals and keeping of animals be rolled over with amendments in regards to vet clinics and horse training facilities.

Councillor Watson commented that he is in support of a bylaw for bee keeping but is not in support of registration for bee hives.

Councillor Mugford commented that the matter of registration is already a requirement withASURE Quality.

Councillor Alexander commented that he is in support of the bylaw and talked about being a former bee keeper and added that from his experience registration is not an onerous requirement, there is no cost and it gives bee keepers protection.

The Mayor questioned if the bylaw would cover the keeping of all animals in residential areas. Mr Tapper responded that is the approach that Ashburton have gone through.

The Mayor advised that what is included in the bylaw is not a decision for today's Committee and clarified that in the report it states the bylaw "could" include registration.

Mr Tapper responded a bylaw would be subject to an entirely separate process and scrutiny in the end.

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

*Recommendation amended to:*

*“That the Committee notes the report.”*

*“That the preferred option for the ‘Keeping and Boarding of Animals and Vet Clinics’ is endorsed for further engagement (targeted stakeholder engagement, Section 32 and Drafting Phase), except that the keeping of animals, poultry and bees in residential areas be managed through a bylaw.”*

**CARRIED**

UNCONFIRMED

**10(b) Communications and Engagement Summary Plan – Keeping and Boarding of Animals & Vet Clinics**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Keeping and Boarding of Animals & Vet Clinics topic. (Noted by Committee).

Ms Johnston commented that there will be formal public consultation with bee keepers as part of the Bylaw process. When the Bylaw is introduced there will be ample opportunity for bee keepers to have their voice.

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

“That the Committee notes the summary plan.”

**CARRIED**

## 12. Update on District Plan Review Financials

Mr Burgess spoke to the financial report and explained that the budget tracked slightly higher in February from January of this year.

He added the Project Team is continuously monitoring contractual obligations with suppliers for the District Plan Review. There are generally not too many issues with suppliers, it has been a relatively smooth process and suppliers are generally delivering scopes of work to budget and on time.

As per report there are a number of pieces of work that are commencing which will incur some financial spend over the next month, with this work informing subsequent District Plan Committee meetings in May, June and July ahead of the public consultation.

Overall, the District Plan Review is currently operating below budget. At the moment Ms Hodgkin, Ms Ashley and Mr Burgess are working through the 2018-2019 financials. There will be certain pieces of work that will start in this financial year but may get carried over to next year's budget.

Workload progress is also tracking on time.

**Moved – Councillor Watson / Seconded – Councillor Lemon**

*“That the Committee notes the report.”*

**CARRIED**

*Meeting Concluded at: 11.45am*

This day            of            2018

---

CHAIR PERSON



**5. OUTSTANDING ISSUES REGISTER**

Nil

<b>Subject</b>	<b>Comments</b>	<b>Report Date / Action</b>	<b>Item Resolved or Outstanding</b>
-	-	-	-

## **Specific Reports**

### **6a. Preferred Option Report – Rural Character and Amenity – ‘Business Activities in Rural Zones’**

Author:	Stephanie Styles & James Bentley (Boffa Miskell) and Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

### **Purpose**

To brief the Committee on the findings of the Baseline Report “Rural Topic: Rural Character, Density and Business Activities”, in relation to the issues and options for dealing with Business Activity in Rural Zones.

A separate Preferred Option report has been prepared in relation to the issue of Rural Zone Density and Lot Sizes (agenda item 6b). A single Communication and Engagement Plan has been prepared for both Rural Character and Amenity Preferred Option Reports (see agenda item 6c).

### **Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option (Option 2) for Rural Character and Amenity – ‘Business Activities in Rural Zones’ for further development and engagement.”**

### **Attachments**

‘Preferred Option Report for Rural Character and Amenity – ‘Business Activities in Rural Zones’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

**DATE:** 20 March 2018

**TOPIC NAME:** Rural

**SCOPE DESCRIPTION:** Character and Amenity – Business Activities in Rural Zones

**TOPIC LEAD:** Robert Love

**PREPARED BY:** Boffa Miskell Ltd (Claire Kelly and Stephanie Styles)

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p>The key issues for this topic are:</p> <ul style="list-style-type: none"> <li>• Does the District Plan give effect to the expectations of the RPS for prioritising rural production and restricting non-rural activity?</li> <li>• What type of activities are appropriate (or not) within rural areas (particularly what are non-rural activities) to ensure that the amenity and integrity of the Rural Zone is maintained and that townships fulfil their economic and social functions?</li> <li>• What scale of non-rural activities are appropriate in rural areas?</li> <li>• What effects from non-rural activities need to be managed and why?</li> </ul>
<i>Preferred Option</i>	Option 2: Refine the operative provisions for managing business activities in Rural Zones.
<i>DPC Decision</i>	



## 1.0 Introduction

This report is a summary of the Baseline Report “*Rural Topic: Rural Character, Density and Business Activities*”, in relation to the options for dealing with Business Activity in Rural Zones<sup>1</sup>. This summary should be read in conjunction with the full Baseline Report, which is attached as **Appendix 1**.

The initial work underpinning the Baseline Report is a technical report in relation to the character of all rural areas; “*Rural Character Assessment*”. That assessment describes the character of the various parts of the rural environment of Selwyn District, based around the rural areas as defined in the operative District Plan (Port Hills, Inner Plains, Outer Plains, Malvern Hills, and High Country areas), and includes the identification and analysis of the landform, vegetation cover, spatial land use patterns and built form characteristics of each one of these areas. The report also identifies and describes areas where the ‘rural character’ has been significantly eroded through existing development. The report also includes general recommendations, from a specialist landscape planning perspective, on what constraints should be placed on land use if the present rural character is to be retained and these recommendations have been used to inform the development of options for managing business activities in rural zones. The Baseline Report and this Preferred Option report should also be read in conjunction with that technical assessment, see **Appendix 1**.

## 2.0 Summary of Issues

The Operative District Plan enables a range of business activities to occur in the Rural Zone, whilst aiming to manage the adverse effects of those activities. It is understood that there is a view amongst the community that a number of non-rural businesses have been able to inappropriately establish in the Rural Zone under the current District Plan provisions. There is also a view that particular areas (such as the area between SH1 and the rail reserve from Rolleston to Templeton) have become “hot spots” for non-rural business activities.

The key issues for this topic are:

- Does the District Plan give effect to the expectations of the RPS for prioritising rural production and restricting non-rural activity?
- What type of activities are appropriate (or not) within rural areas (particularly what are non-rural activities) to ensure that the amenity and integrity of the Rural Zone is maintained and that townships fulfil their economic and social functions?
- What scale of non-rural activities are appropriate in rural areas?
- What effects from non-rural activities need to be managed and why?

<sup>1</sup> A separate Preferred Option report has been prepared in relation to the issue of Rural Zone Density and Lot Sizes.

## 3.0 Statement of Operative District Plan approach

Relevant to this issue, the operative District Plan includes a number of objectives, policies, rules and definitions.

The objectives seek to ensure that the rural area is a pleasant place to live and work and that within this area a variety of activities are provided for, while maintaining rural character and avoiding reverse sensitivity effects. At an objective level it is acknowledged that the rural area is able to accommodate a wide range of activities. The objectives do not however provide any limits on what activities may occur, except on the basis of their compatibility with the character of the area.

The policies provide greater clarity around the outcomes anticipated. In relation to activities generally, Policy 1 continues to anticipate a variety of activities occurring and focusses on the maintenance of environmental standards that allow for primary production and other business activities to operate. The reasons for rules however identify the anticipated 'other business activities' as being farms, forests, ski areas and other rural activities. This broad wording and range of examples does not provide a high level of focus for this policy.

Policy 2 seeks to ensure that within the Port Hills, Malvern Hills and the High Country zones, activities are restricted to those which use natural resources, and activities which are ancillary to those uses, or utilities. The explanation for this policy specifically identifies factories, warehouses, offices, shopping malls and other urban activities as inappropriate in these areas. This again provides high level guidance rather than specific direction on the scale of wider non-rural activity.

Policy 3 seeks to protect amenity values, while Policy 6 seeks to maintain low levels of building density and a predominance of vegetation cover. Similarly, Policy 7 seeks to avoid high rise buildings or highly reflective utility structures. There are also a range of general policies seeking to manage effects of glare, noise, vibration, dust and the like. Avoidance of reverse sensitivity is also a theme that runs through the policies.

Within Policy 4, there is identification of the potential for 'rural based' industrial and 'other' industrial activity within rural zones. In this context, the focus is on managing adverse effects from such activities. The explanation notes that small scale rural-based industrial activities are appropriate, but does not identify what is considered to be a small scale.

There are a range of rules that apply to non-rural activities in the Rural zones, and their interrelationship is relatively complicated. Essentially, very small businesses are anticipated (<100m<sup>2</sup> and no more than 2 full time equivalent employees) in the Inner and Outer Plains areas. In the Outer Plains area, rural based industrial activity is generally a discretionary activity<sup>2</sup>. Most

<sup>2</sup> Rural Based Industrial Activity is defined in the operative District Plan as *"an Industrial Activity that involves the use of raw materials or primary products which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticulture and crops"*.

other business activities (retail, commercial, and industrial) in these and the other rural areas are non-complying activities.

## 4.0 Summary of relevant statutory and/or policy context and other background information

### 4.1 Resource Management Act (RMA)

Management of business activities in rural areas falls under section 5 of the RMA in relation to providing for the needs of people and communities whilst managing adverse effects of activities. Also of relevance are parts of section 7 relating to efficient use and development of natural and physical resources, and the maintenance and enhancement of amenity values and the quality of the environment. Section 31 requires the Council to manage the effects of the use and development of land. Under section 75 of the Act, a district plan must give effect to a regional policy statement.

### 4.2 Canterbury Regional Policy Statement (RPS)

The RPS contains general definitions for the whole region, and definitions that relate only to the Greater Christchurch area<sup>3</sup>. The Selwyn District is split with a small portion of land being within the Greater Christchurch area and most of the district outside this area. The general definitions section applying to the region as a whole do not include definitions for rural, business or industrial activities. The definitions applying only to the Greater Christchurch area include business or business activities, commercial activities, industrial, rural activities, and urban activities.

Due to the delineation of part of the district being within Greater Christchurch and part outside, the objective and policy approach is also split. For the area within Greater Christchurch, the focus is on recovery and rebuilding under chapter 6 of the RPS. There is however no specific policy provision in this chapter relating to business development within the rural area or placing an emphasis on the rural productive uses of rural land. Policy 6.3.1 provides some limited guidance on this matter, seeking that new urban activities only occur within existing urban areas or identified greenfield priority areas. As business is generally defined as an urban activity, this indicates that businesses should be establishing in urban areas rather than the rural area. The definition of rural does however include “businesses that support rural land use activities” but does not define what such businesses might be and this dilutes the policy.

Chapter 5 deals with land use and infrastructure across the region generally, beyond the Greater Christchurch area. Within this chapter there is policy recognition that the rural areas are intended mainly for primary production activities and there is a requirement that district plans identify areas to be used for primary production and control the adverse effects of subdivision

<sup>3</sup> The “Greater Christchurch” area is defined by RPS to include all of Christchurch City, part of Waimakariri District and part of Selwyn District.

and land-use in rural areas (including by specifying appropriate provisions to manage tourism, employment, and recreational development in rural areas consistent and compatible with rural values and resources, an open rural environment and a consolidated approach to development patterns).

### 4.3 Mahaanui Iwi Management Plan (IMP)

In relation to the rural environment there are a range of sections of the IMP that have general relevance. Sections of the IMP relating to Ranginui, Wai Māori, Tāne Mahuta and Tāwhirimātea have relevance to the use and amenity of the wider rural environment.

Section 5.4 Papatūānuku has particular relevance as the main section dealing with land use and development of the land. This section contains many objectives and policies dealing with aspects of rural land use but there are no specific provisions within the IMP that relate to the control of businesses operating within the rural environment.

## 5.0 Summary of alternative management responses – Other Districts

The approach to this issue within the Ashburton, Waimakariri and Christchurch District Plans was considered<sup>4</sup>, and all of these plans include policies that express the intent of protecting the rural character and amenity values for primary production through limiting businesses operating in the rural area. The actual approach to wording at both a policy and rule level differs considerably between the plans with Christchurch District Plan having the most recent and most directive policy approach.

Within these plans, there are rules limiting the nature and/or scale of non-rural activities, however the definitions of activities vary in what they contain and there is no consistency in the definition of “small scale” considered to be appropriate as a permitted activity. Ashburton District Plan takes a restrictive approach with very few permitted activities and most non-rural activities treated as non-complying, which is in contrast to the Waimakariri approach which focuses on limiting retail activity. The Christchurch approach provides for rural produce retail activities (up to 75m<sup>2</sup> GFA per site) and rural produce manufacturing activities (up to 100m<sup>2</sup> GFA per site) as a permitted activity. For these activities at a greater scale, restricted discretionary activity would apply. All other commercial or industrial activities fall into the non-complying activity category.

<sup>4</sup> The Scope of Works required consideration of these specific plans.

## 6.0 Summary of Options to address Issues

### 6.1 Option 1: Status Quo

The option of retaining the status quo approach would mean retaining the current general objectives and policies and current provisions<sup>5</sup>.

***Effectiveness in Addressing Issues:***

This option would be partially effective in addressing the issues by recognizing that business activities can have impacts that need to be managed. However, as it is not particularly directive at a policy level, it would not give full effect to the RPS nor would it effectively ensure that the amenity and integrity of the Rural Zone is maintained and that townships fulfil their economic and social functions.

***Risks:***

That the Plan does not follow best practice or give full effect to the RPS and given the issues identified above, could attract many submissions on this issue or enable significant change to the character of the rural areas.

***Budget or Time Implications:***

None as no work would be required. However, it may be that a significant number of concerns and issues are raised through submissions including related to not giving full effect to the RPS. This could lead to protracted hearing times and even appeals to the Environment Court with subsequent time and cost implications.

***Stakeholder and Community Interests:***

Landowners in rural areas.

Existing and prospective business owners/operators in the rural areas.

The Regional Council, in terms of giving full effect to the RPS given that this was directed by higher order documents i.e. the Land Use Recovery Plan for Christchurch 2013.

***Recommendation:***

This option is not recommended as it does not give full effect to the RPS and current best practice.

### 6.2 Option 2: Refined Provisions

This option would refine the current approach to better reflect the expectations of the RPS and more strongly support protection of rural character and productivity as the priority for rural areas. It would involve enhancements to the objectives and policies to provide more direction,

<sup>5</sup> Small businesses (<100m<sup>2</sup> and no more than 2 full time equivalent employees) in the Inner and Outer Plains areas as permitted activities. Rural based industrial activity in the Outer Plains area as discretionary. Other business activities in these and the other areas as non-complying.



expanded definitions to provide greater clarity, and updated rules to more precisely manage businesses in rural areas<sup>6</sup>. In summary these changes would include:

- Refinement of the existing rural objectives and policies to:
  - provide greater strength and clarity around the intent for the rural zones,
  - be explicit and clearly state what non-rural activities are acceptable in rural areas,
  - be directed towards constraining business activity and provide clarity around the balance between the need for some activities and the effects of the activities on rural land use.
- Rural Selling Places:
  - new provisions for small scale activities (road side stalls that retail products from a farm),
  - restricted to appropriate zones (inner and outer plains).
- Rural Business Activity:
  - redefine as “rural business” rather than “rural industrial”,
  - continue the current provision for small scale activities in appropriate zones (e.g. up to 200m<sup>2</sup>) ,
  - apply a stepped approach to activity status for larger scale activities (e.g. 200-500m<sup>2</sup> as restricted discretionary and non-complying beyond this),
  - take a strict approach to businesses in more vulnerable areas (Port Hills and High Country).
- Business activity:
  - continue the strict restriction on all other business activities that are not related to rural activity.

#### ***Effectiveness in Addressing Issues:***

This option would be effective in addressing the issues identified, especially in better reflecting the RPS and ensuring that the objectives and policies are strengthened to provide clarity around the intent that the rural zones are for primary production. This would include potentially constraining some activity and providing for other activities where they continue to be necessary and appropriate to support rural production e.g. rural selling places. The primary purpose of the rural zones would be more explicit and the plan would clearly state the type and level of business activity anticipated to be appropriate within rural zones, together with the reasons why further business activity is not anticipated.

#### ***Risks:***

The option may mean that resource consents are required for a wider range of activities. Consequently, landowners may oppose the provisions and the decision on the provisions could be appealed to the Environment Court. However, this risk can be mitigated through engagement with landowners.

<sup>6</sup> Refer to section 8 of the Baseline Report for full details of this option.

To manage potential risks, it is also necessary to ensure that there is sufficient business zoned land, which is adequately serviced and is of the right scale, configuration and zoning, in the right locations around the district. Without such provision, there remains the potential for overflow demands into the rural area.

***Budget or Time Implications:***

Need to engage with landowners and business owners/operators to ensure an understanding of the process, statutory drivers and the implications of the provisions.

***Stakeholder and Community Interests:***

Federated Farmers, individual landowners, and existing/prospective business operators.

***Recommendation:***

This option is recommended as it gives better effect to the RPS and provides clarity around the intent for the rural zone as well as assisting to protect rural land for primary production purposes.

## 7.0 Preferred Option for further engagement

Based on the outcomes of the technical assessment, the review of the current situation for business in Rural Zones, the input from the Economic Assessment and the analysis in the Baseline Report, the Project Team recommends that Option 2 be pursued.

**Appendix 1:**

**Baseline Report “Rural Topic: Rural Character, Density and Business Activities” and  
Technical Report “Rural Character Assessment”**

**Link to Reports:**

[Rural Character, Density and Business Activities \[PDF, 10207 KB\]](#), 4 December 2017

## **6b. Preferred Option Report – Rural Character and Amenity – ‘Rural Density’**

Author:	Stephanie Styles & James Bentley (Boffa Miskell) and Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

### **Purpose**

To brief the Committee on the findings of the Baseline Report “Rural Topic: Rural Character, Density and Business Activities”, in relation to the issues and options for dealing with density and lot sizes in Rural Zones.

A separate Preferred Option report has been prepared in relation to the issue of Rural Zone Business Activities in Rural Zones (agenda item 6a). A single Communication and Engagement Plan has been prepared for both Rural Character and Amenity Preferred Option Reports (see agenda item 6c).

### **Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option for Rural Character and Amenity – ‘Rural Density’ for further development and engagement.”**

### **Attachments**

‘Preferred Option Report for Rural Character and Amenity – ‘Rural Density’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

<b>DATE:</b>	<b>26 April 2018</b>
<b>TOPIC NAME:</b>	<b>Rural</b>
<b>SCOPE DESCRIPTION:</b>	<b>Character and Amenity – Rural Density</b>
<b>TOPIC LEAD:</b>	<b>Robert Love</b>
<b>PREPARED BY:</b>	<b>Boffa Miskell Ltd (Claire Kelly and Stephanie Styles)</b>

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p>The key issues for this topic are:</p> <ul style="list-style-type: none"> <li>• Does the District Plan give effect to the expectations of the RPS in terms of managing minimum densities for subdivision and development in the rural areas?</li> <li>• What is the character of the rural area that is to be maintained?</li> <li>• What density is appropriate in each rural area to provide for primary production and manage potential reverse sensitivity?</li> <li>• What is the effect of changing the density standards?</li> <li>• Will retaining the grandfather clause and the open space/balance lot approach undermine the intent of the density standards?</li> </ul>
<i>Preferred Option</i>	<i>A combination approach with a mix of the options to be explored with the wider community as set out in section 7.0.</i>
<i>DPC Decision</i>	



## 1.0 Introduction

This report is a summary of the Baseline Report “*Rural Topic: Rural Character, Density and Business Activities*”, in relation to the options for dealing with density and lot sizes in Rural Zones<sup>1</sup>. This summary should be read in conjunction with the full Baseline Report, which is attached as **Appendix 1**.

The initial work underpinning the Baseline Report is a technical report in relation to the character of all of the rural areas; “*Rural Character Assessment*”. That assessment describes the character of the various parts of the rural environment of Selwyn District, based around the rural areas as defined in the operative District Plan (Port Hills, Inner Plains, Outer Plains, Malvern Hills, and High Country areas), and includes the identification and analysis of the landform, vegetation cover, spatial land use patterns and built form characteristics of each one of these areas. The report also identifies and describes areas where the ‘rural character’ has been significantly eroded through existing development. The report also includes general recommendations, from a specialist landscape planning perspective, on what constraints should be placed on land use if the present rural character is to be retained and these recommendations have been used to inform the development of options for managing density and lot sizes in rural zones. The Baseline Report and this summary should also be read in conjunction with that technical assessment, see **Appendix 1**.

The Baseline report was also informed by an economic assessment prepared by Market Economics and a Farm Advisory Review of the options prepared by Macfarlane Rural Business.

It is noted that decisions to be made around what subdivision, land use and development is appropriate in the rural areas need to be based on a wide range of matters covered by various work streams. This workstream focused on the impact of density and lot sizes in relation to rural character<sup>2</sup>. The Council will need to consider rural character issues together with other issues (e.g. private landowner development expectations) and also with community expectations and desires for the various rural areas.

## 2.0 Summary of Issues

The Operative District Plan provides for development and subdivision in the Rural Zone, with minimum density standards applied to different areas/zones. These standards reflect the existing and intended character of the zones, and the need to provide for primary production activities, and manage potential reverse sensitivity effects.

The policy direction specifically recognises the other demands on the Inner Plains zone, including the way the area is already highly modified, has a higher level of demand for development and if

<sup>1</sup> A separate Preferred Option report has been prepared in relation to the issue of Business Activities in Rural Zones.

<sup>2</sup> For example the Scope of Work sought that the “report should identify if there is a need to move the boundaries between any of the Operative Rural Zones in order to better reflect or achieve rural character, economic efficiency or rural productive outcomes”.

subject to a lower minimum would enable significant change to that zone. It notes the need to ensure opportunities in rural-residential zoned areas are not compromised.

It is noted that the subdivision rules do not fully align with the zone based rules (e.g. the grandfather clause and clustering provisions are held in the zone rules and not in the subdivision rules) and this leads to further interpretation issues. Further the boundary adjustment rules enable other development that is also not fully aligned with the concepts for minimum standards of density.

The key issues for this topic are:

- Does the District Plan give effect to the expectations of the RPS in terms of managing minimum densities for subdivision and development in the rural areas?
- What is the character of the rural area that is to be maintained?
- What density is appropriate in each rural area to maintain the existing rural character, provide for primary production and manage potential reverse sensitivity?
- What is the effect of changing the density standards?
- Will retaining the grandfather clause and the open space/balance lot approach undermine the intent of the density standards?

### 3.0 Statement of Operative District Plan approach

The relevant Operative District Plan provisions are set out in **Appendix 1** of the Baseline Report.

The objectives seek to provide for residential development, at a low overall density in order to maintain the character of the rural area, and in a manner that avoids adverse effects or reverse sensitivity effects. The objectives and their associated explanation are relatively general and do not provide a strong sense of direction towards limiting residential development and subdivision in rural areas. Indeed, the objectives could be interpreted to be very open towards residential development at a general level.

More direction is provided at a policy level with Policy B4.1.1 specifying the density of residential development anticipated in the rural zones. The use of the term “avoid” within the policy (*“Avoid residential density greater than those shown below...”*) provides clear direction that the densities are to be strongly sought and maintained. This strength of direction is however diluted to some extent in subsequent policies that enable higher densities in some areas. In particular policy B4.1.2 allows that the density provisions be flexible in all zones, other than the Inner Plains area, where a house may be built on any sized allotment provided:

- The balance of land area needed to comply with the specified density standard is kept free of dwellings by covenant or some other method; and
- The house allotment is of an appropriate size and shape to avoid adverse effects on adjoining properties, the road network or potential reverse-sensitivity effects; and
- The number of houses clustered together on small allotments is kept small, to avoid creating new villages or settlements; and

- The balance of land area adjoins the house allotment and is of a shape that maintains the sense of “open space”.

Whilst these provisos ensure an overall density that maintains the density anticipated for the rural zone, it is clear that they anticipate development being clustered. Use of terminology such as “*the number of houses clustered together on small allotments is kept small...*” is difficult as it is subjective and open to interpretation. Also there is the ability to undermine the intent of this approach in situations where a landowner has a large landholding and it is possible for the clusters to adjoin each other (but providing a small separation to still meet the maximum of 3 in the Outer Plains and 5 in the High Country) while still complying with the overall density requirements and creating an outcome that is not anticipated.

Policy B4.1.4(b) anticipates higher densities within the Greater Christchurch area but these higher densities are directed to occur within the Living 3 zone rather than within the rural zones.

Policy B4.1.5(c) appears to provide a transitional period to allow for expectations of development opportunities between the previous planning regime and the operative District Plan.

Policy B4.1.6 provides for subdivision and boundary adjustments that create undersized allotments but do not lead to additional residential density. This policy only relates to existing houses and not situations where there is vacant land.

Collectively these provisions seek to maintain an appropriate degree of density for the different rural areas of the district. There are some issues with internal conflict between the policies<sup>3</sup> but the overall direction is clear.

The rules to implement these objectives and policies are relatively complex. Due to the structure of the plan, the same rule concepts are repeated in both the building rules (C3 Buildings) and the subdivision rules (C10 Subdivision) which adds to the perception of complexity. There are also numerous notes, cross references and defined terms (e.g. building node) that add to the detail of the rules.

The Operative District Plan provides for a range of densities in the rural zone, from one dwelling per 4ha in the Inner Plains, through moderate densities in the Outer Plains and Malvern Hills (20ha) and lower slopes of the Port Hills (40ha), through to low densities for the upper slopes of the Port Hills (100ha) and High Country (120ha) and specified minimums for specific areas e.g. Bealey Spur, Edendale, Railway corner. This staggered approach recognises the different rural character of the various zones and areas. Subdivision of land that meets the above minimum site areas is a **controlled activity**.

The rules also provide for some flexibility in the way that subdivision and development is undertaken – through the grandfather clause and the open space / balance lot approach – whilst generally controlling this flexibility through a consent process.

<sup>3</sup> As identified in the Planz Consultants Ltd report on The use of Open Space Mechanisms within the Rural Inner Plains Zone, May 2015.



- A “grandfather clause”<sup>4</sup> gives **permitted activity** status to build a dwelling on a rural site that does not meet the above minimum area, where the site is at least 4ha and existed between 12 September 1991 and 12 September 2001. However, this is a **controlled activity** under the subdivision provisions.
- A “balance area”<sup>5</sup> and “clustering” approach that provides for building a dwelling on a site that does not meet the above minimum area (except in the Inner Plains) is a **restricted discretionary activity**, if a balance area is provided to meet the above minimum area and which is protected from further development (and subject to other conditions<sup>6</sup>). This is also a **restricted discretionary activity** under the subdivision standards.

In general, development and subdivision that does not provide specified balance areas, proposals in the Outer Plains that exceed 3 dwellings or High Country that exceed 5 dwellings, or do not meet the provisions under the “grandfather clause” and proposals that do not meet the minimum of 1 dwelling per 4ha in the Inner Plains Zone are **Non-Complying activities**.

## 4.0 Summary of relevant statutory and/or policy context and other background information

### 4.1 Resource Management Act (RMA)

Management of minimum density in the rural areas falls under section 5 of the RMA in relation to providing for the needs of people and communities whilst managing adverse effects of activities. Also of relevance are parts of section 7 relating to efficient use and development of natural and physical resources and the maintenance and enhancement of amenity values and the quality of the environment. Section 31 requires the Council to manage the effects of the use and development of land. Under section 75 of the Act, a district plan must give effect to a regional policy statement.

### 4.2 Canterbury Regional Policy Statement (RPS)

The Canterbury Regional Policy Statement 2013 (RPS) includes a range of provisions that are relevant to this topic.

The RPS contains general definitions for the whole region, and definitions that relate only to the Greater Christchurch area<sup>7</sup>. The Selwyn District is split with a small portion of land being within the Greater Christchurch area and most of the district outside this area. The general definitions section applying to the region as a whole do not include definitions of rural activities. They do however include a definition for urban which means “A concentration of residential, commercial

<sup>4</sup> A “grandfather clause” is a term given to a rule in a plan that allows recognition of historical expectations for development after a transition to a more restrictive planning regime.

<sup>5</sup> Also known as an “open space covenant” approach.

<sup>6</sup> The balance area must be kept free of buildings and adjoin the allotment that is to be building on. The balance area may not include the bed of a lake or river, a legal road, vested reserve or other land that due to legal tender cannot be built on.

The total number of dwellings under this rule is limited to 3 or 5 in the High Country, and in the High Country a dwelling must be within an existing building node.

<sup>7</sup> The “Greater Christchurch” area is defined by RPS to include all of Christchurch City, part of Waimakariri District and part of Selwyn District.

*and/or industrial activities, having the nature of town or village which is predominantly non-agricultural or non-rural in nature".* However, this definition only applies to the area outside the Greater Christchurch boundary.

Within the Greater Christchurch area (chapter 6 of the RPS), rural activities are defined as 'activities of a size, function, intensity or character typical of those in rural areas' and includes a list of 'rural activities', although these are not purely rural in character. Urban activities is also subject to a similar definition. The definitions do clearly specify that residential activity on sites of 4ha or greater are considered to be a rural activity, and residential units on sites at a density of more than one household unit per 4ha are urban activities.

Due to the delineation of part of the district being within Greater Christchurch and part outside, the objective and policy approach is also split. For the area within Greater Christchurch, the focus is on recovery and rebuilding under **chapter 6** of the RPS. This chapter places an emphasis on the ability to ensure adequate land for residential and business redevelopment following the earthquakes and particularly focusses in the scale of recovery necessary. There is a requirement for land to be rezoned for residential and business development to enable growth to occur in identified places, through the use of greenfield priority areas. Within the rural parts of this area, there is recognition that rural residential development can impact on rural character and reverse sensitivity issues can arise.

Chapter 6 is focussed on urban activity and delineation of urban activities within urban areas. There is no specific guidance for density of residential development (other than for rural residential development) within the rural area of the Greater Christchurch area, except by application of the definition of urban activity. That definition includes residential units at a density of more than one household unit per 4 ha of site area, and thus policy 6.3.1 is directive that development at a higher density should not generally occur within the rural zones. There is however no guidance on what scale of residential density is appropriate in the wider rural areas.

**Chapter 5** deals with land use and infrastructure across the region generally. Within this chapter there is acknowledgement that the rural areas are intended mainly for primary production activities. It is understood that:

- The primary focus for rural areas is rural activities and particularly rural primary production.
- The majority of growth of urban activities (including any residential activity on lots less than 4ha) is to be located in urban areas, including sufficient housing choice to meet the region's housing needs, and there is a focus on urban consolidation.
- There is a need to ensure that adequate land is zoned and available for urban activities (residential and business development) generally within the district and specifically within the Greater Christchurch area to ensure recovery and growth.
- Activities in rural areas must avoid development, fragmentation or intensification that:
  - forecloses the ability to make appropriate use of that land for primary production;
  - results in reverse sensitivity effects that limit or preclude primary production; and

- contributes to significant cumulative adverse effects on water quality and quantity.
- There is a need to preclude incompatible activities within rural areas to avoid conflict between activities and reverse sensitivity effects.
- Urban activities include residential units at a density of more than one household unit per 4 ha of site area and thus lot sizes less than 4ha are avoided in the rural zones.
- District plans must identify areas to be used for primary production, and control the adverse effects of subdivision and land-use in rural areas, including by:
  - ensuring subdivision and development does not foreclose the ability to utilise natural resources for rural productive purposes.
  - ensuring appropriate separation between activities to avoid reverse sensitivity effects on rural productive activities.
  - managing the interface between environments sensitive to the effects of rural production activities and areas in productive use to reduce conflict.

#### 4.3 Mahaanui Iwi Management Plan

In relation to the rural environment there are a range of sections of the IMP that have general relevance. Sections of the IMP relating to Ranginui, Wai Māori, Tāne Mahuta and Tāwhirimātea have relevance to the use and amenity of the wider rural environment.

Section 5.4 Papatūānuku has particular relevance as the main section dealing with land use and development of the land. This section contains many objectives and policies dealing with aspects of rural land use but there are no specific provisions within the IMP that relate to the density of residential development within the rural environment.

#### 4.4 The National Policy Statement on Urban Development Capacity (NPS-UDC)

The NPS-UDC has some relevance to this issue as it seeks to recognise the national significance of urban environments and the need to enable such environments to develop and change and provide sufficient development capacity. Where sufficient capacity is not provided within urban areas, pressure will come to bear on surrounding rural areas to meet the demand. In this respect, it is relevant that the Selwyn District Council ensure that they are able to meet the requirements of the NPS-UDC for growth in urban areas.

## 5.0 Summary of alternative management responses – Other Districts

The approach to this issue within the Ashburton, Waimakariri and Christchurch District Plans was considered<sup>8</sup>, and all of these plans include policies that express the intent of protecting rural character and amenity values, and prioritise land for primary production through managing

<sup>8</sup> The Scope of Works required consideration of these specific plans.

residential density in the rural areas. The actual approach to wording at both a policy and rule level differs considerably between the plans with Christchurch District Plan having the most recent and most directive policy approach.

Within the rules however there is some similarity but not strong consistency. **Appendix 10** of the Baseline Report provides a summary table of the density provisions in the reviewed plans against the operative Selwyn District Provisions<sup>9</sup>. The Waimakariri and Christchurch Plans both use 4ha as the lower limit for residential density in rural areas and this aligns with the expectations of the RPS and the Selwyn District Plan. Ashburton has chosen to have a lower minimum of 8ha in the highest density rural zones to place an even greater emphasis on rural production.

Within other zones, the minimum allotment areas range from 20ha to 120ha. Generally, a trend can be seen that the 'moderate' zones where rural production is likely to dominate have minimum site area expectations in the order of 20-50ha. In zones where residential density is expected to be very low, and special values (landscape, ecology) are likely to dominate, the minimum site area expectations are in the order of 100-120ha. These three bands clearly show the staggered density approach.

A particular alignment is the application of 100ha minimum site area to the Port Hills zone in both the Selwyn (upper slopes) and Christchurch districts.

## 6.0 Summary of Options to address Issues

A range of options from the status quo to a lower density of residential development have been developed to address the issues raised in the Baseline Report. These also seek to explore 'add on' options (referred to as exceptions) to provide flexibility of development choices – grandfather clauses, open space covenants or balance lots, and clustering.

The table below provides a comparative summary of the seven options developed for testing as part of the Baseline Report:

	Option 1: Status Quo (with exceptions)	Option 2: Status Quo (no exceptions)	Option 3: Reduced Density (existing zone boundaries)	Option 4: Reduced Density (amended zone boundaries)	Option 5: Grandfather Clause	Option 6: Open Space Covenants or Balance Lots	Option 7: Clustering
<b>Port Hills Upper Slopes</b>	100ha min	100ha min	100ha min	100ha min (ONL area and any VAL above 160m)	100ha min	100ha min	100ha min

<sup>9</sup> The table also includes a range of other provisions from a variety of similar districts around the country (summarised).

	Option 1: Status Quo (with exceptions)	Option 2: Status Quo (no exceptions)	Option 3: Reduced Density (existing zone boundaries)	Option 4: Reduced Density (amended zone boundaries)	Option 5: Grandfather Clause	Option 6: Open Space Covenants or Balance Lots	Option 7: Clustering
<b>Port Hills Lower Slopes</b>	40ha min	40ha min	40ha min	40ha min (VAL area below 160m)	40ha min	40ha min	40ha min
<b>Inner Plains</b>	4ha min	4ha min	4ha min	4ha min	4ha min	4ha min	4ha min
<b>Outer Plains</b>	20ha mini	20ha min	40ha minimum	20ha min (lower)	40ha min	40ha min	40ha min
	-	-	-	40ha min (upper)	-	-	-
<b>Malvern Hills</b>	20ha min	20ha min	40ha min	40ha min	40ha min	40ha min	40ha min
<b>High Country</b>	120ha min	120ha min	120ha min	120ha min	120ha min	120ha mini	120ha min
<b>Grandfather clause</b>	✓	✗	✗	✗	✓	✗	✗
<b>Open space covenant / balance lot</b>	✓	✗	✗	✗	✗	✓	✗
<b>Clustering</b>	✓	✗	✗	✗	✗	✗	✓

These options have been reviewed by experts in landscape planning, economics and farm advisory services to provide feedback on the implications on the rural area. The testing of the options was largely qualitative rather than quantitative. The feedback from these expert assessments has been feed into recommended option/s for rural density. Refer to the Baseline Report for the full analysis.

## 6.1 OPTION 1: Status Quo

The option of retaining the status quo approach would mean retaining the current general objectives and policies and current density provisions. It would also retain the following approaches: the use of the grandfather clause, open space covenants and a limit on clustering of dwellings in the high country (5) and elsewhere (3).

In this regard it is also important to note that the status quo includes a portion of the Outer Plains zone that is within the area of 'Greater Christchurch' identified within the RPS (as shown above). The operative provisions, which provide for clusters of up to 3 dwellings on allotments

less than 4ha in that zone, contradict Policy 6.3.1 by allowing lot sizes to be less than the RPS expressly provides for.

***Effectiveness in Addressing Issues:***

This option would partly address the issues. Minimum density in the Inner Plains is 4ha, which meets the requirements of the RPS and retaining this would maintain the existing rural character of this area and align with people's expectations of the nature of development and subdivision that can be undertaken. Likewise in the High Country, the operative minimum density standard is considered to be appropriate as it reflects the existing rural landscape character and density and will maintain the openness of the upper slopes and lower ONL slopes / spurs. It also aligns with the protection of special values represented by the Outstanding Natural Landscape identification (see separate workstream).

However, there has been some concern expressed from the landscape review that the minimum density in the Outer Plains and Malvern Hills may not be appropriate in terms of maintaining the existing rural character. Furthermore as this option would retain existing development areas that have lot sizes of less than 4ha (through the clustering exception), the Plan would not give effect to the RPS.

The status quo would retain the use of exceptions such as the grandfather clause, the use of balance lot/open space covenants and clustering. The grandfather clause could undermine the existing character of the rural areas by potentially enabling a proliferation of 4ha lots, which would have a significant impact on the rural character of the Outer Plains, Malvern Hills, Port Hills and High Country areas. However, clustering may be appropriate in managing effects on rural character, if located in parts of the landscape that can absorb change.

In addition, retaining the status quo would not enable any recognition of changes in rural character and density that have occurred since the Plan became operative.

***Risks:***

Development would be enabled, that through the clustering provisions, would not meet the minimum 4ha lot size required under the RPS, and this would mean that the Plan would not give full effect to that document.

There is also the risk of the proliferation of development on 4ha sites, although it is noted that these are often sites are often farmed as part of larger sites thus reducing this potential.

***Budget or Time Implications:***

None as no change would be required to the Plan.

***Stakeholder and Community Interests:***

Landowners in rural areas and potentially the Regional Council in terms of giving full effect to the RPS given that this was directed by higher order documents i.e. the Land Use Recovery Plan for Christchurch 2013. Also Federated Farmers and the wider community.

**Recommendation:**

This option is not recommended as it does not give full effect to the RPS and may potentially undermine the character of the rural area, except that the existing minimum density standard that applies in the High Country and Inner Plains is considered to be appropriate.

**6.2 OPTION 2: Status Quo without exceptions**

This option would apply the provisions of the operative Plan but not apply any exceptions i.e. grandfather clause, open space or clustering provisions. This option would provide a base zone density minimum to be applied to all residential allotments (new or existing), without any flexibility.

**Effectiveness in Addressing Issues:**

The removal of the grandfather clause and the ability to create 4ha lots may result in a better landscape outcome by limiting the potential for a proliferation of smaller sites that could undermine the rural character of the District. However, it also removes the opportunity for people to undertake development where there has been a change in density and this could have an adverse effect on the value of land.

The removal of the open space covenant and clustering provisions would remove an effective means of managing development while retaining an sense of openness and enabling the use of land for primary production (but would better give effect to the RPS).

**Risks:**

There is the potential to reduce the ability to undertake some subdivision that may be considered to be suitable with consequential economic effects. It also removes the opportunity to cluster development and potentially minimise effects on rural character.

**Budget or Time Implications:**

The removal of the exceptions i.e. grandfather clause, open space or clustering provisions may result in submissions, and potential appeals to the Environment Court with subsequent costs.

**Stakeholder and Community Interests:**

Landowners, Federated Farmers and the rural community.

**Recommendation:**

This option is not generally recommended as clustering and the use of an average density, if applied suitably, can maintain rural character and a sense of openness in some areas of the District. Furthermore, the grandfather clause may be appropriate if there is a change in density.

### 6.3 OPTION 3: Status Quo without exceptions, but with a change in density in the Malvern Hills and Outer Plains

This option applies the status quo without any exceptions but would increase density in the Malvern Hills and Outer Plains to a minimum of 40ha (from a minimum of 20ha). The Outer Plains and Malvern Hills are large areas having a high degree of rural productive activity with limited “special/environmental” areas (outstanding natural landscapes, significant natural areas, etc).

#### ***Effectiveness in Addressing Issues:***

The increase in the minimum lot size in the Outer Plains and Malvern Hills would retain the existing rural character in the upper part of the Outer Plains but would not necessarily reflect the existing landscape character or density of the lower Outer Plains. The proposed change to the Outer Plains may assist in ensuring that the primary use of the land is for primary production as increased availability of irrigation may increase the productive capability of land in this area and make smaller land holdings more viable.

A change to 40 hectares in the Malvern Hills would assist in providing for primary production because of the reduced intensity of this area compared to the Outer Plains and the limited irrigation opportunity, thus larger sites are required.

This increase in minimum density would reduce subdivision potential. However, whether such subdivision potential would ever have been realised is uncertain and not likely to be of such scale as the numbers in the M.E report indicate. Reduced subdivision potential has some economic consequences for landowners in the Malvern Hills area in relation to reduced land values, but would retain the existing character of lower development intensity.

#### ***Risks:***

The proposed decrease in density in the Outer Plains and Malvern Hills will result in reduced subdivision opportunity. This has the potential to impact on the financial viability of properties (although any such impact is not able to be quantified at this time and valuation advice is being sought by Council).

#### ***Budget or Time Implications:***

Lowering the density standard may result in an increased number of submissions and potentially appeals to the Environment Court with subsequent costs.

#### ***Stakeholder and Community Interests:***

Landowners, Federated Farmers and the rural community.

#### ***Recommendation:***

This option is recommended to be applied in the Malvern Hills and potentially over part of the Outer Plains but consideration should be given to potential effects on rural character and future subdivision opportunities.



## 6.4 OPTION 4: Status Quo without exceptions, but with a change in density in the Malvern Hills and Outer Plains and some zone boundary realignment

Option 4 is a variation on option 3 above and again focusses on reduced minimum densities in the Outer Plains and Malvern Hills zones. In addition, this option considers changes to zone boundaries as set out in the Rural Character Assessment, these are summarized below:

- Change the boundary between the Port Hills zone and the Inner Plains zone, to follow the ONL / VAL boundary (from its current alignment that follows the 60m contour line)<sup>10</sup>.
- Change the references for the Port Hills zone upper and lower slopes to align with the ONL / VAL identification as well as the contour differentiation<sup>10</sup>.
- Change the boundary between the Inner Plains and Outer Plains zones to incorporate the more developed land where rural character has been compromised by recent development.
- Split the Outer Plains zone in two into an upper (western) and lower (eastern) part to identify the spatial extent of the Outer Plains Rural Zone that continues to provide the character of a rural working landscape.

### ***Effectiveness in Addressing Issues:***

The proposed change to the Port Hills zone and the Inner Plains zone would assist in maintaining the landscape values of ONL / VAL on the Port Hills, and the openness on the upper slopes and lower ONL slopes / spurs. It would also remove the potential for confusion in what areas have landscape values and whether that is related to height (contour).

Some initial investigation into the potential impact of the changes to the Port Hills area has been undertaken and the outcomes of this are set out in the table overleaf<sup>11</sup>. This indicates that based on the current location of the draft ONL/VAL boundaries, there would be very few properties where the subdivision regime would change significantly in a way that cannot be addressed through the application of the grandfather clause. It also indicates that if the grandfather clause is applied it would not result in significant levels of development.

<sup>10</sup> With the ONL/VAL boundary being proposed as part of a separate workstream.

<sup>11</sup> The data in this table has been provided by SDC and it should be noted that has not been ground truthed; the numbers are close approximates; the numbers don't take into account consented but unbuilt development; a lot of the parcels go across the zones, with many being majority IP with a portion of the parcel in the new VAL area, and the numbers not mutually exclusive i.e. property may have a mix of relevant zones.

Current zoning	Current minimum subdivision	Proposed identification	Proposed minimum subdivision	Implication	Number of properties affected	Number of properties developed	Number of applicable land-use grandfather clause properties	Residual effect
Upper Slopes	100ha	Visual Amenity Landscape	40ha	Decreased area required for subdivision - increased subdivision potential	11	7	N/A	4 properties are greater than 40 ha. and undeveloped, so more permissive regime
Lower Slopes	40ha	Outstanding Natural Landscape	100ha	Increased area required for subdivision - decreased subdivision potential	16	8	4 (40-100 ha.)	1 property is greater than 100 ha. and undeveloped, so development potential has been restricted
Inner Plains	4ha	Outstanding Natural Landscape	100ha	Increased area required for subdivision - decreased subdivision potential	15	10	5 (4-100 ha.)	N/A
Inner Plains	4ha	Visual Amenity Landscape	40ha	Increased area required for subdivision - decreased subdivision potential	104	69	31 (4-40 ha.)	4 properties are greater than 40 ha. and undeveloped, so development potential has been restricted

The extension of the Inner Plains zone would enable some properties that are currently outside of the Inner Plains zone to be subdivided into 4 hectare lots which would potentially reduce the productive potential of the land but would better recognise the actual use of the land. The reduced size of the Outer Plains zone combined with the lower density for the 'upper' outer plains area would enable a timely recognition of the change that has occurred since the current Plan was made operative and allow a line to be drawn strongly around maintaining the rural character that is present at this time. However, it is noted that this change in boundary alignment would provide for some additional subdivision that could increase residential density in these locations but whether this opportunity is taken up would depend on the market demand for such lots.

The division of the Outer Plains Zone into two parts would recognise the differing character of the 'upper' and 'lower' areas, and would partly address concerns regarding the increase in the minimum density standard. It would also reduce subdivision potential in the upper area, with benefits in terms of maintaining rural character but also a 40ha minimum lot size may become increasingly viable with access to irrigation, and more so if there is a change to intensive types of farming such as market gardening. This promotes the use of land for primary production activities.

***Risks:***

Any reduced opportunity for subdivision has the potential to impact on the financial viability of properties (although any such impact is not able to be quantified at this time).

***Budget or Time Implications:***

Reducing development potential may result in an increased number of submissions and potentially appeals to the Environment Court with subsequent costs.

***Stakeholder and Community Interests:***

Landowners, Federated Farmers and the rural community.

***Recommendation:***

This option is recommended as appropriate to address rural character issues, maintain the current rural character, provide for rural productive use and give effect to the RPS.

## 6.5 OPTION 5: Grandfather clause

The application of a grandfather clause (updated from the existing timeframes) would enable a dwelling to be built on any rural site that does not meet the minimum area requirement, where the site is at least 4ha and existed prior to or between defined dates. It is understood that, to date, the grandfather clause in the operative district plan has not been widely used but

continuing the approach could be appropriate in areas where a change in the minimum density is proposed.

***Effectiveness in Addressing Issues:***

This Option has the potential to enable further intensification of development across all the rural character areas with the ability to undermine rural character and landscape values. Its use in landscapes with high landscape value (e.g. Port Hills and High Country ONLs) may compromise rural character by enabling built development at a high density. It is also noted that significant use of the grandfather clause in landscapes with high productive values (Outer Plains) would erode their rural characteristics.

Such a clause could also potentially undermine the productive potential of the rural zones by removing land from production or increasing the possibility of reverse sensitivity effects. If productive capacity and rural character are the primary considerations, this would indicate that the grandfather clause should no longer be applied. However, the grandfather clause approach is an appropriate method in recognising situations where an existing development right is essentially removed by a change in the planning provisions and enables a level of development to occur.

***Risks:***

A proliferation of development to a higher density by applying the grandfather clause across the rural areas could compromise rural character and use of land for primary production. However, it is considered that this is a low risk given the limited use of the grandfather clause in the operative Plan, to date.

***Budget or Time Implications:***

Reducing development potential in some areas may result in an increased number of submissions and potentially appeals to the Environment Court with subsequent costs.

***Stakeholder and Community Interests:***

Landowners, Federated Farmers and the rural community.

***Recommendation:***

This option is only recommended to be applied in the lower, non-sensitive areas such as the Outer Plains and Malvern Hills to recognise the change in density. It can be considered for the Port Hills area also given the small number of properties to which it would apply.

## 6.6 OPTION 6: Open Space Covenants

This option would enable a flexible subdivision layout where a 4ha minimum allotment average is maintained across linked properties. The 4ha minimum for created allotments is necessary as this aligns with the RPS definition of rural activity and this would mean that the open space covenant approach could not apply to the Inner Plains zone (as is currently the case).

***Effectiveness in Addressing Issues:***

Overall building density would be maintained to the level proposed under Options 3 and 4, leading to appropriate landscape outcomes. Larger productive lots would also be maintained allowing rural character and productive uses to remain dominant. This addresses the issue of retaining the productive use of land while providing opportunities for other rural living options and flexibility of development approaches. However, the scale of such developments would need to be controlled through a consenting process.

The use of the open space covenant results in the ability for more lots (of all sizes) to be created due to the splitting-off of the 4ha allotment and balance lot within each minimum sized parcel. However, this will not result in additional development as future development would not be enabled on the balance lots.

***Risks:***

There is the potential for the use of open space covenants to result in significant effects on landscape values, where there is little ability to absorb change, if not sufficiently managed through a consenting process.

***Budget or Time Implications:***

Limiting the use of open space covenants to certain areas of the District may result in an increased number of submissions and potentially appeals to the Environment Court with subsequent costs.

***Stakeholder and Community Interests:***

Landowners, Federated Farmers and the rural community.

***Recommendation:***

This option is only recommended to be applied in the lower, non-sensitive areas such as the Outer Plains and Malvern Hills.

## 6.7 OPTION 7: Balance Lots and Clustering

This option would apply a balance lot and clustering approach to the minimum densities proposed, enabling flexibility of subdivision layout options. It would benefit from refinement of the existing clause to avoid unanticipated outcomes.

***Effectiveness in Addressing Issues:***

This option has similar benefits to Option 6 above. However, clusters would need to be located in parts of the landscape that can absorb change and do not undermine the rural character. This should be managed through a consenting process, noting that clusters at the scale applied in the operative Plan would not have a significant impact on rural character values.

The clustering clause results in the ability for a high number of lots (of all sizes) to be created due to the splitting-off of the 4ha allotments with one balance lot for each cluster. However, this will

not result in additional development as the balance lot would need to be retained as an undeveloped lot to continue to meet the intent of the rule. Again, this will assist in retaining the overall rural character and enable land to be used for productive purposes.

**Risks:**

There is the potential for the use of clustering/balance lots to result in significant effects on landscape values, where there is little ability to absorb change, if not sufficiently managed through a consenting process.

**Budget or Time Implications:**

Reducing development potential may result in an increased number of submissions and potentially appeals to the Environment Court with subsequent costs.

**Stakeholder and Community Interests:**

Landowners, Federated Farmers and the rural community.

**Recommendation:**

This option is only recommended to be applied in the lower, non-sensitive areas such as the Outer Plains and Malvern Hills.

## 7.0 Preferred Options for further engagement

The Project Team recommends that a combination approach be taken with a mix of the options to be explored with the wider community as set out below:

Area/Approach	Recommendation
Port Hills	<p>Realign the boundary between the Port Hills and the Inner Plains to follow the lowest landscape line reflecting the ONL / VAL boundary (Option 4).</p> <p>Remove reference to the upper and lower slopes and retain the base minimum allotment areas in the operative Plan in relation to the VAL/ONL areas. This would mean that the VAL area would have a density of 1 dwelling per 40ha, and the ONL area would have a density of 1 dwelling per 100ha (Option 1).</p> <p>Apply the grandfather clause (Option 5).</p> <p>It is recommended that additional work be undertaken during the public consultation period to determine the extent of change to specific properties.</p>
Inner Plains	<p>Retain a minimum 4ha density (Option 1).</p> <p>Change the boundary between the Inner Plains and Outer Plains zones to incorporate the more developed land where rural character has been compromised in the Outer Plains as a result of recent developments (Option 4).</p>

Outer Plains	<p>Split the Outer Plains zone into two parts: an upper (western) part and lower (eastern) part. The lower area would retain the current density of 20ha and the upper area would have a density of 40ha to reflect the more open rural character (highly productive landscape) of the upper area (Option 4).</p> <p>Apply the grandfather clause in the Upper Outer Plains (Option 5).</p> <p>Apply the Open Space Covenants / Balance Lots and Clustering in the Upper Outer Plains (Options 6 and 7).</p>
Malvern Hills	<p>Increase the minimum density from 20 to 40ha (Option 3).</p> <p>Apply the grandfather clause (Option 5).</p> <p>Apply the Open Space Covenants / Balance Lots and Clustering in the Malvern Hills areas (Options 6 and 7).</p>
High Country	Retain operative provisions (Option 1).

It is also recommended that further work is undertaken by the landscape planners to ground-truth and refine the boundary locations for the Port Hills, Inner Plains and Outer Plains areas to best reflect the areas that have changed significantly during the time of the operative District Plan.

It is recommended that decisions on boundary changes also be aligned with work being undertaken to determine appropriate Rural Residential zoned areas (separate workstream).

**Appendix 1:**

**Baseline Report “Rural Topic: Rural Character, Density and Business Activities” and  
Technical Report “Rural Character Assessment”**

**Link to Reports:**

[Rural Character, Density and Business Activities \[PDF, 10207 KB\]](#), 4 December 2017



**6c. Communications and Engagement Summary Plan – Rural Character and Amenity**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Rural Character and Amenity topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Rural Character and Amenity: Rural Density and Business Activities in Rural Zone – communications and engagement summary plan’

# RU201 Rural Character and Amenity: Rural Density and Business Activities in Rural Zone – communications and engagement summary plan

## Key messages

(as of 7 May 2018)

### Background

- A major review of the Selwyn District Plan is now under way. This includes a review of provisions which influence the character and amenity of the District's rural areas. Broken down, this includes the density of residential development within the rural zone, and appropriateness of particular types of businesses within the rural zone.

### Current status

- Depending on the underlying characteristics of a rural area, certain densities or lot sizes are prescribed by the District Plan to maintain the character of the area. These range from a minimum of four hectares per dwelling within the Inner Plains area and up to 120 hectares within the High Country area.
- There are exceptions to minimum lot sizes across all zones via:
  - 'grandfather' clause (enables a dwelling to be built on any rural site that does not meet the minimum area requirement, where the site is at least 4 hectares and existed prior to or between defined dates)
  - open space covenant, and/or
  - balance lots and clustering.
- When considering residential development within the rural zone, a key factor is that primary production needs to be given a higher priority in the rural zone and should not be compromised by inappropriate residential development.
- Regarding business activity within the rural zone, if there is not a requirement for the business to be located within the rural zone, then it should not be located there. However, current provisions aren't directive enough which potentially compromises rural character and primary production.

### About preferred option

#### Rural Density

- The draft changes aim to protect the existing character of the rural environment and primary production by either:
  - keeping the density for an area the same (eg High Country), or,
  - changing the density, where the density is too high for an area which is not as developed. .
- Draft changes include:
  - Changes to residential development density boundaries:
    - in the Port Hills to maintain the outstanding landscape values and to distinguish between areas identified as Visual Amenity Landscapes (and removing reference to the Upper and Lower Port Hills),
    - between Outer and Inner Plains (ie Inner Plains area is to increase) to recognise the residential development that has occurred in the Outer Plains area since the current Plan was made operative,
    - of Outer Plains by dividing it into two parts – upper (western) and lower (eastern) areas to recognise the differing character of these areas.
  - Minimum lot size in the upper Outer Plains area and Malvern Hills is to increase from a minimum of 20ha per dwelling to a minimum of 40ha.
  - Open space covenant and balance lot and clustering approach can only be applied to the lower areas of the district, such as the Outer Plains and Malvern Hills.
  - No changes to High Country.
- Grandfather clause stays unchanged.

#### Rural Business:

- The preferred option recommends minor draft changes to the current situation, with existing provisions being made clearer and stronger, to prevent inappropriate business development from occurring within the rural zone and to reinforce that the primary purpose of rural zone is primary production.
- Following the Council's approval of the preferred option, it will engage with partners to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. This will be prior to public consultation which will take place as part of the wider Rural Zone chapter later in the year.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	N/A	Affected landowners (Port Hills, Inner Plains, Outer Plains and Malvern Hills)	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)		Affected businesses (existing and prospective business operators)	News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Landowners/ occupiers	General public
Baseline assessments					
Preferred option development <sup>4</sup>					
Preferred option consultation					

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-May DPC	May	June	July <sup>5</sup>
ECan	Consulted with as part of the Baseline assessment		Preferred option report is shared and feedback sought	
Rūnanga	Consulted with as part of the Baseline assessment		Preferred option report is shared and feedback sought	
Landowners/occupiers			(will be consulted at the time of general public consultation)	
General public			Endorsed preferred options report is published on Your Say Selwyn	General consultation as part of Rural Zone matters
DPC		Preferred options report goes to DPC		

<sup>4</sup> Consultation was not carried out with external parties at this stage as the baseline report was a combination between a baseline and a preferred option report.

<sup>5</sup> This plan covers period until public pre-notification consultation on preferred options starts.

## **7a. Preferred Option Report – Rural Quarrying**

Author:	Amy Callaghan (GHD) and Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

### **Purpose**

To brief the Committee on the findings of the Quarrying Baseline Assessment, which provides an overview of the existing quarrying provisions in the Selwyn District Plan and the approaches undertaken by other nearby local authorities. The Preferred Option report further investigates how quarries could be managed in the new Proposed District Plan and recommends an approach for further development and engagement.

### **Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option for Quarrying for further development and engagement.”**

### **Attachments**

‘Preferred Option Report for Rural Quarrying’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

**DATE:** 19 March 2018

**TOPIC NAME:** Rural Quarrying

**SCOPE DESCRIPTION:** Phase 2 - Preferred Options Report for Rural Quarrying Provisions

**TOPIC LEAD:** Robert Love

**PREPARED BY:** Amy Callaghan – GHD Limited

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>How to provide for quarries in rural Selwyn through the District Plan</i>
<i>Preferred Option</i>	<i>Develop a new suite of objectives, policies and rules to provide for quarries in Selwyn as a discretionary activity.</i>
<i>DPC Decision</i>	



## 1.0 Introduction

This preferred option report is preceded by a baseline assessment that was prepared by GHD in February 2018 to provide an overview of the existing quarrying provisions in the Selwyn District Plan and the approaches undertaken by other nearby local authorities. A copy of the baseline assessment is included in Appendix A.

Selwyn District contains over 200 existing quarries ranging from small Council pits to large privately operated quarries. There are currently three existing large, privately operated quarries, at least one new application pending for a significant operation in process, and several quarry operators are actively looking at opportunities within the District across a range of resources including gravel and limestone.

Quarries have been established within the District over several years via a range of pathways. Some are historic dating back to the early days of development in the District, while others have been established in more recent years to provide resources for the District's rapid growth and demand for natural resources and for the Christchurch rebuild.

Historically, Selwyn District Council (SDC) owned and operated quarries have been provided for and protected by way of designations in the District Plan, or are relying on existing use rights. New commercially operated quarries have been established through the resource consent process, normally requiring a suite of resource consents from both SDC and Environment Canterbury. An example of this type of quarry is the Road Metals Company Limited 214 ha quarry on Wards Road/Sandy Knolls/Kerrs Road near Burnham, which was consented through the direct referral process to the Environment Court<sup>1</sup>.

The Canterbury Plains are a rich source of aggregate given the number of braided rivers that cross them, and the changing course of these rivers over thousands of years. A geological investigation undertaken in 2009 by Geotech Consulting Limited in conjunction with Twelfth Knight Consulting identified areas across the plains that are likely to contain the most suitable gravels and classed them as Areas A and B depending on their reliability. Selwyn District includes large areas of both classes which are generally located on the fringes of Christchurch City and either side of the Rakaia River.

Given the anticipated growth in the District, consequential growth in demand for aggregate resources and the pressure on existing quarries in neighbouring Christchurch City due to residential growth and groundwater limitations, it is anticipated that owners of existing quarries will continue to look for development opportunities, and that some private operators will look to establish new quarries within the District. SDC needs to consider whether it wants to facilitate growth in this industry within the District, and if so, how it is going to manage this increased demand. It is acknowledged that some of the District's demand for gravel is currently provided from river gravel. It is anticipated that these gravel takes will continue to play an important role in the provision of gravel resources to the growing district. However these takes are constrained by their location, and more specifically the transport costs associated with moving gravel from the riverbeds to the development location. Significant demand exists for resources that are located in close proximity to key development centres such as Rolleston and

---

<sup>1</sup> Road Metals Company Limited v SDC and CRC – Decision No [2012] Env C214 and Decision No [2013] NZEnvC085

Lincoln, and rebuild projects and growth in Christchurch City are also seeing demand increase in Selwyn District.

## 2.0 Summary of Issues

The key issues identified as part of this assessment are the tensions that exist within the current planning framework in relation to the establishment of new quarries and the expansion of existing quarries within this district. There is also the challenge of how best to provide for quarries within high quality gravel areas in close proximity to its demand while sufficiently mitigating adverse environmental effects associated with these activities.

## 3.0 Statement of Operative District Plan approach

As noted above, a number of consents have been sought for quarries in the District in recent years. These consents have enabled a high level of scrutiny of the existing District Plan provisions and in doing so have identified areas of tension between District Plan provisions and the development of quarrying in the District. The following provides a brief summary of how quarries are currently provided for and assessed in the Selwyn District Plan.

The current Selwyn District Plan was the first Plan for the District under the Resource Management Act 1991 and replaced the Paparua District Scheme, the Ellesmere County District Scheme and the Malvern County District Scheme which were prepared under the Town and Country Planning Act. The Plan is split into two volumes, the Township Volume and the Rural Volume. Given the rural nature of quarrying activities this analysis only deals with the Rural Volume of the existing District Plan.

Twenty three townships and several small pockets of houses are scattered throughout the rural area, with several small settlements provided for as part of the rural zone. As a result of previous subdivision provisions, the District also contains clusters of lifestyle properties (particularly within the Inner Plains area) that are occupied by a range of often sensitive land uses.

The dominant land use in the Rural Zone is farming but the Plan acknowledges that many other activities need to be recognised and provided for within this area as part of promoting the sustainable management of natural and physical resources. The District Plan notes that these activities include forestry, mining and quarrying (gravel, bentonite and limestone), community facilities, business activities, outdoor recreation, residential activities and conservation.

### 3.1 Zoning

The Rural Zone is not split into multiple subzones but rather is split into areas to manage specific activities. The Plan notes that ‘the different characteristics of the Plains have resulted in different land uses and intensity of subdivision and settlement’. These differences are reflected in the division of the Plains into Inner and Outer Plains for the management of subdivision and residential density.

## 3.2 Definitions

There are three key definitions associated with quarrying that are included in the District Plan. These are quarrying, industrial activity and rural activity.

Quarrying is defined as:

“to take, mine or extract, by whatever means, any rock, stone, gravel or sand existing in its natural state in land.” “To quarry” has a corresponding meaning.

Industrial activity is defined as:

*“any activity involving the manufacturing, production, processing, assembly, disassembly, packaging, servicing, testing, repair, direct handling, distribution and/or warehousing of any materials, goods, products, machinery or vehicles, but excludes mining, mineral exploration and quarrying and, for the avoidance of doubt, harvesting activities associated with plantation forestry.*

*For the purpose of this definition an industrial activity is further defined as being either of the following:*

**3.2.1.1.1** *Rural Based Industrial Activity: means an industrial activity that involves the use of raw materials or primary products which are derived directly from the rural environment, including agricultural, pastoral, horticultural, forestry, viticulture and crops.*

*Or*

**3.2.1.1.2** *Other Industrial Activity: means any other Industrial Activity that is not defined as a “rural based industrial activity” as stated in (a) above.”*

Rural Activity is defined as “the use of land or building(s) for the purpose of growing or rearing crops or livestock including forestry, viticulture and horticulture and livestock production and may include a dwelling.”

It is noted that the definition of “rural activity” in the Plan does not include quarrying. This is the case in many District Plans, and may continue to be appropriate for a range of reasons given the specific adverse effects to be managed in respect to quarrying. The definition of rural activity in the Regional Policy Statement in respect to the greater Christchurch area (which includes part of Selwyn District) specifically includes “quarrying and associated activities”. The definition is, however, supported by a carefully worded policy on rural production (Policy 5.3.12) and confirms the view that quarrying is to be managed to ensure that its effects on the rural environment are acceptable. This policy applies to ‘the wider region’ which excludes some parts of Selwyn District north of the Selwyn River.

Policy 5.3.12 states the following:

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

*1. avoiding development, and/or fragmentation which;*

*(a) forecloses the ability to make appropriate use of that land for primary production; and/or*

*(b) results in reverse sensitivity effects that limit or precludes primary production.*

*2. enabling tourism, employment and recreational development in rural areas, provided that it:*

*(a) is consistent and compatible with rural character, activities, and an open rural environment;*

*(b) has a direct relationship with or is dependent upon rural activities, rural resources or raw material inputs sourced from within the rural area;*



*(c) is not likely to result in proliferation of employment (including that associated with industrial activities) that is not linked to activities or raw material inputs sourced from within the rural area; and*  
*(d) is of a scale that would not compromise the primary focus for accommodating growth in consolidated, well designed and more sustainable development patterns.*  
*and;*  
*3. ensuring that rural land use intensification does not contribute to significant cumulative adverse effects on water quality and quantity.”*

These key definitions in the Plan identified above were heavily debated as part of the consent process for the Road Metals quarry in Burnham because the definition of quarrying does not include screening and processing activities that often go with quarrying activity. These activities are required to be classified as either a ‘rural based industrial activity’ or ‘other industrial activity’. In the Outer Plains “other industrial activities” are a non-complying activity, but “rural-based industrial activities” are discretionary activities. The determination of whether the concrete batching plant associated with the Road Metals proposal was a rural-based industrial activity or an “other industrial activity” impacted significantly on the consideration of the application, with the Judge determining that it was a rural-based industrial activity.

Overall, it is considered that in this District Plan Review the opportunity to clarify the definitions associated with quarrying activity and associated processing activities should be given priority, as this will increase certainty to both quarry developers and adjoining landowners for future quarry developments.

### 3.3 District Policy Framework

Part B of the Rural Volume sets out the policy framework for the rural area and is split into four subsections, these being: natural resources, physical resources, people’s health, safety and values and rural growth.

Under the hierarchy set out in the Resource Management Act, these objectives and policies must give effect to the higher order planning documents, specifically the Regional Policy Statement. The relevant regional objectives and policies are discussed in Section 3 of this report.

The natural resources section seeks to protect and maintain the life supporting capacity of soils and avoid activities that have the potential to result in contamination of the soil resource. Policy B1.1.7 specifically provides for the removal of large quantities of topsoil from sites in situations where the topsoil will be replaced, and the site replanted when the activity ceases. The question of appropriate rehabilitation is an important consideration for any quarrying provisions in the District Plan Review.

Objectives and policies seek to manage land use activities (particularly earthworks) to protect water quantity and quality and natural character, and to provide for the special interest of Tāngata Whenua in resource management issues relating to water. Policy 1.3.4 specifically seeks to manage activities which may result in surface runoff of contaminants or leaching of contaminants into groundwater.

The physical resources section includes objectives and policies that aim to avoid or mitigate the adverse effects of new or expanded activities on state highways and arterial roads, and recognises that some upgrading of infrastructure will be required to provide for new/expanded activities. Objective B2.1.1 seeks that new land uses do not compromise the safe and efficient operation of roads.

In relation to quarrying the People's Health, Safety and Values section contains objectives and policies associated with the handling and storage of hazardous substances and the potential effects on human health, the amenity of the rural environment and the natural environment of these activities. It also includes policies associated with noise generating activities and seeks to ensure that continuous or regular noise is not at a level that disturbs people indoors on adjoining properties. Policy 3.4.19 seeks to mitigate nuisance effects caused by dust from earthworks and stockpiling of material.

Finally, this section also sets out objectives and policies that seek to provide for a rural area that is a pleasant place to live and work in. Objectives acknowledge the need to provide for a variety of activities in the rural area while maintaining the rural character and avoiding reverse sensitivity effects. The section notes that the rural area has a character that is distinct from townships and that people value the rural outlook. Policies and rules aim to maintain the quality of the environment through managing effects such as noise, vibration, outdoor signage, glare and odour. They allow for day to day farming and other activities that have effects typical of a rural area, but manage activities that have potentially more adverse effects. The rural area is recognised as principally a business area rather than a residential area.

Objective B3.4.2 recognises that the Rural Zone is an area where a variety of activities take place including primary production, outdoor recreation, a variety of business activities and residential activities and community facilities. This Objective seeks to recognise that while a variety of activities may be appropriate, rural character must be maintained and potential reverse sensitivity effects avoided.

Policy B3.4.4 relates specifically to the Inner Plains area and seeks to ensure that effects of "rural based" industrial activities are avoided, remedied or mitigated to the extent that the adverse effects are no more than minor.

Policy 3.4.16 seeks to mitigate nuisance effects associated with dust from earthworks or stockpiled material. This policy does not intend to prevent activities from occurring, but rather requires steps to be undertaken to reduce dust nuisance.

The Rural Growth section considers reverse sensitivity effects. These objectives and policies attempt to avoid reverse sensitivity effects by maintaining a low level of residential density within the rural area and protecting lawfully established activities from other activities locating in close proximity to them.

Overall, while there are objectives and policies that provide for non-agricultural rural activities there are no objectives or policies which specifically provide for quarrying in the District. Notwithstanding this, there are a plethora of general objectives and policies that can be applied to quarrying activities in Selwyn District.

### 3.4 Rules Framework

The Rural Zone rules framework is 'effects based' in that it focuses on the effects of the activity rather than the type of activity. The exception is a small number of listed activities that require assessment as a discretionary activity or non-complying activity, owing to the nature of effects associated with them. The following is a summary of the key rules associated with a typical quarrying activity. It is not intended to be a comprehensive list of all relevant rules in the Plan that may apply to quarries due to the varied nature of quarry activities and the environments within which they may locate.

Section 9 – ‘Activities’, classifies ‘other’ industrial activities as a non-complying activity in both the inner and outer plains.

‘Rural based’ industrial activities are listed as permitted provide that two conditions are met including maximum building coverage (100m<sup>2</sup>) and maximum number of FTE staff (2). If either of these conditions are not met the activity is discretionary if it is located in the Outer Plains area, or non-complying if it is within the Inner Plains.

Rule 9.13 relates to activities and vehicle movements and sets the maximum number of vehicle movements to any state highway or arterial road that is maintained by the Council at 30 ecm/day (equivalent car movements per day) averaged over one week and 60 ecm/day for local and collector road. Any activity exceeding these limits must be assessed as a discretionary activity. Only the smaller quarries in the District would meet these requirements given that a truck is equivalent of 6 ecm.

Rule 9.16 sets the noise limits at any living zone boundary and at the notional boundary of any dwelling, rest home, hospital or classroom in an educational facility in the rural area. The daytime noise limits apply to the hours of 7.30am-8.00pm and night time noise limits the hours of 8.01pm to 7.29am. Any activity not complying with these noise standards requires assessment as a discretionary activity. With adequate bunding and setbacks many quarry sites could meet these requirements or provide additional mitigation measures. However, the hours of operation attached to the noise limits can be problematic for many quarry products which are required for early morning delivery to construction sites.

Section C1 includes rules relating to earthworks volumes, setbacks volume and site rehabilitation and provides for a range of earthworks activities as permitted. Quarrying activity would nearly always exceed these thresholds. While there are no specific rules associated with dust, assessment criteria include the potential for dust nuisance from stockpiled material.

Section C3 sets out rules relating to the construction of buildings and site coverage. These rules limit the size of any building to 35% of the allotment, or 500m<sup>2</sup>, whichever is lesser for allotments less than 1ha in area, or 5% for all other allotments. These rules are not problematic for quarrying activities.

Overall, given the range of activities that are likely to take place as part of a typical quarry activity it is likely that a quarry would require consent (as a minimum) as a discretionary activity and possibly as a non-complying activity. This depends on the extent of any associated processing activities, the location of the site (Inner Plains vs Outer Plains) and interpretation of the definitions related to industrial activities. Specifically, the activity status is contingent on whether the processing and screening activities associated with quarry activities are Rural Based Industry or Other Industry. While the Road Metals decision discussed earlier assists with this interpretation, it will be more effective and efficient in terms of Section 32 of the RMA for the Proposed District Plan to address this specifically to reduce the tension that exists between the quarrying and related activity and the Plans’ objectives and policies.

## 4.1 Summary of relevant statutory and/or policy context and other background information

### 4.1 Canterbury Regional Policy Statement

The CRPS became operative on 15 January 2013, and provides an overview of the resource management issues for the region. It contains issues, objectives, policies and methods to achieve integrated management of natural and physical resources. Chapter 5 (Land-Use and Infrastructure), Chapter 6 (Recovery and Rebuilding of Greater Christchurch), Chapter 7 (Freshwater), Chapter 14 (Air Quality), and Chapter 15 (Soils) of the CRPS contain objectives and policies which are relevant to the development of new quarrying provisions within Selwyn District. The Proposed District Plan must 'give effect' to these objectives and policies.

Of particular note is the definition of Rural Activities for Greater Christchurch, which is as follows:

*means activities of a size, function, intensity or character typical of those in rural areas and includes:*

- *Rural land use activities such as agriculture, aquaculture, horticulture and forestry.*
- *Businesses that support rural land use activities.*
- *Large – footprint parks, reserves, conservation parks and recreation facilities.*
- *Residential activity on lots of 4 ha or more.*
- ***Quarrying and associated activities.***

*Strategic infrastructure outside of the existing urban area and priority areas for development.*

This definition, along with the policy provisions applying to the wider region discussed above, confirms the overall position in the RPS that quarrying is one of a range of activities that typically occurs in the rural area. It will be important for the District Plan Review to give effect to this direction in developing the objective and policy framework for the rural area including quarrying activities.

The general themes of these chapters are as follows:

- Chapter 5 includes issues, objectives and policies some of which apply across the whole region and focus on development which results in change to urban, rural-residential and rural areas together with the infrastructural services which support development. Policy 5.3.12 aims to maintain and enhance natural and physical resources contributing to the rural productive economy, and seeks to enable development provided that it has a direct relationship with, or is dependent on rural activities, rural resources or raw materials sourced from the rural area. As noted above this applies to the wider region which excludes some parts of the district north of the Selwyn River.
- Chapter 6 seeks to enable and support earthquake recovery and rebuilding for the Greater Christchurch area through to 2028. Policy 6.3.9 provides for new rural residential development provided reverse sensitivity effects with adjacent rural activities including quarrying and agricultural research farms or strategic infrastructure are avoided. It is noted that this chapter only applies to the portion of the District located within Greater Christchurch as shown on the Map included in Appendix B.

- Chapter 7 seeks to ensure that the quality of water bodies, including groundwater bodies, is not degraded by changes in land use (Objective 7.2.3 and Policy 7.3.7). Chapter 7 also seeks to manage allocation of freshwater to avoid inefficient use. Objective 7.2.1 and Policy 7.3.5 seek to manage effects of land use activity on flows within surface waterbodies and the recharge of groundwater.
- The general policy direction of Chapter 14 is the maintenance and enhancement of air quality values, and locating discharging activities away from sensitive activities unless adverse effects can be avoided or mitigated (Policy 14.3.5).
- Chapter 15, particularly through Objective 15.2.1 and Policy 15.3.1, recognises the need to maintain soil quality and avoid, remedy or mitigate soil degradation.

The overall direction of the RPS in relation to quarrying is the management of land use activities in a way that avoids reverse sensitivity effects and protects groundwater resources both in terms of quality and quantity. It also focuses on the sustainable management of land once quarrying ceases.

With respect to air discharges the RPS provides a framework that favours the separation of activities that discharge contaminants to air while providing for them to be located in closer proximity when adequate alternative mitigation is available.

The operative Plan pre-dates the RPS and has a level of inconsistency with the newer framework set out in the RPS. It fails to appropriately recognise and provide for ‘quarrying and associated activities’ as one of a range of activities that typically occur in the rural environment. . Policy 5.3.12 of the RPS seeks to ensure that provision for “quarrying and associated activities” are subject to appropriate management that internalises significant adverse effects associated with new quarries and avoids issues associated with reverse sensitivity for existing quarries in the rural area.

## 4.2 Land and Water Regional Plan

The Land and Water Regional Plan (LWRP) contains a suite of objectives, policies and rules that give effect to the direction set out in the RPS in relation to land and water resources. With respect to quarrying these are generally focussed on protecting water resources from contamination, and relate to the storage of hazardous substances and separation distances between groundwater and quarrying activities.

Policies 4.93 and 4.94 specifically recognise the value of quarrying to the region and seek to enable quarrying provided that any adverse effects can be sufficiently mitigated. Given the depth to aquifers in Selwyn District in many instances quarries are unlikely to require regional consents for bulk earthworks but may require consent for services infrastructure such as water supply, stormwater, wash-water discharges and the storage of hazardous substances. An additional suite of consents may be required for quarries establishing close to a water race, stream, wetland or lake. Furthermore it is noted that in some instances consent will also be required for the deposition of material (cleanfill) as part of the site rehabilitation process.

## 4.3 Canterbury Air Regional Plan

The Canterbury Air Regional Plan (CARP) provides the regional framework for managing air discharges within Canterbury. It includes objectives, policies and rules relating to air discharges from the handling of bulk materials as well as cleanfills and unconsolidated surfaces. Policies 6.9-6.12 focus on avoiding or

mitigating adverse effects on sensitive activities taking into account district plan zonings and the internalisation of air discharge effects within sites. Most quarrying activities will require a suite of resource consents under the CARP for the handling and storage (stockpiling) of bulk materials and discharges from unconsolidated surfaces.

Rule 7.32 provides for discharges from unconsolidated surfaces as a permitted activity provided that a dust management plan is prepared and the discharge does not cause offensive or objectionable effects beyond the boundary of the site. Failure to comply with this requirement results in the activity being assessed as a non-complying activity.

Rule 7.35 provides for discharges from the handling of bulk solid materials as a permitted activity provided a number of conditions are met. This includes a maximum rate of handling (100t/hr), the preparation of a dust management plan, and a setback of 200m from any sensitive activity. The outdoor storage of bulk materials is also provided for as a permitted activity under Rule 7.36 subject to limits on particle size, discharges beyond the boundary, compliance with a dust management plan and a setback of 100m from any sensitive activity. Provided that there are no objectionable or offensive effects beyond the boundary of the site, any activity that does not meet the standards of rule 7.35 or 7.36 requires consent as a restricted discretionary activity with Councils discretion limited to the following:

- The content of the management plan to be implemented; and
- The frequency of the effects of the discharge; and
- The intensity of the effects of the discharge; and
- The duration of the effects of the discharge; and
- The offensiveness of the discharge; and
- The location of the effects of the discharge; and
- The matters set out in Rule 7.2; and
- Mitigation methods available to minimise any actual or potential environmental effects on the efficacy of the package of conditions.

Air quality is acknowledged as one of the key areas of overlap and potential duplication under the current national resource management framework. Regional councils have a role to manage the effects of dust and odour as they relate to the discharge of contaminants and the effects of those contaminants, while territorial authorities have a role to manage the amenity effects associated with dust and odour discharges. As part of the current planning framework within Canterbury, most quarry applications are subject to scrutiny and consent conditions relating to air quality from both regional and territorial authorities. Within Selwyn District most quarry applications include an assessment of the potential nuisance effects associated with dust discharges as a result of the objective and policy framework and assessment criteria. This effect is also considered as part of the regional air discharge consent.

## 5.1 Summary of alternative management responses – Other Districts

### 5.1 Christchurch City

The Christchurch District Plan (CDP) recognises quarrying as a rural activity and has a legacy Quarry Zone that encompasses part of the wider rural area. A large number of substantial quarries are located within this zone, however limited scope for growth exists. Objectives and policies focus on protecting the amenity values of surrounding rural area and are particularly concerned with quarry site rehabilitation and end use. Within the Rural Quarry zone quarrying is a permitted activity provided that a range of development controls are met. This includes provision for some limited night-time operation and requirements for bunding and amenity planting, the development of a quarry site rehabilitation plan, and setbacks for crushing machinery. It is noted that as a legacy Quarry Zone it encompasses historic quarries in Christchurch City.

Outside of the Quarry Zone quarries are provided for as a discretionary activity within the Rural Zone provided that a 250m setback is achieved between the site and a residential zone or Specific Purpose (School) Zone boundary. If this setback is not achieved the activity is assessed as a non-complying activity.

Quarrying activity is defined in the CDP as:

*“the use of land, buildings and plant for the purpose of the extraction of natural sand, gravel, clay, silt and rock, the associated processing, storage, sale and transportation of those same materials and quarry site rehabilitation. It may include:*

- 1. earthworks associated with the removal and storage of over-burden;*
- 2. extraction of natural sand, gravel, clay, silt and rock materials by excavation or blasting;*
- 3. processing of those extracted materials by screening, crushing, washing and/or mixing them together;*
- 4. the addition of clay, lime, cement and recycled/recovered aggregate to extracted materials;*
- 5. ancillary aggregates-processing activity;*
- 6. workshops required for the repair of equipment used on the same property;*
- 7. site management offices;*
- 8. parking areas;*
- 9. landscaping; and*
- 10. quarry site rehabilitation and any associated clean-filling.”*

### 5.2 Hurunui District

Like Selwyn District, the Hurunui District spans a range of different geological environments and as such contains a variety of different quarrying activities including gravel, limestone and sand.

The Proposed Hurunui District Plan is expected to be made operative shortly with the only outstanding appeal relating to the mapping of waterbodies. The Proposed Plan recognises quarrying as a rural activity

and includes specific objectives and policies that set out the key issues requiring consideration. The Proposed Plan provides for small scale quarrying and mining as a permitted activity in the rural area with larger scale quarrying requiring assessment as a discretionary activity subject to setbacks from sensitive zones of 500m.

Quarrying is included as ‘mineral extraction’ with mineral extraction activities defined in the Proposed Plan as:

*“means activities carried out at a quarry or mine, and includes:*

- *blasting;*
- *excavating minerals;*
- *processing minerals by crushing, screening, washing or blending;*
- *storing, distributing and selling mineral products;*
- *removing and depositing overburden;*
- *treating stormwater and wastewater;*
- *cleanfilling, landscaping and rehabilitation works; and*
- *recycling or reusing aggregate from demolition waste such as concrete, masonry, or asphalt.”*

### 5.3 Waimakariri District

The Waimakariri District, like Selwyn and Hurunui, contains a variety of different quarry activities including gravel, sand and limestone. The Waimakariri District Plan (WDP) is currently under review with Council seeking feedback on their issues and options analysis. At present the plan provides a broad policy framework for the extraction of minerals in the Rural Zone. While it is recognised as a rural land use, there are activity specific objectives or policies to support any application made under the plan.

Quarrying within the Rural Zone is provided for as a restricted discretionary activity, with Council’s discretion limited to the following:

- “i. final contours and ground levels resulting from excavation;*
- ii. location of plant and structures;*
- iii. vehicle circulation on-site from the area of disturbance or quarry face to the road;*
- iv. identification of the area used for processing, stockpiling and distribution of disturbed or quarried material;*
- v. drainage;*
- vi. measures to avoid, remedy or mitigate adverse effects on the surrounding environment including noise, dust, siltation, visual detracting and traffic generation;*
- vii. contingency provisions and emergency response procedures;*
- viii. remediation and restoration proposals for the site;*
- ix. the short and long term effects on flood potential beyond the earthworks;*



- x. for East Woodend Outline Development Plan area those matters over which control is exercised for controlled activities in Chapter 32: Subdivision – Rules;*
- xi. impacts on the operation, maintenance, upgrade and development of the National Grid;*
- xii. technical advice provided by Transpower;*
- xiii. the risk to the structure and integrity of the National Grid;*
- xiv. the risk of electrical hazards affecting public or individual safety, and the risk of property damage;*
- xv. compliance with NZECP 34:2001 “New Zealand Electrical Code of Practice for Electrical Safe Distances”; and*
- xvi. financial contributions as set out in Chapter 20: Financial Contributions and Chapter 34: Financial Contributions – Rules and development contributions as set out in Waimakariri District Council’s Development Contributions Policy.”*

Quarrying and/or mineral extraction are not defined in the WDP.

## 5.4 Ashburton District Plan

The Ashburton District Plan (ADP) became operative in August 2014 and provides for quarries within the Rural Zone as a discretionary activity. The ADP states that the purpose of this rule is to ensure that the effects of activities associated with mineral extraction or quarrying are avoided remedied or mitigated. It is especially relevant to those effects associated with amenity, landscape, geo-conservation or natural conservation values and cultural values of Tāngata Whenua. This Council seeks to maintain discretion as to whether mineral extraction or quarrying should proceed and if so, impose conditions to mitigate adverse effects. The objective and policy framework that supports this is broad and general and not specific to quarrying as a rural activity and in this respect is similar in approach to the operative Selwyn Plan.

Mineral extraction is defined in the plan as

*“the use of land and / or buildings for a purpose that results in the extraction, winning, quarrying, excavation and/or associated processing of minerals; and includes prospecting and exploration, excavation, blasting, crushing, screening, washing, blending, processing, storage, deposition of overburden, treatment of waste water and rehabilitation of sites.”*

## 5.5 Summary

Overall, it is considered that a degree of consistency exists across other Districts in the Region, in that quarrying is anticipated and provided for in the rural environment where its adverse effects can be internalised. These other Districts are reasonably consistent with their definitions of quarrying including some associated processing of material. The ADC definition is considered to be particularly helpful in that it is clear and concise and provides for an appropriate range of associated activities.

## 6.0 Summary of Options to address Issues

### 6.1 OPTION 1 Retain the Status Quo

#### ***Effectiveness in Addressing Issue:***

The existing provisions have been in place for several years and have been tested through the resource consent process on several occasions. The Road Metals decision identifies a number of challenges associated with the current rules. These challenges align with the feedback that was provided through consultation and analysis of the existing provisions.

In summary, the operative Plan fails to recognise quarrying as a rural activity and it does not provide a robust framework for assessing new activities. The operative Plan definitions create uncertainty as to the activity status of new activities and fails to recognise the associated activities that go hand in hand with the primary extraction activity. The objectives and policies do not assist in the decision making process due to their general nature and lack of overt support for quarrying activity where adverse effects can be avoided or mitigated. This creates uncertainty for quarry operators and residents of both the rural and urban environment.

#### ***Risks:***

The primary risks associated with retaining the status quo relate to the uncertainty that the current provisions afford. This has the potential to result in quarry operators seeking consent for sites close to sensitive activities.

#### ***Budget or Time Implications:***

While this option would be efficient both in terms of cost and timeframe as it relates to the District Plan review process, it has the potential to result in significant longer term costs to Council with staff tied up in lengthy consent processes as applications for new quarries are considered due to the uncertainty arising from the quarrying definition and its failure to recognise ancillary quarrying activities. It also results in uncertainty and costs for neighbouring land owners who face challenges in opposing poorly presented applications.

#### ***Stakeholder and Community Interests:***

As part of the consultation process undertaken to date concerns were expressed by the quarry industry about the uncertainty that exists within the current planning framework. Concerns relate to the lack of clarity around activity status and the failure of the current District Plan to recognise the range of activities that occur as part of a quarry operation. Greater certainty was sought from the quarry industry with respect to activity status, definitions, management plans rehabilitation and future land use options.

#### ***Recommendation:***

Based on the analysis that has been undertaken and the results of consultation, the current framework is considered to lack the degree of certainty expected by both the quarry industry and the community. As such retaining the status quo is not considered to be the most efficient or effective means of providing for quarrying within the district.

## 6.2 OPTION 2 – Create a Quarry Zone

### ***Effectiveness in Addressing Issue:***

As an alternative to the existing provisions, the Council may consider a specific quarry zone and provide for new quarries within this zone. This approach would provide a higher level of certainty to rural and residential property owners as to the activities that could establish in proximity to them and reduce the tension between quarries and more sensitive activities. This approach would also enable buffers to be introduced around these zones.

### ***Risks:***

Given the large number of existing quarries in the District it would be difficult to produce rules that capture all of the individual site specific requirements. Furthermore, it is noted that adverse effects from quarries can be difficult to manage and much of the effective environmental mitigation comes through good management by the quarry operator. This will be difficult to capture in a general suite of rules.

Another concern with this approach is that it would ‘pick winners’ potentially at the expense of those immediate neighbours and potentially at the expense of allowing the market to determine appropriate locations for quarries. This approach may also result in a cluster of quarries in one location with significant adverse effects on the surrounding environment.

It is considered that it would likely be difficult to get new quarry zones accepted through the district planning process without significant litigation. Any section 32 assessment would also need to evaluate the effect of this strategy on land prices and the benefits and costs to adjoining landowners.

### ***Budget or Time Implications:***

The development of this approach would require a significant investment by the Council to identify those areas of high quality gravels that are suitable for a quarry zone and to ensure that sufficient land was zoned in this manner to provide for growth in the district. Given the size of the District this would be a significant piece of work that would require a considerable time and financial commitment.

### ***Stakeholder and Community Interests:***

This option was explored in some depth as part of the Christchurch City Council district plan review process. Through this process the quarry industry opposed this approach because it had the effect of increasing land prices within zoned areas.

### ***Recommendation:***

Overall, this approach presents Council with a number of risks associated with both timeframe and cost and has the potential to attract significant opposition from quarry operators and the wider community. As such it recommended that no further consideration of a specific quarry zone be undertaken.

The third option is to provide for quarrying throughout the District's rural area as a discretionary or restricted discretionary activity, consistent with other District Plans in the wider Canterbury Region. This would recognise quarrying as a rural activity, albeit one that has the potential to result in adverse effects on the environment that must be avoided, remedied or mitigated. As part of this option it would be critical to better define quarrying and its associated activities to provide certainty as to what activities are and are not captured by the provisions. It would also be critical to provide a robust policy framework to support these provisions. It may also be appropriate to include a 'high quality gravels overlay' or similar that signals those areas where quarrying is anticipated and to protect those areas from rural residential fragmentation. This overlay would be supported by an appropriate policy framework.

***Risks:***

The primary risk associated with this approach is the lack of certainty that it provides to residents and other sensitive land uses as to the likely location of any future quarry. It also poses challenges for Council in planning infrastructure to support quarries and to quarry operators trying to secure land.

***Budget or Time Implications:***

This approach would enable new quarry provisions to be developed collaboratively as part of the district plan review process. The nature of quarrying is such that there are a number of cross over areas with other parts of the district plan including noise, earthworks, traffic and dust and the opportunity exists through this process for efficiencies to be achieved with respect to the development of new provisions and for a comprehensive suite of provisions to be developed. It is noted that a 'high quality gravels overlay' would require some resources in order to further develop the Twelfth Knight maps, notwithstanding this, the option could proceed on its own merit without the inclusion of an overlay.

***Stakeholder and Community Interests:***

This option has been discussed with the quarry industry and with Environment Canterbury. Both are supportive of the approach subject to quarrying being appropriately defined. Further it is noted that opportunities exist to delegate some of Council's functions with respect to air discharges to Environment Canterbury in certain circumstances, subject to Environment Canterbury approval. Community feedback will be sought as part of the community consultation phase of this project scheduled for July 2018.

***Recommendation:***

This approach presents Council and the community with an effective means of considering each new quarry application on its merits taking into account the nature of the receiving environment and surrounding land uses as well as the suite of mitigation proposed by the applicant. It is recommended that this option be progressed in consultation with Environment Canterbury, Iwi, local quarry operators and the wider rural community. While an overlay should be considered as part of this package it is not integral to the option as a whole and could be included or discarded at any time as the option is developed further.

## 6.4 OPTION 3b – Provide for Quarrying as a Discretionary Activity provided that it complies with required setback distances

### ***Effectiveness in Addressing Issue:***

The fourth option is to provide for quarrying throughout the District's rural area as a discretionary or restricted discretionary activity, consistent with other District Plans in the wider Canterbury Region provided that it complies with a required setback distance from sensitive activities (and as a non-complying activity if it breached the required setback distance). This would recognise quarrying as a rural activity, albeit one that has the potential to result in adverse effects on the environment if it is located too close to sensitive activities.

### ***Risks:***

The primary risk associated with this is that it becomes a pseudo zone which has the potential to affect land values.

### ***Budget or Time Implications:***

As with option 3a this approach would enable new quarry provisions to be developed collaboratively as part of the district plan review process. The nature of quarrying is such that there are a number of cross over areas with other parts of the district plan including noise, earthworks, traffic and dust and the opportunity exists through this process for efficiencies to be achieved with respect to the development of new provisions and for a comprehensive suite of provisions to be developed.

### ***Stakeholder and Community Interests:***

This option has been discussed with the quarry industry and with Environment Canterbury. Both are supportive of the approach subject to quarrying being appropriately defined. Further it is noted that opportunities exist to delegate some of Councils functions with respect to air discharges to Environment Canterbury in certain circumstances, subject to Environment Canterbury approval.

### ***Recommendation:***

This approach presents the Council and the community with an effective means of considering each new quarry application on its merits taking into account the nature of the receiving environment and surrounding land uses as well as the suite of mitigation proposed by the applicant while providing a buffer between quarries and sensitive activities. It is recommended that this option be progressed in conjunction with Option 3 above (i.e. a suite of rules that provide for quarrying in the rural zones as a discretionary activity and may or may not include a supporting overlay and setback requirements) and in consultation with Environment Canterbury, Iwi local quarry operators and the wider rural community.

## 7.1 Summary of stakeholder engagement to date

### 7.1 Overview

To date consultation has focused on the quarry industry, Environment Canterbury and Christchurch City Council. This consultation is outlined below. Further consultation that includes the community, landowners and iwi is recommended before a preferred option is advanced through the District Plan Review process.

### 7.2 Quarry Industry

A meeting was held with Canterbury Aggregate Producers Group (CAPG) representatives on Tuesday 7 November 2017. The meeting with CAPG focused on obtaining as much feedback as possible on the challenges faced by industry operators establishing operating quarries in Selwyn District, and specifically in relation to the challenges under the existing regulatory framework.

Feedback from CAPG centred around four key themes: the definition of quarrying in the operative Plan, future use of quarry sites, duplication of assessment under District and Regional Plans and silica monitoring. In addition, representatives from CAPG indicated that they were comfortable with quarrying being a discretionary activity throughout the rural area provided that there is an appropriate objective and policy framework in place.

#### Definition of Quarrying

CAPG felt that quarrying needed to be recognised and provided for as a rural land use, and raised concerns about the narrow focus of the existing definition of quarrying within the District Plan and the limitations it imposes. They highlighted that quarrying rarely involves simply the extraction of material from the ground but also a wide range of associated activities including the following:

- Clean filling/rehabilitation
- Processing
- Mixing/blending
- Storage and conveyance
- Site establishment
- Weighbridges and internal roads
- Sewer
- Water storage/tanks
- Machinery parks/storage
- Light engineering/workshops
- Hazardous substance/fuel storage
- Mobile refuelling
- Settling ponds/washing processing
- Truck parking

- Fixed and mobile plant
- Retail
- Lighting
- Extended hours of operation (some 24/7 scenarios)

They expressed a desire to be able to continue with existing rural uses while the quarry activities are developed. The representatives from CAPG noted that the hours for daytime and night-time noise limits make it difficult for quarries to meet the needs of their customers.

#### Future Use

It was identified that as part of the resource consent process operators are often locked into a method of site rehabilitation that limits or attempts to anticipate the future land use of the site that is often 20-30 years into the future CAPG representatives expressed a need for the 'door to not be shut' on a range of possible future land uses as community needs and desires change over time, while still facilitating the eventual rehabilitation of the site in some form. A number of possible end uses including biodiversity banks, public facilities, sports facilities and energy generation were proposed.

#### Duplication of Provisions

The duplication of provisions under the District and Regional Plans was also discussed. A need for clarity and clear demarcation between the roles of the individual authorities especially in relation to air quality was recognised. As discussed earlier, under the RMA both regional and district councils have responsibility for matters relating to air discharges/contaminants and in the operative Selwyn District Plan this includes nuisance effects associated with dust discharges. However, Section 33 of the RMA enables transfer of powers which could be investigated as part of this review process.

#### Silica Monitoring

In 2017 residents living near a number of Christchurch quarries raised concerns about the long term health effects from silica dust that is generated by quarrying activities. In response to these concerns Environment Canterbury and local quarrying operators have been involved in a monitoring programme to monitor and assess the level of silica dust in key locations. CAPG representatives advised that further meetings are being held with Environment Canterbury to look at the results to date, and that monitoring is set to continue over the summer, including specific sampling locations. It is hoped that the end result will enable the assessment of potential separation requirements between quarries and sensitive receptors. This will be useful for SDC in setting setback distances under the options discussed above. It is noted that this monitoring is ongoing. Recent reporting has indicated exceedences of the PM10 and PM2.5 guidelines. The preliminary respirable crystalline silica monitoring results are expected in July.

## 7.3 Christchurch City Council

Discussions were held with Christchurch City Council (CCC) Planners regarding their experience developing new quarry provisions for the District Plan. Adele Radburnd was responsible for the rural quarries section of the Replacement District Plan. Ms Radburnd advised that CCC considered three broad options including: expanding the existing quarry zone, a floating zone and providing for quarries as a discretionary activity. They ultimately reached the view that a broader quarry zone does not work well given the number of rules that are necessary to mitigate effects.

Ms Radburnd indicated that the quarry industry were opposed to a zoning approach as it had the effect of increasing land values. She stressed the importance of planning for site rehabilitation and end use from day one and indicated that this was supported in the District Plan hearings by industry experts. Ms Radburnd proposed a quality gravels overlay approach as a means of protecting gravel resources from more intensive residential development. This was ultimately removed from the Christchurch District Plan through the hearings process.

It is noted that the new Christchurch District Plan provisions have recently been tested in the Environment Court with the Harewood Gravels decision. The Christchurch City Council originally granted the application, however, this was overturned in the Environment Court. The main reasons for this are summarised in the following synopsis:

*The Court addressed the strategic direction of the plan and the relevant objectives and policies noting that, although quarrying was a rural productive activity, this did not mean it was necessarily appropriate at the site and that the proposal was to be assessed on its merits in light of the plan objectives. The plan required decision-makers to ensure that the nature, scale and intensity of an activity recognised the natural and physical resources, character and amenity values of rural land, and to ensure adequate separation distances were maintained between new quarrying activity and incompatible activities. Further, new quarrying activities were to demonstrate site rehabilitation was achieved through a site rehabilitation plan. The Court also considered plan provisions as to traffic and noise before describing the receiving environment in which any effects of the proposal would be experienced..*

...

*Assessing the proposal under s 104D of the RMA, the Court concluded that the activity did not satisfy the first limb as to adverse effects. Turning to consider whether the application was contrary to the objectives and policies in the plan, the Court stated that HGL had not discharged its persuasive burden to provide evidence as to the future dust environment and rural character and so the Court was unable to determine whether the second limb of s 104D of the RMA was satisfied. The Court was not satisfied that the evidence established to the required standard that the use and development of rural land would support and maintain the amenity values of the rural environment, as required by the relevant objectives. While the policies recognised that quarrying was a rural productive activity, HGL had not proffered conditions ensuring the required setback and separation distances, and the proposal did not achieve policies regarding the management of noise, access and vibration. Further the plan's requirements as to site rehabilitation were not achieved and there was no stated end use objective for the site, on which the Court placed significant weight. Overall, the landscape evidence did not persuade the Court that the cumulative effects were such that rural character and amenity would be maintained, as the plan required.<sup>22</sup>*

It is understood that the applicant has appealed this decision to the High Court. It would be helpful to keep abreast of developments in this case as the DPR quarry provisions are progressed.

## 7.4 Environment Canterbury

A meeting was held with Olivia Cook and Lisa Jenkins from Environment Canterbury to discuss SDC's existing approach to quarrying, the challenges associated with duplication, particularly in relation to air discharge, and the options moving forward. While there are other issues of concern to Environment Canterbury a key issue when managing quarries in Selwyn is air quality. Ms Jenkins reaffirmed the RPS and CARP direction to internalise adverse effects and protect existing quarry activities from reverse sensitivity issues.

---

<sup>22</sup> Yaldhurst Quarries Joint Action Group v Christchurch City Council, Summary by Alert24 Your Environment, Thomson Reuters 23 November 2017



There was a discussion about ways to reduce duplication including the option of SDC transferring its functions under Section 33 of the RMA with respect to air quality to Environment Canterbury. Both Ms Cook and Ms Jenkins indicated that they were not opposed to this option in principle but noted that they would not be well placed to manage amenity effects. It was subsequently acknowledged that with respect to air discharges from quarries, amenity effects are often dealt with as a subset of contamination issues. Further consideration of this option will require further exploration and dialogue by both Environment Canterbury and SDC.

## 7.5 Wider Community Consultation

It is recommended that wider community consultation be undertaken to ascertain the views of landowners and residents potentially affected by quarrying operations in the District, including Iwi. This could take various forms such as targeted face to face discussions with residents adjoining existing and proposed quarries. It is also useful to provide a drop in centre where people can find out information about quarries in the District using various media (video presentation, wall boards etc.), outline potential options for the district plan review and ask attendees to provide their feedback.

## 8.0 Conclusion

Overall, it is considered that the existing provisions in the operative Plan fail to provide the degree of certainty that is sought from quarry operators residents and other businesses in Selwyn District. The acknowledgement of quarrying as an anticipated rural activity would give effect to the Regional Policy Statement, is consistent with the approach taken in other districts and requires the implementation of a robust planning framework to manage the effects. There is the ability to develop such a framework for Selwyn through the District Plan review process.

It is noted that further consultation is recommended with quarry operators and the wider community to gauge support for this approach. Furthermore, the results of the silica monitoring currently being undertaken by Environment Canterbury are critical to the development of any setback distances from sensitive activities.

It is understood that Environment Canterbury and Iwi are key stakeholders in this process and further dialogue and feedback is required to input into decisions made on the approach to be adopted in the District Plan Review. Landowner feedback will also be very important.

Overall, it is expected that there will be increased demand for new quarries to establish within Selwyn District, particularly gravel quarries within the gravel rich Inner Plains areas. If the SDC wants the District to benefit from the growth of this industry then it is important to develop a robust planning framework that enables new quarries to establish and existing quarries to grow provided that the adverse effects are appropriately internalised.

## 9.1 Preferred Option for further engagement

The Project Team recommends that Option 3 be developed incorporating consideration of both setbacks and a high quality gravels overlay as follows:

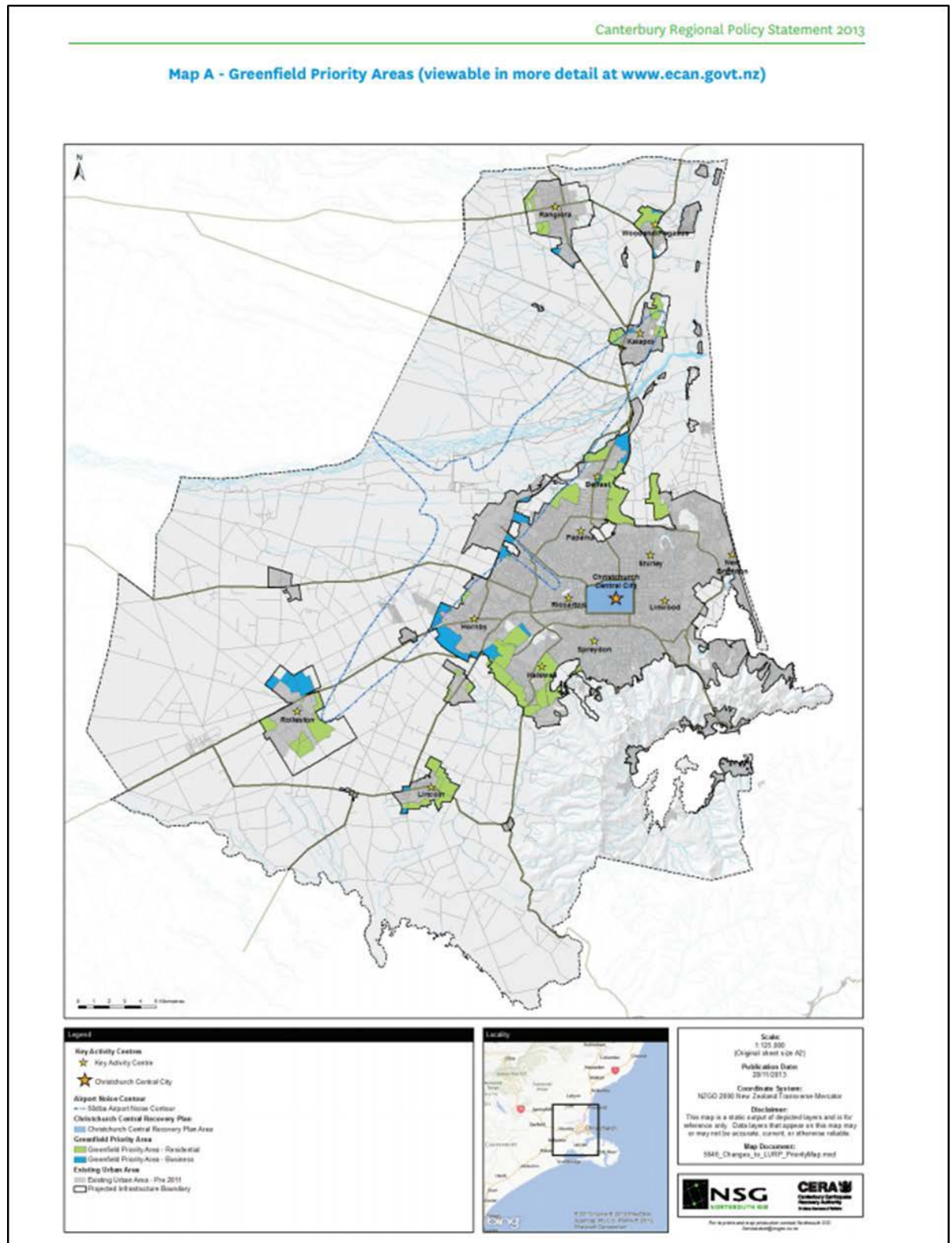
1. Provide for quarrying as a discretionary or restricted discretionary activity in the rural zone.
2. Investigate the potential to include setback provisions within the discretionary activity status framework, with the quarry activity defaulting to a non-complying activity if the setback is not met.
3. Collate from previous resource consent decisions (such as the Road Metals decision for the Wards/Sandy Knolls/Kerrs Road site) a suite of relevant issues and conditions that could inform the development of appropriate standards or assessment matters.
4. Consider including a specific section in the Plan outlining minimum information requirements for assessing resource consent applications for quarry developments.
5. Amend the definition of quarrying and its associated activities in conjunction with reassessing the benefits/costs of a “rural-based industry” definition and “other industry” definition. It is considered that the definitions in the Christchurch District Plan and the Ashburton District Plan are the most helpful from a cross boundary consistency point of view.
6. Develop a robust objective and policy framework to manage quarrying in the rural zone, and which provides for quarrying to occur in appropriate locations while avoiding or mitigating adverse effects, particularly on sensitive receptors.
7. Consider a ‘high quality gravels overlay’ to protect key areas from more intensive rural residential development.
8. Investigate options for transferring powers associated with dust to Environment Canterbury.

## Appendix A: Baseline Report - Planning Analysis – Quarrying

[Link to Report:](#)

[Quarrying, \[PDF, 8751 KB\]](#) December 2017

Note: Greater Christchurch is the area shown on this map.



**7b. Communications and Engagement Summary Plan – Rural Quarrying**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Quarrying topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Quarrying – communications and engagement summary plan’

# RU205 Quarrying – communications and engagement summary plan

## Key messages

(as of 7 May 2018)

### Background

- A major review of the Selwyn District Plan is now under way. This includes a review of provisions which address quarrying within the Selwyn District.
- Quarrying is an activity that can attract a lot of attention when new or expanded quarries are proposed.
- Selwyn District contains over 200 existing quarries ranging from small Council pits to large privately operated quarries.
- There are currently three existing large, privately operated quarries, at least one new application pending for a significant operation, and several quarry operators are actively looking at quarrying opportunities within the District.
- Given the anticipated growth in the District, which results in increased demand for aggregate resources, and the pressure on existing quarries in neighbouring Christchurch City due to residential growth and groundwater limitations, it is expected that demand for quarrying will continue to increase within the District.
- Environment Canterbury is together with local quarrying operators doing a silica monitoring programme at major quarrying sites. It's been reported that the results of the programme are to be published in July this year.

### Current status

- Quarrying is classified as a discretionary activity in rural zone and a non-complying activity in residential and business zones.
- There is a suite of regional policies that manage quarrying activities and which the Council has to follow, for example Canterbury Regional Policy Statement, Land and Water Regional Plan, and Canterbury Air Regional Plan.
- The Canterbury Regional Policy Statement requires Selwyn District Council to provide for quarrying in the district.
- Areas of tension between current District Plan provisions and quarrying in the District, which also became apparent during the consent process for the Road Metals quarry in Rolleston:
  - Lack of clear definition of quarrying and associated activities, such as screening and processing.
  - Quarrying not being clearly recognised as a rural activity.
  - What's the appropriate rehabilitation of land after it's been quarried.
- Both district and regional councils review resource consents for quarrying in Selwyn district.
- In regards to air quality, in particular effects of dust as a result of quarrying, most quarry applications require a consent from both regional and district councils.

### About preferred option

- The preferred option is a slight revision of the current situation.
- The draft changes<sup>2</sup>:
  - bring greater clarity to provisions by clearly defining what is quarrying and how associated activities, such as screening and processing, fit in. This will give operators and residents greater certainty.
  - consider introducing setback distances between quarrying and residential zones (not residential properties). The setbacks are to be informed by the findings of ECan's silica monitoring programme at major quarrying sites in the region.
  - recommend quarrying outside of a potential setback and within the rural zone, to be classified as a discretionary or restricted discretionary activity.
  - recommend delegating the Council's functions in relation to assessing air quality, such as dust discharges as a result of quarrying, to the regional council.
- Following Council's endorsement of preferred option, we will engage with the Canterbury Aggregate Producers Group, which represents quarrying operators, and later the wider public as part of general public consultation on a range of issues and draft changes to the Proposed District Plan.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
<b>Internal</b>	<b>Partners</b>	<b>Key stakeholders<sup>3</sup></b>	<b>Landowners /occupiers<sup>4</sup></b>	<b>General public</b>
-DPC	ECan	Canterbury Aggregate Producers Group (CAPG)	[represented by CAPG]	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)			News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> It is to be noted that the draft changes may need to be further amended following the results of ECan's silica monitoring programme being released.

<sup>3</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>4</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	General public
Baseline assessments					
Preferred option development <sup>5</sup>					
Preferred option consultation					

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre May DPC	May	June	July <sup>6</sup>
ECan	Consulted with as part of the Baseline assessment		Share approved preferred options report and gather feedback	
Rūnanga	Consulted with as part of the Baseline assessment		Share approved preferred options report and gather feedback	
Key stakeholders	Consulted with as part of the Baseline assessment		Share approved preferred options report and gather feedback	
General public		Proposed preferred options report is published on Your Say Selwyn	Publish endorsed preferred options report on Your Say Selwyn	General consultation as part of Rural Zone
DPC		Preferred options report goes to DPC		

<sup>5</sup> Consultation was not carried out with external parties at this stage as the preferred options report was a summary of baseline assessment report.

<sup>6</sup> This plan covers period until public pre-notification consultation on preferred options starts.

## **8a. Preferred Option Report – Signage**

Author:	Jonathan Clease (Planz) and Vicki Barker (Barker Planning)
Contact:	021 354366 (Vicki)

### **Purpose**

To brief the Committee on the findings of the Signage Baseline Assessment, which sought to identify the various types and functions of signage, emerging signage trends, and the effectiveness of the operative Selwyn District Plan provisions in managing such signage. The Baseline Report and associated recommendations laid the foundation for providing a potential policy framework and associated rule options for managing signage.

The purpose of this Preferred Options Report is to provide a summary of the Baseline Report and to identify issues and options for addressing the management of signage within Selwyn District.

### **Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option for Signage for further development and engagement.”**

### **Attachments**

‘Preferred Option Report for Signage’



---

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

---

**DATE:** 16 May DPC Meeting

**TOPIC NAME:** Signage

**SCOPE DESCRIPTION:** Preferred Option Report for Signage

**TOPIC LEAD:** Vicki Barker

**PREPARED BY:** Jonathan Clease (Planz Consultants Ltd)

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ol style="list-style-type: none"> <li>1. Need to consolidate and focus signage provisions into a single chapter and to provide a single coherent policy and rule framework for signage;</li> <li>2. Need to review the rule package so that it is appropriately enabling of the multiple functions of signage (not just advertising) and provides for signage as an integral element in commercial and industrial contexts and conversely controls signage in more sensitive rural and residential locations;</li> <li>3. Need to provide better direction and control regarding non-site related signage (including the management of billboards and temporary signage advertising upcoming events), particularly in sensitive environments where there is a high amenity expectation.</li> </ol>
<i>Preferred Option</i>	<i>That signage be managed by amended policies and rules within the Proposed District Plan to address current inconsistencies and gaps and to provide a clearer framework.</i>
<i>Recommendation</i>	<i>That the Preferred Option for Signage is endorsed for further development (Section 32 and Drafting phase).</i>

## 1.0 Introduction

The Signage Baseline Report sought to identify the various types and functions of signage, emerging signage trends, and the effectiveness of the operative Selwyn District Plan ('Operative Plan') provisions in managing such signage. A review of signage provisions in the Plans of other Canterbury Districts was also undertaken, along with a review of the New Zealand Transport Agency's (NZTA) guidance on signage within and adjacent to the State Highway network. The Baseline Report and associated recommendations laid the foundation for providing a potential policy framework and associated rule options for managing signage.

The purpose of this Preferred Options Report is to provide a summary of the Baseline Report and to identify issues and options for addressing the management of signage within Selwyn District.

A preferred option has been identified and outlined. If endorsed by Council, this preferred option will form the basis of public engagement as part of the District Plan Review project.

## 2.0 Statement of Operative District Plan approach

Unlike most District Plans, the Operative Plan does not have a single, dedicated chapter or section addressing signage on a district-wide basis. The Operative Plan instead has three different sections relating to signage, with these sections incorporated into the provisions for the Rural, Living, and Business zones, split across the Township and Rural Volumes.

As the structure of the Plan is fragmented, the signage policy framework is also fragmented. The policy guidance is also relatively brief and has a focus primarily on controlling signage to achieve positive amenity outcomes, with little consideration given to enabling the benefits of signage, the various necessary and functional roles of signage, and the need for specific direction on certain types of signage, such as non-site related signage.

The Operative Plan signage-related definitions are also unclear and have caused challenges for the Council's enforcement team regarding controlling non-site related signage in particular.

Within the three zones, the signage rules are broken down into different categories comprised of general signage, directional signs, health and safety, property sales, noticeboards, and signage adjacent to strategic roads. The Business Zones do not however have separate categories for directional signs, health and safety, or property sales.

The Operative Plan rules (but not the policies) recognise and provide for greater levels of permitted signage in Business zones. Conversely the rules also recognise that Rural and Residential zones and associated levels of amenity are vulnerable to the visual effects of signage, and therefore the Plan applies more restrictive controls on signage in these locations. However the provisions do not provide adequate guidance on non-site related signage, traffic safety or temporary signage, and conversely do not provide appropriate support for necessary signage.

Overall, the current dispersed structure leads to inconsistency in approach, considerable duplication in signage provisions and some gaps.

## 3.0 Summary of Issues

### 3.1 Fragmented structure and the need for more directive policy guidance

The Operative Plan has the signage provisions scattered through different volumes and zones/sections and therefore does not provide a coherent structure or policy direction for signage. The policies in particular have a limited focus on managing the potential adverse effects of signage and provide little recognition that signage is an anticipated and necessary element in many contexts, particularly commercial and industrial environments. Feedback from Council consenting and enforcement officers is that the current policy framework does not provide an appropriate level of guidance or direction, which is then compounded by signage definitions that are ambiguous.

Policies (and associated signage rules) would benefit from being consolidated into a single signage chapter. The policy framework itself needs to recognise the need for, and benefits of signage, as well as the need to manage the extent and effects of signage in more sensitive environments. Specific policy guidance on non-site related signage, traffic safety, and temporary/event-related signage which is a current gap in the Operative Plan would also provide greater clarity and direction.

### 3.2 More certain and effective rule framework

The adverse effects (and benefits) of signage need to be appropriately managed through rules regarding the size, number, and location of signs. These provisions need to be appropriately enabling in commercial and industrial environments where signage is a normal (and necessary) part of business, and conversely more restrictive in more sensitive environments (i.e. residential and rural areas) where amenity expectations are higher. These amendments are identified in the recommendation summary attached as Appendix 2. In summary the key changes are as follows:

- Provide explicit exemptions for signage that is required for functional reasons such as providing directions, or that is required by other legislation regarding workplace safety and hazardous substances;
- Provide for an increase in the permitted area of signage in commercial and industrial environments to avoid unnecessary consenting;
- Improve the clarity and enforceability of controls on non-site related signage and otherwise generally retain the existing signage rule approach in rural and residential environments to better protect the higher levels of amenity anticipated in these zones;
- Revise the signage controls adjacent to arterial roads and State Highways to better reflect current NZTA guidance regarding traffic safety;
- Provide for more specific control of LED signage which is a new and rapidly emerging technology that was not available when the Operative Plan was prepared.

The rule package for signs in Council parks associated with recreation and community facilities should also be improved to better recognise the signage requirements for larger Council-owned

facilities. Whilst some of these parks are designated (and therefore signage can be implemented via the separate Outline Plan process), this is not always the case.

Signage in Council parks and road reserves can also include real estate signage, sandwich boards, temporary event signs, and signage advertising adjacent businesses. Feedback from Council's enforcement team is that the rules around such signage need to be succinct, clear, unambiguous, and enforceable. The preferred option is for such controls to be in the District Plan rather than via by-laws, however there may be discrete circumstances where a by-law is the more effective and flexible tool. Further assessment and justification for the most efficient mix of regulatory tools will be set out in detail in the next phase of work, along with the proposed District Plan provisions, which will be presented to Council for consideration.

### 3.3 Better management of non-site related signage

All of the District Plans reviewed for nearby districts contain strong controls and direction regarding signage that is not related to the site where the sign is placed. Typical examples of these types of signage include:

- Small signs on farms or residential properties advertising businesses or upcoming events that are not located on the site in question;
- Trailer-mounted signs that are temporarily parked on the road or adjacent to roads for advertising purposes;
- Large billboards.

Non-site related signage can result in a proliferation of signage across the District, especially in highly visible locations such as adjacent to arterial road corridors. This is particularly an issue in the more environmentally sensitive rural and residential parts of the District where there is a general amenity expectation that signage will be a subordinate visual element in the environment. The management of billboards is a subset of the wider non-site related signage issue. Reviewed District Plans again generally provide specific direction as to the management and suitability (or not) of large non-site related signs. It is recommended that the Proposed Plan contain clear direction as to where such signage might be appropriate. For example, within industrial areas that are not opposite rural or residential zones, and likewise areas where such signage is not anticipated or provided for.

Temporary signage is another aspect of this issue, where signs are erected on a temporary basis to advertise an upcoming event. Such signage can again result in a proliferation of ad-hoc advertising, especially around busy rural intersections, that can be unsightly and in contrast to the level of amenity and character anticipated in a rural environment. The Proposed Plan needs to strike an appropriate balance between enabling such signage in appropriate locations for appropriate time periods and maintaining an acceptable level of amenity and avoiding a proliferation of such signage.

### 3.4 Other matters

The Signage Baseline Report included detailed analysis of the Operative Plan signage provisions, their effectiveness, and the issues that have arisen through their implementation over the last decade or so. The Baseline Report resulted in some 30 recommendations that explore the above three issues and their resolution in more detail, along with addressing a number of more minor matters. A summary of the full set of Baseline Report recommendations is included in Appendix 2.

## 4.0 Summary of relevant statutory and/or policy context and other background information

There are a number of Acts and statutory provisions that relate to the management of signage. It is important that the development of the Proposed Plan signage provisions is cognisant of the requirements of other legislation and does not prevent the provision of signage that is required under other legislation or duplicate these requirements. These Acts and provisions are summarised as follows:

- **National Policy Statements:** None are directly relevant to this topic.
- **National Environmental Standards (NES):** The only NES that includes explicit reference to signage is the National Environmental Standard for Electricity Transmission Activities (NESETA) which relates to the management of existing electricity transmission lines. Clauses 23 and 24 set out permitted and restricted discretionary standards for signs affixed or adjacent to support structures.
- **Canterbury Regional Policy Statement:** Does not include any directive guidance on signage.
- **Mahaanui Iwi Management Plan 2013:** Does not include any directive guidance on signage. The District Plan signage provisions should nonetheless be designed to facilitate the use of Te Reo in place names and directions.
- **Hazardous Substances and New Organisms Act 1996 (HSNO):** Controls the storage and use of hazardous substances. In particular, HSNO requires signage to be erected at site and building entrances and on fixed bulk storage tanks.
- **Health and Safety at Work Act 2015 (HSWA):** Requires persons conducting a business to ensure, so far as is reasonably practicable, that the workplace is without risks to the health and safety of any person. In many work places or site entrances, the need to clearly display signage will be a necessary component of identifying and managing workplace safety risks.

- **Electoral Act 1993 and associated 2005 regulations:** Places restrictions on the design and duration of signage used for electoral purposes.
- **Land Transport Management Act 2003:** Sets out the responsibilities of the New Zealand Transport Agency (NZTA) and has a focus on the safe and efficient functioning of New Zealand's land transport system. NZTA set the requirements for the consistent use and design of road signs (street naming, regulatory, and for tourist information purposes) and also control (as landowner) the placement of third party signs within the State Highway road reserve.
- **Advertising Standards Authority:** Is a voluntary membership organisation that has a Code of Practice that includes a code of ethics which specifies criteria for offensiveness and decency of advertising content.

## 5.0 Summary of alternative management responses - Other Districts

The District Plans of Ashburton, Waimakariri, Hurunui, and Christchurch have been reviewed. All of these Plans address signage for all zones in a single chapter or sub-chapter that forms part of a District-wide set of provisions alongside topics such as noise and glare.

The Plans generally differentiate their signage provisions by topic depending on signage function and/or zone. Typical signage rules address the number and size of signs in Living, Rural, and Business zones, signs adjacent to arterial roads, real estate signage, temporary signage, non-site related signage, and signage required by other legislation.

All Plans have strong controls on avoiding non-site related signage, with Christchurch being the only Plan that makes limited provision for such signage where it is located in Industrial and Commercial zones. All Plans include controls on trailer or vehicle-based signage where its primary purpose is as a medium for advertising rather than being incidental to the every-day use of that vehicle. The Christchurch Plan is the only one that includes explicit provision/restrictions on billboards, with the other Plans instead relying on general controls managing non-site related signage.

All Plans adopt a restrictive approach to signage in living and rural zones, reflecting the more sensitive nature of these environments.

All Plans include provision for temporary signage associated with one-off events. The nature of these controls however vary considerably between Plans in terms of the limits on number, size, and duration.

The policy approaches set out in the reviewed District Plans generally focus on the need to control signage in sensitive locations/ achieve certain amenity outcomes, and to maintain traffic safety. The Christchurch District Plan provides a useful policy framework that recognises the beneficial functions of signage, the need to balance these against amenity outcomes especially in

sensitive environments, and provides specific guidance on transport safety and non-site related signage.

Three of the four other Councils reviewed also manage signage on Council-held land (parks and road reserves) through the use of by-laws prepared under the Local Government Act, i.e. for Council-held land the by-law controls signage through Council's function as landowner and the District Plan manages signage located on private property.

## 6.0 Summary of Options to address Issues

### 6.1 OPTION 1 – MAINTAIN STATUS QUO

Under this option the existing provisions and management approach for signage would be maintained.

***Effectiveness in Addressing Issue:***

While the signage provisions in the Operative Plan are largely effective, a rollover of the current provisions would not solve the structure, clarity and consistency issues outlined in Section 3.0 above and is therefore considered to be ineffective.

***Risks:***

There would be a lost opportunity to improve the efficiency and effectiveness of the management of the effects of signage in the District if the existing provisions were rolled over. In particular, the opportunity to proactively provide for necessary signage and to conversely manage signage in locations that are sensitive to the amenity effects of excessive signage would also be lost.

***Budget or Time Implications:***

This would be the most cost and time efficient option in the short-term for the Council, however rolling over the existing provisions could result in some costs for signage users due to uncertainty and/or unnecessary resource consenting requirements in commercial and industrial zones in the current provisions.

***Stakeholder and Community Interests:***

All District residents, commercial and industrial site owners and operators, NZTA, Mahaanui Kurataio.

***Recommendation:***

Do not maintain the status quo.

### 6.2 OPTION 2 – UPDATE SIGNAGE PROVISIONS TO IMPROVE CLARITY AND EFFECTIVENESS

Under this option the general approach to the management of signage in the Operative Plan would be maintained, but the provisions would be consolidated in a single chapter and updated to ensure they are consistent and clear and effectively address amenity concerns that have arisen where the Operative Plan approach is ambiguous or ineffective.

In general the Operative Plan does appropriately manage signage and therefore this option constitutes amendments rather than a wholesale change in approach. The key changes in approach are set out in the recommendations of the Baseline Report, a copy of which is attached in Appendix 2 and summarised as follows:

- Provide explicit exemptions for signage that is required for functional reasons such as providing directions, or that is required by other legislation regarding workplace safety and hazardous substances;
- Provide for an increase in the permitted area of signage in commercial and industrial environments and for Council parks and associated recreation and community facilities to avoid unnecessary consenting;
- Retain the general approach of the existing signage rules in rural and residential environments, and improve the clarity and enforceability of non-site related signage controls to better protect the higher levels of amenity anticipated in these zones;
- Revise the signage controls adjacent to arterial roads and State Highways to better reflect current NZTA guidance regarding traffic safety;
- Develop clear, concise, and unambiguous controls on non-Council signage that is located within road and recreation reserves, e.g. sandwich boards, real estate signs, temporary event signs etc. The preferred option is for such controls to be in the District Plan although there may be discrete circumstances where a by-law is more efficient and effective;
- Develop more specific controls on LED signage which is a new and rapidly emerging technology that was not available when the Operative Plan was prepared;
- Develop more specific controls on temporary signage;
- Develop more specific controls on non-site related signage such as billboards and trailer mounted signs.

***Effectiveness in Addressing Issue:***

Consolidating the signage provisions into a single chapter, having clearer policy direction and revising the rules would address the issues identified in section 3.0 of this report, while maintaining the relatively effective approach in the Operative Plan provisions.

***Risks:***

The principle risk with this option is that the required consistency and clarity cannot be obtained and the appropriate balance between enabling signage and maintaining amenity and safety are not achieved. The recommended approaches also increase regulation for some types of signage which may be of concern to interested parties. These risks can be managed through both careful plan drafting and the robustness and opportunity for community feedback provided through public consultation and/or the statutory plan submission and hearings process.



***Budget or Time Implications:***

This option will incur some time and cost to Council in preparation of an updated set of provisions, but will reduce the cost of any confusion to plan users caused by the current provisions and will provide greater certainty to the enforcement team and the ability to meet community expectations regarding amenity outcomes.

***Stakeholder and Community Interests:***

The public, commercial owners and operators, NZTA, Mahaanui Kurataio.

***Recommendation:***

Proceed with the option of updating the signage provisions to improve clarity, consistency, and effectiveness.

## 7.0 Summary of stakeholder engagement

Stakeholder engagement was undertaken with Mahaanui Kurataio Ltd (MKT) and NZTA during the drafting of the Baseline Report. Feedback was received from NZTA who provided direction on the content and wording of proposed signage controls adjacent to the State Highway network. MKT feedback was that it is important that District Plan rules do not prevent the inclusion of Te Reo. It is likely that ngā rūnanga would support policies that encourage the use of Te Reo Māori and design in signage.

The Draft Preferred Options Report was not sent to Environment Canterbury for comment as it is expected to be of no direct interest. The Preferred Options Report was not circulated to MKT or NZTA for comment as it reflects the Baseline Report with which both MKT and NZTA were involved.

Wider stakeholder engagement was not undertaken as part of the Baseline Report as it was difficult to identify a manageable number of particular stakeholders and not exclude others who may have an interest, and therefore it was considered more efficient and effective to proceed with public consultation as part of the next phase.

## 8.0 Preferred Option for further engagement

The Project Team recommends that Option 2 as outlined in section 6.2 above is endorsed by Council for further development.

## Appendix 1. Baseline Report

[Link to Report:](#)

[Signage \[PDF, 1159 KB\]](#), July 2017

## Appendix 2. Summary of Background Report Signage Recommendations

<b>RECOMMENDATIONS</b>	
<b>Structure</b>	
1	Signage provisions for the District are to be consolidated into a single chapter. Such a structuring approach is common in other District Plans where 'District wide' matters such as glare, noise, and signage are grouped into a single chapter. This proposed structuring approach is supported and will assist in usability and will reduce duplication in Plan provisions.
2	Develop a single set of objectives and policies to provide guidance for the management of signage across the district. Whilst it is not suggested that the Christchurch Plan's policy approach be adopted verbatim for the Selwyn context, it is considered to provide a useful template in terms of length, complexity, topics covered, and the extent of direction provided to Plan users.
<b>Functional Signage</b>	
3	Explicitly permit signs that have a direction, safety, warning, or property address/numbering function. This could either be done by an explicit statement that such signage is not subject to control through the District Plan, an explicit exclusion from the definition of 'signage', or through a rule that explicitly provides for such signage as a permitted activity. The preferred approach will depend on wider decisions as to Plan structure and approach to rule formatting and definitions.
<b>Visible Signage</b>	
4	That the Operative Selwyn District Plan definition exempting signage that is not visible from a public space be retained and made explicit in order to avoid unnecessary costs of regulation in situations where there are few benefits of such regulation.
<b>Non-site related signage</b>	
5	Off-site signage can be differentiated from site-related signage and therefore a different management approach is appropriate.
6	The majority of commercial and industrial business zones in Selwyn have an immediate interface with rural or residential neighbours. As such off-site signage is not appropriate due to the sensitivity of these adjacent zones.
7	Off-site signage should be controlled at a non-complying level in all zones except the Rolleston Business 2/2A zone where restricted discretionary status would be appropriate, noting that the Rolleston industrial zones are the only zones of scale in Selwyn District where there is extensive frontage with other industrial activities.
8	In rural and living zones, limit site-related signage to sites where that is the primary location business activity is undertaken.
<b>Signs in road reserves and parks</b>	
9	Investigate further whether signage located on Council-held road and recreation reserves could be more efficiently and effectively controlled through Council's functions as land owner via by-laws established under the LGA than through rules in the District Plan. An alternative to a by-law is simply for Council to

RECOMMENDATIONS	
	<p>adopt a policy on how it will treat signage on land under its own control, with the rule package being explicit that it does not apply to signs on Council-controlled land.</p> <p><i>Note: Since making this recommendation in the Baseline Report, further advice has been received from Council staff. This feedback has identified that managing signage in road and recreation reserves through the District Plan is the preferred option in the first instance, noting that further assessment of this issue as part of the RMA section 32 process may identify discrete circumstances where a by-law may be more efficient and effective.</i></p>
10	<p>In the event that Open Space zone(s) are proposed, then adopt an enabling approach to signage in such zones where used for naming and information purposes given the public good of such signage and the generally large size of these parks and facilities which means that recreation-related signage can be readily absorbed from an amenity perspective. Depending on the number of Open Space zones, differentiate between local parks and conservation areas (with a lower quantum of signage) and major sports facilities (with a larger quantum).</p>
11	<p>In the event that the current approach to parks and facilities having the underlying rural or living zoning is retained, investigate first the option of by-laws set out under (a). If the use of by-laws is not found to be acceptable, then develop a specific set of exceptions to better enable recreation related signage in the Living and Rural zones where located on Council-held land.</p> <p><i>Note: Since making this recommendation in the Baseline Report, further advice has been received from Council staff. This feedback has identified that managing signage in road and recreation reserves through the District Plan is the preferred option in the first instance, noting that further assessment of this issue as part of the RMA section 32 process may identify discrete circumstances where a by-law may be more efficient and effective.</i></p>
Real Estate Signage	
12	<p>Retain the Operative Selwyn District Plan approach to real estate signage, including time limits; and subject to the following three recommendations:</p>
a.	<p>Controlling temporary 'open home' signs and 'for sale' signs through by-laws or rules where such signage is located within the road reserve;</p>
b.	<p>Limiting the size of 'for sale' signs to no more than 2m<sup>2</sup> in area and one per site in Living Zones; 3m<sup>2</sup> and one sign per road frontage in Rural and Commercial (Business 1) Zones; No limit on size and number in Industrial zones.</p>
c.	<p>Provide for one 18m<sup>2</sup> sign at each road entrance to new Greenfield subdivisions for marketing the subdivision during development and sales phases.</p> <p><i>Note: Since making this recommendation in the Baseline Report, further advice from the Council's enforcement team is that there are a large number of smaller subdivisions where such signage would be excessive and therefore the rule would need to include a minimum subdivision size threshold i.e. apply only to the large greenfield areas and not smaller in-fill blocks.</i></p>
Temporary Signage	
13	<p>Temporary signage should be provided for where it is advertising a community, educational, or recreational event, or during construction. Such signage should be limited to one per site to prevent the proliferation of 'clusters' of such signage on prominent intersections. The size of such signage should also be consistent with that permitted in the underlying zone. Finally the Plan should specify the maximum time prior to the event that the signage can be erected for.</p>
LED/ Digital signs, illumination, flashing and moving parts	
14	<p>As a general approach, the light spill effects from illuminated signage are no different from light spill from any other source and therefore are considered best addressed via the standard District-wide provisions on glare and light spill. The inclusion of cross-reference to these provisions included in the</p>

RECOMMENDATIONS	
	signage rules would help to alert Plan users to the need to also refer to the District wide light spill rules when lit signage is contemplated.
15	Separate from light spill effects, illuminated signage can also have an effect on amenity and character. It is therefore recommended that signage in Living and Rural zones should not include LED displays. Where the site is either within a Rural or Living zone, or is directly opposite these zones, signage illumination should be turned off when the premises is closed for business.
16	Retain the Operative Selwyn District Plan controls on flashing and moving signage.
17	LED signs should be limited to commercial and industrial zones due to their greater visibility. As with illuminated signage, LED signs should be turned off when the premises is not open for business, where the site is directly opposite a Rural or Living zone. The Plan should also be explicit that changing images on a LED sign does not constitute a 'moving part', however displaying TV style footage would.
18	Specific activity standards should be developed for site-related LED signs in Commercial and Industrial zones. Examples of matters to be considered include the proximity to the roading and the speed environment, image dwell time (e.g. minimum 8 seconds), the transition time from one image to the next (e.g. 0.5 second dissolve between images), and luminance controls.
19	The drafting of any provisions regarding LED signage will need to be carefully considered and should be informed by discussions with Christchurch City and NZTA to ensure the provisions are both efficient and effective.
Transport Safety	
20	<p>The recent Christchurch District Plan review considered the management of signage adjacent to arterial roads, with NZTA a participant at mediation which arrived at an acceptable provision as set out below. Given that the below rule has been the subject of recent mediation and was subsequently confirmed by the Independent Hearings Panel it is recommended that the below provision be considered as being appropriate for managing the traffic safety-related aspects of signage. In essence the provision does two things. First it controls signage in all areas where it will obscure or hinder interpretation of traffic signs. The second part of the rule relates to signage adjacent to higher speed arterial roads. The rule is only triggered where all three criteria set out in (i-iii) are met. The rule is again aimed at managing signage to ensure that it does not obscure or detract from seeing traffic controls signs. The rule is focussed on traffic safety and does not seek to control the visual effects of signage, with the underlying zone provisions managing character and amenity outcomes.</p> <p><i>Traffic Safety – applies to all signs</i></p> <p><i>a. Any sign shall be located so as not to obscure or to detract from the interpretation of any traffic sign or controls.</i></p> <p><i>b. No sign shall be located adjacent to a state highway or arterial road where all of the following criteria are met:</i></p> <p><i>i. The road has a speed limit of 70km per hour or greater; and</i></p> <p><i>ii. The sign is located within a road boundary building setback required by a built form standard for the relevant zone; and</i></p> <p><i>iii. The sign is located within 100 metres (in urban zones) or 200 metres (in rural or open space zones) in front of any official regulatory or warning sign or traffic signal.</i></p> <p><i>Note: Official regulatory signs exclude street naming signs and brown information signs.</i></p>
21	That this approach be discussed with NZTA as part of the rule development process to ensure that it is appropriate to the Selwyn context.
Living Zones	

RECOMMENDATIONS	
22	Signage be limited to no more than one per site, with a maximum size of 0.5m <sup>2</sup> where there is a residential activity occurring on the site, and increasing to 1m <sup>2</sup> where there is no residential activity.
<b>Rural Zones</b>	
23	Retain the Operative Selwyn District Plan approach for general site-related signage in the Rural Zones.
<b>Business Zones – signage on buildings</b>	
24	Retain the Operative Selwyn District Plan provisions for site-related signage on buildings in commercial and industrial zones.
25	Limit signage on buildings to being no higher than the façade that it is displayed on. The rule should be crafted so that it relates to façade height rather than roof height, as the key design outcome is to not have signage projecting above facades/ walls, rather than the top of the roof;
26	<p>Investigate the use of by-laws to control signage attached to verandas and sandwich boards displayed within or over the road reserve. If by-laws are not accepted then include rules controlling heights and dimensions to ensure veranda signs do not create an obstruction hazard. It is noted that in some cases veranda and projecting signs will be over private land e.g. laneways or between buildings and customer carparks, and therefore a complementary set of rules is likely to remain necessary in the District Plan for controlling such signage where it is located over private land.</p> <p><i>Note: Since making this recommendation in the Baseline Report, further advice has been received from Council staff. This feedback has identified that managing signage in road and recreation reserves through the District Plan is the preferred option in the first instance, noting that further assessment of this issue as part of the RMA section 32 process may identify discrete circumstances where a by-law may be more efficient and effective.</i></p>
27	Include the integration of signage within the overall design as an assessment matter for developments that trigger an urban design assessment (all development with Lincoln and Rolleston and large developments in the other townships).
<b>Business zones - free standing signs</b>	
28	Free-standing signs be limited to one per site, with an additional sign permitted where a site has more than one road frontage, or where the frontage is more than 50m in length in which case an additional sign is appropriate. Feedback from NZTA is that more discretion should be considered in relation to the effects of more than one sign along a site with road frontage where it faces the State Highway.
29	As recommended above, restrictions on free-standing signs would not apply to signage that is necessary for compliance with HSNO legislation (which requires warnings signs at all site entrances) or for property numbering.

**8b. Communications and Engagement Summary Plan – Signage**

Author:	Vicki Barker (Barker Planning) and Katrin Johnston (Communications Consultant)
Contact:	021 354366 (Vicki)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Signage topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Signage – communications and engagement summary plan’

## DW008 Signage– communications and engagement summary plan

### Key messages

(as of 7 May 2018)

#### Background

- As part of the current Selwyn District Plan review, provisions relating to signage within Selwyn are also being reviewed.

#### Current status

- Unlike most District Plans, the current District Plan doesn't have a single, dedicated chapter or section addressing signage on a district-wide basis. As a result signage-related provisions in the current Plan are inconsistent, duplicated across the Plan and have some gaps.
- There's a lack of recognition for the need for and benefits of signage as well as the need to manage the extent and effects of signage in more sensitive areas.
- Current gap of not providing any direction for non-site related signage, traffic safety and temporary/event-related signage.

#### About preferred option

- Draft changes seek a balance between enabling signage within commercial and industrial environments where it's a normal and necessary part of business, while on the other hand being more restrictive in more sensitive environments, ie rural and residential areas where amenity expectations are higher.
- Key draft changes are:
  - explicit consent exemptions for signage required for functional reasons, such as providing directions or that is required by other legislation regarding workplace safety and hazardous substances;
  - more restrictive rules for:
    - non-site related signage in rural and residential environments ie signage that is not related to the site where the sign is placed (eg billboards and trailer mounted signs), to better protect the higher levels of amenity anticipated in these areas;
    - non-Council signage (eg sandwich boards, real estate signs, temporary event signs) on Council land (road and recreation reserves
    - LED signage, which is a new and rapidly emerging technology that was not available when the current District Plan was prepared.
  - less restrictive controls for signage in commercial and industrial environments and for Council signage within Council parks associated with community and recreation facilities, to avoid unnecessary consenting;
  - Revise the signage controls adjacent to arterial roads and State Highways to better reflect current NZTA guidance regarding traffic safety;
  - Develop more specific controls for temporary signage on non-Council land and outside arterial roads and State Highways.
- Following the Council's endorsement of the preferred option, we will engage with the wider public as part of general public consultation on a range of issues and draft changes to the Proposed District Plan.

### Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	NZTA	Commercial and industrial site owners and operators	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)			News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)



Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development <sup>4</sup>						
Preferred option consultation					[to be engaged as part of general public consultation]	

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-May	May	June	July <sup>5</sup>
ECan				
Rūnanga				
Key stakeholders			Preferred option report is shared with NZTA only.	
Landowners/occupiers			[to be engaged as part of general public consultation]	
General public			Endorsed preferred options report is published on Your Say Selwyn	General public consultation as part of district-wide matters
DPC		Preferred options report goes to DPC		

<sup>4</sup> Consultation was not carried out with external parties at this stage as the preferred option report was a summary of baseline assessment report.

<sup>5</sup> This plan covers period until public pre-notification consultation on preferred options starts.

**9a. Preferred Option Report – Community and Recreation**

Author:	Vicki Barker (Barker Planning)
Contact:	021 354366 (Vicki)

**Purpose**

To brief the Committee on the findings of the Community and Recreation Baseline Assessment, which reviewed the community and recreation related provisions in the operative Selwyn District Plan, identified the different types of community and recreation activities and facilities (with a focus on non-Council owned facilities) and to investigate matters that should inform or be reflected in policies, as well as possible options for rules across the zones as a basis for further discussion.

The purpose of this Preferred Options Report is to provide a summary of the Baseline Report and to identify issues and options for addressing the community and recreation activities and facilities within Selwyn District.

**Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option for Community and Recreation for further development and engagement.”**

**Attachments**

‘Preferred Option Report for Community and Recreation’

# PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

<b>DATE:</b>	<b>16 May 2018</b>
<b>TOPIC NAME:</b>	<b>Community and Recreation</b>
<b>SCOPE DESCRIPTION:</b>	<b>Preferred Options Report for Community and Recreation (DW203)</b>
<b>TOPIC LEAD:</b>	<b>Justine Ashley</b>
<b>PREPARED BY:</b>	<b>Vicki Barker</b>

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ol style="list-style-type: none"> <li><i>1. Unclear and Overlapping Definitions</i></li> <li><i>2. Unclear and inconsistent objectives and policies</i></li> <li><i>3. Effectiveness of plan rules</i></li> <li><i>4. Need for activity-based provisions for the range of community and recreation facilities/activities identified</i></li> </ol>
<i>Preferred Options</i>	<i>That community and recreation facilities and activities are managed by amended definitions, objectives, policies and rules or designations within the Proposed District Plan to enable better and continued management of such facilities as set out in the recommendations in section 7.0 of this report.</i>
<i>Recommendation to DPC</i>	<i>That the Preferred Options for community and recreation facilities is endorsed for further development (targeted engagement, public consultation, Section 32 and Drafting Phase).</i>



## 1.0 Introduction

The Community and Recreation Facilities Baseline Report sought to:

- Review the community and recreation related definitions to identify areas of overlap and interpretation and implementation issues (comparative analysis with other district plan definitions was also undertaken);
- Identify the types of activities and facilities in Selwyn District that serve community purposes and those that serve recreational purposes or a combination of both;
- Identify the range of non-council<sup>1</sup> owned community and recreation facilities and activities within the District, and complete an analysis of:
  - o their location, nature and scale
  - o owners/operators
  - o the planning provisions currently applied or available to manage their use e.g. zoning, resource consents, designations
  - o the potential range of environmental effects created by community and recreation facilities (further detail of which will be informed by separate technical Scopes of Work)
  - o the effectiveness of the Plan provisions in addressing effects.
- Review the Mahaanui Iwi Management Plan and identify relevant policy guidance or outcomes anticipated in respect of community and recreation activities and/or facilities.
- Identify the types of matters that should inform or be reflected in policies, as well as possible options for rules across the zones as a basis for further discussion.

A link to the Baseline Report is in **Appendix 1**.

The following community or recreation facilities were not addressed given they are covered by separate Project Scopes or are more appropriate to other Topic areas:

- NZ Police, Fire and Emergency New Zealand and St John (Emergency Services);
- Ski fields (Tourism);
- Freedom Camping (Tourism) and a separate SDC Working Party has been established to address this topic;
- Recreational aircraft use (Airfields).

## 2.0 Statement of Operative District Plan Approach

The Operative Selwyn District Plan (District Plan) contains objectives, policies, rules and definitions in both the Township and Rural Volumes relating to community and recreation facilities and activities. Most facilities and activities rely on zoning and the associated zone and district-wide provisions; however, some facilities are also designated. A high-level summary of the provisions is outlined below.

<sup>1</sup> Council owned community and recreation facilities are being addressed by a separate scope of work (Council Property and Assets).

### Objectives and Policies

The objectives and policies in the Township Volume focus on community facilities and reserves and residents having adequate access to community facilities (and reserves), and that such facilities do not adversely affect residential amenity values or other parts of the environment. Co-location and multiple uses of community facilities is encouraged. Further objectives and policies concerning the quality of the environment seek to provide for a variety of activities in townships while maintaining the character and amenity values of each zone and that reverse sensitivity effects are avoided. Noise, the scale and nature of activities (operating hours), traffic generation and the effects of non-residential activities on amenity values are also policy considerations.

In the Rural Volume the objectives require consideration of the efficient use and maintenance of community facilities, and that the use of areas for recreation and camping do not detract from amenity values. The corresponding policies encourage new uses for community facilities, that they be exempt from site coverage requirements, and that they be located in or adjoining townships and be accessible. The quality of the environment objectives seek that a variety of activities are provided for including outdoor recreation and community facilities, while maintaining rural character and avoiding adverse effects. Relevant associated policies concern amenity values and noise. There are no specific recreation facility/activity policies in the Rural volume and no policies apply with respect to scale of activities and traffic.

### Rules

There are a range of zone and district-wide rules that apply to managing environmental effects with respect to both community and recreation activities. The key rules include: landscaping, site coverage, height, building position (recession planes and/or setbacks), transport, signs, noise, lighting, scale of activities (activities and vehicle movement in the Rural zones), and hours of operation.

### Definitions

There are currently a number of community and recreation related definitions including: community facilities/facility; recreational facility/activity; community infrastructure; spiritual activity; place of assembly; education facility; pre-school; and health care services.

### Designations

The non-council owned community facilities currently designated in the District Plan include: state schools designated by the Minister of Education; a custodial facility (Rolleston Prison) designated by the Minister of Corrections; and a Youth Justice Residential Centre designated by the Minister of Social Services and Employment (now Minister of Social Development).

## 3.0 Summary of Issues

### 3.1 Unclear and overlapping definitions

One of the key issues with the District Plan provisions is the unclear and overlapping community and recreation related definitions, which results in confusion about how certain provisions should be interpreted and applied. The examples are numerous and therefore some key examples only are outlined below:

- There are different versions of definitions between the Township and Rural Volumes of the Plan and in some instances the definition is only contained in one Volume of the Plan. For example, the 'Community facilities' definition varies between the two Volumes and 'Preschool' is only defined in the Township Volume. As community and recreation facilities are generally located in both Townships and Rural areas it is considered single definitions should be applied across the District to achieve consistency in understanding and implementation and to streamline the Plan as much as possible.
- The 'Community facilities' definition does not necessarily reflect the range of community facilities currently operating in the District or refer to them correctly and consistently. The 'Health care services' definition is a further example.
- The District Plan generally has facility versus activity definitions. In some instances, this is unclear as to what activities are anticipated to occur and presents overlap between the community and recreation definitions in particular. There is a need to be clear about the approach with respect to activity and/or facility definitions.
- The definitions could better enable multi-functional facilities in line with the policies. For example, the 'Spiritual facilities' definition could be unduly constraining with respect to ancillary church activities such as youth group meetings and other community uses.
- There is overlap between the 'Places of assembly' definition and other definitions.
- Some definitions are either too broad or incomplete. For example, the 'Health care services' definition includes the physical and mental health of animals and vet practices which is arguably inappropriate and too broad, but also the range of other key health care services identified in the District are not covered by the definition (or another definition).

It is also of note that the Ministry for the Environment National Planning Standards are currently being drafted. These Standards contain standard definitions including definitions for 'Community facility', 'Recreational activity', and 'Place of assembly' which will need to be taken into account in any drafting once released.

### 3.2 Objectives and policies

The objectives and policies will need to be amended to more clearly and consistently provide for community and recreation facilities across the District. Key issues with the existing objectives and policies include:

- There is currently no recognition of the positive effects that community and recreation facilities/activities provide such as the health, safety and wellbeing of people.
- In the Rural Volume the focus is more on the efficient use and maintenance of community facilities rather than community access. Providing for and enabling community facilities and encouraging community access is considered critical across the District.
- There is currently limited recognition that certain community facilities have a strategic and/or operational need to locate in certain areas; i.e. hospitals, medical facilities, emergency services.
- There are some policies which are less practical and potentially restrictive such as avoiding locating community activities on the opposite side of strategic roads which could unduly constrain some community activities.

- Outdoor recreation and community facilities are encouraged in the Rural zones but there is no specific policy direction about what specific recreation facilities should be encouraged and no policy direction regarding the scale of these activities or traffic effects.
- The policies and rules need to be better connected. For example, there is a policy in the Rural zone which seeks to exempt community facilities from site coverage requirements, but then there is a site coverage rule.

### 3.3 Need to improve effectiveness of plan rules

There are a number of rules that apply to activities including zone specific and district-wide rules. A number of issues have been identified with these rules as outlined in section 6.2.2 of the Baseline Report. The key rules where amendment is recommended include:

#### 3.3.1 Revisions to provide greater development leniency

*Site coverage* - The site coverage controls could be reconsidered in relation to particular activities to afford greater development flexibility. For example, more lenient site coverage controls currently apply with respect to emergency services which could be extended to hospitals given their critical nature, and possibly other community activities in suitable locations (i.e. more lenient in less sensitive locations). Furthermore, in Rural zones it is considered that a site coverage exemption for some community facilities could reasonably be applied as larger rural sites can more readily accommodate such facilities at a higher density (which is the intention in the Plan policies currently, however this policy direction has not been reflected in the rules).

*Signage* - The signage provisions apply across the zones to community and recreation facilities with no exceptions and a number of resource consents have been triggered as a result. It is considered that community facility signage on council-held land should be enabled given such signage is anticipated and often serves an important purpose such as naming or directional information. The Signage Report specifically recommends that: *"If the use of bylaws is not found to be acceptable, then develop a specific set of exceptions to better enable recreation related signage in the Living and Rural zones where located on Council-held land."*

It is also recommended that further consideration be given to whether signage in relation to community facilities not within council owned land could be better enabled where it is necessary and anticipated, or even possibly exempt in some circumstances (i.e. emergency services signage).

#### 3.3.2 Revisions to remove existing exemptions or tighten provisions currently considered too permissive and/or to potentially improve amenity

*Noise* - In the Township Volume, currently spiritual and education activities (which includes pre-schools in the definition) are exempt from the noise provisions applicable to non-residential activities. This exemption from the noise controls is not considered appropriate as these activities have the potential to generate noise effects with adverse effects on residential amenity.

In the Rural zones, recreational activities not involving powered motor sport, powered aviation and gunfire or amplified music are also exempt from the provisions, and the general noise rules apply to the specific activities listed. It is recommended that this general exemption which applies to all recreation activity other than those activities listed be reviewed, and that specific noise controls for recreational

facilities such as rifle ranges and powered motor sport activities be considered (consistent with the Baseline Noise Report recommendation).

*Hours of operation* - In the Living zones non-residential activities need to comply with hours of operation of 7.00am to 10.00pm, however spiritual and education activities are exempt. Exempting spiritual and education activities is not considered appropriate in all Living zones as such activities can have extended hours which affect residential amenity and education activities are mostly designated in any case (except pre-schools). The hours of operation rule needs to be revisited in relation to particular community facilities/activities and their location as to whether the hours are appropriate and whether certain activities could be exempt in certain locations (i.e. hospitals and emergency services). Spiritual and education activities in are not considered to warrant blanket exemptions in all Living zones.

### 3.3.3 Transport

*Car parking* - It is considered that the car parking requirements should be revisited in the context of the proposed activity-based plan to ensure that: the car parking requirements for existing and anticipated community and recreation activities are clearly provided for and the rates are appropriate; whether the approach could be more fine-grained in relation to some specific activities rather than the broad category approaches currently used in relation to places of assembly and/or recreation activities and health care services for example; whether the wording of the car parking rules could be clearer and more enforceable. The Transport Topic includes the review of the car parking activity definitions and rates. It will also be necessary to ensure that any activity based definitions for car parking standards are consistent with any new National Planning Standard definitions.

*Cycle parking* - The Transport Topic will also consider the effectiveness of the cycle parking rates (including imposing a cap in relation to some activities and not others) and the location and design requirements in relation to community and recreation (and other) activities.

*Traffic generation* - Traffic movements are currently addressed as part of the scale of activities rule (referred to in section 3.3.4 below).

### 3.3.4 Other amendments

*Landscaping* - Landscaping, lawn or paving/sealing is required in Living and Business Zones between the road boundary and principal building to maintain a tidy street frontage. Additional landscaping requirements in the Living Zone could also be considered to screen developments.

*Scale of activities* - The scale of activities rule which limits the number of full time staff employed on site, the permitted GFA of buildings and sets vehicle movement limits need to be reviewed in the context of the wider District Plan Review to determine whether it is appropriate to retain with amendment or alternatively rely on other existing rules such as site coverage and/or new rule(s) such as locational requirements and vehicle trip generation rules to manage the scale of non-residential and non-rural activities. The Transport Topic is considering a high trip generator rule.



### 3.4 Need for activity-based provisions for the community and recreation facilities and activities identified

The Proposed Plan provisions will need to clearly reflect the range of existing and future facilities and activities identified across the District. Particular examples where new and/or revised provisions are considered necessary include:

#### Community Corrections Facilities

Aside from the Rolleston Prison which is a custodial facility and designated, there are no non-custodial community corrections facilities currently existing or proposed in the District; however the Department of Corrections (Corrections) have not ruled out such a non-custodial facility in the District and have advised they would not seek to designate and instead would rely on district plan zoning, rules and consenting processes. As they operate under a lease-based model Corrections consider the designation process too onerous and less flexible when land is leased.

It is considered efficient to 'future proof' the Proposed Plan as part of the District Plan Review in anticipation of such activity and knowing Corrections are likely to engage in the District Plan Review and submit than leave it to a future process. Corrections have been submitting on District Plans nationwide to provide for an appropriate framework for the operation, upgrade or redevelopment of existing community corrections facilities and the establishment of new facilities, including seeking a definition for 'Community corrections facilities'<sup>2</sup>.

Currently a 'Correction facility' is non-complying in the Living 1 and Business 1, 1A, 2, 2A and 2B zones. The Plan has no definition of 'Correction facility', however there is a definition of 'Detention Centre or Prison'<sup>3</sup> which is in part relevant to non-custodial community corrections facilities. The existing provisions related to non-custodial facilities will need to be revisited in consultation with Corrections, including whether a more lenient activity status and greater development flexibility could be afforded in particular zones to these facilities which due to their nature require an accessible community based location.

#### Integrated Family Health Centre

IFHC is a new model of development which is anticipated in Rolleston in the short-term and possibly elsewhere in the District in the longer term. It is considered there needs to be specific recognition of such facilities in the Proposed Plan and enabling policy direction for such facilities, balanced with rules which still manage character and amenity effects and other key effects such as visual amenity, traffic

<sup>2</sup> **Community Corrections Facility:** means land and buildings used for administrative and noncustodial services. Services may include probation, rehabilitation and reintegration services, assessments, reporting, workshops and programmes, and offices may be used for the administration of and a meeting point for community work groups.

<sup>3</sup> **Detention Centre or Prison:** means land or buildings used in whole or in part for the assembly, corrective training, housing or incarceration of persons convicted of offences or on remand and includes (without limitation):

- a prison, corrective training institution or police jail establishment under the Penal Institutions act 195
- a "Habilitation Centre" as defined in section 2 of the Criminal Justice act 1985;
- a periodic detention centre established under section 126 (l) of the Criminal Justice act 1985; or of, any like facility.

generation and parking. For example, the Christchurch District Plan has a 'health care facility' definition which includes 'Integrated family health centre' (which is also separately defined), and the Plan has tailored rules specific to these facilities.

### Hospitals

The Ministry of Health is able to designate the hospital sites in the District, however they currently rely on the underlying zoning and relevant plan provisions and have indicated they will likely continue to do so. However, there could be particular consideration paid to hospitals as to whether more lenient provisions could apply. For example, greater flexibility could be afforded with respect to site coverage and hours of operation given their importance in the community and critical nature.

## 4.0 Summary of relevant statutory and/or policy context

The Ministry for the Environment led National Planning Standards are proposing definitions which will need to be taken into account in developing revised definition(s), objectives, policies and rules.

There are no National Policy Statements or National Environmental Standards directly relevant to this topic.

The Canterbury Regional Policy Statement (CRPS) was not required to be considered as part of the Baseline Report and is not anticipated to be highly relevant to this report.

## 5.0 Summary of Approaches in other Districts

The approaches of other districts to providing for community and recreation facilities was not part of the Baseline Report project scope, apart from reviewing the Definitions Decision of the Christchurch Replacement District Plan for any analysis of definitions related to community and recreation facilities of relevance to the Selwyn District context. This analysis was incorporated in the Definitions review. In addition, to help inform the assessment, the definitions contained in the Christchurch, Waimakariri and Ashburton District Plans were reviewed to enable comparative analysis (this analysis is contained in section 2.0 and Appendix A of the Baseline Report).

The other plans reviewed had one single definition which applies across the District, unlike Selwyn which in some instances contains different versions of a definition in each Volume. The review of the Christchurch Definitions Decision also highlighted the need to be clear about the approach with respect to activity and/or facility definitions. For example, Christchurch City Council attempted to combine the two definitions into one (generally an 'activity') definition given the activity-based approach of the Christchurch District Plan.

The review also highlighted that some definitions are either too broad or incomplete. For example, the 'Health care services' definition includes the physical and mental health of animals and vet practices which is arguably inappropriate and too broad, but also the range of other key health care services in the District are not covered by the definition (or another definition). The definitions need to be tailored to an activity-based plan.

## 6.0 Summary of stakeholder engagement during drafting of the Baseline Report

Stakeholder engagement was undertaken with representatives from Rolleston Christian Schools Trust, Ministry of Education (MoE), Canterbury District Health Board (CDHB), Corrections, Leeston Life Church Trust, The Salvation Army, Ellesmere Speedway and Moore Park during the drafting of the Baseline Report. Feedback was incorporated into the report and is summarised below. Feedback was also sought from the Selwyn District Council Consents and Monitoring and Compliance Officers and is also reflected in the report. Mahaanui Kurataiao Ltd were provided with a copy of the report and advised there are no community or recreation facilities/activities that are of particular interest to ngā rūnanga.

A number of other stakeholders were also contacted but no response or feedback was received. These stakeholders included: Blossoms Educare Canterbury Ltd (pre-school operator), Presbyterian Church of New Zealand, Church Property Trustees, Malvern & Ellesmere Co-operating Parish, and Lincoln Union Parish.

Below is a summary of stakeholder feedback:

### *Rolleston Christian Schools Trust*

The Rolleston Christian School is the only State Integrated School (SIS) in Selwyn District and no others are proposed. The School is owned and operated by the Rolleston Christian Schools Trust but is also partly funded by MoE. The school was established by way of resource consent but the Trust is seeking that the Minister of Education designate the school site. In principle, MoE advised they support designating the site, but that any Notice of Requirement for the Rolleston Christian School will be timed to co-ordinate with the District Plan Review of designations and that the school will rely on its resource consent in the meantime.

### *MoE*

There are currently 28 designated state schools across the District, 19 of which are in the Township and a further 9 are located in Rural areas. Lincoln South Primary School was also designated in March 2018 and is expected to be opened in early 2019. MoE advised they intend to 'roll-over' all of the existing designations with minor modifications.

MoE's role with respect to preschools is that they license preschools or early childhood education (ECE's) facilities as they term them. Under the license, the ECE is responsible for all resource consent approvals if not located on MoE land (some ECE's are on school sites and designated).

MoE commented that an exemption for education facilities from the noise provisions is not appropriate as noise is an effect on the environment and that standard noise conditions have been developed and tested through the Auckland and Christchurch District Plan Hearing processes.

### *CDHB*

The CDHB are the autonomous Crown entity responsible for delivering community health care.

Hospitals - In Selwyn there are three existing Hospitals - Darfield, Ellesmere and Lincoln Maternity. Each of these sites are zoned Living 1 and are not designated. The Minister of Health (as the responsible

Crown Minister) has the option of designating the hospital sites, but CDHB indicated this would not be likely.

General health care facilities - the likes of medical practitioners, dentists and dental services, physiotherapists, counsellors, and midwives. The majority of these are private practices, however in some instances public funding is provided for these services to operate and serve the community, i.e. GP practices. The CDHB noted that establishing such activities can be problematic due to onerous consenting requirements.

IFHC - CDHB submitted on the Ellesmere and Malvern Area Plans and the Selwyn 2031 District Development Strategy in relation to IFHC. With respect to the Area Plans, CDHB submitted that health care facilities have changed in recent years and IFHC are one way of delivering more cohesive healthcare as these health care facilities offer multiple services located in the one building, which is especially important with an ageing population. Long term health services in the Selwyn District may be further integrated resulting in IFHC. Particular relief sought included consideration of a consent pathway for IFHC as part of the District Plan Review. In turn, the Area Plans include a specific implementation step of considering the need and appropriateness of providing for a consenting pathway for IFHC's as part of the District Plan Review.

The CDHB advised that SDC is proposing to build an IFHC in Rolleston and lease it back to CDHB and other providers. A greenfield site is currently being sourced for the development and the development is expected to proceed within the next two years. The facility will have a number of services. No further detail could be shared at this stage.

#### *Corrections*

Corrections have one custodial facility in the District - The Rolleston Prison and Periodic Detention Centre (Designation No. MC1) which is located in the Rural Outer Plains Zone. Corrections advised they intend to 'roll-over' this existing designation.

Corrections advised they have no current plans to establish a non-custodial corrections facility in Selwyn but have not ruled this out as a possibility given the proximity to Christchurch and the growth of the District. Across New Zealand, the Department operates approximately 170 non-custodial community corrections facilities to support offenders living in communities. Non-custodial community corrections facilities include service centres and community work facilities. The service centres provide for probation, rehabilitation and reintegration services. The community work facilities are where offenders are required to undertake unpaid work for non-profit organisations and community projects. These facilities can therefore include yards and storage facilities to undertake these projects and store heavy equipment, vehicles, fuel etc. Service centres and community work facilities can be located in separate locations or co-located on the same site.

#### *Leeston Life Church*

Leeston Life Church are looking to purchase approximately 2 hectares of land in Rolleston to build a new church with capacity for 1,000 people. The Church are interested in land near the IZone due to visibility from the State Highway. The Church is currently renovating its Leeston facility and indicated it would rebuild in Darfield eventually (Darfield Life Church -17 North Terrace). The Church also operates a Youth Centre at 3 Station St, Leeston.

### *Salvation Army*

The Salvation Army operate a Family Store from a leased building at 807 Jones Road within the Business 2 zone with four paid staff and volunteers. The building is used for the collection and sale of second-hand goods to assist people in the community.

The Salvation Army New Zealand Trust purchased a property at 646 Springston Rolleston Road in June 2017 to establish 'Generation House'. The property contains a four-bedroom dwelling, two sheds and extensive gardens. The property is being used for community gatherings, workshops, meetings, community meals, services such as counselling, supervision and meditation, office space for local community groups, and foodbank supply storage. The Salvation Army advised they expect the facility to grow and are considering additional activities such as tutoring, arts, a youth programme and retreats. One of the sheds is proposed to be used for a multi-purpose performance/practice space.

The site is zoned Living Z. The Salvation Army consider they are currently operating within the parameters of a permitted activity but that resource consent will likely be required for their intended expansion and they are currently working with the consents planners at SDC to establish what consents may be required.

### *Ellesmere Speedway*

The Ellesmere Motor Racing Club advised they have been in operation at the site for approximately 36 years and advised they do not have a resource consent as this has never been required and they have not encountered any planning issues to date. The Club are committed to continuing their motorsport activity and have just last year finished a major development and completely rebuilt the track and are continuing the upgrades on the off-season with significant investment.

### *Moore Park<sup>4</sup>*

The President of the Canterbury Motorcycle Speedway Club/Moore Park Motorcycle Speedway advised they have had several building consents granted for minor buildings, which were sought under the name of the Christchurch Off-Road Motorcycle Club which holds the lease on the land.

There were issues concerning a potential resource consent several years back connected to one of the building consents, but this was resolved<sup>5</sup>. In the future the Club advised another toilet block (most probably portable) is proposed.

The Club advised they intend to stay at the site for the foreseeable future as the Club have invested hundreds of thousands of dollars in the venue, which provides the local community a controlled recreation facility both as a spectator and/or competitor. The Club also contribute to the local Selwyn economy by way of the spectator numbers drawn from outside the district.

<sup>4</sup> This stakeholder feedback was inadvertently omitted from the Baseline Report.

<sup>5</sup> Building Consent 122121 has a note concerning a proposed garage not complying with an internal boundary setback under the Operative Plan. The garage was repositioned to comply avoiding the need for resource consent.

## 7.0 Summary of Options to Address Issues

### 7.1 OPTION 1 - MAINTAIN STATUS QUO

**Effectiveness in Addressing Issues:** A rollover of the current provisions would maintain the issues outlined in section 3.0 and is therefore considered ineffective.

**Risks:** It is considered the provisions need updating and revising in the context of an activity-based plan and therefore there would be ongoing risk that the effects of such activities are not appropriately managed. Not addressing the identified issues with the provisions would be a lost opportunity given the District Plan review is underway and the existing management approach could be retained with amendment to improve the efficiency and effectiveness of the provisions.

**Budget or Time Implications:** This would be the most cost and time efficient option in the short-term for the Council, but such provisions remaining in the Plan could necessitate a plan change in due course whereby costs would be incurred in any case.

**Stakeholder and Community Interests:** All identified stakeholders.

**Recommendation:** Do not maintain the status quo.

### 7.2 OPTION 2 - AMEND AND UPDATE THE PROVISIONS TO IMPROVE CLARITY AND EFFECTIVENESS

Under this approach the provisions would be updated to ensure they are consistent and clear. In particular, the Baseline Report project scope required recommendations on the types of matters that should inform or be reflected in policies and options for rules. These policy and rule recommendations which would form the basis of amendments to the existing provisions are outlined below:

#### 1. Definitions

All of the community and recreation related definitions need to be revised to provide greater clarity and reduce overlap, also taking into account the National Planning Standard definitions of relevance.

#### 2. The types of matters to that should inform or be reflected in policies:

##### *Community facilities/activities:*

- Recognise the positive effects that community facilities/activities provide such as the health, safety and wellbeing of communities.
- Provide for and enable community facilities/activities district-wide in appropriate locations.
- Ensure community facilities are accessible to the community for community wellbeing and to meet community's expectations.
- Ensure community facilities/activities do not have significant adverse effects on residential character and amenity values.
- Recognise that certain community facilities have a strategic and/or operational need to locate in certain areas.
- Encourage multi-uses of community facilities.

- Encourage the efficient use and maintenance of community facilities.
- Provide some development leniency with respect to certain community facilities/activities.

*Recreation facilities/activities (non-residential and non-community facilities/activities):*

- Recognise the positive effects that recreation facilities/activities provide in relation to the health, safety and wellbeing of people.
- Provide for recreation facilities /activities district-wide, with a particular focus in the Rural zones where most are located, subject to management of effects.
- Ensure facilities/activities do not have significant adverse effects on character and amenity values.
- Provide specific policy direction in relation to specific activities to correspond with more targeted rules.

3. Options for rules include:

- *Landscaping* - Retain rules requiring landscaping but consider additional landscaping controls especially in Living Zones to screen and mitigate building bulk.
- *Site coverage* - In Living and Business zones the site coverage controls could be more fine-grained or even exempted in relation to particular activities in certain locations.
- *Car parking* - The Transport review of the car parking provisions should include review of the: car parking requirements for existing and anticipated community and recreation activities to ensure activities are clearly provided for and the rates are appropriate; whether the approach could be more fine-grained in relation to some specific activities rather than the broad category approaches currently used in relation to places of assembly and/or recreation activities and health care services for example; and whether the wording of the car parking rules could be clearer and more enforceable.
- *Cycle parking* - The Transport review of the cycle parking provisions should consider the effectiveness of the cycle parking rates (including imposing a cap in relation to some activities and not others) and the location and design requirements in relation to community and recreation (and other) activities.
- *Signage* - Community and community/recreation related signage on council-held land should be enabled given such signage is anticipated and often serves an important purpose such as naming or directional information. How this is best achieved by way of tailored plan rules specific to activities or a bylaw is to be determined by the Signage review. It is also recommended that as part of the Signage review that further consideration be given to whether signage in relation to community facilities not within council owned land could be better enabled where such facilities are necessary and anticipated, or even possibly exempt (i.e. emergency services signage).
- *Noise* - Spiritual and education activities no longer be exempt from the noise provisions; emergency services continue to be exempt (refer to Emergency Services Report); and specific noise controls for recreational facilities such as rifle ranges and powered motor sport activities be considered. This issue has also been identified by the Council's Acoustic Consultants as requiring further consideration.
- *Scale of activities* - The scale of activities rule be reviewed in the context of the wider District Plan review to determine whether it is appropriate to retain with amendment or alternatively rely on



other existing rules such as site coverage and/or new rule(s) such as a trip generation rule to manage the scale of non-residential and non-rural activities.

- *Hours of operation* - That spiritual and education activities no longer be exempt from the hours of operation rule, and that exemptions for community facilities such as hospitals and emergency services or activity specific rules for particular facilities/activities be considered further.

#### 4. Other Matters to Note

- The range of existing and proposed facilities/activities across the District will need to be reflected in the context of an activity-based plan. As an example, new types of facilities are anticipated within the District including community corrections facilities and IFHC which will need to be considered and provided for where appropriate.
- MoE will continue to rely on designations and the Rolleston Christian School which is a State Integrated School is proposed to be designated.

**Effectiveness in Addressing Issues:** Updating the provisions would address the issues identified in section 3.0 of this report.

**Risks:** In some instances a tightening of the rules is recommended or recommended to be considered further, which will likely not be favoured by certain affected stakeholders. For instance, spiritual facilities and pre-schools are currently exempt from noise and therefore the recommendation to remove this exemption will place greater control on these activities. This can be mitigated to some degree by further targeted engagement during the next phase. There is also a need for integration and consistency going forward as several other District Plan Review Topics feed into this work (i.e. noise, signage).

**Budget or Time Implications:** This option will incur some time and cost to Council to prepare an updated set of provisions but will reduce the cost to Plan users as a result of the lack of clarity and the ineffectiveness of the provisions in managing effects where the provisions are either too lenient or restrictive. There will also be greater consenting costs in some instances should noise exemptions be removed for example (but this is balanced by the need to better manage environmental effects).

**Stakeholder and Community Interests:** All identified stakeholders.

**Recommendation:** Proceed with Option 2.

## 8.0 Stakeholder Feedback on the Draft Preferred Option Report

The draft Preferred Option Report (and Baseline Report for reference) was sent to all stakeholders who provided feedback on the Baseline Report, and Environment Canterbury. The report was not sent to Mahaanui Kurataiao Ltd given they had no comments on the Baseline Report.

*ECan, CDHB, MOE, and Corrections*

ECan advised they have no feedback, as did CDHB. MoE have no further feedback and stated the report accurately reflects discussions, and Corrections advised they are comfortable with the report and recommendations.



*Rolleston Christian School*

The Rolleston Christians Schools Trust have no issue with the reports but clarified that the Rolleston Christian School is owned by the Christian Schools Trust and operated by the Rolleston Christian School Board of Trustees which are two separate and distinct legal entities (the Baseline Report states that the school is owned and operated by the Rolleston Christian School Trust). All State Integrated Schools are run by a Board of Trustees, a Crown Entity, and are owned by a separate legal organisation, most often a Charitable Trust. At this stage this information is not material to the context of the reports but is useful clarification.

*Salvation Army*

The Salvation Army advised they are currently preparing a resource consent application for their Generation House property and will lodge it with Council in due course.

*Ellesmere Speedway*

Ellesmere Speedway advised that their site is not located on DoC land. This has been confirmed as correct (initial internet searches showed the address for the site as 38 Southbridge Dunsandel Rd, however the correct address in Council's system is 256 Feredays Road, which is in private ownership). Ellesmere Speedway advised that they are especially concerned about any change to the District Plan that would restrict their Club from continuing to operate. They are a well-established facility and want to continue to be able to operate without undue constraint. The key effect of noise was discussed. The Club have undertaken to gather some noise data as a basis for ongoing discussions with Council as to what an acceptable limit may be for their motor sport activity (as relying on the Rural Zone limits could result in future compliance issues and the current lack of a specific noise limit for motorsport noise has been identified as an issue by Council's Acoustic consultants). The Club also advised that they usually have meets only once a month so noise is irregular. The Club want to remain consulted with during the review process.

*Moore Park*

The President of the Canterbury Motorcycle Speedway Club (Trading As Moore Park Motorcycle Speedway) advised that in addition to Moore Park and Ellesmere Speedways, there are a number of additional motor sport facilities in the District. These facilities include: the Canterbury Off Road Racing Club (adjacent to Moore Park); the Christchurch Off Road Motorcycle Club (operate within Moore Park and sub-lease from Canterbury Motorcycle Speedway Club); the Canterbury Mini Motor Cross Club in Darfield; and a Motor Cross Track situated in Leeston that gets used occasionally. All venues hold motor racing events and training days which are open to the public to attend.

Approximately 10-12 race meetings are held per year at Moore Park and training days are held on Sundays. The Club advised they have not received any complaints about their operations to date. The Club lease the land from ECan on a 10 yearly basis. A significant amount of money has been invested in Moore Park upgrading the facilities and infrastructure and the ability to continue to viably operate is important. The Club understands that noise is a key effect which the Council is seeking to manage and wish to be consulted with when provisions relevant to their facility (and other motorsport facilities) are developed. The Club are also concerned about reverse sensitivity should there be any future residential development near the site.

## 9.0 Preferred Option for further engagement

The Project Team recommends that Option 2 as outlined in section 7.2 above is endorsed by the Council for further development.

## Appendix 1 – Community and Recreation Facilities Baseline Report

[Link to Report:](#)

[Community and Recreation Facilities \[PDF, 1487 KB\]](#), 21 December 2017

**9b. Communications and Engagement Summary Plan – Community and Recreation**

Author:	Vicki Barker (Barker Planning) and Katrin Johnston (Communications Consultant)
Contact:	021 354366 (Vicki)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Community and Recreation topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Community and Recreation Facilities – communications and engagement summary plan’

# DW203 Community and recreation facilities – communications and engagement summary plan

## Key messages

(as of 7 May 2018)

### Background

- As part of the current Selwyn District Plan review, provisions relating to community and recreation facilities within Selwyn are also being reviewed. These facilities include education activities, such as schools (one state integrated school and 28 designated state schools across the district) and pre-schools; health care facilities (three hospitals across the district and other facilities); corrections facilities (one custodial facility – Rolleston Prison and Periodic Detention Centre; and potential non-custodial corrections facilities, such as community work facilities for offenders); spiritual activities (eg churches); welfare facilities such as the Salvation Army Generation House; and a range of recreation facilities, including Ellesmere Speedway and Moore Park.

### Current status

- There are a range of zone and district-wide rules for managing environmental effects as a result of both community and recreation activities. The key rules include: landscaping, site coverage, height, building position, transport, signs, noise, lighting, scale of activities and hours of operation.
- Some of the key issues are:
  - unclear and overlapping community and recreation related definitions, which results in confusion about how certain provisions should be interpreted and applied,
  - unclear and inconsistent objectives and policies,
  - the plan rules are not always effective in managing actual and potential environmental effects,
  - a need for activity-based provisions for the range of facilities and activities.

### About preferred option

- Draft changes aim to provide for and enable community and recreation facilities in certain locations, and encourage community access across the district.
- Key draft changes include:
  - Revise all definitions to provide greater clarity and reduce overlap
  - Revise the objectives and policies
  - Revise the rules to better provide for development and more effectively manage environmental effects. For example:
    - more lenient site coverage controls in some instances,
    - more lenient signage provisions for community and recreation related signage on Council-owned land,
    - no longer exempting spiritual and education activities from noise controls and the hours of operation rule,
    - consider new noise specific rules for certain recreational activities such as motor sports,
    - hospitals to be exempt from the hours of operation rule.
  - Develop activity-based provisions, including for new activities such as :
    - community corrections facilities (consider a more lenient activity status and greater development flexibility in certain zones, especially for non-custodial community corrections facilities; currently this type of facility is non-complying in a number of residential and business zones),
    - integrated family health centre (anticipated in Rolleston in the short-term).
- Following the Council's endorsement of preferred option, we will engage with stakeholders and landowners/occupiers on the draft changes to the Proposed District Plan. As part of general public consultation on a range of draft changes, we will also consult on the noise specific rules specific to community and recreation facilities.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	Ministry of Education	Salvation Army	Selwyn ratepayers
Council Consents, and Monitoring and Compliance officers	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Department of Corrections	Ellesmere Speedway	News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)	Canterbury District Health Board	Blossoms Educare Canterbury Ltd (pre-school operator), Presbyterian Church of New Zealand, Church Property Trustees, Malvern & Ellesmere Co-operating Parish, and Lincoln Union Parish (Note: no feedback on baseline report)	Wider public
			Leeston Life Church Trust	
			Rolleston Christian Schools Trust	
			Moore Park	

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments			(provided no feedback)			
Preferred option development <sup>4</sup>				(the ones who provided feedback on the baseline report)	(the ones who provided feedback on the baseline report)	
Preferred option consultation				(the ones who provided feedback on the baseline report)	(the ones who provided feedback on the baseline report)	(only on noise specific rules)

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-May	May	June	July <sup>5</sup>
ECan			Preferred option report shared	
Rūnanga				
Key stakeholders			Preferred option report shared	
Landowners/occupiers			Preferred option report shared and feedback sought	
General public			Endorsed preferred options report is published on Your Say Selwyn	General public consultation on noise specific rules as part of district-wide topic Noise and vibration
DPC		Preferred options report goes to DPC		

<sup>4</sup> Consultation was not carried out with external parties at this stage as the baseline report was a combination between a baseline and a preferred option report.

<sup>5</sup> This plan covers period until public pre-notification consultation on preferred options starts.

**10a. Preferred Option Report – Relocated Buildings**

Author:	Rachael Carruthers (Strategy & Policy Planner)
Contact:	347 2833

**Purpose**

To brief the Committee on the findings of the Relocated Buildings Baseline and Preferred Option Report, which reviewed the provisions relating to relocated buildings in the operative Selwyn District Plan and how these provisions have been implemented. Trends relating to conditions imposed and the distribution of these buildings within the district have also been identified, together with a review of provisions in other district plans. The Preferred Option Report presents seven options for consideration.

**Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option for Relocated Buildings for further development and engagement.”**

**Attachments**

‘Preferred Option Report for Relocated Buildings’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

**DATE:** 16 May 2018

**TOPIC NAME:** District-wide

**SCOPE DESCRIPTION:** Relocated buildings – DW013

**TOPIC LEAD:** Rachael Carruthers

**PREPARED BY:** Rachael Carruthers

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>This report reviews the operative provisions of the District Plan relating to the relocation of buildings to ensure that the provisions remain relevant and appropriate.</i>
<i>Preferred Option</i>	<i>For residential areas, including rural settlements, a combination of Options 3 and 5, being to carry over a revised version of the existing provisions. For all other areas, Option 7, being to make relocated buildings a permitted activity, subject only to the same district plan standards that relate to new buildings.</i>
<i>DPC Decision</i>	





## 1.0 Introduction

The overall aim of this report is to establish a range of options, including a preferred option, to manage the continued use of relocated buildings in Selwyn District as part of the Selwyn District Plan Review.

The report considers the existing provisions relating to relocated buildings within Selwyn and how these provisions have been implemented, particularly those resource consents that have been granted for relocated buildings in Selwyn since 2008. Trends relating to conditions imposed and the distribution of these buildings within the district have been identified.

The current provisions are compared with relevant statutory documents and the provisions of adjoining districts Christchurch, Hurunui and Waimakariri are considered. Invercargill and South Taranaki have both recently removed the controlled activity status from relocated buildings within their districts, and so their new provisions are also considered.

Seven options are presented for consideration. Of these, a combination of Options 3 and 5 are recommended for residential areas, with Option 7 recommended for all other areas.

## 2.0 Summary of Issues

Buildings are often relocated as a whole or in parts, on to a new site, from either within or outside the District. Buildings are relocated for many reasons. They can be a cheaper alternative to new buildings; a specific building design may be desired; or the building may be relocated to a new site to preserve it.

Experience shows that relocating buildings can however result in adverse effects, particularly for the receiving environment. Relocated buildings are often older and may appear out of place when re-positioned into a much newer context, such as a new residential subdivision. Of necessity, the process of relocation often means the building itself must undergo remedial work to re-establish it as fit for its intended purpose, and depending on how that is undertaken, and how long it takes to complete, that can result in adverse amenity effects, even if only temporarily.

Some people object to relocated buildings being moved into their neighbourhood because they think it will reduce property values in the area, particularly if the relocated building is old and the other houses, new. Other people are more concerned if the relocated building sits on blocks on the new site for a long time, or is damaged during transit and not repaired.

## 3.0 Statement of Operative District Plan approach

### 3.1 Operative District Plan

Relocated buildings are defined in the operative District Plan (both volumes) as *“any building that is removed from one site and relocated to another site, in whole or in parts. It does not*

*include any new building which is designed for, or intended to be used on, a site but which is erected off the site, in whole or in parts, and transported to the site."*

This definition excludes new pre-fabricated (transportable) buildings being moved to their first site. The policies seek to manage the extent and timing of exterior reinstatement works, which are not required for these buildings. The subsequent relocation of such buildings to another site is within the definition, and so transportable buildings are subject to the rules for relocated buildings at that time.

In practice, where buildings to be relocated have been substantially disassembled before transport ('flat packed'), they have not been treated as relocated buildings, but rather as new buildings using second-hand materials. This occurs where the degree of disassembly means that it is no longer a 'building' in whole or in parts.

"Building" is currently defined (both volumes) as *any structure or part of any structure whether permanent, moveable or immovable, but does not include any of the following:*

- *Any scaffolding or falsework erected temporarily for maintenance or construction purposes*
- *Any fence or wall of up to 2m in height*
- *Any structure which is less than 10m<sup>2</sup> in area and 2m in height*
- *Any vehicle, trailer, tent, caravan or boat which is moveable and is not used as a place of storage, permanent accommodation or business (other than the business of hiring the facility for its intended use)*
- *Any utility structure.*

Townships Policy B3.4.30 and identical Rural Policy B3.4.19 seek to ensure that any relocated building is reinstated to an appropriate state of repair, within a reasonable timeframe. The Plan does not prevent people relocating buildings for the following reasons:

- In general, the Plan does not control the design or age of other buildings (building design is controlled in some zones).
- Relocated buildings can be an efficient use of physical resources, which is a matter to be considered in promoting sustainable management under section 7(e) of the Act.
- If a particular developer wishes, they can use mechanisms outside the District Plan to prevent relocated buildings within a particular subdivision.

The operative District Plan provides for relocated buildings as permitted activities in all Living and Rural zones and in the Business 1 zone under the following circumstances:

- The relocated building is an accessory building; or
- The building is relocated from one position to another within the same site; or
- The building is relocated on to a site for a temporary activity and is removed from the site within 2 days of the activity ceasing; or
- The building is relocated on to a site to provide temporary accommodation during a construction project on the site, and the building is removed from the site within the lesser time of 12 months; or when the construction work ceases.

- The building is being relocated within or between schools.

Where a relocated building in these zones does not satisfy the criteria for a permitted activity, then it becomes a controlled activity. Control is retained over:

- The time period within which the building will have its new foundations laid or covered;
- The time period to repair any damage to the exterior of the building;
- The standards to which the exterior of the building will be finished and the time period for completing this work;
- Whether any bond is required to cover the cost of any reinstatement works required, and the type of bond;
- Any monitoring conditions.

Relocated buildings of all types are permitted activities in Business 2 and 3 zones.

In all cases, the relevant bulk and location standards apply to relocated buildings in the same way that they apply to a new build on that site.

### 3.2 Implementation of the Operative District Plan

In relation to the time period within which the building must be placed on its new foundations, current practice is for the consent conditions to allow 15 working days from when the building arrives on the site in townships, and 30 working days in the rural zone.

Council's monitoring officer has advised that buildings are generally not placed on their new foundations within the timeframe allowed by consent conditions, but that most are on foundations within two months. Buildings that are left on sties for extended periods can be a safety risk (there have been instances of children playing under buildings where they have been inadequately fenced) or can deteriorate.

In relation to the time period within which the exterior of the building is to be repaired, current practice is for the consent condition to allow six months from when the building arrives on the site in townships, and twelve months in the rural zone.

Council's monitoring officer has advised that reinstatement works generally take around nine months to complete, although some take years. Where reinstatement works to ensure water tightness are delayed, the building can deteriorate.

The reinstatement assessments that accompany resource consent applications often underestimate the cost of the works to be undertaken. This can result in applicants overestimating their ability to complete works within a reasonable timeframe.

The completion of identified reinstatement works is generally ensured by way of a bond, to the value of the estimated cost of the reinstatement works plus 10 percent. Applicants are given the choice of three types of bond: to have the money held by council; to have the money held by their solicitor's trust account; or to have the money held by their bank.

Where the money is held by council in the CORB account, it can be released in stages where part of the work has been completed (for example, the building has been re-roofed but not yet re-clad), but the release is dependent on the next council payment run and so can take several weeks. The consent holder therefore needs sufficient funds available to them to both pay for the works and to provide the bond.

Where the money is held by the consent holder's solicitor in their trust account, it can be released to the consent holder more quickly. Again, release in stages is possible, but the consent holder generally still needs sufficient funds available to them to both pay for the works and to provide the bond.

Where the money is held by the consent holder's bank, it is generally held as a part of the mortgage for the property. Council's monitoring officer advises that the establishment and release of the bond is time consuming for the bank and can be expensive for the consent holder, and so banks prefer to loan the bond amount and for the bond to be held by council or the solicitor. Where a bond is held by a bank, their preference is that the bond be released as a single amount, rather than in stages.

### 3.3 Existing provisions for the permitted relocation of buildings

The existing provisions make a number of building relocations a permitted activity, namely where the building is:

- an accessory building; or
- relocated from one position to another within the same site; or
- relocated on to a site for a temporary activity; or
- relocated on to a site to provide temporary accommodation during a construction project on the site; or
- being relocated within or between schools.

#### ***The relocated building is an accessory building***

Accessory buildings for relocation tend to fall into two types: structures that were constructed as permanent buildings on their original site (such as garages and implement sheds) and those that were always intended to be moved from one site to another (such as porta-coms and shipping containers).

Buildings that were intended to be permanently on their original site require a new foundation on their new site, and so require a building consent. Council's Building Department advise that garages and other simple structures tend to be dismantled and reassembled (so becoming a 'new build with second hand materials') because their lack of internal bracing makes it difficult for them to be moved as an intact unit. As such, they fall outside the definition of a 'relocated building' and are subject only to the district plan standards that relate to new buildings.

More complex structures have also been relocated as accessory buildings. In particular, there have been instances where buildings that have been constructed and used as dwellings on their original site have been relocated to the rural area as a 'sleepout' by the pre-relocation removal of

the kitchen. As a permitted activity, there has been no requirement to reinstate the exterior of the building to a reasonable standard. This has resulted in buildings that both have an adverse effect on the amenity of the rural area (because the exterior has not been reinstated) and that appear to increase the residential density of the rural area (because, regardless of the internal fitout, they still look like a dwelling).

It is the intended use of structures such as porta-coms and shipping containers that currently trigger the need to obtain resource consent, rather than the relocation of the structure itself. Regardless of their size, if they are intended for use as accessory buildings such as sleepouts or storage, then they are a permitted activity. It is generally only when they are intended for use as part of a commercial activity such as a home occupation that the need for a resource consent is currently triggered.

Structures such as porta-coms and shipping containers require a building consent only if building work (such as a foundation) is proposed. If no foundation or connection to services is proposed, then no building consent is required. Council's monitoring and compliance staff have advised that the presence of shipping containers in particular on residential properties is a source of complaints because of adverse effects on visual amenity. However, provided that the relevant bulk and location standards are met, there is nothing in the operative District Plan that prevents a landowner from obtaining a building consent to erect a structure of the same dimensions as a shipping container and cladding it in a similar secondhand material.

***The building is relocated from one position to another within the same site***

The relocation of a building from one position to another within the same site generally occurs in order to facilitate additional development on the site, such as the erection of a second dwelling or to improve the layout of a subdivision. Again, the need for new foundations means that a building consent is required. The desire to maximise the return from the additional development is generally sufficient incentive to ensure that the exterior of the relocated building is reinstated, so as not to adversely affect potential sale prices.

***The building is relocated on to a site for a temporary activity***

This provision allows for temporary activities to relocate buildings onto a site to facilitate the activity, and then to remove them once the activity is concluded. 'Temporary activity' is defined in the operative District Plan, and includes activities that last for up to 7 consecutive days, not more than 3 times per year. Such buildings may be to provide for: event management; event or vendor space; or public conveniences at an event. Although the standard only specifies their removal time (no more than two days after the conclusion of the temporary activity) and not their time on-site before the activity commences, such buildings are generally moved from site to site for various temporary activities. As such, there is a financial incentive on the part of both the building owner (looking to maximise the number of events the building can be at and therefore the income) and the building user (looking to minimize the time they need to hire the building and therefore the cost) to delay arrival of such buildings as long as possible.

Such buildings still need to comply with bulk and location requirements, and so cannot be positioned where a building is unexpected.

Buildings relocated under this provision are only on sites for limited periods, and so I consider that it would be unreasonable to require them to go through a resource consent process. Buildings of this nature are unlikely to require a foundation, and so a building consent would not be required.

***The building is relocated on to a site to provide temporary accommodation during a construction project on the site***

Resource consent staff have advised that, where temporary accommodation has been proposed as part of a construction project, it has been within an existing building, most commonly an existing dwelling while a replacement dwelling is built. As such, the relocation of a building has not been involved and this provision has not been used to provide accommodation in the sense of a temporary dwelling.

Buildings have been relocated to sites to act as site offices for large construction projects, providing accommodation in the wider sense, but these have either been considered accessory buildings to the main activity on the site and therefore permitted under that provision, or considered through the wider consenting process for the main activity.

***The building is being relocated within or between schools.***

Almost every school in Selwyn is on a site designated for education purposes. As such, the relocation of buildings such as prefab classrooms within or between schools is almost always subject to an outline plan approval process. This aspect of the permitted activity standards has therefore not been used in the life of the operative District Plan.

Putting aside designated sites, where a building is relocated within a school, then provision is already made for this in the current permitted activity standard. Where a building is being relocated into a school, then the increased level of activity on the site which has necessitated the new building would also be subject to Plan requirements. Where a resource consent is required for the increased activity, then the relocation would be considered as part of the wider application, including reinstatement works if the building is a classroom or other principal building. Should the provisions of the proposed District Plan be such that the increased activity is a permitted activity, then there is no readily apparent reason why a building relocated to a school on a non-designated site shouldn't be subject to the same requirements as relocated buildings elsewhere in the district.

## 4.0 Summary of relevant statutory and/or policy context and other background information

### 4.1 Resource Management Act 1991

The relocation of existing buildings to extend their use and therefore their life can be a sustainable use of an existing built resource, thereby achieving the purpose of the Act.

## 4.2 Canterbury Regional Policy Statement

The development policies of the Canterbury Regional Policy Statement are more targeted towards large scale development. However, the following policies may be related to the relocation of dwellings, particularly in terms of providing choice and diversity while protecting existing identity and character.

### **5.3.1 Regional Growth (Wider Region)**

To provide, as the primary focus for meeting the wider region's growth needs, sustainable development patterns that:

1. ensure that any

(a) urban growth; and

(b) limited rural residential development

occur in a form that concentrates, or is attached to, existing urban areas and promotes a coordinated pattern of development;

2. encourage within urban areas, housing choice, recreation and community facilities, and business opportunities of a character and form that supports urban consolidation;

3. promote energy efficiency in urban forms, transport patterns, site location and subdivision layout;

4. maintain and enhance the sense of identity and character of the region's urban areas; and

5. encourage high quality urban design, including the maintenance and enhancement of amenity values.

### **6.3.2 Development form and urban design**

Business development, residential development (including rural residential development) and the establishment of public space is to give effect to the principles of good urban design below, and those of the NZ Urban Design Protocol 2005, to the extent appropriate to the context:

1. *Tūrangawaewae* – the sense of place and belonging – recognition and incorporation of the identity of the place, the context and the core elements that comprise the place. Through context and site analysis, the following elements should be used to reflect the appropriateness of the development to its location: landmarks and features, historic heritage, the character and quality of the existing built and natural environment, historic and cultural markers and local stories.

2. *Integration* – recognition of the need for well-integrated places, infrastructure, movement routes and networks, spaces, land uses and the natural and built environment. These elements should be overlaid to provide an appropriate form and pattern of use and development.

3. *Connectivity* – the provision of efficient and safe high quality, barrier free, multimodal connections within a development, to surrounding areas, and to local facilities and services, with

emphasis at a local level placed on walking, cycling and public transport as more sustainable forms of transport.

4. Safety – recognition and incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the layout and design of developments, networks and spaces to ensure safe, comfortable and attractive places.

5. Choice and diversity – ensuring developments provide choice and diversity in their layout, built form, land use housing type and density, to adapt to the changing needs and circumstances of the population.

6. Environmentally sustainable design – ensuring that the process of design and development minimises water and resource use, restores ecosystems, safeguards mauri and maximises passive solar gain.

7. Creativity and innovation – supporting opportunities for exemplar approaches to infrastructure and urban form to lift the benchmark in the development of new urban areas in the Christchurch region.

#### 4.3 Building Act

The relocation of buildings requires a building consent, but council’s Building Department advice is that the scope of that consent is more limited than for a new building. The building consent is limited to the: structural suitability of the building for the new site (bracing and joins); foundations; access to the building (eg steps where a pile foundation is proposed); drainage; and the connection to utilities.

The exterior of the building is only subject to a building consent where the building is to be re-clad, such as where a brick veneer has to be removed and replaced. Where the cladding is not to be replaced as part of the project, such as with weatherboards, then the exterior of the building is not subject to the building consent.

Work associated with a building consent must be commenced within six months of the issue of the consent, and completed within two years.

#### 4.4 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan provides a policy framework for the “protection and enhancement of Ngāi Tahu values, and for achieving outcomes that provide for the relationship of Ngāi Tahu with natural resources across Ngā Pākihi Whakatekateka o Waitaha and Te Pātaka o Rākaihautū”.

The Mahaanui Iwi Management Plan provides statements of Ngāi Tahu objectives, issues and policies for natural resource and environmental management in the takiwa that express kaitiakitanga and protect toanga. The plan is divided into eight policy sections addressing:

- Kaitiakitanga
- Wai Māori (freshwater)



- Ngā Tūtohu Whenua (cultural landscapes)
- Ranginui (sky)
- Papatūānuku (land)
- Tāne Mahuta (mahinga kai and biodiversity)
- Tangaroa (oceans)
- Tāwhirimātea (climate change).

Section 5.4 Papatūānuku addresses issues of significance in the takiwa relating to land. Issue P3 Urban and Township Planning seeks Ngāi Tahu participation in urban and township planning development. Policies responding to this issue focus on the involvement of Papatipu Rūnanga in the development and implementation of broader development plans and strategies. Issue P4 Subdivision and Development acknowledges that development can have significant effects on tāngata whenua values but can also present opportunities to enhance those values. Policies encourage engagement with Papatipu Rūnanga by local authorities and developers and refer to subdivision and development guidelines which state (in part) that new developments should incorporate design guidelines to reduce the development footprint on existing infrastructure and the environment.

There are no specific provisions with the Mahaanui Iwi Management Plan related to relocated buildings aside from the overarching policies related to development and subdivision.

The relevant District Plan bulk and location standards apply to relocated buildings in the same way that they apply to a new build on that site. These include setbacks from water bodies and works within or near wāhi tapu and wāhi taonga areas.

#### 4.5 Distribution of relocated buildings

In the period from 2008 until the end of 2017, 240 resource consents have been granted for relocated buildings. Almost all have been dwellings (including family flats), although some have been intended for use by businesses or for community purposes. This equates to less than 2% of all new dwellings in townships over the same period, but slightly more than 10% in the rural area. Within the rural area, the geographical distribution of relocated buildings has been fairly evenly split between wards.

Within townships, the distribution of relocated buildings has been more varied and concentrated in the smaller townships further from Christchurch. When considered as a percentage of new dwellings within each township as a whole, relocated buildings have formed a significant proportion of new dwellings in each of Coalgate (59%), Hororata (57%) and Southbridge (47%) over this time. They have formed around a third of all new dwellings in each of Whitecliffs, Springfield, Rakaia Huts and Dunsandel and around 10% of all new dwellings in each of Glentunnel, Sheffield and Doyleston. In other townships, relocated buildings have formed 5% or less of all new dwellings.

This geographical distribution is likely to be a result, at least in part, of developer covenants imposed on subdivisions in the larger townships, preventing the use of relocated buildings on sites. Such covenants are less likely to be imposed on new subdivisions in smaller townships, or

where existing bare sections are developed. In addition, sections in these smaller townships are generally less expensive than sections closer to Christchurch and therefore more attractive to persons looking to minimize development costs by relocating an existing building.

## 5.0 Summary of alternative management responses – Other Districts

### 5.1 Ashburton District

The Ashburton District Plan became operative in 2014, and contains a district-wide section (chapter) for relocated buildings and temporary activities. The Plan defines ‘relocation’ as *“in relation to a building, means the removal of any building from any site and the permanently fixing down on a new site.”* As such, structures such as shipping containers that are not permanently fixed down are not included within the definition and are not subject to the provisions relating to relocated buildings.

The Plan separately defines the relocation of a heritage item.

In summary, the relocation of buildings is a permitted activity in most zones, subject to compliance with standards relating to:

- the previous use of the building (buildings to be used as a dwelling must have been constructed as such – conversion of non-residential buildings to dwellings does not meet the standard)
- the issue of a building consent
- the building must be placed on permanent foundations within 2 months of arriving on site
- the identification of required exterior reinstatement works and their completion within 6 months of the building arriving on site

Where the relocation of a building does not meet the applicable standards, it is assessed as a restricted discretionary activity without notification or written approvals. Discretion is restricted to consideration of:

- Landscaping
- The timeframe for reinstatement works
- The design and appearance of the building following reinstatement.

The relocation of buildings is not a permitted activity in: the high density residential development zone in central Ashburton; the residential and rural land in and around Barhill; or in the high country. However, this is consistent with the standards for new buildings in these areas, which are also restricted discretionary activities concerned with the design and appearance of the building. The matters for discretion are the same, regardless of whether the building is relocated to the site or built new.

## 5.2 Christchurch City

The Christchurch District Plan defines “relocation of a building” as meaning “the removal and re-siting of any building from any site to a new permanent site, but excludes new (i.e. immediately habitable) buildings constructed elsewhere specifically for, and subsequently relocated permanently onto, another site.” ‘Relocatable building’ and ‘relocation of a heritage item’ are defined separately.

The Plan has separate provisions permitting temporary buildings associated with construction activities and temporary activities such as events.

Although the Plan includes a definition and matters for discretion for the relocation of buildings, the relocation of buildings is a permitted activity in all zones, subject only to the same standards as new buildings.

## 5.3 Hurunui District Plan

The Hurunui Proposed District Plan notes in the Settlement chapter that the relocation of any building has the same activity status and is subject to the same requirements as any new dwelling. The Rural chapter is less explicit on the matter, but the s42A report for that chapter clearly sets out an expectation that, by deleting the rule that made non-compliance with permitted activity standards a restricted discretionary activity, the relocation of buildings would become a permitted activity in the Rural zones.

Where the Plan does retain controls over relocated buildings, however, is in Rural zones where containers (such as shipping containers) are located within 500m of a strategic arterial road or district arterial road where the container is visible from the road. In summary, the exercise of discretion in this circumstance is restricted to consideration of visual character and amenity effects.

## 5.4 Waimakariri District Plan

The Waimakariri District Plan is silent on the issue of relocated buildings. Because they are not explicitly listed as a more restrictive category, they are a permitted activity, subject only to the standards that apply to all buildings.

## 5.5 Cross boundary assessment summary

Having reviewed the District Plan provisions relating to relocated buildings within the four Canterbury districts adjoining Selwyn, in general only Ashburton manages relocated buildings in any way other than the same as new buildings. In that case relocated buildings are permitted activities, subject to standards relating to the prior and proposed use of the building and the timing of reinstatement works. Hurunui requires a resource consent for shipping containers in certain circumstances where they will be visible from major roads. Selwyn is currently the only district where a resource consent is required for all relocated dwellings and principal buildings in residential and rural zones.

## 5.6 Invercargill City Plan

Decisions on the Proposed Invercargill City Plan were released in 2016, with the appeals version released in January 2017. The provisions relating to relocated buildings are beyond challenge and as such are now treated as operative. Within the residential, rural residential and rural zones of Invercargill City, the relocation of accessory buildings and new dwellings is a permitted activity, subject to no additional standards beyond those applicable to new buildings.

Similar to Ashburton, the relocation of a previously used building intended to be used as a dwelling is a permitted activity, subject to standards relating to:

- the building must be placed on permanent foundations within 90 days of arriving on site
- the identification of required exterior reinstatement works and their completion within 12 months of the building arriving on site

Where the relocation of a building does not meet the applicable standards, it is assessed as a restricted discretionary activity. Discretion is restricted to consideration of:

- The timing and scope of reinstatement works
- Structural integrity and weatherproofing
- Stormwater management on the site
- Visibility from public places and screening
- The timing of site rehabilitation
- Monitoring of progress
- The imposition of a bond to ensure the completion of works, up to 1.5 times the value of the work
- Any heritage values of the receiving site and/or any adjoining site

Separate rules manage the demolition or removal of buildings from a site, with a resource consent required where buildings exceed a certain size.

These rules give effect to general policies requiring all buildings to be *“sound, well-maintained and tidy in appearance, recognising the adverse effects of dilapidated structures and ill-maintained lands on the wider neighbourhood”*, together with more specific policies to *“manage the adverse effects of demolition or removal activities on amenity values by ensuring the clean-up, screening and maintenance of sites”* and to *“manage the adverse effects of relocation activities on amenity values by ensuring that any relocated building is placed on permanent foundations and reinstated to a reasonable state of repair within a reasonable timeframe.”*

## 5.7 South Taranaki District Plan

The Proposed South Taranaki District Plan was notified in 2015, with decisions released in November 2016. A relocated building is defined in that Plan as meaning *“any second hand building which is transported in whole or in parts and relocated from its original location to a new*

*location, including relocation within the same site. This includes relocation of accessory buildings and shipping containers where the latter are converted for habitable purposes.”*

The relocation of all buildings (including the removal of a building from its original site) is a permitted activity, subject to standards requiring:

- The pre-relocation identification of exterior reinstatement works identified in a schedule to the district plan and their completion within 12 months of the building arriving on the site, with an undertaking to this effect from the building owner
- The placement of the building on permanent foundations within two months of it arriving on the site
- Any relocated building intended for use as a dwelling or for visitor accommodation must have previously been designed, built and used as such
- A cash bond to be lodged with council to the value of 125% of the estimated cost of the external reinstatement works, with the reinstatement bond assessment sheet being included in the district plan as an appendix.

Where the standards are unable to be met, the relocation becomes a restricted discretionary activity. The exercise of discretion is restricted to consideration of:

- External appearance of the building and site reinstatement
- Effects on amenity values
- Length of time taken to re-construct, repair or refurbish the building
- Performance bond.

## 6.0 Summary of Options to address Issues

There are essentially three potential approaches to relocated buildings in the proposed District Plan: to make provisions more restrictive (Option 1); to keep them about the same, potentially with some tweaks (Options 2 – 5); or to be more permissive (Options 6 – 7). These options are discussed in more detail below.

### 6.1 Option 1 – Increase the activity status from controlled to restricted discretionary

This option would provide Council with the opportunity to decline applications if it was considered that the design or existing condition of the building was inappropriate for the new location.

#### ***Effectiveness in Addressing Issue:***

Council does not generally dictate the design of new buildings, and in the areas where that does occur, relocated buildings are subject to the same standards as new buildings. If a person was to choose to erect a new building that was, for example, a replica of a villa, then this would not generally be subject to Council-imposed design constraints. It would therefore be inequitable to impose this type of restriction on relocated buildings.

The structural integrity of the building and any associated strengthening required is subject to the building consent process. The required exterior reinstatement works and their associated cost are currently identified by the applicant as part of preparing the application. If the applicant is unwilling to take on the project once the works have been identified, then they do not make the application. As such, introducing uncertainty to the resource consent process on this basis would result in unnecessary duplication of council processes.

The areas of concern to the community in relation to relocated buildings are most often in relation to the time taken to complete phases of the work. In instances where work has taken significantly longer than anticipated or required by consent conditions, this has not been foreseen by the consent holder. As such, there would not have been an ability for consent to have been declined on the basis of the expected timeframe because it would not have formed part of the original application.

***Risks:***

This approach is inconsistent with the approach taken in any neighbouring districts, and such a proposal would likely be subject to significant submissions in opposition.

***Budget or Time Implications:***

There would be time and cost associated with the development of new policies to direct when a relocated building should be approved or declined and the development of appropriate matters for discretion.

***Stakeholder and Community Interests:***

For persons seeking to relocate a building, such an approach would create uncertainty about whether consent would be granted. Given that the sale of relocated buildings is usually subject to tight time frames (often requiring the building to be removed from its original location within 10 days to allow redevelopment of the original site), applicants could be left with a building they have purchased under a time pressure but no ability to relocate it to their intended site.

For the wider community, this approach would give the appearance of enabling buildings to be declined, but in practice issues of concern to neighbours arise when reinstatement takes longer than anticipated. This is not something that is able to be addressed at the consenting stage, because the consent is based on what is anticipated, not on what is not.

***Recommendation:***

Option 1 would create uncertainty about whether a consent would be granted, which could act as a dis-incentive to potential applicants, and also may result in buildings being moved to a site in anticipation of consent, but then having that consent declined. Option 1 is therefore not recommended as a suitable approach to managing relocated buildings in Selwyn.

## 6.2 Option 2 – Retain existing (permitted/controlled) status, but amend the list of permitted relocations to remove accessory buildings

Option 2 would see the existing activity status retained, but the rule extended to require all accessory buildings to obtain resource consent. Depending on the definition of ‘building’, it may also be appropriate to include shipping containers within the definition of relocated buildings.

### ***Effectiveness in Addressing Issue:***

Option 2 would enable Council to require and exercise control over reinstatement works to accessory buildings in the same manner as control is currently exercised over dwellings and principal buildings.

As noted above, secondhand accessory buildings such as garages and implement sheds generally lack the structural integrity required for relocation in one piece, and so are dismantled and rebuilt on their new site as new buildings using secondhand materials. As such, they are not relocated buildings and would not require resource consent for relocation.

The most common complaints in relation to relocated accessory buildings relate to shipping containers. These are seldom placed on a foundation and so do not require a building consent (because no building work is undertaken, no building consent is required). In most instances, therefore, they do not come to the attention of council staff until a complaint is lodged, by which time the container has already been relocated to the site. Requiring a resource consent for such containers would enable enforcement staff to require a retrospective resource consent to be obtained or containers to be removed. It is likely that the conditions on any such consent sought would be limited to reinstatement works such as painting the exterior of the container. While this may appease neighbours, there is no equivalent requirement to paint the exterior of accessory buildings where secondhand materials have been used.

In addition, shipping containers are often hired rather than purchased, as they are intended to be used for a limited time, often during a construction project. As such, these containers would currently be exempt from the need to contain resource consent under the temporary activity provision. Therefore, it would only be those containers that were intended to be permanently located on the site that would be subject to resource consenting requirements under Option 2. This could also lead to enforcement issues, where a land owner may intend that a container be temporary, but it remains on site longer than expected.

### ***Risks:***

This approach is inconsistent with the approach taken in any neighbouring districts, and is likely to result in mainly retrospective applications resulting from complaints. This would increase the workload for enforcement staff without significantly altering the effects of shipping containers on amenity.

***Budget or Time Implications:***

There would be time and cost associated with the drafting of amended provisions, including ensuring internal consistency with other standards and rules.

***Stakeholder and Community Interests:***

Option 2 would address some of the amenity effects associated with older shipping containers located on residential properties. However, shipping containers are generally not positioned on foundations and so building consent is generally not required. As such, council only becomes aware of them once a complaint is received.

While a resource consent condition might require such a container to be painted, there is no equivalent requirement to paint the exterior of accessory buildings that have been dismantled at their original site and reassembled at their new site in the same position relative to boundaries that a container could be placed.

***Recommendation:***

Option 2 would increase the workloads of both enforcement and resource consents staff without significantly altering the effects of (in particular) shipping containers on amenity. As such, Option 2 is not recommended.

### 6.3 Option 3 – Retain existing (permitted/controlled) status, but amend the list of permitted relocations to require accessory buildings to have been constructed and used on the new site as such

Option 3 would see the existing activity status retained, but the rule amended to require buildings to be relocated as permitted accessory buildings to have been constructed as accessory buildings and to be used as accessory buildings on their new site.

***Effectiveness in Addressing Issue:***

As noted above, more complex structures have also been relocated as accessory buildings, such as where buildings that have been constructed and used as dwellings on their original site have been relocated to the rural area as a 'sleepout' by the pre-relocation removal of the kitchen. This has resulted in buildings that have an adverse effect on the amenity of the rural area because reinstatement works to the exterior of the building are not undertaken in a reasonable timeframe, even after the kitchen is reinstalled.

The flip side of this is where one or more buildings that were constructed as accessory buildings (such as porta-coms and shipping containers) are relocated to a site with the intention of converting them to a dwelling. Because the conversion occurs after they arrive at their new site, they are accessory buildings at the time of relocation and exterior reinstatement works are not managed by council.



Amending the provision for the permitted relocation of accessory buildings to require the building to have been originally erected as an accessory building and that it be used as an accessory building on the new site would preserve the integrity of the intent of the current provision, while enabling council to control exterior reinstatement works for more complex buildings, regardless of their intended use on their new site.

Option 3 would also ensure that any proposal to avoid compliance with residential density standards by relocating a 'sleepout' that had previously been a dwelling, and then reinstating the facilities once on the new site, could be managed by the conditions of the resource consent.

***Risks:***

This approach is inconsistent with the approach taken by neighbouring districts.

***Budget or Time Implications:***

There would be time and cost associated with the drafting of amended provisions, including ensuring internal consistency with other standards and rules.

***Stakeholder and Community Interests:***

By amending the permitted activity status for relocated accessory buildings to clarify that it only applied to buildings that were originally constructed as accessory buildings, the wider community could be reassured that compliance with the intent of the rule could not be avoided by projects that removed the kitchen before relocation, such that the building no longer met the definition of a dwelling, and then reinstated it once the building was in its new location.

***Recommendation:***

Option 3 provides a balance of providing certainty to applicants that they will be able to proceed with their desired project and to the wider community that reinstatement works on relocated dwellings and principal buildings will be completed to a reasonable standard within a reasonable timeframe, because the applicant has the funds available to complete the work.

By amending the permitted activity status for relocated accessory buildings to clarify that it only applies to buildings that were originally constructed as accessory buildings, the wider community could be reassured that compliance with the intent of the rule could not be avoided by projects that removed the kitchen before relocation, such that the building no longer met the definition of a dwelling, and then reinstated it once the building was in its new location.

Option 3 is therefore part of the recommended approach in residential areas, including rural settlements.

## 6.4 Option 4 – Status quo

Option 4 would see no change to the existing provisions. The relocation of buildings would be a permitted activity in certain circumstances, otherwise a controlled activity.

***Effectiveness in Addressing Issue:***

Option 4 provides a balance of providing certainty to applicants that they will be able to proceed with their desired project and to the wider community that reinstatement works on relocated dwellings and principal buildings will be completed to a reasonable standard within a reasonable timeframe, because the applicant has the funds available to complete the work.

However, it is fairly easy to get around the rules by removing the kitchen before relocation occurs, such that the building is an accessory building at the time of relocation, regardless of the intended reinstallation of the kitchen once the building is on its new site. In this instance, it is not possible for council to manage the completion of exterior reinstatement works within a reasonable timeframe because the relocation was a permitted activity.

***Risks:***

Option 4 is inconsistent with the more permissive approach taken by Selwyn's neighbouring districts within Canterbury, in which relocated buildings are generally permitted.

***Budget or Time Implications:***

There would be time and cost associated with ensuring that the existing provisions match the structure of the proposed Plan.

***Stakeholder and Community Interests:***

Option 4 is the 'known entity' and as such is widely understood by stakeholders and the wider community. However, while not commonly done, it is possible to frustrate the intent of the existing provisions to ensure that any relocated building is reinstated to an appropriate state of repair, within a reasonable timeframe.

***Recommendation:***

Option 4 is therefore not the recommended approach.

## 6.5 Option 5 – Remove provisions explicit to schools

Option 5 would retain most of the status quo but remove the provision for the relocation of buildings within and between schools to be a permitted activity.

***Effectiveness in Addressing Issue:***

As discussed in section 3.3 above, the separate provision for the permitted relocation of buildings within and between schools is redundant, because the activity is already provided for in other ways.

Where a building is relocated within a school site, then the general provision for the permitted relocation of a building within the same site already exists. Similarly, where the building is being relocated between schools is an accessory building, then the general provision for permitted accessory buildings already exists. Where the building is a principal building, then either the requirement for an outline plan (for designated sites) or a new resource consent (for other sites)

would likely be triggered by the increased activity on the site. Part of the assessment of that outline plan approval request or resource consent application would be the design and appearance of the buildings.

***Risks:***

As Option 5 is the removal of requirements that are duplicated elsewhere, there are no apparent risks associated with it.

***Budget or Time Implications:***

There would be time and cost associated with the drafting of amended provisions, including ensuring internal consistency with other standards and rules.

***Stakeholder and Community Interests:***

Option 5 is the removal of requirements that are duplicated elsewhere. As such, there would be no change to existing stakeholder and community interests.

***Other***

The existing exemption only relates to buildings within or between schools, not to all education providers. As such, the likes of preschools and tertiary education providers are already subject to the same provisions as all other relocated buildings.

***Recommendation:***

Option 5 therefore forms part of the recommended approach.

## 6.6 Option 6 – Make all relocated buildings permitted, subject to additional standards beyond new buildings

Consistent with the Ashburton, Invercargill and South Taranaki approaches, standards could be developed that, when met, resulted in the relocation of buildings becoming a permitted activity.

Any proposal to vary from the standards would then require a resource consent, with either a controlled or restricted discretionary status.

***Effectiveness in Addressing Issue:***

Depending on the particulars of the standards, this approach would give certainty to both people wishing to relocate a building and the wider community that firstly, the building could be relocated, and secondly that reinstatement works would occur in a timely fashion. However, where reinstatement works are outside the building consent (eg painting weatherboards), there is limited ability to monitor progress without resorting to enforcement action.

Unless it is being purchased from a relocation yard, it is common for the sale of buildings for relocation to include very short timeframes for the building to be removed from its current location (two weeks is typical). As such, buildings will be relocated onto their eventual site and left on jacks or other temporary supports until a building consent has been granted and the new foundation has been completed. By default, an approach that required the pre-relocation issue

of a building consent would therefore result in most relocated buildings technically requiring a resource consent because the building consent has not been issued by the time the building arrives on site.

***Risks:***

The greatest risk with this approach is that persons intending to relocate a building underestimate the cost of the reinstatement works and so fail to complete them within the specified timeframe. Funding constraints have the potential to result in relocated buildings sitting unfinished for extended periods of time – potentially even beyond the two years for completion of the works subject to the building consent.

Having a timeframe associated with permitted activity status can result in a person complying with the standard one day and then not complying with the standard (and therefore needing a retrospective resource consent) the following day. This does not provide certainty from the outset to persons relocating a building, or to the wider community.

***Budget or Time Implications:***

There would be time and cost associated with developing provisions for permitted activities, together with an appropriate status for buildings that did not comply with the standards for a permitted activity.

***Stakeholder and Community Interests:***

Option 6 would reduce upfront costs for persons wishing to relocate a building by removing resource consent fees. However, the use of a timeframe standard for permitted activities would result in situations where a relocated building was a permitted activity one day and requiring a retrospective resource consent the next. This does not provide certainty to building owners or the wider community that the project will proceed, or that effects would be managed.

***Recommendation:***

Although consistent with the current approach taken by Ashburton, Invercargill and South Taranaki, failure to comply with the timeframe standards used by each of these districts would result in a building being permitted one day and requiring a retrospective resource consent the next. This does not provide certainty to owners or the wider community and so Option 6 is not recommended.

## 6.7 Option 7 – Make all relocated buildings permitted, subject to no additional standards beyond those applying to new buildings

Option 7 would see relocated buildings being treated exactly the same as new buildings from a district plan perspective, subject only to the building consent process. This is consistent with the approach taken in Christchurch and Waimakariri and for most relocated buildings in Hurunui.

***Effectiveness in Addressing Issue:***

Once issued, work associated with a building consent must commence within six months and be completed within two years. While significantly shorter than the unlimited-timeframe building permits that were in place at the time county scheme rules relating to relocated buildings were first introduced, reliance on only these timeframes could result in buildings sitting unfinished on sites for significantly longer than is currently the case. Further, the building consent does not address matters that are mainly aesthetic in nature, such as repainting weatherboards to ensure that the building ‘settles’ into its new environment.

While relocated buildings, as a proportion of all buildings, are only a small fraction of new dwellings in the fastest-growing areas of the district, as described above they are a significant proportion of new dwellings in some townships. As such, delays in placing buildings on permanent foundations and progressing with completing reinstatement works can have an adverse effect on the residential amenity values of these townships.

Because a building consent is only required where building work is proposed, building consent is not required before a building arrives on its new site. Without standards or consent conditions requiring a building to be placed on complying foundations within a certain timeframe, there is a greater potential for buildings to sit on temporary supports for an extended period while a building consent application is prepared and obtained.

While the relocation of a building to a site within an existing developed area can result in a building that is similar in design to others in the area, the act of relocation is stressful on the structure. As such, reinstatement works are usually required to ensure that the building settles into its new environment. Reliance on the building consent process would not require these works to be undertaken beyond those required to make the building weathertight.

Within non-residential areas of townships, the relocation of dwellings and principal buildings is uncommon. In general, standards in these areas are not intended to maintain residential amenity, because residential activities are not a core function of these zones. Where a building is relocated, there is a commercial incentive to complete the work to a reasonable standard within a reasonable timeframe, so that the building can be occupied and therefore generate income.

Within the rural area, there is a greater separation distance between dwellings than in townships. As such the adverse amenity effects associated with the relocation of buildings is reduced because directly affected neighbours are further away. There is no council requirement to maintain older homes that are still on their original site, and so any delays in undertaking reinstatement works would not necessarily result in a relocated dwelling looking out of place in a rural context.

***Risks:***

Increased complaints relating to perceived or actual delays in undertaking reinstatement works, particularly in residential areas.

Adverse effects on the amenity values of residential areas where a significant proportion of new dwellings are relocated buildings.

***Budget or Time Implications:***

There would be time and cost associated with either amending the provisions for permitted activities to include relocated buildings, or with removing all references to relocated buildings, so that the proposed Plan is silent on them, thus treating them the same as any other building.

***Stakeholder and Community Interests:***

Option 7 would facilitate the relocation of existing buildings by removing an additional consenting requirement and associated cost. However, this may be at a cost to the wider community because, without the need to comply with consent conditions or permitted activity standards, there would be a greater likelihood of buildings remaining on temporary supports for extended periods.

Not subjecting relocated buildings to a tighter timeframe than required by the building consent, and not requiring the exterior of these buildings to be reinstated to a reasonable standard, has the potential to have adverse effects on residential amenity, particularly in communities where development is not generally subject to developer covenants preventing relocated buildings. This is most likely to occur in smaller townships further from Christchurch.

***Recommendation:***

Option 7 is therefore not recommended in residential areas, including rural settlements.

In all other areas, where separation distances between dwellings are greater or residential amenity does not need to be protected to the same extent, Option 7 is recommended.

## 7.0 Summary of stakeholder engagement

Internal discussions were held with members of council's building consent, resource consent and monitoring and enforcement staff. Their comments are reflected above.

## 8.0 Conclusion

Although retaining the current controlled activity status for relocated dwellings and principal buildings differs from the approach taken in the neighbouring districts, relocated dwellings make up a significant percentage of new dwellings in several of Selwyn's smaller townships. Removing all controls on the relocation of buildings in residential areas would therefore have the potential to have significant adverse effects on amenity values in these areas.

## 9.0 Preferred Option for further engagement

The Project Team recommends that:

- Options 3 and 5 be adopted in drafting the Proposed District Plan, for residential areas, including rural settlements. Specifically, that the majority of the existing provisions related to relocated buildings be retained, with the following edits:
  - amend the permitted activity status for relocated accessory buildings to clarify that it only applies to buildings that were originally constructed as accessory buildings and that they must continue to be used as accessory buildings on the new site; and
  - remove the redundant provision for the relocation of buildings within and between schools to be a permitted activity.
- Option 7 be adopted in drafting the Proposed District Plan, for all other areas. Specifically, that the relocation of all buildings be a permitted activity, subject only to the same district plan provisions that relate to new buildings.

**10b. Communications and Engagement Summary Plan – Relocated Buildings**

Author:	Rachael Carruthers (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 2833 (Rachael)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Relocated Buildings topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Relocated Buildings – communications and engagement summary plan’



## DW013 Relocated buildings – communications and engagement summary plan

### Key messages

(as of 7 May 2018)

#### Background

- As part of the current Selwyn District Plan review, provisions relating to relocated buildings within Selwyn and how these provisions have been implemented are also being reviewed.
- Buildings are often relocated as a whole or in parts, on to a new site, from either within or outside the district.
- Buildings are relocated for many reasons. They can be a cheaper alternative to new buildings, a specific building design may be desired, or the building may be relocated to a new site to preserve it.
- From the beginning of 2008 until the end of 2017, 240 resource consents were granted for relocated buildings. Almost all have been dwellings (including family flats), although some have been intended for use by businesses or for community purposes. This equates to less than 2% of all new dwellings in townships over the same period, but slightly more than 10% in the rural area.
- Within the rural area, the geographical distribution of relocated buildings has been fairly evenly split between wards.
- Within townships, the distribution of relocated buildings has been more varied and concentrated in the smaller townships further from Christchurch. This is likely due to developer covenants imposed on subdivisions in the larger townships, preventing the use of relocated buildings on sites.
- While Selwyn currently requires a resource consent for relocated dwellings and principal buildings within residential and rural zones, other district plan reviews undertaken recently have moved towards a permitted activity status.

#### Current status

- In all residential and rural zones, and in the Business 1 zone, relocated buildings usually require a resource consent ie are a controlled activity.
- Some relocated buildings don't require a resource consent, ie they are a permitted activity, so long as they meet certain requirements, for example: the relocated building is an accessory building (usually a garage); it's relocated from one position to another on the same site; or it's relocated on to a site for a temporary activity.
- In Business 2 and 3 zones relocated buildings are a permitted activity without any requirements having to be met.
- All relocated buildings still require a building consent although the scope of it is more limited than for a new buildings.
- Issues identified in the review:
  - Structures such as shipping containers being a source of complaints due to adverse affects on visual amenity.
  - More complex buildings have been relocated as accessory buildings (eg original dwellings with removed kitchen being relocated for use as sleepouts) which appear to increase the residential density of the rural area.
  - The buildings once relocated require remedial work which can have negative effects on neighbouring properties, especially if they aren't repaired within the anticipated time.

#### About preferred option

- It's proposed to amend the permitted activity status for relocated accessory buildings so that it only applies to buildings that were originally constructed as accessory buildings and will also be used as accessory buildings on their new site.
  - As a result the wider community can be reassured that the rule's intent will be clearly followed. Change to the rule will prevent situations where a kitchen is removed from the building before it's relocated (to ensure the building no longer meets the definition of a dwelling), and then reinstate the kitchen once the building is in its new location.
- It's proposed to remove the provision for the relocation of buildings within and between schools to be a permitted activity as the activity is already provided for in other ways.
- Makes provisions more permissive by proposing that all relocated buildings outside residential areas and rural settlements will now not require a resource consent. This is consistent with approaches taken in other districts.
- All relocated buildings will still be subject to building consent requirements.

### Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	Heavy Haulage Association	N/A	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Ministry of Education		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	General public
Preferred option development <sup>4</sup>					
Preferred option consultation					

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-May	May	June	July <sup>5</sup>
ECan			Preferred option report is shared and feedback sought	
Rūnanga			Preferred option report is shared and feedback sought	
Key stakeholders			Preferred option report is shared and feedback sought	
General public			Endorsed preferred options report is published on Your Say Selwyn	General consultation as part of district-wide matters
DPC		Preferred options report goes to DPC		

<sup>4</sup> Consultation was carried out with external parties at this stage only as the preferred options is a combination of a baseline and a preferred option report.

<sup>5</sup> This plan covers period until public pre-notification consultation on preferred options starts.

### **11a. Preferred Option Report – Mushroom Farming and Composting**

Author:	Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

#### **Purpose**

To brief the Committee on the findings of the Baseline Report, which provides an overview of the existing mushroom farming and/or composting activities in the district, and assesses the relevant provisions in the operative Selwyn District Plan in the context of the Canterbury Regional Council's policy statement and plans.

The Preferred Option report summarises the issues and options for managing these types of activities in the new Proposed District Plan and recommends an approach for further development and engagement.

#### **Recommendation**

**“That the Committee notes the report.”**

**“That the Committee endorses the Preferred Option for Mushroom Farming and Composting for further development and engagement.”**

#### **Attachments**

‘Preferred Option Report for Mushroom Farming and Composting’

# PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

**DATE:** 16 May 2018

**TOPIC NAME:** Rural

**SCOPE DESCRIPTION:** RU013 Composting and Mushroom Farming

**TOPIC LEAD:** Robert Love

**PREPARED BY:** Robert Love

## EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>Composting and Mushroom Farming are not specifically covered in the District Plan through either definitions or rules. This can create ambiguity for plan users. Additionally, when considering these activities through a resource consent process odour and dust discharges are required to be assessed, which has resulted in a duplication of process with the Canterbury Air Regional Plan.</i>
<i>Preferred Option</i>	<i>Option 3 – Amend existing provisions, create provisions where gaps exist, and remove overlap with the Canterbury Regional Air Plan in relation to dust and odour effects.</i>
<i>DPC Decision</i>	



## 1.0 Introduction

The focus of this scope of work is on mushroom farming and composting in the rural area, where composting is either in association with mushroom farming or in isolation. This scope does not look at domestic composting within residential areas, but it does address commercial composting within residential and business zones. Domestic residential composting will be addressed within other scopes of work as part of the District Plan Review.

The manufacturing of compost has the potential to cause discharges of offensive and objectionable odours and to a lesser extent, dust emissions beyond the boundary of the site. This odour (and potentially dust) can have a significant effect on the amenity of an area, and any sensitive activities nearby. Mushroom farming activities have more typical effects as expected from an industrial operation such as building size, noise, lighting glare, and traffic considerations.

Under the Operative Selwyn District Plan mushroom farming is not specifically identified as an activity or directly dealt with but is captured by the general rules and through its classification as a 'rural based industrial activity'. While composting is not defined within the District Plan, the activity of composting is through rules dealing with the importation of organic materials on to a site for the purpose of compost manufacture.

There are only a few sites within the Selwyn District known to the Council that grow mushrooms and/or manufacture compost, with compost being manufactured in Greendale (Greendale Mushrooms and Meadow Mushrooms) and Rolleston (Recovery Park and Southern Horticulture), and mushroom growing occurring in Prebbleton and Greendale.

This report is meant to serve as an abbreviated summary of the matters covered within the baseline report for this scope. Please consult the baseline report for an in-depth assessment of this scope.

## 2.0 Statement of Operative District Plan approach

### 2.1 Objectives and Policies

The Operative District Plan's objectives and policies do not address mushroom farming or composting directly, but the Plan does contain general provisions that cover these activities.

Objectives and Policies addressing waste substances is not be relevant to this scope as for something to be defined as a waste substance then it needs to be worthless, useless, etc. Whereas compost has a value and use, and cannot be referred to as a waste substance. See further discussion on this matter below.

### 2.2 Definitions

'Composting' and 'Mushroom Farming' have not been expressly defined within the District Plan, but there are other definitions that may apply, as discussed below.

The definition of 'solid waste' may apply to the compost once it has been through a growing cycle as it then becomes useless to the mushroom farming activity. However, the material still has high levels of nutrients and in most cases is on sold to gardening centres and nurseries. Based on this, at no point in the compost lifecycle, while being used by a mushroom farming operation, can compost be considered to be solid waste, and as such these provisions are not relevant to this activity.

Green waste may apply to the material brought onto a composting site prior to the composting process beginning, given the definition states that green waste includes any compostable vegetative material, not material that has already been composted.

The process of composting and growing mushrooms is defined as a 'Rural Based Industrial Activity' in the Plan. In summary a rural based industrial activity is *any industrial activity that involves the use of raw materials or primary products which are derived directly from the rural environment*. The materials making up the compost includes plant materials, hay, poultry manure, and other such things. These materials originated from the rural environment and are used to make compost, which in turn is used as the production bed for mushroom growing.

While composting and mushroom farming operations are primary agricultural producers, these types of activities are considered to be more intensive than a typical agricultural activity, given the amount of buildings and the processes involved. As such, it is considered that a 'rural based industrial activity' definition is appropriate.

## 2.3 Rules

### 2.3.1 Township Volume

Mushroom farming and composting are not expressly defined in the Township Volume. Composting is specifically addressed under rule 1.1.3.2(j), which renders composting within a Living Zone as non-complying. Mushroom farming is not specifically addressed, but could be considered to be an 'industrial activity' which also has a non-complying status within the Living Zone (rule 1.1.3.2(f)).

Rule 9.3.1 allows for the disposal of solid waste as a permitted activity in the Living Zone if that waste is green garden waste which is composted on the site it is generated on. However, given the large quantities of compost required for mushroom farming, they do not rely on green waste originating from the same site. Green waste is brought to the site from other sources. Therefore, this rule is irrelevant to this activity.

Rule 9.4.2 states that any processing, composting, or disposal onto any land of any organic matter in a Living Zone shall be a non-complying activity unless provided for by rule 9.3.1. This is a reiteration of rule 1.1.3.2(j). As previously stated, as mushroom farm operations cannot provide enough green matter for composting from their own site, they are required to bring in material from off-site. This means that any mushroom farming activity that includes composting on site, and is located within a Living Zone is a non-complying activity under this rule.

Rule 13.1.7.2(e) addresses composting activities occurring within Business 2 and 2A zones, rendering them as a discretionary activity. This rule would not apply to mushroom farms which bring in ready to go compost rather than manufacturing it on site as the rule only applies to activities which have on-site composting processes.

As per Rule 13 of the Township Volume, mushroom farming with no associated composting (industrial activity) is either permitted or non-complying depending on the Business Zone type. This section is an example of confusion within the Operative District Plan, given the amount of different types of Business Zoned Land, and the format of this section.

Rule 21.3.1 does allow for the disposal of solid waste as a permitted activity within a Business Zone if the waste is green garden waste which is composted on the site which it is generated. As previously stated, a mushroom farm is unlikely to produce enough green waste to satisfy their composting needs, and therefore this Rule is not wholly relevant to this activity.

### 2.3.2 Rural Volume

Rule 9.2.1.2 states that any activity which involves the composting of organic material, where that material is brought onto the site is a discretionary activity. This would allow the Council to assess the potential effect from the discharge of odour or dust on the amenity of the area.

On review of the Operative District Plan there appears to be a gap within the rules which deals with the storage of compost within the rural area. As the composting process does not cease when stored, given that the material will continue to breakdown even when the operator is not using active processes to manufacture compost, rule 9.2.1.2 will continue to apply.

The second part of rule 9.2.1.2 provides for an exception from the rule where material is brought onto the site for the purpose of composting pigs.

Based on the site investigations carried out and discussions with the mushroom growing industry, the odourous part of composting is when anaerobic processes occur during manufacture, or when the compost is disturbed. It is generally considered that at other times, the green waste product and the final compost product is largely benign in odour. An additional effect arising from compost manufacture can be from a dust discharge. However, this effect is more easily mitigated than odour through appropriate management techniques such as storing the compost in a building, under covers, and keeping it moist.

Rule 9.5.1 states that any 'rural based industrial activity' shall be permitted if it meets the site coverage (100 m<sup>2</sup>) and staff number (2 FTE) conditions. However, a mushroom farming operation is unlikely to meet these conditions. Therefore, the activity will be a discretionary activity under rule 9.5.2 if one of the associated conditions are met. The most relevant condition being if the site is located within the Outer Plains area. If the site is located within the Inner Plains area then the activity will be non-complying.

As well as the activity rule described above, the general rules for aspects such as noise, lighting, transport, building bulk and location etc. will apply to both mushroom farming and composting operations.

## 3.0 Summary of relevant statutory and/or policy context and other background information

### 3.1 Canterbury Regional Policy Statement (RPS)

The provisions within Chapters 5 and 6 seek to ensure the protection of existing rural production activities from reverse sensitivity effects while managing the location of these types of activities and the potential for significant adverse effects. The objectives and policies seek to avoid incompatible land-uses being based near each other to minimise reverse sensitivity issues. It is noted that the rural economy makes up a significant component of the economic and social well-being of Canterbury, and therefore needs to be protected from incompatible land uses.

The provisions in Chapter 14 seek to maintain and improve air quality, and to protect activities with air discharges from encroachment from incompatible development. It is noted that people and communities should be free from unpleasant effects on air quality.

There are no specific definition references to composting or mushroom farming within the RPS.

### 3.2 Canterbury Air Regional Plan (CARP) October 2017

The CARP contains specific mushroom farming rules as part of the intensive farming section, and industrial rules which cover composting activities.

Rules specifically mentioning mushroom farming include rule 7.65, 7.66, and 7.72. These rules primarily deal with the potential odour and dust discharge that may be caused by the activity.

Rule 7.65 provides for activities established prior to 1 June 2002 and did not require a consent to establish, as long as the discharge of odour does not cause an offensive or objectionable effect beyond the boundary of the property, and there is no increase in the scale of the activity, as a permitted activity.

Rule 7.66 provides for activities that established prior to 1 June 2002 but cause an objectionable or offensive odour part the boundary as a restricted discretionary activity<sup>1</sup>.

Rule 7.72 provides for mushroom farming activities that established post 1 June 2002 as a restricted discretionary activity as long as the activity does not cause an offensive or objectionable odour effect beyond the boundary.

The matters of discretion are restricted, among other things, to:

- Quantity, quality and type of the discharge to air, and any resulting effects.
- Methods to control the discharge.
- The location of the discharge.

The composting of organic matter is considered to be an 'industrial or trade process' which occurs on an 'industrial or trade premises'. The composting of organic matters is not expressly covered by a specific rule, and is therefore classified under rule 7.63 as a discretionary activity, or rule 7.64 as a non-complying activity. A note within this section of the plan states that composting will most likely need a consent under rule 7.63.

<sup>1</sup> A review by ECan of this Baseline Report has shown that an error exists within the CARP. Rule 7.66 should refer to compliance with condition 2 of Rule 7.65 rather than condition 1. This means that any applicable activity under Rule 7.65 which has an offensive or objectionable effect should be classified as a non-complying activity under Rule 7.80.



### 3.3 Canterbury Land and Water Regional Plan (LWRP)

The LWRP contains specific provisions dealing with the storage of compost. However, these only address this activity in regard to the potential effect of the activity contaminating water. There are no other provisions managing this activity, and as such there is no overlap with the District Plan.

## 4.0 Summary of stakeholder engagement

### 4.1 Canterbury Regional Council

A draft Baseline Report was shared with the Policy Team at the Canterbury Regional Council. Overall, their stance on the preferred option is that they do not support the recommended approach to remove air discharge controls from the District Plan and have a reliance on the Canterbury Air Regional Plan.

The primary reasoning for this stance is as follows:

- Although it is unlikely that a commercial composting and/or mushroom farming activity would be granted consent under the CARP within a Living Zone, there is no certainty of this, compared to retaining appropriate controls within the District Plan.
- Concerns that the reach of CARP policies won't be sufficient to prevent inappropriate planning outcomes.
- Some CARP policy only deal with effects that are offensive and objectionable, which is a higher threshold than just causing an adverse effect on the amenity of the surrounding area.
- The intent of the CARP is to only manage the effects from an air discharge rather than the appropriateness of the proposed activity's location.

### 4.2 Mahaanui Kurataiao Ltd

Mahaanui Kurataiao Ltd undertook a review of this Baseline Report and stated that the identified Iwi Management Plan Policies are the most relevant and appropriate ones for this activity type. Furthermore, the preferred option was stated as being consistent with the Iwi Management Plan policies and would result in the current issues in the plan being rectified.

### 4.3 Industry

A site visit was conducted on both the composting and growing sites for Meadow Mushrooms. On sharing the Baseline Report with this party, they stated that they will wait until the formal submission process to make a comment.

A site visit was conducted to the Greendale Mushrooms facility. On sharing the Baseline Report with this party, they agreed with the approach of attempting to remove overlap where possible, and they would not want to see a rural density zone change which would result in residential intensification of the area.

## 5.0 Summary of Options to address Issues

### 5.1 OPTION 1 – Status Quo

***Effectiveness in Addressing Issue:***

This option would not address the known issues in the Operative District Plan.

***Risks:***

As above.

***Budget or Time Implications:***

This option would be the most cost effective and require the least amount of time.

***Stakeholder and Community Interests:***

Industry would still be required to operate under a planning framework which duplicates processes with Environment Canterbury.

***Recommendation:***

This option is not recommended.

## 5.2 OPTION 2 – Make amendments to the current framework and retain air discharge controls

This option seeks to retain district council planning controls over the associated air discharge components for these activities. Additionally this option would see amendments to the current planning framework with the creation of definitions and dedicated rules for these activities.

**Mushroom Farming:**

Under this option mushroom farming will be a non-complying activity within a Living Zone or a Business (Commercial Zone), and a permitted activity within the Business (Industrial) and Rural Zones subject to certain permitted development standards. Standards could include factors such as if the activity involves composting, size of the building, noise generation, etc. If a standard is not met then the activity will become a restricted discretionary activity. Overarching objectives and policies will need to accompany the rules package to help guide development into an appropriate location. For instance policy should direct that activities involving odour discharges should be avoided in Living Zones or Business Zones that can contain incompatible uses such as food vendors, gyms, and offices. Policy should also direct odour producing activities to avoid being located within the Rural Inner Plains area due to the number and concentration of sensitive activities within this area.

Indicative rule structure:

Permitted Rule #	Conditions
Mushroom Farming	Mushroom farming is a permitted activity if all of following matters are met: i: meets the permitted development standards contained in Appendix X; and

	ii: is not located within a Living Zone or Business (Commercial) Zone.
<b>Restricted Discretionary Rule #</b>	
Mushroom Farming	Any activity that breaches condition i. is a restricted discretionary activity with the matters of discretion being restricted to those listed in Appendix Y. <i>(Note this will include a matter to assess the amenity effect from any odour discharge)</i>
<b>Non-Complying Rule #</b>	
Mushroom Farming	Any activity that breaches condition ii. is a non-complying activity.

### Composting:

All reference to composting within this option and the following option is in reference to composting of a commercial scale and purpose, where organic material has been brought onto the site to be composted. These options are not intended to capture domestic composting and when drafted the wording used will reflect this intent.

This option recommends that any composting activity be a non-complying activity within any non-Rural Outer Plains area, with activities within this area being restricted discretionary.

Composting activities carry with it a significant odour and (potentially) dust discharge that, depending on the characteristics of the activity, can have an adverse effect on the amenity of an area. Therefore, the location of such an activity needs to be carefully managed to ensure that the amenity effects from any odour and/or dust discharge is managed in relation to sensitive activities, thus reducing the likelihood of reverse sensitivity effects.

Indicative Rule Structure:

<b>Restricted Discretionary Rule #</b>	<b>Conditions</b>
Composting	The composting of organic material not from the same property within the Rural Outer Plains Zone is a Restrict Discretionary activity with matters of discretion being restricted to those listed in Appendix Y. <i>(Note this will include a matter to assess the amenity effect from any odour or dust discharge)</i>
<b>Non-Complying Rule #</b>	
Composting	The composting of organic material not from the same property within any zone other than the Rural Outer Plains Zone, is a Non-Complying activity.

### *Effectiveness in Addressing Issue:*

This option would see provisions created to make the District Plan more fit for purpose. This will increase the effectiveness of the plan, and reduce confusion. However, this option would mean that duplication between the District Plan and the Regional Air Plan would still remain.

### *Risks:*

No clear risk as controls over dust and odour has been retained.

### *Budget or Time Implications:*

This option would mean that new provisions would need to be drafted, tested, and consulted on.

***Stakeholder and Community Interests:***

Stakeholders have an interest in ensuring that the appropriate level of planning controls are implemented. They do not want to see overly onerous provisions which diminishes their ability to develop and operate.

Regarding the community interest, they wish to also see the appropriate level of planning control being implemented in order to protect their amenity values.

***Recommendation:***

Central Government guidance states that any duplication between a district and regional plan should be avoided. This option would result in an overlap between the two plans when assessing any odour or dust discharges and could potentially see an operator needing to apply to both the regional and district council for a consent covering the discharge of odour and/or dust. This duplication increases time and costs to the Applicant, with little (if any) environmental effect gain. For this reason this option is not recommended.

### 5.3 OPTION 3 – Make amendments to the current framework and remove air discharge controls

This option considers that where provisions overlap with regional plan provisions, then provisions within the district plan should be removed or left as a permitted activity. District plan provisions addressing other effects (i.e. not relating to air quality) should remain but albeit in an altered format to improve effectiveness and efficiency.

As previously discussed Central Government guidance advises that where possible, duplication between authorities should be avoided. As the CARP addresses the discharge of odour and dust through controlling the discharge of contaminants from mushroom farms and composting activities, then the district plan is not required to address these issues. To do so would create duplication resulting in time and cost inefficiencies.

**Mushroom Farming:**

Any discharge of contaminant to air from a new mushroom farming activity is required to obtain a consent from Environment Canterbury as a restricted discretionary activity, or if the effect is objectionable or offensive, as a non-complying activity.

Therefore, to avoid duplication it is recommended that mushroom farming be permitted in the Proposed District Plan subject to certain permitted development standards (building coverage, noise, lighting etc.). Any breach of this rule would see the mushroom farming activity be classified as a restricted discretionary activity with the matters for discretion being related to the standard breached. The matters of discretion will not include scope to assess the amenity effects from any odour or dust discharge. Furthermore, adequate policy protection would need to be included in the Proposed District Plan to ensure that mushroom farming and composting do not locate in areas near sensitive activities.

## Indicative Rule Structure:

Permitted Rule #	Conditions
Mushroom Farming	Mushroom farming is a permitted activity if all of following matters are met: <ul style="list-style-type: none"> <li>i. Meets the permitted development standards listed in Appendix X; and</li> <li>ii. is not located within a Living Zone or Business (Commercial) Zone.</li> </ul>
Restricted Discretionary Rule #	
Mushroom Farming	Any activity that breaches condition i. is a restricted discretionary activity with matters of discretion being restricted to those listed in Appendix Y. <i>(Note that the matters for discretion will not include the ability to assess amenity effects from an odour or dust discharge)</i>
Non-Complying Rule #	
Mushroom Farming	Any activity that breaches condition ii. is a Non-Complying Activity.

**Composting:**

Any discharge of contaminant to air from a composting activity is required to obtain a consent from Environment Canterbury as a discretionary activity, and if it causes an objectionable or offensive effect then it is non-complying. Given these provisions, there is no requirement for the district authority to assess the amenity effect of the odour/dust discharge from a composting activity. This situation is the same as that described for mushroom farming.

This would render any composting activity as a permitted activity, subject to permitted development standards.

On review of the relevant objectives and policies of the CARP there would be adequate coverage within these provisions to ensure that inappropriate development near sensitive sites does not occur. For instance Policy 6.1(a) states that discharges do not cause diverse<sup>2</sup> effects on human health and wellbeing, and Policy 6.9 states that any new discharge to air should be appropriately located and adequately separated from sensitive activities. Moreover, this assessment should take into account any land use anticipated by a District Plan, which includes the future receiving environment (as defined by case law). The objectives of the CARP also provide additional protection through, but not limited to, Objective 5.2 which provides for the protection of ambient air quality for the health and wellbeing of the people, Objective 5.6 which states that amenity values of the receiving environment are maintained, and Objective 5.9 which states that offensive and objectionable effects (does not extend to only 'adverse effects') on the environment are generally avoided. Therefore, despite the level of protection being reduced in the district plan, the CARP has a sufficiently robust planning framework to ensure that any adverse air quality effects associated with new or expanding mushroom farms and composting activities will be addressed through a discharge permit consenting process.

<sup>2</sup> On communication with Environment Canterbury this word is meant to be adverse rather than diverse.

In addition to the above, current Rural Volume rule 9.2.1.2 which contains an exception for activities bringing off site material on to the property as part of the process of composting pigs is to be retained in the Proposed District Plan.

Indicative Rule Structure:

Permitted Rule #	Conditions
Composting	Composting is a permitted activity if all of following matters are met: <ul style="list-style-type: none"> <li>i. Meets the permitted development standards listed in Appendix X; and</li> <li>ii. Is not within a Living Zone or Business (Commercial) Zone.</li> </ul>
Restricted Discretionary Rule #	
Composting	Any activity that breaches condition i. is a restricted discretionary activity with matters of discretion being restricted to those listed in Appendix Y. <i>(Note that the matters for discretion will not include the ability to assess amenity effects from an odour or dust discharge)</i>
Non-Complying Rule #	
Composting	Any activity that breaches condition ii. a Non-Complying Activity.

#### ***Effectiveness in Addressing Issue:***

This option reduces the overlap between the regional and local authority, reducing planning costs and timeframes. Furthermore, it removes any confusion that currently arises from implementing and interpreting the existing plan.

While air quality is an important resource management issue and one that requires an integrated approach between regional and local authorities, issues relating specifically to air quality (dust and odour), rather than general amenity or reverse sensitivity effects, are more appropriately addressed by Environment Canterbury.

Within the rural zone mushroom farming and composting activities and their associated effects should generally be expected to occur and as such, there should be an element of tolerance for this activity type. This sentiment is expressed through the permissive stance taken. This allows small scale composting activities that cause little or no effect to occur without needing resource consent under the District Plan, with any odour and/or dust effects being addressed by the CARP.

#### ***Risks:***

While reducing the amount of regulation for activities to operate under, this option does rely on the regional authority to correctly assess the activity, the receiving environment, and make sure that odour and dust discharges are acceptable on a district level. Differences in philosophy or expectations between the two councils could lead to outcomes which are deemed acceptable by the regional authority, but which are not acceptable to the district authority. It is noted that the regional authority does possess the expertise and technical capability to assess odour and dust discharges, and thus it is logical that this responsibility sits with them.

#### ***Budget or Time Implications:***

New provisions will need to be drafted, tested, and consulted on.

***Stakeholder and Community Interests:***

Industry stakeholders may support this option as it removes an additional layer of regulation as they would only need to make an odour and dust assessment against the CARP.

The community may have concerns about an extra layer of planning protection being removed and having a reliance on the regional authority

***Recommendation:***

Given the proposed effectiveness and efficiency amendments and the removal of duplication between the regional and district authorities this option is preferred.

## 6.0 Preferred Option for further engagement

Option 3 is recommended to be the Preferred Option for further development. Some control over these activities will be retained within the district plan, namely over aspects such as scale, noise, transport, lighting, etc., while odour and dust will be controlled through the CARP. The CARP has adequate objectives and policies to ensure any odour or dust discharge is appropriately located and managed.

Appendix 1:

Mushroom Farming and Composting Baseline Report

[Link to Report:](#)

[Mushroom Farming and Composting \[PDF, 285 KB\]](#), January 2018



**11b. Communications and Engagement Summary Plan – Mushroom Farming and Composting**

Author:	Robert Love (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

**Purpose**

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Mushroom Farming and Composting topic.

**Recommendation**

**“That the Committee notes the summary plan.”**

**Attachments**

‘Mushroom Farming and Composting – communications and engagement summary plan’

# RU013: Mushroom farming and composting – communications and engagement summary plan

## Key messages

(as of 7 May 2018)

### Background

- A major review of the Selwyn District Plan is now under way. This includes a review of provisions for mushroom farming and commercial composting within Selwyn district.
- Selwyn is home to a number of mushroom farming activities, with their own composting operations in Greendale (Greendale Mushrooms and Meadow Mushrooms, Rolleston and Prebbleton). Additionally, there are some horticulture retailers that compost on site.
- While composting and mushroom farming operations are primary agricultural producers, these types of activities are considered to be more intensive than a typical agricultural activity, given the number of buildings and the processes involved.

### Current status

- Presently mushroom farming as an activity is not directly dealt with in the District Plan but is captured by the general rules and through its classification as a 'rural based industrial activity'. Composting is expressly dealt with when organic materials are brought from off-site to compost.
- Composting is not defined within the plan, nor does it have a clear rule structure.
- Currently operators who want to operate a mushroom farming and/or composting activity in the district have to apply for consent from both the district and regional councils.
- There is duplication of process between the district and regional councils regarding air quality (dust and odour discharge) assessments.

### About preferred option

- Set up mushroom farming and composting as two separate activities within the District Plan.
- Retain revised controls for mushroom farming and commercial composting, but remove the ability to consider odour and dust discharges, which will now be solely addressed by Environment Canterbury.
- Introduce a definition for mushroom farming and composting, with any definition for mushroom farming being linked to the activity remaining a 'rural based industrial activity'.
- Setting up a new mushroom or composting activity in rural zone will not require a resource consent from the Council, subject to certain development standards (eg scale of activity, noise, traffic etc.) being met; ie they're a permitted activity. In residential and commercial business zone they'll be a non-complying activity. However, the activity will continue to require a resource consent from Environment Canterbury for any air discharge.
- Following the Council's approval of preferred option, we will engage with key stakeholders and owners of mushroom farms and composting operations to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. We will also consult the general public on the draft change to dust and odour discharge as part of rural zone and Intensive farming topics, where the same change is being proposed in regard to addressing air quality.

## Audiences<sup>1</sup>

<i>Legend</i>	<i>High level of interest/ High level of influence ("Manage closely")</i>	<i>High level of interest/ Low level of influence ("Keep informed")</i>	<i>Low level of interest/ high level of influence ("Keep satisfied")</i>	<i>Low level of interest/ Low level of influence ("Watch only")</i>
Internal	Partners	Key stakeholders <sup>2</sup>	Landowners /occupiers <sup>3</sup>	General public
DPC	ECan	Federated Farmers	<ul style="list-style-type: none"> <li>Meadow Mushrooms<sup>4</sup> – Prebbleton (growing site),</li> <li>Greendale (composting site)</li> <li>Greendale Mushrooms (composting and growing onsite)</li> <li>SouthHort – Rolleston (composting)</li> <li>Resource Recovery Park – Rolleston (composting)</li> </ul>	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Horticulture NZ		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

<sup>1</sup> "...Differing levels and forms of engagement may be required during the varying phases of consideration and decision-making on an issue, and for different community groups or stakeholders. The Council will review the appropriateness and effectiveness of the engagement strategy and methods as the process proceeds." [Significance and Engagement Policy: Adopted 26 November 2014; p.6]

<sup>2</sup> Key stakeholders are "the organisations requiring engagement and information as the preferred options for the Draft District Plan are being prepared." (District Plan Review Community Engagement Implementation Plan; p.6) )Key stakeholders "...will advocate for or against decisions that will need to be made..." and "For the District Plan Review, stakeholders include any party that can influence decisions or be influenced by decisions made on policies or rules." (DPR Engagement Framework)

<sup>3</sup> Landowners are "the individuals and businesses that could be affected by the proposed changes in the District Plan." (District Plan Review Community Engagement Implementation Plan; p.6)

<sup>4</sup> Meadow Mushrooms have advised they will engage when the Proposed District Plan gets notified.

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development <sup>5</sup>						
Preferred option consultation						

2018 communications and engagement key tasks/milestones per month

(more detailed action plans to be developed for each major milestone or as required)

Audiences	Pre-May	May	June	July <sup>6</sup>
ECan	Reviewed the baseline report and provided comments		Share endorsed Preferred Option Report and seek further feedback	
Rūnanga	Reviewed the baseline report and provided comments		Share endorsed Preferred Option Report and seek further feedback	
Landowners/occupiers	Email discussions and site visits to mushroom farming activities within Selwyn. Sent baseline report and requested comment.		Share endorsed Preferred Option Report and seek further feedback	
General public				General public consultation on dust and odour discharge rule only as part of Rural Zone chapter
DPC		Preferred Option Report to DPC for endorsement		

<sup>5</sup> Consultation was not carried out with external parties at this stage as the preferred options report is a summary of the baseline report.

<sup>6</sup> This plan covers period until public pre-notification consultation on preferred options starts.

## 12. Update – Energy and Infrastructure

Author:	Nicola Rykers (Locality)
Contact:	027 210 2408

### Purpose

To provide the Committee with an update on the Energy and Infrastructure Work Programme.

### Recommendation

**“That the Committee notes the report.”**

**“That the Committee endorses the recommended approach for progressing the Energy and Infrastructure work programme.”**

### Attachments

‘Update on Energy and Infrastructure’

---

# REPORT TO DISTRICT PLAN COMMITTEE

---

**DATE:** 7 May 2018

**TOPIC:** ENERGY AND INFRASTRUCTURE

**PREPARED BY:** Nicola Rykers, Consultant Planner

## EXECUTIVE SUMMARY

<i>Purpose of Report</i>	<i>To provide the Committee with an update on the Energy and Infrastructure Work Programme.</i>
<i>Recommended Action</i>	<i>Progress the Energy and Infrastructure Work Programme as set out in this report.</i>  <i>A further update is provided to DPC on Energy and Infrastructure in July or August 2018.</i>
<i>DPC Decision</i>	



## 1.0 Introduction

- 1.1 This report provides an update on progress with the Energy and Infrastructure topic. It describes:
- work undertaken to date;
  - initiatives that are being developed for utilities and infrastructure within the National Planning Standards framework;
  - preliminary engagement that has occurred; and
  - the anticipated programme of work for the coming 2 to 3 months.
- 1.2 In addition, comment is made on the role of Council as a utility provider, a shareholder in Central Plains Water and decision-maker on the District Plan Review.

## 2.0 Baseline Reports and Early Engagement

- 2.1 Two Baseline Reports have been prepared for Energy and Infrastructure. These are:
- Economic Effects of Protection Corridors for Electricity Lines, prepared by Property Economics(November 2017); and
  - Effectiveness Review of the Operative District Plan in Managing Visual Amenity Effects of Network Utilities and Energy Generating Activities, prepared by Boffa Miskell Ltd (September 2017).
- 2.2 As background to these reports, it is important to acknowledge important changes that have occurred in the legislation governing telecommunication facilities, electricity transmission and electricity generation since the current District Plan was made operative. These changes involve the introduction of *National Environmental Standards for Telecommunication Facilities Regulations 2016* and *National Environmental Standards for Electricity Transmission Activities Regulations 2009*.
- 2.3 The Regulations for Telecommunication Facilities were introduced to provide national consistency in rules for telecommunications infrastructure across New Zealand. They provide bulk and location standards for various activities, and determine the activity status where standards are not met. The Regulations allow District Plans to put in place rules that are more stringent, however the Boffa Miskell report noted<sup>1</sup> that did not appear to be common practice in second generation district plans it had reviewed.
- 2.4 The Electricity Transmission Regulations were developed to implement the National Policy Statement on Electricity Transmission. The Regulations are intended to ensure planning requirements for the maintenance and upgrading of transmission lines are consistent across all of New Zealand. Defined corridors under the lines were created to restrict land uses and to safeguard the transmission of electricity. It is relevant to note that the National Policy Statement only applied to the National Grid, which is defined to mean the assets used or owned by Transpower. In the Christchurch Replacement District Plan hearings, Orion successfully argued

<sup>1</sup> Section 3.3.1, page 5 Effectiveness Review of Operative District Plan in Managing Visual Amenity Effects of Network Utilities and Energy Generating Activities, Boffa Miskell, September 2017

that similar protections should be afforded to its 33kV and 66kV lines. This is significant for the District Plan Review as Orion also supplies electricity within the Selwyn District, and the manner in which lines are managed and provided for is a cross-boundary issue.

- 2.5 The Property Economics report was commissioned in anticipation that the Council would need to have evidence on the potential economic impacts of protecting the electricity distribution corridors – both on land owners whose land use may be restricted within the corridor, and the economic impact on the district if the electricity network was disrupted. In summary, the report concludes:

*“That there is a significant level of risk of even a small increase in District wide outages to (the Selwyn District) GDP. Conversely the impact on land values and the productivity of these land areas are minimally affected.*

*In managing the potential adverse effects of the transmission corridor and the risks to the District economy it is considered that the protection of these corridors for inappropriate activities will result in either:*

- *Net increase economic activity and community wellbeing; or*
- *A safeguarding of the current economic activity and community well-being that could be significantly affected.”*

- 2.6 The Boffa Miskell report concluded that the Operative District Plan is moderately effective at managing the visual amenity impact of utilities and energy generating facilities. The report notes that most second generation district plans now directly cross-reference or link to the telecommunications and electricity transmission Regulations. The report also makes a list of possible suggestions for amendments to existing rules.
- 2.7 In addition, to these reports, some early engagement with utility providers was initiated by Council staff in 2016. This included telecommunication companies, Orion, Transpower, gas supply companies and Trustpower. Whilst early engagement was appropriate, further developments in the approach to Energy and Infrastructure is now being developed under the framework for National Planning Standards. This approach is described further in Section 3.0 below and supercedes advice and comment provided by many of the Utility providers in 2016.
- 2.8 In addition to the above Regulations, there is a National Policy Statement for Renewable Electricity Generation 2011. It requires district plans to include objectives, policies and methods to provide for the development, operation, maintenance and up-grading of new and existing renewable electricity generation activities – which may include solar, biomass, tidal, wave and ocean, hydro-electricity, wind and geothermal resources.

## 3.0 National Planning Standards

- 3.1 The first release of National Planning Standards is expected in June 2018. Whilst not part of this “first round” of standards, a number of utility providers have grouped together to develop what

they hope will be the National Planning Standards for many (but not all) utilities that typically occur across New Zealand.

- 3.2 This work involves the development of objectives, policies, standards and clear activity status for utilities required for telecommunications, electricity transmission and distribution (i.e., both Orion and Transpower), roading, rail and 3 waters. It is understood to address management in sensitive environments such as ONLs or sites of cultural significance, and the objectives and policies are to be legally reviewed to ensure that they meet current case law.
- 3.3 At the date of preparing this report, it is expected that the first draft of these provisions will be presented and discussed at a combined workshop with Canterbury based Council planners at a date occurring in May. As the provisions potentially address roading and 3 waters, which are District Council assets, it is expected that there will need to be a process of internal review to provide clear Selwyn District Council feedback. It is also expected that the Utilities Group will be engaging with iwi and Runanga, and Council may also wish to similarly engage with manawhenua on the provisions.
- 3.4 There are potentially significant benefits for the District Plan Review from the development of these draft Standards. Engagement with utility providers is concentrated and made accessible, whilst legal review and drafting is assisted. This is a significant time and cost saving for Council with the outputs not requiring any further expert reports, such as those described in Section 2.0 above.
- 3.5 The draft utility standards reflect a growing concern with the development and maintenance of New Zealand's critical infrastructure and the view that this has, at different times, been hindered by district plans with variable approaches and standards. National Planning Standards for utilities would appear to be the next step on from the Regulations that have already been put in place.
- 3.5 There is a risk that the Government may, after the first round of National Planning Standards, not pursue any further Standards. In this scenario it is understood that the Utilities group has already discussed with the Ministry for the Environment and Local Government NZ, making the Standards best practice guidance. Accordingly, the provisions being produced should at the very least, provide Council with a sound basis for the District Plan Review.

## 4.0 Other Utilities and Infrastructure

- 4.1 Not all utilities and infrastructure within the District, will be "captured" by the provisions being developed by the Utilities group. Utilities and infrastructure not covered will include Lake Coleridge Hydro Power Station, air navigation aids, flood protection works, irrigation schemes, stockwater infrastructure and domestic energy generation. Accordingly, engagement has commenced with these other agencies to inform the preferred approach for the District Plan Review.



## 5.0 Canterbury Regional Policy Statement

- 5.1 A review of the Canterbury Regional Policy Statement reveals a comprehensive approach to infrastructure. There are policies defining Strategic Infrastructure, Critical Infrastructure, Regionally Significant Infrastructure and Essential Structures. It is relevant to note that the Resource Management Act also defines Infrastructure and that the National Planning Standards are likely to introduce new definitions.
- 5.2 The definitions in the Operative District Plan, whilst incorporating many of the same activities, are not aligned with the hierarchy and levels of significance identified in the Regional Policy Statement and appear somewhat out-of-date. It will be mandatory to adopt the definitions in the National Planning Standards and preferable to align policies with the Canterbury Regional Policy Statement. On this basis, no further assessment of the definitions of the Operative Plan was considered necessary.

## 6.0 Approach

- 6.1 Having regard to the above discussion it is proposed that the following approach is taken for the development of the Energy and Infrastructure programme of work.
- (a) Participate in reviews/workshops on the draft National Planning Standards utility provisions. Assume that these provisions will provide a robust basis or starting point for the District Plan Review. If Council was to initiate a parallel work programme with these Utility providers, it would probably receive the same information.
  - (b) Co-ordinate with representatives of the Assets team in respect of the draft National Planning Standards utility rules for roading and 3 water networks.
  - (c) Work with the Utilities Group to develop an approach for engagement with the community as part of the District Plan Review. Meetings are scheduled with Orion, Transpower and the telecommunication companies in May.
  - (c) Continue to develop a preferred approach for those Utilities not encompassed within the draft National Standards. It should be recognised that some Utility providers are also Requiring Authorities with existing designations and the ability to modify those designations or submit new Notices of Requirement as part of the District Plan Review. This includes the District Council itself.
- 6.2 Set out below are the different types of utilities and infrastructure and how they are likely to be provided for within the district plan review:

Utility/Infrastructure Type	Method in DPR
Electricity substations, distribution network	Designations, NPS Utilities Chapter
Supply and treatment of water for public supply	Designations, NPS Utilities Chapter
Stormwater, sewage collection, treatment and disposal	Designations, NPS Utilities Chapter
Solid waste	Designation

Telecommunication facilities	Designations, NPS Utilities Chapter
Roads	Designations, NPS Utilities Chapter and District Wide transport rules
Rail	Designation, NPS Utilities Chapter and District Wide transport rules
Renewable Electricity Generation (Lake Coleridge Hydro Power Station and domestic generation)	Designation and new provisions in the Utilities Chapter drafted by SDC
Air navigation aids	New provisions in the Utilities Chapter drafted by SDC
Stockwater races	New provisions in the Utilities Chapter drafted by SDC
Community scale irrigation schemes	Designations and new provisions in the Utilities Chapter drafted by SDC
Flood protection – defences against water	Rural Zone rules

6.3 The key outcomes for utilities and infrastructure are currently defined as:

- (a) The ability for infrastructure to be efficiently developed, up-graded, maintained and operated.
- (b) The need for infrastructure to be recognised and protected from incompatible activities, reverse sensitivity effects and encroachment from activities that may compromise its operation.
- (c) Ensuring the development, maintenance and operation of infrastructure responds to amenity, cultural, landscape and ecological values.
- (d) Ensuring that the provision of infrastructure is staged and integrated with the sequencing of land development.
- (e) Ensuring that the provision of infrastructure is enabled to manage the effects of climate variability and change.

## 7.0 Role of Council as a Utility Provider/Shareholder

7.1 The Council is the owner and operator of infrastructure as well as being a shareholder of Central Plains Water. Accordingly, it is important to manage any perception of conflict in its role of decision-maker on the district plan provisions relating to these assets. Such perception would potentially arise if Council created more liberal provisions for its own assets. To pro-actively manage this perception, it is proposed that the Assets department of Council seeks independent planning advice and assistance, distinct from persons who are drafting reports, recommendations and rules.

## 8.0 Recommendation to DPC

8.1 The following recommendations are made to the DPC:

1. That the above information is received and the approach outlined in Section 6.0 is endorsed.
2. A further update to the DPC is provided in July or August 2018.

**13. Update on District Plan Review Financials**

Author:	Jesse Burgess (Planning Manager)
Contact:	347 2773

**Purpose**

To provide the Committee with an update on the District Plan Review budget and financials to 31 March 2018.

**Recommendation**

**“That the Committee notes the report.”**

**Attachments**

‘DPR Financial Report to 31 March 2018’

---

# REPORT TO DISTRICT PLAN COMMITTEE

---

**DATE:** 7 May 2018

**PURPOSE OF REPORT:** DPR Financial Report to 31 March 2018

**PREPARED BY:** Jesse Burgess, Planning Manager

## EXECUTIVE SUMMARY

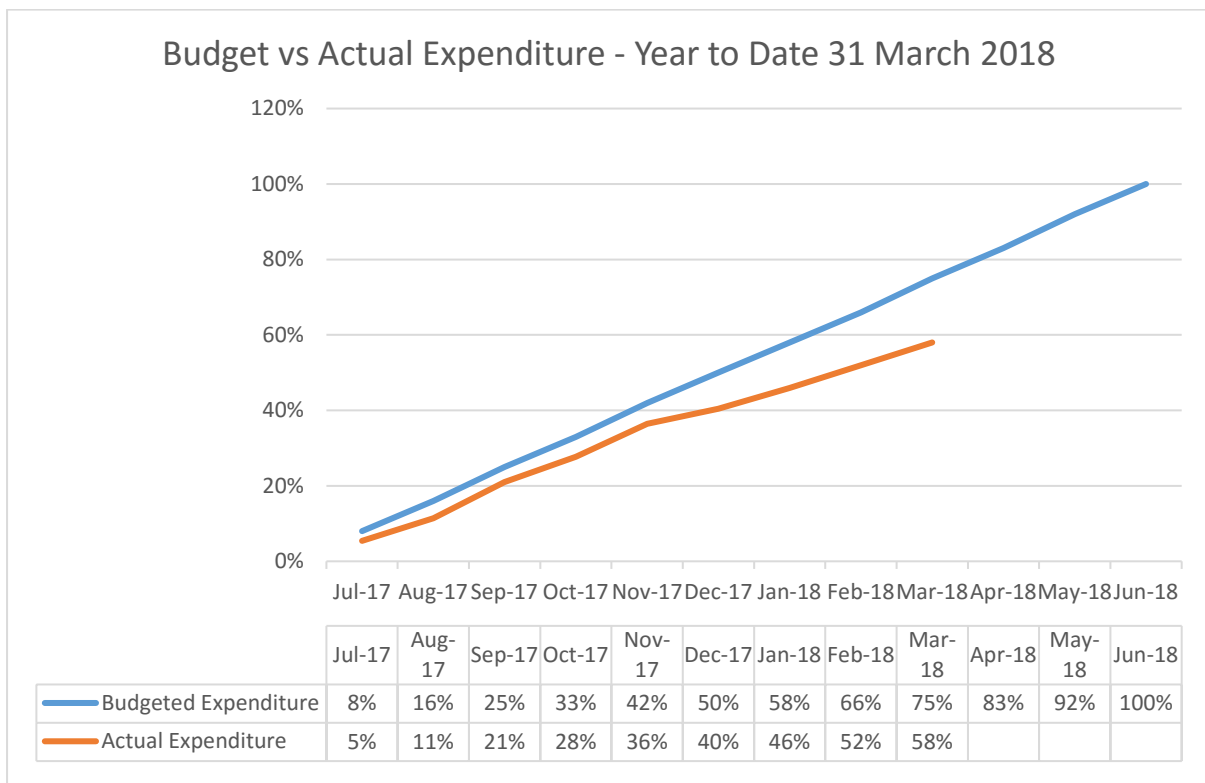
<i>Purpose</i>	<i>To provide an update on the District Plan Review budget and expenditure to 31 March 2018</i>
<i>Recommendation</i>	<i>That the Committee notes the report</i>
<i>DPC Decision</i>	



## 1.0 Summary

- 1.1 Overall the DPR continues to track well against both the scheduled timings and also against budget. The previous month has seen work continue on a number of Preferred Options reports while baseline reports and recommendations have become available for a number of larger pieces of work such as the Residential package.
- 1.2 The budget continues to be closely monitored and the majority of Suppliers continue to complete work within budget however some exceptions and overruns have been encountered in some topics where work has taken longer to complete or where the work has been more complex – namely transport.
- 1.3 Key implementation progress (since last month) includes:
- Rain on Grid Modelling work negotiated and agreed with DHI NZ Ltd
  - Additional investigation into 'Night Glow' and West Melton Airfields due to commence
  - Transport baseline report finalised
  - Preferred Options reports completed for Signage, Quarrying, Community and Recreation, Rural Character and Amenity, and Mushroom Farming and Composting
  - Draft baseline reports for the Residential package received
  - Harrison Grierson Consultants Ltd and Enspire Consulting Ltd added to the DPR Supplier Panel to deliver Planning services

## 2.0 Financial Update



- 2.1 The DPC budget is currently set at, and being tracked against, the amount agreed by Council at the LTP Workshop in September 2017 and not the budget previously approved in the 2015-25 LTP Budget (which was \$882,000). The 2017-18 revised budget is set at \$2,910,478 which includes carryforwards from 2016-17 financial year of \$551,739.00.
- 2.2 During March 2018 \$154,952.54 worth of invoices were approved. Total funds spent year to date is \$1,679,365.87. We predict expenditure to be slightly higher than the anticipated 8.3% per month for the last quarter of the financial year due to a number of large pieces of work nearing completion.
- 2.3 Overall the DPR is tracking at 58% of the budget for the 2017-18 financial year. The project level expenses are currently tracking at 57% against the budget and the topic level expenses at 58% of the budget.
- 2.4 There are a number of cost centres which are tracked well below budget such as communications resources and collateral, GIS mapping, Economic Analysis, and other Rural and District Wide work. Expenditure against these cost centres are set to take place during Q4 of the current financial year. Where expenditure is not incurred this financial, these expenses will be re-budgeted for expenditure in the 2018-19 financial year.

## 3.0 Conclusion

- 3.1 Overall, during the month of March, the District Plan Review has continued to make good progress across a number of topic areas. The programme of work will continue to increase in both volume and visibility as we plan for our public consultation due to commence in July and August.
- 3.2 As we move into the last quarter of the 2017-18 financial year, the DPR budget is on track to come within the amended budget agreed by Council at the LTP workshop in 2017.

## 4.0 Recommendation to DPC

- 4.1 The Project Sponsor recommends that:
  - 1. The Committee receives the financial report