



PUBLIC AGENDA

FOR THE MEETING OF

DISTRICT PLAN COMMITTEE

TO BE HELD AT THE

SELWYN DISTRICT COUNCIL OFFICES,

COUNCIL CHAMBERS

ON WEDNESDAY 25 JULY 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

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Project Lead

Justine Ashley

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Agenda Items

Item	Page	Type of Briefing	Presenter(s)
Standing Items			
1. Apologies	4	Oral	
2. Declaration of Interest	4	Oral	
3. Deputations by Appointment	4	Oral	
4. Confirmation of Minutes	5-49	Written	
5. Outstanding Issues Register	50	Written	
Specific Reports			
6. Business Zone Framework <ul style="list-style-type: none"> Preferred Option Report Communications and Engagement Plan 	51-93	Written / PowerPoint	Paula Hunter (Stantec) and Jessica Tuilaepa
7. Business Interface and Urban Design Outcomes <ul style="list-style-type: none"> Preferred Option Report Communications and Engagement Plan 	94-125	Written / PowerPoint	Andrew Cumberpatch (Stantec) and Jessica Tuilaepa
8. Business in Small Rural Townships <ul style="list-style-type: none"> Preferred Option Report Communications and Engagement Plan 	126-141	Written	Matt Bonis (Planz) and Jessica Tuilaepa
9. Noise and Vibration <ul style="list-style-type: none"> Preferred Option Report Communications and Engagement Plan 	142-186	Written	Vicki Barker and Jeremy Trevathan (AES)
10. West Melton Airfield <ul style="list-style-type: none"> Preferred Option Report Communications and Engagement Plan 	187-199	Written	Vicki Barker (Barker Planning) and Robert Love
11. Sites and Areas of Cultural Significance <ul style="list-style-type: none"> Nga Runanga Preferred Approach Report Communications and Engagement Plan 	200-271	Written	Paul Horgan & Kyle Davis (Mahaanui) and Andrew Mactier

12.	Waste <ul style="list-style-type: none"> • Preferred Option Report • Communications and Engagement Plan 	272-289	Written	James Tapper (Planz)
13.	Research Sites in Rural Zones <ul style="list-style-type: none"> • Preferred Option Report • Communications and Engagement Plan 	290-306	Written	James Tapper (Planz)
14.	Family Flats <ul style="list-style-type: none"> • Preferred Option Report • Communications and Engagement Plan 	307-320	Written	Jocelyn Lewes
15.	Alternative Housing <ul style="list-style-type: none"> • Preferred Option Report • Communications and Engagement Plan 	321-345	Written	Jocelyn Lewes
16.	Update on District Plan Review Financials	346-349	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 20 and 27 of June 2018.



**District Plan Committee
meeting
held on Wednesday 20 June 2018 at 10.00am at
Selwyn District Council,
Rolleston**

Present: Mayor S Broughton, Councillors M Alexander, M Lemon, P McEvedy, D Hasson, G Miller, M Lyall, J Bland, C Watson, J Morten & P Skelton (Environment Canterbury).

In attendance: Chair T Harris (Environmental Services Manager), J Burgess (Planning Manager), J Ashley (District Plan Review Project Lead), R Carruthers (Strategy and Policy Planner), J Tuilaepa (Senior Strategy and Policy Planner), R Love (Strategy and Policy Planner), V Barker (Planning Consultant), K Johnston (Communications Consultant), note taker T Van Der Velde (District Plan Administrator).

Standing Items:

1. Apologies

T Wati (Te Ngāi Tūāhuriri Rūnanga)
D Ward (CEO SDC)
Cr N Reid
Hirini Matunga (Te Taumutu Rūnanga)
Cr B Mugford

Apologies for lateness:

-

Moved – Councillor Lyall / Seconded – Councillor Watson

‘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 Bland / Seconded – The Mayor

‘That the Committee accepts the minutes of the 16 May 2018 as being true and correct’.

CARRIED

5. Outstanding Issues Register

Nil.

6a. Preferred Option Report – Community and Recreation Facilities

Ms Barker spoke to her report. Report focused on non-council owned community and recreation facilities. Council owned facilities are subject to another report to be presented to the committee at a later date.

Key focus of report is stocktake on what facilities are in the district, their location, nature and scale and planning provisions that currently apply to them as well as the effectiveness of rules and managing them.

Most facilities in district rely on zoning, both zone rules and district wide rules. Some facilities are designated, such as state schools, Rolleston Prison and Youth Justice Residential Centre.

Four key issues

Definitions: A whole range of activities and definitions in the plan that are overlapping and unclear. Definitions need to be revised significantly. National Planning Standards have brought out definitions that will need to be considered going forward.

Objectives and Policies: Unclear and not very directive and do not recognise the positive benefits of community and recreation facilities to the district. These need to be rewritten.

Rules are not effective: Either too restrictive or too lenient, for example spiritual and education activities which include pre-schools are exempt from noise and hours of operations in living zones. This is very lenient and needs to be addressed. However, site coverage controls are quite restrictive in rural zones and could be more lenient for community facilities. In terms of signage a few resource consents triggered.

Need for activity based provisions: There are quite a few identified facilities that are not currently provided for in the plan such as integrated family health care facilities, which is a new health model that has been rolled out. Council should be thinking about tailored provisions in the plan to cater for multifaceted facilities. In addition Corrections are quite strong through the country for providing non-custodial corrections activities. Would like to see District Plan future proofed to provide for these sorts of activities. There is currently a non-complying rule (for Corrections) in plan but definition needs a lot of work. Liaison with Corrections will be required to think about providing for such activities more clearly.

A lot of Stakeholder engagement was undertaken for both the Baseline and Preferred Option report for this topic. Ms Barker provided a summary of stakeholder engagement as per report.

‘Cr Morten out 10.07am’

Overall two options were considered, option one: Status quo and option two: Status quo with amendment.

There is going to need to be further work given that this is a district wide matter to make sure it is linked in with the likes of noise, signage and other district wide topics.

'Cr Miller in 10.10am'

Cr Watson questioned why Oranga Tamariki were not on key stakeholder engagement list knowing that they are wanting to expand and have non-custodial services next to Te Puna Wai. Also with cross boundary issues should Council consider Ruapuna in relation to noise?

Ms Barker noted that it was a difficult process to identify stakeholders at the outset of project, Council worked as best as it could to identify stakeholders given the timings and resources. Stakeholders mentioned are noted and they could be considered in the next phase.

Cr Alexander questioned how would it work if a school transitions from a resource consented site to a designated site?

Ms Barker responded to become a designated school, the Ministry of Education will have to go through a Notice of Requirement process.

Cr Lemon raised concerns for Ellesmere Gun Club on reverse sensitivity issues going forward on the outskirts of Leeston and effects that District Plan amendments could have on the gun club.

Ms Barker noted the concerns.

Cr Hasson added the Waihora Gun Club and various other shooting organisations such as Motukarara.

Cr Hasson questioned when talking about community facilities where are we sitting with regards to the likes of Springston South Hall run by volunteers?

Ms Barker acknowledged that it would be a community facility that would fall under the provisions and enabled just like any other community hall.

The Mayor questioned whether the exemptions / tightening up on noise rules was articulated to those likely to be most affected such as schools and churches?

Ms Barker responded that Ministry of Education were supportive of the rules changing. In terms of larger facilities, a lot of them have resource consents as the scale of them has triggered a resource consent in some other area therefore they would have existing use rights under consent.

Cr McEvedy commented about speedways in relation to noise and the fact that activities are constantly developing and changing. How do Council allow for the fact that they are there and provide richness to our community, how do Council protect them and write them into the rules?

Ms Barker explained that for speedways who do not have resource consents, as soon

as they do something beyond their existing arrangement, for example if they increase intensity or scale they would trigger a need for assessment under the plan rules. If they were going to expand you will need to look at rules which would trigger a need for consent. Going forward for speedways Council could look at specific targeted noise rules. An example of this is Ellesmere Speedway have offered to do noise readings to give a baseline indication of what level of noise they are generating, therefore Council could write them a tailored rule to give them some flexibility to operate in that envelope. If the speedway went beyond the rule it would trigger the need for a consent. Essentially tailoring rules to suit them. There is a variety of ways to do it e.g. scale, limiting events, and setbacks.

The Chair questioned does this mean there could be a set rules for each facility?

Ms Barker responded yes potentially but that is work in progress.

Cr Alexander added Malvern Gun Club for engagement list.

The Chair asked the committee to forward through any stakeholders they wish to include in engagement for this topic to Ms Barker. The Chair added he would like to see one set of community rules, rather than specific rules for each individual facility.

Moved – Councillor Alexander / Seconded – Councillor Watson

Recommendation

“That the Committee notes the report.”

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

CARRIED

6b. Communications and Engagement Summary Plan – Community and Recreation

No discussion was held, summary plan taken as read and accepted

Moved – The Mayor / Seconded – Councillor Miller

Recommendation

“That the Committee notes the summary plan.”

CARRIED

7a. Preferred Option Report – Relocated Buildings

Ms Carruthers spoke to her report. Issues for relocated buildings tended to be the timeframes for completion of work which is either amount of time it takes for building to be placed onto its foundation on arrival on site or time owner takes to complete exterior reinstatement works once down on foundations.

Another issue is build and design, an example being the relocation of a villa into an area of new houses where neighbours / locals do not appreciate the older look.

In addition, shipping containers can be an issue when household belongings are moved into a shipping container on site and once finished with the build the owner moves belongings into house but container becomes useful to owner so it stays on site.

There tends to be a split between how relocated buildings are perceived between the rural area and townships. As per report some townships have a fair proportion of relocated buildings, in some cases they fit and then other cases the work does not get done in a timely manner and building sits there looking tired.

There are seven options outlined in the report for treating relocated buildings moving forward. Ms Carruthers explained the options and provided examples to Committee and whether the options are recommended or not.

The preferred option being: 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.

'Cr Morten in 10.32am'

The Chair summarised: Preferred option is a combination of the options but in essence it is to have a permitted activity status for relocated buildings everywhere except townships with a revised set of rules around what they need to comply with.

For townships keep them as a controlled activity but clean up the rules around them. Similar to what is in place now but a change in rule framework in which those activity status' sit.

Ms Carruthers agreed and added business zones relocated buildings are already a permitted activity so it is moving from controlled to permitted in rural areas and retaining controlled but cleaning up rules in residential areas.

Cr Lemon questioned shipping containers, what sort of site coverage is there and are shipping containers meant to be stacked at what point would it trigger a problem?

Ms Carruthers responded yes they will still be subject to same setback, recession planes and site coverage rules as the underlying site.

Ms Carruthers clarified a transportable building versus a relocated building.

'Cr Morten out 10.43am'

Cr McEvedy commented that the challenge for relocated buildings is integrity of structure and visual amenity implications. Visual amenity is major concern which comes down to integrity of the structure. A challenge for Council is enforcement. Cr McEvedy questioned is there a way to check structural integrity before it gets relocated and whose responsibility is it?

The Chair advised it is covered by the Building Act / building consent process. If it comes from outside the district it becomes more challenging.

'Cr Morten in 10.48am'

Cr McEvedy does not agree with the controlled activity provisions not applying to rural areas.

The Chair asked each member of the committee whether they accept the preferred option as is or agree with Cr McEvedy's preference of having consistency across the district with relocated buildings being a controlled activity for both rural and residential areas in the Selwyn District.

The majority voted for consistency across the district.

The Chair summarised controlled activity status for both rural and residential zones but with some tweaking to rules as suggested in the options.

Moved – Councillor Hasson / Seconded – Councillor Bland

Recommendation

The recommendation was amended to:

"That the Committee notes the report."

"That the Committee endorses the Preferred Option for Relocated Buildings for further development and engagement, with the amendment that the relocation of buildings in the rural zones retain their existing controlled activity status (Options 3 and 5)."

CARRIED

7b. Communications and Engagement Summary Plan – Relocated Buildings

No discussion was held, summary plan taken as read and accepted

Moved – Councillor Watson / Seconded – The Mayor

Recommendation

“That the Committee notes the summary plan.”

CARRIED

8a. Preferred Option Report – Mushroom Farming and Composting

Mr Love spoke to his report. Mr Love advised this topic is similar to intensive farming topic, with the main focus being removal of air quality provisions and moving this to Environment Canterbury to manage.

Overall focus is commercial mushroom farming and composting in either association of mushroom farming or in isolation. Composting and mushroom farming are not specifically covered in the district plan through the definitions and rules and this can create ambiguity for the users.

There is duplication with the Regional Council with the need to assess odour and dust discharges.

The manufacturing of compost has the potential to give out adverse odour and dust discharges which can have a significant effect on sensitive sites nearby. Whereas mushroom farming activities with no associated compost manufacturing have more typical effects such as building size, noise, lighting and glare, and traffic considerations. It is important to note that a mushroom farming activity that does not involve onsite composting can have very little odour omissions.

Mr Love gave the committee a rundown of known sites of mushroom farming and composting sites in the District as per report.

Current issues for mushroom farming is there is no definition or specific rules. But is captured by rural based industrial rule – discretionary activity as long as it is located in the Outer Plains area and if not is a non-complying activity. A mushroom farming operation would unlikely be considered a permitted activity due to size and involve no more than 2 full time equivalents.

Composting in operative plan is there is no specific definition in the plan. Mr Love explained rules around composting brought onto sites.

Ministry guidance on this topic is either that a joint approach between both councils should be adopted or a Regional Council approach be adopted. Duplication should be avoided.

Canterbury Land and Water Regional Plan (LWRP) only deals with storage of compost in regards of its potential to contaminate water. Air plan deals with the dust and odour effects of mushroom farming and composting. Essentially all new operations that do not cause offensive or objectionable effects are a restricted discretionary. Composting is classed as an industrial or trade process under the plan. Renders activity as discretionary unless there is an objectionable or offensive effect then it will be non-complying.

Mr Love provided a summary of engagement up to date and a summary of options noting 'option 3: Make amendments to the current framework and remove air discharge controls' as the preferred option for further development.

Cr Lyall raised his concerns as a resident of Prebbleton noting that the stakeholder list does not include the residents of Prebbleton who have suffered from Meadow Mushrooms for many years. Noting that odour from this factory is an issue. A huge history with Meadow Mushrooms in past with discharge and composting on site / pollution in the community and monitoring of this falling between the cracks.

Cr Lyall added he has concerns with reverse sensitivity effects, odour does travel a fair distance. Option 2 is what he would call a “belts and braces approach” as it gives greater protection to the communities. Cr Lyall would like Council to maintain that level of protection and is therefore in favour of option 2.

‘Cr Miller and Cr McEvedy out 11.16am.’

Cr Skelton commented there is ongoing problem in the City with composting activities. All discharges would require a consent from both councils but not if you adopt option 3.

Mr Love responded that where an activity triggered resource consent under both district and regional plans, then we would work together, however it would be up to Environment Canterbury to consider the dust and odour. Option 2 requires the district plan to also manage the dust and odour.

The Mayor commented it would be a lot cleaner and easier if there is one party to manage, monitor and do consenting as well as monitoring the discharges to air whether it is dust or smell. That way the responsibility for enforcement is also clear.

Cr Lyall commented will take Cr Skelton’s ideas on as long as Council has control over location.

The Chair advised that for the Quarrying and Intensive farming topics the Council’s preferred option is to give controls to Environment Canterbury so ideally this should be consistent.

Cr Skelton commented if activity requires land use consent or other consents it will only work if the two councils work together for joint hearings for example. To make it effective it would need to be done together.

The Chair summarised: Mushroom farming is a rural activity so a requirement for resource consent across all of the rural areas goes against the principle that it is a ‘rural activity’. The Chair acknowledged there is a general agreement from the Committee to move the consideration of dust and odour to the Canterbury Regional Air plan with a set of provisions that would trigger land use consent in locations that would cause issues to communities and people and those sensitive activities.

Moved – Councillor Watson / Seconded – The Mayor

Recommendation

The recommendation was amended to:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Mushroom Farming and Composting for further development and engagement, except that further consideration be given to requiring land use consent in proximity to sensitive activities.”

CARRIED

UNCONFIRMED

8b. Communications and Engagement Summary Plan – Mushroom Farming and Composting

No discussion was held, summary plan taken as read and accepted.

Moved – Councillor Alexander / Seconded – Councillor Bland

Recommendation

“That the Committee notes the summary plan.”

CARRIED

UNCONFIRMED

9. Summary of Public Consultation Approach

Ms Johnston spoke to her presentation, which is to inform Committee of public consultation coming up later this year and how it fits in with the overall public consultation framework.

Advised District Plan Review (DPR) is reaching a stage of review where preferred option reports are coming to Committee for endorsement. These reports have often been informed by targeted consultation with specific groups and in some cases with affected landowners.

The Project team would like to go out to the general public to get their views before formal consultation in early 2020 when the proposed plan will be notified.

To make DPR more accessible to the general public and get people engaged earlier in the review process Council should consider following principles as per presentation such as consulting on key draft changes only.

Timing wise the project team is looking at public consultation in August 2018 for 8 weeks.

A table was provided in presentation to show calendar of topics available for 2018 initial public consultation. In total around 25-35 topics. For other topics Council will do targeted consultation only.

Ms Johnston explained key consultation tools and methods listed in her presentation. Touched on using the online forums as much as possible via the engagement hub g 'Your say Selwyn' and looking at consultation across sections of the population such as youth and business.

In summary timing of public consultation to start in August for a period of 8 weeks. Approach for consulting on draft changes will be focused on matters relevant to target audiences.

Cr Alexander commented that Quarrying is listed under Rural but effects are also spread across residential or district wide.

Ms Johnston responded that yes the project team are aware that topics can crossover areas.

The Chair explained the table in presentation is more for internal understanding in regards to topics. Not categorising anything to exclude people. The public will receive information to clarify topics.

Cr Watson agrees with Cr Alexander, confirmed that it is a public document and queried are we already consulting on the topics listed under 'now'?

Ms Johnston responded yes, topics under 'now' are ready for public consultation but the project team will start the main public consultation in August.

Moved – Councillor Lyall / Seconded – Councillor Lemon

Recommendation

“That the Committee notes the presentation.”

CARRIED

UNCONFIRMED

'The Chair advised Committee will move to Item 11 of Agenda while presentation for Item 10 is organised'

11. Update on District Plan Review Financials and Work Programme

Mr Burgess provided a summary of his report stating overall the District Plan Review continues to track well against timing and budget. Mr Burgess provided a summary of key implementation milestones, as per report.

Mr Burgess advised of updated District Plan Review programme / Critical Path attached to report and noted that each topic also has an individual programme plan. Each month an updated critical path will be brought to the Committee.

Recommendation

"That the Committee notes the report."

Moved – Councillor Watson / Seconded – Councillor Alexander

CARRIED

10. Update on National Planning Standards

Ms Tuilaepa spoke to her presentation providing an update on the National Planning Standards (NPS) that was last brought to the attention of the Committee a year ago.

NPS template was proposed by the Government in 2010. The Government introduced the legislative requirements to be put into action in 2015. In May 2017 some discussion documents were published which Council provided feedback on and Council were invited to become part of a pilot programme which meant Selwyn District Council were involved in development of first draft standards released recently.

The aim of NPS is to make the Resource Management Act (RMA) simpler to prepare and easier for users to understand.

Ms Tuilaepa provided a summary of what the NPS cover as listed in presentation.

There are similar structures across the country which is intended to help plan users easily use and compare plans.

One of the standards includes what content is required in the plan for example introduction and general provisions, this provides people an overview of how the content of the plan came about. A 'How the plan works' section will also be very useful.

In the current plan Selwyn District Council already have referenced the relationship between Council and Tangata Whenua, the NPS intend for this to be it its own section of the plan. Therefore people wanting to know how Council consults with Iwi will be in the same place.

Something new is strategic directions which are objectives for the district, a high level stance for Council on what direction Council wishes the plan to take.

As with the current plan Council have district wide matters for example noise and signage - NPS will have a way for users to find those topics under the heading of district wide matters which will keep it separate from area specific matters (zones).

Area specific matters - NPS would provide a 'suite of 27 zones' from which Council can pick and choose. Council can create 27 special purpose zones if required.

'Miller and McEvedy in 11.50am'

NPS proposed providing a palate of colours for mapping and spatial planning tools for consistency over the country.

'Cr Miller out 11.51am'

In terms of the ePlan standard for electronic accessibility and functionality, Selwyn District Council ePlan is scaled as a 5 which is great but this can be improved.

The project team is hoping to put old chapters into new format to test how it works. Ms Tuilaepa touched on definitions noting local authorities must implement the definition standards.

The next step is Selwyn District Council will be providing a submission on the draft NPS to the Ministry for the Environment. Submissions close 17 August 2018. Selwyn District Council submission to be endorsed by Council before this on 8 August at Council Meeting.

Ms Tuilaepa closed presentation off by advising of link available on presentation in agenda to view NPS in full.

Moved –The Mayor / Seconded – Councillor Lemon

Recommendation

“That the Committee notes the presentation.”

CARRIED

‘Meeting closed at 11.57pm’

Minutes confirmed:

This day of 2018

CHAIR PERSON



**District Plan Committee meeting
held on Wednesday 27 June 2018 at 9.00am at Selwyn
District Council,
Rolleston**

Present: Mayor S Broughton, Councillors M Alexander, M Lemon, D Hasson, N Reid, B Mugford, G Miller, M Lyall, J Bland, J Morten, D Ward (CEO SDC), T Wati (Te Ngāi Tūāhuriri Rūnanga), & Hirini Matunga (Te Taumutu Rūnanga).

In attendance: Chair T Harris (Environmental Services Manager), J Burgess (Planning Manager), J Ashley (District Plan Review Project Lead), A Mactier (Strategy and Policy Planner), B Baird (Strategy and Policy Planner), B Rhodes (Strategy and Policy Team Leader), R Love (Strategy and Policy Planner), J Lewes (Strategy and Policy Planner), H Riordan (Student Planner), G Wolfer (Urban Designer & Town Planner), S Hill (Communications Advisor), V Barker (Consultant Barker Planning), K Johnston (Communications Consultant), P Horgan & K Davis (Consultants Mahaanui Kurataiao Ltd), A Jellie, K Bell & F Lojkin (Consultants Stantec), N Boyes (Consultant Planz Consultants), J Carter (Consultant GHD), N Brown (District Plan Administrator) and note taker T Van Der Velde (District Plan Administrator).

Standing Items:

1. Apologies

Cr P Skelton (Environment Canterbury)
Cr C Watson
Cr P McEvedy

Apologies for lateness:
Cr D Hasson

Moved – Councillor Alexander / Seconded – Councillor Lemon

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

CARRIED

2. Declaration of Interest

T Wati (Te Ngāi Tūāhuriri Rūnanga) – Items 8a and 8b

3. Deputations by Appointment

Nil.

4. Confirmation of Minutes

No minutes to confirm

5. Outstanding Issues Register

Nil.

UNCONFIRMED

Specific Reports

6a. Preferred Option Report – Residential Character, Amenity, Density & Housing Typologies

AND

6b. Preferred Option Report – Comprehensive Medium Density Development

Ms Lewes provided a summary of the two residential preferred options reports to be presented to the Committee, being the residential package which is the nature of residential development in the district and the home based business activities and business activities report. These reports establish a framework for residential development in the District Plan.

Ms Lewes introduced Mr Jellie and Ms Bell from Stantec who would present recommendations on the first two agenda items.

Mr Jellie spoke to the report advising the baseline reports were prepared to inform the preferred options reports.

Mr Jellie provided a background of the baseline reports. The purpose of baseline report Character and Amenity was to provide a stocktake of living zones, undertake an on-the-ground assessment of character and amenity, assess the effectiveness of the District Plan provisions in contributing to or maintaining character and amenity, develop a set of principles to guide a new zoning framework and rationalise the living zones and provide a recommended way forward in terms of the residential provisions.

The purpose of baseline report Density and Typology was to undertake an assessment of residential density provisions in the District Plan and review on-the-ground results in terms of density and housing typologies.

The purpose of baseline report for Comprehensive Medium Density Development (CMDD) was to undertake an assessment of the CMDD provisions and review the on-the-ground results.

The purpose of baseline report Bulk and Location was to evaluate the extent to which the existing provisions achieve Council's objectives with respect to residential bulk and location, summarise the approaches undertaken by other councils, and provide initial recommendations as to the rules that could be removed, amended or introduced.

As part of the Character and Amenity baseline a stocktake of operative district plan provisions was undertaken. Analysis of living zones undertaken identified the main difference between zones are small variations in terms of allotment size. On the ground character and amenity assessments were carried out in 18 living zones and townships across the district.

In order to consistently capture results a template and set of criteria was developed, with criteria focused on elements controlled by the district plan and also focussing on the age of the dwelling, stewardship and streetscape.

DCM Urban Design who undertook the groundwork grouped the 18 areas into four categories based on similarities and amenity outcomes.

In summary, results of on ground assessments found that minor variations in allotment size are not achieving a noticeable difference in character and amenity outcomes.

As part of the Residential Density and Typology baseline report a review of resource and building consents were undertaken. Review found majority of dwellings across the district are single story detached dwellings. Building consents data showed predominantly they are three to four bedroom sized dwellings. It was noted that covenants imposed by developers influenced the size of the dwellings in some subdivisions however it is noted this was not reviewed as part of the baseline report process as covenants are not a district plan method.

The building consent review also showed there are a small number of duplex and semi-detached dwellings. Key finding from analysis is that there is little diversity in the housing typology across the district. Mr Jellie provided maps in the presentation identifying building consents issued in Rolleston, Lincoln, Leeston and Darfield. These maps demonstrate the majority of development is occurring on the periphery (towards the urban limits of larger townships e.g. Rolleston and Lincoln) of Greater Christchurch Area townships. The District Plan provides for development in these locations through the Living Z zone, and the use of outline development plan provisions as per the direction of higher order planning documents prepared in response to the 2010 and 2011 earthquakes.

In terms of allotment sizes, subdivision in those peripheral areas (towards the urban limits of larger townships) has resulted in smaller allotments than those in the established areas close to the Town Centre and/or business areas.

There is little evidence of infill development adjacent to the town centre/businesses. Infill in Rolleston has been of a limited nature and largely occurred on 1000m² allotments in the established areas of the township.

It is noted building consents lapse after two years of being issued and resource consents lapse after five years, therefore there can be a longer lag in resource consent being granted and development being realised.

Mr Jellie provided a summary of population projections for the Selwyn District. The population projection for the district is different in the context of New Zealand which is largely aging; Selwyn has seen migration of families over the past five years.

Rolleston is expected to experience a significant increase in population over the next 25 years, with a change in the age structure. It is projected that there will be an increase in the proportion of the population aged over 65. It is projected that Rolleston will have a relatively youthful population in 2043 and there will be little change in the composition (by percentage) of new households. Lincoln differs from other townships in the Selwyn District, with its disproportionately large university age population. No significant housing shortfalls were identified for any township over the next 10 years. Most townships have dwelling capacity out till 2028/2033. This changes beyond this

period, where additional dwellings will be required across the six townships analysed post 2033.

A Household Composition table was provided in presentation, this table along with demographic information discussed shows a need for a diverse set of housing typologies in the district plan.

As part of the Character and Amenity baseline report high level principles were developed to provide a framework. This is high level at this stage and the drafting and development of the zones is still to be completed. This includes the application of the new residential zones. Zones are to have descriptive names based on the possible National Planning Standards. It is noted that high density in Rolleston is not the same as high density in Auckland and variations will need to be made. Zones are to have distinct differences, minor variations are to be provided for by way of a precinct where warranted. Zones are to follow a hierarchy based on density and activities, e.g. Medium Density Residential Zone, General Residential Zone through to the Large Lot Zone. The application of zones will follow best planning practice where appropriate, i.e. higher densities adjacent to the Town Centre zones through to lower density on the periphery (tiered approach).

Ms Bell spoke to the presentation. Comprehensive Medium Density Development (CMDD) has a comprehensive definition in the District Plan. The key finding is that Council is achieving minimum density sought through Living Z and outline development plans with little use of CMDD provisions. The other part of it is that there is a type of development Council are not achieving which is a specific form of medium density development. There is a framework that is anticipating something but not being developed as the rules are not integrated well and there is confusion on when reading provisions on how they may apply.

Ms Bell provided imagery and explanation of small lot, medium density and CMDD. Overall CMDD is a large site that has been developed in comprehensive manner. CMDD can have a range of typologies and listed examples.

Mr Jellie advised of recommended typologies: Detached Dwelling, Semi-Detached / Duplex, Terraced houses and Low-rise apartments. The district plan would provide a framework in terms of types of typology and it would then be up to landowners to develop. Different typologies should be located in appropriate locations.

Mr Jellie provided a summary of preferred options for Residential Character, Amenity, Density and Housing Typologies as per report and whether each option is recommended or not, noting that the proposed Settlement Zone was also the subject to another scope of work.

Ms Bell provided a summary of preferred options for CMDD, noting key issue for CMDD is whether or not to progress to have provisions in some shape or form in plan. The provisions do not require this type of development, but rather enable it to occur.

Cr Alexander commented that he has trouble seeing how it will transition. What Council sees implemented on the ground is not what we expected. Mr Alexander gave an example in Faringdon, where there are smaller lots it was hoped there would be

smaller houses, but what we got were bigger houses. Cr Alexander would like to see a set of rules that will deliver on what is expected. How do we end up with a package for what the community wants as they age (smaller easy care dwellings on smaller lots), are we heading in the right direction to develop those outcomes?

Ms Bell responded that Cr Alexander has identified a challenge for the rest of the country. A lot of the housing being built are delivered by companies that benefit from scale of house. There are changes coming in regards to smaller houses but this is up to the development industry responding to that. The District Plan has an enabling set of provisions that does not limit the size of housing.

Cr Alexander added do Council need to be more directive to deliver smaller houses and smaller lots, most elderly do not want four bedroom, two bathrooms dwellings on big sections.

Mr Jellie responded that the point is noted, adding that they have looked at incentives of different typologies which may encourage developers to switch from current to more attractive packages through this baseline report.

Ms Wati commented about CMDD which is along the lines of Papakāinga / Kāinga Nohoanga, and spoke of aspiration of Tūāhuriri living together. Ms Wati supports changing of rules to stop barriers and encourage whānau aspirations of living together.

Cr Lyall commented definitely need for CMDD and supports report. Talked about large lot sizes in Prebbleton. Leaves Council in the centre with aging population but still provides for those that want a bigger lot size. Cr Lyall added balance of finding something smaller but nice for aging community such as low level apartment style.

Mr Matunga commented in support of the reports, and spoke of growing up in a CMDD like community. People tend to have to move out of community to live the lifestyles they want. Mr Matunga supports CMDD which is Kāinga Nohoanga at large. Mr Matunga questioned what does high density look like?

Mr Jellie responded high density is an apartment complex with over three-five stories.

Ms Bell added motivation for people to move out to suburbs is people want to have space. High density tends to be where there is public transport and provided example of Auckland central. Medium density could look like high density looking at the character of the district now. Low rise residential building could feel high density in the Selwyn context.

Mr Matunga commented about spatial distribution of typology, are you implying it will be quite discreet, or implying spatial distribution of different typologies will be quite discreet and will be quite geographically spread? Papakāinga development were seeking typologies that existed side by side as a community group, is there flexibility there?

'Cr Morten out 9.52am'

Mr Jellie responded yes and gave examples of typologies of terrace type buildings next to low rise apartments.

Ms Bell advised that different typologies can co-exist depending on the management enabling of different types of living.

The Mayor supports report. The Mayor would like to question what sort of districts do people want to live in? To look at beyond greenfield development and consultants signalling that intensification will be Selwyn's future. Some of the discussion at the moment for the Greater Christchurch Partnership is Christchurch looking to intensify and restrict any growth outside of Christchurch's boundaries. Committee discussions are saying there are lines already drawn in the ground of where we would like to get to but cannot continue to eat up farm land by putting housing on it and sprawling townships across Canterbury Plains. The Mayor commented he likes the support which sets a direction of the way our future should grow, setting some parameters for continued growth in Selwyn District.

Cr Lyall commented public think of medium density as high density, changing public perspective of what medium density is will be important.

Cr Reid supports the Mayors comments. We are not just looking at elderly and to look broader such as young families who want smaller housing. How does planning standards effect this?

'Cr Morten in 9.55am'

Ms Lewes discussed the Ministry for the Environment (MfE) draft National Planning Standards (NPS) and noted that these are largely structural at this stage with little content in them. There is direction in terms of structure and 27 zones are proposed which should capture most zones across the country. What zones look like is up to Council. Council has ability to shape what zone looks like but within the structure proposed in the draft NPS.

Cr Reid asked about stormwater treatment and how would this be factored into development densities.

Ms Lewes responded this is for the next stage to be included in the spatial framework.

Cr Lemon supports report. Cr Lemon commented on town centre visions and about masterplans for Lincoln and Rolleston and town centre plans. Outlined townships that have slightly different character as touched on in report and wants Council to be mindful that we capture townships such as Darfield, Leeston, Springfield townships in another report.

Moved – Councillor Lyall / Seconded – Councillor Lemon

Recommendation:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Residential Character, Amenity, Density & Housing Typologies for further development and engagement.”

CARRIED

AND

Moved – Councillor Lyall / Seconded – Councillor Lemon

Recommendation:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Comprehensive Medium Density Development for further development and engagement.”

CARRIED

6c. Communications and Engagement Summary Plan – Residential Character, Amenity, Density & Housing Typologies

No discussion was held, summary plan taken as read and accepted

Moved – Mr D Ward / Seconded – Councillor Mugford

Recommendation:

‘Residential Character, Amenity, Density & Housing Typologies – communications and engagement summary plan’

CARRIED

6d. Preferred Option Report – Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones

Ms Lewes provided background to the report, advising Selwyn 2031 provided an overarching strategic framework for sustainable growth across the district to 2031.

A key feature of this strategy is a Township Network which assigns an Activity Centre category to each township. In so doing Selwyn 2031 has identified the role each township is to perform in providing for the social, cultural and economic needs of their communities and in the economy of the district.

The purpose of this piece of work was to review the provisions of the Operative District Plan and to provide advice and recommendations on the provision made for Home Based Occupations and the appropriateness or otherwise of providing for non-home based business activity in Living Zones.

This assessment is limited to Key, Service and Rural Activity Centres (as defined in Selwyn 2031) being Rolleston, Lincoln, West Melton, Prebbleton, Darfield, Leeston, Coalgate, Dunsandel, Southbridge and Castle Hill all of which have business zones. This Scope of Work is complementary to other scopes within other work streams – such as the Business Activities in Rural Zones and the Business work stream that will be coming to District Plan Committee next month.

Whilst commercial and industrial activities are intended to be provided for in Business Zones, district plans have always provided for home based business activity for small business enterprises in living zones and rural zones.

Ms Lewes summarised the issues identified through the baseline report. As part of the baseline assessment the approaches of a number of other districts were considered. All plans include a definition of home based business. The District Plan also recognised home based businesses in the objectives and policies and included specific rules to address the scale of the activity.

Ms Lewes provided a summary of the four options that were considered to manage home based business activities noting that option 3 is considered to provide the best balance of enabling home-based businesses, while focusing larger commercial activities into the Centres and towns (including commercial and industrial areas of towns) and summarised why this option is recommended as per report.

Cr Alexander commented that parking has been set to one side yet parking with a home based business can be one of the most immediate effect on neighbours with the extra parking it generates, if not onsite, on the roadside raising issues.

Ms Lewes responded parking would be one of the standards looked at to manage effect of a home based business. The current provisions for business activities requires car parking. The preferred option would establish a hierarchy where you could have a home based business of a lesser scale than a business, therefore a lesser scale in terms of floor area and intensity which would result in a lesser demand for car parking than a business. The recommended maximum floor area for home based business is 40 square metres in Living Zones, which is substantially less than the

existing 300 square meters. Parking is a consideration for a standard that may be imposed on a home based business. Ms Lewes added that issues will come to light with integration of workstreams. Council will pull together provisions about traffic movements and that report together with this report will make sure Council have alignment.

Cr Lemon commented about 'Air bnb' and visitor taxation, is that something Council should be thinking about in this workstream? Will these sorts of businesses create challenges for our District?

Ms Lewes responded that in the current district plan it is classed as a residential activity, and not specifically picked up in home based business. It is an issue bubbling out in the community but not one specifically addressed in the District Plan Review to date but staff are aware of it. Noted to follow up on.

Moved – The Mayor / Seconded – Councillor Lyall

Recommendation:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones’ for further development and engagement.”

CARRIED

6e. Communications and Engagement Summary Plan – Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones

No discussion was held, summary plan taken as read and accepted

Moved – Councillor Lyall / Seconded – Councillor Mugford

Recommendation:

“That the Committee notes the summary plan.”

CARRIED

7a. Supplementary Report to the Preferred Options Report – Rural Character and Amenity – Business Activities in Rural Zones

Mr Love spoke to the supplementary report and provided context. Preferred options report was brought to District Plan Committee (DPC) in May, there was discussion and debate on how Council should structure businesses in rural zones, around discretionary activities and rural based businesses and rural activities. Supplementary report is to provide more detail to the discussion so Council can move forward.

Key issues are determining and defining what particular activities are and aren't appropriate for the rural areas, what scale of non-rural activities are appropriate in rural areas what the effects are of these activities and how they need to be managed.

The overall approach is to refine the existing situation to better reflect the expectation of the Regional Policy Statement and strongly support the protection of rural character and productivities as a priority in rural areas. Mr Love noted that the wording and rule structure and any figures used in report are open for discussion and may change as a result of further consultation. Some integration work has been done but will be looked at in depth at the Section 32 stage. Additionally National Planning Standards may influence what terms and definitions will be used.

Terms: Introduction of rural produce selling definition, consisting of small roadside activity. Larger produce retail outlets not covered. Would maintain the rural activity definition. Introduce rural business or rural service activity type term. Two key parts: clear association with rural activities and a need to be located close to those areas.

Rural industrial definition term inclusion. Current wording is reasonably appropriate but can be refined.

Mr Love gave a summary of rule structure as per report at 3.2.

Mr Love asked for DPC direction of the term's overall structure, Outstanding Natural Landscape (ONL's), Visual Amenity Landscapes (VAL's) condition exclusion and potential increase of full time equivalents (FTE's).

Cr Alexander commented he is reluctant to see increase of FTE's and provided example of overflow of a business moving to own property and not what neighbours expected in lifestyle area. If there is an increase in FTE's the scale of business could get larger with intrusion on neighbours lifestyles. Councillor Alexander added he is happy with proposal but keeping the 2 x FTE's. Would like to be enabling but without disadvantaging neighbours.

Mr Love noted this.

The Mayor noted that the issues come down to who your neighbours are and he would not like to see Council become over restrictive, yet Council has to have framework for things that are particularly destructive for neighbours. The Mayor raised issues with Inner and Outer Plains. The Mayor would like to see something around primary produce selling and asked whether this needs to be captured.

Cr Lyall added that he feels some comfort from report. Noted Springfield Farm is now Harvest Fresh. Supports report. Retail should be appropriately zoned unless selling own produce, grown on own site.

'Mr Ward in 10.31am'

Mr Miller added one of the key considerations that has not been factored in is changes in technology and the way retail may change such as that online.

Mr Love noted this.

The Chair summarised discussion, noting issues with FTE's and potential differences in relation to Inner and Outer Plains zones. The Chair clarified this is a report for further development, engagement and consultation.

Moved – Councillor Alexander / Seconded – Councillor Lyall

Recommendation:

"That the Committee notes the report."

"That the Committee endorses the Supplementary Report to the Preferred Options Report – Character and Amenity – Business Activities in Rural Zones for further development and engagement."

CARRIED

7b. Communications and Engagement Summary Plan – Rural Character and Amenity – Business Activities in Rural Zones

No discussion was held, summary plan taken as read and accepted

Moved – Councillor Bland / Seconded – The Mayor

Recommendation:

“That the Committee notes the summary plan.”

CARRIED

‘Meeting adjourned for a break at 10.27am’

‘Meeting reconvened at 10.37am’

‘Cr Hasson in 10.37am’

8a. Preferred Option Report – Kāinga Nohoanga Zone

The Chair introduced Mr Davis and Mr Horgan from Mahaanui. Mr Horgan spoke to the presentation. Ngāi Tahu does have a desire to advance Kāinga Nohoanga from a concept and a vision to a reality. It is considered Kāinga Nohoanga developments will play a role in meeting the future housing requirements of Ngāi Tahu whānau.

Purpose of the Mahaanui report is to review whether existing provisions in Selwyn District Plan are appropriate having regard to current practice, the provisions of the Canterbury Regional Policy Statement (CRPS), Mahaanui Iwi Management Plan and statutory obligations. Note the report has been prepared on behalf of Nga Rūnanga. The report expresses views and preferred outcomes of Nga Rūnanga but not to be confused as a Council preferred options report.

Mr Davis provided a history of Kāinga Nohoanga noting Māori reserve has its roots in Canterbury land purchase, where as part of deal, adequate land would be set aside for residents and other economic activities for native population in the area. It also serves to facilitate the purchase of ancestral land and facilitate European settlement into the area.

Key issue was essentially systematic alienation from these areas at the hands of various and successive parliamentary legislation and urbanisation of Māori population across the country. Emphasised zone is not solely for place of residents, but also economic activities and communal related concepts, business and horticulture. Expectation of use of areas were not realised by successive governments. Working with local governments to overturn and make those agreements and aspirations realised.

For many years the Māori land was zoned under the Town and Country Planning Act as rural.

Guiding CRPS policy is that government has to give effect to its policy 5.3.4 Papakāinga housing and Marae. RPS clearly anticipates regional council will include appropriate provisions in their District Plans that enable the establishment of Papakāinga / Kāinga Nohoanga housing. CRPS makes it clear ancestral land is not limited to land remaining in Māori ownership but must be a connection between the cultural and traditions and the land.

A map was provided of Māori reserve land & alienated Māori reserve land in the Selwyn District. Mr Davis provided an explanation of this.

Mr Horgan commented about climate change and provided data from NIWA which shows that sea level rise will impact Taumutu.

Mr Horgan discussed approach taken in the Christchurch City Plan which is ahead of the Selwyn District Plan. Processes followed by Māori Land Court meant the District Plan could have more relaxed rules. Kāinga Nohoanga zones should be reserved for Ngāi Tahu. Christchurch City Council had a broad list of permitted activities. The Rūnanga- Te Taumutu would like to see a similar list of activities in the Selwyn District Plan.

Mr Horgan provided a summary of the preferred Nga Rūnanga options as per report.

Cr Lemon commented is the parcel of land heading out to Leeston, Te Taumutu the preferred land?

Mr Horgan responded it is proposed that the land be zoned for Kāinga Nohoanga, noting long term prospects for that land are not good, that is why it is important the revised District Plan approves new Māori customary land to be rezoned for Māori developments.

Cr Lemon questioned if land is developed what site coverage anticipation is there, with a range of matters coming up such as infrastructure, how will these be managed?

Mr Horgan responded there will need to be provisions in the plan to make sure requirements are developed before zone is in place.

Cr Miller asked to clarify zone on map. There are descriptors in front of us of available businesses and commercial zones, developing a whole new township potentially, how do you see that working in regards to transfer of ownership, how will this be managed and do they have to have a linkage?

Mr Horgan confirmed that the intention of businesses that do establish within a Kāinga Nohoanga zone is that they will be operated by the whānau.

Mr Davis advised language of aspiration way to connect descendants to an area, by staying there and trading there. Process itself will flesh out issues.

Cr Miller commented about rezoning in township rather than in rural areas.

Mr Davis advised establishing a concept to enable that, aspirations around existing urban areas / township is certainly on the radar given population and demographics Iwi has moved.

The Mayor commented that he supports concept. Commented about detail, if Council rezone land at Te Taumutu than it becomes unviable but money has been spent, Council will end up spending more money trying to protect what is there, taking into account seas level rise, thinking of where the best location is. The Mayor noted he was not aware that sea level would affect the Marae so much. The Mayor added he would like to see things enabled but not rush into things. Rezone new land as Māori areas – without knowing where those areas are it is a bit difficult, as a group we decided we would not rezone any land across the district as part of this process. How would Council set up the ability to allow rezoning to happen from a Rūnanga perspective more easily then what there is now but without Council taking lead on it?

The Chair responded there are key points in how this zone will get placed in the District Plan. 1. The land could be included automatically if it meets a certain set of criteria 2. The land that met the set of criteria could go through a plan change process. Not a complete obstacle to this concept. The Chair noted concept is supported by Committee.

Mr Horgan added plan change process option is one that has been adopted in the Christchurch City plan.

The Chair clarified that this is not a preferred option report and clarified with speakers if they would like recommendation wording to remain as is.

Mr Horgan agreed to this.

Mr Matunga commented in support of report. Advised the Committee that this is quite a historical moment for Selwyn District Council to consider report. Commented about 1953 Town and Country Planning Act / Treaty of Waitangi and intentions of these. Mr Matunga added that the issue is how Council progress forward on concept with the flexibility that is required, he would like to see it broadened out a bit and keep it out there. Have an enabling future for communities. Next few months as developed further will be quite critical. Create self-sustaining Māori communities.

Mr Horgan responded that Mr Matunga made a good point moving forward and he will keep point in mind. Mr Horgan added there are lots of detail on nuts and bolts of how zone is going to be implemented but not to lose sight of bigger picture.

Moved – Councillor Lyall / Seconded – Councillor Lemon

Recommendation:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option/Recommendations for ‘Kāinga Nohoanga’ for further development and engagement.”

CARRIED

8b. Communications and Engagement Summary Plan – Kāinga Nohoanga

No discussion was held, summary plan taken as read and accepted

Moved – Councillor Mugford / Seconded – Councillor Alexander

Recommendation:

“That the Committee notes the summary plan.”

CARRIED

9a. Preferred Option Report – Managing Geotechnical Risk

Ms Ashley introduced Ms Carter on behalf of Ms Carruthers who could not be here today.

Ms Carter spoke to her report. In terms of Selwyn District the District is vulnerable to a number of natural hazards.

Ms Carter provided a summary of baseline report and an overview of issues in respect to managing Geotechnical Risk. Included assessment of current provisions in District Plan and gaps and comparison to other surrounding Council District Plans and recommendations for best practice.

Baseline report also reviewed whether the current District Plan provisions on managing Geotechnical Risk are appropriate.

The baseline report illustrated that while SDC's current approach to managing geotechnical hazards is adequate, it is not robust or up to date with current expectations of natural hazard management in district plans. Currently, emphasis in the operative Selwyn District Plan is placed on the provision of geotechnical assessments at the subdivision and plan change stages.

While this is a common theme in the district plans of surrounding district councils, the council's with more recently reviewed district plans (Christchurch City and Hurunui) and noting Waimakariri District's Plan Change 27, take a more thorough and considered approach to managing geotechnical risk. These councils have had their natural hazard provisions driven by a desire to give effect to the NZCPS and the CRPS as well as the introduction of section 6(h) of the Resource Management Act (RMA), which now requires councils to recognise and provide for the management of significant risks from natural hazards as a matter of national importance.

There is no doubt that the Canterbury Earthquake Sequence 2010-2011 has also had an important impact on the attention natural hazards is now given in the CRPS and the district plans reviewed, or partially reviewed through plan changes, since then and nationally.

RPS Chapter 11 provides framework for managing natural hazards in Canterbury. Ms Carter provided a summary of the RPS and how it related to Natural Hazards management in Local Government. RPS manages geotechnical risk through objective, policies and plans.

The preferred option report recommends option 2, and Ms Carter provided a summary of this and provided a map and explanation for Greendale fault and extent of fault line and areas around fault lines that rules could apply to. Ms Carter also provided a map of Hanmer Springs Hazard zone and fault lines to show the work of Hurunui Council identifying Natural Hazards in their plan. A thorough approach to managing natural hazards.

Ms Carter summarised recommendations as per preferred options report. Recommending Selwyn adopt a similar approach as Hurunui to the Greendale fault. In terms of liquefaction an approach similar to Christchurch City Council is preferred.

Ms Carter summarised general recommendations as per report.

‘Cr. Morten out 11.39am’

Ms Carter noted Environment Canterbury are in support of recommendations of reports.

‘Cr Lyall out 11.44am’

Ms Wati asked will climate change effect liquefaction.

Ms Carter responded yes given a rise to groundwater, sediments consolidate and explained climate change has been considered within the report and something that needs to be taken into account when provisions are developed.

Moved – The Mayor / Seconded – Councillor Alexander

Recommendation:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Managing Geotechnical Risk’ for further development and engagement.”

CARRIED

9b. Communications and Engagement Summary Plan – Managing Geotechnical Risk

No discussion was held, summary plan taken as read and accepted

Moved – Councillor Bland / Seconded – Councillor Mugford

Recommendation:

“That the Committee notes the summary plan.”

CARRIED

‘Chair advised Committee that Council will proceed with 11a & 11b first and return to 10a & 10b thereafter.’

11a. Supplementary Preferred Option Report – Lighting & Glare (Night Glow)

Ms Lojkin spoke to her report, advising that the preferred option for Lighting and Glare was brought to the Committee back in April. The recommendation of the Committee was to do further work around the protection of the Selwyn night sky from night glow.

The further work included looking again at the approaches of the Ashburton and Waimakariri Plans that include night glow provisions and discussions with Waimakariri regarding any change in approach, reviewing another four district plans around New Zealand with night glow provisions, a meeting with Mahaanui Kurataio Ltd to discuss rūnanga issues, and a review of other initiatives to protect night skies (i.e. Mackenzie Basin). This information was considered in relation to the Selwyn District context.

Ms Lojkin provided a summary of the five potential options outlined in the supplementary preferred option report.

‘Cr Lyall in 11.40am’

The supplementary report recommends option 5 which is to engage with the public during the consultation phase to establish whether there are particular areas of the district that should be protected and what level of control should be established through the Proposed District Plan.

Cr Hasson asked whether feedback was provided by West Melton astrological society on this report?

Ms Lojkin responded that the Canterbury Astronomical Society (CAS) were engaged with during the baseline report stage and the preferred option and supplementary preferred option report stages. CAS did not respond in relation to the supplementary preferred option report. Ms Lojkin noted that no change is proposed to the existing Lighting Area in relation to the West Melton Observatory.

Cr Alexander commented in support of the recommended option. Cr Alexander added he was disappointed in Synlait’s response and described the effects of night light reflecting from the Synlait site and commented Selwyn District Council also have lighting in reserves which contribute to night glow. Cr Alexander also commented that such lighting can be a safety issue with respect to motorists. Cr Alexander would like Council to aim for and encourage as little night glow across district as possible and noted Council is taking a step toward this by replacing street lights with LED lights.

The Mayor agreed with Cr Alexander. The Mayor added through the consultation he would like to see the opening statement to be around the value of the night sky to protect that and have stronger rules around night glow.

Moved – Councillor Alexander / Seconded – Councillor Bland

Recommendation:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Night Glow for further development and engagement.”

CARRIED

11b. Communications and Engagement Summary Plan – Lighting & Glare (Night Glow)

No discussion was held, summary plan taken as read and accepted

Moved – Mr D Ward / Seconded – The Mayor

Recommendation:

“That the Committee notes the summary plan.”

CARRIED

10a. Preferred Option Report – Earthworks

Mr Boyes spoke to the report and advised Mr Tapper was the writer of the report who could not make it this morning. In terms of scope the consultant who prepared report was looking at general earthworks. A lot fell out of this scope, such as mining, mineral exploration, quarrying, noise, earthworks in sensitive locations, natural features, visual amenity landscapes, versatile soils and so on. As a result of this will raise issue with integration of other earthwork provisions at later stage of district plan review.

Mr Boyes summarised the methodology advising of the different legislation documents that were reviewed and existing provisions.

Baseline report was reviewed by Golder Associates from an air discharge perspective, Mahaanui and other relevant topic leads, the baseline report informed the preferred options report.

Mr Boyes summarised the findings: RPS: a high order document very broad and strategic, leaves the District Plan framework to set the threshold through resource consent process. LWRP: Ecan reviewed baseline report made comments in regard to consistency and overlap with District Plan and LWRP provisions. Earthworks have specific amenity related issues best managed through District Plan. Iwi management plan noted lack of consistency in terms of the cultural significance of soils, needs to be more changes in plan framework in order to provide consistency with iwi management plan. National environment standards for managing contaminated land and soil is a change to the Resource Management Act that means there are no rules required in the district plan to manage contaminated land and soil. Christchurch City Plan is useful in that it contains objectives and policies but relies on National Environment Standards in terms of rules and no other provisions. Other district plans: Ashburton and Hurunui most relevant and appropriate to compare with Selwyn District Plan.

Summary of main findings: performance standards issues is it is defined as per project as opposed to per site and at the moment it is open to interpretation of what is termed a project and if it occurs over multiple sites or a single site. One effect missing is visual effects in rural zones. No limit on height of stock piles. Not controlled though district plan. Preparation for subdivision is an issue. List of exemptions is varied which needs to be looked at. Earthworks should be controlled in the District Plan.

Mr Boyes advised committee of recommended option two as preferred option.

Cr Alexander commented about dust issues and organic matter issue, do not want organic matter exposed and causing odour.

Mr Boyes responded dust is a jurisdictional issue depending on who it lies with regional or local council. Earthworks that give rise to odour means that something else has gone wrong triggering the need for consent with regional council.

Ms Wati sought clarification about cultural monitoring.

Mr Boyes responded earthworks in culturally sensitive location falls out of scope, subject to another report.

Moved – Councillor Mugford / Seconded – Councillor Lyall

Recommendation:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Earthworks’ for further development and engagement.”

CARRIED

10b. Communications and Engagement Summary Plan – Earthworks

No discussion was held, summary plan taken as read and accepted

Moved – Mr D Ward / Seconded – Councillor Bland

Recommendation:

“That the Committee notes the summary plan.”

CARRIED

12. Hazardous Substances and Contaminated Land Engagement Update

No discussion was held, engagement update taken as read and accepted

Moved – Councillor Alexander / Seconded – Councillor Bland

Recommendation:

“That the Committee agrees for the Council to communicate directly about the endorsed draft changes to Hazardous Substances and Contaminated Land related rules in the District Plan, to industrial landowners (Business Zone 2) only.”

CARRIED

‘Meeting closed at 12.04pm’

Minutes confirmed:

This day of 2018

CHAIR PERSON

5. OUTSTANDING ISSUES REGISTER

Nil

Subject	Comments	Report Date / Action	Item Resolved or Outstanding
-	-	-	-

Specific Reports

6. Preferred Option Report and Communications and Engagement Summary Plan – Business Zone Framework

Author:	Paula Hunter (Stantec) & Jessica Tuilaepa (Senior Strategy & Policy Planner)
Contact:	3472 974 (Jessica)

Purpose

To brief the Committee on the Preferred Option Report for 'Business Zone Framework', which recommends a zoning framework to replace the existing Business Zone structure in the Operative District Plan. If endorsed by Council, the Preferred Options will form the basis of further engagement with stakeholders and the wider public as part of the District Plan Review project.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the Business Zone Framework topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Options for the development of the Business Zone Framework for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

'Preferred Option Report for Business Zone Framework'

'Business Zone Framework – communications and engagement summary plan'

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE:	July 2018
TOPIC NAME:	Business Zone Framework (BS202)
SCOPE DESCRIPTION:	Preferred Option Report for the Development of the Business Zone Framework
TOPIC LEAD:	Jessica Tuilaepa
PREPARED BY:	Paula Hunter, Stantec New Zealand

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p><i>The key issues for this topic are:</i></p> <ul style="list-style-type: none"> • <i>No clear hierarchy for centres.</i> • <i>Not delivering on Selwyn 2031 key growth concept of achieving a self-sufficient Selwyn.</i> • <i>Leakage of business activities into other zones, including commercial activities into industrial zones.</i> • <i>Lack of alignment with higher order planning documents.</i> • <i>Compliance with the draft and final National Planning Standards S-ASM Area Specific Matters – Zone Framework</i>
<i>Preferred Option</i>	<p><i>The Project Team recommends that approaches be adopted from the following options to create the preferred framework / hierarchy of business zones for the District.</i></p> <ul style="list-style-type: none"> • <i>Option 3: S-ASM Zones - Amended by Submissions and</i> • <i>Option 4: S-ASM Zones + Special Purpose Zones</i>
<i>DPC Decision</i>	



1. Introduction

1.1 Purpose of this Report

The purpose of this Preferred Option Report is to make a recommendation for a zoning framework to replace the existing Business Zone structure in the Operative District Plan. “Business” refers to both commercial, which includes retailing, and industrial activities.

The development of a preferred zone framework has involved:

- a) Identifying issues with the existing business zone types and distribution
- b) Identifying how the relevant higher order planning documents seek to manage business activities in towns and settlements
- c) Developing criteria to evaluate the options
- d) Developing options based on how the existing business zone types and distribution fit with the zones proposed within the draft first set of National Planning Standards
- e) Carrying out an evaluation to recommend preferred options.

1.2 Background

A number of Baseline (Phase 1) reports were prepared for Council as part of the Business topic. Those reports reviewed as part of this scope were:

- BS001 – Existing Out of Centre Business Activities in Small Rural Towns
- BS004 – Selwyn Business Zone Policy Assessment
- BS006 – Providing for Local Centres and Neighbourhood Centres in the District Plan
- BS007 – Planning options for providing for LFR activity at the Business 2A zone
- RU002 – Rural Business Activities

Given these baseline reports were generally focused on specific issues, there are limited recommendations from them which have directly informed the options in terms of a high level business zone framework or hierarchy for the District. Notwithstanding this, relevant recommendations from these reports include:

- a) Existing retailing and commercial services and industrial activities within the District’s small settlements (where there are no B1 or B2 zones) are recognised and provided for within the proposed Selwyn District Plan by the application of a ‘Policy Overlay’ or similar mechanism which would provide an exclusion from provisions that could limit existing business activities.¹
- b) A revised set of plan provisions will be needed to manage activities in existing Neighbourhood and Local Centres, and to guide the location and scale of new centres. This will include consideration of zoning and how to provide for them across the District.²

¹ Section 5.1 of report BS001

² Report BS006

- c) Consider the use of a precinct/overlay for the Rolleston Industrial Holdings Limited (RIHL) site³ (future large format retail and trade retail) located on the corner of Hoskyns and Jones Roads in Rolleston.⁴

2. Summary of Issues

2.1 No clear hierarchy for centres

The Operative District Plan does not provide a clear hierarchy of centres (business zones) within Selwyn District. As a consequence the Business Zone objectives and policies do not clearly articulate the purpose and functions of the various zones.

2.2 Achieving a self-sufficient Selwyn

Selwyn residents rely significantly on services in Christchurch due to a lack of options and/or the scale of services in the Selwyn District.⁵ There is limited local retail provision and variety to sufficiently support the District's current population and anticipated growth. The Proposed District Plan will need to enable a diversity of service and employment opportunities based on a hierarchy of centres to assist in achieving a greater degree of self-sufficiency.

2.3 Risk of leakage of business activities into other zones

There is no clear hierarchy of centres in the Operative District Plan, supported by clear and directive objectives and policies that reinforce the hierarchy. There are also permissive rules that enable the establishment of non-industrial activities in industrial zones. Consequently there has been a leakage of commercial activities into other zones in particular industrial zones. There is also a risk of leakage of industrial activities into the rural zones which is being addressed by Council supporting tighter controls on non-rural activities establishing in rural zones.⁶ If this issue not addressed by the Proposed District Plan there is a risk of the viability and vibrancy of town centres being undermined and industrial land being used for non-industrial purposes with the potential for reverse sensitivity issues occurring.

2.4 Higher order regional and district planning documents

While the Operative District Plan goes some way to giving effect to the Canterbury Regional Policy Statement, much stronger alignment needs to be achieved with all the higher order planning documents discussed in Section 4 of this Report.

2.5 Draft National Planning Standards

The Draft National Planning Standards - S-ASM: Draft Area Specific Matters Standard requires that if councils are to use zones, those contained in the Standard must be used for their district.

³ Site identified on Appendix 43 of the Operative District Plan

⁴ Report BS007

⁵ Selwyn 2031: District Development Strategy, Issue 23 Self Sufficiency for Selwyn

⁶ Addressed within Scope RU201 (Business Activities in Rural Zones)

The existing Business Zones in the Operative District Plan do not align well with those specified in S-ASM: Draft Area Specific Matters Standard.

Further comment is provided on the Draft National Planning Standards in Section 4.2 of this Report.

3. Statement of Operative District Plan approach

The approach of the Operative District Plan is that commercial and industrial activities and buildings are provided for within the Business 1, 2 and 3 zones.

The B1 and B1A (Castle Hill) Zones generally apply to commercial centres that contain retail, offices and community facilities. These can range in size from relatively small blocks of shops through the main streets of Leeston and Darfield, to the larger centres of Rolleston and Lincoln which include larger supermarkets and in the case of Rolleston other large format retail stores.

The description of the B1 Zone within Table A4.4 of the Operative District Plan states this zone has *'environments which are noisier and busier than Living zones, with more traffic, people, signs and building coverage. Business 1 Zones are still pleasant areas for people to live or work in, with good amenity/aesthetic values. They are also areas where higher density housing can be established as a permitted activity'*.

Areas of B1 and Living 1 zoned land within the existing town centres of Rolleston and Lincoln have been identified as Key Activity Centres (KACs). Activities to support the KACs are subject to Outline Development Plans (ODPs) and a range of provisions that apply to the KACs will not apply to other B1 or Living 1 zoned land.

The Operative District Plan currently enables Neighbourhood and Local Centres to be established within Lincoln and Rolleston where they have been identified for this purpose on an Outline Development Plan. At the time of subdivision, any lots intended for the Neighbourhood and Local Centres are to be identified and consent notices registered on the relevant certificates of title to advise that these lots are subject to Business 1 rules, despite the lots continuing to be zoned Living Z.

Industrial activities are provided for through the Business 2 (B2), B2A and B2B zones. The largest of these zoned areas are the B2A Izone and IPort industrial parks to the north of Rolleston. A smaller B2B zoned greenfield site is located in Lincoln south of the University, while there are B2 zoned areas with long-established industrial activities within Darfield, Leeston, Doyleston, Southbridge, Dunsandel and Coalgate.

Table A4.4 states B2 zones *'are areas where activities likely to be considered less pleasant by people are located. Aesthetic and amenity standards are less than those in Living or Business 1 Zones. Activities are still managed to protect natural resources and people's health or well-being. Activities likely to cause 'reverse sensitivity' issues are discouraged in Business 2 Zones e.g. residential activities'*.

The Business 3 (B3) Zone applies specifically to Lincoln University and the research organisations located at Lincoln. Table A4.4 describes the B3 zones as a 'hybrid' of B1 and B2.

It should be noted that the District's smaller settlements do not tend to have a B1 or B2 Zoned area and instead existing commercial and industrial activities tend to be 'out of zone' and located within residential or rural zones operating under either assumed existing use rights or resource consents. As set out in Section 1.2 this matter is subject to a separate workstream (BS201) which has recommended that these areas be recognised and provided for within the proposed Selwyn District Plan by the application of a 'Policy Overlay' or similar mechanism which would provide an exclusion from provisions that could limit existing business activities.

4. Summary of relevant statutory and/or policy context and other background information

Section 75(3) of the RMA sets out the RMA planning instruments that the District Plan must give effect to. In terms of the business zone framework workstream these planning instruments are:

- a) National Policy Statement on Urban Development Capacity 2016 (NPS-UDC);
- b) National Planning Standards; and
- c) Canterbury Regional Policy Statement 2013 (CRPS).

The other document that is relevant to the business zone framework workstream is Selwyn 2031: District Development Strategy (Selwyn 2031).

4.1 National Policy Statement on Urban Development Capacity 2016

How the District Plan will give effect to the NPS-UDC is subject to a separate workstream.

However, in the context of this workstream it is important to note that to give effect to the NPS-UDC the District Plan must:

- Provide sufficient opportunities for the development of business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for working environments and places to locate businesses (Objective OA2).
- Provide urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations (Objective OA3).
- Promote the efficient use of urban land and infrastructure (Policy PA3).

4.2 National Planning Standards

On 6 June 2018 the draft first set of National Planning Standards (Planning Standards) was released by the Ministry for the Environment (MfE) for written submission. Submissions close on 17 August and the gazettal of the first set of Planning Standards must occur by April 2019.

The purpose of the Planning Standards is to improve consistency in plan and policy statement structure, format and content. The Planning Standards were introduced as part of the 2017

amendments to the RMA. They also support implementation of other national direction such as national policy statements.

The draft Planning Standards that are of key relevance in establishing a framework for business zones are S-ASM: Area Specific Matters Standard – Zone Framework (S-ASM Standard) and F-4: Spatial Planning Tools (District) Standard (Standard F-4).

The S-ASM Standard specifies that Council can only use the zones provided for in the Standard. The only discretion Council has relates to which zones from the Standard it chooses to include in the Proposed District Plan. Council cannot include additional zones apart from special purpose zones. However, these zones can only be adopted where specific criteria can be met.

Council can still populate zones with provisions (i.e. objectives, policies and rules) determined to be fit for purpose in the local context, provided these meet the expectations of the zone purpose statement specified in the S-ASM Standard and align with the characteristic guidance relating to built form and amenity, activities and zone location set out in Initial Guidance for National Planning Standards. Beyond the zone purpose statement, no plan content is provided in the Standard. The zones that are potentially applicable for the business zone framework are set out in detail in Section 6.2 of this Report.

Standard F-4 sets out the spatial planning tools that Council can use in the Proposed District Plan. The tools are limited to those specified in the Standard, and no other tools can be applied. The tools that are relevant to the development of a business zone framework are zones, overlays, precincts, specific controls and development areas. These spatial planning tools could be used to provide for distinct local circumstances and variations not provided for by the zones specified in S-ASM Standard.

The challenge that the Council faces is that the Planning Standards are only drafts and they may change through the submission process. It will not be until April 2019 when the Planning Standards are gazetted that there will be certainty regarding their final form.

4.3 Canterbury Regional Policy Statement 2013

The CRPS through its objectives and policies Chapter 6 – Recovery and Rebuilding of Greater Christchurch, establishes a clear, strategic direction for the development and management of the Region's centres and areas. The key requirements that are relevant in establishing a framework for business zones are:

- New commercial activities are primarily directed to the Central City, KACs, and neighbourhood centres (Objective 6.2.6).
- A range of other business activities are provided for in appropriate locations (Objective 6.2.6).
- Areas used for existing industrial activities are to be used primarily for that purpose, rather than as a location for new commercial activities (Objective 6.2.6).
- Avoid development that adversely affects the function and viability of, or public investment in, the Central City and KACs (Policy 6.3.1).
- New commercial activities are primarily to be directed to the Central City, KACs and neighbourhood centres where these activities reflect and support the function and role of

those centres; or in circumstances where locating out of centre, will not give rise to significant adverse distributional or urban form effects (Policy 6.3.6).

- Ensure reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against (Policy 6.3.6).
- Encourage self-sufficiency of employment and business activities within communities across Greater Christchurch (Policy 6.3.6).

The methods identified in Chapters 6 for implementing the policies include requiring territorial authorities to:

- Investigate and implement methods in district plans for promoting development and enhancement of KACs.
- Include in district plans objectives, policies and rules (if any) to give effect to Policy 6.3.6.
- Identify trigger thresholds for office and retail commercial activities in industrial areas where these activities are likely to give rise to distributional effects, particularly on larger commercial centres, or result in reverse sensitivity effects.

As set out above, the RMA states that Council must give effect to these requirements and directives through its District Plan. It is noted that these CRPS provisions only apply to Greater Christchurch and therefore in the Selwyn context primarily to Rolleston and Lincoln. However, these provision provide useful guidance for developing a business zone framework for the wider District.

4.4 Selwyn 2031: District Development Strategy

The purpose of Selwyn 2031 is to provide an overarching strategic framework for achieving sustainable growth across the District to 2031.

Selwyn 2031 promotes three key growth concepts that are very significant in developing a zoning framework developed for the District's business zones. The concepts are:

- establishment of a township network, which provides a support framework for managing the scale, character and intensity of urban growth across the whole district;
- establishment of an activity centre network, which provides a support framework for managing the scale and intensity of business areas throughout the district townships;
- encouraging self-sufficiency at a district-wide level.

Selwyn 2031 sets out a township network and activity centre hierarchy based on the classification of the District's towns and their function. The approach to KACs reflects that proposed by the CRPS.

This network and hierarchy are important in underpinning the business zone framework. Tables 1 and 2 set out the hierarchies and functions for the Township Network and the Activity Centres.

Table 1: Township Network

Classification	Townships	Function
District Centre	Rolleston	Functions as the primary population, commercial and industrial base of the district
Sub-District Centre	Lincoln	Functions independently with a range of residential, commercial and industrial activities while providing support to surrounding Service and Rural Townships.
Service Townships	Darfield and Leeston West Melton, Prebbleton,	Function is based on providing a high amenity residential environment and primary services to Rural Townships and surrounding rural area.
Rural Townships	Arthur's Pass, Castle Hill, Coalgate, Doyleston, Dunsandel, Glentunnel, Hororata, Kirwee, Lake Coleridge, Sheffield, Southbridge, Springfield, Springston, Tai Tapu, Waddington, Whitecliffs	Function is based on village characteristics with some services offered to the surrounding rural area.

Table 2: Activity Centres

Classification	Townships	Function
Key Activity Centre	Rolleston	Rolleston is the largest activity centre and is the primary focus of much of the District's future retail and commercial activity. The Rolleston KAC will have a diverse variety and range of retail and commercial activities and in conjunction with the smaller centres will be able to support the District's retail and commercial needs.
Key Activity Centre	Lincoln	Lincoln will also have a range of retail and commercial services but not to the same extent as Rolleston. As such it will act as a secondary commercial centre to Rolleston.
Key Activity Centre	Darfield and Leeston	These centres will also have a range of retail and commercial services but will play a secondary role to the Lincoln activity centre in the overall activity centre network. These centres will likely have a rural focus on the goods and services provided compared

		to Rolleston and Lincoln. They will serve a large rural area and in some cases smaller townships in the surrounding area of each town.
Service Activity Centres	West Melton & Prebbleton	Service Activity Centres will provide goods and services to residents of the town as well as the wider rural area. However there will still be a reliance on the KACs for larger scale businesses and more variety in retail and commercial activities.
Rural Activity Centres	e.g. Southbridge, Hororata, Kirwee	Rural Activity Centres are the smallest activity centres and are primarily focused on convenience of local residents with some services offered to the surrounding rural area. For more variety in retail and commercial activities these centres will rely on the Service Activity Centres or the KACs.

Overall each activity centre will play a specific role within the District's activity centre network. A centre's composition will be more complex and varied at the KAC level, particularly at Rolleston, and becoming less so as activity centre size and the population it services reduces. Having this variation in different levels of activity centres will allow for a more efficient and stable retail / commercial market in Selwyn. This will also enable smaller activity centres to be more specific and efficient in what services and goods they provide for their local areas and residents.

4.5 Action 27 of the Land Use Recovery Plan

Under Section 24(1)(c) of the Canterbury Earthquake Recovery Act 2011 (the CER Act), the Council was directed to change or vary any objectives, policies, or methods of the Operative District Plan to give effect to Action 27 of the Land Use Recovery Plan (LURP).

The LURP was a strategic planning document developed under the CER Act for Greater Christchurch area following the Canterbury Earthquakes which identified a series of actions to enable the successful recovery of the area and to guide a coordinated approach to urban growth over the area; including the towns of Lincoln, Prebbleton and Rolleston. The LURP was approved by the Minister for Canterbury Earthquake Recovery and was gazetted on 6 December 2013.

Action 27 of the LURP required the identification of the extent of KACs in Selwyn District and the rule package associated with those centres. Given the geographic extent of the LURP was limited to Greater Christchurch and Action 27 was limited to the KACs, the resulting amendments to the Operative District Plan were limited to the Business zones in Rolleston and Lincoln only.

Action 27 of the LURP has therefore resulted in a number of the B1 rules summarised in Sections 3.1 and 3.2 of this report.

It is noted that Selwyn 2031 incorporates the actions required by the LURP as part of the strategic planning work programme for the whole of Selwyn District.

5. Approach to evaluating options

5.1 Evaluation criteria

The following criteria have been developed to evaluate the options for a zoning framework for the management of centres in the Proposed District Plan. The criteria were discussed and agreed with the Council Planners.

Strategic Outcomes

The following strategic outcome criteria are based on Chapters 5 and 6 of the CRPS and Selwyn 2031: District Development Strategy.

- Encourage sustainable and self-sufficient growth of Rolleston, Lincoln and Prebbleton
- Protect the function of key activity centres (Rolleston, Lincoln, Darfield, and Leeston)
- Retain existing industrial areas for industrial use
- Control leakage of commercial activities into non-commercial zones including industrial zones and control leakage of industrial activities into non-industrial zones
- New commercial and industrial development directed to Key Activity Centres
- Consolidate commercial and industrial development in service activity centres (Prebbleton and West Melton) and rural activity centres (Coalgate, Dunsandel, Southbridge, Castle Hill)
- Enable the ongoing use and development of existing commercial and industrial activities in small rural towns which under the operative District Plan have no business zones

Zoning Principles

The zone principles criteria are based on recognised best practice zoning approaches developed through other plan review processes and principles adopted by the Council's workstream RE007.

- Separate incompatible activities
- Zones have distinct differences and clearly defined purpose
- Zones follow a logical hierarchy based on the range, scale, distribution and characteristics of activities
- Simple logical structure with zone titles providing an indication of the zone type and purpose
- Aligns with the zones contained in Draft S-ASM Standard.

5.2 Evaluation workshop

A workshop was held on 27 April 2018 with Council Planners and Stantec Planners to evaluate options for zoning frameworks for the management of business activities across the District. A list of the workshop attendees and the notes from the workshop are attached as **Appendix 1**.

Unfortunately the outcomes and recommendations from that workshop have now been superseded by the release of the draft National Planning Standards. A number of the options considered at the workshop can no longer be progressed as they do not align with the zones proposed by the National Planning Standard S-ASM.

6. Summary of Options to address Issues

With the release of the Draft National Planning Standards, the options available to Council for the development of a business zone framework for the proposed District Plan have been significantly reduced. The options now available to Council simply relate to which zones from the Draft S-ASM Standard should be selected for inclusion in the Proposed District Plan. That said however, the Standards are in draft form and could be amended through the submission process.

Given the uncertainty over the final form of the zones proposed by S-ASM the following approach to identifying options for a business zone framework has been adopted.

Option 1: Status Quo – this option has been considered for consistency and to assess the S-ASM zones against the current situation.

Option 2: S-ASM Zones – this option has been included as it assesses all the S-ASM commercial and industrial zones and Special Purpose Zones and identifies which zones are not relevant for Selwyn and which zones in their current form are appropriate for inclusion in the business zone framework.

Option 3: S-ASM Zones - Amended by Submissions – builds on Option 2 and identifies the S-ASM zones that are not a good fit with Selwyn’s circumstances (including CRPS requirements and Selwyn 2031 directives) and that in their current form would not be suitable for inclusion in the business zone framework. This option also identifies the amendments and additions that would need to be made to the zones through the submission process to enable them to be suitable for inclusion in the business zone framework.

Option 4: S-ASM Zones + Special Purpose Zones – this option has been included as it provides a ‘fall back’ position for the Council if the amendments identified in Option 3 are not achieved through the submission process. This option considers whether additional Special Purpose Zones could be developed by the Council under S-ASM and/or if the tools identified in Standard F-4 could be used to achieve a business zone framework appropriate for Selwyn’s circumstances.

6.1 Option 1: Status Quo – Operative Selwyn District Plan

This option has been included to provide the ‘base case’ current situation against which the other options can be ranked. Table 3 below sets out the zones and their description that form the zone framework for Option 1: Status Quo – Operative Selwyn District Plan.

Table 3: Zone framework for Option 1

Zone	Description
Business 1	Larger areas within Rolleston and Lincoln (which are identified as KACs). Small blocks of shops through the main streets of townships - Prebbleton, Leeston, Darfield, West Melton and Coalgate B1A Zone Castle Hill.
Business 2	Large B2A zoned greenfield area to the north of Rolleston. B2B zoned site on southern side of Lincoln. Smaller established areas located on edges of townships - Dunsandel, Southbridge, Leeston, Darfield and Coalgate.
Business 3	Lincoln only
Other	Many of the District's smaller settlements without B1 or B2 Zoned areas have existing 'out of zone' commercial and industrial activities. These tend to be located within residential or rural zones operating under either assumed existing use rights or resource consents. Refer BS201 report.

Effectiveness in addressing issues and meeting criteria

Adopting the Status Quo Option will not address the issues set out in Section 2 of this Report. It will perpetuate the problems that the Council is currently facing with the management of business activities under the Operative District Plan.

The key areas that the Status Quo Option failed to effectively address were:

- a) Controlling leakage of commercial activities into other zones and retaining existing industrial zones for industry
- b) Achieving a logical hierarchy of zones based on function, scale and distribution
- c) Achieving alignment with the draft Planning Standards
- d) Giving effect to CRPS and Selwyn 2031
- e) Simple logical structure
- f) Zones with clearly defined purposes and differences

Risks

Non-compliance with the National Planning Standards.

Activities will seek to establish in locations that do not support the outcomes sought by the CRPS and Selwyn 2031.

Over time there is potential for the KACs to be undermined.

Budget or Time Implications:

None as no work would be required. However, it may be that issues are raised through submissions; including that the Operative District Plan is not addressing the key issues relating to the Business Zone Framework such as aligning with or giving effect to the higher order planning documents.

Stakeholder and Community Interests:

Existing and prospective land and business owners/operators in the District.

Landowners and occupiers (including residential) interfacing with existing business zones.

The Regional Council, in terms of the requirements of the CRPS.

MfE, in terms of the requirements of the National Planning Standards.

Recommendation:

That Option 1: Status Quo should not be carried forward for further consideration.

6.2 Option 2: Draft National Planning Standards Zones

Background

As discussed in Section 4.2, the S-ASM Standard requires that if councils are to use zones in their district plans, those in the standard must be used. Councils cannot include additional zones apart from special purpose zones. The only discretion a council has relates to which zones from the S-ASM Standard it chooses to include in the Proposed District Plan. The S-ASM provides for a total of 27 zones. This includes six commercial zones and three industrial zones.

Option 2 involves choosing the most applicable S-ASM zone for inclusion in the business zone framework for the Proposed District Plan along with relevant special purpose zones specified in the Standard. Option 2 has been included to assist in understanding the full suite of Commercial, Industrial and Special Purpose Zones contained in S-ASM and to consider how applicable they are to Selwyn's circumstances.

Table 4 below sets out each of the S-ASM zones and the associated purpose statements which all zone provisions must fulfil. The table also includes the characteristic guidance contained in the Initial Guidance for Draft National Planning Standards S-ASM Area Specific Matters – Zone Framework. This guidance helps to provides further information on the intent of the zones.

Table 4: S-ASM Commercial and Industrial Zones

Zone	Description
City Centre Zone	<p>Purpose Statement</p> <p>The purpose of the City Centre Zone is to provide primarily for a diverse range of commercial, community, recreational, and residential activities.</p> <p>Characteristics Guidance</p> <p><u>Built form and amenity</u></p> <ul style="list-style-type: none"> Typically characterised by high-rise, intensive development. Associated service areas including car parking, storage and access. Provision of public spaces including parks or squares. A focus on pedestrian orientation, public amenity within the city centre and at the boundaries of adjoining zones. Other amenity features include verandas, street furniture and traffic calming. <p><u>Activities</u></p>

Zone	Description
	<ul style="list-style-type: none"> • This zone is the primary destination for retail shopping, entertainment, events, dining and night life, visitor accommodation, arts and culture and tourism activities. • Primarily commercial activities (e.g., retail shops, offices, banks). • Associated activities that complement main commercial activities (e.g. health and social services, museums, art galleries, libraries, movie theatres, restaurants and cafes, hotels and visitor accommodation). • May have residential activity above community and/or commercial activities. <p><u>Location of zone</u></p> <ul style="list-style-type: none"> • It applies to areas that are the principal civic, employment and commercial centres for a city and may also be the largest commercial centre within the wider region or sub-region. • Often a focal point for city and regional public transport.
Town Centre Zone	<p>Purpose Statement</p> <p>The purpose of the Town Centre Zone is to provide primarily:</p> <ul style="list-style-type: none"> • in smaller urban areas, for a diverse range of commercial activities and associated community, recreation, and residential activities which support both residents and visitors • in secondary centres in major cities, for community, recreational, commercial and residential activities which service the immediate and wider neighbourhood areas <p>Characteristics Guidance</p> <p><u>Built form and amenity</u></p> <ul style="list-style-type: none"> • Typically characterised by medium intensity development. • Associated service areas including car parking, storage and access. • Provision of public spaces including parks or squares. • A focus on pedestrian orientation, public amenity within the city centre and at the boundaries of adjoining zones. Other amenity features include verandas, street furniture and traffic calming. <p><u>Activities</u></p> <ul style="list-style-type: none"> • This zone is a destination for shopping, entertainment, events, dining and night life, visitor accommodation, arts, culture and tourism activities. • A wide range of community and commercial activities (eg, health and social services, museums, art galleries, libraries, movie theatres, restaurants and cafes, hotels, visitor accommodation). • May have residential activity on floors above commercial and/or community activities. <p><u>Location of zone</u></p> <ul style="list-style-type: none"> • Often located on a main road and accessible by public transport.

Zone	Description
Neighbourhood Commercial Zone	<p>Purpose Statement The purpose of the Neighbourhood Commercial Zone is to provide primarily for small-scale commercial activities that directly support the immediate residential neighbourhood.</p> <p>Characteristics Guidance <u>Built form and amenity</u></p> <ul style="list-style-type: none"> • Generally low rise or consistent with surrounding residential neighbourhood built form. <p><u>Activities</u></p> <ul style="list-style-type: none"> • Primarily commercial activities (e.g. retail shops, hairdressers, cafes, convenience shops or small shopping strips). <p><u>Location of zone</u></p> <ul style="list-style-type: none"> • Generally accessible by walking and/or cycling from the surrounding neighbourhood it serves.
Local Commercial Zone	<p>Purpose Statement The purpose of the Local Commercial Zone is to provide primarily for a range of commercial activities that provide for the daily/weekly shopping needs of the residential catchment.</p> <p>Characteristics Guidance <u>Built form and amenity</u></p> <ul style="list-style-type: none"> • Generally low- to medium-rise scale local commercial centres that typically service the surrounding residential catchment. • Amenity features typically include street furniture and public open space. • May be concentrated around a local main street. <p><u>Activities</u></p> <ul style="list-style-type: none"> • Primarily commercial activities (e.g. retail shops, offices, banks, hairdressers, restaurants and cafes, small scale supermarkets). • Associated activities that complement the core commercial and retail development (e.g., health and social services, community centres and halls). • May have residential activity on floors above community and/or commercial activities. • The zone may also provide for recreational, community and residential activities. <p><u>Location of zone</u></p> <ul style="list-style-type: none"> • Often located on a main road and accessible by public transport.
Commercial Zone	<p>Purpose Statement The purpose of the Commercial Zone is to provide primarily for a broad range of commercial activities. It also provides for activities that are not sensitive to the effects generated from commercial activities.</p> <p>Characteristics Guidance</p>

Zone	Description
	<p>Built form and amenity</p> <ul style="list-style-type: none"> Typically characterised by development of low to medium intensity of built form and concentration of commercial activities. May include 'big box' large format retail. May have a pedestrian orientation. There may be associated service areas including car parking. There may be areas of public open space including parks or squares. May have a focus on amenity at the boundary with sensitive and adjoining zones. <p>Activities</p> <ul style="list-style-type: none"> May provide for a range of associated community, recreational, residential and visitor accommodation activities. <p>Location</p> <ul style="list-style-type: none"> Often located near a main transport corridor.
Mixed-Use Zone	<p>Purpose Statement</p> <p>The purpose of the Mixed-Use Zone is to provide primarily for a mix of residential, commercial, light industrial, recreational and community activities.</p> <p>Characteristics Guidance</p> <p>Built form and amenity</p> <ul style="list-style-type: none"> Generally of low- to medium-rise scale. Amenity is derived from a mixture of activities and uses in the zone. <p>Activities</p> <ul style="list-style-type: none"> A range of residential, commercial and light industrial activities not favoured over one another (e.g. apartments, retail and services). Commercial and light industrial activities may be managed to an extent, to avoid adverse effects on residents within the zone. Residential activities may be managed to an extent, due to the potential for reverse sensitivity effects. Associated activities that support residents and the wider community (e.g., health and social services, visitor accommodation, recreation, car parking). <p>Location of zone</p> <ul style="list-style-type: none"> The zone may act as a transition zone between zones that contain more and less sensitive activities. Typically located around centres and along corridors served by public transport.
Light Industrial Zone	<p>Purpose Statement</p> <p>The purpose of the Light Industrial Zone is to provide primarily for a limited range of industrial activities that are more compatible with sensitive activities.</p> <p>Characteristics Guidance</p>

Zone	Description
	<p>Built form and amenity</p> <ul style="list-style-type: none"> • Generally small to medium site sizes and medium to large scale functional buildings. • May be areas of car parking and outdoor storage. • Influenced by the surrounding working environment and may have a range of associated environmental effects (e.g. noise, dust, odour, traffic) that may require management. • Limited focus on pedestrians or provision of public spaces. <p>Activities</p> <ul style="list-style-type: none"> • Primarily light industrial activities (e.g. light manufacturing, production, wholesaling, logistics, storage, warehousing, transport and distribution). • Some associated commercial activities (e.g. offices and retail that are part of the industry on the site, convenience stores or cafes servicing workers within the area). • There may be the presence or use of hazardous substances. <p>Location of zone</p> <ul style="list-style-type: none"> • The zone may be located near to residential areas or may act as a buffer between residential areas and heavier industry.
	<p>Purpose Statement</p> <p>The purpose of the Industrial Zone is to provide primarily for a range of industrial activities. It also provides for associated activities that are not sensitive to the effects generated from industrial activities.</p> <p>Characteristics Guidance</p> <p>Built form and amenity</p> <ul style="list-style-type: none"> • Generally large scale buildings, with extensive expanses of car parking and outdoor storage. • Predominantly moderate to large sites, building scale, and areas of parking, access and storage. • Influenced by the surrounding working environment and may have a range of associated environmental effects (e.g. noise, dust, odour, traffic) that may require management. • Limited focus on visual amenity, pedestrians or provision of public spaces. <p>Activities</p> <ul style="list-style-type: none"> • Primarily industrial activities (e.g., manufacturing, processing, production, wholesaling, logistics, storage, warehousing, transport and distribution, research facilities). • Some associated commercial activities (e.g. offices and retail that are part of the industry on the site, convenience stores or cafes servicing workers within the area). • There may be the presence or use of hazardous substances. <p>Location of zone</p> <ul style="list-style-type: none"> • Good access to transport corridors (e.g. main roads, railway lines).
Heavy Industrial Zone	Purpose Statement

Zone	Description
	<p>The purpose of the Heavy Industrial Zone is to provide primarily for industrial activities that may be incompatible with sensitive activities.</p> <p>Characteristics Guidance</p> <p><u>Built form and amenity</u></p> <ul style="list-style-type: none"> • Generally dominated by large scale purpose-built utilitarian buildings. • Areas of car parking and outdoor storage. • Influenced by the surrounding working environment and may have a range of associated environmental effects (e.g. noise, dust, odour, traffic) that may require management. • Limited focus on visual amenity, pedestrians or provision of public spaces. <p><u>Activities</u></p> <ul style="list-style-type: none"> • Primarily heavy industrial activities (e.g. manufacturing, processing, production, logistics, transport and distribution). • Limited associated commercial activities (e.g. offices and retail that are part of the industry on the site, convenience stores or cafes servicing workers within the area). • There may be the presence or use of hazardous substances. <p><u>Location of zone</u></p> <ul style="list-style-type: none"> • Good access to transport corridors (e.g. main roads, railway lines).
Special Purpose: Port Zone	<p>Purpose Statement</p> <p>The purpose of the Port Zone is to enable:</p> <ul style="list-style-type: none"> • the ongoing operation and future development of ports and associated operational areas and facilities • operations relating to the transportation of people and freight <p>Characteristics Guidance</p> <p><u>Built form and amenity</u></p> <ul style="list-style-type: none"> • Could encompass large areas of land with large scale buildings and structures • Could have associated areas for parking, access and storage. • Public access to all or most of the zone could be restricted, to ensure public safety and the security of cargo and port operations. <p><u>Activities</u></p> <ul style="list-style-type: none"> • Primarily focuses on port related operations and activities (e.g. wharfs, mooring, berthing, vessel loading and unloading areas, cargo storage, cargo handling, terminal buildings, fuel storage, refuelling operations). • Provision could also be made for associated commercial and industrial activities associated with the operation of the port and cater for workers and visitors (e.g. engineering workshops, maintenance and repair, administrative offices, tank farms, biosecurity, emergency services). • There may be the storage and use of hazardous substances. <p><u>Location of zone</u></p>

Zone	Description
	<ul style="list-style-type: none"> Likely to need good access to transport corridors (eg, main roads, railway lines).
Special Purpose: Education Zone	<p>Purpose Statement The purpose of the Education Zone is to provide primarily for educational facilities.</p> <p>Characteristics Guidance <u>Built form and amenity</u></p> <ul style="list-style-type: none"> May have highly visible buildings, though balanced by open areas and landscaping. Areas of car parking and access. <p><u>Activities</u></p> <ul style="list-style-type: none"> Primary focus is on education facilities for the purpose of education, teaching, training, learning and research. May be used for private schools and a range of tertiary education facilities (universities, polytechnics, wānanga and so on). Associated support activities (e.g. administrative offices, accommodation, health services, kitchens, cafeterias, staff rooms, early childhood education, research and laboratory facilities where directly linked to the education activities). May enable a range of other activities to use the land and facilities during evenings and weekends (e.g. libraries, community health provision, social services, theatre and concert performances, adult education, and sports facilities).

Assessment

Appendix 2 contains an assessment of how each of the S-ASM zones described above aligns with the Business Zones of the Operative District Plan and with the local context of Selwyn and its future direction (based on the directions of the CRPS and Selwyn 2031). It also includes recommendations on whether a particular zone should be adopted for inclusion in the proposed District Plan or whether modifications are required to fit Selwyn's circumstances and future directions. This assessment underpins the evaluation of Options 2, 3 and 4.

The assessment of the six commercial zones proposed by S-ASM concluded that:

- Three of the zones (Town Centre, Neighbourhood Commercial and Local Commercial) had a good to reasonable degree of alignment with Selwyn's circumstances and future directions and could be included in the business zone framework. The Town Centre Zone could be applied to the KACs of Rolleston, Lincoln, Leeston and Darfield. The Neighbourhood Commercial Zone could be applied to the Neighbourhood Centres in Rolleston and Lincoln and the Local Centre in Rolleston. The Local Commercial Zone could be applied to the existing B1 Zones in Prebbleton, West Melton, Dunsandel, Coalgate, Southbridge, the B1B in Prebbleton and the B1A in Castle Hill.

- Local Commercial Zone only achieves reasonable alignment with Selwyn's circumstances and future directions. This is because the purpose statement does not recognise that this zone could be applied to commercial areas of small towns and only refers to the zone servicing residential catchments. In the Selwyn context these zones would also be servicing surrounding rural areas as well as the residential catchments of the townships. This issue could be addressed through the submission process.
- The Commercial Zone, which is the only likely option to replace the B2A Zone for the RIHL site at Jones and Hoskyns Roads in Rolleston, does not align with the requirements of the CRPS and the directions of Selwyn 2031. While the Commercial Zone will provide for large format retail it also provides for a wide range of other commercial activities along with associated community, recreational, residential and visitor accommodation activities. Consequently replacing the B2A Zone at this site with the Commercial Zone has the risk of potentially undermining the KAC of Rolleston. It also has the risk of creating reverse sensitive issues with the adjoining industrial and rural areas.
- Two of the zones (City Centre and Mixed Use) are not relevant to Selwyn's circumstances and future directions. The City Centre Zone provides for areas like the Christchurch CBD and current indications are that there is no requirement for a mixed use zone to be included in the Proposed District Plan.

The assessment of the three industrial zones proposed by the S-ASM concluded that:

- There is not a great deal to distinguish between the three industrial zones, particularly the Industrial Zone and the Heavy Industrial Zone. The guidance for the zones sets out that there may be a presence or use of hazardous substance in all three zones. All zones provide for manufacturing, production, logistics and transport and distribution and all include associated commercial activities (e.g. offices and retail that are part of the industry on the site, convenience stores or cafes servicing workers within the area). The main distinguishing feature between the zones is the intended smaller scale of buildings and sites in the Light Industrial Zone.
- The three industrial zones (Light Industrial, Industrial and Heavy Industrial) could be applied in various locations in the District. They have the potential to achieve a good degree of alignment with Selwyn's circumstances and future directions and could be included in the business zone framework.
- The Light Industrial Zone could potentially be applied to the existing small industrial areas zoned B2 in Doyleston, Leeston, Southbridge, Dunsandel, Darfield. This will need confirmation through further site visits and consultation with land and business owners to determine whether the zone will adequately provide for the existing industrial activities and their future requirements.
- The Industrial Zone could potentially be applied to the existing large industrial areas zoned B2, B2A in Rolleston and B2B in Lincoln. This will need confirmation through further site visits and consultation with land owners and industrial operators to determine whether the zone will adequately provide for the existing industrial activities and their future requirements.

- The Heavy Industrial Zone could be applied to the inland ports sites zoned B2A in Rolleston or, as discussed below, the area could be zoned Special Purpose: Port Zone. Further consultation with land and business owners should be undertaken to confirm most appropriate zone.
- While there are some heavy industries located in the B2A Zone in Rolleston, preliminary investigations indicate that they are not grouped together in a particular location to warrant a Heavy Industrial Zone.

S-ASM contains a number of Special Purpose Zones. The two most relevant for inclusion in the business zone framework are the Special Purpose: Port Zone which could be applied to the inland ports sites zoned B2A in Rolleston and the Special Purpose: Education Zone which could be applied to the B3 Zone at Lincoln.

The main concern with applying the Special Purpose: Port Zone to the inland ports sites zoned B2A in Rolleston is that the Port Zone has been designed for coastal rather than inland ports. This could be addressed through the submission process. Further consultation with the land and business owners should be undertaken to understand their zoning preferences.

The Special Purpose: Education Zone is designed primarily for education facilities including universities, schools, polytechnics, wānanga etc. The zone does not contemplate the range of non-education provided for by the existing B3 Zone or contemplated in future plans for the area. As there is no other applicable zone provided for in S-ASM, consideration should be given to establishing an additional Special Purpose Zone as enabled by S-ASM to replace the B3 Zone.

Table 5 below provides a summary of which S-ASM zones could be included in the business zone framework for the proposed District Plan, those that would require modification before they could be included and those that would cause significant issues for Selwyn if they had to be included in the framework.

Table 5: Applicable S-ASM Zone Summary

Zone	Alignment	Recommendation
Town Centre Zone	Good	This zone should be applied to the KACs of Rolleston, Lincoln, Leeston and Darfield
Neighbourhood Commercial Zone	Good	This zone should be applied to the Neighbourhood Centres in Rolleston and Lincoln and the Local Centre in Rolleston
Local Commercial Zone	Reasonable Good if amended	This zone should be applied to the existing B1 Zone in the townships of Prebbleton, West Melton, Dunsandel, Coalgate, Southbridge, the B1B Zone in Prebbleton and the B1A in Castle Hill. Amendments could be made to the zone to recognise that it could also apply to commercial areas in small towns and supports rural as well as residential catchments. However, if this amendment was not supported by MfE the zone in its current form should not result in significant issues.

Zone	Alignment	Recommendation
Commercial Zone	Very limited	Replacing the B2A Zone for the RIHL site at Jones and Hoskyns Roads in Rolleston with the Commercial Zone has the risk of potentially undermining the KAC of Rolleston. This is because the Commercial Zone provides the opportunity for the establishment of a wide range of commercial activities and associated community, recreational, residential and visitor accommodation activities. It also has the risk of creating reverse sensitive issues with the adjoining industrial and rural areas. These outcomes are contrary to the requirements of the CRPS and the directions of Selwyn 2031.
Light Industrial Zone	Good (subject to site visits and consultation)	The Light Industrial Zone should (subject to site visits and land and business owner consultation) be applied to the existing small industrial areas zoned B2 in Doyleston, Leeston, Southbridge, Dunsandel, Darfield. If site visits and consultation identifies issues with the Light Industrial Zone. Application of the Industrial Zone could be considered.
Industrial Zone	Good	The Industrial Zone should (subject to further land and business owner consultation) be applied to the existing large industrial areas zoned B2 and B2A in Rolleston and B2B in Lincoln.
Heavy Industrial Zone	Good	The Heavy Industrial Zone could (subject to further land and business owner consultation) be applied to the inland ports sites zoned B2A in Rolleston.
Special Purpose: Port Zone	Reasonable Good if amended	The inland ports sites zoned B2A in Rolleston could also be zoned Special Purpose: Port Zone. This would require further land and business owner consultation and modifications to the zone to recognise inland ports as well as coastal.
Special Purpose: Education Zone	Limited	Zone does not contemplate the range of activities provided for by the existing B3 Zone or future plans for the area. There is a risk that the zone could impede the ongoing operations and existing activities and future development and collaborations of the University and Blinc Innovation (Lincoln Hub).

Effectiveness in addressing issues and meeting criteria

Adopting all the S-ASM zones in Table 5 above in an unmodified form:

- Will introduce a hierarchy of centres, however there is a lack of clarity regarding the relationship of the Town Centre Zone and the Commercial Zone both of which are intended

to provide for a wide range of commercial activities and associated community, recreational, residential and visitor accommodation activities.

- Will give effect to the draft National Planning Standards
- Will assist in achieving a self-sufficient Selwyn
- Should consolidate commercial and industrial development the townships of Prebbleton, West Melton, Dunsandel, Coalgate, Southbridge and Castle Hill and direct new commercial and industrial development to the KACs.
- Should reduce the risk of leakage of commercial activities into industrial zones.
- Will have the potential to undermine the function of the Rolleston Town Centre as a District Centre and KAC and thereby not giving effect to the CRPS and the directions of Selwyn 2031.
- Could also impede the existing and future development of Lincoln University and Blinc Innovation (Lincoln Hub).

Risks

The inclusion of the Commercial Zone in the business zone framework for the proposed District Plan and applying it to the B2A Zone for the RIHL site at Jones and Hoskyns Roads in Rolleston has the potential to undermine the function of the Rolleston Town Centre as a District Centre and KAC and create reverse sensitivity issues with the adjoining industrial and rural areas.

The inclusion of the Special Purpose: Education Zone in the business zone framework for the proposed District Plan and applying it to the B3 Zone at Lincoln could also impede the existing and future development of Lincoln University and Blinc Innovation (Lincoln Hub).

Budget or Time Implications:

Drafting new objectives, policies and rules for the S-ASM zones and to fulfil the purpose statements and reflect the guidance for each zone. Other consequential amendments and amendments resulting from recommendations from other related workstreams.

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:

Existing and prospective land and business owners/operators in the District.

Landowners and occupiers (including residential) interfacing with existing business zones.

The Regional Council, in terms of the requirements of the CRPS.

MfE, in terms of the requirements of the National Planning Standards.

Recommendation:

That the S-ASM Town Centre, Neighbourhood Commercial Light Industrial and Industrial Zones be included in the business zone framework for the Proposed District Plan subject to site visits and further consultation.

Further consultation be undertaken with the land and business owners of the inland ports sites zoned B2A in Rolleston regarding the application of the Heavy Industrial Zone or Special Purpose: Port Zone.

6.3 Option 3: S-ASM Zones - Amended by Submissions

Option 3: S-ASM Zones Amended by Submissions comprises:

- a) the S-ASM zones identified in Option 2 as suitable in their current form for inclusion in the business zone framework;
- b) amendments to those zones identified in Option 2 as not being suitable for inclusion in the business zone framework
- c) proposed new zone to address the issues associated with the application of Commercial Zone on the RIHL site at Jones and Hoskyns Roads in Rolleston currently zoned B2A.

It is hoped that the amendments to the S-ASM zones and the introduction of a new zone could be achieved through the submission process on the Draft National Planning Standards.

Table 6 below sets out the zones requiring amendment and their proposed amendments. These are based on the findings set out in Appendix 2 and from the assessment of Option 2.

Table 6 Proposed Amendments to S-ASM Zones

Zone	Proposed Amendment
Local Commercial Zone	Amend the Purpose Statement and guidance to recognise that the zone could apply to commercial areas of small towns and that the commercial areas not only service residential catchments but also surrounding rural areas.
Special Purpose: Port Zone	Amend the Purpose Statement and guidance to recognise that the zone could apply to inland ports as well as coastal ports.

The submission should also include a request for an additional commercial zone that primarily provides for Large Format Retail activities and that limits other commercial activities to those that are ancillary to the retail operation or that serve the workers in the area.

Effectiveness in addressing issues and meeting criteria

Adopting Option 3:

- Will introduce a hierarchy of centres
- Will give effect to the National Planning Standards if proposed amendments are adopted by MfE
- Will assist in achieving a self-sufficient Selwyn
- Should consolidate commercial and industrial development the townships of Prebbleton, West Melton, Dunsandel, Coalgate, Southbridge and Castle Hill and direct new commercial and industrial development to the KACs.
- Should reduce the risk of leakage of commercial activities into industrial zones.
- Should protect the function of the Rolleston Town Centre as a District Centre and KAC

- Should give effect to the CRPS and the directions of Selwyn 2031.
- Could impede the existing and future development of Lincoln University and Blinc Innovation (Lincoln Hub). However, this could be addressed by Council creating an additional special purpose zone which is proposed under Option 4. No submission is required to achieve this as S-ASM enables the creation of special purpose zones under special circumstances.

Risks

The key risk with this option is whether or not MfE will agree to the amendments sought and especially the request for an additional commercial zone that primarily provides for Large Format Retail activities.

Budget or Time Implications:

Drafting new objectives, policies and rules for the S-ASM zones and to fulfil the purpose statements and reflect the guidance for each zone. Other consequential amendments and amendments resulting from recommendations from other related workstreams.

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:

Existing and prospective land and business owners/operators in the District.

Landowners and occupiers (including residential) interfacing with existing business zones.

The Regional Council, in terms of the requirements of the CRPS.

MfE, in terms of the requirements of the National Planning Standards.

Recommendation:

That the S-ASM Town Centre, Neighbourhood Commercial, Light Industrial and Industrial Zones be included in the business zone framework for the proposed District Plan subject to site visits and further consultation.

That submissions seeking amendments to the Local Commercial and Special Purpose: Port Zone and the introduction of an additional commercial zone that primarily provides for Large Format Retail activities be lodged with MfE.

Further consultation be undertaken with the land and business owners of the inland ports sites zoned B2A in Rolleston regarding the application of the Heavy Industrial Zone or Special Purpose: Port Zone.

6.4 Option 4: S-ASM Zones + Special Purpose Zones

Option 4 comprises the S-ASM zones identified in Option 2 for inclusion in the business zone framework and includes alternative planning mechanisms should MfE not make the amendments to S-ASM recommended in Option 3 above.

Option 4 is primarily focussed on addressing how the risks associated with the S-ASM Commercial Zone and the Special Purpose: Education Zone can be addressed by:

- a) Utilising the tools identified in F-4 Standard; and
- b) Council introducing additional special purpose zones under S-ASM.

This option also provides a 'fall back' position for the Council if the amendments and proposed new zone identified in Option 3 are not achieved through the submission process.

If MfE does not agree to include an additional commercial zone primarily for Large Format Retail in S-ASM, the following alternative planning mechanisms for managing the RIHL site at Jones and Hoskyns Roads in Rolleston for Large Format Retail have been identified:

- a) Apply the Commercial Zone and establish a precinct that restricts commercial activities to Large Format Retail activities and activities that are ancillary to the retail operation or that serve the workers in the area. This approach does not reflect good practice as it seeks to frustrate the intent of the zone which is to provide for a wide range of commercial activities not just Large Format Retail.
- b) Apply the Light Industrial or Industrial Zone and establish a precinct that enables Large Format Retail activities. This approach has more merit from a planning perspective than a) above. However, as set out in Section 7 below, from initial discussions with representatives of the owners of the IPort Business Park their preference would be for a commercial zoning rather than an industrial.
- c) Introduce under S-ASM a 'Special Purpose: Large Format Retail Zone'. This zone would be unique to Selwyn District and it could be argued that it would meet the criteria in S-ASM for establishing additional special purpose zones. This alternative is the preferred planning mechanism for managing the RIHL site at Jones and Hoskyns Roads in Rolleston for Large Format Retail.

The other component of Option 4 involves establishing a second special purpose zone (Special Purpose: Research, Education and Technology Zone) to replace the B3 Zone at Lincoln to provide for existing and future development of Lincoln University and Blinc Innovation (Lincoln Hub). There are strong grounds to support the establishment of this special purpose zone and it clearly meets the criteria in S-ASM.

Risks

The key risk with this option is that if a 'Special Purpose: Large Format Retail Zone' and a 'Special Purpose: Research, Education and Technology Zone' are included in the Proposed District Plan whether this decision would be challenged by MfE or other parties on the grounds that the requirements for establishing Special Purpose Zone in S-ASM have not been met.

Budget or Time Implications:

Drafting new objectives, policies and rules for the S-ASM zones and to fulfil the purpose statements and reflect the guidance for each zone. Other consequential amendments and amendments resulting from recommendations from other related workstreams.

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:

Existing and prospective land and business owners/operators in the District.

Landowners and occupiers (including residential) interfacing with existing business zones.

The Regional Council, in terms of the requirements of the CRPS.

MfE, in terms of the requirements of the National Planning Standards.

Recommendation:

Based on the assumption that the outcomes sought through the submission process are not achieved that the S-ASM Town Centre, Neighbourhood Commercial, Local Commercial, Light Industrial and Industrial Zones be included in the business zone framework for the proposed District Plan subject to site visits and further consultation.

That a 'Special Purpose: Large Format Retail Zone' and a 'Special Purpose: Research, Education and Technology Zone' be included in the business zone framework for the proposed District Plan.

Further consultation be undertaken with the land and business owners of the inland ports sites zoned B2A in Rolleston regarding the application of the Heavy Industrial Zone or Special Purpose: Port Zone.

Further consultation with the owners of the IPort Business Park regarding the 'Special Purpose: Large Format Retail Zone'.

Further consultation with Lincoln University and Blinc Innovation (Lincoln Hub) regarding 'Special Purpose: Research, Education and Technology Zone'.

7. Summary of stakeholder engagement

The Council has undertaken initial engagement with a number of key stakeholders.

Initial feedback from Environment Canterbury (ECan) supports Option Three and Option 4 as a 'fall back' position as these options will provide the best implementation of the CRPS. ECan has similar concerns to those raised in this Report regarding the potential for the Commercial Zone to undermine the KACs and the outcomes sought by the CRPS.

Feedback on behalf of the Carter Group, the owners of the IPort Business Park in Rolleston, indicated their support in principle for a commercial zone that provides for large format retail and a preference for one industrial zone to cover a broad range of industrial activities. This feedback also indicated that there would need to be further consideration, including as how the wider land adjacent to the inland ports in Rolleston would be zoned and understanding of how a port zone would differ from an industrial zone, before a conclusive view could be reached on whether a port zoning would be supported.

On the basis that there may still be changes to the National Planning Standards that affects how business zone framework for Selwyn District is structured, it is therefore recommended that ongoing engagement with stakeholders continues to ensure their feedback informs the development of the preferred options as the District Plan Review process progresses.

8. Preferred Option for further engagement

8.1 Explanation and rationale

Given, the uncertainty over the final form of the National Planning Standards, and in particular S-ASM, a definitive recommendation as to the preferred option for a business zone framework for the Proposed District Plan cannot be made at this stage. Consequently, the recommended preferred option for the business zone framework is proposed in three parts:

- Zones from S-ASM which in their current form could be included in the framework;
- Amended / new zones sought through the MfE submission process; and
- Additional special purpose zones Council could establish under S-ASM.

Table 7 below sets out the zones from S-ASM that in their current form could be included in the business zone framework and the locations where these zone could be applied.

Table 7: Zones from S-ASM to be included in the Business Zone Framework

S-ASM Zone	Explanation
Town Centre Zone	This zone should be applied to the KACs of Rolleston, Lincoln, Leeston and Darfield
Neighbourhood Commercial Zone	This zone should be applied to the Neighbourhood Centres in Rolleston and Lincoln and the Local Centre in Rolleston
Light Industrial Zone	This zone (subject to site visits and land and business owner consultation) should be applied to the existing small industrial areas zoned B2 in Doyleston, Leeston, Southbridge, Dunsandel, Darfield. If site visits and consultation identifies issues with the Light Industrial Zone. Application of the Industrial Zone could be considered.
Industrial Zone	This zone (subject to further land and business owner consultation) should be applied to the existing large industrial areas zoned B2 and B2A in Rolleston and B2B in Lincoln.
Heavy Industrial Zone	The Heavy Industrial Zone could (subject to further land and business owner consultation) be applied to the inland ports zoned B2A in Rolleston.

Table 8 sets out the amendments and additions required to be made to the S-ASM before these zones can be included in the business zone framework. If the amendments are not made to the Local Commercial and Special Port Zone it is considered that the Council could probably 'live with' the zones in their current form. Also the Heavy Industrial Zone is a viable alternative for the

Special Purpose: Port Zone. The table also identifies the locations where these zones could be applied if the amendments and additions are accepted by MfE.

Table 8: Proposed Amendments and Additions to S-ASM Zones before inclusion in the Business Zone Framework

Zone	Explanation
Local Commercial Zone	Amend the Purpose Statement and guidance to recognise that the zone could apply to commercial areas of small towns and that the commercial areas not only service residential catchments but also surrounding rural areas.
Special Purpose: Port Zone	Amend the Purpose Statement and guidance to recognise that the zone could apply to inland ports as well as coastal ports. This zone (subject to further land and business owner consultation) could be applied to inland ports zoned B2A in Rolleston instead of the Heavy Industrial Zone.
Large Format Retail Zone (new)	Establish an additional commercial zone that's purpose is to provide for Large Format Retail. The only other commercial activities to be enabled can only be those ancillary to the retail operation or that serve the workers in the area. This zone (subject to further land and business owner consultation) could be applied to the RIHL site located on the corner of Jones and Hoskyns Roads in Rolleston.

Table 9 sets out the additional special purpose zones Council could establish under S-ASM and include in the business zone framework. It also identifies the locations where these zones should be applied. The Special Purpose: Large Format Retail Zone is only recommended on the basis that Council is not successful with its submission to MfE to include an additional zone specifically for Large Format Retail activities in S-ASM.

Table 9: Additional Special Purpose Zones to be included in the Business Zone Framework

Zone	Explanation
Special Purpose: Research, Education and Technology Zone	This zone would provide for existing and future development of Lincoln University and Blinc Innovation (Lincoln Hub). It would replace the B3 Zone
Special Purpose: Large Format Retail Zone	This zone would specially provide for Large Format Retail. Other commercial activities would be limited to those that are ancillary to the retail operation or that serve the workers in the area. It would apply to the RIHL site located on the corner of Jones and Hoskyns Roads in Rolleston zoned B2A.

9. Matters for further consideration

9.1 Approach to Zone provisions

Objectives and policies

As discussed in Section 4.2 above, Council can still populate the S-ASM zones with provisions (i.e. objectives, policies and rules) determined to be fit for purpose in the local context, provided these meet the expectations of the zone purpose statement specified in the S-ASM and align with the characteristic guidance. Beyond the zone purpose statement, no plan content is provided in the Standard.

Therefore in terms of the objective and policies that will apply to the business zone framework, it is proposed that there be a suite of objectives and policies for the Business Zones. There will be a series of overarching objectives and policies that set the zone framework in place and direct the function and distribution of the centres (town, neighbourhood, local). The objectives and policies will also address the scale and form of the centres and the design outcomes required.

Each zone will have specific objectives and policies to reinforce the zoning framework and the functions of each zone. They will also be designed to manage site and zone boundary effects, to reinforce local character and scale and to achieve good design within the local context.

Objectives and policies must be directive, clear and unambiguous. When considering the appropriateness of objectives and policies they should be assessed against the following questions.

- a) What is the environment that the objective or policy is seeking to achieve?
- b) What particular activity ought to be enabled in that environment?
- c) What particular value/s of that environment ought to be protected?
- d) What kinds of effects of activities are relevant to the protection of the values and which of those effects are adverse in the context of the relevant environment?
- e) Are the adverse effects to be avoided absolutely or are they to be managed?
- f) If the adverse effects are to be managed, what are the thresholds or other parameters of appropriate management?

Application of F-4 Spatial Planning Tools (District)

As discussed in Section 4.2 above, Standard F-4 introduces seven spatial planning tools for inclusion in district plans. These are – zones, overlays, precincts, specific controls, development areas, designations and heritage orders. Only these spatial planning tools can be used in a district plan, and no other spatial planning tools may be created. Standard F4 is intended to be used in conjunction with S-ASM.

Further consideration will need to be given as to how these tools can be used to incorporate Rolleston Town Centre Masterplan, the Lincoln Town Centre and Outline Development Plans into the Proposed District Plan. Tools such as precinct and specific controls could be used to establish town centre primacy and provide for local variation, character, scale, activities and specific design outcomes.

Approach to Rules

The rules should be designed to:

- a) Specify activity types that will reflect the function / purpose of the zone and reinforce the zoning framework / hierarchy.
- b) Specify activity status e.g. permitted, controlled etc.
- c) Manage the scale of activities to reflect the function / purpose of the zone and reinforce the zoning framework / hierarchy.
- d) Manage site and zone boundary effects (reverse sensitivity).
- e) Achieve good design.
- f) Set standards for permitted and controlled activities to comply with.
- g) Specify matters of control for controlled activities and matters of discretion for restricted discretionary activities.

Approach to Definitions

Definitions are important planning mechanisms in ensuring the right activities are located in the right locations and will be critical in reinforcing the business zone framework.

The Draft National Planning Standards include CM-1: Draft Definitions Standard contains definitions that must be included in a district plan where relevant. The definitions contained in the Standard are particularly relevant to the business zones are:

Commercial activity - means an activity with the primary purpose of trading in goods, equipment or services

Industrial activity - means an activity for the primary purpose of—

- (a) manufacturing, fabricating, processing, packing, storing, maintaining, or repairing goods; or
- (b) research laboratories used for scientific, industrial or medical research; or
- (c) yard-based storage, distribution and logistics activities; or
- (d) any training facilities for any of the above activities

District plans may include locally defined terms that are not synonyms of a term contained in the Definitions Standard. The Standard also allows for the inclusion in a plan of guidance on how definitions relate to one another such nesting tables.

Nesting tables are useful mechanisms for gathering specific land use activities into general groups e.g. Commercial, Community, Industry, Residential and Rural. Within each table, activities are listed with the more general on the left and the more specific on the right. For example, in the Commercial nesting table set out below, retail is the more general activity which includes food and beverage, large format retail and trade suppliers as more specific activities. Those more specific components may also include more specific activities. Table 10 below provides an example of a possible nesting table for commercial activities.

Table 10: Commercial nesting table

Commercial activities	Offices		
	Retail	Food and beverage	Bars and taverns
			Restaurants and cafes
			Drive through restaurant
		Dairy	
		Large format retail	Supermarket
			Department store
		Trade supplier	
		Service station	
		Motor vehicle sales	
		Garden centres	
	Commercial services	Veterinary clinic	
		Funeral Home	
	Entertainment facilities		

10. Conclusions

The recent release of the draft National Planning Standards and in particular S-ASM which establishes a zone framework from which the Council must select the zones it wishes to include in the Proposed District Plan has significantly changed the initial approach adopted for this workstream.

As not all the S-ASM zones that could potentially be included in the business zone framework are appropriate for Selwyn's circumstances or will deliver the requirements of the CRPS and Selwyn 2031 it will be important for the Council to lodge submissions with MfE to amend and add to the S-ASM zones. This is particularly important for addressing the issue of how Large Format Retail activities will be managed in the Proposed District Plan.

S-ASM provides the opportunity for Council to include additional Special Purpose Zones in the proposed Plan. Consideration should be given to including a Special Purpose: Research, Education and Technology Zone to replace the current B3 Zone at Lincoln. A Special Purpose: Large Format Retail Zone could also be included if Council does not achieve a satisfactory outcome through the MfE submission process in terms an additional zone specifically for Large Format Retail activities.

The challenge facing the advancement of this workstream is that the final form of the National Planning Standards will not be available until it is gazetted in April 2019.

Appendix 1 – Notes from zone framework workshop

Meeting Title

Development of Business Zone Framework - workshop / 80509752 / SDC ref BS202

Date/Time: April 27, 2018 / 10:00 AM
 Place: Selwyn District Council
 Attendees: Jesse Burgess, Planning Manager, Selwyn District Council (JB)
 Justine Ashley, District Plan Review Project Lead, Selwyn District Council (JA)
 Jessica Tuilaepa, Business Topic Lead, Selwyn District Council (JT)
 Jocelyn Lewes, Residential Topic Lead, Selwyn District Council (JL)
 Robert Love, Rural Topic Lead, Selwyn District Council (RL)
 Gabi Wolfer, Senior Urban Designer, Selwyn District Council (GW)
 Paula Hunter, National Specialist – Planning, Stantec (PH)
 Andrew Cumberpatch, Senior Planner/Project Manager, Stantec (AC)
 Absentees: Ben Rhodes, Team Leader Strategy and Policy, Selwyn District Council
 Distribution: Attendees and absentees as above

Item:

Action:

Introductions

All attendees provided introduction and involvement in District Plan review project

Purpose of workshop

AC provided overview of the purpose of the workshop – to discuss the four proposed options set out within the Business Zone Framework Options paper (circulated prior to workshop) against the proposed criteria (strategic outcomes and zoning principles).

Overview of proposed options

AC briefly went over the four proposed options.

JT stated that MfE are expecting to release further details of the National Planning Standards at the end of May. This is expected to include 'mandatory requirements' which if Councils do not use, they will have to explain why.

AC explained the source of the proposed criteria for this assessment; being summarised outcomes/statements from relevant provisions within the RPS and Selwyn 2031.

PH queried if any attendees thought any additional criteria needed to be added.

JL noted the criteria of 'reasonable alignment' with MfE's possible zoning approach was fair given these are not yet finalised and subject to amendment.

JA asked if Stantec had seen and considered Council's draft strategic objectives when preparing these. Stantec had not seen these yet.

JT to provide Stantec with draft strategic objectives

Discussion on proposed options

PH asked whether the Town Centre zoning should align with the extent of the KACs. It was agreed that the KACs should be zoned Town Centre and that the precinct technique should be used to reinforce the primacy of the centres i.e. Rolleston as the primary centre, Lincoln as a secondary centre followed by Leeston and Darfield

PH asked whether it would be appropriate to adopt the same zoning i.e. Local Centre for existing neighbourhood and local centres in Rolleston and Lincoln as

Item:**Action:**

well as for the existing B1 in the rural service centres. It was decided that neighbourhood and local centres in urban locations (e.g. Rolleston and Lincoln) should be zoned as neighbourhood centres and the existing B1 Zones in the rural service centres should be zoned local centres.

In terms of the neighbourhood centres it was discussed that the size of the zoned area (along with the provisions) could control the scale of these developments. JB noted the use of ODPs will continue as required under the RPS and that the ODPs process would control the size of new neighbourhood centres so they would not develop to such an extent as to compete with the Town Centre Zones.

PH queried whether there was a need for a specific mixed use zone, particularly given the current use of the transitional residential provisions. JT explained that residential (not on ground floor) is permitted in B1 zone. JT noted Council acknowledge intensification is needed but need to ensure business land doesn't get taken up by residential land. General agreement that a mixed use zone was not required.

PH asked whether there is a need for a specific heavy industrial zone? While a definition of 'heavy' industrial would need to be established, Council did not understand there to be any specific drivers for this – or a light industrial zoning. On this basis a "generic" industrial zone was considered appropriate; with the potential need for a consent for heavy industry in the event performance standards (to be established) were not met.

JT to follow up with consultants for inland ports

The need for a specific port zone (for the inland ports in the B2 land in Rolleston) was not yet known. It is possible the industrial zone could be suitable for their operations. An option also could be a port precinct within the industrial zone. Council has attempted to make contact with the consultants for the inland ports but as of yet do not have clear idea on what their future plans are/what provisions they are seeking.

The leakage and presence of retail and other commercial activities within the B2 land in Rolleston was noted. JL suggested a Commercial Zone (separate to Town Centre) could be suitable for these activities along with the 'Carter Block' –the land with consents for future office and large format retail.

JT to provide Stantec with BS201 report when available

PH noted the importance of having clear guiding principles on making rezoning decisions (for all zones, not just business). These should be thought about and applied as part of the Plan development process and can then be applied to the assessment of rezoning requests as part of the submission process. This will ensure a robust and consistent approach to rezoning decisions.

AC noted the BS201 preferred option report for 'out of zone' business activities (not yet completed) will have to feed into this scope in terms of how it fits into this framework.

GW raised concerns around controlled activity status for developments within the KACs. JB noted Council had received legal advice that amending these rules, which were part of the LURP response, as part of the District Plan review process would not likely be illegal.

JT to provide Stantec with legal advice

GW considers that many developments do not take enough consideration of the context of their wider environment, and notes the controlled activity status prevents Council from being able to reject inappropriate developments or require consideration against the existing objectives and policies; which she thinks are good.

Item:

PH and AC queried GW as to whether the controlled activity status could be retained if there were appropriate amendments to 'tighten up' Council's matters of control. GW noted there would need to be some key fundamentals included to help achieve outcomes, including building in an urban design contextual analysis.

PH then noted that Council needs to think generally about how the plan will approach their assessment of activities (i.e. assessment criteria or not; whether discretionary activity status is more appropriate if four or more criteria are required).

GW noted Council already has a commercial design guide which is not currently utilised much as it is not embedded within the plan. PH noted an option could be that the resource consent application form includes reference to this to encourage consideration.

Car parking is a key consideration for business environments. AC noted he will need to liaise with Vicki Barker, who is leading this topic, as part of the BS203 scope.

Discussion on implications/linkages with other topics

JL noted a rural settlement zone would be good for these smaller townships as it would allow residential to continue as the primary land use but also allow for a mix of other retail and industrial uses (suitable for that local scale).

Of relevance, JL noted the RE008 (home-based occupations) scope is recommending a 'pulling back' of the existing permitted activity standards which currently allow for these businesses in a scale up to 300m² within living zones and 100m² in rural zones.

RL briefly summarised the RU201 (business activities in Rural zones) scope and noted the focus is largely on refining the existing plan provisions to ensure it is keeping inappropriate (non-rural) business activities out of the rural zone and ensuring the RPS is given effect to in terms of recognising rural land is generally intended for primary production activities.

Summary

Based on these discussions, the following general framework based on Option 4 Zone Hierarchy Streamlined + Precincts) was agreed to be developed further:

- Town Centre zone applying to KAC areas of Rolleston, Lincoln, Leeston and Darfield land (primacy of Rolleston and then Lincoln applied via use of precincts);
- Neighbourhood Centre zone to apply to existing neighbourhood and local centre zones in Rolleston and Lincoln;
- Local Centre zone applying to the rural centres with existing B1 zoned land;
- Rural Settlement zone to other smaller settlements which do not have B1 zoned land (but may have existing 'out of zone' business activities);
- Industrial zone applying to existing B2 (and B2A and B2B) zoned land with a possible precinct or separate port zone (depending on feedback from inland ports); and

Action:

Stantec to consider, as part of BS203 scope, how the commercial design guide could be suitably referenced

AC to liaise with Vicki Barker

Stantec to complete business zone framework based on outcomes of this workshop

Item:

- Commercial zone applying to existing B2 zoned land along Jones Road in Rolleston and 'Carter Block' land subject to future office and large format retail (currently consented).

Action:**Closing remarks/other matters**

AC noted the existing B3 zoning (Lincoln University) land would need to be considered further within this proposed framework. Council has attempted to make contact with the consultants for the 'Lincoln hub' but as of yet do not have clear idea on what is proposed in this area.

JT to follow up with Lincoln hub consultants

JB noted Council has sought acoustic advice on their industrial zone noise provisions as a result of a current issue from a cool pack operation (within the B2 land in Rolleston) having an adverse effect on a nearby rural-residential property. JA is unsure whether this report will consider the need for noise limits within industrial zone land (i.e. industrial to industrial boundary) as the plan does not current have them. AC noted this acoustic advice would be relevant to both the BS202 scope, given the potential implications for defining the industrial (potential heavy and light) zone(s), and the BS203 scope; which covers interface matters (including in the industrial zones).

JT to pass acoustic report to Stantec

The meeting adjourned at 12:50 PM

The foregoing is considered to be a true and accurate record of all items discussed. If any discrepancies or inconsistencies are noted, please contact the writer immediately.

Andrew Cumberpatch
30 April 2018

Attachment: Business Zone Framework Options paper

Appendix 2 – Assessment of S-ASM Commercial and Industrial Zones with Selwyn Context

Appendix 2: Assessment of S-ASM Commercial and Industrial Zones with Selwyn Context

Draft National Planning Standard Zone	Applicable Operative Zone/s	Degree of alignment with Selwyn Circumstances	Comments / Recommendations
City Centre Zone	No applicable zone	No alignment	The City Centre Zone is intended to apply to areas like the Christchurch CBD. Zone not required.
Town Centre Zone	B1 Zone that applies to KACs of Rolleston, Lincoln, Leeston, Darfield	Good alignment	Adopt the zone. Potential to use the precinct, specific control and development area tools to establish town centre primacy, to integrate the Rolleston Town Centre Masterplan and the Lincoln Town Centre Plan and existing Outline Development Plans where relevant, and provide for local character, scale and amenity.
Neighbourhood Commercial Zone	B1 Zone that applies to Neighbourhood Centres in Rolleston and Lincoln and the Local Centre in Rolleston	Good alignment	Adopt the zone. Potential to use the precinct and specific control tools to provide for local character, scale and amenity.
Local Commercial Zone	B1 Zone that applies in the townships of Prebbleton, West Melton, Dunsandel, Coalgate, Southbridge B1B Prebbleton B1A Castle Hill	Reasonable alignment Good alignment if amended	The main concern with the Local Commercial Zone is the purpose statement doesn't not recognise that this zone could also apply to commercial areas in small towns and only refers to servicing residential catchments. In the Selwyn context this zones would also be servicing surrounding rural areas. This issue could be addressed through the submission process. Adopt the zone and address issue through the submission process. Potential to use the precinct and specific control tools to provide for local character, scale and amenity.
Commercial Zone	Rolleston Industrial Holdings Limited (RIHL) site (future large format retail and trade retail) located on the corner of Hoskyns and Jones Roads in Rolleston	Very limited alignment	Prior to the release on the national planning standards it was proposed to replace the current B2A Zone at Rolleston with a commercial type zoning that limited activities to those of large format retail.

Draft National Planning Standard Zone	Applicable Operative Zone/s	Degree of alignment with Selwyn Circumstances	Comments / Recommendations
			<p>The only S-ASM zone apart from the City Centre and Town centre Zones that contemplates large format retail is the Commercial Zone. However, the purpose statement for the zone states that it is to provide primarily for a <u>broad range of commercial activities</u>. The guidance refers to the inclusion of large format retail in the range of commercial activities. There are no S-ASM zones that are limited to only large format retail. Replacing the B2A Zone with the Commercial Zone has the risk of potentially undermining the KAC of Rolleston because it provides the opportunity for the establishment of a wide range of commercial activities along with associated community, recreational, residential and visitor accommodation activities. It also has the risk of creating reverse sensitive issues with the adjoining industrial and rural areas.</p> <p>The first preference is to seek the inclusion of a new zone in S-ASM that limits commercial activities to large format retail. If that approach is not successful consideration should be given to creating either a special purpose zone for Large Format Retail.</p>
Mixed Use Zone	No applicable zone	No alignment	Initial assessment is that there is no apparent need for a Mixed Use Zone in the proposed District Plan. Zone not required.
Light Industrial Zone	B2 Zone in Doyleston, Leeston, Southbridge, Dunsandel, Darfield	Good (subject to site visits and consultation)	The Light Industrial Zone could be applied to the existing small industrial areas zoned B2 in Doyleston, Leeston, Southbridge, Dunsandel, Darfield. This will need confirmation through further site visits and consultation.
Industrial Zone	B2 and B2A Zone in Rolleston B2B Zone Lincoln	Good (subject to site visits and consultation)	<p>The Industrial Zone could be applied to the existing large industrial areas zoned B2 and B2A in Rolleston and B2B in Lincoln.</p> <p>This will need confirmation through further site visits and consultation.</p>

Draft National Planning Standard Zone	Applicable Operative Zone/s	Degree of alignment with Selwyn Circumstances	Comments / Recommendations
Heavy Industrial Zone	Inland port sites zoned B2A in Rolleston in Rolleston	Good (subject to site visits and consultation)	The Heavy Industrial Zone could be applied to the inland ports sites zoned B2A in Rolleston or the area could be zoned Special Purpose: Port Zone. Further consultation with land owners and business operators should be undertaken to confirm most appropriate zone. While there are some heavy industries in the Rolleston B2 Zone they are not grouped in any one location to warrant a Heavy Industrial Zone.
Special Purpose: Port Zone	inland ports sites zoned B2A in Rolleston in Rolleston	Reasonable alignment Good if amended	The main concern with applying the Special Purpose: Port Zone to the inland ports sites zoned B2A in Rolleston is that the Port Zone has been designed for coastal rather than inland ports. This could be addressed through the submission process. Use the submission process to ensure inland ports are covered by the Special Purpose: Port Zone. Further consultation with land owners and business operators should be undertaken to confirm most appropriate zone.
Special Purpose: Education Zone	B3 Zone Lincoln	Limited alignment	While the Special Purpose: Education Zone makes reference to universities, it is intended to be applied to a range of education facilities including schools, polytechnics, wānanga etc. The Zone does not contemplate the range of activities provided for by the existing B3 Zone or future plans for the area. This is a candidate for an additional Special Purpose Zone and is likely to meet the criteria set out in S-ASM for applying such a zone.

Appendix 3. Baseline Reports BS004 & BS206

Link to Baseline reports below:

[Selwyn Business Zone Policy Assessment \[PDF, 4829 KB\]](#) November 2017

[Providing for Local Centres & Neighbourhood Centres in the District Plan \[PDF, 652 KB\]](#) August 2017

BS202 Business Zone Framework – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- The Selwyn District Plan Review includes a review of the current high level business zones framework and its alignment with the new draft National Planning Standards which are currently being consulted on and which we will need to comply with once finalised.

Current status

- We currently have one business chapter in the District Plan. Business refers to both commercial, which includes retailing, and industrial activities.
- We currently have commercial (B1, B1A) and industrial zones (B2, B2A, B2B).
- Key issues with the business zones framework in the current District Plan include:
 - No clear hierarchy for different business zones which results in not having a clear purpose and function for the various zones.
 - Not delivering on Selwyn 2031 key growth concept of achieving a self-sufficient Selwyn.
 - Leakage of business activities into other zones², including commercial activities into industrial zones. This potentially undermines the viability and vibrancy of town centres and creates reverse sensitivity issues.
 - Lack of alignment with higher order planning documents.

About preferred option

- Draft changes are aimed at meeting the new National Planning Standards as well as enabling more diverse business services and employment opportunities which in turn will help achieve a greater degree of district self-sufficiency.
- Key draft changes include:
 - splitting the current Business chapter of the Plan into a Commercial and an Industrial chapter as per the draft National Planning Standards, with the added possibility of having a special purpose chapter, which will house the rules for Lincoln Uni/Hub (BlinC Innovation), as a research, education and technology zone and potentially the inland ports.
 - Introducing new special purpose zones, most of which are introduced through the new National Planning Standards and which reflect the unique activities that take place within the zones:
 - Town Centre Zone which covers key activity centres in Rolleston, Lincoln, Leeston and Darfield (currently B1)
 - Local Commercial Zone which covers all other town centres (currently B1, including B1A at Castle Hill).
 - Neighbourhood Centre Zone which covers the smaller centres like Southpoint in Farringdon and the new shops in Rosemerryn (currently residential zone but with B1 rules allowed by consent notice).
 - Large format retail zone – covers land in iPort.
 - Light Industrial, Industrial and/or Heavy Industrial Zones which replace current B2, B2A and B2B zones across the district.
 - Research, Education and Technology Zone which replaces B3 at Lincoln.

Audiences¹

Internal	Partners	Key stakeholders ³	Landowners /occupiers ⁴	General public
DPC	ECan	Township committees and residents associations	BlinC Innovation iPort iZone	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Business associations/ networks, such as Selwyn Business Group		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	High level of interest/ High level of influence ("Manage closely")	High level of interest/ Low level of influence ("Keep informed")	Low level of interest/ high level of influence ("Keep satisfied")	Low level of interest/ Low level of influence ("Watch only")

¹ "...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]

² Another topic addresses the issue of non-rural businesses setting up in the Rural Zone.

³ 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)

⁴ 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						
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-July DPC	July	August ⁵
ECan	Consulted on draft preferred option report		Endorsed preferred option report is shared and feedback sought
Rūnanga	Consulted on draft preferred option report		Endorsed preferred option report is shared and feedback sought
Key stakeholders			Endorsed preferred option report is shared and feedback sought
Landowners/occupiers			Endorsed preferred option report is shared and feedback sought
General public			Endorsed preferred option report is published on Your Say Selwyn
DPC		Preferred option report goes to DPC for endorsement	

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

7. Preferred Option Report and Communications and Engagement Summary Plan – Business Interface and Urban Design Outcomes

Author:	Andrew Cumberpatch (Stantec) & Jessica Tuilaepa (Senior Strategy & Policy Planner)
Contact:	3472 974 (Jessica)

Purpose

To brief the Committee on the Preferred Option Report for 'Interfaces with Non-Business Zones and Achievement of Urban Design Best Practice in Town Centres', which brings together three Baseline Reports to identify respective issues and options for addressing the management of the business zone environments within Selwyn District. The findings of this Preferred Option Report should be considered alongside that of the Preferred Option Report for the Business Zone Framework, which identifies issues and options for the development of an overarching Business Zone Framework for Selwyn District.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Business Interface and Urban Design Outcomes' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Options for 'Interfaces with Non-Business Zones and Achievement of Urban Design Best Practice in Town Centres' for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

'Preferred Option Report for Interfaces with Non-Business Zones and Achievement of Urban Design Best Practice in Town Centres'

'Interfaces between business and non-business zones, and urban design in town centres – communications and engagement summary plan'

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE:	July 2018
TOPIC NAME:	Business Zone Environments (BS203)
SCOPE DESCRIPTION:	Preferred Option Report for Interfaces with Non-Business Zones and Achievement of Urban Design Best Practice in Town Centres
TOPIC LEAD:	Jessica Tuilaepa
PREPARED BY:	Andrew Cumberpatch, Stantec New Zealand

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p><i>Key issues for this topic are:</i></p> <ul style="list-style-type: none"> • <i>Commercial and industrial activities can potentially generate a range of effects at the zone interface that affect residential amenity;</i> • <i>The existing provisions of the Operative District Plan:</i> <ul style="list-style-type: none"> - <i>Lack a clear definition of 'public space';</i> - <i>Have led to active frontages being located behind car parking areas and sites being dominated by car parks;</i> - <i>Lack principles and guidance on how the style of buildings fit into the Selwyn District context; and</i> - <i>Don't adequately address the interface with other zones in terms of visual integration.</i>
<i>Preferred Option</i>	<i>While there are a number of existing provisions of the Operative District Plan that have been effective in the management of the Business Zone Environments (both interface with non-business zones and urban design in town centres), the Project Team recommend for both scopes Option 2; which involves minor amendments to these existing provisions.</i>
<i>DPC Decision</i>	

1.0 Introduction

The Business Interface Baseline Report (Scope BS002) sought to establish the most appropriate planning mechanisms to achieve acceptable levels of amenity where business zones (B1 and B2) adjoin more sensitive residential or rural zones within Selwyn District. Baseline Report BS002 recommended a number of options in terms of amendments to the Operative District Plan provisions to manage the interface issues from the existing business zones. Baseline Report BS002 is attached as **Appendix 1**.

The Urban Design Best Practice Baseline Report (Scope BS003) sought to establish the most appropriate planning mechanisms to achieve positive urban form and built environment outcomes within Selwyn District's main commercial centres (B1 zone). Baseline Report BS003 recommended a number of options in terms of amendments to the Operative District Plan's B1 zone provisions for managing activities and the built form. Baseline Report BS003 is attached as **Appendix 2**.

In addition to Baseline Report BS003, Gabi Wolfer, the Council's Senior Urban Designer, has prepared an assessment table of built development and implementation processes relating to the current B1 Zone under the Operative District Plan. The document, entitled DPR B1 Zones Review, is attached as **Appendix 3**.

The purpose of this Preferred Option Report is to provide summaries of these documents and to identify respective issues and options for addressing the management of the business zone environments within Selwyn District.

Preferred options have been identified and outlined. If endorsed by the Council, the preferred options will form the basis of further engagement with targeted stakeholders as part of the District Plan Review project.

The findings of this Preferred Option Report should be considered alongside that of the Preferred Option Report for the Business Zone Framework (Scope BS202); which identifies issues and options for the development of an overarching Business Zone Framework for Selwyn District.

2.0 Summary of Issues

2.1 Interfaces with Non-Business Zones

Baseline Report BS002 identifies the types of potential effects from B1 zoned commercial activities (such as retailing, offices, food and beverage outlets) in town centres that can impact on the amenity of surrounding residential areas. These effects include noise, odour, lighting and glare, loss of privacy/outlook/sunlight and traffic and parking generation.

Baseline Report BS002 also identifies that industrial activities within the B2, B2A and B2B zones also generate a similar range of effects that affect residential amenity; albeit the character of these effects can differ from commercial activities and may for example include potential risks from the use and storage of hazardous goods or involve heavy vehicle movements.

Buildings used for commercial and/or industrial purposes can also be of much a larger scale and therefore visually dominant.

From discussions with the Council's monitoring and enforcement officers it was determined that there does not appear to be a pattern of effects that generate complaints or systemic issues along Business Zone interfaces with more sensitive activities. The general feedback was that in-zone business activities appear to be well run and do not generate unacceptable effects beyond their site boundaries, and that this operational practice is combined with resident expectations that a degree of non-residential levels of amenity are anticipated if you own a house next door to a long-established business zone.

Complaints from residents were more commonly generated by business activities taking place within residential areas, or non-rural activities occurring on rural properties, especially where these are located in close proximity to existing lifestyle blocks.¹ We note that these matters are to be addressed within the following separate scopes:

- Home-based Businesses (RE008);
- Business activities in Rural Zone (RU002); and
- Noise (DW005).

2.2 Urban Design in Town Centres

Baseline Report BS003

Baseline Report BS003 included an assessment of some of Selwyn District's town centres and recent development projects that obtained resource consent under the Operative District Plan rule framework. This noted it is challenging to draw definitive conclusions as to the efficiency and effectiveness of the Plan's regulatory framework in terms of delivering positive urban form and built environment outcomes; especially given that the majority of this framework has only been in place for a relatively short period of time.

The review concluded that while there could be some improvements, recent projects did not identify any systemic problems or shortcomings with the Operative District Plan framework in terms of activity and built form standards, and that the qualitative urban design assessment matters also appear to provide adequate scope for considering a range of urban design matters.

DPR B1 Zones Review

Within the DPR B1 Zones Review, Ms Wolfer identified the following issues:

- The lack of a clear definition of 'public space' within the Operative District Plan;
- The Operative District Plan definition of 'active frontage' doesn't extend far enough and has led to active frontages sitting behind car parking areas;
- Principles/guidance on how the style of buildings fits into the Selwyn District context are required;

¹ It is understood complaints have arisen from residents of Armack Drive, Rolleston, regarding noise levels from some operations within the nearby B2A Zone.

- Provisions are required to address the interface with other zones to visually integrate new development and avoid large blank walls etc.; and
- The Operative District Plan requirements can lead to sites being dominated by car parks.

Further to the points raised above, Ms Wolfer has also provided feedback that she considers the existing policy framework to generally be appropriate, but that tighter links to the rules and definitions are required to achieve better urban design outcomes and that where possible the Council's existing Design Guide for Commercial Development should be integrated into the Proposed Plan.

3.0 Statement of Operative District Plan approach

Sections 3.1 and 3.2 below summarise the specific rules/regulatory framework within the current Operative District Plan for how both the interfaces with non-business zones and urban design within the B1 Zone town centres are managed. In addition, listed below are a number of key over-arching objectives and policies of the Operative District Plan which relate to amenity values and are considered to be relevant to these topics.

Township Volume

Objective B3.4.1 – The District's townships are pleasant places to live and work in.

Objective B3.4.2 – A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.

Objective B3.4.3 – "Reverse sensitivity" effects between activities are avoided.

Policy B3.4.5 – To provide Business 1 Zones which enable a range of business activities to operate while maintaining environmental quality and aesthetic and amenity values which make the zone(s) attractive to people.

Policy B3.4.6 – (a) To provide Business 2 and 2B Zones with few requirements for aesthetic or amenity values, but which have sufficient provisions: to safeguard people's health and well-being and to avoid pollution of natural resources or potential 'reverse sensitivity' effects. (b) To provide a Business 2A Zone which can cater for business activities requiring large footprint buildings and/or sites but which have sufficient provisions to safeguard people's health and well-being and avoid pollution of natural resources or potential 'reverse sensitivity' effects.

Policy B3.4.23 - Allow people freedom in their choice of the design of buildings or structures except where building design needs to be managed to: ...Maintain and establish pleasant and attractive streets and public areas in the Business 1 zone.

Policy B3.4.24(a) – Ensure that Business 1 zoned town centres are walkable and well integrated, and that development in those town centres contributes to the economic and social vibrancy of the District's towns...

Objective B4.3.1 - The expansion of townships does not adversely affect: ...Amenity values of the township.

Policy B4.3.108 - Promote the comprehensive development or redevelopment of sites in Key Activity Centres, where these contribute to the function, amenity and vitality of the centre, and provide for quality urban design.

Policy B4.3.109 - Promote the development of vibrant, integrated and coordinated Key Activity Centres by ensuring that appropriate activities are located within predefined precincts that enhance the overall form and functionality of the centre.

Rural Volume

Objective B3.4.1 – The District’s rural area is a pleasant place to live and work in.

Objective B3.4.2 – A variety of activities are provided for in the rural area, while maintaining rural character and avoiding reverse sensitivity effects.

3.1 Interfaces with Non-Business Zones

Regulatory framework for Business 1 Zone Interface

Baseline Report BS002 identifies that the B1 zone rule package is designed to where possible provide residential neighbours to commercial activities with a level of amenity commensurate with a Residential zone (i.e. the onus is generally on adjacent business activities to manage their effects down to a residential level). This approach is consistently applied through both building bulk and location performance standards, and activity-focused controls.² The key provisions are as follows:

- Recession planes: Buildings to comply with residential recession planes along internal boundaries with Living or Rural zones (rule 16.7.1);
- Maximum height: Height generally limited to 10m (compared to 8m in residential zones) (Table C16.1);
- Site coverage and boundary setback requirements (West Melton, Rolleston and Castle Hill only – rules 16.5.1, 16.5.2 and 16.7.2);
 - In Rolleston Precinct 2, building setbacks from internal boundaries with a Living Zone of 12m;
 - In Rolleston, building setbacks from Rolleston Drive of 3m in Precincts 2 and 4 and 10m in Precinct 3;
 - In West Melton, building setback from an internal boundary with a Living Zone of 3m;
 - In Castle Hill, building setback of 6m from both road and internal boundaries and site coverage does not exceed 50%;
 - Outside of the above, there are no site coverage and boundary setback requirements;
- Qualitative urban design assessments:

² The existing provisions sit alongside other potentially relevant district-wide controls relating to noise, glare, transport, parking and signage

- Outside of the Key Activity Centre (KACs) new buildings of less than 450m² are permitted, provided they are built to the road boundary with active frontages, verandas, and parking (if any) to the rear.
- Outside of the KACs, developments of more than 450m² are subject to a restricted discretionary urban design assessment.
- In the KACs of Rolleston and Lincoln all new buildings are subject to an urban design assessment as a controlled activity, with one of the assessment matters being “whether the site layout and location of storage and waste areas minimizes the potential for disturbance and a loss of amenity for residential neighbours” (rule 16.12.1 and assessment matter 16.12.2.13).
- Activity controls:
 - Any industrial activity, transport depot, manufacture or disposal of any hazardous substance, and any activity that requires an offensive trade license issued under the Health Act 1956 is non-complying. Likewise there are controls on residential activities establishing within the Rolleston and West Melton B1 zones;
 - A specific activity Table 13.1 that controls the range of activities that can establish in the Rolleston and Lincoln B1 Zones (KACs);
 - Noise assessed within a Living Zone or within the notional boundary of any dwelling in a Rural Zone is subject to limits set out in rule 22.4.1.2. The L10 limits are 5dBA higher than those that apply within the residential zones under rule 10.6.1;
 - Rule 22.4.2 control hours of operation, the location of outdoor areas and noise levels within West Melton B1 zones;
 - Light spill is to be less than 3 lux on to any part of any adjoining Living Zone or within the notional boundary of any dwelling in a Rural Zone (rule 22.5.1.2). This is the same limit as applies within Living Zones under rule 10.7.1; and
 - Outdoor storage areas are to be screened from both roads and internal boundaries by a fence, wall, or vegetation of at least 1.8m in height (rule 22.6.1).

Regulatory framework for Business 2, 2A and 2B Zone Interfaces

Baseline Report BS002 notes that while the B2 zoned areas are generally on the periphery, rather than the centre of townships, the B2 Zone rule package reflects the functional requirements of industry. The rule package therefore takes an approach of screening and separation, along with restricting the establishment of sensitive activities within these areas. Newer B2A and B2B Zones are also subject to Outline Development Plans and bespoke rules controlling the interface and boundary treatment of these areas.

In summary the key interface-related provisions are as follows:

- Landscaping: The area between any principal building and the road boundary is to be landscaped (rule 16.1.1), with additional landscaping requirements in Rolleston and Lincoln;
- Heights: Limited to 15m for buildings and 25m for structures (rule 16.6 and Tables C16.1 and 16.2);

- Recession Planes: Buildings to comply with residential recession planes along internal boundaries with Living or Rural Zones (rule 16.7.1);
- Setback: Buildings are to be setback 2m from both road and internal boundaries (where adjoining a Living Zone) in the B2 Zone; 10m for road and Rural Zone boundaries in the B2A Zone, and 5m for road, 3m for Rural, and 50m for Living Zone boundaries in the B2B Zone (rules 16.7.2.6-8);
- Noise, glare, and screening of outdoor storage rules are the same as for the B1 Zones set out above; and
- Activity controls:
 - Controls on any activity that requires an offensive trade license issued under the Health Act 1956. Within the B2A Zone there are additional controls on a specified list of industrial processes/activities that have the potential to generate amenity-related effects, either as a controlled or fully discretionary activity (rule 13.1 and associated sub-clauses).
 - Activity controls in the B2 and B2A Zones manage the establishment of sensitive activities within these zones, including non-custodial residential units, visitor accommodation, and hospitality.

3.2 Urban Design in Town Centres

Baseline Report BS003 identifies that the Operative District Plan manages urban design within the B1 Zone through the combination of performance standards (quantitative controls on built form), controls on activities and qualitative urban design assessments.

Rule 16.9.1 permits buildings (or additions) of less than 450m² within all townships outside of the KAC precincts as identified in Appendices 29A and 29B without the need for an urban design assessment, provided that they generally comply with the following:

- No car parking is provided between the frontage of any building and the road;
- At least 50% (by length) of each building frontage which directly faces on-site public space or a road or other area where the public has legal right of access, shall be installed and maintained as active commercial frontage³ (i.e. windows);
- The maximum height of any fence between the building façade and the road boundary shall be 1m; and
- Every building adjoining or within 3m of a road boundary is to have a verandah. The verandah is to extend to within 0.5m of the formed road edge, be a minimum of 3m deep (except where this would conflict with the 0.5m road setback), and shall extend along the entire frontage of the building and adjoin verandahs on adjacent buildings.

Buildings over 450m² are addressed through rule 16.10 whereby a non-notified resource consent is required for a restricted discretionary activity. The Council's discretion is limited to a range of design and context matters (16.10.2.1-16.10.2.7). The main issue being the wording of each assessment matter ending with 'where practicable', which significantly reduces the weight that

³ It is noted that the Operative District Plan currently does not have a definition for 'active commercial frontage' (or 'active frontage')

the assessment matter can be given. A reference is made to the Council's Commercial Design Guide at the end of rule 16.10.

Buildings located within the KAC Precincts 1-4, 7, and 8 (Rolleston and Lincoln town centres) are not subject to the above two rules. New development instead requires a non-notified resource consent as a controlled activity for all new buildings, regardless of size. The assessment matters are broadly similar to those that apply for large buildings outside the KACs, along with specific direction as to the outcomes sought in various precincts. The rule package also includes the identification of streets where an 'active frontage' and 'building line' are required.

Rule 16.12 of the Operative District Plan (Buildings and Urban Design) currently includes a note highlighting that the Council has developed a Design Guide for Commercial Development which applicants are encouraged to consider.

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

4.1 Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement⁴ (CRPS) contains a number of amenity related provisions which are considered to be relevant to the topics of the interface of business zones with adjoining non-business zones and urban design within town centres and business zoned land. These include:

- Development is located and designed so that it functions in a way that avoids conflicts between incompatible activities (Objective 5.2.1.1(l));
- Encourage high quality urban design, including the maintenance and enhancement of amenity values (Policy 5.3.1.5);
- Ensure substantial developments are of a high-quality, and amenity values, the quality of the environment and the character of an area are maintained, or appropriately enhanced (Policy 5.3.3.2);
- The land use and infrastructure framework for Greater Christchurch is to enable KACs which provide a focus for high quality development that incorporates the principles of good urban design (Objectives 6.2.1.2 and 6.2.3.1);
- Business development is to give effect to the principles of good urban design and those of the NZ Urban Design Protocol 2005 to the extent appropriate to the context (Policy 6.3.2);
- Ensure reverse sensitivity effects and conflicts between incompatible activities are identified and avoided or mitigated against within business land in Greater Christchurch (Policy 6.3.6.8);

⁴ Operative 2013 (Revised February 2017)

- Ensure business land in Greater Christchurch provides for healthy working environments and appropriately manages the reverse sensitivity issues of mixed use development within Key Activity Centres (Policy 6.3.6.11); and
- Ensure business land in Greater Christchurch provides for healthy working environments in a manner which incorporates good urban design principles appropriate to the context (Policy 6.3.6.12).

The CRPS requires that territorial authorities *will*:

- Include objectives, policies and rules (if any) in district plans to give effect to Policies 6.3.2 and 6.3.6; and
- Identify trigger thresholds for office and retail commercial activities in industrial areas where these activities are likely to give rise to distributional effects, particularly on larger commercial centres, or result in reverse sensitivity effects.

Further, the CRPS states that territorial authorities *should*:

- Develop urban design guidelines to assist developers with addressing the matters set out in Policy 6.3.2;
- Consider the principles of good urban design as reflected in the New Zealand Urban Design Protocol (2005) in urban design processes;
- Consider appropriate administrative and financial arrangements to enable and encourage business land provision to occur; and
- Identify neighbourhood centres in district plans.

4.2 Action 27 of the Land Use Recovery Plan

Under Section 24(1)(c) of the Canterbury Earthquake Recovery Act 2011 (the CER Act), the Council was directed to change or vary any objectives, policies, or methods of the Operative District Plan to give effect to Action 27 of the Land Use Recovery Plan (LURP).

The LURP was a strategic planning document developed under the CER Act for Greater Christchurch area following the Canterbury Earthquakes which identified a series of actions to enable the successful recovery of the area and to guide a coordinated approach to urban growth over the area; including the towns of Lincoln, Prebbleton and Rolleston. The LURP was approved by the Minister for Canterbury Earthquake Recovery and was gazetted on 6 December 2013.

Action 27 of the LURP required the identification of the extent of KACs in Selwyn District and the rule package associated with those centres. Given the geographic extent of the LURP was limited to Greater Christchurch and Action 27 was limited to the KACs, the resulting amendments to the Operative District Plan were limited to the Business zones in Rolleston and Lincoln only.

Action 27 of the LURP has therefore resulted in a number of the B1 rules summarised in Sections 3.1 and 3.2 of this report.

It is noted that Selwyn 2031 incorporates the actions required by the LURP as part of the strategic planning work programme for the whole of Selwyn District.

4.3 Selwyn 2031: District Development Strategy

Of potential relevance to the topic of the interface of business zones with adjoining non-business zones, the Selwyn 2031: District Development Strategy includes the action⁵ of: 'Identify trigger thresholds for office and retail activities in industrial areas where these activities are likely to give rise to traffic/transport effects, particularly on larger commercial centres, or result in reverse sensitivity effects' in order to achieve the strategic policy of ensuring an appropriate scale and distribution of rural, retail and industrial activities.

Selwyn 2031 also states that the Council anticipates that new development will be of a high standard, noting good urban design is fundamental to the creation of successful towns. Key actions⁶ of Selwyn 2031 to achieve higher quality living and business environments and the protection of existing character are:

- Achieve safe, functional and attractive living and business environments by requiring new development to occur in accordance with outline development plans, design guidelines and to give effect to higher level strategic planning documents.
- Reinforce and enhance the character of each township by requiring outline development plans and the use of good urban design principles within new development areas.

4.4 Mahaanui Iwi Management Plan 2013

The Mahaanui Iwi Management Plan (IMP) does not contain any policy guidance or outcomes in respect of managing effects between business zones and non-business zones.

In addition, while the IMP contains a number of different provisions relating to urban design, these relate directly to business zoned land in Christchurch only.

Baseline Report BS002 notes that Mahaanui Kurataio Ltd has confirmed that to date they do not have any specific feedback on interface issues beyond their feedback provided as part of the District-wide work stream relating to matters such as noise, lighting, and signage.

4.5 Selwyn District Council Design Guide for Commercial Development In Urban Areas, Rolleston Town Centre Masterplan and Lincoln Town Centre Plan

The key urban design and context outcomes that are sought through the Operative District Plan's various assessment matters (set out in Section 3.2 above) are generally consistent with those identified in the Council's Design Guide for Commercial Development (the Design Guide) and the Council's Rolleston and Lincoln Town Centre plans. Plans. The Rolleston Town Centre Masterplan and the Lincoln Town Centre Plan, while adopted by Council, have limited weight in the consenting process. As non-statutory framework documents they are only to be considered as an 'other matter'.

⁵ Action 26

⁶ Page 9

The Design Guide is a voluntary tool that provides developers with guide best practise examples in the form that should be considered when integrating new development into the District's town centres. The Design Guide includes a list of principles under the following headings:

- Fit in with the surroundings;
- Activate the edges;
- Provide space for public life;
- Favour the pedestrian;
- Car parking;
- Landscaping;
- Servicing;
- Signage;
- Design to prevent crime; and
- Respect residential neighbours.

4.6 New Zealand Urban Design Protocol

The New Zealand Urban Design Protocol (2005) is a voluntary commitment by central and local government, as well as property developers, investors, design professionals, educational institutes and other groups, to undertake specific urban design initiatives in order to make New Zealand towns and cities more successful through quality urban design.

The Protocol identifies seven essential design qualities (the seven C's) that together create quality urban design; being Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration.

The Council signed the Protocol in September 2008.

5.0 Summary of alternative management responses – Other Districts

5.1 Interfaces with Non-Business Zones

Baseline Report BS002 reviewed the District Plans of the nearby Canterbury territorial authorities of Christchurch City Council, Waimakariri District Council and Ashburton District Council to identify if there are common approaches to managing interface issues. Tables 7.1 and 7.2 in Baseline Report BS002 compare a range of relevant activity-focused controls and performance standards within the Operative District Plan to those of the other territorial authorities, with the key findings summarised in the sections below.

This review has determined that the current approach of the Council's Operative District Plan in terms of managing the residential interface with commercial and industrial zoned land is not significantly out of step with that of the other Councils.

Commercial/Residential Interface

All District Plans require compliance with the recession plane performance standard of the adjoining Residential Zone. The requirements for screening of outdoor storage areas and treatment of the road boundary in terms of setback and glazing are almost identical. While the Council's Operative District Plan does not have a building setback requirement from a Residential Zone boundary like the other territorial authorities (except in Rolleston Precinct 2 and West Melton), the Baseline Report BS002 notes that the existing recession plane control forces a setback for larger buildings.

Unlike other District Plans, the Operative District Plan also does not have requirements for landscaping of the internal boundaries adjoining a Residential Zone. The inclusion of such a rule has been recommended given the observations around the use of rear yards for outdoor storage in multiple locations within the District.

Industrial/Residential Interface

All District Plans require compliance with the recession plane performance standard of the adjoining Residential Zone and have 15m building height limits.

Unlike the other District Plans, the Operative District Plan does not have requirements for landscaping of the internal boundaries adjoining a Residential Zone or on the road boundary. The inclusion of such a rule has been recommended to manage this interface with industrial land uses.

5.2 Urban Design in Town Centres

Similar to Section 5.1 above, Baseline Report BS003 reviewed the District Plans of the nearby Canterbury territorial authorities along with four other rural-based districts that are signatories to the Urban Design Protocol⁷ to identify if there are common approaches to achieving positive urban design outcomes in town centres. The tables in Appendix 3 of Baseline Report BS003 compares the Operative District Plan to those of the other territorial authorities in terms of relevant performance standards and approaches to qualitative urban design assessments. The key findings are summarised in the sections below.

While this review has determined that the Council's current approach is not generally out of step with that of the other councils, the inclusion of qualitative urban design controls (as is the case with the Operative District Plan) is not as common.

Performance standards (quantitative controls on built form)

There is a lot of commonality across the District Plans in terms of the matters that are controlled and the specific content of the rules; including building height (~12m), recession planes (compliance required where adjoin residential zone boundaries) and requiring buildings to have veranda cover and be built to the road boundary so as to create a uniform building line.

Activity-focused controls

⁷ Timaru, Kaikoura, Masterton and Western Bay of Plenty District Councils

Baseline Report BS003 notes that all these District Plans contain activities-based controls that set out the types of activities that are permitted in commercial areas; with all permitting a wide range of retail, food and beverage, commercial service, travellers' accommodation and community facilities.

Qualitative urban design assessments

The only District Plans to require a qualitative urban design assessment were the Christchurch, Waimakariri, and Timaru District Plans.

In Timaru, an urban design assessment is required for discrete parts of the Timaru and Temuka town centres that have a heritage precinct. In Christchurch there are different trigger thresholds for urban design matters when a resource consent is required in certain commercial areas.⁸ In Waimakariri, any building over 450m² in the KACs and Oxford town centre requires consideration of urban design.

6.0 Summary of Options to address Issues – Interfaces with Non-Business Zones

6.1 OPTION 1 – STATUS QUO

The approach of the Operative District Plan for interfaces with non-business zones, in terms of both building bulk and location performance standards and activity-focused controls, is summarised in Section 3.1 above.

The option of retaining the status quo approach would mean retaining these existing provisions alongside other district-wide controls relating to noise, glare, transport, parking and signage.

Effectiveness in Addressing Issue:

As noted in Baseline Report BS002, the approach of the Operative District Plan has generally been effective for managing interfaces with non-business zones.

However, on the basis that amendments are recommended within Baseline Report BS002 to improve interface amenity, the existing provisions could potentially be more effective in addressing this issue.

Risks:

That the Operative District Plan does not follow best practice or give full effect to the CRPS in relation to avoiding conflicts between incompatible activities and maintaining and enhancing amenity values.

⁸ The activity status is controlled (where the design is certified by a Council-approved urban design expert), or is otherwise restricted discretionary. Any consents are to be processed on a non-notified basis

Budget or Time Implications:

None as no work would be required. However, it may be that issues are raised through submissions, including that the Operative District Plan is not giving full effect to the CRPS.

Stakeholder and Community Interests:

Landowners and occupiers (including residential) interfacing with business zones.

Existing and prospective business land and business owners/operators in the District.

The Regional Council, in terms of the requirements of the CRPS.

Recommendation:

Retaining the status quo is not recommended, however those provisions of the Operative District Plan that have been effective should be carried forward into the Proposed District Plan. This is addressed in Option 2 below.

6.2 OPTION 2 – AMENDED PROVISIONS

This option involves minor amendments to the current provisions of the Operative District Plan to improve the management of interfaces with non-business zones as summarised below.⁹

Recommendation ¹⁰	Reasons for the recommendation
<i>Business 1/Commercial performance standards</i>	
Expand the geographic scope of the current KAC urban design assessment matters relating to interface treatment so they can be considered for all development that triggers an urban design assessment. ¹¹	<ul style="list-style-type: none"> Ensures interface treatment is given specific consideration as part of the design and assessment process. <p>Please note there are further recommendations specifically relating to urban design assessment in Section 7 below.</p>
Subject to the findings of the transport review, consideration is given to removing the requirement to provide on-site parking for smaller developments.	<ul style="list-style-type: none"> Assists in improving street scene amenity. On-street parking is often adequate (especially in smaller townships). <p>Please note that Baseline Report DW009 (Transport) recommends that a district-wide strategy for parking is prepared to help determine which options for parking (particularly in town centres) are progressed. As such this recommendation will need to be reconsidered in light of these findings.</p>
<i>Business 2/Industrial interface management framework</i>	

⁹ Refer to Section 8 of the Baseline Report BS002 for full details

¹⁰ For brevity, the full list of Operative District Plan provisions recommended to be retained are not listed

¹¹ 16.12.2.12: "the extent to which the design and location of landscaping and fencing will mitigate any adverse visual and amenity effects of development to adjoining sites containing residential activities" and 16.12.2.13:

"Whether the site layout and location of storage and waste areas minimises the potential for disturbance and a loss of amenity for residential neighbours"

<p>Consider three different interface management frameworks for:</p> <ul style="list-style-type: none"> • B2/industrial zones in all towns except Rolleston and Lincoln; • B2/industrial (Jones Road) in Rolleston which is located well away from residential areas and functionally forms part of the wider Izone and Iport developments; and • B2A and B2B/industrial zones in Rolleston and Lincoln which have a more recent greenfield history and have associated Outline Development Plans and tailored boundary interface provisions. 	<ul style="list-style-type: none"> • Ensures the differences between these areas are appropriately recognised within the provisions.
<p>Careful consideration of the range of activities that can occur within Business 2/Industrial zones where they have either internal boundaries with residential zones or are over the road from a residential or Business 1/Commercial zone.</p>	<ul style="list-style-type: none"> • The spatial distribution of the business zones is important in avoiding conflicts between incompatible activities; a requirement of the CRPS. • Please note this matter, of the general types of activities to be provided for in each zone, has been considered as part of the concurrent BS202 scope.
<i>Business 2/Industrial road boundary interface</i>	
<p>Require a minimum 3m building setback when opposite residential zones.</p>	<ul style="list-style-type: none"> • Ensures space is available to enable landscaping along the road boundary to assist in improving street scene amenity. • Limits the costs to businesses through the loss of productive business land. • Aligns with Christchurch District Plan.
<p>Require the space between the building and the road to be landscaped with a minimum of 1 tree per 10m of frontage when opposite residential zones.</p>	<ul style="list-style-type: none"> • Assists in improving street scene amenity. • Aligns with the approach undertaken in the Ashburton, Christchurch and Waimakariri District Plans.
<p>Require, when opposite residential zones, offices and ancillary or trade-based retail activity to be located at the front of the site, with the road-facing façade required to include windows/active frontage.</p>	<ul style="list-style-type: none"> • Assists in locating higher amenity uses in the locations where they are most visible. • Aligns with B1 Zone rules. • Consistent with both the market and functional preferences of industrial developers. • Reflects the requirements often found in private developer covenants for industrial areas.
<i>Business 2/Industrial internal boundary interface – Residential zones</i>	
<p>Require buildings to be set back at least 3m from internal boundaries adjoining residential zones.</p>	<ul style="list-style-type: none"> • Ensures space is available to enable landscaping along boundary to assist in improving amenity. • Limits the costs to businesses through the loss of productive business land. • Aligns with Christchurch District Plan.

Require a minimum 2m deep landscape strip along internal boundaries adjoining residential zones.	<ul style="list-style-type: none"> Screening from landscape strips will assist in improving amenity along the zone boundary. Aligns with the approach undertaken in the Ashburton District Plan. <p>It is noted that further investigations will be undertaken into developing a landscaping approach for the wider Proposed District Plan, which does not just specifically relate to business zone interfaces. It is therefore recommended that any future landscaping requirements for the business zones take into consideration these other provisions.</p>
Business 2/Industrial internal boundary interface – Rural zones	
Remove the recession plane requirement along Rural Outer Plains Zone boundaries. ¹²	<ul style="list-style-type: none"> Little benefit to be provided in avoiding shading of largely vacant paddocks.
Require a minimum 2m deep landscape strip along internal boundaries adjoining rural zones.	<ul style="list-style-type: none"> Screening from landscape strips will assist in improving amenity along the zone boundary.
General	
Consider amending and rationalising the existing building bulk and location performance standards ¹³ applying to the business zones to ensure consistency, where appropriate.	<ul style="list-style-type: none"> Simplifies the rules framework by reducing a large number of area-specific requirements. Assists plan users in understanding rules.
Objectives and Policies¹⁴	
No additional objectives and policies within the Proposed District Plan are considered to be required for the management of interfaces with non-business zones.	<ul style="list-style-type: none"> As set out in Section 3 of this Report, there are currently a range of objectives and policies within the Operative District Plan (relating to townships being pleasant places, maintaining the character and amenity values of each zone and avoiding reverse sensitivity effects for example) which indirectly cover the management of interfaces with non-business zones. The proposed amendments to the provisions set out in Options 2A and 2B would not significantly change the current approach of the Operative District Plan.
Definitions	
No additional definitions for the Proposed District Plan are considered to be required for the management of interfaces with non-business zones.	<ul style="list-style-type: none"> None of the general issues relating to the interface with non-business zones identified within the Baseline Report BS002, for example a detracting in residential amenity due to the presence of adjoining buildings or car parking areas, would appear to be attributed to

¹² Recommends retaining recession plane requirement for Rural inner plains zone boundaries

¹³ Site coverage, building height, recession planes and setbacks from boundaries

¹⁴ Please note this table comments on the potential for objectives, policies and definitions given the requirements of Scope BS203

	<p>a lack of definitions or clarity of existing definitions within the Operative District Plan.</p> <ul style="list-style-type: none"> • We note Baseline Report BS002 does not recommend any amendments or additions to the definitions within the Proposed Plan.
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Effectiveness in Addressing Issue:

As outlined in Baseline Report BS002, no significant or systemic issues regarding the management of the interface with non-business zones have been identified within the District. Accordingly, the retention of the existing rules framework is recommended within Option 2 alongside the additional amendments described in the table above.

Option 2 is expected to increase the effectiveness of managing the interface with non-business zones through the amended performance standards that are focused on improving amenity along the zone boundaries.

When compared to Option 1 (the Status Quo) the recommended amendments will result in some minor changes to the potential layout of new developments within the business zones when there is an interface with a non-business zone; for example industrial buildings being set back 3m from internal boundaries, rather than 2m. It is noted that many of the recommended requirements already apply to certain locations within the District under the current rules of the Operative District Plan.

Option 2 is also expected to better respond to the requirement within the CRPS to locate and design development so that it functions in a way that maintains amenity values and avoids conflicts between incompatible activities.

Option 2 also is intended to simplify the existing rules where possible to assist plan users in understanding the rules. Option 2, alongside the current provisions of the Operative District Plan, is expected to help increase the effectiveness of managing the interface with non-business zones.

Risks:

Option 2 would involve changes and could mean that resource consents are required for more business activities. Consequently, existing and prospective business owners/operators in the District may oppose the provisions. However, this risk could to some extent be mitigated through engagement.

To manage potential risks, it is also necessary to ensure the business zone framework of the Proposed District Plan (scope BS202) appropriately distributes and categorises business activities to minimise the potential for reverse sensitivity issues.

Budget or Time Implications:

Redrafting of provisions, alongside any other wider amendments to the business zone chapter recommended in other scopes such as BS202, would need to be undertaken.

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:

Landowners and occupiers (including residential) interfacing with business zones.

Existing and prospective business landowners and business owners/operators in the District.

The Regional Council, in terms of the requirements of the CRPS.

Recommendation:

For the reasons outlined above, Option 2 is recommended.

7.0 Summary of Options to address Issues – Urban Design in Town Centres

7.1 OPTION 1– STATUS QUO

The approach of the Operative District Plan for urban design within the B1 Zone, in terms of performance standards, controls on activities and qualitative urban design assessments, is summarised in Section 3.2 above.

The option of retaining the status quo approach would mean retaining these existing provisions alongside other relevant district-wide controls such as noise, parking and signage.

Effectiveness in Addressing Issue:

As noted in Baseline Report BS003, while there is no evidence of structural problems or loopholes with the Operative District Plan framework, the current framework has resulted in some unsatisfactory outcomes that could potentially be avoided if amendments are made. The recommendations made within Baseline Report BS003 to improve urban design within town centres/B1 Zone (refer to Option 2 below).

Furthermore, a number of urban design issues have been highlighted within the DPR B1 Zones Review prepared by the Council's Senior Urban Designer whereby it is considered the existing provisions could potentially be more effective in addressing Urban Design in Town Centres (refer to Option 2 below).

Risks:

That the Operative District Plan does not follow best practice or give full effect to the CRPS in relation to providing high quality development that incorporates the principles of good urban design.

Budget or Time Implications:

None as no work would be required. However, it may be that issues are raised through submissions, including that the Operative District Plan is not giving full effect to the CRPS.

Stakeholder and Community Interests:

Existing and prospective business landowners and business owners/operators in the District.

The wider district community, in particular landowners and occupiers interfacing with town centres.

The Regional Council, in terms of the requirements of the CRPS.

Recommendation:

Retaining the status quo is not recommended, however those provisions of the Operative District Plan that have been effective should be carried forward into the Proposed District Plan. This is addressed in Option 2 below.

7.2 OPTION 2 – AMENDED PROVISIONS

This option involves amendments to the current provisions of the Operative District Plan to help achieve good urban design outcomes within town centres/B1 Zone as summarised below.¹⁵

Recommendation ¹⁶	Reasons for the recommendation
Activity-based recommendations	
Consider whether trade and yard-based retailers (or at least certain forms of them) should still be permitted in the B1 Zone.	<ul style="list-style-type: none"> The associated built form (bulky and different from more fine-grained comparison retailing) and functional needs of trade and yard-based retailers mean that a Business 2 zone location is likely to be more appropriate. Would assist in avoiding conflicts between potentially incompatible activities which is a requirement of the CRPS.
Consider amending the current rule package and include alternative car parking options within town centres, such as: communal car parking, shared solutions, car park provisions off-site, car parking in-lieu; take into account assessment matters such as proximity to park and ride facilities.	<ul style="list-style-type: none"> Assists in improving street scene amenity by reducing car parking. <p>Please note that Baseline Report DW009 (Transport) recommends that a district-wide strategy for parking is prepared to help determine which options for parking (particularly in town centres) are progressed. As such these recommendations will need to be reconsidered in light of these findings.</p>
Performance standards recommendations	
Re-draft rules so that the active frontage requirement is applied as a minimum ground	<ul style="list-style-type: none"> Improves the rules framework and assists plan users by providing greater

¹⁵ Refer to Section 10 of the Baseline Report BS003 and DPR B1 Zones Review for full details

¹⁶ For brevity, the full list of Operative District Plan provisions recommended to be retained are not listed

Recommendation ¹⁶	Reasons for the recommendation
<p>floor glazing percentage, with 60% a common threshold.</p> <p>The rule could also be expanded to require the provision of verandas and the main pedestrian entrance in the road-facing façade.</p>	<p>certainty, rather than just relying on the definition of 'active frontage'.</p> <ul style="list-style-type: none"> • Aligns with the approach undertaken in other district plans reviewed. • Could replace the current reference in Rule 16.9.1.2 to the 'active commercial frontage', which is undefined. • Assists in providing higher quality development that incorporates the principles of good urban design; a requirement of the CRPS.
<p>Where the term 'active frontage' is used as an urban design assessment matter, the assessment matter itself could be expanded.</p>	<ul style="list-style-type: none"> • Better communicates the active frontage outcomes being sought, rather than cross-referencing to the definition. • Assists in providing higher quality development that incorporates the principles of good urban design; a requirement of the CRPS. • Please note further recommendations in relation to active frontages below.
<p>Consider combining current active frontage and building lines requirements.</p>	<ul style="list-style-type: none"> • Ensures the placement of buildings from the active frontage (ODP maps 29C for KAC areas) is not split out. The current approach has led to active frontage displayed behind car parking areas. • Reference to placement on site will help achieve desired outcomes. • Will provide benefits in a town centre context as it will require active frontages in areas where pedestrians are expected and would subsequently direct car parking to the back of the site.
<p>Consider revising the rules of the Business Zone chapter to retain the controlled activity status for new developments within the KACs, but impose a selection of performance standards to ensure minimum urban design aspects are all addressed (such as the current permitted activity performance standards under rule 16.9.1).</p> <p>Where these performance standards are not met, the activity would become a restricted discretionary activity.</p>	<ul style="list-style-type: none"> • If minimum urban design aspects are addressed, the Council would still retain matters of control. • Ensures the active frontage of a development is facing the public realm and not provided behind areas of car parking (an adverse outcome identified within KACs by Ms Wolfer). • Would enable developments with significant urban design outcome shortcomings to be declined. • Retains the controlled activity status which assists in directing development into the KACs. • Assists in providing higher quality development that incorporates the principles of good urban design; a requirement of the CRPS. • Provides certainty and potentially reduces costs.

Recommendation ¹⁶	Reasons for the recommendation
<i>Qualitative urban design recommendations</i>	
Consider adopting the 'headline' short list approach to assessment matters that were confirmed through the Christchurch District Plan process.	<ul style="list-style-type: none"> • The Operative District Plan's assessment matters are comparatively quite lengthy. • The Christchurch District Plan assessment matters for suburban centres are generally considered to be appropriate for Selwyn as they address the relevant urban design matters. • Amendments can be made to reflect Council's existing Commercial Design Guide.
Incorporate context as an assessment matter in order to be able to take into account the surrounding environment.	<ul style="list-style-type: none"> • Would help ensure consideration as to whether new developments integrate appropriately into the setting and the Selwyn context.
Include interface treatment as an assessment matter in order to be able to address effects between adjoining boundaries.	<ul style="list-style-type: none"> • Ensures interface treatment is given specific consideration as part of the design and assessment process. • Assists in improving amenity along the zone boundary.
Feedback is sought from Mahaanui on behalf of local runanga as to whether such an assessment matter relating to cultural values is appropriate in the context of Selwyn's smaller rural townships.	<ul style="list-style-type: none"> • It is noted that consideration of Ngai Tahu values is an assessment matter for development in the Christchurch CBD; but not in the suburban centres (and not currently in the Operative District Plan).
Retain the current references to the Council's existing Commercial Design Guide within the rule notes of the Business Zone chapter of the Proposed District Plan.	<ul style="list-style-type: none"> • Ensures this existing guidance document is highlighted as a relevant consideration. • This recommendation for including reference only as a note, as opposed to a rule itself, acknowledges that it is problematic to require compliance with a guidance document. <p>It is noted that other documents will likely need be referenced elsewhere within the Proposed District Plan in a similar manner. As such, the approach to how references to the Commercial Design Guide and other documents are incorporated in a consistent manner will be confirmed by the Council once drafting commences.</p>
<i>Objectives and policies¹⁷</i>	
No additional objectives and policies within the Proposed District Plan are considered to be required for the management of urban design in town centres.	<ul style="list-style-type: none"> • As set out in Section 3 of this Report, there are currently a range of objectives and policies within the Operative District Plan (relating to townships being pleasant places, maintaining amenity values which make the zone(s) attractive

¹⁷ Please note this table comments on the potential for objectives, policies and definitions given the requirements of Scope BS203

Recommendation ¹⁶	Reasons for the recommendation
	<p>to people and ensuring that B1 zoned town centres are walkable, well integrated and contribute to the vibrancy of the town for example) which sufficiently address this topic.</p> <ul style="list-style-type: none"> • The proposed amendments to the provisions set out in Option 4 would not significantly change to current approach of the Operative District Plan. • Ms Wolfer has noted the existing policy framework of the Operative District Plan is appropriate.
Definitions	
<p>Consider revising the 'active frontage' definition from Operative District Plan</p> <p><i>means buildings where the ground floor level features glazing, windows or doors which allow views into the premises. It refers to that part of the building with glazing occupying the entire area between 1m and 2m in height, as a minimum.</i></p>	<ul style="list-style-type: none"> • Simplifies the definition by reducing two components. • Reference to 'between 1m and 2m in height' is considered to be better expressed as a performance standard/rule, alongside other requirements such as minimum percentage of façade to be glazed and location on site, rather than within the definition. <p>It is noted that none of the other district plans reviewed within Baseline Report 003 include a definition for 'active frontage'.</p>
<p>Consider if 'public space' needs to be included within the definition chapter.</p>	<ul style="list-style-type: none"> • No clear definition has led to unsatisfactory outcomes (for example private car parks identified in development as 'public space') • Public space needs to remain publicly owned and managed. <p>A definition, which would need to be considered in the context of the wider Proposed District Plan, could potentially assist in implementing provisions; for example Policy B3.4.24(a) of the Operative District Plan: 'ensuring the provision of high quality public space'. It is noted that 'On-site public space' is currently included within definition chapter but there are not clear links to existing provisions.</p>

Effectiveness in Addressing Issue:

As outlined in Baseline Report BS003, no significant issues were identified in respect to the current Operative District Plan provisions for managing urban design within town centres. Accordingly, the retention of the current framework is recommended within Option 2 alongside the additional amendments in the table above.

When compared to the status quo Option 2 is expected to increase the effectiveness of the Proposed Plan in achieving positive urban design outcomes within town centres through providing greater clarity and certainty.

Option 2 is also expected to better respond to the requirements of the CRPS to encourage high quality urban design and enable the KACs to incorporate the principles of good urban design.

Risks:

Option 2 would involve changes to the way proposed developments within town centres are assessed in terms of urban design, which would result in reduced uncertainty.

Consequently, existing and prospective business owners/operators in the District may oppose the provisions. However, this risk could to some extent be mitigated through engagement.

Budget or Time Implications:

Redrafting of provisions, alongside any other wider amendments to the business zone chapter recommended in other scopes such as BS202, would need to be undertaken.

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:

Existing and prospective business land and business owners/operators in the District.

The wider district community, in particular landowners and occupiers interfacing with town centres.

The Regional Council, in terms of the requirements of the CRPS.

Recommendation:

Option 2 is recommended for the reasons set out above.

8.0 Summary of stakeholder engagement

Stakeholder engagement has not yet been undertaken by the Council in respect to the proposed options for the management of the business zone environments within Selwyn District (Scope BS203).

It is therefore recommended that an engagement strategy for Scope BS203, in conjunction with any other relevant scopes such as BS202, is prepared by the Council to ensure stakeholder feedback informs the development of the preferred options.

9.0 Preferred Option for further engagement

9.1 Interfaces with Non-Business Zones

While there are a number of existing provisions of the Operative District Plan that have been effective in the management of interfaces with non-business zones and should therefore be carried forward into the Proposed District Plan, Option 2 is the preferred option recommended by the Project Team which involves relatively minor amendments to the provisions of the Operative District Plan.

The development of a revised set of provisions within the Proposed District Plan for the management of interfaces with non-business zones will also need to take into consideration the development of other scopes such as BS202 (Business Zone Framework) and DW209 (Transport).

9.2 Urban Design in Town Centres

While there are not considered to be significant structural problems or loopholes with the Operative District Plan's current provisions relating to the management of urban design in town centres, and most should therefore be carried forward into the Proposed District Plan, Option 2 is the preferred option recommended by the Project Team which involves relatively minor amendments to the provisions of the Operative District Plan.

The development of a revised set of provisions within the Proposed District Plan for the management of urban design in town centres will also need to take into consideration the development of other scopes such as BS202 (Business Zone Framework) and DW209 (Transport).

Appendix 1 – Business Interface (BS002) Baseline Report

Link to Baseline report below:

[Business Interface \[PDF, 4353 KB\]](#) July 2017

Appendix 2 – Urban Design Best Practice (BS003) Baseline Report

Link to Baseline report below:

[Urban Design Best Practice \[PDF, 1512 KB\]](#) September 2017

Appendix 3 – DPR B1 Zones Review

B1 zones- main findings reviewing built development and implementation process

Issue	Category	Resource Consent number(s)	Example	Key findings	Relevance/ Justification	Response/ Recommendation
Public space	Implementation Process and delivery	RC 175476 (not yet consented) RC 115059/115310 RC075485 RC105271/105372	<ul style="list-style-type: none"> • Darfield 4 square • Masfield Drive • NW supermarket Lincoln • Countdown supermarket • Rolleston Square 	No clear definition of public space leads to false interpretation and unsatisfactory outcomes for example reference in reports where private car parks are identified as 'public space'	Public space need to remain areas that are publicly owned, managed and locally defined. They require to be independent from branding and (private) control	Include public space in definition chapter
Active frontage	Implementation	RC 115059/115310 RC 125467	<ul style="list-style-type: none"> • Masfield Drive • RD 1 Leeston • KACS in general 	Current District Plan definition doesn't extend far enough and splits the placement of buildings from the active frontage part (see ODP maps for KAC areas). This approach has led to active frontage displayed behind car parking areas. In order to have successful outcomes placement on site is essential part to achieve desired outcomes.	Active frontage has multiple benefits particularly in a town centre context; it applies to areas where pedestrians are expected; it also subsequently directs car parking to the back of the site	Amend current definition and combine active frontage and building lines
Architecture and site context	Process	RC 115059/115310 RC 155561	<ul style="list-style-type: none"> • Masfield Drive • Southpoint, Faringdon 	Issue with architecture and style of building and its visual integration with its residential sub-urban surrounds; Architecture has very clean lines, almost sterile look, no colour or material to soften and break up the stark appearance; building looks more like an institution or	We need to include principles/guidelines in terms of design, material and colour for new developments to fit within a Selwyn 'theme' and sub-chapters for our main townships (design guide?)	Incorporate context as an assessment matter in order to be able to take into account the surrounding environment

				better placed in an urban environment;		
Interface treatment		RC 115059/115310 RC 175476 (not yet consented)	<ul style="list-style-type: none"> • Masfield Drive • Darfield four square 	There are currently no provisions for any requirements to visually integrate new development in a Business 1 zone with adjacent landuses. Effects are limited to physical effects managed via height and recession plane provisions. This is particular an issue on the interface with public reserves (Darfield), where as the result of a r/c the western elevation of a supermarket is developed as a blank wall that is directly opposite a high amenity reserve. Other examples include large big box development with lack of visual interest along long walls with no active frontage opposite established residential neighbourhoods (Rolleston).	Interface treatment along boundaries between Business 1 and reserves as well as Living Zones need to be managed to protect existing landuses and their character and amenity while integrating new developments.	Include interface treatment as an assessment matter in order to be able to address effects between adjoining boundaries
Car Parks	Implementation Process and delivery	Developments in business zones/ KACs	<ul style="list-style-type: none"> • Town centres: <ul style="list-style-type: none"> ○ Countdown, ○ Rolleston square ○ Masfield Drive ○ RD1, Leeston 	Current DP requirements leads site layouts where car parks being dominating feature when viewed from public space; buildings are set back from street; large number of individual car parks (car parking provisions linked to single operator); empty car parks after hours; requirements for large number of car parks on site stifles development	Car parks do not positively contributes to attractive streetscenes in town centres, buildings and people do. Perception that car parks are draw card for people to shop and stay is outdated; Selwyn's commitment to walkable, well-connected town centres needs to be reflected in parking provisions	Amend current rule package and include alternative car parking options within town centres, such as: communal car parking, shared solutions, car park provisions off-side, car parking in-lieu;

						take into account assessment matters such as proximity to park and ride
DISTRICT PLAN PROCESSING						
	Artistic illustrations	115059 (entire site) 115310 (portion of site)	Masefield Drive, Rolleston	Artistic illustrations used to 'sell' proposal does not match architectural drawings and what's built on the ground	3D visualisation is an important tool to envisage built form and see development in context	Include 3D renders as part of consent via condition
	Weight of ODPS		Rolleston (KACs)			
	Planting		IZONE and Inland port - Inland port Plant list in Appendix 2	Planting for industrial zone is copied and applied to Inland port, which has more of a business character; plants in IZone have created maintenance issue.	Having appropriate landscaping that provides amenity to a place positively contributes to the overall character of the area.	
	Pre-application meetings	RC 175476 (not yet consented) RC 175510	<ul style="list-style-type: none"> Darfield Four square Raewood Fresh, Prebbleton 	Lack of uptake of option to have pre-application meetings result in lengthy, time consuming, RFIs, issues to change concept later in the process always harder than at initial concept stage	Having a pre-application meeting prior to lodgement for business development over 450m2 would help reduce staff resources and avoid time issues	?
	Scale of development	RC 13558 & 165169	West Melton Business area	As part of a variation of consent the height of a commercial development was reduced from two storey to one storey. The height reduction was considered a reduced 'scale' of development and was granted subsequently	A reduction in scale is difficult to interpret and can have different implications; reduction in height in this case meant losing character and variation within the façade; it also meant that the development is not able to	Processors need to be made aware- upskilling might be required Requirement for UD assessment

				without any further UD assessment.	increase in density in the future, which ultimately is underutilising valuable land	needs to be also for a variation of consent where scale is reduced
	Extension of Resource Consents	RC 115120 (original consent) RC 155389 (extension)	Pak'n Save Rolleston (NW at the moment)	Pak'n' Save has applied for another extension to their consent, which seeks to replace the current New World supermarket with a larger Pak'n Save supermarket in varied location.	Plans get fixed in the past' as 'place holders' that don't need to adhere to newer/updated regulations; Multiple/ Unlimited extensions of a consent for a significant development within the town centre creates difficulty in terms of achieving good planning outcomes; when built these areas follow outdated principles and can be contrary to the rest of the town centre	Limit time and/or amount a consent can be extended after which it should become a variation which would have to take into account latest provisions
	Plan interpretation/ Conditions of consent	RC 155561	Southpoint Faringdon	Air conditioning plant is mounted on roof top in a way that is visually affecting the streetscene ; plant is part of the assessment matters under 16.10 (restricted discretionary); provided plans showed plant in site and elevation plan but not in text- from the provided plans it is hard to determine if panel in front of plant or not; no condition to that effect; Colour in architectural drawings don't match colour in the flesh, although description states the correct colour	If plans and conditions don't work together monitoring a non-compliance becomes unachievable; monitoring couldn't use plans for enforcing non-compliance; If plan and text don't have the same outcome	Introduce note on consent that text and plans need to match and that either or can be used for enforcement.

BS203 Interfaces between business and non-business zones, and urban design in town centres – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- The Selwyn District Plan Review includes an assessment of how best to manage:
 - urban design in town centres which are business zoned; and
 - the interface between business and non-business zones. In particular the review looked at how to best manage the interface between sensitive residential and rural areas and both commercial and industrial areas (Business 1 Zone and Business 2 Zone) when they aren't separated by a road, rail corridor or recreation reserve. The latter is the predominant situation in the district's townships.
- Types of adverse effects of commercial activities, such as retailing, offices, food and beverage outlets, which can impact on the surrounding residential areas include noise, odour, lighting and glare, loss of privacy/outlook/sunlight and traffic and parking.
- Industrial activities can be a cause of similar adverse effects as commercial activities, although some can be of a larger scale, for example because of the size of building and heavy vehicle movements.

Current status

- It appears that activities in business zones are generally well run and don't generate unacceptable effects beyond their site boundaries, and that residents next to a business zone boundary expect a certain degree of adverse effects.
- Key rules that manage business activities next to residential zones include:
 - building bulk and location standards, such as recession planes, maximum height and boundary setbacks,
 - other district-wide rules such as noise, glare, transport, parking and signage,
 - activity controls such as keeping of animals and outdoor storage.
- Urban design within business zoned town centres is currently managed through standards (eg how many buildings can be built), activity controls (eg verandah requirements and restrictions on security shutters) and qualitative urban design assessments (eg the layout and functioning of the site).
- Key issues include:
 - Lack of a clear definition of 'public space';
 - Active frontages being located behind car parking areas and sites being dominated by car parks;
 - Lack of principles and guidance on how the style of buildings fit into district context; and
 - interface with other zones in terms of visual integration not being adequately addressed.

About preferred option

- It's been determined that while the current District Plan's provisions have been generally effective for management of interfaces between business and non-business zones as well as urban design in town centres, making some minor amendments to address identified issues would make it more effective.

Interface between business and non-business zones

- Key draft changes include amending certain standards to improve the amenity along the business zones boundaries:
 - for commercial zone activities (B1):
 - having a minimum three metre building setback when opposite residential zones (opposed to currently not having a setback in most of B1 zones),
 - further landscaping required between the building and road,
 - having the building located at the front of the site (rather than car parking being at the front of the site).
 - for industrial zone activities (B2):
 - having a minimum three metre building setback when opposite residential zones (opposed to current two metres setback),
 - further landscaping required next to residential or rural zone boundary,
 - removing the recession plane rule.
 - Simplifying building bulk and location rules to ensure consistency across all business zones and make it easier for plan users to understand what's required.

Urban design in town centres

- Key draft changes are aimed at achieving high quality urban design within town centres through providing greater clarity and certainty:
 - Considering whether trade and yard-based retailers should still be permitted within the commercial zone (B1).
 - Amending car parking related rules to reduce car parking (this will need to be considered alongside the new car parking strategy that is currently being developed).
 - Amending standards such as how the site facing the public realm is developed.
 - Keeping the controlled activity status for new developments within key activity centres but introducing standards that ensure minimum urban design is addressed.

Audiences¹

Internal	Partners	Key stakeholders	Landowners /occupiers	General public
DPC	ECan	Township committees and residents associations	In particular those business landowners whose land adjoins rural or residential zoned land.	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Business associations/networks, such as Selwyn Business Group		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	<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>

¹ "...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]

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development						
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-July DPC	July	August ²	
ECan			Preferred option report is shared and feedback sought	
Rūnanga			Preferred option report is shared and feedback sought	
Key stakeholders			[will be consulted at the time of general public consultation]	
Landowners/occupiers			[will be consulted at the time of general public consultation]	
General public			Public consultation as part of business matters	
DPC		Preferred option report goes to DPC for endorsement		

² This plan covers period until public pre-notification consultation on preferred options starts.

8. Preferred Option Report and Communications and Engagement Summary Plan – Business in Small Settlements

Author:	Matt Bonis (Planz) & Jessica Tuilaepa (Senior Strategy & Policy Planner)
Contact:	3472 974 (Jessica)

Purpose

To brief the Committee on the Preferred Option Report for 'Business in Small Settlements', which considers mechanisms for recognising and providing for existing business activities within the small settlements of Arthur's Pass, Doyleston, Glentunnel, Hororata, Kirwee, Sheffield/Waddington, Springston, Tai Tapu and Springfield that consist only of Living 1 zones.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Business in Small Settlements' topic.

Recommendations

"That the Committee notes the report."

"That the Committee endorses the Preferred Option for 'Business in Small Settlements' for further development and engagement."

"That the Committee notes the summary plan."

Attachments

'Preferred Option Report for Business in Small Settlements'

'Business in small settlements – communications and engagement summary plan'

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE:	25 July 2018, Agenda DPC Meeting
TOPIC NAME:	Business, BS201 Small Settlements
SCOPE DESCRIPTION:	Business in Small Settlements – Preferred Options Report
TOPIC LEAD:	Jessica Tuilaepa
PREPARED BY:	Matt Bonis (Planz Consultants Ltd)

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p><i>Selwyn's small settlements contain a number of legacy business activities (commercial and industrial) that are zoned residential (Living 1). That approach makes it difficult to recognise and provide for employment and commercial wellbeing in small settlements, manage adverse effects at the interface with residential activity, and provide for enablement as required by the Canterbury Regional Policy Statement (2013). The approach undertaken in this report has been to:</i></p> <ol style="list-style-type: none"> <i>1. Identify (survey) the range of existing business activities undertaken within small settlements.</i> <i>2. Identify the statutory approach (CRPS2013, Selwyn 2031 and Area Plans) as to the enablement of economic activity within small settlements.</i> <i>3. Recognise that proposed District Plan will be more directive compared to the operative plan regarding business activity in smaller settlements (as zoned Living 1).</i> <i>4. Recognise and provide for surveyed business in small settlements, and consider options for recognition (from reliance on s10 existing use rights to zoning).</i> <i>5. Provide a framework (Objectives, policies, rules and methods (as an overlay)) for the recognition and provision of existing business activities in small settlements.</i>
<i>Preferred Option</i>	<i>That business activities (industry and commercial activities) are identified as an 'overlay' for small settlements, with a clear framework to enable activities and manage adverse effects.</i>
<i>DPC Decision</i>	<i>That the Preferred Option for Business activities in small settlements is endorsed, as subject to iterations to ensure consistency with overall proposed Plan framework and related provisions.</i>

1.0 Introduction

The Small Settlement Business Activity Report (BS001) sought to identify (through surveying and mapping) within Selwyn's small settlements the existing range of activities that had a business (commercial or industrial) component. These activities have an underlying Living 1 zone under the operative District Plan. The small settlements are:

Arthurs Pass	Doyleston	Glentunnel
Hororata	Kirwee	Sheffield / Waddington
Springston	Tai Tapu	Springfield

The business activities surveyed represent considerable investment and physical infrastructure associated with non-residential activities in these small settlements. Typically, they provide employment and social well-being to their communities of interest, as well as goods and services to passing trade.

BS001 reviewed the higher order planning documents for the District including the Canterbury Regional Policy Statement (**CRPS2013**), the Selwyn Growth Management Strategy - 2031 (**Selwyn2031**) and the Ellesmere and Malvern Area Plans (2016) (**Area Plans**). The provisions of these documents seek to provide for business activities as appropriate. Small settlements should provide economic diversity and opportunity, subject to the scale and limited growth of small settlements.

The operative Selwyn District Plan provides an inconsistent picture in terms of the provisions of these activities. At a policy level the Plan seeks to be relatively enabling of business activities, but the rule provisions restrict business opportunities, even at modest levels, such as those surveyed. This creates uncertainty for those existing businesses, adjoining residential landowners, and results in an operative District Plan where the rule provisions do not consistently *implement* the relevant policies and objectives, or indeed the operative Canterbury Regional Policy Statement (2013).

The approach renders the activities surveyed in BS001 as non-compliant and reliant on establishing s10 existing use rights.

BS001 recommended the application of a plan overlay (or notation) to relevant surveyed business activities to recognise and enable these activities, subject to provisions to manage adverse effects.

BS201 provides a more detailed analysis of the sites surveyed, including cross referencing to the Council's resource consent and rating database. BS201 sets out a preferred option for overlays to be applied to legacy business activities for the recognition and management of activities and provides some potential indicative provisions and a structure. The approach also finds support within the draft National Planning Standards which identifies 'overlays' as a preferable planning mechanism to recognise and provide for distinguishable land use activities located within a more cohesive zone.

2.0 Statement of Operative District Plan approach

The current plan provisions were notified in the Township Volume of the operative District Plan (**the operative plan**) in 2001.

The operative plan largely directs commercial activities to the Business 1 (town centre) zonings, and Industrial activities to the Business 2 zoning, or its variants.

Neighbourhood and Local Centres are enabled in the District Plan to provide for convenience shopping in discrete greenfield locations in Rolleston and Lincoln. These commercial developments retain a Living Z zoning but are subject to the Business 1 zone provisions of the District Plan.

For small settlements, there are neither Business 1 or Business 2 zonings (except for two spot B2 zonings in Doyleston). A Living 1 zoning is applied, inclusive of legacy business activities operating within these townships.

The operative plan policies (but not the rules) generally recognise and provide for any activities in the Living 1 zone where these retain residential character. However, the rules themselves largely render the activities identified in the BS001 survey as non-compliant.

Based on the surveys undertaken, the key provisions that restrict such business activities relate to the scale of the activity¹, particularly the limitation above two full time equivalent staff and limitations on vehicle movements generated from the activity. Based on the survey it is important to acknowledge that there is a wide range of activities that are undertaken within the small settlements from an underlying residential zone ranging from Public Houses, to General Stores & Cafes, to Service Stations, to Industrial workshops.

Accordingly, the provision of Business activities in the small settlements are beset with considerable uncertainty. Whilst the operative plan provisions on their face seek to provide for any activity in the Living 1 zone based on their effects (Policy B3.4.2), remaining policies and the rules essentially require that business activities rely on existing use rights or resource consents.

In other words, the operative plan neither provides for such uses with any degree of protection, nor provides flexibility in terms of enabling these activities outside of their section 10 existing use rights (where these could be established). Another workstream is considering the extent by which the residential zoning provisions should be flexible in providing for ancillary activities, such as home occupations.

BS001 considered as an option a more permissive residential zoned approach (policies, rules and methods for a range of business activities) for a zone regime that would both recognise, and provide for business activities in the small settlement, that is extending beyond existing legacy business activities. The report concluded that:

¹ Rule CZ10.8.1.1 and CZ10.8.1.3

“Striking a balance between enabling business activities and retaining amenity controls across the residential zone is fraught where applied to all business activities. Resultant provisions would tend to be complex in order to ensure appropriate activities are enabled, and yet environmental effects managed”.

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

There is no specific legislation that relates to these matters. Aspects associated with specific nuisance provisions (such as noise (NZS6802:2008), light (AS1997:4282), signage (advertising standards authority) or transport (LTMA2003) are discussed within those relevant Preferred Option Reports, and will be utilised in cementing final provisions.

Accordingly, the legal tests for establishing plan provisions for business activities in small settlements are as set out in *Colonial Vineyard vs Marlborough District Council*² and can be summarised as follows:

Where the provisions:

- (i) Accord and assist the Council in carrying out its functions and achieve the purpose of the RMA (s74(1));
- (ii) Accord with Part 2 of the RMA (s74(1)(b));
- (iii) Give effect to the regional policy statement (s75(3)(c));
- (iv) Give effect to a national policy statement (s75(3)(a));
- (v) Have regard to the actual or potential effects on the environment, including in particular any adverse effect (s76(3));
- (vi) Are the most appropriate method for achieving the objectives and policies of the plan, having regard to their efficiency and effectiveness and taking into account:
 - (a) The benefits and costs of the proposed policies and methods, including rules;
 - (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods (s32(4)).

In this instance:

National Policy Statements (s75(3)(a)): None are directly relevant to this topic.

National Environmental Standards (s43B): None are directly relevant to this topic.

Canterbury Regional Policy Statement (s75(3)(c)): The small settlements are split between Greater Christchurch (Chapter 6) and the remainder of the Canterbury Region (Chapter 5). Regardless, the outcomes sought for smaller settlements is to provide for economic diversity and opportunity as commensurate to the scale and limited growth of small settlements and

² [204] NZEnvC, 55, at paragraph [17]

surrounding character, whilst maintaining compact settlement patterns and avoiding conflicts between incompatible activities.

Other Management Plans and Strategies (s74(2)(b)): The Long Term Plan, Selwyn 2031 Growth Strategy and Ellesmere and Malvern Area Plans - Seek the longevity of the small settlements, including economic growth and management, and the ability to sustain some services to the surrounding rural area.

Mahaanui Iwi Management Plan 2013 (s74)(2A): Does not include any directive guidance on business activities in small settlements.

Section 18A of the RMA 1991 (inserted through the RMA Amendment Act 2017) is important in this matter. It requires that district plan processes (and provisions that drive processes) are to be timely, efficient and cost effective and proportionate to the functions being performed, and that plan drafting is clear and concise.

It is noted that the draft National Planning Standards (**the planning standards**) were released in June 2018.

Of relevance to this report, there is no specified approach to the recognition and enablement of business activities within Small Settlements. The approach, is not an easy fit to either application of a 'Low-Density Residential Zone', 'Rural Settlement Zone', 'Neighbourhood Commercial Zone' or 'Light Industrial zone' within the array of zoning options provided at Part 5 – Area Specific Matters of the planning standards.

The planning standards recognise that there are a range of tools that are available to provide for distinctive qualities associated with specific activities which require specific management. Table 24 of the planning standards - 'District plan components of combined plans and district plan spatial planning tools' recognises 'Overlays' as an appropriate mechanism to manage specific attributes within the context of a broadly applied zone³.

Name	Function	Represented by	Location of associated provisions within district plan structure
Overlays	An overlay spatially identifies an area, feature or item that following a district wide assessment has been determined to have distinctive values, environmental risks or factors that require management in a different manner from the underlying zone provisions	Polygons or point data [cc cross reference Mapping Standard]	District wide chapters and may be supported by an associated schedule in schedules chapter

³ Draft National Planning Standards. MfE (June 2018). Page 60.

4.0 Summary of alternative management responses – Other Districts

This is an unorthodox issue; the proposed District Plan is faced with providing an appropriate mechanism for recognising and providing for a range of disparate business (commercial and industrial) activities that are dispersed throughout the small settlements and are subject to a Living 1 zoning. Different approaches are taken within the Region, and further afield.

In Waimakariri District, areas where there are substantial commercial resources are zoned Business 1 (town centre); there are small pockets of shops which are zoned Business 4, but this approach is not applied consistently. Individual commercial activities located in residential areas retain a residential zoning and rely on existing use rights. Industrial areas where agglomerated are zoned Business 2, or where isolated retain their Rural or Residential zoning.

In Hurunui District, larger clusters of commercial activity are zoned Business 1 where an agglomerated pattern of business activities are present (such as Amberley, Cheviot, and Hawarden). Rules in the residential zone, especially as these relate to smaller settlements limit the establishment (or recognition) of business activities.

The Westland District Plan enables commercial activities within the Commercial Core zone, which relates to the town centre of Hokitika. However, existing legacy business activities in the smaller settlements (Kumara, Ross and Haast) are not recognised within the underlying small settlement zone. A tourist zone however provides for commercial infrastructure within settlements such as Franz Josef.

In Taupo District, a recent suite of Plan Changes (2014) applied a policy overlay to local shops, which retain an underlying Residential Environmental zone, and removed restrictions on scale and employees on site. The Plan also introduced a schedule of legacy sites with business or visitor accommodation in the Residential High-Density Environment adjoining the town centre.

5.0 Summary of Options to address Issues

5.1 OPTION 1 – MAINTAIN STATUS QUO

Under this option, the existing provisions and Living 1 zoning would be retained for business activities in the small settlements.

There is no true 'status quo' option, as such. The proposed Selwyn District Plan will be more directive as to the provision of business activities. There will be measurable change in the proposed District Plan in terms of greater limitations on non-residential activities in Living zones.

Effectiveness in Addressing Issue:

The approach would not be effective as the higher order statutory documents seek to enable and facilitate commensurate opportunities for employment and business growth in the District's small settlements. The residential topic is identifying the future zoning of these towns and their

likely provisions, albeit it is likely that these will retain the focus on residential amenity and management and avoidance of incompatible effects. Regardless, the National Planning Standards will mean that the current Living 1 zone provisions will not be retained.

Risks:

The Council could be challenged as to whether reliance on s10 rights are the most appropriate method for recognising existing business resources in small settlements, given the statutory requirements to provide for economic diversity and opportunity.

The Environment Court has expressed some disquiet as to the reliance on existing use rights in setting District Plan provisions:

Arguments about the sameness or similarity of ... character, intensity and scale... can be almost endless, and then there is the equally arguable stipulation that an existing use will not survive if it has been discontinued for a continuous period of more than 12 months after the rule became operative or the proposed plan was notified. [66]⁴

In particular, enquiries into the presence or otherwise of existing use rights can be notoriously complicated and expensive.[44].⁵

Reliance on s10 rights would not be forward looking, and encourage incremental development and uncertainty where existing businesses seek to adapt to changing market conditions.

Budget or Time Implications:

Not adequately recognising and providing for existing small-scale business activities could increase litigation through the notification and submission phase of the District Plan process. It could also result in a more incrementalist approach to management (some activities would be recognised, some would rely on s10 rights), which would increase district plan administration costs.

Stakeholder and Community Interests:

All business developments within small settlements and their associated communities. NZTA for activities fronting the State Highway.

Recommendation:

Do not maintain the status quo.

5.2 OPTION 2 – Scheduling

Scheduling consists of listing the existing business activities in small settlements, and providing for those activities to continue indefinitely.

⁴ Advance Properties Group Ltd et al vs Taupo District Council. NZENVC126.

⁵ Kamo Veterinary Holdings Ltd vs Whangarei DC (A161/2003).

Scheduling can be a legitimate approach in plan drafting but is better utilised where there is either a limited frequency of non-residential activities, or alternatively a limited type of activity which is unlikely to change (i.e. taverns or service stations) that are distributed around a district.

Effectiveness in Addressing Issue:

The approach is partially effective. Scheduling would implement in part the higher order statutory requirements to provide for economic diversity in small settlements. Scheduling would not be applied to business activities that are relatively benign in terms of their environmental effects, and hence would not provide complete coverage of non-residential activities.

Scheduling provides for recognition of existing activities and their environmental effects but does not extend to the future enablement or adaption of business activities on the site.

Risks:

Incomplete coverage of activities to be included in the schedule, and the establishment of criteria as to those that are scheduled.

Budget or Time Implications:

There is a high administration cost to the Council in terms of establishing a complex and prescriptive suite of plan provisions, schedules and policy. Additional costs would be incurred through having to regularly update the schedule to introduce new or amended business activities.

Stakeholder and Community Interests:

As above.

Recommendation:

Do not schedule activities.

5.3 OPTION 3 – Zoning

This approach would apply a base Business zoning to business activities surveyed in BS001. That is a Business 1 zone to commercial activities, and a Business 2 zone to industrial activities. A variant considered in BS001 was the application of a 'Small Settlement' Business zone to recognise application to smaller settlements, the likely scale of such activities and proximity to residential activities.

Effectiveness in Addressing Issue:

The approach is partially effective. A business zoning would implement in part the higher order statutory requirements to provide for economic diversity in small settlements.

The approach would be inefficient as business activities within smaller settlements are highly dispersed and interspaced with residential activity; effectively the method would provide a series

of 'spot zones' throughout the small settlements. Application of micro level zoning would also be difficult given the range of business activities undertaken.

Two sites which are already subject to a Business 2 (industrial) zoning should retain that Business 2 (or equivalent in the proposed District Plan) zoning.

Address	Current Zoning
447 Drain Road: Leech Wood Product and Sawmill, Doyleston	Business 2
8, 10, 12 Railway Terrace: Craigs Seeds, Doyleston	Business 2

Risks:

Incomplete coverage of activities to be included in the zoning, and micro-level spot zoning. Also inconsistent with the National Planning Standards which seek a more uniform and coherent approach to the application of zones.

Budget or Time Implications:

There is a high administration cost to the Council in terms of establishing a complex and prescriptive suite of plan provisions, zones and policy.

Stakeholder and Community Interests:

As above.

Recommendation:

Do not spot zone activities, recognising the application of the more uniform Business 2 (or equivalent provisions) to the two isolated sites identified above.

5.4 OPTION 4 – Policy Overlay

This approach provides a policy overlay (planning map notation) for established business sites identified in BS001 and refined in BS201, whilst retaining a Living 1 zone. Specific policy and rules acknowledge the role and function of the notated business sites in the narrative of the Selwyn 2031 and Area Plans; that is to provide for economic diversity, commensurate to growth and residential amenity.

Effectiveness in Addressing Issue:

The approach is effective. The method implements the higher order statutory documents, and provides certainty to both the landowner and adjacent properties as to the recognition and provision of business activity on the site. Amenity is managed, specifically on adjoining residential

properties through retention of those rules relating to built form and nuisance, but relaxing provisions relating to business activities and scale.

Risks:

Incomplete coverage of activities to be included in the overlay. Reliance on s10 rights retained for the more incongruous effects of existing activities, such as noise and specific landscape provision.

Required consistency and clarity as to the appropriate balance between enabling business activities in the overlay and maintaining amenity.

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 (as provided through BS201), but will reduce the cost of any confusion to plan users caused by the current provisions and will provide greater certainty and community expectations regarding outcomes associated with business activities in small settlements.

Stakeholder and Community Interests:

As above.

Recommendation:

This orthodox approach to plan drafting achieves similar outcomes to scheduling and spot zoning, but is typically more flexible and concise to include in district plans. Recommendation is to adopt this approach or similar.

Due to the wide range of business activities that would be provided for by any Overlay or similar mechanism, the proposed controls would seek to manage the impact of business activities on adjoining Living zone properties. For example, this could be achieved largely through retaining the underlying residential zone provisions, as they relate to matters of **Built Form** (height and recession planes) and **Amenity** (hours of operation, landscaping, outdoor storage and light); but providing for greater flexibility with regard to the following types of matters:

Built Form (site coverage, setbacks);

Scale (removing requirements for employees to be resident on site and scale of non-residential activities, and greater propensity for vehicle generation); and

Amenity (signage, noise)

6.0 Summary of stakeholder engagement

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.

Specific feedback has been received from the Canterbury Regional Council in support of either Option 3 (Zoning) or Option 4 (Policy Overlay).

General feedback has been received from Mahaanui Kurataiao Ltd (MKT) which identifies that they have no issues with the approach recommended.

7.0 Conclusion

There are many legacy business activities that are zoned Living 1 within the District's smaller settlements.

These activities represent considerable investment and physical infrastructure associated with non-residential activities. Typically, they provide employment and social well-being to their communities of interest, as well as goods and services to passing trade.

The operative Selwyn District Plan provides an inconsistent picture in terms of the provisions of these activities. Whilst **Policy B3.4.2** would seek to provide for any activity in the Living zone; the underlying Living 1 zoning coupled with provisions such as Rule 10.8.1 would render the activities surveyed as needing consent. Furthermore, the relevant plan rules would likely restrict any new business activity, despite a policy approach that seeks to enable business activities.

Review of the Selwyn District Council's resource consent database identifies that a number of the surveyed activities have resource consents for specific aspects (such as signage, or extensions of activities). However, most activities are historic and would therefore rely on existing use rights in terms of establishing that they are both lawfully established, and furthermore could be (re)developed in a similar, scale and character to the activities present.

The Environment Court has identified issues as to the reliance on existing use rights, specifically that such endeavours are notoriously complicated and expensive.

The higher order planning hierarchy has changed since the Selwyn Township Volume was notified in 2001. Provisions in the CRPS2013, Selwyn 2031 and the Areas Plans are directive, but also seek to provide for business activities as appropriate, and that for the small settlements, economic diversity and opportunity should be provided commensurate to the scale and limited growth of small settlements.

The proposed Selwyn District Plan will be more directive as to the provision of business activities and limitation of non-residential activities in Living zones. The following consequences in terms of the purpose of BS201 were identified:

- There will be measurable change in the proposed District Plan in terms of greater limitations of non-residential activities in Living zones.
- The higher order statutory documents seek to enable and facilitate commensurate opportunities for employment and business growth in the District's small settlements.
- Therefore, there is a need to provide policy to recognise and provide for business activities within the District's small settlements.
- On the basis that the proposed District Plan will have an 'activities-based' structure, provisions are necessary which provide for the enablement and management of business activities, as related to management of adverse effects at the interface with adjoining properties, at a community level in terms of impacts to a settlement character, and lastly wider strategic effects.

The indicative provisions proposed in BS201 would address the issue of how to recognise and provide for existing business activities within the small settlement Living 1 zones, but similar mechanisms may also be looked at.

Any proposed controls would need to seek to manage the impact of business activities on adjoining Living zone properties.

8.0 Preferred Option for further engagement

The Project Team recommends that Option 4 as outlined in Section 5.4 above is endorsed by Council for further development, recognising that the provisions in the baseline report are indicative-only, rule thresholds will require adjustment, and that similar mechanisms may also be considered.

[illegible]

[Business Activities in Small Settlements \[PDF, 1403 KB\]](#) May 2018

BS201 Business in small settlements – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- As part of Selwyn District Plan Review policies and rules for businesses in the small settlements of Arthur's Pass, Doyleston, Glentunnel, Hororata, Kirwee, Sheffield/Waddington, Springston, Tai Tapu and Springfield have been reviewed.
- There are 22 towns (urban areas) in the Selwyn District, from Prebbleton in the east, to Arthurs Pass in the west. The nine small settlements surveyed have been identified because they already have an existing residential zoning which incorporates several historic business activities. Also these settlements are large enough to support modest commercial and industrial activities. The population in these settlements ranges from 262 (Hororata) to 1,186 (Kirwee).

Current status

- These small settlements have a number of legacy business activities (commercial and industrial) that are zoned residential (except two sites in Doyleston which have business zoning). This approach makes it difficult to recognise, enable and provide for employment and commercial wellbeing in small settlements and manage adverse effects at the interface with residential activity.
- Commercial and industrial activity in smaller settlements tends to be diverse (ranging from local pubs to service industrial workshops), and they are generally reliant on existing use rights. Any changes in the business activity or adverse effects are managed through the resource consent process.
- Key issues include:
 - Ill-defined terms of existing uses, and the associated uncertainty which makes reliance on existing use rights generally inappropriate.
 - Current District Plan doesn't give businesses in small settlements any protection nor is it flexible to allow businesses to be set up outside existing use rights.
 - Restrictive rules related to scale of business activity, in particular maximum staff employed (up to two FTEs) and limits on vehicle movements generated by the activity.

About preferred option

- Aim of draft changes is to develop a more permissive residential zoned approach which would both recognise and provide for businesses in smaller settlements.
- Key draft changes include:
 - establishing a policy overlay ie notation on planning maps, to be applied to existing commercial and industrial activities within the residential zones.
 - developing associated rules which would be:
 - more permissive, for example, by removing the requirement for employees to be residents on site and the type of signage they can use; while on the other hand
 - still control business activities to ensure they don't adversely affect the residential character of the nearby residential properties. For example, through rules such as maximum height of the building and hours of operation.

By applying a policy overlay approach, particular commercial or industrial activities on residentially zoned land can change, for example a tourist operation may be replaced by a food and beverage outlet, so long as the effects on traffic and residential character remain comparable. Or alternatively the land could be used purely for residential uses.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	NZ Transport Agency	N/A	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Relevant township committees		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	High level of interest/ High level of influence ("Manage closely")	High level of interest/ Low level of influence ("Keep informed")	Low level of interest/ high level of influence ("Keep satisfied")	Low level of interest/ Low level of influence ("Watch only")

¹ "...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]

² 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)

³ 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						
Preferred option consultation					[as part of 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-July DPC	July	August ⁴
ECan	Consulted on draft preferred option report		Preferred option report is shared and feedback sought
Rūnanga	Consulted on draft preferred option report		Preferred option report is shared and feedback sought
Key stakeholders			Preferred option report is shared and feedback sought
Landowners/occupiers			[as part of public consultation]
General public			Public consultation as part of business matters
DPC		Preferred option report goes to DPC for endorsement	

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

9. Preferred Option Report and Communications and Engagement Summary Plan – Noise and Vibration

Author:	Vicki Barker & Jeremy Trevathan (Acoustic Engineering Services)
Contact:	021 354366 (Vicki)

Purpose

To brief the Committee on the Preferred Option Report for 'Noise and Vibration', which summarises the findings of both the Noise and Vibration Baseline Reports, including the additional advice received from Acoustic Engineering Services, and recommends a preferred option or approach for further development and engagement.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Noise and Vibration' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for 'Noise and Vibration' for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

'Preferred Option Report for Noise and Vibration'

'Noise and vibration – communications and engagement summary plan'

PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

DATE:	DPC Meeting - 25 July 2018
TOPIC NAME:	Noise and Vibration
SCOPE DESCRIPTION:	Preferred Options Report for Noise (DW005) and Vibration (DW006)
TOPIC LEAD:	Vicki Barker
PREPARED BY:	Vicki Barker based on the Technical Baseline Reports prepared by Acoustic Engineering Services

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p><i>Noise:</i></p> <ul style="list-style-type: none"> - <i>Outdated New Zealand Standards and acoustic parameters;</i> - <i>Day time and night time hours when noise limits apply;</i> - <i>Application of and inconsistency between noise limits;</i> - <i>Noise limits applying to the road and rail corridor;</i> - <i>Noise limits – too restrictive in Living Zone (night time limit); too lenient in Rural Zone (day time limit); and whether existing noise rules for specific activities are appropriate and new rules need to be considered for specific activities;</i> - <i>Management of noise at the interface between zones;</i> - <i>Exemptions;</i> - <i>Reverse Sensitivity provisions;</i> - <i>Policies and Definitions.</i> <p><i>Vibration:</i></p> <ul style="list-style-type: none"> - <i>Outdated provisions and gaps in the provisions.</i>
<i>Preferred Options</i>	<i>That noise and vibration is managed by amended provisions within the Proposed District Plan to enable improved and continued management of noise and vibration as set out in the recommendations in section 7.2 of this report.</i>
<i>Recommendation to DPC</i>	<i>That the Preferred Options and/or approaches for noise and vibration are endorsed for further development (targeted engagement, public consultation, Section 32 and Drafting Phase).</i>

1.0 Introduction

Acoustic Engineering Services (AES) were engaged to deliver Baseline Reports with respect to Noise (DW005) and Vibration (DW006). As the Council's Topic Lead for Noise and Vibration, I have prepared this Preferred Options Report based on and referring to the technical Baseline Reports.

The Noise Baseline Report undertakes a review of the noise provisions within the Selwyn District Plan (the Plan), feedback from Council Officers, the relevant New Zealand Standards pertaining to noise, the noise provisions contained within plans of the adjoining districts as a comparison, and comments on particular provisions. The report arrives at a number of recommendations.

The Vibration Report identifies key vibration sources (State Highway roading construction and operation, electricity transmission construction, temporary military activities, blasting, quarrying and building construction), legislative requirements, recent case studies involving vibration management, reviews the Plan provisions in adjoining Districts, and identifies potential management approaches.

Links to the Noise and Vibration Baseline Reports are contained within **Appendix 1**.

Subsequent to the Baseline Reports, AES were requested to provide additional comment on four particular noise issues in an effort to identify a preferred option or approach, or at least to narrow the issue with respect to:

- Day time and night time hours
- Living Zone night time noise limit
- Rural Zone day time noise limit
- Management of noise at the Business/Rural interface with a particular focus on the Business 2A/Rural Zone interface.

The AES memorandum in response is attached as **Appendix 2** and the findings are discussed in Sections 3.0 and 7.0 below where relevant.

2.0 Statement of Operative District Plan Approach

2.1 Noise Provisions

Noise provisions are contained in both the Township and Rural Volumes of the Selwyn District Plan. In general, noise is controlled by specified noise limits in each zone and activities are permitted if they comply with the limits within specified timeframes (i.e. day time or night time hours). Different limits apply for day time versus night time, with the night time limits being set at a lower level. New Zealand Standards NZS 6801:1999 *Acoustics - Measurement of Environmental Sound* and NZS 6802:1991 *Assessment of Environmental Sound* are referred to in the Plan. The noise limits are expressed as both dBA L_{10} and dBA L_{max} limits across day time and night time hours which are the acoustic parameters referred to in the abovementioned NZ Standards.

There are noise related policies in both Volumes of the Plan. In the Township Volume the focus is on maintaining background sound levels to protect amenity, whereas in the Rural Volume the policies recognise temporary noise associated with short-term seasonal activities as part of the rural environment

and seek to manage the operation of audible bird scaring devices. There are also a number of noise related definitions such as dBA, Decibel (dB), and L_{10}/L_{A10} etc.

2.1.1 Zone Noise Rules

In the Living Zones noise limits apply to all activities except for residential, spiritual or educational (including pre-school) activities and warning devices associated with emergency services facilities (Rule 10.6.1). There is a note to the rule that states that sound levels shall be assessed at any point beyond the boundary of the site from which the source of any noise of interest is situated.

In the Business Zones any activity except residential is permitted if the noise limits are not exceeded within the timeframes specified (Rules 22.4.1 and 22.4.2). The limits and assessment points differ between some zones.

In the Rural Zone noise limits are specified at the boundary of any Living Zone and at the notional boundary of any dwelling, rest home, hospital, or classroom in any educational facility in the Rural Zone, except where these facilities are located within a Living Zone (Rule 9.16).

If the permitted noise limits are not met in all zones, discretionary activity resource consent is required¹.

For reference, a summary of the current limits for each zone are contained within **Appendix 3**.

2.1.2 Activities with Specific Limits

There are a number of activities that have specific noise limits rather than relying on the zone noise limits. Specific limits are provided for:

- Temporary Military Training activities - specific noise limits apply to these activities across the zones and there are exceptions for exhibitions or demonstration military activities up to 4 times a year between specified hours (Rule 9.16.3.5).
- Aircraft movements - 50dBA L_{dn} applies at the notional boundary in the Rural Zone or at the boundary of a Living Zone and there are also limits on flight movements.
- Audible bird scaring devices - limits on overall noise levels and number of events apply.
- Blasting - air blast pressure from blasting on any land or in water shall not exceed a peak sound pressure level of 115dBA at the notional boundary of any dwelling, rest home, hospital or educational facility classroom.
- Powered watercraft - powered watercraft are required to be fitted with mufflers during all movement under power on water and shall not exceed specified limits within specified hours assessed at the notional boundary of any dwelling. There are also exceptions for special events of limited frequency and duration.

2.1.3 Exemptions

As previously mentioned, exemptions are included in the Living Zone noise rule and include residential, spiritual, education activities, and warning devices associated with emergency services facilities.

The Rural Zone noise rules also contain a number of general and other exemptions to the noise limits in an attempt not to capture activities that are either required and/or anticipated as part of the Rural

¹ West Melton Business 1 is the only zone where non-compliance with the standards is a restricted discretionary activity.

environment (Rules 9.16.3 and 9.16.6). Examples include: Activities of a limited duration required by normal primary production activities including agriculture, horticulture, aquaculture, forestry and fishing; warning devices for emergency services; residential activities of a normal domestic nature including recreational activities that do not involve powered motor sport, powered aviation, gunfire or amplified music; noise from any motor vehicle or any mobile machinery (including farm machinery and stationary equipment not fixed to the ground); and any temporary activity which operates between the hours of 0700 and 2100 excluding seasonal harvesting activities.

2.1.4 Reverse sensitivity provisions

CIAL

There are noise provisions within the District Plan relating to Christchurch International Airport Limited (CIAL). In accordance with Rule 3.8.1, new buildings or additions to existing buildings (dwellings, visitor accommodation, community facility, educational facility, retail/office) within the CIAL 55 dBA L_{dn} noise contour are permitted if designed to meet specific internal noise levels (listed in Appendix 20 of the Rural Volume). If these levels are not met, non-complying activity resource consent is required. The CIAL noise contour is shown on the planning maps and covers approximately 20 rural properties within Selwyn. There are also policies (but no rules) associated with a 50dBA contour; i.e. residential development should be avoided and there should be a limitation on residential density within the contour.

NZTA

The Plan includes a number of rules to manage reverse sensitivity noise effects from State Highways 1, 73 and 77 including: buffer areas² (20-80 metres depending on zone); effects areas³ (80-100m); and internal noise levels. There are also other specific rules such as for Outline Development Plan Areas adjacent to State Highways which require bunds along the State Highway and a setback.

2.2 Vibration Provisions

There are very few provisions within the Plan that manage vibration. In the Township and Rural Volumes there is a single policy: *Avoid, remedy or mitigate adverse effects caused by excessive or prolonged vibration*. The rules in the Rural Volume include:

- Vibration from any site due to blasting shall not exceed a peak particle velocity limit at the notional boundary of a sensitive activity, and noise vibration as a result of blasting is to comply with AS 2187.2-1993 Explosives - Storage, Transport and Use, Part 2 Use of Explosives, and ANZECC guidelines (Rules 9.16.4.1 and 19.17.1.1);
- Vibration from any other activity except for blasting is to comply with NZS 2631: 1985-89 Parts 1-3 (Rule 19.17.1.2).

² A buffer area is an area adjacent to a State Highway where new or altered sensitive activities should ideally be avoided.

³ An effects area is an area near the State Highway where new or altered sensitive activities should be assessed and treated as necessary to mitigate effects from the State Highway.

3.0 Issues

3.1 Noise Issues

3.1.1 Reference to Outdated New Zealand Noise Standards and acoustic parameters, and the New Zealand Construction Standard is not addressed

(a) *Outdated Standards*

The Plan currently refers to NZS 6801:1999 *Acoustics - Measurement of Environmental Sound* and NZS 6802:1991 *Assessment of Environmental Sound*. NZS6801 contains procedures for measuring sound and defines basic quantities used for the description of sound. NZS6802 outlines procedures for assessing noise for compliance with noise limits and provides guidance for setting limits and protecting health and amenity. Both of these standards have been superseded by updated 2008 versions and therefore the Plan references to the 1991 and 1999 versions of these NZ Standards are out of date. AES consider that referencing the 2008 versions of the NZ Standards would improve the robustness of the Plan.

(b) *Acoustic parameters*

The noise rules currently refer to the acoustic parameter L_{A10} . L_{A10} only measures sound which occurs for 10% of a measurement period which can result in brief high-level noise not being captured. The updated NZS 6802 and International Guidelines adopt L_{Aeq} as the primary parameter for assessing noise.

(c) *Construction noise*

Currently there is no reference to the NZ Construction Noise Standard in the Plan (NZS6803:1999 *Acoustics - Construction Noise*) or any construction noise limits. NZS6803 contains procedures for the measurements and prediction of noise from construction, maintenance and demolition work, and provides guidance on the levels of acceptability. NZS6803 also provides potential methods for noise reduction and includes a database of sound levels from various construction activities. This standard is routinely referred to in other District Plans including Christchurch and Ashburton and provides clear guidance to measure and predict construction noise, which is a current gap in the Plan. Council staff currently use NZS6803 as a reference and find it useful.

3.1.2 Day time and night time hours

Currently the day time period when the noise limits apply in Selwyn District is 0730 to 2000 hours and the night time period is 2000 to 0730 hours. This is an early night time onset and a subsequently longer night time period than in most Districts, including Christchurch and Ashburton. The onset of the 0730 hours rather than 0700 hours is also uncommon. These hours are also inconsistent with NZS 6802 (0700-2200 hours day time and 2200-0700 hours night time).

If amended to align with NZS 6802 and Christchurch and Ashburton District Plans, less stringent noise limits would apply between 0700-0730 and 2000-2200 and there could be an associated reduction in amenity protection during these periods compared to existing. However, it is considered there is no compelling reason why any activity including residential would need amenity protection during these shoulder periods over and above what is anticipated by the NZS6802 and other District's rules.

3.1.3 Application of and inconsistency of noise limits

Noise limits in Selwyn are determined by the site generating the noise rather than the site receiving the noise. This is an unusual approach and is at odds with other Districts which apply the noise limits of the receiving zone at the boundary of receiving sites.

For example, in the Rural Zone there is control for noise when received at a Living Zone boundary of 55 dBA day time and 40 dBA night time. This limit is more permissive than the Living Zone limits of 50 dBA day time and 35 dBA night time. Another key example is the difference in the limit which applies at a dwelling in the rural zone when this noise is received from a Rural zone or a Business zone. This approach is overly complicated and the resulting inconsistency is not justified. Further consideration should be given to changing the approach to allow the noise rules to be simplified and made consistent.

This issue also affects the way the interface between zones is managed which is currently a cause of complaint in the District (and relates to the interface management issue in 3.1.6 below).

3.1.4 Noise limits applying to the road and rail corridor

Currently roads in the District Plan are zoned in accordance with the zoning of the sites they adjoin or intersect. This means that the zone noise limits technically apply at the common boundary between a noise sensitive site and a road corridor (note that State Highways are designated where noise is managed as part of the designated activity). There is little practical benefit in having a noise limit which applies at a location which is not noise sensitive as it can lead to issues with compliance, for example where traffic crossing from a driveway onto a road will not comply with any practical L_{Aeq} limit as this noise occurs right to the boundary.

Subsequent to the AES Baseline Noise Report, an additional issue that has come to Council's attention is that of noise associated with rail outside of the designated rail corridor such as rail sidings which serve industrial sites (rail corridors are designated within the District and noise is permitted as part of the designated activity). It is understood that the noise from trains moving on rail sidings is exempt from noise rules by virtue of section 326 of the RMA, however noise generated when loading and unloading would need to comply with the zone noise rules, which is not clearly anticipated by or provided for in the rules currently.

3.1.5 Noise limits

(a) *Restrictive Living Zone night time noise limit*

In the Living Zones, the Plan sets a night time noise limit of 35dB L_{A10} . This limit is considered restrictive when compared with the Christchurch and Ashburton District Plans and the World Health Organisation (WHO) Guidelines. NZS6802:2008 and the WHO guidelines recommend a guideline of 45 dBA L_{eq} to allow occupants to sleep with windows open. Furthermore, Council staff noted that the ambient noise level is often higher than 35dBA which makes it difficult to state whether the noise source itself exceeds the limit.

(b) *Lenient Rural Zone day time noise limit*

The Rural day time noise limit in the Plan of 60 dBA is higher and more lenient than the limit in all of the other neighbouring District's, the limit recommended by NZS6802, and WHO Guidelines.

The current high rural daytime noise limit appears to be related to the general view the Plan takes that the rural area is primarily for rural production⁴ and any residential use is of secondary importance. AES consider that the current limit would not generally be considered adequate to protect outdoor living spaces and that if greater protection of outdoor amenity at dwellings in the Rural Zone is important a lower notional boundary limit should be adopted. In this instance AES recommend a 55 dBA limit in preference to 50 dBA as it still provides a reasonable level of protection in line with the limits outlined in NZS 6802:2008 and the WHO guidelines. However, 50dBA would provide a higher level of protection for dwellings (Option 2 in the AES memo in **Appendix 2**).

(c) Living Zone LAF_{max} limit

All Council's have a night-time noise exposure maximum noise limit (LAF_{max}) which NZS6802 states should be applied to protect the majority of people being woken during the night. The Selwyn night time limit of 70 dBA is not consistent with the 65 dBA limit the other councils have applied, or the 75 dBA limit recommended by NZS6802. The guidance also recommends that a day time LAF_{max} limit not be applied, which Selwyn currently does (Christchurch has followed the guideline and does not have a daytime LAF_{max} limit).

(d) Limits for specific activities

The Plan contains noise rules for specific activities which are known to generate high levels of noise and therefore require specific management beyond the zone noise provisions. Issues have been identified with the effectiveness of these existing rules and gaps have been identified where there are currently no specific noise provisions for particular activities. Existing rules that need to be reviewed and amended include:

Temporary Military Training Activities (TMTA) - NZDF has two designated facilities in the District: the West Melton Rifle Range and the Burnham Camp, where noise emissions are dealt with through the existing designations. NZDF are seeking specific provisions for noise generated by TMTA outside of these designated sites. NZDF are proposing separation distances from sensitive receivers and specific noise standards. TMTA provisions were recently incorporated in the Christchurch District Plan which are a useful starting point and NZDF is willing to work with the Council to develop provisions, including providing noise assessments to support their position.

Powered motor craft - The surrounding District's do not have such a rule and therefore the appropriateness of retaining the rule in the Rural Zone needs to be considered further.

Audible bird scaring devices - There are specific rules within the Plan which limit noise from audible bird scaring devices such as gas guns, which includes an overall noise limit and a limitation on the number of events. Council officers have noted that it is difficult to determine how the restriction on the number of events should apply, i.e. on large sites does this only apply to a certain portion of the site, and how does it apply if one property is affected by a number of different sources?

Aircraft - Given the more prevalent use of helicopters within the District in particular, the current aircraft noise rules need to be reviewed and revised (the Airfields Topic has also noted the need for review).

⁴ Objectives B3.4.1 and B3.4.2 in the Selwyn District Plan recognise the Rural Zone principally as a business rather than a residential area.

There are currently no specific rules in the Plan to manage noise from rifle ranges, quarrying (gravel or hard rock quarrying), and frost fans. The Community & Recreation Baseline Report also identified noise from motor sport as a potential issue. Further consideration needs to be given to whether specific noise rules should be developed for these activities (and any other activities subsequently identified).

3.1.6 Management of noise at the Interface between Zones

A particular issue for the Council is to effectively manage noise between incompatible activities/zones and the reverse sensitivity effects which can result.

The Business/Rural interface has been identified as a particular issue in Selwyn, especially where the Business 2A Zone (which includes IZone, IPort and the Inland Port) adjoins rural land. Noise from industrial or business premises can be a dominant source of noise for residential and other noise-sensitive activities, especially at night. Reverse sensitivity⁵ issues can also arise when noise-sensitive land uses (such as residential activities) move close to established commercial areas or infrastructural assets such as ports.

The current limits which apply to activities within Business Zones include:

Zone	Day time limit	Night time limit	Location where limit applies
Business 1A, 2, 2B & 3	55	40	Notional boundary of rural dwelling
Business 2A	60	40	Boundary of rural zone
Business 1, West Melton	50	35	Notional boundary of rural zone

Aside from the different limits, there is a clear anomaly in the Business 2A zone in terms of the location where the noise limits apply - in the Business 2A zone there is a boundary limit only and no notional boundary noise limit.

AES were requested to provide further advice on this matter with a particular focus on the Business 2, 2A and 2B zones where they adjoin the Rural Zone and how noise should be managed (AES Memo in **Appendix 2**). Assuming rural land adjoining Business which is undeveloped is suitable for future noise sensitive development and should be afforded protection, a boundary limit in combination with a notional boundary limit is a potential approach (Option 2 in the AES memo in **Appendix 2**). If not, then a notional boundary limit would be reasonable.

A boundary limit only is the least preferred option. While a boundary limit would constrain noise to the Zone boundary and generally result in lower levels of noise being received at dwellings within Rural land it can also be unduly constraining for industry if the limit is set too low and a dwelling is distant from the common site boundary. For example, the current night time noise limit of 40dba for the Business 2A Zone is restrictive for industrial activity and may restrict the types of activities which can occur around the fringes of the Industrial zone (i.e. effectively uses some of the business land as a 'buffer').

⁵ 'Reverse sensitivity' is the effect that development of one kind may have on activities already occurring in an area.

AES also recommend that the level of noise permitted at the Business/Rural interface is consistent with the level permitted in the Rural Zone from rural activities.

Further to the AES Baseline Report, there is also a range of other measures available to manage noise and/or reverse sensitivity effects between incompatible activities. Examples include:

- Requiring specific buffer zones between noise sensitive activities such as residential and commercial (it is of note that the noise limits themselves and where they apply can also have the effect of achieving buffer areas)
- Placing restrictions on dwelling numbers and density within specified areas
- Requiring acoustic insulation of new buildings, or retrofitting insulation into buildings being converted to residential use
- The use of noise barriers between activities
- Noise Management Plans

How this issue is managed needs further consideration during the next phase of the review in consultation with key affected land owners, stakeholders and the public to ensure a consistent approach and a consistent set of provisions is achieved.

3.1.7 Exemptions

In the Living Zones the noise limits do not apply to residential, spiritual or education activities. The Plan definitions do not always make it clear what these activities include and Council officers have noted this is a matter often open to interpretation for each noise source. For example, any and all activities including heat pump units and the use of chainsaws which occur on a residential property can be considered as normal domestic activity and exempt from the noise rules. Council instead needs to rely on section 16 of the RMA and whether “unreasonable” noise is generated, rather than whether noise limits are met or not.

In the Rural Zone there are a number of activities that are exempt from the noise limits, which are often the source of complaints such as trucks starting and idling and mobile machinery.

Noise from temporary activities is excluded from the Rural Volume noise limits if certain events occur infrequently with no other provisos. The appropriateness of such a blanket exemption needs to be considered further and whether limitations on temporary activities should be applied like in Christchurch and Ashburton.

3.1.8 Other Reverse Sensitivity Provisions

(a) *Residential Development within Business Zones*

If it is proposed to allow residential development within Business Zones, then methods to prevent reverse sensitivity issues need to be considered. For example, if residential development is allowed in business areas (i.e. mixed-use development in Town Centres), reverse sensitivity provisions should be included for any new dwellings where the night time noise limit is above 45dBA L_{Aeq} .

(b) *Christchurch International Airport Limited (CIAL)*

The noise limits in Appendix 20 of the Rural Volume of the Plan that apply within the CIAL noise contour boundaries are consistent with the Christchurch and Waimakariri Plans which are also affected by the contour. The Christchurch Plan also includes a statement about testing if required by the Council in accordance with ISO 16283-3:2016. Waimakariri has no such testing requirement.

Appendix 20 currently refers to testing of the façade of the dwelling if required in accordance with ISO140-5 or ASTM E336-97. ISO 140-5 has been withdrawn and replaced with ISO 16283-3:2016 referenced in the Christchurch Plan, and ASTM E336-97 is not considered applicable. Therefore, if such a rule for testing is to be maintained it would need to be updated to reference the appropriate standards. AES also consider that such testing may be difficult to carry out in practice and an alternative approach could be considered. Overall, the testing requirement needs to be considered further in liaison with CIAL and updated and/or amended.

(c) New Zealand Transport Agency (NZTA)

The current Plan rules in relation to traffic noise reverse sensitivity effects (i.e. buffers from the state highways where new or sensitive activities should be avoided, and internal noise levels for dwellings) are based on 2007 guidance from NZTA which has been superseded by 2015 guidance⁶. The key changes as a result of the 2015 Guidelines includes how the extent of buffer and effects areas are calculated and revisions to internal noise level requirements. It would be good practice for any specific noise rules within the Plan to be consistent with this guidance where considered appropriate. Any review will also need to consider if the areas where such rules are applied are still appropriate, how to account for bunds or other physical mitigation, whether the setbacks are appropriate and should be shown on the maps, and to address current inconsistencies between Volumes.

3.1.9 Policies & Definitions

The policies will need comprehensive review to ensure they are well aligned with the rules and the terminology is effective and does not repeat rules. i.e. the CIAL related policies.

The noise related definitions will require comprehensive review in line with the updated New Zealand Standards, the National Planning Standards, and to ensure inconsistency is removed and the definitions are clear and concise.

3.2 Vibration Issue

3.2.1 Need to update outdated provisions and address gaps

Currently the Plan has a general policy and a rule relating to vibration from blasting and vibration from other activities needing to comply with outdated standards and references, i.e. AS2187.2-1993 has been superseded, the ANZECC guidelines are over 25 years old and NZS2631:1985-89 has been withdrawn. Methods to manage vibration effects need to be considered further in relation to:

- The operation of road and rail networks (outside the rail designations)
- Construction/demolition activities such as drilling, pile driving and blasting
- Common industrial activities including quarrying and mining, especially where rock breaking and blasting is involved.

Vibration can affect people and result in structural or cosmetic damage to buildings. There are no NZ Vibration Standards but there are a number of International Standards available to provide guidance on managing effects in relation to state highway construction and building standards; state highway operation; electricity transmission construction (building damage); blasting; quarrying; and temporary

⁶ *Guide to the management of effects on noise sensitive land use near to the state highway network, NZTA, September 2015.*

military activities. For example, the German Standard DIN 4150.3:1999 provides vibration levels and is commonly used as a guide in other Plans to manage effects on buildings. However, standards are not always appropriate as in some instances determining compliance with standards is difficult in practical terms, and if compliance is not achieved after an activity is established remedial measures can be limited.

In the majority of cases, where the noise effects of a particular source are managed to an acceptable level, the vibration effects will also inherently be managed. Furthermore, controls such as setbacks can manage vibration effects such as from the operation of state highways (and busy arterial roads) and may be a more practical control than a specific vibration limit.

4.0 Summary of relevant statutory and/or policy context

The Ministry for the Environment Draft National Planning Standards were released on 7 June 2018. The Draft Standards propose standard definitions for ‘noise’ and ‘notional boundary’ and include a mandatory direction that any plan rule to manage an emission of noise must be consistent with the noise measurement methods contained in the New Zealand Standards listed in Table 30: Acoustic New Zealand Standards. The Standards include:

- New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound
- New Zealand Standard 6802:2008 Acoustics - Environmental noise
- New Zealand Standard 6803:1999 Acoustics - Construction noise
- New Zealand Standard 6805:1992 Airport noise management and land use planning - measurement only
- New Zealand Standard 6806:2010 Acoustics - Road-traffic noise - New and altered roads
- New Zealand Standard 6808:2010 Acoustics - Wind farm noise New Zealand Standard 6809:1999 Acoustics - Port noise management and land use planning

Furthermore, it is proposed to be mandatory that any plan rule to manage an emission of noise must be consistent with sections 6 and 7 of the New Zealand Standard 6802:2008 Acoustics – Environmental Noise. These sections describe a method for comparing a measured noise level to an applicable noise limit including adjustments for the type of noise and its duration.

With respect to vibration, the Draft Standard has a mandatory requirement that any plan rule to manage damage to structures from construction vibration must be consistent with peak particle velocity (ppv) limits in Tables 1, 2 and 3 in DIN 4150-3 (1999) Vibrations in buildings – Part 3: Effects on structures.

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

The National Environmental Standard for Telecommunication Facilities 2016 (NESTF) covers noise limits for cabinets both within and outside road reserve and sets different limits for each location. The AES review found that the noise limits outlined in the NESTF are of a similar level to the general noise limits in the District Plan and NZS 6802 and therefore the application of the NESTF rules in practice are not expected to be problematic. Alignment with the NESTF will need to be considered further during the drafting phase.

The National Environmental Standard for Telecommunication Activities 2009 (NESET) references noise in relation to construction activity relating to an existing transmission line and therefore is very limited in

application. Such activity is permitted if it complies with NZS 6803:1999 *Acoustics - Construction Noise*. A rule within the Plan requiring general construction activity to comply with NZS 6803:1999 would cover this specific requirement.

The Canterbury Regional Policy Statement (CRPS) was not required to be considered as part of the Baseline Reports.

The Mahaanui Iwi Management Plan 2013 was reviewed and does not contain any particular policy direction or provisions concerning noise management. Feedback from Mahaanui Kurataio Ltd confirms this.

5.0 Summary of Approaches in other Districts

The Christchurch, Ashburton, Hurunui and Waimakariri District Plans were reviewed by AES to understand the approaches used to manage noise and vibration. With respect to noise, the three key zones present in each District were analysed - Residential/Living, Rural and Business/Industrial. The focus of this summary is on the Christchurch and Ashburton District Plans given these are the two recently updated District Plans (2018 and 2014 respectively).

The key comparisons are outlined below and further summary detail is contained within **Appendix 4**.

General observations include:

- The Christchurch and Ashburton Plans both reference the current 2008 New Zealand Standards (NZS 6801:2008 and NZS 6802:2008) and use L_{Aeq} as the main noise parameter.
- The day time and night time hours when noise limits apply differ between Selwyn and the two other councils. Both NZS 6802 and the WHO guidelines suggest there should be a total of 16 hours of daytime. Selwyn only has 12.5 hours of daytime compared to Christchurch and Ashburton's 15 hours.
- A key difference is that the other plans apply the noise limits of the receiving zone at the boundary of receiving sites; however, within Selwyn the noise limits that apply at any point beyond the boundary of the site are those of where the noise is generated.

Other key observations and/or differences between Selwyn, and Christchurch and Ashburton include:

- Residential/Living Zones: Night time noise limits are 40 L_{Aeq}/L_{A10} in Christchurch and Ashburton. The Selwyn night time noise limit of 35 $dBAL_{10}$ is more restrictive than the two other councils.
- Rural Zones: The day time noise limit in Selwyn of 60dBA at the notional boundary is higher than Christchurch and Ashburton which have a limit of 50.
- Business/Industrial Zones: In Selwyn additional limits are applied for noise received at Living Zones or notional boundaries in Rural Zones which differ from the limits which apply between Living or Rural zone properties. In other Districts typically, the noise limits of the receiving zone apply at the boundary of the receiving site.
- DIN 4150.3:1999 Structural Vibration has been adopted as a relevant guideline for earthworks vibration in Christchurch (and Waimakariri). The NZTA vibration limits for major roading projects are also derived from this standard and is therefore commonly used in Canterbury.

6.0 Summary of stakeholder engagement during drafting of the Baseline and Preferred Options Report

Stakeholder engagement was undertaken with representatives from NZDF during the drafting of the Baseline Report as NZDF are seeking particular provisions relating to TMTA. Mahaanui Kurataiao Ltd were provided with a copy of the draft Baseline Report but had no comments.

No other stakeholders were engaged with during the drafting of the Baseline Report in the interests of efficiency and given the opportunity for engagement at this Preferred Options Report stage and subsequent drafting stages of the District Plan Review. To initiate wider engagement and enable the feedback to be captured for the next phase of the District Plan Review, the draft Preferred Options Report was shared with the following parties:

- | | |
|----------------------------------|----------------------------------------|
| - ECan | - NZDF |
| - NZTA | - Kiwirail |
| - IPort | - IZone |
| - Lyttelton Port of Christchurch | - Metroport Christchurch |
| - Fonterra | - Synlait |
| - Federated Farmers | - Canterbury Aggregate Producers Group |
| - Porters Ski | - CIAL |
| - Orion | |

Responses were received from the above listed parties, except for: Kiwirail; IZone; Metroport Christchurch; Canterbury Aggregates Producers Group; and Fonterra. The feedback received is summarised below.

ECan

ECan noted that policies 6.3.5 (Integration of land use and infrastructure) and 6.3.9.5(a)⁷ (Rural residential development - airport noise contours) in the CRPS which address the management of reverse sensitivity effects and the avoidance of noise sensitive activities within the 50dBA Ldn airport noise contour for Christchurch International Airport are relevant, as is the definition of 'noise sensitive activities'. ECan consider that as the existing Plan provisions around reverse sensitivity within the noise contour are proposed to be carried forward into the Proposed Plan (although possibly updated/amended), this is consistent with and would give effect to these identified CRPS policies.

NZDF

NZDF noted it is a significant stakeholder in Selwyn given its facilities (Burnham Camp, West Melton Rifle Range, Weedons Depot and Communications Site, and the Glentunnel Ammunitions Depot), and in relation to TMTA. NZDF noted that all of these facilities and TMTA are essential to Defence operations.

NZDF sought expert acoustic advice on the Baseline and Preferred Option reports. In general, the matters in the reports are acceptable to NZDF, however NZDF would like to continue discussions in relation to proposed provisions for TMTA in particular, including: proposed reduced setback distances compared to those incorporated in the Christchurch District Plan, as a particular type of loud weapon has now been excluded from use; consideration of a more appropriate sound measurement method (L_{Cpeak}); and not

⁷ The location and design of any proposed rural residential development shall: (a) avoid noise sensitive activities occurring within the 50 dBA Ldn air noise contour surrounding Christchurch International Airport so as not to compromise the future efficient operation of Christchurch International Airport or the health, well-being and amenity of people;...

having an exemption of 10 DB up to 10 days per year as the Christchurch District Plan does as this is considered inappropriate in Selwyn.

NZDF would also like further discussion regarding managing reverse sensitivity effects in relation to the Burnham Military Camp and West Melton Rifle Range (which are designated sites). In particular, NZDF consider that the West Melton Rifle Range is especially susceptible to reverse sensitivity effects with the pressure for rural-residential development increasing in the vicinity of the Range⁸. As well as seeking provisions to address reverse sensitivity, NZDF is investigating the option of providing greater statutory protection for the Range and its activities.

NZTA

NZTA are supportive of the report in general but are especially interested in ensuring vibration (and reverse sensitivity) is managed in relation to the state highway. NZTA noted that setbacks are a management method and requested they continue to be involved in the next phase of the review.

IPort

At this stage IPort do not support decreasing the lenient Rural Zone day time noise limit without first understanding Council's position and the intended policy direction in relation to balancing rural production and residential amenity in Rural areas. IPort queries whether rural areas are viewed by the Council as being primarily for rural production, with residential use being of secondary importance or not, and consider this is an important starting point for defining acceptable noise levels. If primarily for rural production, IPort query the need for protecting outdoor living spaces and the outdoor amenity of dwellings in the rural zone.

IPort agree with the commentary in the report around the management of noise at the interface between the B2A and rural zones, and generally agree that the level of noise permitted at the Business/Rural interface should be consistent with the level permitted in the Rural zone from rural activities. However, they suggest it may be appropriate to allow greater noise in rural zones at/near this interface. For example, if rural land is not suitable for residential it may be suitable to have greater noise exposure to business activity than what is otherwise permitted elsewhere in the Rural zone.

IPort agree with the recommendations concerning the updating of the NZ Standards, acoustic parameters, construction noise and day time and night time hours. Furthermore, IPort agree with the need for further consideration of whether it is appropriate to change from the current system where the relevant noise limits are determined by the zoning of the site generating the noise, to that used in other Districts where the relevant noise limits are determined by the zoning of the site receiving the noise but would like to be consulted further on this.

Overall, IPort consider that consultation with key affected landowners is critical to ensure that the proposed noise provisions, including specific noise levels, are appropriate.

LPC

LPC has a 27-hectare intermodal island port / freight hub in Rolleston which is an integral part of LPC's regional operations. The Inland Port provides essential aggregated containerised cargo land holdings in combination with the more limited port side facilities. In 2017, LPC managed 52% of all containers of the South Island's total import/exports. Volume growth is forecast to increase at greater than GDP levels throughout the next 30 years. The Inland Port is a substantial physical resource and generates 24/7 activity and noise.

⁸ It is of note there is a particular CRPS Policy which seeks that rural-residential development does not compromise the operational capacity of the Burnham Military Camp or West Melton Military Training Area (6.3.9.5(e)), and the CRPS recognises both Defence facilities as 'strategic infrastructure'.

The CRPS identifies both the Port of Lyttelton (including associated facilities) and Significant Regional Transport Hubs as 'strategic infrastructure'. LPC note that the CRPS seeks to ensure that development does not adversely affect the efficient operation, use, development and future planning of strategic infrastructure; land use plans should only provide for new development that does not affect both the use and development of strategic infrastructure.

LPC support the recommendations concerning: updating the NZ Standards; acoustic parameters; amending the night time hours; more effective management of noise at the Business / Rural interface, particularly application of the noise limits at the notional boundary; and raising the Living Zone night time noise limit from 35dBA.

With respect to the management of noise at the Business/Rural Interface, LPC do not support a combined approach of a notional boundary and a boundary limit (Option 2, page 8 in the AES memo in **Appendix 2**) due to: the administration associated with this approach lacks certainty and is not as efficient or effective as application of a notional boundary; the rural interface to the Port's activities is identified in the CRPS (Map A⁹) as being within the Projected Infrastructure Boundary and establishing sensitive uses in this area would neither recognise nor provide for strategic infrastructure as associated with the Inland Port operations; and the approach would overly constrain activities undertaken within the Inland Port site.

LPC are seeking that noise contour boundaries are identified and applied based on the consented Inland Port to avoid the establishment of sensitive activities. A noise contour plot on which their resource consent was based is attached as **Appendix 5**. LPC also note that 55dBA Ldn noise contours were introduced in relation to both the Fonterra and Synlait plants through Plan Change 50 to prevent sensitive activities from establishing proximate to these businesses.

LPC are also seeking objectives and policies that seek to recognise and provide for strategic infrastructure, including avoidance of activities that may give rise to reverse sensitivity effects.

Synlait

Synlait notes that the provisions for the management of noise from the Dairy Processing Management Areas (DPMA) are being considered more specifically through a separate process and report but acknowledges that these considerations take account of both the likely changes prescribed by the draft National Planning Standards, and Council's preferred option for management of noise in the Rural Zone.

Synlait is supportive of those measures described in the report for management of noise related to reverse sensitivity effects and notes that the potential for a vibration standard for construction is a further factor for the maintenance of a strong buffer around the DPMA with limitations imposed on the construction of new dwellings.

Federated Farmers

Federated Farmers support the recommendation to amend the references to the current NZ standards and that the day time and night time periods should be aligned with the current NZ Standard and the Christchurch City and Ashburton District Plans.

Federated Farmers consider it is unusual that the plan applies noise limits from the site generated rather than the site received. If the Plan is amended so that the limit of noise *received* is at a number that aligns

⁹ The feedback from LPC states Map 1 but the intention is to refer to Map A – Greenfield Priority Areas which includes projected infrastructure boundaries.

with the Christchurch City Council and Ashburton Plans, that would be agreeable in principle. In terms of the actual revised number limit, Federated Farmers would like to be involved in this work and put any proposed limit to their members in the Selwyn District to gauge how the limit could (or not) accommodate their normal farming activities.

With respect to the Business/Rural interface, Federated Farmers support measures to mitigate reverse sensitivity and would also like to be involved in this work going forward.

Porters Ski Area

The current Selwyn District Plan contains provisions specific to Porters Ski Area and permits aircraft movements for specified purposes without limitation. Therefore, the noise standards for aircraft that apply in the Rural Zone do not apply to these permitted aircraft movements (Rule E25.11.1 - Aircraft Movements). Rule E25.11.2 imposes a limit on the number of aircraft movements for all other purposes.

Porters Ski Area considers it is of critical importance to the operation of Porters Ski Area that these provisions remain within the Proposed Plan and are not replaced or amended by the district wide rules relating to noise from aircraft that would otherwise apply. Due to the mountainous terrain of the Ski Area, its highly limited accessibility and the nature of the activities undertaken, the use of helicopters is fundamental to and critical for environmental compliance, construction, health and safety, and management in emergencies or the event of a natural disaster or event.

CIAL

CIAL is in the process of recalculating the Airport Noise Contours that were last calculated in 2007/2008. It is the intention to complete this task by the end of 2018 and to provide the results to ECan for their review. CIAL understands that these revised contours will constitute a part of the CRPS review scheduled for the next 12-24 months. The outcome of this review will have ramifications for the Selwyn District Plan.

CIAL note that the Christchurch International Airport is identified in the CRPS as regionally significant infrastructure. The CRPS seeks to ensure that development does not adversely affect the efficient operation, use and development and future planning of strategic infrastructure and that new development does not affect both the use and development of strategic infrastructure.

CIAL supports: updating references to the NZ standards; amending the acoustic parameters; amending the night time hours; and raising the conservative Living Zone night time limit of 35dBA.

In terms of the noise contours, CIAL state that the approach prescribed stems from application of the land use controls contained within NZS6805: 1992. The operative 50dB Ldn air noise contour is based on predictions of future levels of airport noise using a figure of 175,000 movements per annum. The noise contours are derived using the relevant version of the United States Federal Aviation Authority's Integrated Noise Model ('INM') as referred to in NZ Standard NZS6805:1992. The focus of the 50dB Ldn air noise contour, or its equivalent, has been based on ensuring that noise sensitive activities do not encroach further towards airport operations. CIAL wish to ensure that any intensification of sensitive activities within the 50dB Ldn contour is avoided.

CIAL requests that the Council consider the recent provisions made operative for Christchurch City which:

- Restrict all activities sensitive to aircraft noise located within the 50dB Ldn Air Noise Contour.
- Define activities sensitive to aircraft noise as: residential activities, except:

- any residential activities, in conjunction with rural activities that comply with the rules in the relevant district plans as at 23 August 2008;
- care facilities;
- education activities and preschools; guest accommodation, except guest accommodation which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants; health care facilities which include accommodation for overnight care; hospitals; and
- custodial and/or supervised living accommodation where the residents are detained on the site.
- Retain the equivalent to operative Rule 3.8.1 which seeks to ensure that permitted Rural buildings or additions to existing buildings (dwellings, visitor accommodation, community facility, educational facility, retail/office) within the 55 dB Ldn noise contour are permitted if designed to meet specific internal noise levels
- Insert an 'avoidance' policy for sensitive activities seeking to locate within the 50dB Ldn Air Noise Contour.
- Identify and provide objectives and policies that seek to recognise and provide for strategic infrastructure, including avoidance of activities that may give rise to reverse sensitivity effects. This should be inserted in Noise Issue 3.19, Option 2 'Update and amend the provisions to improve clarity and effectiveness'.

In addition, CIAL consider that the 50dBA notional boundary limit and the aircraft movement limits in the Operative Plan is overly simplistic in terms of the application of NZS6805:1999 (as outlined in Section 2.1.2 of the Preferred Option Report) and considers the use of a notional boundary is inappropriate in terms of the measurement and assessment of airport noise¹⁰.

Orion

Orion has completed a review of the Noise and Vibration Preferred Options and Baseline Reports prepared by Acoustic Engineering Services (AES).

Electricity produced by generation companies at various plants is transmitted by the national grid operator (Transpower) to network operators like Orion. Orion is one of 29 electricity distribution businesses (often referred to as network lines companies) in New Zealand. Orion is a Lifeline Utility as named in the Civil Defence Emergency Management Act 2002 (CDEM Act).

Orion takes delivery of the electricity from Transpower's network at various points in Transpower's network known as Grid Exit Points. Orion then delivers that electricity through its network to over 200,000 homes and businesses in the central Canterbury region on behalf of electricity retailers who purchase the electricity from generators on the wholesale market and sell it to customers. Orion's main role is to ensure distribution of a reliable and secure supply of electricity to Central Canterbury.

In summary, Orion:

- Supports: the updating of references to the current NZ Standards; updating the outdated acoustic parameters; referring to the NZ Standard for construction noise; amending the day time and night time hours; increasing the current low Living Zone night time noise limit which will achieve consistency across Plans; that noise should be measured at the other side of the road boundary as

¹⁰ A notional boundary limit currently applies in relation to aircraft movements within the Rural Zone and not airport noise so appears to be a misunderstanding.

per other District Plans and requests that the Council also consider identifying other circumstances where this approach may also apply, i.e. at waterbodies.

- Agrees in principle that:
 - o the noise standards should relate to the receiving environment; the current high Rural Zone day time noise limit should be decreased; and that further consideration should be given to reducing the Living Zone night time LAFmax limits and not applying such limits in the day time as part of the next phase; however, this is conditional upon determining the zone noise standards that will apply. Also influencing Orion's position on these issues is the methods that Council will adopt for managing noise associated with emergency and backup generators; and
 - o if allowing residential development within Business areas which have a night time noise limit above 45 dBLAeq that reverse sensitivity provisions should be included for any new dwellings; but notes that such provisions should be extended to include protection for utilities from reverse sensitivity effects.
- Requests: exemptions and specific rules are added for emergency generators etc. This was an issue assessed in detail during the recent Christchurch District Plan hearings. The general purpose of the Christchurch District Plan provisions is to enable the use (including testing and monitoring) of emergency generators during emergencies and during planned supply interruptions (copy of the provisions provided).
- Considers: the general approach of using a vibration standard is aligned with that of the Christchurch District Plan, but Orion acknowledge that there are some implementation difficulties as outlined in the AES report. Orion has an interest in this issue and requests that it is appraised of developments as further work is undertaken.

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: The provisions are considered to need updating and revising and therefore there would be ongoing risk that noise and vibration effects 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 and potential increased monitoring and compliance costs.

Stakeholder and Community Interests: All identified stakeholders and the general public.

Recommendation: Do not maintain the status quo.

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

It is proposed to update and amend the noise and vibration provisions in the Plan. The recommendations below have been informed by the Baseline Reports and the subsequent AES memo. It is of note that in some instances a clear recommendation is not able to be made at this point in time and further work will need to be undertaken in the next phase of the review alongside other Topics, and dependent on stakeholder feedback and public consultation.

Noise Issues		Preferred Option / Recommended Approach
3.1.1(a)	Outdated NZ Noise Standards	<p>That references to NZS 6801:1999 and NZS 6802:1991 be replaced with the current 2008 versions of these standards - NZS 6801:2008 and NZS 6802:1998.</p> <p><u>Note:</u> The Draft National Planning Standards (June 2018) propose to include a mandatory direction that any plan rule to manage an emission of noise must be consistent with the noise measurement methods in NZS 6801:2008 and NZS 6802:2008.</p>
3.1.1(b)	Outdated acoustic parameters	<p>That in any relevant rules the primary acoustic parameter is changed from dB LA10 to dB LAeq in line with updated NZS 6802:2008 and International Guidance.</p> <p><u>Note:</u> A number of definitions will also need to be updated as a result.</p>
3.1.1(c)	No construction noise provisions in the Plan	<p>That construction noise is managed by way of reference to NZS 6803:1999 Acoustics - Construction Noise.</p> <p><u>Note:</u> The Draft National Planning Standards (June 2018) propose to include a mandatory direction that any plan rule to manage construction noise must be consistent with NZS 6803:1999.</p>
3.1.2	Day time and night time hours	<p>That the day time and night time hours associated with the zone noise limits are amended to 0700-2200 hours day time and 2200-0700 hours night time to align with NZS 6802 and the other plans (Option 3 in the AES memo in Appendix 2).</p>
3.1.3	Application and inconsistency of noise limits	<p>Further consider whether it is appropriate to change from the current system where the relevant noise limits are determined by the zoning of the site generating the noise, to that used in other Districts where the relevant noise limits are determined by the zoning of the site receiving the noise.</p>
3.1.4	Noise limits applying to the road and rail corridor	<p>Further consider whether changes should be made to ensure noise limits do not apply at the common boundary between a noise sensitive site and a road corridor and how rail noise outside of the rail corridor should be managed.</p>

		<u>Note:</u> This issue is also relevant to the Transport Topic and the management of roads, i.e. whether a Transport Zone is proposed.
3.1.5(a)	Restrictive Living Zone night time noise limit	The proposed approach is that the current low Living Zone night time noise limit should be increased, but where exactly that limit should sit (40 or 45 dB L_{Aeq}) is recommended to be considered further as part of the next phase to ensure the provisions work together as a consistent package.
3.1.5(b)	Lenient Rural Zone day time noise limit	The proposed approach is that the current high Rural Zone day time noise limit should be decreased, but where exactly that limit should sit (50 or 55 dBA L_{Aeq}) is recommended to be considered further as part of the next phase to ensure the provisions work together as a consistent package.
3.1.5 (c)	Living Zone L_{AFmax} limit	Further consider reducing the Living Zone night time L_{AFmax} limits and not applying such limits in the day time as part of the next phase.
3.1.5 (d)	Noise rules for specific activities	<p>Further consider whether the existing noise rules for specific activities continue to be appropriate or should be modified, and whether specific rules should be included for any additional sources which are not well controlled by the 'general' noise rules including:</p> <p>Amended rules for:</p> <ul style="list-style-type: none"> (i) TMTA - further consider the setback distances, noise limits and exceptions for a small number of events a year requested for TMTA are appropriate, with consideration of the recently incorporated Christchurch District Plan TMTA provisions; (ii) Powered watercraft - whether the current noise limits for noise from powered motor craft is appropriate and should be retained; (iii) Audible bird scaring devices <p>New rules for:</p> <ul style="list-style-type: none"> (iv) Rifle Ranges - A noise limit of 50 dB L_{AFmax} when received at noise sensitive locations may be appropriate, in line with the current provisions provided for Darfield Gun Club. (v) Quarrying - whether the current exclusion for mobile machinery is retained will affect how noise from quarrying activity is assessed; and if hard rock quarrying or construction into hard rock is likely to be carried out within the District, a specific noise limit should be retained for noise from blasting. (vi) Frost fans similar to those in the surrounding Districts; (vii) Any other activities identified such as powered motorsport.

3.1.6 (a)	Management of Noise at the Interface between Zones	Further consider the limits and application of limits between zones as well as other methods to manage noise and reverse sensitivity effects and achieve consistency during the next phase of the review with input from affected stakeholders.
3.1.7	Exemptions	Further consider whether: (i) The exemptions for residential, educational and spiritual activities within the Living zones are reasonable; (ii) The extensive list of exclusions within Rural zones is reasonable (such as excluding noise from any motor vehicle or any mobile machinery); (iii) The blanket exemptions for noise from temporary activities applying in the Rural Volume are appropriate.
3.1.8 (a)	Residential development in Business Zones	If the Proposed Plan allows residential development within Business areas which have a night time noise limit above 45dB_LAeq, reverse sensitivity provisions should be included for any new dwellings.
3.1.8(a)	CIAL	Further consider the practicality of the testing requirement and update/amend as required in consultation with CIAL.
3.1.8(b)	NZTA	Further consider whether the internal noise level requirements for noise from State Highways should be updated in line with the most recent NZTA guidance, and the best method for incorporating the relative buffer and effects areas within the Plan in consultation with NZTA. <u>Note:</u> The Transport Baseline Report recommends that the most recent NZTA guidance should be incorporated.
3.1.9	Policies and Definitions	Amend the policies and definitions to ensure accuracy and greater clarity and directiveness and alignment between policies and rules.
3.2.1	Vibration	It is unlikely that the introduction of wide-ranging vibration limits will be appropriate on balance, but specific limits may be appropriate for certain activities such as construction (building damage) and blasting. A package of provisions (noise, vibration and other controls such as setbacks) needs to be developed and considered further as part of the next phase. <u>Note:</u> The Draft National Planning Standards propose that any plan rule to manage damage to structures from construction vibration must be consistent with peak particle velocity (ppv) limits in Tables 1, 2 and 3 in DIN 4150-3 (1999) Vibrations in buildings – Part 3: Effects on structures.

Effectiveness in Addressing Issues: Updating and amending 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 favored by certain affected stakeholders. This can be mitigated to some degree by further targeted engagement and/or public consultation during the next phase. There is also a need for integration going forward as several other Topics relate to this work.

Budget or Time Implications: This option will incur time and cost to Council to prepare an updated set of provisions but will reduce costs overall by updating and amending ineffective provisions.

Stakeholder and Community Interests: All identified stakeholders and general public.

Recommendation: Proceed with Option 2.

9.0 Preferred Option for further engagement

The Project Team recommends that Option 2 as outlined in section 7.0 above is endorsed by the Council for further development.

Appendix 1 - Links to Baseline Reports for Noise and Vibration

Link to Baseline reports below:

[Noise \[PDF, 531 KB\]](#) 3 October 2017

[Vibration \[PDF, 380 KB\]](#) 3 October 2017



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Appendix 2 - AES Memorandum of 24 April 2018

Memorandum

To:	Vicki Barker, Selwyn District Council
From:	Jeremy Trevathan, AES
File Reference:	AC16218 – 07 – R2
Date:	Tuesday 24 th April 2018
Project:	Selwyn District Plan review – Options analysis for noise rules
Pages:	9

Meeting	<input type="checkbox"/>	Telephone	<input type="checkbox"/>	Memorandum	<input checked="" type="checkbox"/>	File Note	<input type="checkbox"/>
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Dear Vicki,

Selwyn District Council (SDC) has requested comment on specific items relating to the existing District Plan noise standards. We have provided an option analysis regarding each item including discussion around the key advantages and disadvantages, and a recommended approach moving forward.

1.0 Daytime and night-time hours

Currently the daytime time period when the noise limits apply in the Selwyn District is 0730 to 2000 hours. The night time period is 2000 to 0730 hours the next day. This is a longer night time period than in most Districts, including the adjoining Ashburton and Christchurch Districts where the District Plans have been recently updated. The onset of the daytime period at 0730 hours rather than 0700 hours is also uncommon. We have identified the following options:

Option 1 – Retain the existing daytime and night time hours	
Advantages	Disadvantages
<ul style="list-style-type: none"> A longer night time period provides additional amenity protection 	<ul style="list-style-type: none"> The current time periods don't align with the recently updated Christchurch and Ashburton District Plans and WHO / NZS 6802:2008 guidelines for night time hours. A number of businesses start at 0700 hours which makes complying during the 0700-0730 period difficult. We are not aware of any particular reason why this period would require more stringent protection. It would be unusual to suggest sleep disturbance is a widespread concern during this period.

Option 2 – Adopt the daytime, evening and night time noise periods in NZS 6802:2008 (0700 – 1900 hours daytime, 1900 – 2200 evening and 2200 – 0700 hours night time)	
Advantages	Disadvantages
<ul style="list-style-type: none"> An intermediate step which allows for additional protection during the shoulder evening period (1900 – 2200). Would solve issue of the late onset of the daytime period (0700 – 0730). 	<ul style="list-style-type: none"> This approach is uncommon and not often adopted by other District Plans in New Zealand. The shoulder period would start at 1900 hours which may introduce issues as it is earlier than the current 2000 hour night time onset. This approach would increase the complexity of any noise limit structure and compliance assessments.

Option 3 – Adopt the daytime and night time periods outlined in NZS 6802:2008 (0700 – 2200 hours daytime and 2200 – 0700 hours night time)	
Advantages	Disadvantages
<ul style="list-style-type: none"> The District Plan will be consistent with New Zealand Standard 6802:2008 and the Christchurch and Ashburton District Plans. 	<ul style="list-style-type: none"> If these periods are adopted, less stringent noise limits would now apply between 0700 – 0730 hours and 2000 – 2200 hours. There would be an associated reduction in amenity protection during these periods.

Recommended approach

We recommend that SDC identifies any particular activities which may currently benefit from the additional ‘night time’ protection between 0700 – 0730 hours and 2000 – 2200 hours. We expect that residential amenity will be the key concern.

If there is no compelling reason why these activities require protection during these shoulder periods, over and above what is recommended in NZS 6802:2008 and provided in other Districts, then we recommend that the prescribed daytime and night-time time frames outlined in this Standard are adopted (option 3 above).

2.0 Living Zone night-time noise limit

The current Living Zone night-time noise limit is 35 dB L_{A10} . This is lower than the majority of other District Plan limits, including the adjoining Ashburton and Christchurch Districts where the District Plans have been recently updated.

We have already recommended that the L_{Aeq} metric replaces the L_{A10} metric in line with the most recent versions of NZS 6802:2008 and international best practice. We have identified the following options:

Option 1 – Retain the existing night time limit of 35 dB but adopt the L_{Aeq} metric instead of L_{A10}	
Advantages	Disadvantages
<ul style="list-style-type: none"> Provides a high level of amenity for the Living Zone – the majority of noise generating activities would not comply. 	<ul style="list-style-type: none"> Inconsistent with other District Plans. There are not many activities that actually comply with this noise limit so it is quite restrictive for noise generators. Many exclusions may need to continue to be outlined in the Plan as normal domestic activities for example may not comply with this limit. Measuring compliance can be difficult as in our experience, background noise levels in many Residential Zones of the Selwyn District are higher than 35 dB L_{Aeq}, mainly from nearby roads. Activities that exceed the District Plan limits may often still have minimal noise effects or be well below other commonly referred to guidance. Such activities will however be required to go through a Resource Consent process.

Option 2 – Adopt a 40 dB L _{Aeq} night time limit for the Living Zone	
Advantages	Disadvantages
<ul style="list-style-type: none"> Consistent with the night time noise limit in the Christchurch and Ashburton District Plans Provides a good ‘trigger’ where noise levels which exceed 40 dB L_{Aeq} may not necessarily be unacceptable, but are worthy of further investigation Easier to measure non-compliances than with the current limits. <p>The Plan may not require the exclusion of residential activities in the Living Zone, as it should be reasonable for domestic activities such as heat pumps to comply with this limit.</p>	<ul style="list-style-type: none"> This limit would provide less protection than the current noise limits.

Option 3 – Adopt a 45 dB L _{Aeq} night time limit for the Living Zone	
Advantages	Disadvantages
<ul style="list-style-type: none"> Consistent with the night time noise limits outlined in the World Health Organisation and NZS 6802:2008 Easy to measure non-compliances The Plan may not require the exclusion of residential activities in the Living Zone, as it should be reasonable for domestic activities such as heat pumps to comply with this limit. 	<ul style="list-style-type: none"> In locations where there is a low background noise level at night, levels lower than 45 dB L_{Aeq} may still cause complaints. Represents a significant increase in allowable night time noise levels when compared to the status quo. Inconsistent with the District Plan limits adopted in the adjoining Ashburton and Christchurch Districts.

Recommended approach

Clause 8.6.1 in NZS 6802:2008 states that “the guideline limits indicate generally acceptable noise limits, but communities may wish to make these more or less stringent to suit their particular circumstances.”

There is also further commentary provided in clause 8.6.3, which discusses how authorities may set more stringent limits to afford more protection to residential activities, but only after an assessment comparing

the health and amenity benefits against possible restrictions on affected activities has been made, and ambient sound levels in the District have been taken into account.

The Standard also discusses how there are practical difficulties when attempting to assess the compliance of low sound levels within high noise environments.

When considering that the existing noise limit is very low, we recommend that a night time noise limit of 40 dB L_{Aeq} is considered in preference to a 45 dB L_{Aeq} limit. We consider that this would still provide a reasonable level of protection and is lower than the limits outlined in NZS 6802:2008 and the WHO guidelines.

We note that this discussion is interrelated with the nature of any exclusions provided by the District Plan, as if a less stringent night-time limit is adopted, then it may not be reasonable to exclude as many activities from the limits.

3.0 Rural Zone daytime limit

The current Rural daytime noise limit is 60 dB L_{A10} which applies at the notional boundary of dwellings and other noise sensitive locations. This is higher than guidance provided by the WHO and in NZS 6802:2008. However, the explanation for objectives B3.4.1 and B3.4.2 of the District Plan discusses how the Rural Zone is recognised principally as a business area rather than a residential area.

For noise generated in the Rural Zone, at the boundary between the Living Zone and the Rural Zone there is a 55 dB L_{A10} limit which applies. Dwellings in Living Zones are therefore currently afforded a higher level of protection than dwellings in the Rural Zone.

We recommend that the L_{Aeq} metric replaces the L_{A10} metric in line with the most recent versions of NZS 6802:2008 and international best practice. We have identified the following options:

Option 1 – Retain the existing notional boundary limit of 60 dB but adopt the L_{Aeq} metric instead of L_{A10}	
Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ Gives non-residential uses in the rural zone a high priority and allows new activities in the rural area to generate similar levels of noise to those currently permitted. 	<ul style="list-style-type: none"> ▪ Higher than guidance for the protection of residential amenity outlined in the World Health Organisation guidelines and NZS 6802:2008 and therefore complying levels at 60 dB L_{Aeq} received at the notional boundary of a rural dwelling could be considered unreasonable. ▪ Only provides for indoor amenity at rural dwellings with windows closed. It is unusual for outdoor amenity in the vicinity of dwellings not to be protected in rural areas. Both the Ashburton and Christchurch District Plans provide this protection. ▪ Not consistent with the 55 dB boundary limit protection afforded to dwellings in the Living Zone from noise generated in Rural Zones

Option 2 – Replace the 60 dB notional boundary limit with a 55 dB L_{Aeq} notional boundary daytime limit for dwellings in the Rural Zone	
Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ Provides a level of protection for outdoor amenity at dwellings in the Rural Zone consistent with NZS 6802:2008 and the WHO guidelines to protect the majority of people from being <i>seriously</i> annoyed in outdoor living areas. ▪ Consistent with the protection afforded to dwellings in Living Zones from noise generated in Rural Zones. 	<ul style="list-style-type: none"> ▪ This limit would be more restrictive than the existing limits for noise generating activities in the rural area. ▪ No protection provided for undeveloped rural land which may introduce reverse sensitivity issues.

Option 3 – Replace the 60 dB notional boundary limit with a 55 dB L_{Aeq} boundary limit for Rural Zone sites and also provide a 50 dB L_{Aeq} notional boundary limit for rural dwellings	
Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ The 55 dB L_{Aeq} boundary limit provides protection for undeveloped rural land ▪ Provides a level of protection for outdoor amenity at dwellings in the Rural Zone consistent with the WHO guidelines to protect the majority of people from being <i>moderately</i> annoyed in outdoor living areas 	<ul style="list-style-type: none"> ▪ This limit would be significantly more restrictive for noise generating rural activities than the existing limits. ▪ Often the boundary limit is not given much weight in Resource Consent applications, as rural land which does not contain a dwelling is not particularly noise sensitive. ▪ This approach would increase the complexity of any noise limit structure and compliance assessments for noise generated on a Rural site received at another Rural site. Undeveloped rural sites which don't contain dwellings would now require a compliance assessment where they did not previously. ▪ The 50 dB notional boundary limit would provide a higher level of protection than that which is currently afforded to Living Zone dwellings (55 dB).

Recommended approach

We recommend that SDC considers whether protection of outdoor amenity at dwellings in the rural zone is important. If that is the case, then we recommend that a lower notional boundary limit is adopted. This approach would however contrast with the explanation and reasons discussion for Objectives B3.41 and B3.42 in the current District Plan which does not place priority on dwellings in the rural area.

When considering that the existing noise limit is very high, we recommend that a limit of 55 dB L_{Aeq} is considered in preference to a 50 dB L_{Aeq} limit. We consider that this would still provide a reasonable level of protection in line with the limits outlined in NZS 6802:2008 and the WHO guidelines.

If SDC consider that a higher level of protection is required at dwellings in the Living Zone, then it would be reasonable to adopt a 50 dB L_{Aeq} limit at the Rural / Living interface.

As for the Living Zone, we note that this discussion is interrelated with the nature of any exclusions provided by the District Plan. If a more stringent daytime limit is adopted, we recommend that the current exclusions provided by the Plan are also reviewed.

Typically the night time noise limit is 10 dB lower than the daytime limit. While the preceding parts of this section only discuss the daytime limit, we recommend that either the 45 dB night time limit is retained, or if option 3 with a 50 dB notional boundary limit is adopted a 40 dB limit should be selected.

4.0 Management of noise at the Business / Rural interface

SDC has requested comment on how noise should be managed for Business Zone sites adjacent to the Rural Inner Plains Zone, with a focus on the Business 2, 2A and 2B Zones.

The current limits which apply at the Business Zone / Rural Zone interface are summarised in table 4.1 below.

Table 4.1 – Noise limits at the Business / Rural Zone interface

Noise producing zone	Daytime (dBA L10)	Night time (dBA L10)	Location where limit applies
Business 1, 1A, 2, 2B & 3	55	40	Notional boundary of rural dwelling
Business 2A	60	40	Boundary of rural zone
Business 1, West Melton	50	35	Notional boundary of rural dwelling

A notional boundary limit is in place for noise produced in most Business Zones. The exception is the Business 2A zone, where there is a boundary limit.

We have provided comment on three different approaches for comparison. The first option is a notional boundary control similar to the existing controls for Business 1, 1A, 2, 2B and 3 Zones (although updated to the L_{Aeq} metric). We have also discussed the advantages and disadvantages of a combined notional boundary / boundary limit and a boundary limit only in the following tables.

Option 1 – Adopt a 55 dB L _{Aeq} daytime / 40 dB L _{Aeq} night-time notional boundary limit (no boundary limit)	
Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ Does not 'protect' areas of rural land without dwellings. This means that the limit is less restrictive for noise producers in the Business Zones. Noise producers may be able to establish right up to the boundary of the industrial zone or generate high levels at industrial / rural interface. ▪ Still provides a reasonable level of daytime and night time protection for existing rural dwellings in line with, or more restrictive than, NZS 6802:2008 and the WHO. ▪ Allows industrial activities in the Business 1, 1A, 2, 2B & 3 Zones to continue to generate similar noise levels at the notional boundary of rural dwellings. ▪ Less restrictive for noise generators within the Business 2A zone. 	<ul style="list-style-type: none"> ▪ A notional boundary rule does not consider noise effects to dwellings which may be constructed closer to the industrial boundary at some point in the future (reverse sensitivity effects). If a new dwelling is constructed, the existing industrial activities may need to constrain their activity to now comply there – which may rarely be practical. ▪ The area between the Business Zone and nearest dwelling becomes a default 'buffer zone' still zoned rural with no formal acknowledgement in the Plan and constantly varying size (depending on the proximity of any dwellings).

Option 2 – Adopt a 55 dB L_{Aeq} daytime / 45 dB L_{Aeq} night time boundary limit and a 50 dB L_{Aeq} daytime / 40 dB L_{Aeq} night time notional boundary limit

Advantages	Disadvantages
<ul style="list-style-type: none"> Provides protection for both the adjoining rural land and rural dwellings which reduces possible future reverse sensitivity effects or the likelihood that future noise sensitive development outside the Business Zone will force changes within the Business Zone. Cumulative noise levels from multiple activities in the Business Zone received at nearby rural dwellings will generally be lower if there is a boundary limit. Provides a level of daytime and night time protection for rural dwellings which is generally more restrictive than, NZS 6802:2008 and the WHO. Measuring compliance at the boundary of a site rather than the notional boundary is often easier. The notional boundary can be hard to locate in the field (not defined by a boundary fence for example), and requires access to the neighbouring property. 	<ul style="list-style-type: none"> More restrictive for noise producers in industrial zones which adjoin rural sites, especially if the rural dwelling is located some way from the boundary. This may influence the utilisation of the Business Zone as in effect a sacrificial informal 'buffer' moves to within the Business Zone. Business Zone areas already established without a 'buffer area' or lower noise generating activities around the perimeter cannot be accommodated. More complex to assess both a boundary and notional boundary limit.

Option 3 – Adopt a 60 dB L_{Aeq} daytime and 40 dB L_{Aeq} night-time boundary limit (similar to Business 2A with a boundary limit only)	
Advantages	Disadvantages
<ul style="list-style-type: none"> ▪ Providing a limit at the boundary of the Business Zone, constrains high noise levels from industrial areas to the boundary of that zone and ensures that noise received at rural dwellings will be lower (including cumulative noise from multiple activities). It also provides protection for undeveloped rural land. ▪ Measuring compliance at the boundary of a site rather than the notional boundary is often easier. The notional boundary can be hard to locate in the field (not defined by a boundary fence for example), and requires access to the neighbouring property. 	<ul style="list-style-type: none"> ▪ The night time boundary limit is restrictive for industrial activities. There are a number of industrial activities which will occur during the night time. This may restrict the types of activities which can occur around the fringes of the industrial zone. ▪ There is a large difference (20 dB) between the day and night time protection afforded which is unusual. ▪ The level of noise received at a rural dwelling could be much lower if the dwelling is distant from the site boundary on a large rural site.

The above demonstrates that a setback or buffer is an appropriate planning response at the interface between business and noise sensitive uses. The choice of noise limit and place of application together determine whether this buffer is effectively provided by rural land around the perimeter, or industrial land within the Business Zone and around the perimeter.

We understand that the key location where the Business 2 / Rural Inner Plain interface occurs is at Izone in Rolleston. At this location there is a mixture of established activity, land which is to be sold, and land which has been sold but not yet developed. There are rural dwellings located various distances from the boundary in the Rural Inner Plains Zone. There is a 60 dB L_{A10} daytime limit and 40 dB L_{A10} night time limit at the boundary with the adjoining Rural Inner Plains zone.

By establishing a low night time noise limit at the boundary of the zone, the current control effectively uses some of the Izone land as a 'buffer'. If the limit is to be achieved, this restricts the types of activities which can establish around the fringes of the zone to low noise or daytime only activities.

We consider that the approach adopted by SDC will depend on whether rural land which does not contain dwellings adjoining Business Zones is considered noise sensitive or suitable for future noise sensitive development and should be afforded protection. If this is the case, then we recommend that a boundary limit in combination with a notional boundary limit (similar to option 2) should be adopted.

If not, then we consider that a limit provided at the notional boundary of rural dwellings would be a reasonable approach.

Regardless of the option selected, we recommend that the level of noise permitted at the business / rural interface is consistent with the level permitted in the rural zone from other rural activities.

5.0 Consistency in the protection afforded

When considering each of the options above, it is important to review consistency between the protection afforded, and approach (notional boundary or boundary limit) particularly for dwellings in the following locations:

- Dwellings located in the Rural Zones receiving noise from activities in the Rural Zone
- Dwellings in the Rural Zones receiving noise from activities in Business Zones
- Dwellings in Living Zones receiving noise activities in the Rural or Business Zones

The nature of the noise within these Zones and the existing noise limits which apply will influence whether the same limit at dwellings is reasonable. For example, SDC may consider that a higher noise limit can be tolerated for noise received at rural dwellings from activities in the Rural Zone than from commercial activities in the Business Zone.

I trust this will be of assistance.

Regards,



Dr Jeremy Trevathan

Ph.D. B.E.(Hons.) Assoc. NZPI*

Acoustic Engineering Services

Appendix 3 - Zone Noise Rules

Living zones

Any activity which is not a residential activity, spiritual activity or educational activity, shall be a permitted activity if the following noise limits are not exceeded within the time-frames stated.

7.30am – 8.00pm 50 dBA L₁₀
 8.00pm – 7.30am 35 dBA L₁₀
 7.30am – 8.00pm 85 dBA L_{max}

8.00pm – 7.30am 70 dBA L_{max}

Rule 10.6.1 does not apply to the use of sirens or warning devices associated with emergency service facilities.

Business zones

Zone	Assessment point	Time period	Noise limit
Business 1, 1A & 3 (except West Melton Business 1)	Boundary of any other side not within a living zone or within notional boundary in Rural zone	0730 – 2000 hours	60 dB L _{A10} / 85 dB L _{AFmax}
		2000 – 0730 hours	45 dB L _{A10} / 70 dB L _{AFmax}
	Within a living zone or within the notional boundary within a rural zone	0730 – 2000 hours	55 dB L _{A10} / 85 dB L _{AFmax}
		2000 – 0730 hours	40 dB L _{A10} / 70 dB L _{AFmax}
Business 2	Boundary of any other Business 1, 1A, or 3 zone	0730 – 2000 hours	65 dB L _{A10} / 85 dB L _{AFmax}
		2000 – 0730 hours	45 dB L _{A10} / 70 dB L _{AFmax}
	Within a living zone or within the notional boundary within a rural zone	0730 – 2000 hours	55 dB L _{A10} / 85 dB L _{AFmax}
		2000 – 0730 hours	40 dB L _{A10} / 70 dB L _{AFmax}
Business 2A	Boundary of any site in the rural zone, excluding road, waterway and railway reserves	0730 – 2000 hours	60 dB L _{A10} / 80 dB L _{AFmax}
		2000 – 0730 hours	40 dB L _{A10} / 65 dB L _{AFmax}
Business 2B	Within a living zone or within the notional boundary within a rural zone	0730 – 2000 hours	55 dB L _{A10} / 85 dB L _{AFmax}
		2000 – 0730 hours	40 dB L _{A10} / 70 dB L _{AFmax}
West Melton Business 1	Within a living zone or within the notional boundary within a rural zone	0730 – 2000 hours	50 dB L _{A10} / 85 dB L _{AFmax}
		2000 – 0730 hours	35 dB L _{A10} / 70 dB L _{AFmax}

Rural zones

Except as provided in link 9.16.3 below, any activity shall be conducted so as to comply with the noise limits and within the time frames stated in the following tables in order to be a permitted activity:

Maximum noise limits at any Living Zone boundary

0730 – 2000 hours 55 dB L_{A10} / 85 dB L_{AFmax}

2001 – 0729 hours 40 dB L_{A10} / 70 dB L_{AFmax}

Noise limits assessed at the notional boundary of any dwelling, rest home, hospital, or classroom in any educational facility except where that dwelling, rest home, hospital or classroom is located within a Living zone.

0730 – 2000 hours 60 dB L_{A10} / 85 dB L_{AFmax}

2001 – 0729 hours 45 dB L_{A10} / 70 dB L_{AFmax}

Appendix 4 - Comparison of Selwyn, Christchurch and Ashburton Noise Rules

Residential/Living Zones

District	Day-time		Night-time	
	Hours	Noise Limit	Hours	Noise Limit
Selwyn	0730-2000	50 dB LA10 85 dB LAFmax	2000-0730	35 LA10 85 dB LAFmax
Christchurch	0700-2200	50 dB LAeq	2200-0700	40 65 dB LAFmax
Ashburton	0700-2200	50 dB LAeq 75 dB LAFmax	2200-0700	40 65 dB LAFmax

Key observations and/or differences between Selwyn, and Christchurch and Ashburton include:

- The day time noise limits are 50 dB L_{Aeq}/L_{A10} in Christchurch and Ashburton and the WHO recommends a noise limit of 50-55dB L_{Aeq} . Therefore, the Selwyn day time noise limit of 50dBAL₁₀ is aligned with the other Council's.
- NZS 6802 states that for night time noise exposure a maximum noise limit should be applied to protect the majority of people being woken during the night. It also states that such limits should only be set for night time hours and a 75 dB L_{AFmax} limit is recommended. Christchurch does not include a day time L_{AFmax} in accordance with the guidance, however Ashburton does. The night time limits for Christchurch and Selwyn are both set at 65 dB L_{AFmax} .

Rural Zones

District	Measured At	Day-time		Night-time	
		Hours	Noise Limit	Hours	Noise Limit
Selwyn	Notional	0730-2000	60 dB LA10 85 dB LAFmax	2000-0730	45 LA10 70 dB LAFmax
	Living zone boundary		55 dB LA10 85 dB LAFmax		40 LA10 70 dB LAFmax
Christchurch	Notional	0700-2200	50 dB LAeq	2200-0700	40 LA10 65 dB LAFmax
	Boundary		55 dB LAeq		45 LA10 70 dB LAFmax
Ashburton	Notional	0700-2200	50 dB LAeq 75 dB LAFmax	2200-0700	40 LA10 65 dB LAFmax
	Boundary		65 dB LAeq 85 dB LAFmax		45 LA10 70 dB LAFmax

Key observations and/or differences between Selwyn, and Christchurch and Ashburton include:

- Christchurch and Ashburton include noise limits at both the notional and site boundary. It is common for rural zone noise limits to apply at the notional boundary of a dwelling. However, in Selwyn there is a notional and a Living Zone boundary limit where the Living Zone limit is less stringent than the Living Zone noise limits. For other Districts, the noise limits of the receiving zone apply at the boundary of receiving sites (i.e. the Living Zone limits would apply at the Living Zone boundary).
- The notional boundary limits in Christchurch and Ashburton are the same as those at the Residential/Living Zone boundaries, apart from Selwyn.
- The noise limits in Selwyn also apply at the notional boundary of education, rest home and classroom facilities, whereas the site boundary rules in the Christchurch and Ashburton Plans ensures that the levels are appropriate.

Business/Industrial Zones

Key observations include:

- NZS 6802:208 includes some recommendations for business/industrial areas including: limits up to 75 dB L_{Aeq} (15 min) may be appropriate for heavy industrial areas; and for town centres/mixed use zones generally an external day time noise limit of up to 60 dB is appropriate, and where there is existing residential a night time noise limit of 45 dB remains appropriate but this could be increased in new areas with the requirement for dwellings to include noise insulation.
- The WHO recommends a 24-hour noise limit of 70 dB L_{Aeq} for industrial, commercial, shopping and traffic areas.
- The day time limits in Christchurch and Ashburton range from 55 dB L_{Aeq} for commercial to 75 dB L_{Aeq} maximum for heavy industrial, and the equivalent night time limits range from 45 to 75 dB L_{Aeq} .

Specific Activities

Further key observations and/or differences in relation to particular activities include:

- Aircraft - Ashburton specifically refers to noise from any helicopter landing pad needing to comply with NZS6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Pads* and noise from aircraft needing to comply with NZS6805:1992 *Airport Noise Management and Land Use Planning*. With respect to helicopter movements the Christchurch rules restrict operating hours, separation distances from residential units, number of movements in proximity to residential units etc.
- Audible bird scaring devices - Christchurch and Ashburton have rules managing noise from bird scaring devices which limit operation time, minimum distance they are located from residential dwellings or areas, a specific noise limit. Ashburton also has limits on timing (15 in 1 hr) and number (one device per four hectares).
- Temporary military training activities - specific rules are provided in all of the neighbouring plans.
- Blasting - Christchurch and Hurunui have specific blasting noise provisions. The Christchurch rules only apply in relation to Lyttelton Port quarrying where an air blast overpressure limit applies (LZpeak) at the notional boundary of any dwelling.

- Powered watercraft - no specific noise limits in other plans.
- Construction noise - Both Christchurch and Ashburton apply NZS 6803:1999 *Acoustics - Construction Noise* which construction noise is required to meet.
- Temporary activities - The Christchurch Plan contains rules for specific areas and a general temporary activity rule which controls the distance of events from residential units, time period limit for sound amplified activities, hours of operation from sound amplified activities and noise limits. Ashburton exempts outdoor events in a public place from the noise rules if 70 dB L_{Aeq} (1hr) is not exceeded at the boundary of a residential site, as well as a limitation on hours and number of events in a year.
- Frost fans - In Christchurch and Ashburton noise generated by frost fans shall not exceed 55 dB L_{Aeq} when assessed at the notional boundary of any residential unit on a separate site under different ownership. This applies to all frost fans in total operating in an area.
- The Christchurch District Plan includes provisions which require sensitive activities to be setback 80m from State Highways and railway designations. The corresponding internal noise limits for buildings within the effects area is consistent with the NZTA guidelines.

Vibration

- The Christchurch District Plan has policies in the Subdivision and earthworks chapter that earthworks could result in vibration effects which should be avoided or mitigated. Vibration associated with earthworks is required to comply with DIN 4150:1999 to be permitted. There are also a number of designations in the Plan which have vibration limits. For example, the SH76 Southern Motorway Extension Stage 2 requires construction vibration to be measured in accordance with DIN 4150.3:1999 and sets vibration limits at occupied dwellings, other occupied buildings and all other buildings. The Plan also sets a vibration limit for blasting in relation to port quarrying, but none for typical quarrying or construction activity. The Plan also notes in the Residential, Rural and Open Space Chapters that vibration caused by vehicles accessing sites may result.
- The Ashburton Plan recognises vibration as a potential effect across a number of zones and chapters in the Plan, however no specific limits or assessment criteria are included in the Plan. The Noise Chapter states that the rail corridor needs protecting against reverse sensitivity to ensure unrestricted operation, however there are no rules regarding setbacks for vibration mitigation. The designation for the Ashburton Second Bridge sets specific vibration limits and structural damage criteria based on German Standard DIN 4150.3:1999.

Appendix 5 - LPC Noise Contour Plot



Figure 9. Loading Train, Mafis, Road Trucks and Reefers Operating, dB LAeq

DW005&DW006 Noise and vibration – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- As part of the Selwyn District Plan Review policies and rules in the current District Plan for noise and vibration are being reviewed.

Current status

Noise

- The current District Plan controls noise by specified noise limits in each zone and activities are permitted if they comply with the limits within specified timeframes ie day time or night time hours (night time being at a lower level).
- Currently the period when the day time noise limits apply in the district is 0730 to 2000 hours and the night time period is 2000 to 0730 hours.
- A number of activities are currently exempted from noise limits in the residential zones (residential, spiritual and education activities²) and the Rural Zone (eg activities of a limited duration required by primary production activities such as agriculture and horticulture, motor vehicles and any mobile machinery).
- A number of activities have specific noise limits rather than relying on the zone noise limits. These activities are: temporary military training, aircraft movements, audible bird scaring devices, blasting and powered watercraft.
- There are also noise related rules to manage reverse sensitivity for Christchurch International Airport and state highways.
- Key issues are:
 - Current rules not being up to date with regulatory standards and international guidelines.
 - Longer night time period for noise limits than in most districts across New Zealand.
 - Night time maximum noise limit is too restrictive for the residential zones.
 - Day time noise limit is too lenient for the Rural Zone.
 - Noise limits determined by the site generating the noise rather than the site receiving it.
 - Noise limits apply to the road and rail corridors which is impractical.
 - Having different limits for activities within business zones and where the limits should be applied to, ie measured at: notional boundary of rural dwelling vs boundary of the Rural Zone.
 - Some activities exempted from noise limits aren't clearly defined.

Vibration

- There are very few provisions within the current District Plan that manage vibration.
- Key issue is outdated standards and how vibration caused by road and rail networks, construction, demolition and common industrial activities in particular should be managed, ie either by way of reliance on noise and other reverse sensitivity provisions or other measures such as setbacks.

About preferred option

Noise

- Key draft changes include:
 - Considering amending the rules so that the noise limits are determined by the zoning of the site receiving the noise and not the site generating the noise.
 - Amending day time and night time hours for zone noise limits to 0700-2200 and 2200-0700 hours.
 - Increasing the night time noise limit in residential zones from 35 dBA³ to 40 or 45 dBA.
 - Reducing day time noise limit in the Rural Zone from 60 dBA to 50 or 55 dBA.
 - Considering amending current specific noise limits and rules for the following activities: temporary training activities, powered watercraft, audible bird scaring devices and aircraft movements.
 - Considering adding new specific noise limits for the following activities: shooting ranges, quarrying (gravel or hard rock quarrying), frost fans, powered motorsport and any other activities identified by other topics.
 - Further considering the limits and the application of limits between zones, especially the business/rural zones interface, and the range of measures to manage noise and reverse sensitivity effects, for example buffer zones.
 - Reviewing all exemptions from noise limits and confirm whether or not they continue to be appropriate.
 - Reviewing noise rules specific to CIAL and NZTA.

Vibration

- Key draft changes include considering vibration limits for certain activities, such as construction (building damage) and blasting, and a package of provisions (noise vibration and other controls) to manage other activities which generate vibration.

Audiences¹

Internal	Partners	Key stakeholders	Landowners /occupiers ⁴	General public
DPC	ECan	Federated Farmers	Landowners in Business 2, 2A and 2B zones	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represent ed by Mahaanui Kurataiao)	Canterbury Aggregate Producers Group	Christchurch International Airport	News media
	Te Taumutu Rūnanga (represent ed by Mahaanui Kurataiao)		MetroPort Christchurch	Wider public
			Lyttelton Port Company	
			Orion	
			Porters Ski	
			IPort & IZone	
			NZTA & KiwiRail	
			Fonterra & Synlait	
			New Zealand Defence Force	

Legend	High level of interest/ High level of influence (“Manage closely”)	High level of interest/ Low level of influence (“Keep informed”)	Low level of interest/ high level of influence (“Keep satisfied”)	Low level of interest/ Low level of influence (“Watch only”)

¹ “...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]

² Spiritual and education activities are part of the review of Community and Recreation Facilities Topic and a draft change was endorsed at the June DPC that these activities are no longer exempt from the noise limit (residential activity was not considered by this Topic).

³ A-weighted decibels

⁴ Further work will be required to identify affected landowners/occupiers who undertake activities related to motorsport (some already identified as part of Community and Recreation Topic), watercraft and shooting ranges.

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development						
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-July	July	August ⁵
ECan	Consulted on draft preferred option report		Share endorsed option report and gather further feedback
Rūnanga	Consulted on baseline assessment report		Share endorsed option report and gather further feedback
Key stakeholders	Consulted on draft preferred option report		Share endorsed option report and gather further feedback
Landowners/occupiers	Consulted on draft preferred option report [except landowners in Business 2, 2A and 2B zones]		Targeted letter/email to help inform detailed provisions
General public			Public consultation as part of district-wide matters
DPC		Preferred option report goes to DPC for endorsement	

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

10. Supplementary Preferred Option Report and Communications and Engagement Summary Plan – West Melton Airfield

Author:	Vicki Barker and Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

Purpose

To brief the Committee on the Supplementary Preferred Option Report for the West Melton Airfield, which recommends the development of specific provisions that will apply to the West Melton Airfield, subject to further information and development.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'West Melton Airfield' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘West Melton Airfield’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

'Preferred Option Report for West Melton Airfield'

'West Melton Airfield – communications and engagement summary plan'

SUPPLEMENTARY PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 25 July DPC Meeting

TOPIC NAME: Rural

SCOPE DESCRIPTION: Rural - Airfields - West Melton Airfield (RU204WM)

TOPIC LEAD: Robert Love

PREPARED BY: Vicki Barker

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The development of specific provisions to apply to the West Melton Airfield to provide the Airfield with greater recognition and development flexibility.</i>
<i>Preferred Option</i>	<i>To proceed with the development of specific provisions that will apply to the West Melton Airfield. Specifically, an Outline Development Plan type approach subject to further information and development during the section 32 and drafting phase and targeted stakeholder engagement.</i>
<i>Recommendation to DPC</i>	<i>That the Preferred Option for the West Melton Airfield is endorsed for further development (targeted stakeholder engagement, followed by Section 32 and Drafting Phase).</i>



1.0 Introduction

At the March 28 2018 District Plan Committee Meeting a Preferred Option Report for Airfields, Airstrips and Helicopter Landing Pads (RU204) was presented and discussed with the Committee.

Part of that report discussed the West Melton Airfield and that the Canterbury Aero Club (the Club) consider the current District Plan rules too onerous in relation to their facility, resulting in ad-hoc resource consents and a lack of ongoing certainty. A range of particular management options were considered in relation to the Airfield, including designating, zoning, scheduling, a policy overlay, or the status quo with amendment, i.e. to rely on the existing Rural Zone but with amendment to improve the relevant provisions.

Based on the Baseline Report analysis, the Preferred Options Report recommended the status quo with amendment (Option 2) be pursued in relation to the West Melton Airfield for the reasons outlined in that report. The option of an Outline Development Plan type approach was identified as the next most feasible option.

After considering the Preferred Options report, the Committee endorsed recommended Option 2 for further development with the exception of the West Melton Airfield. With respect to the West Melton Airfield the Committee directed that further discussions occur between staff and Airfield representatives *“to progress the development of specific provisions that will apply to the West Melton Airfield”*. That further work is the subject of this report.

2.0 Summary of approach

The following work has been undertaken to inform this Supplementary Preferred Option Report:

- A meeting was held between the Council, the Club and Environment Canterbury (ECan) to discuss the Canterbury Regional Policy Statement and the definition of ‘strategic infrastructure’; the outcome the Club want and the key information requirements; and to identify the potential costs of such an approach and how the costs would be met;
- Ongoing correspondence between the Council, the Club and ECan to better understand the outcome sought and information requirements; and
- Identification of any points of difference between the parties and the implications.

3.0 Outcome of Discussions

A meeting was held between the Council, the Club and ECan on 10 May 2018. At that meeting the three key matters discussed were:

- The Canterbury Regional Policy Statement and the definition of ‘strategic infrastructure’;
- ECan’s views from a land owner perspective and in relation to regional matters such as flood hazard mitigation;
- The Club’s proposal and what they want to achieve, the identification of effects, and potential provisions to manage effects.

Subsequent to the meeting, there was further correspondence between the parties to better understand the proposal and information requirements.

3.1 The Canterbury Regional Policy Statement - Strategic Infrastructure

The 'strategic infrastructure' definition contained within the Canterbury Regional Policy Statement (CRPS) and the associated objectives and policies is considered a necessary consideration for the Council, as if the West Melton Airfield is clearly defined as 'strategic infrastructure', then Council must give effect to the CRPS.¹ This would require the Council to specifically recognise and provide for the West Melton Airfield in the Proposed Plan provisions.

The definition was explored further by the parties. The Club and ECan consider the definition is open to interpretation and that arguments can be made both for and against the facility being considered strategic infrastructure. My view is that the facility more clearly does not fit with the strategic infrastructure definition and that as a result the Council is not compelled to recognise and provide for the facility in the Proposed Plan in order to give effect to the CRPS. However, at the March DPC Meeting the Committee expressed that the Airfield is considered significant infrastructure in the Selwyn context and should have specific recognition and management, hence the direction to progress the development of specific provisions.

Despite the difference of opinion regarding the status of the facility under the CRPS, all parties agree that the Council is still able to choose to develop particular provisions which provide greater recognition and protection to the Club facility and that the CRPS is not a barrier to this occurring.

3.2 General Approach sought by the Canterbury Aero Club

The Club have confirmed that their growth potential is limited due to Civil Aviation Authority (CAA) air space restrictions and that future development will likely be limited to additional hangars and new clubrooms (the extent of the proposed new hangar development is not clear at this point). The Club consider that flights may not necessarily increase significantly and that flight movements are fairly constant throughout the year. The key issue the Club is seeking to address is avoiding the need for resource consent each time they seek to develop and to instead have provisions tailored to their facility which provide development flexibility.

In particular, CAC are seeking an Outline Development Plan/Management Area/Overlay approach² (the 'ODP type approach'), whereby the site is clearly shown on the planning maps with associated provisions tailored to their facility. With this ODP type approach the existing Rural Zoning would remain, but specific provisions would be developed to replace the Rural Zone provisions where necessary.

No significant change to the policy approach is proposed (Policies B2.1.23 and B2.1.24), however an additional stand-alone policy is also proposed to recognise the West Melton Airfield, its

¹ Section 75(3) of the Resource Management Act binds the Council to "give effect" to the CRPS.

² The specifics of the approach will be subject to the final form and structure of the Proposed Plan and what is directed by the National Planning Standards.

importance to the District, and the ability for managed future development in accordance with the ODP.

Specific rules are proposed to include:

- (i) Identified building development areas where new building development will be confined to and specific provisions to manage bulk and location such as maximum height, setback from boundaries etc applied. A Landscape/Visual/Character Assessment would form the basis for identifying the building development areas and building related provisions;
- (ii) Obstacle limitation surfaces - these areas are mapped and restrict the height of any vegetation or structures within the areas (provisions to this effect termed 'approach surface controls' already apply to the site but would need to be updated);
- (iii) Noise contours or a maximum number of annual flight movements with the possibility of an additional weekly or monthly restriction on flight movements to control peaks;
- (iv) A limit on traffic movements - the Club have advised they will prepare a transport assessment to address transport effects.

The Club proposes that exceptions to other Plan rules would apply in relation to the following (where such rules are carried into the Proposed Plan):

- (v) General Noise Rules (should it otherwise apply to aircraft);
- (vi) Scale of activity in Rural zones which restricts built form (as built form would be managed by the proposed ODP approach and associated bulk and location rules);
- (vii) Construction of non-habitable buildings (i.e. hangars) in the flood management area. It is proposed that habitable buildings would continue to be subject to floor level restrictions, i.e. the proposed club house.

It is of note that there are other district-wide rules such as earthworks, lighting, and signage which would need to be considered further in the drafting phase as to whether they apply or if specific rules are developed for the site.

In terms of hazardous substances, the Club is currently applying for consents to install a 10,000 litre aviation fuel storage facility. This work is being carried out by a specialist company (RD Fuels Ltd). It is anticipated that this facility will be established and operational within the next three months. There are no other significant hazardous substances stored on the airfield. All proposals to store fuel on the site are subject to compliance with regulations set out in the Hazardous Substances and New Organisms Act 1996. This will ensure any adverse effects on groundwater are less than minor. The Club recognises the land it occupies is in the Christchurch Groundwater Protection Zone under the Canterbury Land and Water Regional Plan.

3.3 Information Requirements and Costs

The Club are prepared to provide a package of information to the Council to support their proposed approach, including a spatial plan showing where development is proposed/restricted to, associated proposed policies and rules and the necessary assessments to inform and support the proposed provisions. The specific Assessments the Club has agreed to supply at their own cost include:

- Visual Amenity and Rural Character (including a spatial plan which would form the basis for the ODP approach);
- Noise; and
- Transport.

Once this information is received, Council would then be in a position to assess it and use it as the basis to inform the drafting of the provisions. In order to do this, a planning resource would be required (in addition to developing Airfield related provisions in general). In addition, Council would need to engage an Acoustic Consultant to assess the noise related information (AES have provided acoustic engineering advice to Council to date) and a Transport Consultant may need to be engaged if the Transport Assessment is not able to be reviewed and assessed internally depending on staff availability. The Visual Amenity and Rural Character Assessment and the suitability of the spatial plan would be assessed by the Council's Urban Designer.

The costs to Council of reviewing the information and assessments and then preparing the proposed provisions based on the information provided, in correspondence with the Club and ECan as required, is expected to be in the order of \$25,000 for the next Phase (Phase 3 - section 32 and drafting of provisions).

4.0 Additional detail about the noise management approaches proposed

Noise (and reverse sensitivity) are considered to be the key effects that need to be managed as part of proposed provisions. The Club propose either a noise contour approach or a rule which sets a maximum number of flight movements per year and possibly per month and/or week (with no noise limit).

Noise Contours

The Club have provided information relating to Rangiora Airfield as a comparison. The Waimakariri District Council owned Rangiora Airfield is currently subject to a Notice of Requirement (NoR) application to designate the site and an associated Plan Change application³ to provide for air noise contours on the planning maps with associated rules.

The proposed noise contours are shown on a noise contour map (as 55dbA - outer control boundary and 65 dBA - air noise boundary contours) and the Plan rules are sought to be amended to require any noise sensitive activity to be insulated from aircraft noise within the 55 dBA contour and prohibited within the 65dBA contour, and to ensure that noise from aircraft operations does not exceed 65dBA outside of the 65dBA contour (the contours cover private land in part).

The proposed noise contours for Rangiora Airfield have been developed by Marshall Day Acoustics and are based on data from existing airfield operations, the projected future growth, plus a 20% increase to account for monthly variability (120% estimated increase in total). A

³ Planz Consultants Ltd. who represent West Melton Airfield have prepared the Rangiora Airfield NoR and Plan Change application.

number of other factors/assumptions are taken into account such as the aircraft fleet, hours of operation etc.

As an approximate comparison for now, the Club have applied the extent of the proposed Rangiora Airfield contours over the West Melton Airfield to establish approximately how far such contours would extend. Refer to the map provided in **Appendix 1**. These approximate contours extend over ECan land only and do not cover any private land. On this basis, the Club consider that contours will likely have little benefit as the land is not especially noise sensitive (ECan land only) or likely to be developed, and that a cap on flight movements is expected to be a preferable approach from the Club's perspective.

Cap on flight movements

An alternative approach proposed by the Club is to apply a maximum number of flight movements that apply per year, and in addition possibly monthly and/or weekly limits to manage flight peaks.

This would control flight frequency and the overall scale of the operation, which would in turn manage noise effects to a degree, but only if operational noise is managed to an appropriate level in terms of existing and potential future noise sensitive development. Where that level is set (by controlling flight movements) will be the critical point.

Further information required to determine the approach to managing noise

Determining what approach to apply with respect to managing noise (and reverse sensitivity) is underpinned by the need for flight movement data. This data underpins the noise modelling if a noise contour approach is pursued and is critical to establishing an effective cap on flight movements and managing noise (by establishing the existing flight movements and in turn predicting future flight movements).

The Club does not currently have robust flight data. The Club have gathered flight records and extrapolated their estimated annual flight movements from that data; however, on review the Club has advised that it became obvious that the existing information based on landing fees is an under-representation of the numbers as it did not include circuits with 'touch and go' training.

The Club is currently awaiting confirmation from its Executive Members to install an 'Aimms' system which can accurately gather reliable flight data. If and when installed, flight data will be captured over a period of six months. The Club also proposes (with landowner/occupier permission) to install a noise logger at the notional boundary of the nearest dwelling (1176 Weedons Ross Road which is located on ECan land) to get a clearer indication of the noise levels received at this property.

This noise data is considered vital to developing rules which are effective in practice in managing noise (and reverse sensitivity effects).

5.0 Stakeholder feedback

The proposed general approach has been discussed with ECan as both land owner and regulator. The Club were also requested to discuss the general approach with the New Zealand Defence Force (NZDF) as a neighbouring land owner that could be affected by noise contours. The feedback from ECan and NZDF is summarised below.

This report was also shared with ECan and the Club in draft for their feedback. Neither party had substantive comments and did not express any issues with it.

4.2 Environment Canterbury

As landowner ECan confirmed it is the intention to retain the land in the area in their ownership in the long-term and that there is no intention to develop or seek any change in land use. ECan confirmed the Club has a perpetual lease over approximately 77 hectares. ECan support the general approach proposed by the Club and noted that they would not support a designation (which was an option considered but discounted by the Baseline Report and is not supported by the Club either).

As mentioned in section 4.0 there is one dwelling located on ECan land in relatively close proximity to the site. This dwelling may be subject to noise levels from current activity at or above the Operative District Plan standard of 55dBA, which will be determined by the outcome of the noise measurements proposed to be taken at the notional boundary of that dwelling. There are also a number of other leasees in the area including Moore Park and other recreation operators, who would need to be consulted with going forward.

The flooding risk was also canvassed with ECan. The subject site and land both east and west of the site lies within the Waimakariri Flood Plain, which is designated by ECan for flood management purposes (Designation CR11 - Waimakariri River Secondary Stopbanks – River Protection and Flood Control). ECan advised that the subject site is protected by the Waimakariri Primary stopbank. The design flood capacity of the Primary stopbank in this area is 5,100 cumecs which has a flood Return Period of about 500 years (Annual Recurrence Interval approx. 0.2%). Floods larger than this will probably breach the Primary stopbank due to overtopping, but any breach flows should be contained by the Secondary stopbank. There is some risk of stopbank breach in smaller flood events due to erosion or piping failure, but this risk is relatively low.

Currently non-complying resource consent is required for any new dwelling or other principal building⁴ within the Waimakariri Flood Plain Area (Rule 3.1.4). Consequently, the Club have been required to obtain resource consent for a hangar subject to this rule only (RC 165475). The Club are seeking that non-habitable buildings be exempt from the flood hazard rules. ECan commented that any development such as buildings or other structures, earthworks (filling or excavation), and planting (forestry or shelter belts) must not reduce the flood flow or storage capacity of the floodplain or threaten the integrity and flood performance of the Primary or Secondary stopbanks. Therefore, the appropriateness of exempting

⁴ *Principal Building: includes any building or buildings which is/are used as part of the primary activity or activities on the site.*

non-habitable buildings will need to be worked through further with ECan during the drafting phase and can be informed by the Club's building development proposal.

From a practical perspective, ECan consider that recreational operators in this floodplain should also have a basic flood warning and evacuation plan in place as part of their health and safety plan.

4.3 NZDF

The NZDF West Melton Rifle Range is located to the west of the site and is designated for Defence Purposes - Military Training Area (Designation DE3). The Club were requested to contact the New Zealand Defence Force to have a preliminary discussion regarding the approach proposed, which could include potential noise contours near to or possibly over their land.

The Club has made initial contact with Rebecca Davies, Senior Environmental Officer at NZDF, who is responsible for planning issues associated with the activities and facilities of the Army, Navy and Air Force throughout New Zealand. Subsequent discussions outlined that no particular issues are anticipated, however, no formal position has been formed by NZDF at this stage. Further and on-going consultation with NZDF through the development of the planning provisions will be required.

6.0 Preferred Option for further engagement

6.1 DEVELOP AN OUTLINE DEVELOPMENT PLAN TYPE APPROACH

The Project Team has progressed the development of specific provisions that will apply to the West Melton Airfield, and recommends an Outline Development Plan type approach in accordance with what the Club is seeking, subject to further information and development during the section 32 and drafting phase and targeted stakeholder engagement.

The key matter which requires further work is noise management and the need for reliable flight movement data to inform the proposed approach, with input from Acoustic Engineers. Flood management is also a particular matter that needs to be explored further with ECan.

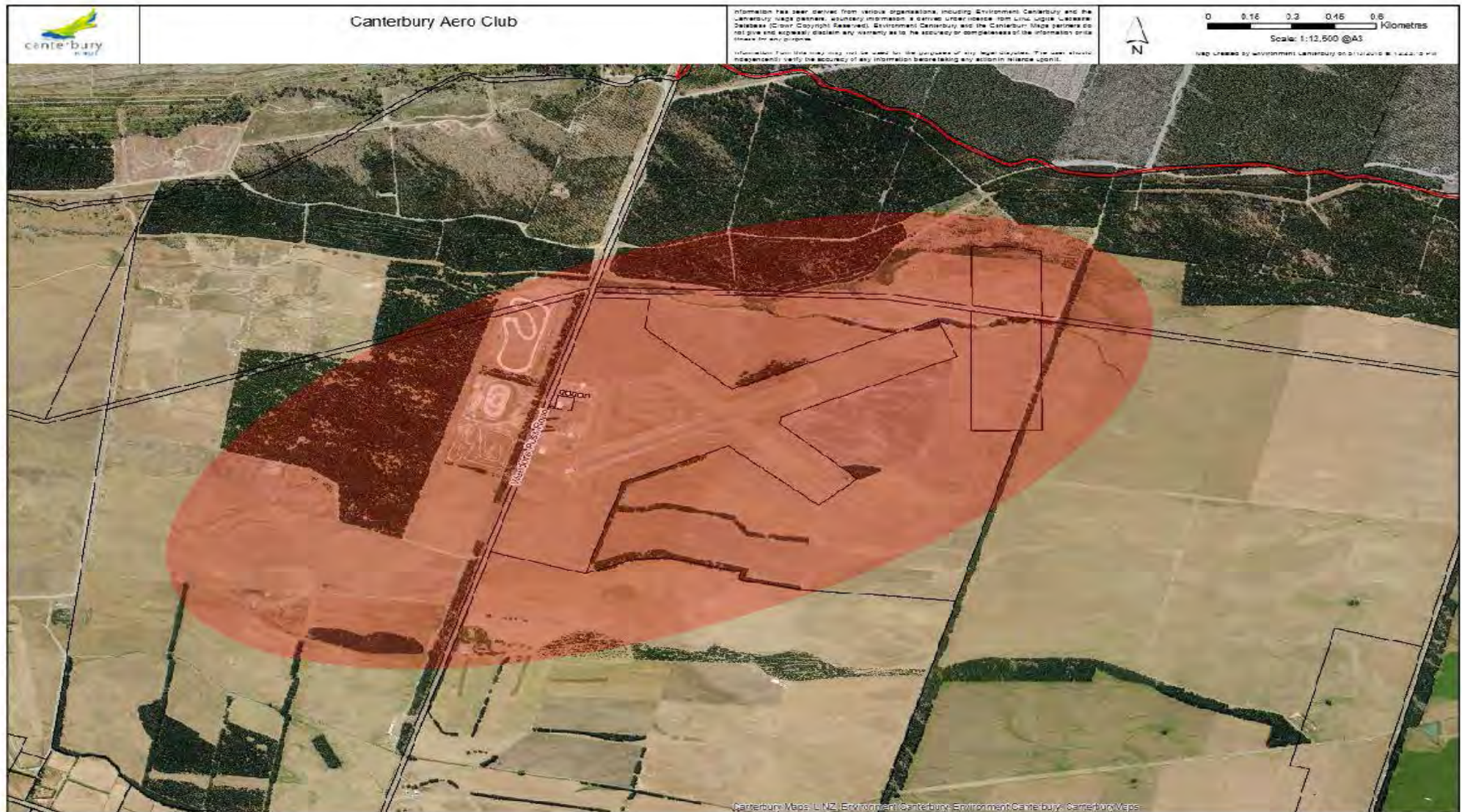
Effectiveness in Addressing Issue: The proposed approach would be effective in providing particular recognition of and provision for the facility as sought by both the Committee and the Club, and could strategically manage the growth of the facility and any adverse effects.

Risks: The risks of the overall approach are considered relatively low assuming the required information is supplied, especially reliable flight data. Without reliable flight data in particular it will be difficult to draft effective noise provisions. The approach is considered consistent with the Draft National Planning Standards which provide for 'Development Area' or 'Overlay' approaches consisting of spatial plans to manage areas and associated provisions.

Budget or time implications: It is estimated that this option will require a budget of approximately \$25,000 additional to the general approach being developed for the Rural Zone in relation to aircraft operations. The Club estimate noise data will take approx. six months to gather, however overall the work is expected to be able to fit within the overall District Plan programme.

Stakeholder and Community Interests: For the next phase a stakeholder engagement plan is recommended to identify the stakeholders (i.e. the ECan lease holders in the area) in addition to ECan and NZDF and to plan what targeted stakeholder engagement is to occur and when. It is not expected that this topic will require full public consultation.

Appendix 1 - Approximate Air Contour Map



RU204WM West Melton Airfield – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- As part of the Selwyn District Plan Review, policies and rules for managing airfields, airstrips and helicopter landing pads in the current District Plan are also being reviewed. This summary plan covers the review of provisions that apply to the West Melton Airfield only.
- West Melton Airfield was established approx. 45 years ago. The site is owned by Environment Canterbury (ECan) but the airfield is operated by the Canterbury Aero Club.
- The site and land east and west of the site lie within the Waimakariri Flood Plain Area, which is designated by ECan for flood management purposes.

Current status

- Current approach surfaces rules restrict the height of any vegetation and structures within the vicinity of the aerodrome.
- Because of the aerodrome lying within the Waimakariri Flood Plain Area, Aero Club currently need to apply for a non-complying resource consent if they want to build any kind of principal building, such as a hangar.
- Key issues are:
 - Current Plan doesn't recognise the infrastructure role the aerodrome has in the district.
 - Rules which require the aerodrome to apply for a series of resource consents each time they seek to develop on their site.

About preferred option

- Key draft changes include:
 - developing specific provisions for the aerodrome as part of an Outline Development Plan/Management Area/Overlay approach (ODP). This approach would see the site clearly shown on the planning maps with associated provisions tailored to the aerodrome. Such an approach would provide greater recognition and protection to the aerodrome while at the same time would manage any adverse effects on the surrounding environment.
 - Specific rules that need to be further developed include:
 - Identified building development areas where any new buildings would be confined to and still subject to rules such as maximum height and setback from boundaries.
 - Noise management which could be either through introducing noise contours or a maximum number of annual flight movements.
 - Updating approach surface rules.
 - A limit on traffic movements.
 - Building development in the Flood Plain.
- Following the endorsement of the preferred option report further work will be required to draft detailed provisions, including engaging with stakeholders, affected landowners and leaseholders about the draft changes.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Christchurch International Airport Ltd	ECan	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)		New Zealand Defence Force	News media
SDC Policy, Consents, Monitoring and building teams	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)		ECan leaseholders in the area of the West Melton Aerodrome	Wider public
			Canterbury Aero Club	

Legend	<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>

¹ "...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]

² 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)

³ 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 ⁴	Landowners/occupiers	General public
Baseline assessments					
Preferred option development ⁵					
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-July	July	August ⁶
ECan	Consulted on draft preferred option report		Share endorsed option report and gather further feedback
Rūnanga			
Landowners/occupiers	Consulted on draft preferred option report (except leaseholders)		Share endorsed option report and gather further feedback
General public			Preferred option report is published on Your Selwyn Engagement hub
DPC		Supplementary preferred option report goes to DPC for endorsement	

⁴ Confirmed that they are not interested in this topic so no need to consult.
⁵ This preferred option report is supplementary to the preferred option report on airfields, airstrips and helicopter landing plans.
⁶ This plan covers period until public pre-notification consultation on preferred options starts.

11. Preferred Approach Report and Communications and Engagement Summary Plan – Sites and Areas of Cultural Significance

Author:	Paul Horgan (Mahaanui Kurataiao Ltd) and Andrew Mactier (Strategy & Policy Planner)
Contact:	347 2802 (Andrew)

Purpose

To brief the Committee on the findings of the Sites and Areas of Significance Report that has been prepared by Mahaanui Kurataiao Ltd on behalf of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga to communicate their preferences for the identification and categorisation of sites and areas of cultural significance in the District Plan.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Sites and Areas of Cultural Significance' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Approach for ‘Sites and Areas of Cultural Significance’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

‘Preferred Approach Report for Sites and Areas of Cultural Significance’

‘Sites and Areas of Cultural Significance’– communications and engagement summary plan’

PREFERRED APPROACH REPORT TO DISTRICT PLAN COMMITTEE

DATE: 17 July 2018

TOPIC NAME: Sites and Areas of Cultural Significance

SCOPE DESCRIPTION: Preferred Approach Report for Sites and Areas of Cultural Significance

TOPIC LEAD: Andrew Mactier

PREPARED BY: Paul Horgan – Mahaanui Kurataiao Ltd

EXECUTIVE SUMMARY

<i>Issue(s)</i>	How to recognise and provide for the relationship of Ngai Tahu and their customs and traditions with their ancestral lands, waters, sites, whai tapu and other taonga within the Proposed Selwyn District Plan.
<i>Purpose</i>	To brief the Committee on the findings of the Sites and Areas of Significance Report that has been prepared by Mahaanui Kurataiao Ltd on behalf of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga to communicate their preferences for the identification and categorisation of sites and areas of cultural significance in the Proposed District Plan.
<i>DPC Decision</i>	

Selwyn District Council District Plan Review

Sites and Areas of Significance

June 2018

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APPENDIX 2: Rules: Ngā Tutuohu Whenua

APPENDIX 3: Rules: Ngā Wai

APPENDIX 4: Rules: Ngā Turanga Tūpuna

APPENDIX 5: Rules: Wāhi Tapu/Wāhi Taonga

1.0 INTRODUCTION

The Selwyn District is within the rohe of two papatipu rūnanga, Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga, that hold manawhenua over the area.

The Selwyn District Council has statutory obligations to Ngāi Tahu whānau under the Resource Management Act 1991 (RMA). These obligations include:

- Consulting with mana whenua through their representatives in preparing the district plan.
- Recognising and providing for the relationship of Ngāi Tahu and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;
- Having particular regard to kaitiakitanga;
- Taking into account the principles of the Treaty of Waitangi; and
- Taking into account any relevant iwi planning document.

Selwyn District Council is currently reviewing its operative District Plan. As part of its review, the Council has contracted Mahaanui Kurataiao to facilitate engagement with Te Taumutu Rūnanga and Te Ngāi Tūāhuriri and to prepare a report concerned with sites and areas of cultural significance within the Selwyn District.

This report sets out mana whenua's preferred approach to the identification and categorisation of sites and areas of cultural significance. It is mandated by Te Ngāi Tūāhuriri Rūnanga and Te Taumutu Rūnanga. It includes recommendations for preferred planning provisions and maps for inclusion in the Selwyn District Plan.

2.0 REPORT STRUCTURE

This report is structured as follows:

- An outline of Te Taumutu and Te Ngāi Tūāhuriri's whakapapa and associations within the Selwyn District.
- Commentary on the provisions of the Canterbury Regional Policy Statement relevant to cultural landscapes.
- Commentary on the provisions of the Mahaanui Iwi Management Plan relevant to cultural landscapes.
- A summary of the planning provisions in the Operative Plan which recognise and protect wāhi tapu me wāhi taonga within the district.
- Analysis of the effectiveness of the Operative District Plan provisions.
- Preferred approach to identifying and categorising sites and areas of cultural significance
- Preliminary landscape categorisation (accompanied by maps)
- An outline of potential risks or threats to cultural values
- An outline of the content of objectives and policies
- Recommendations for preferred activity status for land uses within the different cultural categories
- An outline of the content of rules and assessment matters

3.0 MANA WHENUA

Ngāi Tahu are Tāngata Whenua of the Canterbury region, and hold ancestral and contemporary relationships with Canterbury. The contemporary structure of Ngāi Tahu is set down through the Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act). 18 papatipu rūnanga collectively form Ngāi Tahu and through this structure and the TRoNT Act, the requirements for recognition of Tāngata Whenua in Canterbury are set.

The Te Rūnanga o Ngāi Tahu (declaration of Membership) Order 2001 defines the takiwā of Te Taumutu Rūnanga as follows:

‘The takiwā of Taumutu Rūnanga centres on Taumutu and the waters of Te Waihora and adjoining lands and shares a common interest with Te Ngāi Tūāhuriri Rūnanga and Te Rūnanga o Arowhenua in the area south to Hakatere.’

The pā of three Ngāi Tahu tūpuna, Te Rakitāmau, Te Ruahikihiki and Moki II, were established at various times at Taumutu. Te Rakitāmau’s pa Hakitau was situated near the opening of Te Waihora but has since been reclaimed by the sea. Orariki (the place of chiefs), the pā of Te Ruahikihiki, and Te Pā o Te Ikamutu (the village of the backwash of the fish) were built on a narrow section of land between the edge of Te Waihora and the sea where the Hone Wetere Church now stands. These pa and Te Pa o Moki were built on strategic and defensible sites. The present day Ngāti Moki Marae is located at Taumutu, on the shores of Te Waihora at the Southern end of Kaitorete Spit. Te Taumutu Rūnanga is the modern day assemblage and representative of the Ngāi Tahu hapū, Ngāti Moki and Taumutu-based Ngāi Te Ruahikihiki.

The takiwā of Te Ngāi Tūāhuriri Rūnanga is defined as follows:

‘The takiwā of Te Ngāi Tūāhuriri Rūnanga centres on Tuahiwi and extends from the Hurunui to Hakatere, sharing an interest with Arowhenua Rūnanga northwards to Rakaia, and thence inland to the Main Divide’.

Ngāi Tūāhuriri’s principal pā was originally sited near Kaiapoi and another important pā site at Rakahuri. The area connecting these pā sites is very significant. Today, the central settlement for Ngāi Tūāhuriri is at Tuahiwi.

The ancestral occupation and interaction with the region known today as Canterbury occurred initially by Waitaha then Ngāti Mamoe, who were then succeeded by the settling of the hapū, Ngāi Tuahitara and the sons of Tū-ahu-riri (Taane-Tiki, Moki and Turakautahi). Ngāi Tuahitara later became known as Ngāi Tūāhuriri after the fall of Kaiapoi Pa. The waka (canoe) which brought them to the region was the Makawhiua, whose captain was the rangatira (chief), Moki.

Once Turakautahi of Ngāi Tuhaitara had established Kaiapoi Pa as their principal fort, the leading chiefs established the mana (authority) of Ngāi Tuhaitara to the land by occupation and intermarriage.

Since settling in North Canterbury, the people of Tūāhuriri have established and continue to maintain a strong relationship with the land and water of the takiwā, including the Selwyn District. Wāhi tapu me wāhi taonga have both an historical basis and contemporary value to Ngāi Tūāhuriri, and are vital components of the relationship of mana whenua with the Selwyn District.

4.0 RELEVANT PLANNING DOCUMENTS

4.1 Resource Management Act 1991

The Resource Management Act (RMA) is New Zealand's primary legislation for managing natural and physical resources, including air, soil, fresh water and coastal marine areas. Section 5 (1) of the Act contains the purpose which is *"...to promote the sustainable management of natural and physical resources"*.

Sustainable management is defined under s5(2) which includes *"...enabling people and communities to provide for their economic, social and cultural well-being..."*

Section 6 of the RMA sets out matters which need to be recognised and provided for as matters of national importance, by all persons exercising functions and powers in achieving the purpose of the Act. These matters include s6(e) *"the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga"* and s6(f) *"the protection of historic heritage from inappropriate subdivision, use, and development"*.

Section 7 sets out matters to which particular regard shall be given in achieving the purpose of the RMA. This includes s7(a) *"Kaitiakitanga"*, which is defined under the Act as *"the exercise of guardianship by the tāngata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship"*.

Additionally, s8 requires that in achieving the purpose of the Act, the principles of the Treaty of Waitangi must be taken into account.

The identification of sites and areas of cultural significance is therefore fundamental to the District Council's achievement of sections 6, 7 and 8 of the RMA. This includes adopting appropriate methods and rules to manage the actual and potential effects of activities in these locations.

4.2 Canterbury Regional Policy Statement

Under Section 75(3)(c) of the RMA, the Selwyn District Plan must give effect to the Canterbury Regional Policy Statement (CRPS). The relevant chapter of the CRPS is Chapter 13 – Historic Heritage. This is discussed as follows:

Chapter 13- Historic Heritage

Section 13.1 sets out the issues for historic heritage within the Canterbury region. The identified issues are:

Issue 13.1.1 Inappropriate use, development or subdivision can lead to loss or degradation of historic heritage values that make a significant contribution to a regional sense of identity.

Issue 13.1.2 Historic cultural and historic heritage landscapes can be adversely affected by inappropriate subdivision, use and development.

The Explanation for Issue 13.1 describes how historic heritage items, places and areas provide an important record of how the region came to be the Canterbury known today. This includes early Māori settlement, stories, sites and traditions. For Tāngata Whenua, such items, places and areas are described as being inextricably linked to traditional values, culture and spirituality.

In terms of historic cultural and historic heritage landscapes, the Explanation for Issue 13.1.2 notes that these landscapes have important tangible and intangible values which require protection from inappropriate use. Additionally, historic cultural landscapes are identified as being particularly important to Ngāi Tahu as these can be an integral part of tūrangawaewae, providing an enduring association for Ngāi Tahu with their ancestral land.

There are two Objectives in Chapter 13. Objective 13.2.1 seeks to identify and protect significant historic heritage items, places and areas, and their particular values that contribute to the regions character and identity, from inappropriate subdivision, use and development.

Objective 13.2.2 recognises that cultural and heritage values can be expressed in a landscape setting and seeks to make provision for the protection of these landscapes from inappropriate subdivision, use and development.

The Principal Reasons and Explanations to these two objectives offer further advice, noting that Objective 13.2.1 is of particular importance to Ngāi Tahu and their culture and traditions. This Objective is concerned with “identifying and protecting” items, places and areas and therefore goes some way to making provision for the relationship of mana whenua with ancestral lands, water, sites, wāhi tapu and other taonga.

In terms of Objective 13.2.2, the Principal Reasons and Explanations make reference to s6 of the RMA and the need to recognise and protect historic heritage and the relationship of Māori and their cultural traditions with ancestral lands, from inappropriate subdivision use and development. It is further suggested that the definition of historic heritage extends to include landscapes and that landscapes can provide a settling for cultural components including stories, history or patterns of use. It is further noted that landscapes are the sum of collective heritage or cultural values and can be sensitive to change.

Policies 13.3.1 and 13.3.2 are intended to implement Objective 13.2.1.

Policy 13.3.1 is concerned with the **recognition** of physical areas and places whilst Policy 13.3.2 is concerned with **protecting the cultural values and relationships to those places**. The policies state:

13.3.1 to recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:

1. *Identifying and assessing the significance of historic and cultural heritage resource according to criteria based on the following matters:*
 - a. *Historic*
 - b. *Cultural*
 - c. *Architectural*
 - d. *Archaeological*
 - e. *Technological*
 - f. *Scientific*
 - g. *Social*
 - h. *Spiritual*
 - i. *Traditional*
 - j. *Contextual*
 - k. *Aesthetic*
2. *Working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.*
3. *having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.*
4. *considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.*
5. *recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.*

13.3.2 To recognise places of historic and cultural heritage significance to Ngāi Tahu and protect their relationship and culture and traditions with these places from the adverse effects of inappropriate subdivision, use and development.

Policy 13.3.3 seeks to implement Objective 13.2.2 and states that:

13.3.3 Significant historic cultural and historic heritage landscapes are to be protected from inappropriate subdivision, use and development. when determining the significance of values of historic cultural or historic heritage landscapes, the following matters will be considered:

1. *Heritage fabric*
2. *Time depth*
3. *Natural science value*
4. *Tāngata Whenua value*
5. *Cultural diversity*
6. *Legibility and evidential value*
7. *Shared and recognised value*
8. *Historic or cultural importance*

In relation to their management, and determining the appropriateness of scale, form and location of development in these areas, the following matters will be considered:

- a. *Cultural sensitivity of the proposal.*
- b. *Integrity or intactness of the landscape, items, features or linkages*
- c. *Vulnerability to change or modification*
- d. *Recognition of boundaries*
- e. *Opportunities for maintaining values*

The CRPS directs territorial authorities to set out objectives and policies, and methods that provide for the recognition and protection of significant historic heritage items, places or areas.

The Policy Statement then directs local authorities to develop objectives, policies or methods to manage the effects of subdivision, use and development on historic cultural and heritage landscapes. In addition, the CRPS states that local authorities should engage with Ngāi Tahu as Tāngata Whenua which includes recognising iwi management plans when determining the cultural importance of landscapes.

The Principal Reasons and Explanation further expand that local authorities should work with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga to determine areas where wāhi tapu and wāhi taonga may be affected by activities and to ensure adverse effects to culturally significant sites are avoided, remedied or mitigated. The Statement specifies that local authorities should use iwi management plans to assist in the identification of values associated with particular historic heritage items, places and areas, and to identify tools to ensure these values are maintained.

This report will assist the District Council to follow the guidance described in the CRPS and to align with its policies. This report provides information on the location of wāhi tapu and wāhi taonga (as sourced from the Mahaanui Iwi Management Plan along with research of historical documents and reference to Te Whakatau Kaupapa).

This report also (Section 8.0) describes the types of activities which may potentially threaten the cultural values associated with these wāhi tapu and wāhi taonga and sets out the preferred approach to management (tools) of these threats for the District Plan Review.

The Principal Reasons and Explanation for Policy 13.3.3 describes how sites such as wāhi tapu, wāhi taonga, and traditions such as mahinga kai, are of cultural significance to Ngāi Tahu. Appropriate protection of these areas, traditions and particular values should be provided for to meet the provisions of s6(e), s7(a) and s8 of the RMA.

The CRPS is clear that information regarding the exact location of wāhi tapu and wāhi taonga sites, and whether use of that land or public access to it is appropriate, should be determined by Te Rūnanga o Ngāi Tahu or Papatipu Rūnanga. The CRPS is therefore being clear, that this is culturally derived information as distinct from a District Council perspective on the location of these sites and areas.

It is also noted that in order to protect values, information regarding some cultural heritage items, places or areas may be withheld, or held as “silent files”.

In summary, the CRPS clearly sets out the need for local authorities to engage with Ngāi Tahu and Papatipu Rūnanga to identify and protect historic heritage (including items, places and areas) and historic cultural landscapes from inappropriate development activities, including subdivision.

This report will assist the Selwyn District Council to meet these requirements of the CRPS. It does so through analysis of the Mahaanui Iwi Management Plan, providing advice on sites and areas of cultural importance and advice on the activities which Te Taumutu Rūnanga and Te Ngāi Tūāhuriri consider should be managed through the District Plan.

4.3 Mahaanui Iwi Management Plan

Under Section 74(2A) of the RMA, the Mahaanui Iwi Management Plan 2013 (MIMP) must be taken into account by the District Council.

Specific issues and policies concerning cultural heritage sites, places, resources, traditions, knowledge and landscapes of importance to Ngāi Tahu are contained in the Ngā Tutohu Whenua Chapter (5.8).

Chapter 5.8 states that wāhi tapu, wāhi taonga, mahinga kai and other sites of significance, and the traditional and contemporary landscapes within which they occur is encompassed within Ngāi Tahu cultural heritage. For Ngāi Tahu, cultural heritage is not something that happened in the past, rather it is an on-going and enduring relationship with the land. The enhancement and restoration of cultural landscapes is therefore of importance to Ngāi Tahu culture, identity and well-being.

The MIMP describes a cultural landscape as a geographical area with particular (and often related) traditional, historical, spiritual and ecological value to Ngāi Tahu.

An area may be identified as a cultural landscape due to the concentration of values or due to the significance of the area relating to historical events, associations or connection to identity. The values associated with particular landscapes are indicators of those matters of most importance to manawhenua.

Cultural landscapes also provide a framework for assessing and protecting the physical features of a site or area, as well as culture and traditions. The MIMP acknowledges that land use and development have the potential to both adversely affect cultural landscape values, as well as provide opportunities for enhancement.

Similar to a District Plan, the Iwi Management Plan describes Issues of significance which are then followed by objectives and policies. Those relevant to the District Plan Review include:

Issue CL1: Cultural landscapes - the need to recognise and provide for Ngāi Tahu cultural landscapes.

Issue CL3: Wāhi tapu me wāhi taonga Identification, protection and management of wāhi tapu and wāhi taonga.

Issue CL4: Silent files There are a number of challenges associated with the use of silent files as a tool to protect wāhi tapu.

Issue CL5: Access to wāhi tapu, wāhi taonga and general places of cultural importance.

Issue CL1 describes the need for culturally appropriate tools to identify and express the relationship of Tāngata Whenua and associated values with particular places. Additionally land use and development is identified as having both positive and negative effects on cultural landscapes. It is noted that the RMA focus on outstanding landscapes can mean that cultural landscapes are not recognised explicitly in planning provisions and assessment matters are often broad relating to “cultural values”. The enhancement and restoration of cultural landscapes is described as being important to Ngāi Tahu culture, identity and wellbeing.

For Issue CL4 the MIMP specifies a number of challenges associated with the use of silent files to protect wāhi tapu. These include:

(a) Silent files are a useful mechanism, but are not the complete representation of wāhi tapu in the takiwā; and

(b) There are difficulties with using and translating the silent file mechanism in planning and policy, including the lack of specific information provided to external agencies on the nature of these sites, and discrepancies between planning documents as to the location and extent of silent file areas.

The objectives relevant to the District Plan review are:

- (1) *Cultural landscapes are recognised and provided for as a planning tool to protect wāhi tapu and wāhi taonga, the multiple values associated with these sites and places (traditional and contemporary), and the relationship of Tāngata Whenua to them.*
- (3) *Wāhi tapu and wāhi taonga are protected from inappropriate use, subdivision and development.*
- (4) *Ngāi Tahu whānui have access to sites of cultural significance in the takiwā.*

Key policies to implement these objectives are:

Cultural Landscapes

CL1.1 *To require that local and central government recognise and provide for the ability of tāngata whenua to identify particular landscapes as significant cultural landscapes, reflecting:*

- (a) *Concentration, distribution and nature of wāhi tapu and wāhi taonga;*
- (b) *Setting within which sites occur and significance of that setting;*
- (c) *Significance with regard to association and relationship to place; and*
- (d) *Degree of risk/threat.*

CL1.2 *To require that local and central government give effect to cultural landscapes in policy, planning and decision making processes as a tool to:*

- (a) *Enable holistic assessment of effects on cultural values;*
- (b) *Recognise the relationship of Ngāi Tahu to particular areas and sites; and*
- (c) *Provide a wider context for cultural heritage management and the protection of individual sites.*

CL1.3 *To work with local authorities to increase awareness and knowledge of the use of cultural landscapes as a tāngata whenua planning tool.*

CL1.6 *To require that known Māori archaeological sites and silent files are recognised and provided for as cultural landscape indicators.*

CL1.8 *To identify opportunities to enhance cultural landscapes, including but not limited to:*

- (a) *Restoration/enhancement of indigenous biodiversity;*
- (b) *Enhancing views and connections to landscape features;*
- (c) *Appropriate and mandated historical interpretation;*
- (d) *Setting aside appropriate areas of open space within developments; and*
- (e) *Use of traditional materials, design elements and artwork.*

CL1.9 *To enhance Ngāi Tahu cultural landscape values in the takiwā by:*

- (a) *Protection and restoration of places of cultural value to Ngāi Tahu, including those associated with mahinga kai;*
- (b) *Restoration and enhancement of indigenous biodiversity on the landscape, rural and urban;*
- (c) *Providing for cultural traditions (both traditional and contemporary) associated with particular places, including mahinga kai and recreational use (e.g. waka ama); and*
- (d) *Incorporating Ngāi Tahu heritage values into landscape and urban design, through the use traditional place names, interpretation, artwork and public structures.*

These MIMP policies describe the appropriate approach to identifying and protecting landscapes of cultural significance to mana whenua. The methodology described in this report accords with these MIMP policies by:

- Describing cultural landscape categories which reflect the concentration and distribution of wāhi tapu and wāhi taonga, as well as associative and spiritual values.
- Identifying risks from land use activities to the values within the varying landscape categories.

More specific policy is included in relation to wāhi tapu and wāhi taonga as follows:

Wāhi tapu me Wāhi taonga

CL3.6 Ngāi Tahu have the right to identify any site as a wāhi tapu or wāhi taonga, and have the discretion as to how these sites are protected, including the right to identify sites that must be protected from development. It is anticipated that the NZHPT will support Papatipu Rūnanga in this process, as part of the Trust's kaupapa to support the management and kaitiakitanga by whānau, hapū and iwi of their heritage places.

CL3.7 To require appropriate policies and rules in territorial and regional plans to protect sites of cultural significance from inappropriate land use and development, including but not limited to:

- (a) Explicit recognition of the relationship of Tāngata Whenua to wāhi tapu and wāhi taonga;
- (b) Processes for engagement with Papatipu Rūnanga with regard to wāhi tapu and wāhi taonga;
- (c) Recognition of cultural landscapes as a planning tool to identify and assess sites
- (d) Recognition of silent files; and
- (e) Recognition that wāhi tapu and wāhi taonga values may extend beyond the physical boundaries of individual sites;
- (f) Setting aside land from development

CL3.8 To require, where a proposal is assessed by tāngata whenua as having the potential to affect wāhi tapu or wāhi taonga, one or more of the following:

- (a) Low risk to sites:
 - (i) Accidental discovery protocol (ADP) - See Appendix 3.
- (b) High risk to sites:
 - (i) Cultural Impact Assessment (CIA);
 - (ii) Site visit;
 - (iii) Archaeological assessment, by a person nominated by the Papatipu Rūnanga;
 - (iv) Cultural monitoring to oversee excavation activity, record sites or information that may be revealed, and direct tikanga for handling cultural materials;
 - (v) Inductions for contractors undertaking earthworks;
 - (vi) Accidental discovery protocol agreements (ADP); and/or
 - (vii) Archaeological Authority from the New Zealand Historic Places Trust.

The methodology being followed in this report includes a mana whenua-led identification of wāhi tapu and wāhi taonga and the development of appropriate landscape categories for management of these sites and areas.

The matters outlined in CL3.8 are matters that could be identified within policies in a district plan as part of a management approach.

Silent Files

CL4.2 There are many wāhi tapu that are not identified as silent files, and this must be recognised and provided for in central, territorial and regional planning processes.

CL4.4 The Silent File designation means that:

- (a) There must be a high level of engagement with Papatipu Rūnanga to assess whether the location, type and scale of proposed activities may adversely effect the values associated with the Silent File area;
- (b) The Papatipu Rūnanga shall have a high level of influence over decisions to grant or decline consents. Only tāngata whenua can determine whether a development will affect silent file value; and
- (c) The Papatipu Rūnanga shall not be required to justify the nature and extent of cultural effects, or why an activity may be inconsistent with values in a Silent File area. Tāngata whenua must be able to "say no" without revealing the location or status of a site.

These policies seek to highlight that silent file designations must be supported by appropriate planning processes (in terms of activity status and requirements for resource consent), as well as engagement. These processes are necessary to provide opportunities for mana whenua to directly comment and influence resource and subdivision consents which may impact silent file values. Policy CL4.2 also highlights the limitations of relying solely on Silent Files as a mechanism to protect wāhi tapu sites.

The Operative District Plan has few provisions to provide for the protection of values associated with Silent Files, primarily limited to earthworks and assessment of impacts on

cultural values where a resource consent process is triggered. These matters are outlined further in Section 5.0.

The District Plan review process provides an opportunity to further develop relevant provisions for existing silent files as well as other wāhi tapu sites.

Access

CL5.2 *To increase the ability of Ngāi Tahu whānui to access wāhi tapu and wāhi taonga on private land by any of the following means:*

- (a) *Engaging landowners to develop access arrangements;*
- (b) *Engaging landowners to develop management plans to protect sites;*
- (c) *Purchasing land outright;*
- (d) *Opposing development that may 'lock places away'*
- (e) *Registering sites or places with the NZHPT;*
- (f) *Caveats on land titles;*
- (g) *Creation of reserves; and*
- (h) *Use of covenants.*

This policy seeks to enable greater access to identified wāhi tapu and wāhi taonga through a number of arrangements. The MIMP notes that much of Ngāi Tahu's cultural heritage (e.g., pa sites) is located on non-tribally owned lands, and is either Crown land or in private ownership. Whilst the provisions of the district plan cannot alter the status of land ownership, there is the opportunity for greater specificity in policies and assessment matters on matters related to access. For example, the development of access arrangements and management plans.

Maunga

CL8.2 *To prohibit the erection of buildings or structures on our ancestral maunga.*

This policy recognises the important role that maunga have in the spiritual and cultural beliefs of Ngāi Tahu. As the gateway to the Atua, they are considered the most sacred part of the landscape and carry the names of tūpuna.

The CRPS requires the District Council to be guided by these policies in its District Plan Review whilst the RMA requires the Iwi Management Plan to be taken into account. In summary, the Mahaanui Iwi Management Plan contains a number of very clear policies relating to the identification and management of both larger cultural landscapes as well as specific sites and places of cultural significance to mana whenua.

Section 7.0 of this report describes the methodology followed for identifying and protecting cultural landscapes. This methodology is consistent with policy CL1.1 and CL1.2 which require an approach based on the relationship Ngāi Tahu holds with particular areas and sites (as distinct from an archaeological or Council derived process). The categorisation of landscapes described in this report provides a wider context for both cultural heritage management and protection of individual sites.

5.0 OPERATIVE PLAN PROVISIONS

The Operative Selwyn District Plan makes provision for sites and areas of cultural significance in both the Township and Rural volumes. The following sections describe the approach to recognition, management and protection of wahi tapu and wahi taonga in the Plan.

5.1 Rural Volume Objectives and Policies

Chapter A4.2 of the Rural Volume describes Māori Issues and Values. It identifies the statutory context of Part 2 of the RMA and is followed by a description of the historical and contemporary associations of Rūnanga under "Tāngata Whenua of the Selwyn District".

The Chapter includes specific acknowledgement of wāhi tapu and wāhi taonga, including mahinga kai and tōpuni, statutory acknowledgements and nohoanga created under the Ngāi Tahu Claims Settlement Act 1998. It is noted that in addition to areas vested in Ngāi Tahu through the Settlement Act, there are other sites of significance to local Rūnanga.

Tāngata Whenua issues in the District are described. Of relevance to this report are:

- identification and protection of those natural and physical resources of importance, such as coastal and inland water bodies and areas of indigenous vegetation
- Protection of wāhi tapu, wāhi taonga and mahinga kai (food gathering sites) from any use or development which may threaten the values of these areas, in particular avoidance of waterbody contamination by human, industrial or animal waste;
- Protection and, where necessary, restoration of continued access to wāhi tapu, wāhi taonga and mahinga kai sites
- Protection of culturally significant sites and areas, such as urupā and occupancy sites.

Chapter A4.5 describes the key geographic features of the Rural Zone. Te Waihora/Lake Ellesmere is recognised for its immense cultural importance to Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga. The Plan recognises that surrounding land use affects water quality, and activities may also disturb sites of Māori settlement and cultural importance. The hill and high country is recognised as an area containing routes travelled by Māori to reach the West Coast.

Chapter B1.2 is concerned with Vegetation and Ecosystems. The Plan describes indigenous vegetation as providing cultural opportunities and the District Plan strategy is to manage large scale earthworks, the clearance of indigenous vegetation, the planting of exotic tree species and protection of significant indigenous vegetation. There are specific policies to encourage the retention of existing indigenous vegetation, particularly on the margins of water bodies¹.

Chapter B1.3 concerns water. Issues identified for water include activities that affect the cultural values of waterbodies. The importance of quality water for mahinga kai is also acknowledged as is the wāhi taonga / wāhi tapu status of waterways. The Plan states that all waterbodies in Selwyn District are wāhi taonga/wāhi tapu and the necessity to improve water quality in Te Waihora in particular, is acknowledged.

There are a number of water policies related to cultural interests. These include:

- Policy B1.3.2 which seeks to “Recognise and provide for the special interest of Tāngata Whenua in resource management issues relating to water”.
- Policy B1.3.10 aims to protect or enhance wetland, their ecological integrity and function along with their cultural values.
- Policy B.1.3.11 which seeks to “Utilise opportunities to create esplanade strips or other means to protect riparian margins which are sites of wāhi tapu or mahinga kai”

Chapter B1.4 deals with Outstanding Landscapes. Te Waihora is identified as an Outstanding Landscape, including the surrounding springs, wetlands and the shingle beach from Rakaia River to Kaitorete Spit and a rocky outcrop within the lake. Activities with the potential to affect the landscape values include tree planting, buildings and structures in the margins of the lake or fixed to its bed, and drainage works. The skyline and ridgelines of hills and mountains are

¹ Policy B1.2.5

also identified as culturally significant, with the high country containing mahinga kai sites, silent file areas and important geographic landmarks. Policy B1.4.21 specifically aims to recognise and protect sites with landscape significance to Tāngata Whenua.

Chapter B2 deals with Physical Resources. The Chapter identifies that infrastructure and utilities have the potential to create effects on ancestral lands, sites and other taonga. The Plan states that the Council expects there to be alternatives to locating utilities on sites with cultural significance. Policy B2.4.7 recognises that Tāngata Whenua will have a particular interest in the treatment and disposal of waste; and to ensure that appropriate consultation is undertaken.

Chapter B3.3 concerns Culture and Historic Heritage within the District. Statutory Acknowledgement and Nohoanga Sites are identified, along with wāhi taonga and wāhi tapu sites and taonga species. The District Plan Strategy for Māori sites is to record information about sites or buildings as agreed by Rūnanga, to develop voluntary protocols for the management of Silent File Areas, Wāhi Taonga and Mahinga Kai sites, along with provisions for disturbance or damage to sites and areas of cultural significance. There are four categories of sites and areas of cultural significance in the Operative Plan, being Wāhi Taonga sites, Wāhi Taonga Management Areas, Silent File Areas and Mahinga Kai sites.

Objectives and policies specific to sites and areas of cultural significance include:

Objective B3.3.1

Sites of Wāhi Tapu, Wāhi Taonga, Mahinga kai and other importance to Tāngata Whenua are protected in partnership with local Rūnanga and landholders.

Objective B3.3.3

To recognise and protect trees that contribute to character, ecological, or amenity values and/or are of significance to Tāngata Whenua, and the quality of the rural and urban environments identified in the District Plan.

Policy B3.3.1

Encourage local Rūnanga to record information about sites of cultural importance to them, where appropriate.

Policy B3.3.2

Recognise and protect sites of cultural importance to local Rūnanga through fostering a partnership between landholders and local Rūnanga.

Policy B3.3.4

Protect areas identified in the Plan as Wāhi Taonga sites, Wāhi Taonga Management Areas and Mahinga Kai sites from inappropriate damage or destruction.

These objectives and policies are worded with an emphasis on the protection of sites and areas of cultural importance. Policy B3.3.2 does appear to be a rewording of Objective B3.3.1, and as a consequence provides limited further guidance on how protection is to be achieved, but the intent of protection is emphasised by the duplication. It is also unclear how Policy B3.3.1, which is about recording information will achieve the Objective of protection, unless it is complemented by very strong rules that ensure protection is achieved. Policy B3.3.4 is poorly worded, noting that there is no distinction that can be made between appropriate and inappropriate damage or destruction. From a Rūnanga perspective, all damage and destruction of wāhi tapu or wāhi taonga is considered to be inappropriate.

The Explanation and Reasons to the Objectives and Policies provide a very high level explanation of the differences between Wāhi Taonga sites, Silent File Areas, Wāhi Taonga Management Areas and Mahinga Kai sites. Wāhi Taonga sites are described as archaeological sites where the “boundary” of the site is extended by a 20m radius whilst Wāhi Taonga Management Areas are larger areas containing multiple sites. The full list of the Wāhi Taonga sites (of which there are 85) and the Silent File areas (of which there are 11) is contained in Appendix E5 of the Operative Plan.

Further comment is made on the definitions of Wāhi Tapu and Wāhi Taonga in the Operative Plan and the Mahaanui Iwi Management Plan in the section titled “Rules” below.

There are six Wāhi Taonga Management Areas in the District. These are located at Rakaia Island, a section of the coast, Taumutu, the bed of the Waimakariri and Selwyn Rivers, and the Rakaia River Moa Hunter site (divided into 2 sub Management Areas).

The Plan lists all of these sites in Appendix 5 and they are identified on the planning maps.

The Explanation and Reasons describe how the rules are intended to allow for the disturbance of materials within the 20m radius surrounding wāhi tapu, but in the event of an accidental discovery, a resource consent is then required. It therefore appears that Council intended that the policies would be implemented via a retrospective consenting process, but it is unclear how this process would achieve protection.

Activities exempt from the earthworks rules include:

- Sowing, tending or cultivating crops (to a depth of no more than 20cm)
- Digging post holes
- Maintenance or landscaping of gardens, lawns or public spaces
- Burying pets; and
- Trenching compost

Policy B3.3.5 seeks to:

“Recognise the areas of Statutory Acknowledgement identified in Appendix 8 as areas of cultural importance to Ngāi Tahu.”

The Explanation and Reasons under this Policy state that Ngāi Tahu is recognised as an affected party for any resource consent in these locations.

Policy B3.3.6 seeks to:

“Allow customary activities and erecting of temporary structures at nohoanga sites, provided any adverse effects on the environment will be minor.”

There is only one nohoanga sites identified in Selwyn District and it is listed in Appendix 8 at a location along the Rakaia River.

Policy B3.3.13 concerns the protection of identified trees from destruction or alteration and this is qualified as to the extent to which any alteration may affect their significance or health as they relate to any cultural values. We note that the word “alteration” would more commonly be association with buildings, however the intent of the policy is acknowledged. Examination of the list of protected trees suggests that the majority are introduced species, but there are some listings which have taonga species status.

5.2 Township Volume Objectives and Policies

The Township Volume duplicates the content of the Rural Volume with respect to the description of Tāngata Whenua values and the Ngāi Tahu occupation of Selwyn District. Comment is made on those sections of the Township Volume where relevant to consideration of sites and areas of cultural significance.

In addition, Chapter B1.1 Land and Soil, Contaminated Soil states that allowing soil to become contaminated does not recognise and protect the relationship of Māori with their taonga.

Chapter B1.2 concerns water and acknowledges the cultural importance of water for mahinga kai and as a taonga. The Plan notes that activities in townships affect water quality and the inter-relationship of surface and groundwaters should be considered as part of integrated landuse management. As already described in the Rural Volume, there are similar objectives and policies seeking to ensure that activities on land and the surface of water do not adversely affect wāhi tapu or wāhi taonga.

Objective B1.2.2

Activities on land and the surface of water in Selwyn District:

- *Do not adversely affect ground or surface water resources;*
- *Do not adversely affect Wāhi Tapu or Wāhi Taonga*
- *Maintain or enhance the ecological and habitat values of waterbodies and their margins;*
- *Maintain or enhance the water quality and ecological values of sites of mahinga kai; and*
- *Promote public access along rivers and streams, where appropriate.*

This objective is to be achieved through a suite of policies relating to reticulation of water services in identified towns, installation of appropriate infrastructure and compliance with New Zealand Standards. In addition, Policy B1.2.8 recognises the benefits of riparian vegetation for improving water quality and habitat values and Policy B1.2.9 proposes that esplanade reserves and strips be adopted as a mechanism to maintain riparian planting, natural character and water quality. This is complemented by Policy B1.2.11 which seeks to ensure that structures or mooring do not adversely affect Wāhi Tapu or mahinga kai sites.

Chapter B1.3 concerns ecosystems and issues associated with loss or damage to areas of significant indigenous vegetation, wetland and rivers and lakes and their margins. Indigenous vegetation and habitats can be a fundamental component of a site or area identified as wahi tapu or wahi taonga. It is noted that the objectives and policies of the Township Volume of the Operative Plan are concerned to protect ecosystems from urban development and are not concerned with their relationship to cultural landscapes and mahinga kai. This Chapter does not reference taonga species as part of ecosystems.

Chapter B2 concerns Physical Resources, and as for the Rural Volume there are objectives and policies concerning the effects of utilities on cultural values² as a result of their location, construction or operation. This includes roads and railway lines. Please refer to the discussion under the Rural Volume above.

Chapter B2 also addresses the need to facilitate access along river and streams in and adjoining townships. In these circumstances, the Plan notes that improved access may have

² Policy B2.2.7

effects on cultural values that need to be managed whilst also potentially facilitating Tāngata Whenua access to mahinga kai, wāhi tapu and wāhi taonga.

Chapter B3 concerns wāhi tapu and wāhi taonga sites. Its introductory text provides a list of what wāhi tapu and wāhi taonga sites include e.g., canoe landing sites, burial sites, rock drawing sites, altars, habitations and mahinga kai sites. It is unclear how this list relates to the 4 categories of sites and areas described in the Rural volume, but it is noted, that the Township Volume is focused on “sites” being a particular geographic location. The Township Volume does acknowledge the significance of indigenous vegetation as a component of wāhi tapu and wāhi taonga. The objectives and policies of this chapter largely duplicate the wording and intent of those described in the Rural Volume, with a consistent repetition of the intention to “protect” wāhi tapu.

The only additional policy matters that arise in the Township Volume is in relation to the objectives and policies in Chapter B4 concerned with the Growth of Townships. Objective B4.3.1 requires the expansion of townships to not adversely affect sites with cultural values and Policy B4.3.8 requiring Outline Development Plans to identify cultural values and how they are to be maintained or enhanced. Policy B4.3.10 seeks to ensure that residential or business development at Rakaia Huts does not damage or disturb archaeological sites.

5.3 Rules

As noted above, the Selwyn District Plan approach to identification and management of cultural sites and areas is based on 4 different cultural landscape categories. These are defined (in the Definitions Section) as follows:

Wāhi Taonga Site: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site.

Wāhi Taonga Management Area: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Management Area.

Mahinga Kai Site: includes any land, building or structure which is listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site.

Silent File Area: includes any land which is listed in Appendix 5 and shown on the Planning Maps as a Silent File Area.

These are not definitions of wāhi tapu and wāhi taonga, but more a cross-referencing tool to the appendices of the Plan.

Section B3 of the Township Volume attempted to define wāhi tapu and wāhi taonga as;

“sacred places, which are held in reverence according to tribal custom. They provide a link to tribal custom. Protecting them helps protect and remember the mana of ancestors and provides protection for future generations. Wāhi tapu and Wāhi taonga include but are not limited to:

- *tauranga waka (canoe landing sites)*
- *waiwhakaheketupapaku or urupā (burial sites)*
- *tuhituhi o nehera (rock drawing sites)*
- *tuahu (altars)*

- *pa/kainga (habitations)*
- *mahinga kai (food/material gathering sites)*
- *ruakoiwi (burial site)*”

This definition or description is limited by the examples it provides, which tend to be specific locations.

The definitions for wāhi tapu and wāhi taonga in the Mahaanui Iwi Management Plan are:

Wāhi tapu: *Wāhi tapu are places of particular significance that have been imbued with an element of sacredness or restriction (tapu) following a certain event or circumstance. Wāhi tapu sites are treated according to tikanga and kawa that seek to ensure that the tapu nature of those sites is respected. Of all wāhi tapu, urupā are considered to be the most significant.*

Wāhi taonga: *Wāhi taonga are “places treasured” due to their high intrinsic values and critical role they have in maintaining a balanced and robust ecosystem (e.g. spawning grounds for fish, nesting areas for birds and freshwater springs). They are prized because of their capacity to shape and sustain the quality of life experience and provide for the needs of present and future generations, and as places that connect and bind current generations to their ancestral land and practices.*

It is recommended that the reviewed District Plan consider adopting the definitions of the Iwi Management Plan to provide consistency between the documents in respect of cultural interpretation and to achieve greater effectiveness of administration.

An overview of the rules that apply to activities within the Cultural Landscape Areas of the Operative District Plan are described as follows:

5.3.1 Rural Volume

The following provisions apply to earthworks within Sites of Significance to Tāngata Whenua (Rule 1.3):

- The Plan uses a “Note” to advise that the adoption of an Accidental Discovery Protocol for any earthworks in a Silent File Area, Wahi Taonga Site or Wahi Taonga Management Area.
- Exemptions normally granted for earthworks e.g., drilling bores or trenching for cables, are not exempt in Wahi Taonga Management Areas.
- In Silent File Areas earthworks are limited to the disturbance of soils over areas and to depths where that soil have been previously disturbed by cultivation, planting, building or earthworks.
- In Wahi Taonga Management Area C39(a) earthworks are limited to the disturbance of soils over areas where that soil has been previously disturbed by cultivation, planting, building or earthworks to a depth of 20cm.
- In Wahi Taonga Management Areas and Wahi Taonga sites earthworks are permitted so long as they do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site.

- At a Mahinga Kai site, any damage to, or removal of indigenous vegetation is limited to that undertaken by Tāngata Whenua.
- Where there is non-compliance with these provisions, a resource consent is required for a Restricted Discretionary Activity. The assessment matters provide for a relatively broad assessment of “other potential adverse effects on any site of significance.....as advised by local Rūnanga”.

These provisions are generally permissive and Council relies on a “Note” to require all earthworks to adopt an Accidental Discovery Protocol. It is questionable if a “Note” has the legal status of a rule and how this is enforced.

In addition, compliance with the rule for earthworks in Wahi Taonga Management Areas and for Wahi Taonga sites is impossible to know or confirm in advance of the works. You would only be sure that you had complied with the rule ie not damaged or destroyed any archaeological artefacts once the works were completed, and if you didn’t comply, it would mean you have already damaged or destroyed the artefact. In that scenario, it is unclear what the requirement for a retrospective resource consent would achieve as it is too late to impose any requirements on how the works are undertaken and the ability to provide for cultural monitoring.

It is noted that the wording in the rule relating to Mahinga Kai, implies that cultural harvest by mana whenua “damages” indigenous vegetation. This wording causes offense and it is requested that any new wording adopted in the Reviewed District Plan does not imply that cultural practices and techniques damage or destroy indigenous plants. To the contrary, manawhenua advise that cultural harvest uses techniques which are known not to harm the health and sustainability of the species or specimen concerned.

Rule 1.7 concerns **Earthworks and Setback, Volume and Site Rehabilitation**. This rule requires all earthworks to be set back at least 20m from the edge of any waterbody, unless related to the installation of network utilities, existing fencelines, vehicle tracks and crossings which may encroach within this distance. A 5m setback can be applied where the earthworks meet specified lesser volumes over a continuous 5 year period. Controls and setbacks for earthworks from water bodies are acknowledged as contributing to achievement of policies concerned with protecting the cultural values associated with water.

Rule 2.1 concerns **Amenity and Shelterbelt Planting** and Rule 2.2 concerns **Plantations**. These rules require that the disturbance of soil or earth by tree planting is limited in Silent File Areas, Wahi Taonga Management Areas and Wahi Taonga Sites as described in the Earthworks rules above. Non-compliance with these rules is a restricted discretionary matter and there are assessment matters seeking advice from local Runanga on effects ib cultural values.

Rule 2.3 sets out the rules for **Protected Trees**. It is noted that where a resource consent is triggered for removal or pruning of protected trees, none of the matters of discretion include any reference to or consideration as to whether the tree is a Taonga species of importance to manawhenua.

Rule 3.6 concerns **Buildings and Sites of Significance to Tāngata Whenua**. These rules also require that earthworks associated with buildings in Silent File Areas, Wāhi Taonga Management Areas and Wāhi Taonga Sites are limited by the Earthworks rules. Non-

compliance with these rules is a restricted discretionary matter and there are assessment matters seeking advice from local Rūnanga and effects on cultural values.

Additionally, there is a provision under this rule that building, or altering a building cannot involve the removal or damage of indigenous vegetation in a Mahinga Kai site unless it is for mahinga kai purposes. The wording of this rule is confusing if not non-sensical, as the removal of vegetation associated with construction or alteration of building is not in any way related to harvesting for mahinga kai. It may be more appropriate to have a simple rule in the Plan that clearly states any removal of indigenous vegetation in a Mahinga Kai site is only for mahinga kai purposes. Removal for any other purpose is a restricted discretionary activity.

It is noted that the rules do not contemplate that there may be any other effects on cultural values arising from a building other than in relation to earthworks.

This pattern of control of earthworks associated with land use is repeated in **Rules 4.3 Roads and Sites of Significance to Tāngata Whenua, 5.10 Utility Structures and Sites of Significance to Tāngata Whenua, 5.11 Utility Buildings and Sites of Significance to Tāngata Whenua, 6.6 Outdoor Signs and Sites of Significance to Tāngata Whenua.** These rules all require any earthworks associated with a road, utility structure or building, or a sign located within the identified Cultural Landscapes to meet the Earthworks standards and the provision relating to the removal of indigenous vegetation in a Mahinga Kai site is repeated i.e., removal or damage to indigenous vegetation can only be for mahinga kai purposes.

It is noted that the rules do not contemplate that there may be any other effects on cultural values arising from roads, utility buildings and structures or signage, other than in relation to earthworks.

It is noted that Rule **5.13 Waterbody Setbacks – Utility Structures and Utility Buildings** impose significant setbacks from lakes and wetlands adjoining a lake i.e., 100m, 20m from listed waterbodies and 10m from all other waterbodies. Non-compliance with these setbacks is a discretionary activity.

Chapter C9 sets out the rules applying to Activities. It is noted that there are no rules pertaining to the location of activities in the identified Cultural landscapes and no matters of cultural consideration identified for any of the activities. This includes rules relating to the clearance of indigenous vegetation.

Chapter C10 sets out the provisions for Subdivision. Any proposed subdivision within an identified Cultural Landscape is a restricted discretionary activity. The provisions for esplanade reserves or strips restrict consideration of the potential reserve or strip to protection of silent file areas or public access (amongst a number of other considerations). The matters of consideration do not include mahinga kai or other cultural values that may be enhanced by the provision of an esplanade reserve or strip.

5.3.2 Township Volume

The above provisions are duplicated in the Township Volume to the extent that they apply to earthworks within the Wahi Taonga Management Areas at Rakaia Huts.

5.3.3 Summary

In summary the rules of the Operative District Plan are almost singularly focused on the management of earthworks as the tool for protection of sites and areas of cultural significance.

The only exception would appear to be in relation to the removal of indigenous vegetation in a Mahinga Kai site (of which there is only one). The provisions do create opportunity for consideration of effects on cultural values where subdivision occurs within the identified cultural landscapes, and this can include the input of Rūnanga, noting that the wording adopted in the Plan is “as advised by local Rūnanga”.

6.0 ANALYSIS OF EFFECTIVENESS OF OPERATIVE PLAN

Having regard to the commentary in Section 5.0 above the following analysis is made of the Operative Plan provisions in respect of sites and areas of significance.

The Operative Plan does acknowledge the statutory obligation to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and wāhi taonga.

The definitions or descriptions used in the Operative District Plan for Wāhi Tapu and Wāhi Taonga are however out-dated and lacking in specificity as to what these terms relate to, particularly when compared with the Mahaanui Iwi Management Plan. On this basis, the descriptions in the Operative District Plan are potentially more difficult to interpret and administer, which has a consequential effect on the effectiveness of the provisions.

The Operative District Plan contains an objective to protect wāhi taonga. This accords with the statutory direction in the RMA and the CRPS. The objective is to be achieved through a number of policies which include recognising sites and areas and protecting these from “inappropriate” damage or destruction. There is specific policy recognition for Statutory Acknowledgements. As previously noted however, these policies adopt poor terminology e.g., “inappropriate” damage and destruction. All damage and destruction is inappropriate and a distinction cannot be made between appropriate and inappropriate damage.

Different types of cultural landscapes have been created and the sites are listed in Appendix E5. Whilst this step of recognition is acknowledged, the listings for Wāhi Taonga sites are limited to the archaeological site itself plus a 20m radius. This approach limits the extent of Rūnanga input into a very small locale and fails to recognise that cultural interests and values are embedded within a contemporary and holistic world-view of integrated environmental management and do not reflect the historical association and occupation of all parts of the district.

The policies will only be effective where they are implemented through efficient rules. In the Operative Plan the rules put in place to achieve the “protection” described in the objectives are extremely limited in effect. As noted under the Summary above, the Plan is almost singularly focused on the management of earthworks as the tool to achieve protection of cultural sites and areas.

The protection of cultural values associated with water and water bodies (recognised as culturally significant in the Plan’s objectives and policies) are only achieved by default, where the Plan imposes large setbacks for earthworks and structures from waterways. The Plan does not identify any cultural basis or contribution as a reason for these setbacks, nor does it include any culturally focused assessment matters for activities where a resource consent is triggered. Accordingly, while the setbacks may contribute to achievement of cultural objectives for maintenance and enhancement of riparian corridors, this is not explicit within the Plan.

The main deficiency of the Operative Plan is that it does not contemplate that there may be effects on cultural values other than those associated with earthworks and the accidental discovery of artefacts. For example, the Plan does not contemplate that an intensive farming activity on, or close to a wahi tapu locality may create adverse effects on cultural values, nor a structure on a ridgetop. It does not provide any mechanism for considering effects on Mahinga Kai outside of the two Mahinga Kai Sites in Appendix E5.

The Operative Plan does contemplate that subdivision within cultural landscapes should require a resource consent process to be followed where the effects on cultural values are considered. The associated assessment matters are very general, requiring consideration of adverse effects on the cultural landscape. The assessment matters are deficient in that they do not specifically require or direct engagement with Rūnanga by either the applicant or Council.

Accordingly, the Operative Plan could only be described as weakly providing for the protection of wāhi tapu, wāhi taonga and silent files, primarily due to the limited rules that apply to activities within the cultural landscapes and the limited extent of the cultural landscapes themselves. The Plan would potentially be more effective in terms of providing for s6(e) of the RMA – Ngāi Tahu culture and traditions, and the provisions of the CRPS, if more explicit connections were made to matters such as the taonga status of water, taonga species, customary gathering, the planting of riparian margins and controls or assessment matters in relation to activities such as intensive farming within cultural landscapes.

The further development of categories for cultural landscapes would provide a more robust framework for the management of activities in respect of cultural values.

7.0 RECOMMENDED APPROACH

To achieve the purpose of the RMA, councils have specific statutory duties around providing for the relationship of Māori and their customs and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. It is common practice for councils to attempt to achieve these duties by encouraging ngā rūnanga to provide a list of identified culturally significant sites to be protected in plans.

Planners often regard that sites and areas of cultural significance can be neatly pinpointed on planning maps in the same way as European archaeological or heritage sites. Such a generic approach means that cultural considerations are often overlooked compared with more comprehensively developed or specific policies or assessment matters. Statutory plans often reference “cultural values”, however, this term is so broad it provides little guidance on what this actually means and what may be required to fulfill statutory obligations or higher order objectives to “protect cultural values”.

This traditional approach aims to recognise and protect wāhi tapu me wāhi taonga in district plans through a two-step process:

1. Sites are pinpointed on planning maps, generally as a circle; and
2. Within those circles, rules apply to activities which may affect the site (i.e. earthworks or buildings).

The approach involves identifying the physical location of sites, including their boundaries, to ensure certainty in terms of where the rules apply. The iwi authority and/or papatipu rūnanga

are then identified as an affected party in terms of processing a resource consent application. This approach is essentially reflected in Appendix E5 of the Rural and Township Volumes in the Operative District Plan but is only applied to earthworks.

The advantage of this approach is that it is easy for anyone to understand (with or without a background in tikanga Māori) and it also fits neatly within the traditional style of statutory plans. This approach however, overlooks the historical occupation and relationship that both Te Ngāi Tuahuriri and Te Taumutu have with the entire Selwyn District. All of the district is regarded as ancestral land, and mana whenua traditionally occupied and used the resources of all of the District. Accordingly, the Runanga hold interests in the management of all natural resources within the takiwā.

Additionally, Rūnanga have previously stated that they do not support the identification and inclusion of all culturally significant sites (including wāhi tapu and other taonga) in district plans as they are concerned that identifying specific sites in plans may be mistakenly perceived as meaning that these are the only areas within the takiwā of interest to the rūnanga.³

For these reasons, the traditional planning approach does not accord with a cultural perspective of resource management, and does not therefore meet the requirements of the CRPS or s6(e) of the RMA4.

It is therefore recommended that the District Council moves away from the traditional approach of recording archaeological sites and instead pursue a more contemporary classification approach. Whilst the Operative District Plan has identified different types of cultural landscape, it has relied on a very limited rule base to manage only a very limited (1 or 2) types of effects, being the discovery of archaeological artefacts and removal or loss of indigenous vegetation in two very specific locations. A contemporary approach has a broader range of culturally significant sites and areas, with differing values.

The Christchurch District Plan is an example of a contemporary classification system which could be adapted to the Selwyn District.

Provisions for the Christchurch District Plan were approved by an independent hearings panel which consisted of a High Court Judge, an Environment Court Judge and highly experienced planners. Some confidence can therefore be taken, that the Christchurch approach has been robustly assessed.

The Christchurch District Plan includes sub-chapter 9.5 which relates to the management of sites and areas of cultural significance to Ngāi Tahu mana whenua, recognising the whole of the district encompasses ancestral lands as well as waters, sites, wāhi tapu and wāhi taonga.

The contemporary classification approach reflects a variety of culturally significant sites and areas within the Christchurch District (including Banks Peninsula) and identifies activities likely to affect their historic and contemporary cultural values.

The Christchurch District Plan contains three broad types of cultural sites. These consist of:

1. Wāhi Tapu/Wāhi Taonga (including Mahaanui Iwi Management Plan Silent Files and Kaitorete Spit)

³ Te Ngāi Tūāhuriri Position, Wāhi Tapu me wāhi taonga in the Waimakariri & Rakahuri catchments Report, June 2017

⁴ The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga

2. Ngā Tūranga Tūpuna.

3. Ngā Wai

Each of these cultural landscapes has provisions which reflect the associated values that require protection. Provisions in regards to (1) are the most onerous, with the need to protect highly significant values whilst Ngā Tūranga Tūpuna and Ngā Wai provide for the identification of culturally significant sites without implementing a lot of additional rules. The CCC approach effectively recognises sites and areas of cultural significance, and more closely aligns with the relevant policies in the Mahaanui Iwi Management Plan.

The decision document for sub-chapter 9.5⁵ states that wāhi tapu /wāhi taonga sites includes places that are considered by Ngāi Tahu to be wāhi tapu or wāhi taonga.

Ngā Tūranga Tūpuna are described as places of settlement or occupation in the past, which includes areas or landscapes of Ngāi Tahu cultural significance.

Ngāi Wai consist of particular water bodies and their margins and include wetlands, waipuna (springs) and coastal waters which are significant areas of customary use (including mahinga kai) for Ngāi Tahu.

To develop these classifications, Ngāi Tahu undertook an assessment of existing documented information including Cultural Impact Assessments, archaeological association sites, and silent file areas, to identify the Wahi Tapu/Taonga sites. These were then discussed with Rūnanga representatives⁶.

In some instances, particular areas include multiple classifications (i.e. Ngā Tūranga Tūpuna and Wāhi Tapu/Wāhi Taonga or Ngāi Wai) within them. In this scenario, the values of all of the classifications are required to be considered.

The rules applying to each of the identified sites and areas of Ngāi Tahu cultural significance are primarily contained in the relevant zone and district wide chapters (hazardous substances, contaminated land, natural hazards, general rules and procedures, transport, subdivision, development and earthworks), along with matters of discretion, which must be considered when a resource consent is triggered.

This report is recommending that the proposed approach for sites of cultural significance in the Selwyn District Plan is based on the process and categories established by the Christchurch District Plan. Following this methodology ensures that Ngāi Tahu history is recognised over larger areas of the district as well as in areas of high significance, for example silent files, with appropriate provisions.

It is relevant to note that where a culturally significant site is also a Papakāinga Kāinga/Nohoanga, the Natural and Cultural Heritage rules (including those applying to wāhi tapu and outstanding natural landscapes) either do not apply to the Kāinga Nohoanga or have a reduced level of control.

8.0 CULTURAL LANDSCAPE CATEGORIES

The following landscape categories have been identified through a process of research and mapping led by the Manager of Mātauranga Māori Taiao and supported by a Rūnanga representative. Existing data sources were adopted as a starting point and/or retained from the

⁵ Independent Hearings Panel Christchurch Replacement District Plan Schedules to Decision Topic 9.5

⁶ Ngāi Tahu hearing evidence- S.32AA Report corrections, February 2016, pg 5.

Operative Plan and other statutory documents, such as the Canterbury Land and Water Regional Plan. The identified landscapes and the development of categories were discussed with Rūnanga through hui and the sharing of documentation.

It must be acknowledged that the landscape categories, sites and areas identified in this report are not definitive and final. They represent the best efforts to date using desk top resources only. None of the sites and areas have been ground-truthed and should Council require more information or qualification of the sites and areas, that would require additional research, and investigation including site visits.

It is expected that over time further sites and areas may be identified and the landscape categories and maps further developed.

The following landscape categories are recommended to be included within the reviewed Selwyn District Plan.

These landscapes are shown on maps in Appendix 2 and are accompanied by a Schedule providing the name of each site/area and a description of the key feature contained within the landscape site or area

8.1 Ngā Tutohu Whenua

Ngā Tutohu Whenua are the cultural landscapes of the Selwyn District, which encompass broad areas, rather than defined localities or specific sites. These landscapes fall within the following catchments as described in the Mahaanui Iwi Management Plan:

6.4 Waimakariri (Pg.213-225)

6.11 Te Waihora (Pg.321-337)

6.12 Rakaia ki Hakatere (Pg.341-355)

The Waimakariri catchment encompasses a number of landscape features including mountains, high country lakes and wetlands, foothills, forests and grasslands to the spring fed lowland streams and coastal lagoons. The name Waimakariri refers to the cold mountain fed waters of this braided river. The river was also part of larger network of ara tawhito linking the east coast to the mahinga kai resources of the high country and pounamu on the West Coast.

Te Waihora is described as a tribal taonga representing a major mahinga kai and an important source of mana. It is noted that for the past 160 plus years, farming and settlement values have been enabled at the expense of Ngāi Tahu values. The restoration of the lake is now a tribal priority.

The Rakaia River is identified as a major braided river within the takiwā and is valued for its diversity in character, flows. The restoration of the mauri and mahinga kai values of the Rakaia River and its tributaries, lakes and wetlands is a key component of this cultural landscape.

Acknowledging the importance of ki uta ki tai (holistic and integrated management of land and water), catchments provide an appropriate understanding of the broader landscape. They also provide recognition that Ngāi Tahu travelled through, engaged with and named the land. This association is inter-generational (i.e., it is not limited to historical occupation and events), with opportunities for future generations to experience and engage with the landscape as their tūpuna once did⁷.

⁷ Mahaanui Iwi Management Plan 2013, pg 165.

The Mahaanui Iwi Management Plan states that Ngā Tutohu Whenua is a meaningful way to identify and recognise the values within catchments and the relationship with mana whenua.

During the Christchurch District Plan review, Ngāi Tahu identified the whole district as a landscape that has cultural values and Rūnanga⁸ then went on to categorise areas of particular sensitivity⁹ within the catchment. Similarly, in the Selwyn District context the catchments are used as the starting point for establishing the extent of cultural interests and associations with further categorisation occurring through the development of further cultural landscape categories.

Within the combined catchment area there are four distinguishable geographical areas which could be described as Ngā Tutohu Whenua. These are:

- Kā Tiritiri o te Moana – the Southern Alps and High Country
- Wairiri – the Malvern Hills
- Kā Pikihi Whakatekata o Waitaha – the Canterbury Plains
- Te Waihora

The Ngā Tutohu Whenua is shown on the maps in Appendix 2.

Data Source for Maps: Maps follow the line-work used for the Mahaanui IMP 2013.

8.2 Wāhi Tapu and Wāhi Taonga

Wāhi tapu are sites and places that are culturally and spiritually significant to mana whenua history and identity and may include sites such as urupā, pā, maunga tapu, kāinga, tūranga waka and places where taonga have been found. The term is generally applied to places of particular significance due to an element of sacredness or some type of restriction as a result of a specific event or action. Wāhi tapu sites are to be protected according to tikanga and kawa (local customary practices) which seek to ensure that the sacred nature of those sites is respected.

Mana whenua consider wāhi taonga to be ‘treasured places’ due to their high intrinsic values and role in maintaining balanced ecosystems. Wāhi taonga are prized for their capacity to shape and sustain the quality of life and provide for the needs of present and future generations. Allowing and maintaining access to these areas is also important to Ngāi Tahu cultural and identity. Sites and areas that are recommended to be identified as wāhi tapu and wāhi taonga listed below.

In terms of values associated with wāhi tapu and wāhi taonga, it is important to highlight that they are not solely confined to the physical boundaries of individual sites or the artefacts they contain. Rather, the significance of a site also includes on its historical and contemporary relationship to the surroundings and community.¹⁰

The following sub-categories are proposed under the heading of Wāhi tapu and Wāhi taonga and are shown on the attached maps in Appendix 2.

⁸ RFWG consisted of a representative from each of the 6 papatipu rūnanga in the Christchurch District.

⁹ Ngāi Tahu hearing evidence- S.32AA Report corrections, February 2016.

¹⁰ Te Ngāi Tūāhuriri Position, Wāhi Tapu me wāhi taonga in the Waimakariri & Rakahuri catchments Report, June 2017

8.2.1 Silent Files

Silent files are a tool to protect culturally significant sites such as urupā, waiwhakaheke tūpapaku or other wāhi tapu. A silent file gives a general indication of the location of the significant site without identifying its exact site. The presence of a Silent File on a planning map should act as a trigger for a high level of meaningful engagement with mana whenua for activities.

It should be noted that there are wāhi tapu that are not identified within silent files. Accordingly, the terms are not inter-changeable.

The use of silent files was introduced in Te Whakataurua Kaupapa (Ngāi Tahu Resource Management Strategy for the Canterbury Region) in 1990. This document states that silent files identify only the general area of wāhi tapu or other special sites, acknowledging that these sites have differing levels of significance and value. Additionally, some sites are described as being known to most Ngāi Tahu, while other sites may be only known to small groups (i.e. an extended whānau). In the latter situation, it is up to the groups or whānau to determine what information (if any) is revealed for those sites¹¹.

During the hearings for the Christchurch Replacement District Plan, evidence provided on the existence/importance of sites of Ngāi Tahu cultural significance purposely avoided describing the underlying importance and specific values of silent file areas. This is consistent with the purpose of a silent file as well as the policies contained in the Mahaanui Iwi Management Plan¹².

In the Selwyn context it is proposed that the existing Silent File areas are carried over into the Replacement District Plan as a sub-category of Wāhi Tapu and Wāhi Taonga.

Data Source for Maps: Existing SDP Silent Files shapes and generated property-level shapes that provide mapped representation of sites.

8.2.2 Maunga Tapu/Tūpuna

Maunga are mountains and they are included as Wāhi Tapu as they are considered to be the most sacred part of a landscape, representing spiritual and cultural beliefs for mana whenua. They are often named after tūpuna and significant historical events and stories, and function as important navigation markers on Ara Tawhito/Ancestral Trails.

Data Source for Maps: Generated shapes following contour lines at snowlines or just above average treelines, at Property-level.

8.2.3 Key Pā/Kāinga/Mahinga Kai sites

Several ancestral Pā, kāinga and significant nohoanga occur within Selwyn District. They are localities with significant traditional histories i.e. appear within central tribal traditions. They are also places where, in multiple cases, archaeological evidence of Māori origin has been recorded and described previously.

¹¹ Te Whakataurua Kaupapa, 1990, Introduction page 1-4 & 1-5.

¹² Opening legal submissions on behalf of Te Rūnanga o Ngāi Tahu and Ngā Rūnanga, January 2016.

Data Source for Maps: Generated shapes (at Property-level) that comprise the best understanding of the extent sites based on analysis of archival materials.

8.2.4 Ngā Puna

Ngā puna are springs. In addition to being important aquatic environments and freshwater sources, they are tapu (sacred). Waipuna also have an important role in Māori cosmology and rongoā (Māori medicinal treatments) and in many instances are considered Wāhi Tapu by Mana Whenua. In particular, ngā puna that were associated with the Waikirikiri (Selwyn River) were important for the harvest of cultural resources such as harakeke.

Data source for maps: Datasets come from ECan catalogued springs.

8.3 Ngā Tūranga Tūpuna

Ngā Tūranga Tūpuna refers to larger extents of land within which there is a concentration and broader range of culturally significant sites for example, archaeological sites of Māori origin, silent files¹³, sites (including remnants) of ancestral Pā, kainga (settlements or homes), urupā (burials), and all of the spaces inter-connecting these places and features. In addition to these sites, there will be rivers, streams, springs and wetlands within these areas. The values within a Ngā Tūranga Tūpuna are both historical and contemporary.

Ngā Tūranga Tūpuna also represent areas where Mana Whenua have an elevated concern with regards to the integration and effects of a wide range of land-use activities and may require notification or engagement as part of a planning process.

The Christchurch City Hearings Panel decision for sub-chapter 9.5¹⁴ further describes Ngā Tūranga Tūpuna as places of settlement or occupation in the past, which do not usually contain known physical features (excluding archaeological sites), but do provide an opportunity to incorporate Ngāi Tahu history and values into the development or redevelopment of these areas.

The Ngā Tūranga Tūpuna identified in Selwyn District relates to Te Waihora, its margins and associated wetlands as defined in the Cultural Landscape Values Management Area (CLVMA) in the Canterbury Land and Water Regional Plan. This area is already mapped and known by landowners, and the addition of this landscape to the District Plan would achieve consistency with the Regional Land and Water Plan and the Mahaanui Iwi Management Plan.

In addition the coastal area between the Rakaia River and Taumutu is included as part of the Ngā Tūranga Tūpuna. This follows the description of a portion of the Ngāi Tahu Te Tai o Mahaanui Statutory Acknowledgement Area. This coastline is valued as a cultural landscape and it is a priority to protect wāhi tapu and wāhi taonga, acknowledging the dynamics of the coast which is subject to erosion.

The extent of Ngā Tūranga Tūpuna are shown on the attached maps in Appendix 2.

¹³ Silent files are a tool to protect sites of significance in the takiwā. Silent files areas are mapped by tribal experts to indicate a higher probability of encounter with sensitive tangible and/or intangible Ngāi Tahu values, without revealing the exact location.

¹⁴ Independent Hearings Panel Christchurch Replacement District Plan Schedules to Decision Topic 9.5

Data Source for Maps: Te Waihora Cultural Values Landscape Management Area (ECan).

Coastline shape from Ngāi Tahu Te Tai o Mahaanui Statutory Acknowledgement Area edited to suit district boundaries.

8.4 Ngā Wai

Wai is water and represents the essence of all life. It is integral to tribal identity and considered to be a wāhi taonga.

Ngā wai is source of mahinga kai and therefore has an intrinsic connection to the health of species harvested for mahinga kai purposes. In addition there are also cultural values associated with ngā wai related places of significant events, occupation, historic access and travel routes.

Waimāori/freshwater also appears in creation traditions. For example, Maku (moisture/water) mated with Mahoranuiatea and begat Ranginui – his tears, resulting from continued separation from Papatūānuku, are the rains. Water is a promoter of all life and is the circulatory blood system of Papatūānuku, and thus represents the life blood of the environment. Its condition and treatment is a reflection on the health and regard for Papatūānuku.

The Ministry for the Environment (2016) notes that “...iwi, hapū and whānau interests and values are not adequately considered in planning and resource management decision-making..” and in addition states government perspectives including ensuring “...iwi and hapū are able to participate in decision-making about fresh water in their rohe...” and “...the relationship of iwi and hapū with, and values for, particular freshwater bodies is recognised.”¹⁵.

For the purposes of a district plan, the categories specified in this section seek to encompass selected water bodies and their margins which have been determined to be significant areas of mahinga kai or other customary uses for mana whenua. These include Ngā Awa/Rivers, Ngā Roto/Lakes, Ngā Hāpua/Coastal Lagoons, Ngā Repo/Wetlands and Ngā puna/springs. Each of these are advocated for by Mana Whenua on the grounds of ancestral and customary associations, and rightful statutory acknowledgment and incorporation. These sub-categories are described in the sections below.

8.4.1 Ngā Awa

Ngā awa include the major rivers within Selwyn District and the tributaries of these rivers that in some cases may be intermittent in flow. A number of these are retained within cultural memory via ancestral place-names and tend to follow their original natural water course. In addition to the sites, places and water-bodies described, these waterways are within the kaitiakitanga of Mana whenua.

Many of these water-bodies were also former trails and places of mahinga kai, including nohoanga.

Data Source for Maps: Selections from within LINZ hydrography data in addition to several draft property-level polygons comprise this dataset.

¹⁵ Ministry for the Environment/Manatū Mō Te Taiao:2016

8.4.2 Ngā Roto

Ngā roto are the lakes in the Selwyn District retained within cultural memory via ancestral place-names. Some lakes were also part of former trails as well as being places of mahinga kai and nohoanga.

Data Source for Maps: Selections from within LINZ hydrography data comprises this dataset.

8.4.3 Ngā Hāpua

Ngā hāpua are lagoons and are highly significant to their mahinga kai values. Ngāi Tahu consider lagoons to be excellent indicators of catchment health and the mauri of rivers and streams.

Data Source for Maps: Selections from within LINZ hydrography data in addition to several draft property-level polygons comprise this dataset.

8.4.4 Ngā Repo

Ngā repo (wetlands) are taonga to Ngāi Tahu as they provide rich sources of mahinga kai and natural ecosystem functions that protect and improve mauri.

Advocacy for the continuing health and restoration of wetlands is found throughout Tau et al.(1990) and Te Ngāi Tūāhuriri Rūnanga et al. (2013). Description of the traditional utilisation of wetland environs is found in Anderson and Tau (2008) and Anderson (1998).

Data Source for Maps: Selections from within LINZ hydrography data adjacent to Te Waihora are included within Ngā Wai.

9.0 THREATS

The following section of this report outlines perceived threats (including specific land use activities) to cultural sites and areas of significance

Section 6.11 Te Waihora of the Mahaanui Iwi Management Plan identifies a number of issues relevant to Selwyn District. These include the impact of land use and settlement on the margins of Te Waihora on its water quality, and the cumulative effects of land use in the wider catchment on the cultural values associated with Te Waihora. In particular the loss of mahinga kai resources and opportunities within the catchment are a concern. The restoration of mauri and mahinga kai are described as first order priorities.

The cultural health of lowland waterways and groundwater are also specifically discussed. These have been compromised as a result of intensive land use from rural activities as well as wastewater and stormwater disposal associated with urban and subdivision activities, the drainage of wetlands and degradation of riparian areas.

The protection of wāhi Tapu and wāhi Taonga is mentioned as a specific issue.

A more comprehensive list of specific activities or matters which may adversely affect cultural values and interests within the district, is as follows:

9.1 Earthworks (including within water body margins)

Earthworks encompass activities that involve soil disturbance, land modification and excavation, which may occur at a range of scales from individual sites (i.e. house site) to large developments such as residential subdivisions or regional infrastructure projects. As stated in the Iwi Management Plan, any activity that involves ground disturbance has the potential to uncover cultural material (including wāhi tapu). Accordingly, these activities can result in the damage or destruction of physical sites and areas of cultural significance.

Earthworks activities such as residential land development can also leave large areas of land cleared with bare soil exposed to rainfall and surface water flows, which can cause sediments, soils or pollutants to enter water bodies. The Iwi Management Plan advises that the effectiveness of erosion and sediment control as a component of earthworks activities is a key concern for mana whenua¹⁶.

Earthworks associated with quarrying and mining are specifically identified in the Iwi Management Plan as potentially impacting on wāhi tapu sites. Particular issues relate to erosion and sediment control, visual impacts and loss of indigenous vegetation, particularly where these concern sites and areas identified as wāhi tapu and wāhi taonga.

9.2 Contaminated Land

The Iwi Management Plan states that contaminated land can have adverse effects on Ngāi Tahu cultural associations as contaminated sites or areas may be on, near or adjacent to land with mahinga kai, wāhi tapu or historical associations. Any land use activities which either results in the disturbance of existing contaminated sites or areas, or potentially causes new contamination risks is of concern to mana whenua.

The Iwi Management Plan also contains a number of number of specific policies which concern enabling mana whenua to participate in decision making about contaminated land.

9.3 Subdivision

As mentioned previously, subdivision and development is an issue in the takiwā, in both urban and rural settings. Subdivision and land use change can increase the potential for effects on sites and areas of cultural significance. These effects may be concerned with land disturbance and the introduction of activities which are inappropriate in close proximity, or causing the displacement or loss of wāhi tapu or wāhi taonga values. In addition, intensification of the built environment may increase demand for water supply, wastewater and stormwater disposal, adversely impacting surface and groundwaters.

The Iwi Management Plan states that appropriate protection mechanisms for culturally significant sites (including wāhi tapu and wāhi taonga) should consider whether the site or area is considered low or high risk for potential accidental finds or damage, destruction or modification of known or unknown cultural sites.

¹⁶ Mahaanui Iwi Management Plan, Pg 116

9.4 Vegetation Removal and Clearance

Vegetation is often cleared for land management purposes, including converting land from one use to another. The perceived threat associated with this activity is that the removal of vegetation (e.g. “scrub”) can often include the removal of significant indigenous plant species such as Kānuka, Mānuka and Tōtara, all of which are identified as taonga species under the Ngāi Tahu Claims Settlement Act 1998 (Schedule 97). These species are also important nursery species for other indigenous species¹⁷.

The removal of indigenous vegetation can also result in adverse effects on indigenous biodiversity values and mahinga kai values. This may occur as indigenous vegetation is a source of customary resources (i.e. raupō, harakeke and other rongoā/medicinal plantings) and may also provide habitat for mahinga kai species.

Riparian vegetation is a particularly significant factor in terms of protecting the quality of an aquatic habitat. The loss or reduction of riparian vegetation may impact the presence and diversity of in stream biota, as well increasing the vulnerability to erosion along the margins of waterways which can in turn lead to an increase in sediment inputs into a waterway.

In addition to the consequential impacts on biodiversity and habitat arising from the removal of indigenous species, the loss of vegetation may also diminish the extent and quality of the cultural landscape.

9.5 Disturbance of Wetlands, Riparian Margins and Waipuna

All of the above activities, namely earthworks, vegetation removal, subdivision and development activities have the potential to adversely affect wetland areas, waipuna (springs) and riparian margins. Mana whenua consider all of these to be wāhi taonga, as they are treasured for their role in protecting and enhancing mauri (health or life force), as well as providing habitat for mahinga kai.

The Iwi Management Plan considers wetlands, riparian margins and waipuna together as they are physically inter-connected. Further, the Iwi Management Plan emphasises that existing wetlands, waipuna and riparian areas need to be protected, maintained or enhanced. Degraded areas should also be restored, and opportunities taken to re-establish wāhi taonga across the landscape.

A notable example of a potential threat (particularly to riparian areas) is the establishment of dwellings or other structures within prescribed water body setbacks. Water body setbacks provide a number of functions including improving water quality and catchment wide ecosystem health by filtering potential contaminants and providing access for the maintenance of water bodies¹⁸. However, encroachment into these setbacks can limit their overall functionality and consequently can adversely affect mana whenua values associated with these areas.

Rūnanga have consistently advocated for the protection of the mauri of water bodies through the requirement for, and enforcement of appropriate setbacks or buffers between water bodies and land use activities. However, past engagement with councils has elevated Rūnanga concerns as encroaching activities (within prescribed setbacks) are more often than not

¹⁷ Mahaanui Iwi Management Plan, Pg 117

¹⁸ Christchurch District Plan, sub-chapter 6.6, Water Body Setbacks, policy 6.6.2.1.2.

consented by councils, despite consistent Rūnanga objections. It is recommended that Selwyn District Council considers the potential benefits associated with the maintenance of water body setbacks in both urban and rural environments.

9.6 Restrictions on Access

As outlined in the Iwi Management Plan, any land use activities which impede or restrict mana whenua access to identified sites and areas of cultural significance (including wāhi tapu, wāhi taonga as well as mahinga kai sites) is of particular concern to the Rūnanga. The Plan specifies that mana whenua access to culturally significant sites and areas has been adversely affected for a number of reasons including restrictions to physical access as many sites and areas are located on non-tribally owned lands (both Crown and private).

Whilst mana whenua accept and support the need to restrict public access to sensitive areas. i.e. to protect the habitat and breeding ground of indigenous species; Ngāi Tahu access to sites and resources should be recognised and provided for independently from general public access. Additionally, the Iwi Management Plan states that customary access is a customary right, which means that mana whenua must have unencumbered physical access to these areas¹⁹.

9.7 Structures, Utilities and Roads

Structures have the potential to impact on cultural landscapes, depending on the existing values and characteristics of the landscape concerned, and the scale and design of the structure.

In some cases it may be the earthworks associated with the structure that are more of concern, or its proximity to waterbodies.

The Iwi Management Plan identifies that Ngāi Tahu has a particular interest in energy generation, distribution and use. Of particular relevance to the District Plan, Policy P17.5 supports in principle the use of wind and solar energy generation in Canterbury.

In respect of transport, the Iwi Management Plan identifies the protection of sites of significance and indigenous biodiversity from transport infrastructure. The policies specify that in order to protect Tāngata Whenua values, development and construction of transport infrastructure should avoid sites and areas identified as wāhi tapu, wāhi taonga and silent files.

9.8 Intensive Farming and Heavy Industry

Buildings and activities associated with intensive farming and heavy industries, particularly in the rural environment have the potential to impact on sites and areas of cultural significance. The effects may be directly related to earthworks or the impact of large scaled buildings on the landscape. However, in some cases, even if the intensive farm or heavy industry is not directly within or on a wāhi tapu or wāhi taonga site or area, the proximity to these types of activities may be culturally inappropriate.

¹⁹ Mahaanui Iwi Management Plan 2013, pg 152.

9.9 Commercial Forestry

The Iwi Management Plan identifies that commercial forestry can have significant effects on sites and areas of cultural significance. This may be through significant change to the cultural landscape e.g., earthworks, the spread of wilding trees or physical modification and damage to waterways. The establishment of commercial forestry at a larger scale can involve earthworks which contaminate and cause sedimentation in waterways, result in damage or destruction to significant sites, or the loss of indigenous biodiversity values including mahinga kai.

9.10 Commercial Recreation and Tourism

The scale and frequency of commercial recreation and tourism activities have the potential to impact cultural values. This may be through the construction of buildings, the nature of activities e.g., motorised activities; or the concentration of people. This is of particular concern in a wāhi tapu landscape or site where increased human activity and presence may conflict with the spiritual associations with the setting.

10.0 RECOMMENDED APPROACH TO PLANNING PROVISIONS

Having identified the landscape categories in Section 8.0 above, and the potential threats or risks to cultural values in Section 9, this section sets out a preferred approach to the management of those activities and risks for the reviewed District Plan. It focuses on the scope and content of proposed objectives and policies, but not the actual wording of new provisions.

One of the key recommendations is to enable mana whenua input to resource consent processes and decision-making for sites and areas of cultural significance. There may be a mana whenua section in the Reviewed District Plan which will describe set out how mana whenua and the District Council will work together. A recommended policy on engagement is included in this report for completeness.

10.1 OBJECTIVES

The proposed landscape categories encompass large areas which will contain a number of varying cultural values and respective associations. It is recommended the Council develops objectives that describe the ultimate outcome anticipated from the management of activities within these differing landscapes. The content of the objectives should address the following:

- The historic and contemporary relationship of mana whenua with their ancestral lands, water, sites, wāhi tapu and wāhi taonga within the district is **recognised and provided for**.
- An integrated approach to management of land use recognising **ki uta ki tai** and the inter-relationship between land use, ecosystems, natural processes and water.
- The cultural significance of Te Waihora, lagoons, lakes, rivers, wetlands, springs and the coastal environment to Ngāi Tahu is recognised and are able to exercise kaitiakitanga and customary uses in accordance with tikanga.

10.2 POLICIES:

A suite of policies addressing subject matters as outlined below, are recommended for the different landscape categories.

10.2.1 Ngā Tutohu Whenua

The Ngā Tutohu Whenua landscape categories are catchment scaled and are intended to recognise, acknowledge and inform District Plan users of the historical and contemporary relationship, values and interests of Ngāi Tahu to the District. This landscape category also reflects a holistic approach to environmental management and ki uta ki tai.

A policy is proposed which establishes the basis for mana whenua engagement in environmental management and decision-making. It is not proposed that there be any specific rules relating to this landscape category except to the extent that specified activities adopt a buffer or setback from Wāhi Tapu, Wāhi Taonga and Ngā Turanga Tūpuna landscapes or sites. Recognition of Māori place names within the District Plan is also supported.

- Recognition that the entire Waimakariri District is of immense cultural significance to Te Ngāi Tūāhuriri and accordingly Ngāi Tūāhuriri's interests extend to all matters related to the future development of the District.
- Recognise and adopt Māori place names within the District Plan.

10.2.2 Wāhi Tapu/Wāhi Taonga

A key recommendation is to increase the specificity in policies and assessment matters as they relate to the protection of wāhi tapu and wāhi taonga. Rules for activities within a Wāhi Tapu / Wāhi Taonga area should be the most stringent and provide for avoidance of disturbance of urupā, and protection from inappropriate development, disturbance, damage or destruction.

The provisions should require engagement with Rūnanga and automatically identify Papatipu Rūnanga as an affected party.

In addition, the Rūnanga wish to see three new areas of policy as follows:

- A policy which deems any archaeological sites newly registered and not already in the District Plan to have the status of a wāhi tapu site. This would have the effect of triggering the rules/resource consents in accordance with the provisions for wāhi tapu and wāhi taonga.
- A requirement for particular activities within a specified (buffer) distance of wāhi tapu and wāhi taonga to consider effects on cultural values e.g., intensive farming, rural industrial activities.
- SDC commitment to mapping of further cultural landscapes over time.

The possible scope of policies includes:

- Any disturbance of urupā is to be avoided.

- The policy should contain an exception to allow Rūnanga or their authorised agent/representatives, opportunities to undertake activities associated with further identification and protection of such sites.
- Wāhi Tapu and Wāhi Taonga sites are to be protected from any inappropriate development activities, or activities which will result in disturbance, damage or destruction of these sites.
- Facilitate opportunities for enhancement of cultural and ecological values within Wāhi Tapu and Wāhi Taonga, particularly where associated with mahinga kai.
- Activities occurring adjacent to these sites must not result in adverse effects on them.
- To deem new archaeological sites to have the status of wāhi tapu and wāhi taonga.
- To require particular land uses within a specified buffer distance of wāhi tapu and wāhi taonga to consider effects on cultural values.

In this instance it is anticipated that the policies would support a high level of engagement with Papatipu Rūnanga for any activities which could result in a disturbance. A recommendation for an engagement policy is included below.

10.2.3 Ngā Tūranga Tūpuna

As noted above, it is proposed to identify Te Waihora and its surrounding environs as a Ngā Tūranga Tūpuna. The scope of policies for the reviewed District Plan could include:

- Recognition that Ngā Tūranga Tūpuna are important cultural landscapes in terms of both the historic and contemporary relationships mana whenua hold with these areas.
- Enhancement of mahinga kai and customary uses by way of providing opportunities to enhance planting and to use taonga species for planting and landscaping.
- Improved access along water bodies and wetland areas for customary use.
- Enhancement of waterbodies, springs (waipuna), wetlands (repo) through the reinstatement of original watercourses, riparian planting and avoiding encroachment by inappropriate buildings, structures and activities.
- Protection of urupā from disturbance and inappropriate activities.
- Requirements for accidental discovery protocols and cultural monitoring as part of earthworks activities.
- Requiring all development proposals from network utility companies, Councils and requiring authorities to demonstrate through engagement, cultural impact assessments and cultural health assessments that the design, location and installation of utilities are appropriate from a cultural perspective.

10.2.4 Ngā Wai

The key policy considerations in relation to Ngā wai concern avoiding encroachment on identified water bodies by earthworks and structures and avoiding the loss of wetlands by earthworks, structures, land drainage and vegetation removal.

- Recognition that Ngā Wai (including water bodies, waipuna, reporepo and parts of the coastal environment) are culturally significant to mana whenua.

- Recognise the status of waterways identified as Statutory Acknowledgements in the Ngāi Tahu Claims Settlement Act and ensure that land use is managed to avoid encroachment on and manage the effects of land use on those waterways.
- Ensure that land use activities are managed in respect of potential effects they may cause on waterbodies by:
 - Maintaining the natural character of the water bodies
 - Enhancing riparian planting, and in particular the use of taonga species as part of planting
 - Setbacks for structures and activities
 - Reinstatement of original watercourses
- Ensure activities and structures on the surface of water do not adversely affect taonga species or customary uses.
- To recognise and enhance opportunities for customary use and access.
- Encourage opportunities to create corridors connecting water bodies, areas of indigenous vegetation and new areas of indigenous planting.
- Ensure new land uses do not generate additional waste and stormwater that is discharged into Ngā Wai.
- Commit to the replacement and up-grading of infrastructure to avoid adversely affecting water bodies.

10.2.5 Archaeological Sites

It is recommended that a policy is included in relation to archaeological sites or cross-reference is made to any provisions in the reviewed District Plan in respect of Archaeological Authorities.

- Avoid damage to or destruction of archaeological sites.

10.2.6 Engagement

It is recommended that the reviewed District Plan include specific policies on engagement.

- Resource consent applicants and landowners required to engage with Rūnanga before applying for resource consent or undertaking activities either adjacent to within identified sites of cultural significance.
- Where no prior Rūnanga engagement has occurred, the Council (SDC) will ensure that engagement occurs with the Rūnanga at the time an application is lodged.
- As part of the engagement process, mana whenua are enabled to determine the need for, and scope of, cultural assessments.
- Requirement for network utility operators to engage with mana whenua for any notices of requirement, outline plans and resource consent applications. As part of the engagement process, opportunities for cultural assessments (as determined appropriate by the Rūnanga) should be provided.
- When an Accidental Discovery is made, a requirement for Rūnanga to be notified and the opportunity to determine if the site is Wāhi Tapu.

10.2.7 Informing Landowners and the Public

Mana whenua also support the Council developing policies within (and external) to the District Plan to include information about cultural landscapes in Land Information Memorandums and other methods of land and property information sharing.

10.3 RULES

See Appendix 2 Ngā Wai, Appendix 3 Ngā Tūranga Tūpuna and Appendix 4 Wāhi Tapu/Wāhi Taonga for guidance on the types of rules and controls that may be appropriate for management of land use and activities within the above landscape categories. These tables should be read as “indicative” with the final Rūnanga position being confirmed once Council has advised:

- Definitions
- Zones
- Activity status for land uses

In addition, the reviewed District Plan should include provisions that require any resource consent application within a Wāhi Tapu/ Wāhi Taonga area to be notified to the relevant Rūnanga, and to Heritage New Zealand Pouhere Taonga in respect of sites on the New Zealand Heritage List / Rārangi Korero (absent their written approval).

As noted in the appendices, activities such as quarrying, rural industrial activities and intensive farming occurring within Ngā Tutohu Whenua (i.e., the wider district) should be subject to buffer distances from Wāhi Tapu, Wāhi Taonga and Ngā Tūranga Tūpuna sites and areas, with assessment matters requiring assessment of potential effects on cultural values.

10.4 ASSESSMENT MATTERS

The following section describes the types of assessment matters that should be included in the reviewed District Plan.

10.4.1 Ngā Tutohu Whenua

Rules relating to Ngā Tutohu Whenua require more intensive or rural processing activities to be setback from Wāhi Tapu/Wāhi Taonga and Ngā Turanga Tupuna landscapes. It is appropriate for applicants to engage with the relevant Papatipu Rūnanga enabling any feedback to be incorporated into resource consent applications. This allows Rūnanga to contribute to the consenting process through recommendations or consent conditions to provide for and protect cultural values.

- Whether the Rūnanga has been consulted and how the applicant proposes to incorporate the outcomes of that consultation;
- Potential adverse effects on both tangible and intangible Ngāi Tahu values as determined by the Rūnanga through initial engagement;

- Effects of the proposal on Ngāi Tahu values as determined through a Cultural Impact Assessment and if any recommendations from that Assessment have been integrated into the proposal;
- Whether the proposed activity will result in the removal of indigenous vegetation and effects on mahinga kai and other customary uses.

10.4.2 Ngā Turanga Tūpuna:

It is important that the rules relating to Ngā Turanga Tūpuna require the applicant to engage with the relevant Papatipu Rūnanga enabling any feedback to be incorporated into their resource consent application. This allows Rūnanga to contribute to the consenting process through recommendations or consent conditions to provide for and protect cultural values.

- Whether the Rūnanga has been consulted and how the applicant proposes to incorporate the outcomes of that consultation;
- Whether the proposal will result in the disturbance of any culturally significant sites;
- Effects of the proposal on Ngāi Tahu values and proposed mitigation measures;
- Whether the proposed activity will result in the removal of indigenous vegetation and effects on mahinga kai and other customary uses;
- Whether the proposal maintains or restores natural features with cultural values within these areas;
- The extent to which the proposed activity will affect the natural character of Te Tai o Mahaanui / the coastal environment.
- Effects of the proposal on archaeological values including provision for the resourcing of cultural monitors and accidental discovery protocols (as deemed necessary by the Rūnanga);
- In respect of utilities, the extent to which the proposed utility has a technical or operational need for the particular location.

10.4.3 Wāhi Tapu and Wāhi Taonga

- Potential adverse effects on both tangible and intangible Ngāi Tahu values as determined by the Rūnanga through initial engagement;
- Whether a cultural impact assessment has been undertaken by a Rūnanga mandated writer and the extent to which the proposal is consistent with the values and recommendations identified;
- Effects of the proposal on archaeological values including provision for the resourcing of cultural monitors and accidental discovery protocols (as deemed necessary by the Rūnanga);
- The extent to which identified sites of cultural significance are proposed to be protected;
- Whether the Rūnanga has been consulted and how the applicant proposes to incorporate the outcomes of that consultation;
- In respect of sites which are on the New Zealand Heritage List/ Rārangī Kōrero, whether Heritage New Zealand Pouhere Taonga has been consulted and the outcomes of that consultation;

- In respect of utilities and any buildings or structures located in mountainous areas, SDC should consider the extent to which the utility has technical or operational needs for its proposed location. If these needs can be met at an alternative location, this should be examined.

10.4.4 Ngā Wai

- Whether the Rūnanga has been consulted, the outcome of that consultation and whether the development or activity responds to, or incorporates the outcome of that consultation;
- Effects on sites of archaeological value including consideration of the need to impose an Accidental Discovery Protocol or have a cultural monitor present;
- The effects of the proposed activity on Ngāi Tahu values and the appropriateness of any mitigation measures including new planting and improved access for customary use;
- Whether the proposal will remove indigenous vegetation and any effects on mahinga kai and other customary uses;
- The extent to which the proposed activity will affect the natural character of the waterbody and its margins.
- Whether wastewater disposal and stormwater management systems recognise the cultural significance of ngā wai, and do not create additional demand to discharge directly; and
- In respect of utilities, the extent to which the proposed utility has technical or operational needs for its location.

11.0 CONCLUSION

It is recommended that the Selwyn District Council adopt the maps and outline of provisions (objectives, policies, rules and assessment matters) contained within this report as the preferred approach for the recognition, management and protection of cultural landscapes.

It is understood that this report whilst providing direction on the preferred approach, does not contain detailed or final provisions and that these will be the subject of further development and engagement with Rūnanga.

APPENDIX 1

Cultural Landscapes - Maps

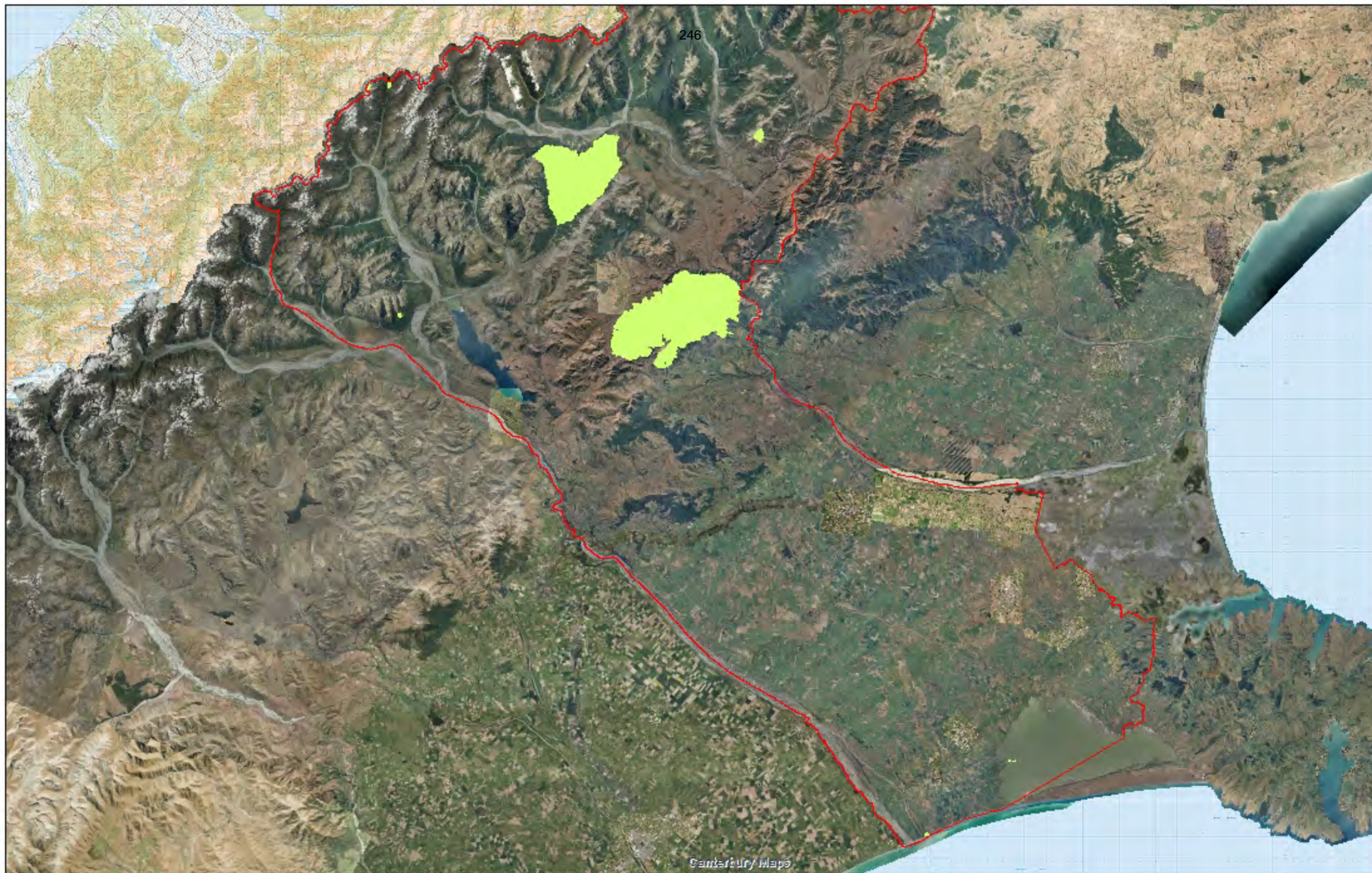


Map 1 - Wāhi_Tapu (Site IDs: 1-15)



Map 2 - Wāhi_Tapu_Waipuna





Map 3 - Wāhi_Taonga (Site IDs: 16-28)



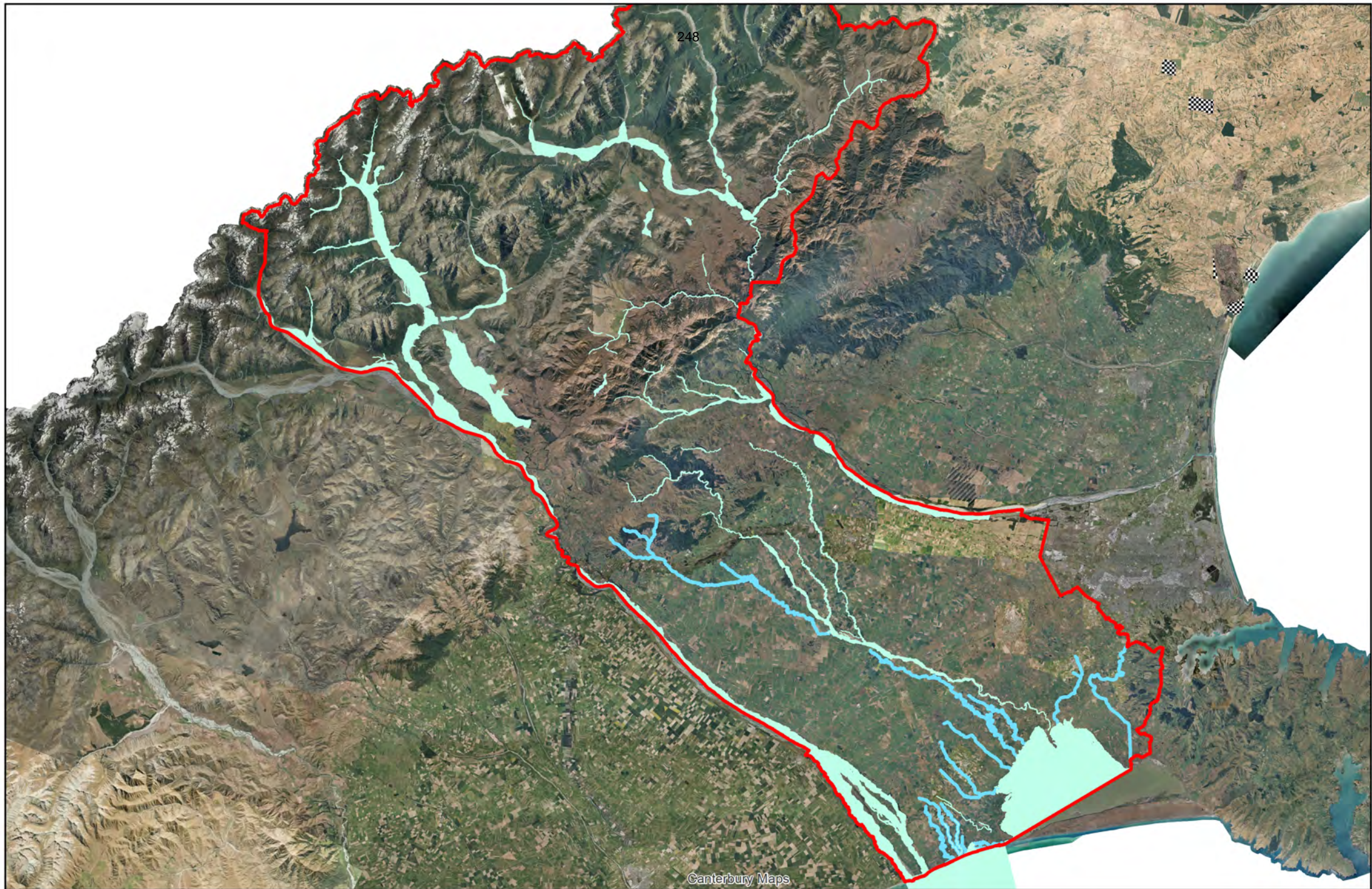


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Map 4 - Ngā Tūranga Tūpuna (Site IDs: 29-30)

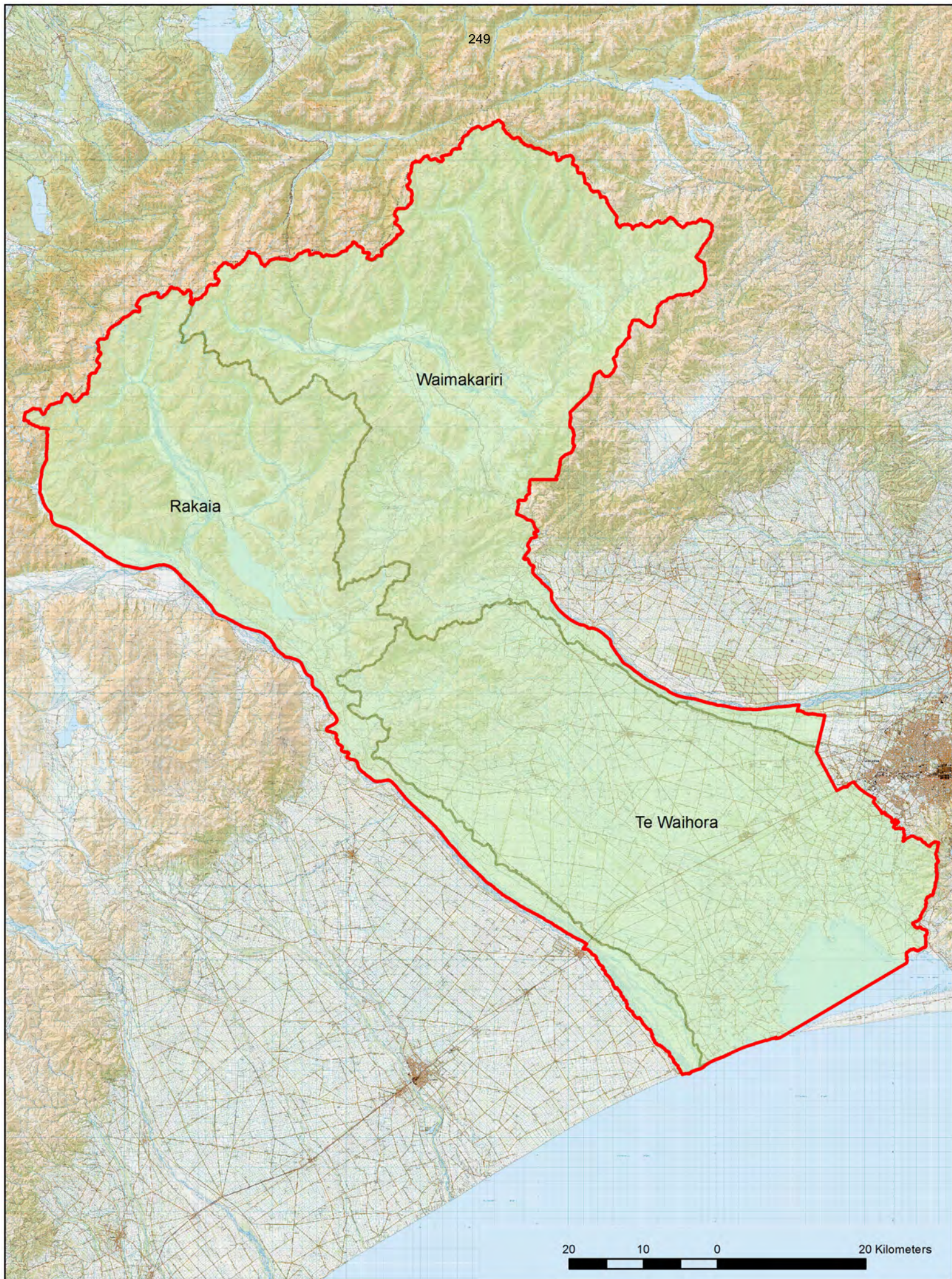




Map 5 - Ngā_Wai (Site IDs: 31-54)



20 10 0 20 Kilometers



Map 6 - Ngā Tūtohu Whenua (Site IDs: 55-57)

APPENDIX 2**RULES: NGĀ TUTOHU WHENUA**

NGĀ TUTOHU WHENUA				
Rural and Urban Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Rural Industrial Activities Quarrying Commercial Forestry Intensive Farming Commercial recreation and tourism activities	Must be located more than 200m from the boundary with a Wāhi Tapu/Wāhi Taonga or Ngā Turanga Tupuna landscape.		When located within 200m of the boundary with a Wāhi Tapu/Wāhi Taonga or Ngā Turanga Tupuna landscape.	
Large scale subdivision			Applies within Landscape and 200m buffer from Landscape boundary	

APPENDIX 3

RULES: NGĀ WAI

NGĀ WAI				
Urban Areas				
	Permitted (or Controlled where noted)	Restricted Discretionary	Discretionary	Non-Complying
Buildings	<p>Demolition or removal of any building or part of a building including earthworks, provided no parts of the structure remain in a prescribed setback (to be determined).</p> <ul style="list-style-type: none"> Must not cause flood, erosion or bank stability vulnerability. <p>General activities associated with existing buildings, i.e. use, repair and maintenance activities also permitted.</p> <p>Note: Erosion and Sediment Control measures required (consistent with the ECan Erosion and Sediment Control Guideline)</p>	<p>Any new buildings or structures (including fences, impervious surfaces) within a prescribed water body setback area.</p> <p>This includes temporary works as well as the placement of permanent structures.</p>		
Roading and Transport	General maintenance and repairs of existing roading.	<p>New bridges</p> <p>Extending or widening existing roads, footpaths, cycleways or parking areas which reduce distance between the road and the water bodies (within prescribed setback distance)</p>	New roads, footpaths, cycleways within prescribed setback	
Earthworks	Works within a prescribed water way setback to be subject to limits on volume and maximum depth.	Restricted discretionary if the permitted standards are not met.		

	<p>Or earthworks to meet same setback as applied to buildings.</p> <p>Note: Erosion and Sediment Control measures required (consistent with the ECan Erosion and Sediment Control Guideline)</p> <p>Works related to enhancement or maintenance of water bodies including:</p> <ul style="list-style-type: none"> • channel realignment, rock placement for the purposes of habitat improvement. • amenity features associated with public land such as reserves, including public artworks, interpretation panels and seating along or around water bodies. <p>Standards for enhancement and maintenance works include:</p> <ul style="list-style-type: none"> • must not prevent fish passage. • Should not occur during spawning seasons for mahinga kai species. 	<p>Earthworks associated with hazard mitigation and defences against water.</p>		
Subdivision	<p>Boundary adjustments which result in no additional allotments and subject to meeting setback requirements for any earthworks, building platforms and no increase in the number of allotments sharing a boundary with the waterway, unless it includes an esplanade reserve</p>	<p>Restricted discretionary if the setback requirements are not met.</p> <p>Any subdivision which results in the creation of additional allotments adjacent to a Ngā Wai/ identified water body</p>		

	<p>to be a controlled activity.</p> <p>Subdivision for the purpose of creating esplanade reserves or strips to be a controlled activity.</p>	<ul style="list-style-type: none"> Consent notice - i.e. planting requirements. 		
Utilities	<p>General maintenance of existing utility structures and establishment of temporary structures.</p> <p>Utilities sited at least 20m from a Ngā Wai.</p>	<p>Additions to or replacement of existing utility structures</p> <p>Small scaled utilities within setback.</p>	Large scale network utilities within 20m setback	
Vegetation clearance	<p>Clearance works required to either maintain or enhance the banks of water bodies for mahinga kai, ecological, amenity reasons or flood management.</p> <p>Works include:</p> <ul style="list-style-type: none"> removing exotic species and replanting with margins and berms with indigenous species. 		The removal of significant indigenous vegetation (criteria set out in Appendix 3 of the Canterbury Regional Policy Statement).	Removal of vegetation from margins of a wetland.

NGĀ WAI				
Rural areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Earthworks	<p>Must be located outside specified setbacks. See buildings below. Plus:</p> <p>Earthworks for post holes for fencing, planting holes for trees and plants, maintenance of existing farm tracks and farm ponds, cultivation of existing pasture.</p>	<p>Earthworks occurring within specified setbacks.</p> <p>Earthworks associated with hazard mitigation and defences against water.</p>		
Quarrying			All quarrying in a general Rural Zone.	
Forestry	Existing forestry includes-associated tending, maintenance and harvesting.		Any new commercial forestry activities, including plantation forestry (for wood protection purposes) within the rural zones.	
Buildings	<p>Demolition or removal of any building or part of a building including earthworks permitted provided no parts of the structure remain in the setback.</p> <ul style="list-style-type: none"> • Must not cause flood, erosion or bank stability vulnerability. • Note: Erosion and Sediment Control measures required (consistent with the ECan Erosion and Sediment Control Guideline) 	<p>Any new buildings or structures (including fences, impervious surface) within a prescribed water body setback.</p> <p>This includes temporary works as well as the placement of permanent structures.</p>		

	General activities associated with existing buildings, i.e. use, repair and maintenance activities also permitted.			
Subdivision	<p>Boundary adjustments which result in no additional allotments to be a controlled activity.</p> <p>Boundary adjustments are subject to standard setback requirements (from waterways/ Ngā Wai) for any boundary adjustment.</p> <p>Subdivision for the purpose of creating esplanade reserves or strips shall be a controlled activity.</p>	Boundary adjustments and rural subdivision where setbacks not met.		
Utilities and Energy Generation	General maintenance of existing utility structures and establishment of temporary structures provided at least 20m from a Ngā Wai (waterbody or spring) and 100m from the edge of a Ngā Roto (lake).	<p>Additions to or replacement of existing utilities within setbacks.</p> <p>Construction or extension of any access tracks to utilities (new or existing) within prescribed setbacks.</p> <p>Installation and operation of equipment for assessing a site for suitability for renewable electricity generation within prescribed setbacks.</p>	<p>New utility structures within prescribed setbacks.</p> <p>Renewable energy generation within prescribed setbacks.</p>	
Roading and Transport	General maintenance and repairs of existing roading, cycleways and walkways	<p>New bridges</p> <p>Extending or widening existing roads, walk or cycle ways which reduce the distance to the water bodies within prescribed setbacks</p>	New roads, cycle tracks and walkways within prescribed setbacks	

Farming	<p>Pastoral/extensive farming, horticulture and viticulture permitted in the rural zones. Stockyards, outdoor storage areas/buildings and horticultural structures are permitted provided,</p> <ul style="list-style-type: none"> • A minimum 10m setback from any water body is maintained. • Fencing along waterways to prevent stock access. <p>Planting of indigenous plantings along riparian margins to be encouraged.</p>	Stockyards, outdoor storage areas/buildings and horticultural structures within prescribed setbacks.		
Intensive Farming and Rural Industrial Activities			All Intensive farming and Rural Industrial activities in Rural Zones.	
Vegetation clearance	<p>Clearance works to maintain or enhance the banks of water bodies for mahinga kai, ecological or amenity reasons.</p> <p>Works include:</p> <ul style="list-style-type: none"> • removing exotic species and replanting with margins and berms with indigenous species. 		The removal of significant indigenous vegetation (criteria set out in Appendix 3 of the Canterbury Regional Policy Statement).	Removal of vegetation from margins of wetland.

APPENDIX 4**RULES: NGĀ TURANGA TŪPUNA**

Ngā Tūranga Tūpuna				
Rural Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Rural Industrial Activities and Intensive Farming			Rural industrial activities e.g., timber yards, dairy processing Intensive farming activities Applies within Landscape and 200m buffer from Landscape boundary	
Earthworks	Permitted subject to prescribed standards. Earthworks for post holes for fencing, planting holes for trees and plants, maintenance of existing farm tracks and farm ponds, cultivation of existing pasture.	Earthworks that exceed the permitted volume and/ or depth.		
Buildings	Dwellings, Farm Accessory Buildings within permitted standards in the Rural Zone Buildings permitted in a Papakāinga/Kāinga Nohoanga Zone	Oversized Farm Accessory buildings		
Commercial Forestry	Existing forestry includes-associated tending, maintenance and harvesting.		New commercial forestry activities Applies within Landscape and 200m buffer from Landscape boundary	
Quarrying			Quarrying activities Applies within Landscape and 200m buffer from Landscape	

			boundary	
Farming	<p>Pastoral, extensive, horticulture, viticulture.</p> <p>Stockyards, outdoor storage areas/buildings and horticultural structures are permitted provided,</p> <ul style="list-style-type: none"> • A minimum 10m setback from any water body. • Fencing along waterways to prevent stock access. <p>Planting of indigenous plantings along riparian margins to be encouraged</p>	<p>Stockyards, outdoor storage areas/buildings and horticultural structures within prescribed setbacks.</p>		
Utilities and Renewable Energy Generation	<p>General maintenance, operation or repair of existing utility structures and establishment of temporary structures.</p> <p>Small scale renewable energy generation</p>	<p>Installation and operation of equipment for assessing a site for suitability for renewable electricity generation.</p> <p>Construction or extension of access tracks to utilities (new or existing).</p> <p>Replacement of and additions to existing utility structures</p>	<p>New utility structures</p> <p>Relocation, of existing utility structures.</p> <p>Large-scale renewable energy generation</p>	
Roading and Transport	<p>General maintenance and repairs of existing roads, cycleways and walkways</p>	<p>New bridges</p> <p>Widening of existing roads, cycle ways and walkways</p>	<p>New roads, cycleways and walkways.</p>	
Indigenous Vegetation Clearance	<p>Customary harvest</p> <p>Clearance to maintain or enhance the banks of water bodies for mahinga kai, ecological or amenity reasons. Works include:</p> <ul style="list-style-type: none"> • removing exotic species and replanting margins and berms 		<p>The removal of significant indigenous vegetation (criteria set out in Appendix 3 of the Canterbury Regional Policy Statement).</p>	<p>The removal of vegetation adjoining wetlands</p>

	<p>with indigenous species.</p> <ul style="list-style-type: none"> channel realignment, rock placement for habitat improvement. amenity features such as public artworks, interpretation panels and seating along or around water bodies. 			
Subdivision	Boundary adjustments no new lots created	<p>Subdivision to create allotments for access, esplanade strips, site protection, utility structures or stopbanks</p> <p>Complying Rural allotments</p>	Non-complying rural allotments	
Commercial recreation and tourism		<p>All commercial recreation and tourism activities.</p> <p>Applies within Landscape and 200m buffer from Landscape boundary</p>		

Ngā Tūranga Tūpuna – doesn't currently apply to urban areas but provided for completeness				
Urban Areas				
Earthworks	Permitted within maximum volume and maximum depth.	Any earthworks that do not comply with the permitted volume and/ or depth.		
Buildings	Permitted in accordance with Zone Standards including setback requirements; <ul style="list-style-type: none"> A minimum 10m setback from any water body is maintained during all works related to the construction of a building (i.e. no works within setback or permanent structures). 	Restricted discretionary where prescribed standards not met.		
Subdivision	Boundary adjustments (with no additional lots created). No physical works required.	Any subdivision which results in the creation of additional lots.		
Utilities	As above	As above		
Transport and Rooding	As above	As above		

APPENDIX 5**RULES WĀHI TAPU/WĀHI TAONGA**

Wāhi Tapu/ Wāhi Taonga				
Urban Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Earthworks	Permitted within maximum volume and maximum depth and protection of springs	Any earthworks that do not comply with prescribed volumes or depth.		
Buildings	General activities associated with existing buildings, i.e. use, repair and maintenance activities.	Any new buildings or additions to existing buildings in a wāhi tapu/ wāhi taonga. Removal or demolition of any existing building or part of a building including associated earthworks.		
Subdivision	Boundary adjustments (with no additional lots created). No physical works required.	Small scale subdivision which results in the creation of additional lots to be used for new residential or industrial purposes.	Large scale residential, commercial or industrial developments which result in the creation of additional lots Applies within Landscape and 200m buffer from Landscape boundary .	
Utilities and Renewable Energy Generation	General maintenance and repair activities for existing structures.	Construction or extension of any access tracks to utilities (new or existing). Any new temporary structures. Replacement of, or additions to existing utilities. Small scale renewable energy generation.	The installation of new utility structures or relocation of an existing utility structure. The relocation or replacement of existing utility structures.	
Vegetation clearance			Removal of any significant	

			indigenous vegetation (as per appendix 3 of the CRPS)	
Commercial recreation and tourism		<p>All commercial recreation and tourism activities.</p> <p>Applies within Landscape and 200m buffer from Landscape boundary</p>		

Wāhi Tapu/ Wāhi Taonga				
Rural Areas				
	Permitted	Restricted Discretionary	Discretionary	Non-Complying
Earthworks	Permitted within maximum volume and maximum depth and setback from springs	Any earthworks that do not comply with permitted volumes or depth. Earthworks associated with demolition of any existing building.		
Quarrying		Extensions to existing quarries	Any new quarrying developments.	
Forestry	Existing forestry includes-associated tending, maintenance and harvesting.	Any new commercial forestry developments including plantation forestry. Exclusions apply for: <ul style="list-style-type: none"> The planting of trees for small scale non-commercial purposes. 		
Buildings	Activities associated with existing buildings ie use, repair and maintenance.	Any new buildings or additions to existing buildings provided they are not located on a wāhi tapu identified as a maunga. Removal or demolition of any existing building or part of a building (including associated	Any new buildings located on a wāhi tapu identified as a maunga.	
Subdivision	Boundary adjustments (with no additional lots created). No physical works required.	Any new subdivision activity which results in the creation of additional lots within a rural area. Exclusions include subdivision for the following purposes: <ul style="list-style-type: none"> General farming activities (stockyards and 	Any large scale rural residential developments (i.e. lifestyle blocks) which result in the creation of additional lots.	

		storage areas).		
Utilities and Renewable Energy Generation	General maintenance and repair activities for existing structures.	<p>Construction or extension of any access tracks to utilities (new or existing).</p> <p>Installation and operation of equipment for assessing a site for suitability for renewable electricity generation.</p> <p>Any new temporary structures.</p> <p>Replacement of, or additions to existing utilities.</p> <p>Small scale renewable energy generation.</p>	<p>The installation of new utility structures or relocation of an existing utility structure.</p> <p>The relocation or replacement of existing utility structures, or</p> <p>Large scale renewable energy generation.</p>	
Roading and Transport	General maintenance and repairs of existing roads, cycleways and walkways	<p>New bridges</p> <p>Widening of existing roads, cycle ways and walkways</p>	New roads, cycleways and walkways.	
Farming	<p>Pastoral, extensive, horticulture, viticulture subject to protection of springs from works and activities</p> <p>Stockyards, outdoor storage areas/buildings and horticultural structures are permitted provided,</p> <ul style="list-style-type: none"> • A minimum 10m setback from any water body. • Fencing along waterways to prevent stock 	Stockyards, outdoor storage areas/buildings and horticultural structures within prescribed setbacks.		

	access. Indigenous planting along riparian margins to be encouraged			
Vegetation clearance			Removal of any significant indigenous vegetation (as per Appendix 3 of the CRPS)	
Commercial recreation and tourism		All commercial recreation and tourism activities. Applies within Landscape and 200m buffer from Landscape boundary		

NE002 Sites and areas of cultural significance – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Audiences¹

Background

- As part of Selwyn District Plan Review policies and rules for sites and areas of cultural significance (wahi tapu and wahi taonga) have been reviewed.
- Nga Tahu are mana whenua of the Canterbury region. Present day Ngati Moki Marae is located at Taumutu on the shores of Te Waihora at the southern end of the Kaitorete Spit.
- Councils have specific statutory requirements to provide for the relationship with Maori and their customs and traditions with their ancestral land, water, sites, wahi tapu and other taonga.

Current status

- Wahi tapu and wahi taonga are defined in the current District Plan as “...sacred places, which are held in reverence according to tribal custom...” Examples of such sites and areas include tauranga waka (canoe landing sites), waiwhakaheketupapaku or urupa (burial sites) and tuhituhi o nehera (rock drawing sites).
- Current District Plan’s approach for identification and management of sites and areas of cultural significance is based on the following four cultural landscape categories:
 - Wahi Taonga Site
 - Wahi Taonga Management Area
 - Mahinga Kai Site
 - Silent File Area
- Runanga don’t support identifying and listing all culturally significant sites in district plans as this could be misunderstood that these are the only areas they have an interest in.
- Key issues include:
 - outdated and inadequate definition of wahi tapu and wahi taonga
 - very limited rules as current District Plan focuses only on management of earthworks and the accidental discovery of artefacts as the tool to protect sites and areas of cultural significance.
 - traditional approach to how sites and areas of cultural significance are identified and protected ie similar to how archeological or heritage sites, which overlooks cultural considerations.

About preferred option

- Key draft changes include:
 - Replacing current definition of wahi tapu and wahi taonga with definitions from Mahaanui Iwi Management Plan.
 - Introducing a more contemporary approach to identifying and protecting cultural landscapes which results in a broader range of culturally significant sites and areas, with different values (similar to Christchurch District Plan).
 - Introducing the following categories for cultural landscapes:
 - Nga Tutohu Whenua:** cultural landscapes in the district which encompass catchments rather than defined areas or specific sites. It would include the Southern Alps and High Country, Malvern Hills, Canterbury Plains and Te Waihora.
 - Wahi Tapu and Wahi Taonga:** sites and places that are culturally and spiritually significant to mana whenua history and identity. It would include the following subcategories:
 - Silent files: a tool to protect culturally significant sites as it provides a general location of the site ie not exact site
 - Maunga Tapu/Tupuna: mountains which are considered to be the most sacred part of a landscape
 - Key Pa/Kainga/Mahinga Kai sites: several ancestral Pa, Kainga and significant nohoanga within the district.
 - Nga Puna: springs which are tapu (sacred).
 - Nga Turanga Tupuna:** refers to larger extents of land within which there is a concentration and broader range of culturally significant sites. It would include: Te Waihora, its margins and associated wetlands; Rakaia River and Taumutu.
 - Nga Wai:** represents water. It would include selected waterbodies and their margins:
 - Nga Awa: major rivers and their tributaries within the district
 - Nga Roto: lakes within the district
 - Nga Hapua: lagoons within the district
 - Nga Repo: wetlands within the district.
 - Introducing new objectives, policies and rules that achieve the desired outcomes for the integrated management of cultural landscapes, including appropriate engagement with Rūnanga.
- Following the endorsement of the report prepared by Mahaanui Kurataiao Ltd further development and engagement with Runanga and general public is reired to confirm detailed provisions.

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	NZ Transport Agency	Landowners affected by new cultural landscapes (eg Nga Turanga Tupuna)	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)			News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	High level of interest/ High level of influence (“Manage closely”)	High level of interest/ Low level of influence (“Keep informed”)	Low level of interest/ high level of influence (“Keep satisfied”)	Low level of interest/ Low level of influence (“Watch only”)

¹ “...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]

² 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)

³ 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						
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-July DPC	July	August ⁴
ECan			Preferred option report is shared and feedback sought
Rūnanga	Preferred option report prepared by Mahaanui Kurataiao Ltd	Preferred option report mandated by Runanga	Preferred option report is shared and feedback sought
Key stakeholders			Preferred option report is shared and feedback sought
Landowners/occupiers			Affected landowners consulted as part of public consultation
General public			Public consultation as part of district wide matters
DPC		Preferred option report goes to DPC for endorsement	

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

12. Preferred Option Report and Communications and Engagement Summary Plan – Waste Disposal

Author:	James Tapper (Planz) and Justine Ashley
Contact:	347 2811 (Justine)

Purpose

To brief the Committee on the findings of the combined Baseline and Preferred Option Report that assess a series of options for the ongoing management of waste in the Selwyn District, including a preferred option for further engagement.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Waste Disposal' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Waste Disposal’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

‘Preferred Option Report for Waste Disposal’

‘Waste disposal– communications and engagement summary plan’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 7 June 2018

TOPIC NAME: Waste Disposal

SCOPE DESCRIPTION: Preferred Option Report for Waste Disposal (DW017)

TOPIC LEAD: Justine Ashley

PREPARED BY: James Tapper

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The existing provisions relating to waste in the Operative District Plan require review to ensure they do not overlap with other legislation.</i>
<i>Preferred Option</i>	<i>Option 2 – A strip back of the waste rules in the District Plan.</i>
<i>Recommendation to DPC</i>	<i>That the preferred option for Waste Disposal is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).</i>
<i>DPC Decision</i>	



1.0 Introduction

Under the Waste Minimisation Act 2008 (WMA), territorial authorities are responsible for promoting effective and efficient waste management and minimisation within their districts. As part of that responsibility, territorial authorities are required to plan for waste management and minimisation and provide associated services such as waste collection operations. In addition, the WMA provides territorial authorities with the ability to implement bylaws for the regulation of waste disposal in their districts.

In terms of the existing planning framework in the Selwyn District, waste disposal is currently managed through a series of provisions in the Operative Selwyn District Plan ('Operative Plan'), in addition to a Council bylaw for waste management and various legislation such as the WMA and the Litter Act 1979. The DW017 Waste Disposal Baseline Report ('baseline report') was prepared in May 2018 with the aim of identifying whether the Proposed Selwyn District Plan ('Proposed Plan') is a necessary mechanism for the management and minimisation of waste in the district, particularly in light of the additional mechanisms afforded to Council by way of existing statutory and non-statutory documents. The findings of the baseline report have been used to inform this Preferred Option Report.

This report firstly outlines the existing statutory context relating to waste. The report then provides a summary of the relevant Operative Plan provisions and summarises the key issues with the existing planning framework. A summary of the alternative management responses from surrounding districts is provided, as well as an outline of the stakeholder feedback received. Finally, the report provides a series of options for the ongoing management of waste in the Selwyn District, including a preferred option for further engagement.

2.0 Summary of Statutory Context

The following section provides a summary of the relevant higher order documents in terms of waste management and disposal in New Zealand, as listed below:

- Waste Minimisation Act 2008 (WMA);
- Litter Act 1979;
- Resource Management Act 1991 (RMA);
- Canterbury Regional Policy Statement (CRPS).

In addition, this section provides an overview of the existing Selwyn District Council Waste Management and Minimisation Bylaw 2012 ('Waste Management Bylaw').

2.1 Waste Minimisation Act 2008

The purpose of the WMA is stated in section 3 of the Act as follows:

The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to—

- (a) protect the environment from harm; and*
- (b) provide environmental, social, economic, and cultural benefits.*

The WMA achieves this purpose through a number of mechanisms, including but not limited to:

- Imposing a levy on all non-recyclable waste disposed of at a waste disposal facility, which generates funding for future waste minimisation strategies;
- Enabling territorial authorities to establish bylaws in relation to waste disposal;
- Establishing enforcement mechanisms for non-compliances with the provisions of the WMA (for non-compliances by both members of the public and territorial authorities), including infringement notices, fines and the seizure of property.

Furthermore, the WMA requires that each territorial authority must:

- Promote effective and efficient waste management and minimisation within its district;
- Adopt a waste management and minimisation plan that includes objectives, policies and methods for effective and efficient waste management in the district;
- Review the waste management and minimisation plan every 6 years and prior to any review, conduct a waste assessment in line with section 51 of the Act.

In essence, the WMA exists as the overarching document for the management and reduction of waste in New Zealand. The Act provides mechanisms and directives for the management of waste and aims to encourage waste minimisation, largely by non-statutory means. Of particular relevance to this project scope is the ability for territorial authorities to establish waste management bylaws under the WMA. However, the Act does not contain any requirement for a bylaw, nor for a territorial authority to include waste disposal provisions within its district plan. In fact, there is no reference to the RMA or its mechanisms in any part of the WMA. Instead, this is left up to the discretion of each council when determining the best waste management and minimisation strategies. Notwithstanding, section 43 of the Act outlines that territorial authorities must adopt a (non-statutory) waste management and minimisation plan which provides the strategic direction and associated methods for waste management in each district.

2.2 Litter Act 1979

The Litter Act was introduced to provide local authorities with the ability to control litter and enforce penalties for offences under the Act.

A broad definition of 'litter' is provided in section 2 of the Act and is displayed below:

***Litter** includes any refuse, rubbish, animal remains, glass, metal, garbage, debris, dirt, filth, rubble, ballast, stones, earth, or waste matter, or any other thing of a like nature.*

The functions of the Act include:

- Establishing enforcement officers and litter wardens who may issue fines and abatement notices for litter offences;
- Allowing territorial authorities to force the removal of litter;
- Allowing public authorities to make bylaws pursuant to the provisions of the Act.

Most notably, section 10 of the Litter Act allows territorial authorities to require that private land be cleared or cleaned of any litter. Territorial authorities are then able to issue fines of up to \$500 per day for individuals who fail to comply with the request within the allocated time, or up to \$2,000 per day for corporations.

2.3 Resource Management Act 1991

The purpose and principles of the RMA, as outlined in Part 2 of the Act, carry significant statutory weight and should act as the overarching directive for determining whether it is appropriate to control waste management and disposal activities through the Proposed Plan (an RMA document).

The purpose of the RMA is listed in section 5 of the Act as being “*to promote the sustainable management of natural and physical resources.*” Sustainable management is stated to mean the management of natural and physical resources in a way that “*enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while... avoiding, remedying, or mitigating any adverse effects of activities on the environment.*” In achieving this purpose, territorial authorities must have regard to a number of matters including the maintenance and enhancement of amenity values and the quality of the environment.

The provisions of the RMA specifically relating to waste are in regard to the discharge of contaminants to air or land, as well as the dumping or incineration of waste in the coastal marine area. These issues are each considered to come under the jurisdiction of regional councils under the RMA framework. However, at a District Plan level, the storage, handling and disposal of waste can give rise to amenity effects.

2.4 Canterbury Regional Policy Statement

Chapter 19 of the CRPS relates specifically to waste minimisation and management. The chapter contains a series of objectives and policies, as well as a list of methods that outline what territorial authorities ‘should’ and ‘will’ do to manage waste in their districts.

Objective 19.2.1 seeks to ensure adverse effects are avoided through the minimisation of waste generation. The associated policies aim to apply the principles of the 5Rs (Reduce, Reuse, Recycle, Recover, Residual waste management) to waste streams and to promote a change in behaviour that will result in a reduction of waste. The methods outline that territorial authorities should set out objectives and policies that seek to reduce waste generation within their district plans.

Objective 19.2.2 seeks to minimise the adverse effects of waste. Associated Policy 19.3.3 aims to achieve the objective by promoting an integrated approach to waste management in the region. Policy 19.3.4 outlines the need to enable the establishment and use of appropriate community facilities and services for waste management and recycling throughout Canterbury. The methods then direct that territorial authorities will set out objectives and policies that may include district plan methods to enable the establishment of waste transfer facilities.

In summary, the CRPS seeks to reduce waste generation and avoid any adverse effects of waste. The policy statement outlines that territorial authorities should use the objectives and policies of their district plans to do this, along with education and other non-statutory mechanisms.

2.5 Selwyn District Council Waste Management and Minimisation Bylaw 2012

As stated in section 1.3 of the document, the purpose of the Waste Management Bylaw is to:

Protect, promote and maintain public health and safety, and the health and safety of Waste and Diverted Material operators by regulating the collection and disposal of Waste and Diverted Material;

- (a) Promote effective, efficient and safe collection, transportation, management, storage and disposal of Waste and Diverted Material;*
- (b) Regulate and monitor Waste and Diverted Material Operators within the District through a licensing process;*
- (c) Promote waste minimisation through any other activity.*

The Bylaw generally relates to the Council's waste management services (labelled 'Waste and Diverted Material services'). Included are provisions relating to kerbside collection, drop-off points for waste, the use of public litter bins and the operation of waste management facilities. Additionally, the Bylaw sets out a licensing process for any person wanting to be "*involved in the removal, collection, or transportation of more than thirty tonnes of Approved Waste or Diverted Material*" and establishes the mode of enforcement for any breach of the Bylaw.

In summary, the Waste Management Bylaw generally controls the operational aspects of waste management services and facilities. In addition, it includes restriction on the nature and type of waste which can be suitably disposed of, while prohibiting the disposal of some waste in certain locations.

3.0 Statement of Operative District Plan Approach

Both the Townships and Rural Volumes of the Operative Plan contain provisions relating specifically to the generation, storage, treatment and disposal of waste. This section provides an overview of those provisions by firstly summarising the policy direction contained within the Plan and then the associated rules relating to waste.

3.1 Operative Plan (Townships Volume)

Part B2.4 of the Operative Plan outlines that waste disposal can result in contaminant leaching, contaminated land, odour, vermin and a loss of amenity. In addition, the Plan notes that waste disposal and the associated effects is an important issue for Tāngata Whenua, particularly in relation to the potential contamination of waahi tapu, wahi taonga and mahinga kai sites.

The District Plan objectives therefore focus on utilising the District Plan to control the abovementioned adverse environmental effects of waste production, storage, handling and disposal. Specifically, **Objective B2.4.1** of the Plan seeks to increase awareness in terms of the effects of producing and disposing of waste, while **Objective B2.4.2** aims to reduce the adverse effects of those activities.

The policy direction generally focuses on the avoidance of adverse amenity effects that may arise as a result of the storage, handling and disposal of waste. However, the policy framework contains some overlap with existing legislation in that it aims to promote initiatives that reduce waste generation, which is primarily the role of the WMA. Similarly, the Operative Plan contains a policy that aims to ensure residents have access to waste collection and disposal facilities and services – a matter which is addressed by the Waste Management Bylaw.

The majority of waste-related rules are contained in two separate sections of the Operative Plan (Townships Volume), being Part C9 for Living Zones and Part C21 for Business Zones. The relevant rules are summarised in the following table:¹

Part C9 Living Zones – Waste	
Rule 9.1	Any activity which generates greater than 1m ³ of solid waste on average per week over a year (other than inert landfill) is required to be assessed as a restricted discretionary activity.
Rule 9.2	<p>The storage of solid waste is permitted provided the solid waste being stored is:</p> <ul style="list-style-type: none"> • Generated on the subject site; • Stored in a closed, waterproof container; and • Is only stored until it is able to be collected/removed for disposal elsewhere. <p>Any activity which does not comply with the above conditions is a non-complying activity</p>
Rule 9.3	The burning or composting of solid green waste, or the use of solid waste as fertiliser or manure is permitted. Any other form of waste disposal is listed as a non-complying activity.
Rule 9.4	<p>The following activities are non-complying:</p> <ul style="list-style-type: none"> • Any facilities used for the treatment or disposal of solid waste delivered/conveyed on a site; • Any composting or disposal onto land of any organic matter (except as provided for above);

¹ Note that the rules have been summarised or paraphrased for brevity.

	<ul style="list-style-type: none"> The application of treated or untreated effluent or sewage onto land.
Part C21 Business Zones – Waste	
Rule 21.1	Any activity generating greater than 3m ³ of solid waste on average per week over a year is a restricted discretionary activity.
Rule 21.2	<p>The storage of solid waste is permitted provided the solid waste being stored is:</p> <ul style="list-style-type: none"> Generated on the subject site; Stored in a closed, waterproof container; and Is only stored until it is able to be collected/removed for disposal elsewhere. <p>Any activity which does not comply with the above conditions is a non-complying activity.</p> <p><i>NB: bins of not more than 5m³ in size which are used to collect clothing, cans, bottles or paper for recycling are exempt from this rule.</i></p>
Rule 21.3	<p>The disposal of solid green waste is permitted provided it is composted on site or applied as manure or fertiliser. The use of any land or the establishment of any facilities for the disposal of solid waste is a discretionary activity provided the following conditions are met:</p> <ul style="list-style-type: none"> The site is located in a Business 2, 2A, 2B or 3 Zone; All solid waste is clean fill or green waste only; or The solid waste is monofill from an industrial or business activity and doesn't include any hazardous substances. <p>Any landfill or other use of land or facilities for waste disposal which does not comply with the above is a non-complying activity.</p>

Table 3.1 – Summary of Operative Plan (Townships Volume) rules.

In addition, it is noted that the rules relating to subdivision activities for both Living and Business Zones include a performance standard that requires new allotments to be supplied with a facility or service to dispose of solid waste off site. A similar provision is also included as a matter of discretion for subdivision activities, whereby Council can consider the appropriateness of proposed facilities for solid waste collection or disposal.

3.2 Operative Plan (Rural Volume)

The Rural Volume contains a series of issues, objectives and policies relating to waste. The issues identified and the two overarching objectives (being **Objectives B2.4.1 and B2.4.2**) are identical to those contained in the Townships Volume of the Operative Plan, as identified in Section 3.1 above.

The associated policies take into account the types of activities that can reasonably be expected to occur in rural areas including the disposal of offal and household waste on farms. As such, the Plan generally seeks to ensure the effects of waste generation and handling are reduced, while providing for small quantities of waste to be disposed of, so long as the associated effects are minor. The policy direction seeks to avoid large scale facilities unless the effects are minor and seeks to ensure there is appropriate after-care of land used for waste disposal. Furthermore, the Plan recognises the importance of Tāngata whenua in considering waste disposal.

Part C8 of the District Plan outlines the waste-related rules for Rural Zones. Rule 8.1 covers the generation, storage and disposal of solid waste via a series of permitted activity standards. The

standards allow for the generation of not more than 3m³ of solid waste per week averaged over a year. Any waste generation exceeding that upper limit is assessed as a restricted discretionary activity. The storage, sorting and redistribution of solid waste on a site is permitted provided that:

- The solid waste is generated as part of an activity occurring on site;
- Is stored in a waterproof container or covered with a suitable material;
- Is only stored on site until it is able to be collected or removed for disposal elsewhere.

Similarly, any disposal of solid waste on site is permitted provided that:

- It occurs on sites where there is no public collection service available at the property boundary;
- The solid waste is generated as part of an activity occurring on site;
- Has a maximum volume of not more than 3m³ per week;
- Does not include hazardous substances;
- Is not disposed of within 100m of a waterbody, 45m of a property boundary or within a culturally sensitive location;
- Is buried at least 1m below the ground surface and suitably covered.

Any use of land or establishment of a facility for the disposal of solid waste that does not comply with the above standards is a discretionary activity if the solid waste being disposed of is one of the following:

- Clean fill;
- Monofill from an industrial or business activity that does not include any hazardous substance;
- Offal or animal carcasses in a pit located between 10m and 45m of the boundary of the site.

All other landfill activities or facilities for the disposal of waste are non-complying activities.

4.0 Summary of Issues

This section provides an outline of the identified issues in relation to the Operative Plan waste management provisions. The issues have been identified through analysis contained within the baseline report for waste, as well as feedback from the Selwyn District Council Resource Consents and Solid Waste teams. The identified issues broadly relate to:

- Overlap with existing legislation in the policy framework;
- The control of waste generation;
- The control of waste disposal;

- The control of landfills/waste disposal facilities.

4.1 Policy Framework

It is considered that the policies relating to waste could be ‘thinned out’ to ensure that they do not overlap with the intent of other legislative documents available to Council.

Specifically, the Township policies relating to the reduction of waste generation, and access to waste treatment, disposal and collection services overlap with the outcomes sought through the WMA and the Waste Management Bylaw. However, it is considered appropriate to carry over policies relating to the adverse effects of waste storage, handling and disposal activities given that the control of adverse character and amenity effects arising from land use activities is a District Plan matter under the RMA.

Similarly, in terms of the Rural Volume of the District Plan, Policy B2.4.1 relating to the promotion of initiatives for waste generation is not considered to be a matter for the District Plan, but rather a matter for a more strategic document such as a waste management and minimisation plan (as required by s43 of the WMA). Notwithstanding, all other policies relating to Rural Zones are considered to be necessary in order to ensure the effects of waste storage and disposal are suitably controlled. In some instances, Council’s waste collection services do not extend to rural areas and therefore, policies relating to waste disposal are required.

4.2 Control of Waste Generation

The use of the District Plan to control the generation of waste is considered to be overly stringent in managing the adverse effects of waste producing activities. Waste management services are readily available in the district, providing a practical option for the appropriate disposal of waste. In addition, there is often a reasonable need for certain activities to generate a level of waste greater than that permitted by the Plan and this can normally be done without creating significant adverse effects. In the instance that adverse effects do arise as a result of waste generation, Council have enforcement options available via the Waste Management Bylaw or the Litter Act.

Furthermore, by controlling waste generation through the District Plan, the provisions could result in a perverse outcome whereby an activity which is otherwise intended to be permitted by the Plan requires resource consent because it is likely to generate greater than 3m³ of waste each week. This would result in significant cost and time delays for the landowner, despite the fact that the activity may not even result in adverse effects if the appropriate waste management services are utilised.

It is also relevant to note that both the Selwyn District Council Solid Waste Manager and the Resource Consents Team Leader have suggested that the rules relating to waste generation be removed from the Proposed Plan for reasons not dissimilar to those outlined above.

While it is noted that the rules relating to waste generation are intended to reduce the amount of waste being produced in the district, which is undoubtedly a positive outcome, it is considered that this objective is more appropriately achieved through alternative means, such as education, regular monitoring and a waste reduction strategy.

4.3 Control of Waste Disposal

The Township Volume rules relating to waste disposal (contained in Rule 9.3 and Rule 21.3) are considered to result in an unnecessary layer of control. In urban areas, it is considered that waste disposal can be adequately managed through Council's existing waste collection and disposal services, as well as the enforcement mechanisms offered by the Litter Act 1979 and the Waste Management Bylaw.

As noted by Council's Solid Waste Manager, landowners will intuitively seek to dispose of waste via the existing council services. Where waste is disposed of on a site in a way that creates a nuisance, Council have numerous enforcement mechanisms available to them in order to ensure a site is tidied. Therefore, it is not considered necessary to control such activities through the District Plan. Both the Solid Waste Manager and the Resource Consents Team Leader have reached a similar viewpoint.

While the rules relating to waste disposal in Rural Zones generally appear fair and reasonable (given the absence of waste collection services in many rural areas), the rules could be streamlined to achieve the same outcomes. The Operative Plan rules allow for waste disposal, subject to meeting a set of permitted activity standards. However, it is considered that only the control of hazardous substances disposal, the setback distances from waterbodies, property boundaries and culturally sensitive locations, and the depth at which waste may be buried, are relevant to the control of adverse effects.

4.4 Control of landfills/waste disposal facilities

The provisions currently require resource consent for landfills and waste disposal facilities in the district. While these activities need to be controlled to ensure adverse effects are avoided or mitigated, it is noted that they are also necessary to ensure members of the public have suitable waste disposal options available. Furthermore, existing Council landfills and waste facilities will likely need to expand as the Selwyn population grows. On that basis, it could be more effective to designate existing Council-owned landfills and waste disposal facilities in the district to ensure they can more readily expand to meet the needs of the community, without having to go through the consenting process.

5.0 Summary of Alternative Management Responses – Other Districts

This section contains a summary of the waste management mechanisms utilised by each of the four surrounding districts – Ashburton, Waimakariri, Christchurch and Hurunui.

5.1 Christchurch City Council

The Christchurch District Plan contains very few provisions relating to the disposal of waste by the public. Most notably, the Residential and Commercial Chapters contain provisions requiring that 'waste management spaces' be provided for multi-unit residential complexes, social housing complexes, and residential units in Commercial Zones, in order to ensure there are dedicated storage areas for waste and recycling bins. In terms of the Industrial and Rural Zones, there are no waste provisions considered relevant.

It is noted that the Council-operated Styx Mill Road Transfer Station and the Burwood Landfill are zoned 'Specific Purpose' and are subject to specific sets of provisions, including Outline Development Plans. The specific rules aim to reduce the adverse effects of the activities on surrounding properties. In terms of the existing waste transfer stations on Bank's Peninsula, Council have opted to designate those sites. All other waste transfer stations in Christchurch City are located in Industrial Zones.

It is noted that Christchurch City Council (CCC) have in place the Waste Management Bylaw 2009 which acts as the main control for waste disposal and recyclable resources in the city.

5.2 Ashburton District Council

The Plan contains very few waste management provisions relevant to residents. The only provision of note is the requirement that residential units in higher density areas have a minimum area for outdoor service space of 15m² so as to accommodate a number of outdoor household items, including waste disposal bins.

Ashburton District Council (ADC) have designated five existing waste management facilities in the district which are subject to specific conditions, as listed in Section 14.10.4 of the Plan.

The majority of controls for waste disposal in the Ashburton District are provided through two bylaws, namely 'Chapter 16 – Solid Waste' and 'Chapter 17 – Trade Waste' of the Ashburton District Council Bylaws.

The Bylaw for Solid Waste contains a range of provisions relating to the accumulation of household waste, commercial waste, the disposal of waste and the operation of waste management facilities. The Bylaw for Trade Waste is substantially more detailed and relates to the treatment and disposal of trade wastes so as to protect, promote and maintain public health and safety and amenity, and to protect the environment.

5.3 Hurunui District Council

Section A10 of the Hurunui District Plan controls waste management in the district. The provisions permit the "recovery, reuse, recycling, treatment and disposal of waste products and material" provided that the activity can meet a series of permitted activity standards. The standards relate specifically to the use, storage and disposal of hazardous substances and where they cannot be met, the activity becomes discretionary. It is noted that a series of existing landfills in the district are designated. The Hurunui District Council (HDC) does not have in place any bylaws.

5.4 Waimakariri District Council

The Waimakariri District Council (WDC) does not use their District Plan for the management of waste disposal, and instead relies on two separate Council planning documents: the Solid Waste and Waste Handling Licensing Bylaw 2016; and the Waste Management and Minimisation Plan 2012.

The WDC Bylaw is not dissimilar to the CCC Bylaw in that its purpose is to maximise the recovery of recyclable resources and enable the safe and efficient collection of waste. Furthermore, the Bylaw aims to prevent waste from causing a nuisance and provides enforcement mechanisms for non-compliances with its provisions. The Bylaw also outlines the need to apply for a 'waste handling licence' in certain circumstances and details the application process.

WDC's Waste Management and Minimisation Plan (WMMP) was formulated in 2012 to ensure that the Council was meeting its obligations under the WMA. The Plan contains a series of high-level objectives, policies and methods for the management and minimisation of waste in the District, based on a Waste Assessment which forecast future demands for Waimakariri's waste services. The policy directions of the WMMP generally relate to waste prevention, education, product stewardship, infrastructure and services.

6.0 Summary of Stakeholder Engagement

In forming this report various Selwyn District Council staff members with interest in the topic were contacted for comment.

Specifically, discussions were held with the Selwyn District Council Solid Waste Manager, Mr Andrew Boyd who noted that he would prefer waste to be controlled through the Waste Management Bylaw, the WMA and the Litter Act. Mr Boyd stated that he was not in support of the waste generation provisions of the District Plan. Mr Boyd also noted that under the Operative District Plan rules, it can be difficult to expand or modify existing Council-owned waste-management facilities, particularly in areas with high amenity values such as Castle Hill and Arthurs Pass. Given the importance of adequate waste management facilities in these areas, Mr Boyd suggested an alternative option could be to designate Council-owned landfills and waste management facilities.

The Selwyn District Council Resource Consents Team Leader, Ms Emma Larsen, was also contacted so as to understand whether the consents team found the Operative Plan rules for waste to be effective. Ms Larsen provided a very similar perspective to Mr Boyd, noting that she did not see the waste rules as being an effective method for the control of waste of in the District.

In addition, Environment Canterbury and Mahaanui Kurataiao Ltd (on behalf of ngā Rūnanga) were contacted for feedback in relation to this report. Environment Canterbury responded with comments in relation to the CRPS and its waste provisions. ECan noted their support for the following matters:

- The carry over of policies relating to adverse effects of waste-related activities, as it would be consistent with Objective 19.2.2 of the CRPS;
- The carry over of provisions relating to waste handling facilities, which would be consistent with Policy 19.3.1 of the CRPS;
- The carry over of provisions relating to the storage, handling and disposal of waste.

Moreover, ECan noted they would like to see objectives and policies relating to waste generation maintained within the District Plan, as that would be consistent with Policy 19.3.1 of the CRPS. ECan outlined that without District Plan provisions relating to waste generation, there may be a gap to fill in terms of driving the reduction of waste in Selwyn District. Additionally, ECan noted a cautionary approach should be taken in removing waste-related provisions.

Notwithstanding, ECan were not opposed to the preferred option outlined within this report.

7.0 Summary of Options to Address Issues

The following section outlines a range of options for the control of waste-related activities in the Proposed District Plan. The following is intended to provide a general overview of each option, with the specifics in terms of policies and rules to be fleshed out at the Section 32 phase of the District Plan Review Process.

7.1 OPTION 1 – Status quo

This option would involve carrying over the existing waste provisions in the Operative District Plan and inserting them in the Proposed Plan.

Effectiveness in Addressing Issue:

Based on the assessment outlined in this report, it is considered that this would not be the most efficient approach from a planning perspective and would result in the continuation of an unnecessary level of control over waste management in the district. As identified in Section 4 of this report, the current rules package seeks to control waste generation and disposal, despite these matters being more suitably dealt with through the WMA, the Litter Act and the Waste Management Bylaw. While carrying over the existing waste provisions into the Proposed District Plan would afford Council an additional level of control in terms of waste generation and disposal in the district, it would also result in unnecessary time and cost for landowners.

Risks:

This option carries risk in that it would result in an inefficient method for the control of waste in the district. By adopting this option, it is considered that Council would be seeking to use the District Plan for the purpose of managing waste in the district, but with little consideration to the potential environmental effects of waste-related activities.

Budget or Time Implications:

There would be very few budget or time implications associated with this option.

Recommendation:

It is recommended that Council do not adopt this option for further engagement.

7.2 OPTION 2 – A strip back of the waste rules in the District Plan

This option would involve the removal of the majority of waste-related provisions from the Proposed Plan, so as to allow waste activities to be controlled by the existing legislation. All of the waste-related rules in the Townships Volume would be removed, with the exception of the rule making landfills and waste management facilities a non-complying activity. In addition, the policy framework would be streamlined so as to avoid duplication with existing legislation.

In terms of the Rural Volume, the waste generation rules would be removed. The waste storage and disposal rules would be streamlined to relate to the control of hazardous substances disposal, setback distances from waterbodies, property boundaries and culturally sensitive locations, and the depth at which waste may be buried.

As part of this option, the designation of existing Council-owned facilities would be further considered to ensure they can more easily meet the community's needs without requiring resource consent. However, all other landfills would remain non-complying.

Effectiveness in Addressing Issue:

The analysis undertaken in this report supports this option. This course of action would allow for a more streamlined planning process and would avoid the perverse outcome whereby landowners looking to undertake what would otherwise be a permitted activity require resource consent as a result of breaching the waste provisions. Instead, the option would result in Council utilising the existing legislation to control any potential adverse effects.

It should be noted that under this option, it would be important to consider the retention of provisions relating to waste storage, handling and disposal facilities given the significant adverse environmental effects associated with that land use. Notwithstanding, by considering the option to designate existing Council-owned waste management facilities, an outcome could be achieved whereby adverse effects are still controlled but important waste disposal infrastructure can be easily expanded to meet the needs of the community.

Risks:

There is a risk with this option as Council would no longer have the same level of control over waste generating activities. Instead, Council would need to rely predominantly on education and enforcement under the Waste Management Bylaw, the Litter Act and the WMA to manage waste in the district. Notwithstanding, it is considered that Council would still maintain control over the adverse effects generally associated with large scale waste disposal given that landfills would remain non-complying activities.

Budget or Time Implications:

While this option would require some time and cost from Council staff, it is not considered to result in any significant implications.

Recommendation:

It is recommended that Council adopt this option for further engagement.

8.0 Preferred Option for Further Engagement

The Project Team recommends that:

Option 2 is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).

DW017 Waste disposal – communications and engagement summary plan

Key messages

(as of 16 July 2018)

Background

- As part of the Selwyn District Plan Review waste management-related rules and policies in the current District Plan are also being reviewed.
- Hazardous substances have been reviewed in a separate scope of work and for that reason, this review relates to solid waste only. The District Plan defines waste as “material which is discarded as being spent, useless, worthless or in excess”.

Current status

- Waste disposal is currently managed through the Council’s Waste Management Bylaw, legislation such as Waste Minimisation Act and the Litter Act, as well as a series of rules in the District Plan. As a result, there is an overlap between certain waste provisions in the District Plan and various pieces of legislation relating to waste management.
- Bylaw generally controls the operational aspects of waste management services and facilities, such as kerbside collection, drop-off points for waste, the use of public litter bins and the operation of waste management facilities.
- The District Plan controls waste disposal’s adverse environmental effects such as odour, contaminant leaching and vermin, and adverse effects on Tāngata Whenua cultural values and the character of townships.
- For an activity to be permitted under the current Plan, the activity can generate the following maximum volume of waste per week, averaged over the course of a year:
 - Living Zones = 1 m³ of solid waste (other than inert landfill);
 - Business Zones = 3 m³ of solid waste (other than clean fill or green waste);
 - Rural Zones = 3 m³ of solid waste (other than clean fill, green waste, livestock or crops);
- Rules controlling waste management are considered too stringent, particularly given the existing collection services and the various requirements under the existing legislation to manage waste production’s adverse affects. For example, an activity could currently require a resource consent for waste generation even though it’s otherwise treated as a permitted activity by the Plan.
- Summary of key issues:
 - Overlap with existing legislation in the policy framework;
 - The control of waste generation;
 - The control of waste disposal;
 - The control of landfills/waste disposal facilities.

About preferred option

- It is proposed to remove most waste-related rules from the Proposed Plan and instead control waste activities via existing legislation, such as the Council’s Waste Management Bylaw, Waste Minimisation Act and the Litter Act to control any adverse affects.
- Keep in the Proposed Plan rules for disposal and storage of waste in the Rural Zone but streamline them so that they clearly control hazardous substances disposal; setback distances from waterbodies, property boundaries and culturally sensitive locations, and the depth at which waste may be buried.
- Also continue to control waste disposal facilities in all areas as non-complying activities. However, to provide for waste disposal in remote areas of the district where waste collection services are unavailable, the Council will consider designating existing council-operated waste disposal services. This will enable existing facilities to meet the community’s needs by expanding and/or changing without needing a resource consent.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	[None]	SDC	Selwyn ratepayers
SDC Solid Waste and Resource Consents teams	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)			News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	<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>

¹ “...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]

² 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)

³ 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				[SDC]	
Preferred option consultation				[SDC]	

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-July	July	August ⁴
ECan	Consulted on draft preferred option report		Share endorsed option report and gather feedback
Rūnanga	Consulted on draft preferred option report		Share endorsed option report and gather feedback
Landowners/occupiers	Consulted on draft preferred option report [TBC]		
General public			Preferred option report is published on Your Selwyn Engagement hub
DPC		Preferred option report goes to DPC for endorsement	

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

13. Preferred Option Report and Communications and Engagement Summary Plan – Research Sites in Rural Zones

Author:	James Tapper (Planz) and Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

Purpose

To brief the Committee on the findings of the combined Baseline and Preferred Option Report that reviews whether the existing District Plan provisions remain relevant and appropriate for controlling the use of rural sites for research purposes in the district. In addition, this scope addresses the issue of land being used for research relating to Genetically Modified Organisms (GMOs) and determines whether it is appropriate to control this form of research through additional District Plan provisions.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Research Sites in Rural Zones' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Research Sites in Rural Zones’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

‘Preferred Option Report for Research Sites in Rural Zones’

‘Research sites in the Rural Zone – communications and engagement summary plan’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 31/05/2018

TOPIC NAME: Research Sites in Rural Zones

SCOPE DESCRIPTION: Preferred Option Report for Research Sites in Rural Zones (RU012)

TOPIC LEAD: Robert Love

PREPARED BY: James Tapper

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The existing provisions in the Operative District Plan relating to research sites in Rural Zones require updating to ensure they remain accurate and necessary.</i>
<i>Preferred Option</i>	<i>Option 2 – Edit Operative Provisions</i>
<i>Recommendation to DPC</i>	<i>That the preferred option for Research Sites in Rural Zones is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).</i>
<i>DPC Decision</i>	



1.0 Introduction

A number of research entities operate sites in rural zones in the Selwyn District, including both Crown-owned and private organisations. The majority of research entities are primarily conducting research in the rural field, although some activities may be considered to be non-rural. In this regard, such activities are required to be assessed under Rule 9.4 of the Plan relating to non-rural activities in rural zones. Notwithstanding, that provision permits a range of activities when undertaken by an approved tertiary education provider or a Crown Research Institute.

The aim of this scope of work is to review whether the existing provisions remain relevant and appropriate for controlling the use of rural sites for research purposes in the district. In addition, this scope addresses the issue of land being used for research relating to Genetically Modified Organisms (GMOs) and determines whether it is appropriate to control this form of research through additional District Plan provisions.

2.0 Summary of Issues

There are very few issues with the existing planning framework relating to research activities within rural areas in Selwyn and for the most part, the Operative Plan rules remain effective. However, an issue of note, and one which has been raised through stakeholder engagement, is that the current rules package permits the use of land or buildings for rural based research activities so long as the activity is undertaken by a tertiary education provider or a Crown Research Institute (CRI). Where such activities are undertaken by a private operator, resource consent is generally required. Therefore, it is considered necessary to review whether it would be appropriate to also allow rural research activities by private companies to be undertaken as of right. This issue has been considered in the options provided in Section 8 of this report.

A second issue for consideration is whether the existing rule permitting research activities in Rural Zones (Rule 9.4.1.2) needs to be updated in order to provide further clarity and to ensure it is administered with consistency. In particular, the exclusion of 'conferencing' from being a permitted activity on rural research sites needs to be reviewed to ensure clarity.

Furthermore, it is considered relevant to review whether additional provisions should be inserted in the District Plan to control land uses involving research into GMOs. This issue is discussed in detail in Section 6 of this report.

3.0 Description of Existing Research Facilities in Rural Zones

There are two Crown research facilities located in the district's rural zones, both of which are used for agricultural related research. In addition, there is known to be one privately-owned research facility, being the Kimihia Research Centre operated by PGG Wrightson. Details of the existing research facilities based in rural zones are displayed in the table below:

Operator	Location	Type	Ownership
New Zealand Pastoral Agriculture Research Institute (AgResearch)	175 Boundary Road, Lincoln	Research farm	Crown
The New Zealand Institute for Crop and Food Research Ltd (Plant and Food Research)	1319 Springs Road, Lincoln	Research farm	Crown
PGG Wrightson Limited	742 Tancred's Road, Lincoln	Research farm and associated facilities	Private

Table 3.1 – Existing research facilities in the rural zones

Lincoln University (tertiary education provider) own and operate several research farms throughout the district. The farms are utilised by Lincoln University, as well as various Crown research organisations including Manaaki Whenua Landcare Research ('Manaaki Whenua'), AgResearch and Plant and Food Research.

The New Zealand Forest Research Institute Ltd (SCION), a Crown-owned organization, also undertakes research activities at various forest plantations across the district, including at forestry blocks in Burnham, West Melton and Craigieburn.

A description of each of the sites, including an outline of any resource consents applying to the sites, is provided below.

3.1 AgResearch

AgResearch own and operate a research farm to the north-west of Lincoln Township. The farm is contained over three adjoining blocks of land on the northern side of Boundary Road and is zoned 'Rural Inner Plains'. Research on the farm is currently related to endophytes (a form of naturally produced fungus) and the related effect on ryegrass production. As such, the majority of activities involve cropping trials as well as the grazing of sheep, cattle and horses for the purpose of testing the ryegrass produced on site.

Buildings on the site are in the form of farm sheds and tunnel houses. There are no substantial built complexes and the appearance of the site is not dissimilar to a standard farm. No resource consents currently apply to the site.

3.2 Plant and Food Research

Plant and Food Research operate research farms on three separate blocks of land in Lincoln. Their main research facility, including offices, is located in the Business Zone at 74 Gerald Street. Adjoining the main facility to the north is Rural Zoned land which is owned by Plant and Food Research and used as a research farm. Plant and Food also own two smaller research farm blocks. One further to the north, on the opposite side of Boundary Road and to the west of Lincoln Golf Course, and another block further to the west on Boundary Road.

All three sites are used for a range of breeding trials in relation to various crops and fungus, including peas, oats and mushrooms, as well as various soil sustainability tests relating to

fertilisers. Each site contains standard farm buildings including farm sheds and tunnel houses. The majority of testing is undertaken in laboratories located on Plant and Food Research's main site in the Business Zone. No relevant resource consents currently apply to the research farms.

3.3 PGG Wrightson

There is only one privately owned research facility located in the rural zone, being the Kimihia Research Centre, operated by PGG Wrightson. Resource consents to undertake this activity have been obtained and are displayed in the table below:

Date	Resource Consent Number	Proposal Description
January 2008	RC075490	Establish four accessory buildings with a combined area of 983m ² .
October 2009	RC095246	Relocation of office and toilet blocks onto site.
March 2017	RC175107	Construct a 710m ² extension onto existing research building.

Table 3.2 – Relevant resource consents obtained in relation to the Kimihia Research Centre.

The site is currently used predominantly for crop breeding, including the breeding of ryegrass, clover, herbs and forage. Several large-scale buildings exist at Kimihia, including propagation tunnel houses, offices, a laboratory and farm sheds. In addition, the facility contains a formed and sealed staff and visitor carpark area.

3.4 Lincoln University

Lincoln University own and operate a series of research farms in the district, including a research farm north of the main campus on Ellesmere Junction Road in Lincoln and the 'Ashley Dene' farm located across several blocks of land on either side of Ashley Dene Road in Springston.

The farms are used for a wide range of research activities associated with both the university and a number of CRIs and include various breeding trials and related activities. The sites do not contain any significant buildings and generally appear as standard, working farms.

3.5 SCION

SCION currently undertake research at a number of forestry sites throughout the district. Many of SCION's research activities occur on a council-owned parcel of land containing a planted pinus radiata forest. That site is located between Brookside Road and Burnham School Road in Burnham. The forestry site adjoins the Pines Waste Water Treatment Plant to the east and the Pines Resource Recovery Park to the north. A second forestry block used for research by SCION is located to the west of Thompsons Road in West Melton, between the primary and secondary stop banks associated with the Waimakariri River. Again, that block contains pinus radiata. Additional long term research is conducted by SCION on various forestry blocks in the High Country, including blocks near Lake Lyndon and Craigieburn.

It is noted that none of the sites used by SICON for research related activities contain any structures and the sites generally appear as standard planted forestry blocks. No relevant resource consents apply to the sites.

Research activities generally involve the taking of samples which are then taken back to a laboratory at SCION's main Canterbury facility in Christchurch. The two forestry blocks on the plains are predominantly used for trials of (non-genetically modified) clones of *pinus radiata*, while the high country sites involve the testing of both native and non-native forestry.

4.0 Statement of Operative District Plan Approach

Research facilities operated by tertiary education providers or CRIs are excluded from Rule 9.4 which would otherwise make the activity discretionary in the Rural Zone. Rule 9.4 and the relevant definitions are displayed below:

9.4 SCALE OF NON-RESIDENTIAL AND NON-RURAL ACTIVITIES

Permitted Activities – Scale of Activities

9.4.1 *Any activity which is not a rural activity or a residential activity shall be a permitted activity if the following conditions are met:*

9.4.1.1 *The maximum area of any site covered by building(s), loading, storage and waste areas used for any other activity on the site does not exceed 100m² and no more than two full-time equivalent persons are employed in undertaking any other activity on the site; or*

9.4.1.2 *The activity is undertaken by either an approved tertiary education provider (as defined in the Education Act 1989) or a Crown Research Institute involving the use of land or buildings for the purpose of growing or rearing of crops or livestock and associated monitoring of the environment for research and education purposes but excluding conferencing, accommodation, recreation and retail activities.*

Note: *Rule 9.4.1 does not apply to any temporary activity or any activity within the Porters Ski and Recreation Area, Rural Based Industrial Activity or any Other Industrial Activity (where Rule 9.5.1 and Rule 9.2.2 apply), or Utilities (where rules in Part C Rule 5 Utilities apply).*

9.4.2 *Any activity which does not comply with Rule 9.4.1 shall be a discretionary activity.*

DEFINITIONS

Term	Definition
Institution (from s159 of the Education Act 1989)	means— (a) a college of education; or (b) a polytechnic; or (ba) a specialist college; or (c) a university; or (d) a wananga.
Research	means the use of land and buildings for the purpose of scientific research, inquiry or investigation, product development and testing, and consultancy and marketing of research information; and includes laboratories, quarantines, pilot plant facilities, workshops and ancillary administrative, commercial, conferencing, accommodation and retail facilities.
Residential Activity	means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include: (a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site; (b) Emergency and/or refuge accommodation; and (c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site. Residential activity does not include: (a) Travelling accommodation activities (other than those specified above); and (b) Custodial and/or supervised living accommodation where the residents are detained on the site.
Rural Activity	means the use of land or building(s) for the purpose of growing or rearing of crops or livestock, including forestry, viticulture and horticulture and intensive livestock production and may include a dwelling.
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, viticultural and crops.
Tertiary Education	means the use of land and buildings for the purpose of facilitating tertiary education, training, development and instruction and/or related research and laboratories; and includes ancillary and accessory administrative, cultural, commercial, communal, conferencing, accommodation, retail and recreation facilities.
Tertiary Education Provider (from s159 of the Education Act 1989)	means all or any of the following, but does not include an industry training organisation: (a) an institution; (b) a registered establishment; (c) a government training establishment;

	(d) any other person or body that provides, or proposes to provide, tertiary education and that is funded through non-departmental output classes from Vote Education.
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Table 4.1 – Relevant definitions in the Operative District Plan.

Rural based research centres often have a need to be located in the rural setting, as the environment allows them to undertake rural based research and associated activities. As such, the operative provisions permit agricultural-based research activities in rural zones provided they are undertaken by a tertiary education provider or a CRI. Where research activities do not meet the criteria listed in Rule 9.4.1.2, they are required to be assessed as a discretionary activity under Rule 9.4.2. On that basis, any privately owned research facility, or any facility looking to undertake research in relation to non-rural activities are not permitted by Rule 9.4.1.2 and are discretionary activities.

It is also relevant to note that in certain circumstances, a rural research-based activity looking to establish in the rural environment could be defined as a ‘rural based industrial activity’ depending on the nature of the land use. In that instance, the activity needs to be assessed under Rule 9.5 relating to rural based industrial activities. Notably, such activities are specifically excluded from Rule 9.4 regardless of whether the activity is undertaken by a tertiary provider or a CRI (as per the ‘Note’ under that rule). On that basis, a research facility with a rural based industrial component needs to be assessed under Rule 9.5, most likely as a discretionary or non-complying activity (depending on its ability to meet the stringent permitted activity standards). In addition, any research facility with a non-rural industrial component (known as ‘other industrial activity’ in the Plan) is assessed as a non-complying activity in the Rural Zone under Rule 9.2.2.1.

5.0 Relevant Background Information

Research facilities operated by tertiary education providers or CRIs were excluded from Rule 9.4 as a result of submissions on Variation 28 & 29 from Lincoln University, AgResearch and Plant and Food. The following submission points were made:

- The submitters saw the risk that research and associated activities undertaken by Lincoln University and CRIs in rural areas of Selwyn may not fit inside the definition of ‘Rural Activity’ and could be considered ‘industrial or other’.
- The submitters sought amendments to the rules to exempt education and research activities.
- Their operations represent a valuable resource that assists in the maintenance and development of the local, regional and national economy, and therefore were considered an efficient use of the rural land resource.

This submission was adopted by the hearing panel, ensuring the use of land or buildings for rural research activities by tertiary education providers or CRIs is excluded from Rule 9.4 in the Operative Plan.

6.0 Control of Research Activities Relating to Genetically Modified Organisms

The field testing and/or outdoor release of Genetically Modified Organisms (GMOs) has the potential to result in significant adverse effects on human safety and the environment if it is not effectively managed. The Operative Plan does not currently contain any provisions relating to the testing or release of GMOs and it is therefore considered necessary to assess whether District Plan controls are needed in order to manage such activities in the district.

Based on the Environmental Protection Authority (EPA) GMO register, there are currently no GMOs being tested in the district.¹ However, the following tests have been undertaken in the past:

Research Institute	Description	Trial Period
Kimihia Research Centre	Trial of genetically modified sugarbeet.	1999-2002
Plant & Food Research	Two separate trials of genetically modified potato cultivars.	1998-2003
Plant & Food Research	Trial of genetically modified onions.	2003-2008
Plant & Food Research	Trial of genetically modified cabbage, broccoli, cauliflower and kale.	2007-2013
Plant & Food Research	Trial of genetically modified onion, garlic and leek.	2008-2018*

Table 6.1 – History of GMO trials in Selwyn District.

*This trial has not commenced. Approval for the trial is due to expire in November 2018.

It is noted that no genetically modified crops or animals have been released in New Zealand to date.

In terms of the existing controls for the testing and release of GMOs, the Hazardous Substances and New Organisms Act 1996 (HSNO Act) contains strict provisions which outline the process for any activities relating to GMOs. Specifically, prior to a GMO being imported, developed, field tested or released, the applicant must obtain approval from the EPA. Sections 34 to 38L of the HSNO Act govern the release of GMOs and outline a strict application process. All applications for the release of GMOs must be publically notified. As noted above, no GMOs relating to food, crops or animals have been released in New Zealand.

In terms of field testing of GMOs, sections 40 to 45A of the HSNO Act result in the following outcomes:

- Applications require an assessment of all of the possible adverse effects of the organism on the environment and on human health and safety.

¹ EPA's GMO field test register can be found here: <https://www.epa.govt.nz/industry-areas/new-organisms/rules-for-new-organisms/gm-field-tests/>

- An application for GMO testing can only be approved if, after taking into account all effects, the beneficial effects of having the organism in containment outweigh the adverse effects *and* the EPA is satisfied the organism can be adequately contained.
- In assessing the effects for the purpose of the decision, the EPA must take into account:
 - The adverse effects of having the organism in containment;
 - The probability of the organism escaping after considering all the controls to which the organism would be subject if the application was approved.
 - The effects of the organism if it were to escape.
- If approved, controls must be applied that provide for each of the applicable matters in Part 1 of Schedule 3 including:
 - Accidental release;
 - Exclusion of unidentified persons on site;
 - Exclusion of other organisms;
 - Inspection and monitoring;
- Any approval of field testing must include controls that ensure any organism of heritable material is removed and destroyed at the end of testing.

In summary, the HSNO Act contains a stringent process for ensuring any potential adverse effects arising from the testing or release of GMOs are avoided or controlled. The provisions of the Act require an assessment of the effects by both the applicant and the EPA before approval can be given. In addition, any approval must contain a series of controls to mitigate potential adverse effects.

On that basis, it is not considered necessary to control the testing or release of GMOs within the District Plan. The HSNO Act is a higher order document that applies stringent tests for applicants seeking to undertake activities involving GMOs. The provisions of the Act require environmental risk assessments and provide opportunities for decision makers to implement controls for GMO-related activities. As such, the requirements under the HSNO Act are considered to be much the same as what would be required by a resource consent process as a result of District Plan provisions, although the HSNO provisions carry greater statutory weight. Therefore, in order to avoid unnecessary duplication, it is considered appropriate to allow the testing and release of GMOs to be controlled by the HSNO Act.

7.0 Summary of Stakeholder Engagement

In establishing options for the control of research sites in rural areas of the district, the following key stakeholders were consulted with:

Stakeholder	Contact & Position
PGG Wrightson	Doug Cartridge, National Property Manager
AgResearch	Darryl Millar, Planning Consultant (Resource Management Group Limited ('RMG'))
Plant and Food Research	
Lincoln University	
SCION	Various
Environment Canterbury	Sam Leonard
Mahaanui Kurataiao Limited	Paul Horgan

Table 7.1 – List of stakeholders contacted.

It should also be noted that contact was made with Manaaki Whenua in relation to this scope of work. However, as it was established that Manaaki Whenua do not own any research facilities in the Selwyn, and given that they currently utilise the farms provided by Lincoln University for research activities, it was not considered necessary to seek comment from a Manaaki Whenua representative. A summary of the responses from each of the stakeholders listed in Table 7.1 is provided below.

7.1 PGG Wrightson

Mr Doug Cartridge stated that PGG Wrightson would prefer to see Rule 9.4.1.2 of the Rural Volume broadened to include rural research activities undertaken by privately owned operators, in addition to those undertaken by tertiary education providers and CRIs.

It is the preference of PGG Wrightson that the *“the use of land or buildings for the purpose of growing or rearing of crops or livestock and associated monitoring of the environment for research and education purposes”* be able to be undertaken as a permitted activity by private research entities in the Rural Zone.

Mr Cartridge asserted that private companies are involved in agricultural based research in the district and PGG Wrightson see no reason why it should only be tertiary education providers or CRIs that are permitted to undertake such activities.

7.2 AgResearch, Plant and Food Research & Lincoln University

Mr Darryl Millar, a planning consultant at RMG, provided feedback on behalf of AgResearch, Plant and Food and Lincoln University. Mr Millar stated that having reviewed Rule 9.4.1.2 of the Operative Plan relating to research sites in Rural Zones, he considers that it remains fit for purpose, subject to some minor amendments. In this regard, Mr Millar made the following points:

- The interpretation and application of the Rule 9.4.1.2 relies heavily on the definitions of ‘tertiary education’ and ‘research’. Hence, in Mr Millar’s opinion, the existing definitions would need to be rolled over into the Proposed Plan.
- Mr Millar has assumed that the reference in the rule to the Education Act 1989 is referring specifically to section 159 of that act, which includes a definition of ‘tertiary education provider’. Mr Millar notes that it is necessary to also reference any successor statute in the rule, in case of section 159 of the Education Act being repealed in the future.

- Similarly, in terms of Crown Research Institutes, Mr Millar notes that a reference to any successor organisations should be made in the rule.
- Mr Millar notes that the exclusion of ‘conferencing’ from being a permitted activity under Rule 9.4.1.2 is somewhat of a grey area. Activities such as field trips, discussion days, focus events and small-scale seminars regularly occur both outdoors and within buildings on research farms across the district and it is unclear as to whether these activities need to be considered as ‘conferencing’. Mr Millar suggests that the intention of excluding ‘conferencing’ from the rule in the first instance was to prevent large-scale functions or conference centres on research farms. As such, Mr Millar recommends that for clarity, the rule should exclude “conferencing (unless ancillary to the primary activity)” on the site.

Based on the above points, Mr Millar has recommended that the rule be amended to read as follows (note that changes have been indicated in **bold red**):

9.4.1.2 – The activity is undertaken by either an approved tertiary education provider (as defined in **section 159 of the Education Act 1989 or its successor) or a Crown Research Institute (**or successors**) involving the use of land or buildings for the purpose of growing or rearing of crops or livestock and associated monitoring of the environment for research ~~and~~, education **or tertiary education purposes** but excluding conferencing (**unless ancillary to the primary activity**), accommodation, recreation and retail activities.**

The feedback provided by Mr Millar on behalf of AgResearch, Plant and Food and Lincoln University has been considered in recommending an option for further development in Section 8 of this report, below. In addition, a number of the points raised have been given consideration in early sections of this report.

7.3 SCION

Contact was initially made with SCION via Mr Alan Leckie, a researcher working on behalf of SCION in Selwyn. Mr Leckie provided information on the type and location of research activities undertaken by SCION in the district and noted that SCION do not currently own or operate any buildings for research purposes in Selwyn.

Comment was then sought from SCION in relation to the Operative Plan provisions for rural research activities. Mr Graham Croker asked how ‘conferencing’ is defined in the District Plan given that the activity is excluded from being permitted under Rule 9.4. The term is not currently defined in the Operative Plan. However, Mr Croker’s concern was in relation to whether a field visit involving up to 40 researchers on a site over the course of a day could be considered ‘conferencing’. Mr Croker was informed that is not the intention of the rule and consent would not generally be required for such an activity. However, this is a matter that has been noted as requiring further clarification in the Proposed Plan provisions.

7.4 Environment Canterbury

ECan was sent a draft version of the preferred options report and noted that they had no substantial feedback on the topic. They were satisfied that the recommended option would not be inconsistent with the CRPS.

7.5 Mahaanui Kurataiao Limited

Mahaanui Kurataiao Limited were consulted to obtain feedback on behalf of ngā rūnanga in relation to the preferred option report. However, no feedback was received.

8.0 Summary of Options to Address Issues

8.1 OPTION 1 – Status Quo

This option would result in Rule 9.4 in the Operative Plan being inserted into the Proposed Plan unchanged.

Effectiveness in Addressing Issue:

The assessment of the Operative Plan rules in this report has not identified any significant issues with the existing framework for research activities in rural areas and as such, a continuation of the status quo could be considered a reasonable course of action. However, it should be noted that this option would not provide any concession for private companies undertaking rural research activities in the district, despite the nature of the activity being identical to rural research activities undertaken by tertiary education providers or CRIs. In addition, it would not clarify any of the matters raised via the stakeholder engagement process, including the issue of what constitutes ‘conferencing’ on research sites.

Risks:

There is a risk that this option would result in undue time and cost for private operators aiming to undertake research in rural areas of the district. The outcome of this option would be that tertiary education providers and CRIs could undertake rural-based research as of right, while private operators seeking to undertake the same types of activities would require resource consent.

Budget or Time Implications:

There would be very few budget or time implications in terms of the drafting of the provisions for this option given that Rule 9.4 could be carried over unchanged. However, it is reasonable to expect submissions in opposition from private operators undertaking research in the district should this option be adopted, potentially resulting in additional time and cost for Council.

Recommendation:

It is recommended that Council do not adopt this option.

8.2 OPTION 2 – Edit Operative Provisions

This option would result in Rule 9.4 being edited in the Proposed Plan to include research activities undertaken by privately owned entities as permitted activities, so long as the activities are associated with the growing or rearing of crops or livestock. Further clarity would be provided by inserting the definitions for ‘tertiary education provider’ contained in s159 of the Education Act 1989 into the Proposed Plan, as well as a definition for ‘Crown Research Institute’. This option would also provide for an addition to the rule that allows conferencing activities ancillary to the primary activity on a research site to be undertaken as of right.

Effectiveness in Addressing Issue:

Permitting research into the growing or rearing of crops or livestock by privately owned entities in the Rural Zone is considered to be a fair and reasonable outcome that is unlikely to result in any adverse environmental effects. As is the case with tertiary education providers and CRIs, private entities would be restricted to research into rural activities (relating to crops or livestock) and would still need to meet the built form standards of the Plan. As such, it is considered that permitting research activities of a rural nature by private entities is a pragmatic approach and is effective in addressing the issue raised in this report.

In relation to the recommendations made by Mr Millar (as outlined in Section 7), it is considered that in general, they would be effective in ensuring that there is clarity in terms of how the rule is to be applied. However, the recommendation to include references in Rule 9.4.2.1 to any potential successor of s159 of the Education Act or to CRIs carries risk as there is no certainty in terms of what could be included in any successor document or definition. It is considered a more effective method to insert the existing definition from s159 of the Education Act into the Proposed Plan, and to form an appropriate definition for CRIs.

Additionally, Mr Millar recommended that conferencing continue to be excluded from being a permitted activity under Rule 9.4.2.1, *“unless it is ancillary to the primary activity”*. The Operative Plan rule only permits research activities if they involve *“the use of land or buildings for the purpose of growing or rearing of crops or livestock”* and associated monitoring for research and education purposes. The addition to the rule is effective given that it is highly unlikely that a large-scale ‘conference’ in the traditional sense would be able to be held on land or in buildings being used for the growing or rearing of crops or livestock, or for monitoring. However, the addition to the rule would allow for site meetings, discussion days, seminars and similar activities both indoors and outdoors on the site. For further clarity, it is considered necessary to also insert a definition of ‘conferencing’ into the Proposed District Plan.

Risks:

The main risk with Option 2 relates to the use of research sites for ‘conferencing’ purposes. By allowing for conferencing at research sites that is *“ancillary to the primary activity”*, there is a risk that large scale conferencing could occur on site as of right. However, to be “ancillary” the conferencing would need to directly relate to the growing or rearing of crops or livestock and associated monitoring on the site. It is considered unlikely that large conference events would be

able to meet this requirement, and if such events were able to occur it is likely that they would be very irregular. Furthermore, the bulk and location standards of the Proposed Plan will still apply to the site, further reducing the likelihood of a large scale conference centre or similar building being established on a rural site. While it is necessary to identify this risk, it is considered highly unlikely that any conferencing ancillary to the primary activity at a research site would occur at a scale that would generate significant adverse effects.

Budget or Time Implications:

The implementation of this option would require some scale changes to the existing rules package. However, this is not considered to result in any significant budget or time implications.

Recommendation:

That Option 2 be adopted for further development.

8.3 Option 3 –Schedule Research Facilities

This option would provide for the removal of Rule 9.4.2.1 from the Proposed Plan and the subsequent scheduling of some or all existing research sites in Rural Zones. A new set of provisions would need to be drafted for the scheduled research sites, which would most likely permit rural research activities subject to meeting various performance standards.

Effectiveness in Addressing Issue:

While this option would provide an opportunity to address issues in relation to privately owned research facilities and the clarity of the existing rules package, it would not be effective in providing for future research farms to establish.

Risks:

There are significant risks with this option, most notably the fact that it would not allow for new research sites to establish in the rural environment in the future as a permitted activity. In addition, the footprint of the current operators would be limited to their existing sites.

Budget or Time Implications:

This option would result in addition time and money for Council without obtaining a better outcome than what could otherwise be obtained through Option 2.

Recommendation:

It is recommended that Council do not adopt this option.

9.0 Preferred Option for Further Engagement

The Project Team recommends that:

Option 2 for Research Sites in Rural Zones is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).

RU012 Research sites in the Rural Zone – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- As part of the Selwyn District Plan Review, research sites related policies and rules in the current District Plan are also being reviewed. The review also includes whether land used for the research of genetically modified organisms (GMOs) should be controlled through additional rules within the future District Plan.
- A number of organisations run rural-related research sites in the Rural Zone of the district, including both Crown-owned (AgResearch, Plant and Food Research, Lincoln University and the New Zealand Forest Research Institute) and private operations (eg. Kimihia Research Centre run by PGG Wrightson).
- There are currently no GMOs being tested in the district. Also no genetically modified food, crops or animals have been released in New Zealand to date.

Current status

- Very few issues with the current rules that apply to research sites in the Rural Zone have been identified.
- Key issues are:
 - while tertiary education providers or Crown research institutes don't need to get a resource consent when undertaking rural-related research, private companies need to apply for a resource consent for the same activity.
 - Consider clarity of certain definitions related to research activities, such as conferencing which is currently excluded from being a permitted activity.
- While current District Plan doesn't have any provisions relating to the testing or release of GMOs, this is strictly controlled by Hazardous Substances and New Organisms Act 1996 (HSNO Act).
- Prior to a GMO being imported, developed, field tested or released, the applicant must obtain approval from the Environmental Protection Authority (EPA).

About preferred option

- It's not considered necessary to control the testing or release of GMOs within the District Plan as there's other legislation that has stringent tests for anyone wanting to undertake GMO-related work.
- Key draft changes include:
 - treating research activities undertaken by privately owned entities, tertiary education providers or Crown research institutes the same, ie they won't need a resource consent as long as the activities have a rural association, which means that they are related to growing or rearing of crops or livestock.
 - allowing conferencing activities directly related to the primary activity on a research site to be undertaken as of right.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Federated Farmers	PGG Wrightson	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Horticulture NZ	AgResearch	News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)		The New Zealand Forest Research Institute Ltd (SCION)	Wider public
			Lincoln University	
			Plant and Food Research	
			Landcare Research	

Legend	<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>

¹ "...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]

² 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)

³ 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 ⁴					
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-July	July	August ⁵
ECan	Consulted on draft preferred option report		Share endorsed option report and gather further feedback
Rūnanga	Consulted on draft preferred option report		Share endorsed option report and gather further feedback
Landowners/occupiers	Consulted on draft preferred option report		Share endorsed option report and gather further feedback
General public			Preferred option report is published on Your Selwyn Engagement hub
DPC		Preferred option report goes to DPC for endorsement	

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

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

14. Preferred Option Report and Communications and Engagement Summary Plan – Family Flats

Author:	Jocelyn Lewes (Strategy & Policy Planner)
Contact:	347 1809

Purpose

To brief the Committee on the findings of the Preferred Option Report, which summarises the Family Flats Baseline Report, the purpose of which was to investigate if 'family flats' remain an effective and appropriate provision in the Proposed District Plan.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Family Flats' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Options for ‘Family Flats’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

‘Preferred Option Report for Family Flats’

‘Family flats – communications and engagement summary plan’

PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

DATE: 22 June 2018

TOPIC NAME: Residential

SCOPE DESCRIPTION: RE014 Family Flats

TOPIC LEAD: Jocelyn Lewes

PREPARED BY: Jocelyn Lewes

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ul style="list-style-type: none"> • <i>Scale of development</i> • <i>Impact on amenity and character of surrounding properties</i> • <i>Provision of housing choice</i> • <i>Ease of administration and enforcement</i> • <i>Impact on density</i> • <i>Need to improve effectiveness of plan rules</i>
<i>Preferred Option</i>	<i>Option 2: Remove occupancy restrictions</i> <i>Option 3: Amend and update provisions to improve clarity</i>
<i>DPC Decision</i>	

1.0 Introduction

The Operative District Plan makes provision in both the Living and Rural Zones for family flats. Family flats can, and do, take many forms in the District. They can be integrated fully into the design of the main dwelling, attached to the main dwelling or another building on the site, such as a garage, or a completely detached standalone structure.

Regardless of the building form, the definition of a family flat requires a dependency of occupation – that is, that the family flat must be occupied by a member of the same immediate family that occupies the main dwelling.

This report is a summary of the *Family Flats Baseline Report* (Baseline Report RE014), the purpose of which was to investigate if ‘family flats’ remain an effective and appropriate provision in the Proposed District Plan. This Preferred Options Report should be read in conjunction with the full Baseline Report RE014, which is attached as **Appendix 1**.

2.0 Statement of Operative District Plan Approach

2.1 Definitions

Both the Township and Rural Volumes of the District Plan define a **dwelling** as:

“any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m², except where the Plan has separate provisions that apply specifically to family flats.

Both volumes further define a **family flat** as:

“any dwelling up to 70m² in gross floor area, excluding garaging, which is located on the same site as an existing dwelling and the family flat is occupied by a member of the same immediate family as a person residing in the main dwelling on the site. A family flat may be attached to either the dwelling or an accessory building, or be freestanding”.

On the basis of the above definition, the key elements that define a family flat are:

- the floor area of the structure;
- the relationship of the occupants of the family flat to those occupying the main dwelling; and
- the amenities provided within the structure.

2.2 Objectives and Policies

The objectives and policies do not specifically address family flats for either Living or Rural Zones, however they do set out the expectations and approach to ensuring that the District is a pleasant place to live and work in (Objective B3.4.1 in both volumes).

The objectives and policies of the Township Volume seek to provide a variety of living environments and housing choices for residents. While choice of design of building is supported, consideration needs to be

given to the impact on the character and amenity of areas, including the spaciousness of those areas. The 'spacious' character of Living Zones is also the result of the overall density of an area and Policies B4.1.8 and B4.1.9 seek to limit either the number of sites with more than one dwelling in Living 1 or X Zones or, in the case of Living 2 and 3 zones, to avoid the erection of more than one dwelling altogether.

In the Rural Volume, the objectives and policies also seek to ensure that residential density is low enough to maintain the character of the area. Policy B4.1.1 discourages densities higher than 1 dwelling per 4 hectares in the Rural Zone, with this being the minimum area per dwelling in the Inner Plains area and increasing in the Outer Plains, Port Hills and High Country areas.

2.3 Rules

Living Zones

In Living Zones, Rule 4.6.1 Buildings and Building Density provides for the erection on one allotment (other than at Castle Hill) of a dwelling and one family flat as a permitted activity. This provision is confusing as, by the nature of the definition, a dwelling includes a family flat. This rule could be read as allowing for a second family flat to be erected on the site. While this has never been tested within the District by way of a proposal for a second family flat on a site, clarification that only one family flat per site is permitted is needed.

In addition to the maximum floor area established by way of definition, additional rules within Chapter 4 of the Township Volume establish other bulk and location requirements for sites that are also applicable to family flats, including height, site coverage and setbacks, however these relate to the overall site boundaries. There are no provisions within the Township Volume that address the bulk and location of a family flat relative to the main dwelling on the site. Family flats are specifically identified in those rules which seek to protect sensitive uses against noise intrusion from major roads and State Highways. No additional car parking is required for family flats in Living Zones where they are under 70m² in floor area.

If a family flat is proposed in excess of 70m², it is considered to be a second dwelling and assessed as either a restricted discretionary activity in most Living 1 zones (Rule 4.6.3) or a non-complying activity (Rule 4.6.6) in all other Living Zones¹.

Rural Zone

In the Rural Volume of the District Plan, no specific provision is made for a family flat to be erected in association with a dwelling, as in Rule 4.6.1 in Township Volume. Rather this is implied by the definition of 'dwelling'.

Like in the Township Volume, while permitted, a family flat needs to comply with the relevant bulk and location rules applicable to the zone. Again, there are no specific provisions that address the bulk and location of a family flat in relation to the main dwelling on the site. This can lead to the disbursement of family flats throughout the Rural Zone as land holdings are large. The Rural Volume requires an additional car parking space where a family flat is provided on site (Rule 4.6.1.2).

¹ Living Z, 1A, 1A2, 1A3, 1A4, 1A6, 2, 2A and 3.

If a family flat is greater than the permitted 70m², it is no longer deemed a family flat and is instead treated as a second dwelling, which is a non-complying activity unless the underlying allotment is more than twice the size of the minimum area required by the zone, in which case two dwellings would be permissible.

Business Zones

As dwellings can be constructed within the various Businesses zones in the District, by extension, family flats could also be constructed within these zones. However, Council records do not show that any family flats have been constructed in any Business Zones.

3.0 Review of Consents Issued

Analysis of the number of family flats within the district is problematic due to the difficulty in sourcing accurate information from Council's building and resource consent databases.

3.1 Building Consents

If a family flat is less than 70m², only building consent is required. Based on data extracted and analysed, between 2013 and 2017 building consents for development that are likely to be family flats have been located in the following areas:

RURAL ZONE			LIVING ZONE	
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2
51	27	2	24	12
Total Building Consents in Rural Zone – 80			Total Building Consents in Living Zone – 36	

The current building consents system does not record if the family flat is located under the roof of the main dwelling, attached to another structure, or how far the flat may be from the main dwelling. It is noted that prior to 2013, building consent data did record some of this information.

3.2 Resource Consents

Since 2010, approximately 105 resource consent applications have been considered by Council for family flats. These resource consent applications have been located in the following areas:

RURAL ZONE			LIVING ZONE				
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2	Living WM	Living 2	Living 3
50	24	4	14	2	3	7	1
Total Resource Consents in Rural Zone – 78			Total Resource Consents in Living Zone – 27				

As can be seen, the majority of resource consent applications for family flats have been received for development in the Rural Zone, with most of these being in the Inner Plains area.

The above applications have fallen into the following classes of activity:

CLASS OF ACTIVITY			
Controlled	Restricted Discretionary	Discretionary	Non-Complying
13	17	9	66

Controlled activity status applications relate to family flats of a complying size (being 70m² or less) that take the form of a relocated building. The discretionary applications have also been for family flats of a complying size but other matters, such as the siting of the family flat or the desire for a second vehicle crossing, have necessitated a resource consent. Of the 17 restricted discretionary applications, 11 of these are in the Living 1 zone and the remaining 6 in either Living 2 or Rural zones. Analysis of the applications indicates that they have either been for a family flat of a complying size that breaches another rule, such as a boundary setback, or for a family flat in excess of 70m². The balance of applications for family flats have been non-complying.

NON-COMPLYING APPLICATIONS				
RURAL ZONE			LIVING ZONE	
Inner Plains	Outer Plains	Other (EDA or Hills)	Living 1	Living 2
35	20	4	2	5

Almost 90% of non-complying applications are in the Rural Zone, with the majority of these being in the Inner Plains area. Almost all of the applications have been for a family flat larger than 70m², with the sizes ranging from 71m² to 125m²; the average being 90m². Over 75% of these family flats are detached structures. Consent has been granted for these applications, subject to conditions limiting occupation of the family flat to either immediate family or to named family members and requiring that the removal or decommissioning of the family flat once it ceases to be occupied by family. By way of condition, the application may have also been required to enter into a bond with Council, registered on the Certificate of Title, to ensure that within three months of the family flat ceasing to be occupied by immediate or named family members that the kitchen facilities be removed.

No consents have been declined, however some may have been subject to alteration of the scale and/or location originally proposed following discussions with staff.

4.0 Summary of relevant statutory and/or policy context

4.1 Canterbury Regional Policy Statement (RPS)

The RPS does not specifically reference family flats, and instead addresses dwelling density at a more strategic level.

Chapter 6 *Recovery and Rebuilding of Greater Christchurch* establishes a maximum residential density of in the rural area of 1 household per 4 hectares, an average density of 2 households per hectare in rural residential areas (as defined in Council's Rural Residential Strategy 2014) and a density of more than 1 household per 4 hectares in urban areas. The RPS uses the term household but this is not defined further within the RPS. Selwyn District Plan is required to give effect to the RPS and the District Plan cannot establish densities which are beyond those set out in the RPS.

Chapter 5 *Land Use and Infrastructure* is applicable to the balance of the district and does not contain any reference to residential densities.

As the current definition of a dwelling in the District Plan includes a family flat, it is considered that the District Plan already envisages densities beyond those set out in the RPS. However, as the current definition of family flat requires that it be located on the same site as an existing dwelling, combined with relevant

rules within the District Plan related to building density and allotment sizes, it is not considered that family flats are likely to be of a scale or nature that would be inconsistent with the provisions of the RPS.

4.2 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.”

No specific policies relating to family flats were identified within the Iwi Management Plan.

5.0 Summary of Issues

In summary, the issues identified in Baseline Report RE014 are:

Scale of Development – Currently the maximum gross floor area of permitted family flats in the Selwyn District Plan is 70m² however, where resource consent has been required, the average floor area is 90m². The majority of the oversize family flats consented were in the Rural (Inner Plains) Zone, which gives support to a larger floor area being considered within the Rural Zone.

Impact on Amenity and Character – Provisions within the District Plan that limit the size and scale of development, including family flats, are used to manage amenity effects on surrounding properties, such as visual amenity and character. There is the potential that stand alone family flats can increase the perception of an increase in density, by way of creating the visual impact of two dwellings on one site. However, if the family flat is significantly smaller and located in close proximity to the main dwelling, this would reduce that the impact on the amenity and character of the locality.

Housing Choice – Changing demographics in the district, including an aging population and an increase in smaller person households gives rise to the need to provide greater flexibility in the size and type of dwelling options available, across a range of locations. The current definition decreases the ability for family flats to be used for a wider range of people in need of a small dwelling. As such, the current provisions do not provide a range of housing choice for a variety of residents.

Enforcement of Occupancy – Enforcing the occupancy restriction of family flats is time consuming for staff and brings into question the efficiency of allowing a built form, but then either requiring its removal or alteration once no longer needed by family or, worse case, leaving it unoccupied. If the occupancy requirements were to be removed, consideration should need to be given to the adequacy of the amenity of the occupants of both the main dwelling and the minor residential unit.

Density – The District Plan currently specifies a minimum net site area for a dwelling across all zones in the district and the objectives and policies seek to manage the overall density of zones, be they residential or rural. As the current definition of dwelling in the Plan includes a family flat, it is clear that some additional density is anticipated, but only as an adjunct to the main dwelling and not as a stand-alone dwelling.

Need to improve effectiveness of plan rules –The inclusion of family flats in the definition of dwelling is confusing and requires clarification. It also contains metrics that are more appropriately located in standards. There are limited standards that apply specifically to family flats and there is discrepancy in standards between the two volumes of the current District Plan.

6.0 Summary of Approaches in Other Districts

The approaches of other districts, including the adjoining councils of Christchurch City and Waimakariri District, to providing for family flats was considered, as set out in Section 7 of Baseline Report RE014.

All of the district plans reviewed have retained the concept of providing for a minor residential unit, subservient to and on the same site as the main dwelling in both rural and residential zones.

The majority of plans have removed occupancy restrictions in relation to family flats. Dunedin was the only council that retained a restriction on who may occupy a minor residential unit, but even this is broader than family, in that it allows for someone who is employed by someone who lives in the main dwelling to occupy the unit.

The objectives of all the plans reviewed seek to encourage a diversity of housing types and sizes to meet the diverse and changing needs of the community. Only two plans included specific policies in relation to minor dwellings, which reinforce that the dwelling should be limited in size to minimise any adverse effects.

Plan provisions for minor residential units still limit the size of the units (typically 70m², single storey nature) and require them to meet all other bulk and location standards, but do not restrict how they may be used or by whom. The purpose of limiting both the size and scale of a minor residential unit is to manage any amenity effects of surrounding properties, such as visual amenity and character, be that residential or rural.

The relevant provisions are summarised below:

Authority	Terminology	Floor Area		Standards Separation from principal dwelling	Occupation Requirement	Oversize?
		Urban	Rural			
Selwyn	Family Flat	<70m ²	<70m ²	Not specified	Immediate family	Non-complying
Christchurch	Minor residential unit	35-80	35-70	Must be detached but no distance specified	Not required	Restricted Discretionary
Waimakariri	Included in definition of dwellinghouse	75	75	Must be detached but within 30m	Not required	Restricted Discretionary
Dunedin	Family Flat	60	60	30m	Dependency required but does not have to be immediate family.	Restricted Discretionary
Queenstown	Residential flat	70	150	Not specified	Not required	Restricted Discretionary
Kapiti	Minor Flat	54	60	N/A	Not required	Restricted Discretionary

7.0 Draft National Planning Standards

As part of the 2017 amendments to the Resource Management Act 1991, the Ministry for the Environment (MfE) released the first set of draft National Planning Standards in June 2018. Within the draft definition standard, a minor residential unit has been defined as meaning “*a self-contained residential unit that is ancillary to the principal residential unit and is held in common ownership with the*

principal residential unit on the same site, which can be attached to the principal building or be a detached stand-alone building”.

This draft definition reinforces that dependence of a minor residential unit on the main dwelling should be tied to ownership rather than occupation, acknowledging that there is no sound resource management reason for requiring a family linkage and that to do so creates a significant monitoring and enforcement burden for councils. The draft definition also does not contain any metrics, leaving it to Council to determine an appropriate size and incorporate these into activity standards.

8.0 Options to address Issues

It is recommended that the Proposed District Plan continue to make provision for a form of minor residential development in association with the main dwelling in all zones. Based on the analysis above, it is considered that there are three options for managing family flats in the Proposed District Plan.

8.1 Option 1: Retain the status quo

This option involves no changes to current plan provisions for family flats.

Effectiveness in Addressing Issue: Continuation of the current provisions would not address the known issues in the Operative District Plan and is therefore considered ineffective.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will be the most cost effective and require the least amount of time.

Stakeholder and Community Interests: All district residents.

Recommendation: This option is not recommended as it does not address the issues with the Operative District Plan.

8.2 Option 2: Remove occupancy restrictions

This option would see the removal of the occupancy element from the definition of family flat, thereby placing no limits on who may occupy the unit, or requiring that it be decommissioned once no longer required by family. This approach is consistent with the majority of the other plans reviewed in this report and with the definition in the draft National Planning Standards.

Effectiveness in Addressing Issue: Removing the restriction on who may occupy a minor unit would increase the range of housing choice available within the district, addresses current enforcement difficulties and is consistent with the direction of both the draft National Planning Standards and adjoining district plans.

Risks: Removing the limits on occupancy may result in a larger number of minor residential units being constructed thereby placing increased demand on infrastructure capacity and may also have a detrimental impact on the amenity and character of surrounding environments. However, these risks are able to

managed through standards related to bulk and location within the District Plan and other methods that sit outside the District Plan, such as development contributions and rating policies.

Budget or Time Implications: Implementation of this option would be by way of adopting the draft National Planning Standards and would therefore require limited input from Council.

Stakeholder and Community Interests: All district residents.

Recommendation: It is recommended that this option be carried forward.

8.3 Option 3: Amend and update the provisions to improve clarity

This option would amend and update the provisions related to minor residential units to ensure that the District Plan is clear and easy to administer. Recommendations that would form the basis of amendments are outlined below:

Definitions – A new ‘minor residential unit’ definition be developed, ensuring that it emphasises that it must be held in the same ownership as the main dwelling and the ancillary nature of the unit on the main dwelling, consistent with the draft National Planning Standards definition.

Objectives and Policies – Objectives continue to encourage housing choice at the same time as maintaining the character and visual amenity of the surrounding environment. Stand-alone policy be developed to provide clearer and more specific direction in relation to minor residential units. Particular matters that should be addressed in policy relating to family flats should include that it be of an appropriate scale and provide for suitable amenity both on-site and in relation to adjoining properties and public spaces.

Activity Status – Family flats that meet the relevant development standards should be permitted. Where a family flat fails to meet the permitted standards, the activity should then become either a restricted discretionary or discretionary activity. Consideration should be given to site area, access, car parking, private open space, and the building being designed in proximity to and to complement the main dwelling as well as effects on character and amenity values so as to ensure that minor residential unit is in character with locality.

Rules/Development Standards – Development standards for minor residential units should address the following:

- That a maximum of one minor unit be allowed per site;
- That the floor area, excluding garaging be limited, depending on the zone. In Living Zones it is recommended that the maximum floor area of 70m² be retained, while in the Rural Zone it is recommended that this be increased to 90m²;
- That a minor residential unit be located within a certain distance of the main dwelling, particularly within the Rural Zone;
- That additional car parking and open space area be provided for the use of the occupants of the minor residential unit;
- That the minor residential unit use the same accessway as the main dwelling;
- That the height be limited to single storey as well as a maximum height;
- That site complies with the relevant bulk and location standards applicable to the zone.

Subdivision – Subdividing a minor residential unit from the main dwelling be established as a non-complying activity if it were not able to meet the minimum net site area requirements for a stand-alone dwelling.

Effectiveness in Addressing Issue: Clear and specific provisions would address the known issues in the Operative District Plan.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will require the drafting and testing of new provisions.

Stakeholder and Community Interests: All district residents.

Recommendation: It is recommended that this option be carried forward for further investigation.

9.0 Preferred Options for Further Engagement

The Project Team recommends that Option 2, removing the occupancy restriction and Option 3, amending the provisions to improve clarity, as outlined in Section 8 above, be endorsed by the Committee for further development.

Appendix 1: Baseline Report RE014

Link to Baseline Report below:

[Family Flats \[PDF, 1065 KB\]](#) May 2018

RE014 Family flats – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- As part of the Selwyn District Plan Review family flats related policies and rules in the current District Plan are also being reviewed.
- A family flat under the current District Plan is a dwelling up to 70 m², excluding garaging, which is located on the same site as the main dwelling and is occupied by a member of the same immediate family that lives in the main dwelling.
- Family flats, sometimes also called granny flats, can take different formats, from being attached to the main dwelling to being a completely standalone house on the same property as the main dwelling.
- Currently a family flat can be built in all residential and Rural zones of the district.
- Between 2013 and 2017, 116 building consent for family flats had been lodged.
- Since 2010, 105 resource consent applications for family flats were required. Of the resource consents, 66 were non-complying applications, which were still granted, subject to certain conditions.

Current status

- Key issues include:
 - Potentially confusing rules around how many family flats can be set up on a property without a resource consent although the usual building consent is still required.
 - Scale of development – permitted flats can be 70m² in size, but where resource consent is required family flats tend to be bigger, on average 90m² (particularly in the Rural Zone).
 - Potential impact on the look and feel of the area, particularly in the Rural Zone where the family flat can be established some distance from the main dwelling.
 - Current rules don't give a range of housing choice for an increasingly diverse population.
 - Difficult to enforce the occupancy restriction.

About preferred option

- Draft changes are aimed at encouraging diversity of housing types and sizes to meet the changing needs of population.
- Key draft changes include:
 - amending definition of family flat to make it clear it's a minor residential unit which needs to be held in the same ownership as the main dwelling and is associated with the main dwelling.
 - removing the requirement that only family members can live in a family flat. As result there would be no limit on who may occupy the flat.
 - developing rules/standards which a minor residential unit needs to comply with, if it's to be allowed without a resource consent:
 - Only one minor residential unit per site is permitted
 - Limit the floor area, excluding garaging, based on the zone (not district-wide as at present)
 - Minor residential unit needs to be located within a certain distance of the main dwelling
 - Additional car parking and open space is provided for the unit
 - Unit uses the same accessway as the main dwelling
 - Maximum height is single storey
 - Site needs to comply with relevant bulk and location standards applicable to a zone.
 - Subdividing a minor residential unit from the main building becomes a non-complying activity unless it complies with the density requirements.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Township committees and residents associations	[N/A]	Selwyn ratepayers
Consent and compliance teams	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Federated Farmers		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	High level of interest/ High level of influence ("Manage closely")	High level of interest/ Low level of influence ("Keep informed")	Low level of interest/ high level of influence ("Keep satisfied")	Low level of interest/ Low level of influence ("Watch only")

¹ "...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]

² 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)

³ 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						
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-July	July	August ⁴
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
Key stakeholders			Preferred option report is shared and feedback sought
Landowners/occupiers			[will be consulted at the time of general public consultation]
General public			General consultation as part of district-wide matters
DPC		Preferred option report goes to DPC for endorsement	

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

15. Preferred Option Report and Communications and Engagement Summary Plan – Alternative Housing

Author:	Jocelyn Lewes (Strategy & Policy Planner)
Contact:	347 1809

Purpose

To brief the Committee on the findings of the combined Baseline and Preferred Option Report that reviews alternative forms of housing and recommends how these may be provided within the living environment in a manner that does not affect the amenity of the surrounding locality.

The attached Communications and Engagement Summary Plan is to inform the Committee of the engagement activities to be undertaken in relation to the 'Alternative Housing' topic.

Recommendations

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Alternative Housing’ for further development and engagement.”

“That the Committee notes the summary plan.”

Attachments

‘Preferred Option Report for Alternative Housing’

‘Alternative housing in residential zones – communications and engagement summary plan’

PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

DATE: 22 June 2018

TOPIC NAME: Residential

SCOPE DESCRIPTION: Alternative Housing (RE016)

TOPIC LEAD: Jocelyn Lewes

PREPARED BY: Jocelyn Lewes

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ul style="list-style-type: none">• No specific policies addressing alternative housing in its various forms• Existing provisions are redundant or limited in their application• Rules do not address effects that alternative housing may give rise to
<i>Preferred Option</i>	<i>That alternative housing options be provided for within the Proposed District Plan by the incorporation of appropriate definitions, policies and rules.</i>
<i>DPC Decision</i>	

1.0 Introduction

The Operative District Plan provides a range of objectives, policies and rules for housing within the district, but the majority of the provisions relate to stand alone, detached dwellings for single family households. The Plan is largely silent in regards to alternative forms of housing, such as housing for the elderly, persons with special needs or shared accommodation. While these activities are residential in nature, they do not necessarily fit within the typical development control and urban design rules for residential development.

The housing stock within the Selwyn District is primarily detached dwellings in a low density environment with detached dwellings forming 96% of the existing housing stock. It is dominated by 3-4 bedroom homes, generally over 200m² in floor area. There is very limited supply of attached or higher density housing in the District. The lack of variety in housing choice within the District, particularly in regards to alternative forms of housing such as retirement and supported accommodation, imposes living and maintenance costs on households.

The housing needs of the District's communities are changing in accordance with changing demographic profiles and household structures, as well as economic capacity. There is a need for the District's housing stock to be more responsive to changing household formation and to offer more choice. In particular, population projections provide strong signals that the District's currently aging population will continue to expand relative to other age groups over the coming 30 years and as such the District will contain a large retired sector and planning for housing needs to recognise this. This includes housing which is adaptable to the needs of residents as they change over time, as well as the location of such housing, such that this segment of the population remain connected to the communities in which they may have spent most of their lives.

Beyond housing for the elderly, there are other forms of housing that either depart from the built form of the bulk of the existing housing stock or give rise to effects beyond that of single family detached dwellings, such as supported accommodation and boarding houses. While developments of this nature may account for a very small percentage of the existing housing stock, the current District Plan makes no provision for the consideration of these activities.

Other scopes of work under the Residential workstream are addressing how the Proposed District Plan may address the need to provide for a broader range of housing types and built forms to cater for the majority of the population within the District. This report is concerned with addressing alternative forms of housing and how these may be provided within the living environment in a manner that does not affect the amenity of the surrounding locality.

2.0 Statement of Operative District Plan Approach

The provisions of the Operative District Plan, in relation to residential development, are focused on traditional planning and urban design approaches to housing for single family households and are largely silent on how and where alternative forms of housing can and should be provided for within the District.

The key District Plan objectives, policies and rules currently contained within the Plan are outlined below and identified in **Appendix A**.

2.1 Definitions

Both the Township and Rural Volumes of the Plan define **residential activity** as:

“the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:

- a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site;*
- b) Emergency and/or refuge accommodation; and*
- c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site.*

‘Residential Activity’ does not include:

- a) Travelling accommodation activities (other than those specified above)*
- b) Custodial and/or supervised living accommodation where the residents are detained on site.”*

The definition identifies there are a range of ways in which people in the district can be provided with living accommodation. However, while defined, the term **residential activity** is only used within the body of the District Plan to refer to a group of activities for which particular regard should be had in terms of either the location of such activities¹ or to identify that this form of development is exempt from certain rules².

The Township Volume defines **noise sensitive activities** and the Rural Volume refers to **sensitive activity**, both of which refer to residential activity. Noise sensitive activities also includes elderly persons housing or complex but this is not further defined within the District Plan.

Other definitions within the Township Volume which refer to alternative forms of housing include carehome and elderly residential care. **Carehome** is defined as “*an old person’s home or home for the care of people with special needs excluding a hospital*” but is only referred to in Appendix 13 Roads and Transport in the Township volume of the District Plan, specifying the minimum number of car parking spaces required³. **Elderly residential care** means “*any facility and associated ancillary services providing care for the elderly*”, however the associated rules relate to a built form outcome sought for a specific site in Lincoln, which has since been developed as traditional housing stock.

2.2 Objectives and Policies

There are no specific objectives or policies in either volume that address alternative forms of housing.

Both volumes of the Operative District Plan seek to ensure that the District is a pleasant place to live and work in (Objective B3.4.1 in both volumes).

¹ Township Volume Policies B4.3.15, B4.3.19, B4.3.29, B4.3.34, B4.3.40, B4.3.43, B4.3.46, B4.3.78, B2.4.87

² For example, “Any activity which is not a residential activity, shall be a ...”

³ Carehomes shall provide a minimum of 1 space per 3 clients – Table E13.1(a)

In the Township Volume, Objective B3.4.4 and Policy B3.4.3, under the broader heading of Quality of the Environment, seek to provide a variety of living environments and housing choices for residents. While choice of design of building is supported, the current objectives and policies do not identify a specific need to provide for housing that is of a type or size, or in a location, that could meet the changing needs of residents in terms of age, mobility or health.

There are specific policies included in the Township Volume which seek to address the potential adverse effects of development by addressing such matters as car parking (Policy B3.4.19(a)), building design (Policy B3.4.23) and bulk and location (Policies B3.4.25, B3.4.26).

In the Rural Volume, the objectives and policies are primarily focused on maintaining the rural environment as a place for primary production, with residential development being of a low density.

2.3 Rules

Specific provisions for Elderly Residential Care in the Living 1A Zone in Lincoln are included in the Township Volume of the District Plan at Rule 10.13. The provisions relate to a particular location and a particular form of development, being more of a nursing home, as a permitted activity subject to standards relating to location, site area, height, number of beds, parking, storage areas and landscaping. Further, any development was exempt from compliance with other Living Zone Rules such as hours of operation and site coverage.

These provisions were never taken advantage of and the site proposed for a rest home, as shown on the Concept and Outline Development Plan (C1) in Appendix 18 of the Plan, has since been developed as standalone detached residential housing, thereby removing the potential for elderly residential care in this location.

Given the specificity of Rule 10.13, it is unable to be applied to other forms of elderly residential care within the District.

With the exception of the suite of rules above, all forms of alternative housing, such as housing for the elderly, persons with special needs or shared accommodation, are considered against the general provisions for detached dwellings, as set out in the relevant chapters of the Township and Rural Volumes of the District Plan. However, as most residential activities occur within the Living Zones, focus is given to the rules within Chapters 1-12 of the Township Volume, and more particularly the rules and standards within C4 Buildings and C5 Transport.

Alternative forms of housing are generally able to meet the permitted standards in terms of setback from boundaries and site coverage but can challenge the standards pertaining to density, private open space, car parking and traffic generation. Failure to meet the permitted standard usually results in applications being assessed as non-complying.

Conversely, alternative forms of housing could meet all of the permitted standards yet give rise to adverse effects on the amenity and character of the surrounding locality as the form of development is not considered to be any different from that of a detached dwelling. For example, car parking and traffic generation associated with alternative forms of housing are likely to be greater than that of detached dwellings.

3.0 Comparison with Other District Plans

The **Christchurch District Plan**, which was made fully operative on 19 December 2017, includes definitions for a wide range of alternative housing forms including, among other things, *boarding house*, *care facility*, *care home within a retirement village*, *community housing unit*, *elderly persons housing unit*, *older persons housing unit*, *retirement village* and *sheltered housing*. The inclusion of such a wide range of definitions in this Plan acknowledges that residential activity occurs in many forms, beyond that of a single family household.

Retirement village means any land, building or site that is used predominately for people in their retirement and may include care home and hospital facilities. *Sheltered housing* means housing for people for whom on-site professional care and assistance is available, but not where residents are detained on site. A *care facility* is similar and means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of people with special needs, and/or any land or buildings used for the care during the day of elderly persons or people with special needs. A *boarding house* means one or more buildings, used for paid lodgings or boarding, providing accommodation on a site whose aggregated total contains more than two boarding rooms and is occupied by six or more tenants.

Objectives and policies in the Plan address housing capacity and choice to meet the changing housing needs and population in the City. Residential policies enable and provide for a wide range of housing types, including non-household residential accommodation such as sheltered housing and boarding houses and retirement villages. Policies also recognise that such developments can require higher densities than typical for residential development however building scale, massing and layout should be compatible with the character of the surrounding residential area (Policies 14.2.1.6, 14.2.1.7 and 14.2.1.8).

In most Residential Zones, all forms of alternative housing are either a restricted discretionary or discretionary activity. Matters for discretion include the scale of the activity, traffic generation and access safety. A specific matter for discretion is provided for retirement villages (Rule 14.15.9), which considers whether the development is appropriate to its context and the effect it may have on the amenity of the area, taking into account matters such as fencing, building scale, design, orientation and setback, access and parking.

Specific built form standards such as site coverage and private open space are also applicable to identified forms of alternative housing, in addition to the general height and setback provisions set out in the relevant zones.

The key objectives, policies and rules of the Christchurch District Plan are attached in **Appendix B**.

In the **Ashburton District Plan** (operative March 2017), definitions are included for *boardinghouse*, *day care facilities* (being for the care during the day of the elderly, persons with disabilities and/or children) and *elderly persons home*, however these definitions are not supported by specific objectives, policies or bulk and location standards.

The **Waimakariri District Plan** (operative November 2005) makes no reference to alternative forms of housing and the objectives, policies and standards are all geared towards stand-alone dwellings, at varying densities, to the exclusion of other forms of housing.

The 'second generation' **Hurunui District Plan** was made operative in June 2018. While this Plan is more current than those of Ashburton and Waimakariri, it is similar in that it makes little provision for alternative forms of housing beyond the traditional. The only form of alternative housing identified in the Plan is *independent senior living units* which are defined as a cluster of not less than three dwellings providing accommodation for disabled, elderly or retired persons. This form of development is identified as a discretionary activity in half of the Residential Zones, subject to bulk and location standards and consideration of the design of the units, not only to development on adjoining sites but also how it meets the needs of the occupants.

Of the neighbouring councils, the Christchurch District Plan is the most comprehensive in acknowledging alternative housing forms. However, other second generation district plans, such as those of Auckland Council (2016) , Kapiti Coast District Council (2018), Queenstown Lakes District Council (2015) and South Taranaki District Council (2016) all define and make make provision in their objectives, policies and standards for alternative housing such as housing for the elderly, persons with special needs or shared accommodation.

4.0 Overview of Alternative Housing Consented in Selwyn

An analysis of the various resource consent applications received by Council over the past 10 years relating to alternative forms of housing are discussed below, which highlights the issues with the current standards, rules, policies and objectives of the Plan.

4.1 Retirement Villages

In the time since the current District Plan was made partially operative, a number of consents have been granted for developments which constitute retirement villages. The nature of the applications, the assessment matters and decisions reached in relation to each application are discussed below. Prior to 2013, the last recorded consent for elderly persons housing was in 2003, with there being a significant period during which no housing options of this nature were provided within the district.

Barton Fields, Clydesdale Way and Cobble Court, Lincoln (RC135182)

Consent was sought to establish and operate a lifestyle village for over 55 year olds, comprising 66 dwellings, on a site of approximately 3.8 hectares, zoned **Living Z** and located on the northern edge of Lincoln. The dwellings proposed consist of a mix of 19 single storey detached dwellings, 14 single storey duplexes and four two storey row dwellings comprising of four dwelling each. In all, seven different floor plans were proposed, with no single building design being repeated more than twice before being interspersed with another design. The dwellings were a mix of two and three bedrooms, with single or double garages. A 195m² communal building was also proposed, comprising dining/lounge, games and media rooms and an office space, with car parking for visitors.

The application did not comply with a number of rules pertaining to building density and form, roading and signage and was assessed as a **non-complying activity**. While it was considered that the application was generally consistent with the objectives and policies of the Plan, as there were no assessment matters specific to the form of development, it was considered that the assessment matters for *comprehensive residential development in medium density areas* provided a useful basis for comparison, despite the site

not being identified as such. Regard was had to the design, position, orientation and appearance of the proposed dwellings, both internal and external to the site.

Consent was granted in August 2013 subject to conditions largely associated with the construction of the development, however a condition was imposed requiring that at least one occupant of each dwelling be over the age of 55 years. A further condition was imposed preventing the gating of the development from the adjoining public roads.

Mary Brittan, 21 and 23 Lowes Road, Rolleston (RC145666)

Consent was sought to establish a lifestyle village for residents over 55 years of age, comprising 48 dwellings, on a site of approximately 1.5 hectares, zoned **Living Z**. The site was identified as an area for medium density development in Outline Development Plan Area 9 in Appendix 38 of the Township Volume of the District Plan. The dwellings proposed consist of a mix of 18 single storey, two bedroom, duplex dwellings (containing 36 dwellings) and three two storey row dwellings (comprising 4 dwellings each) as well as a communal building containing management offices. There was limited variation in the floor plans of the single storey dwellings.

The application was determined to be **non-complying** as it did not comply with a number of rules related to density, allotment sizes, outdoor living space, setbacks, fencing and roading. The application was considered to be in general accordance with the objectives and policies of the Plan and the extent of non-compliance with the rules was considered to be no more than minor and unlikely to result in any adverse effects on the environment.

The application was approved in March 2015 subject to conditions relating to occupancy, colours and finishes and fencing.

Woodcroft Village, Kendon Drive, Rolleston (RC155664)

Consent was sought to establish and operate a gated retirement village comprising 78 single storey two and three bedroom units, on a site of approximately 3 hectares, zoned **Living Z**. Of the units, 14 would be stand alone dwellings, with the remaining 64 units accommodated in 32 duplex dwellings. Additional facilities to be provided include a bowling green, BBQ area and outdoor pavilion. The development was proposed to be registered under the Retirement Villages Act 2003 and have a minimum entry age level of 55 years.

The application was determined to be **non-complying** as it failed to comply with rules in Part C of the Township Volume of the Plan relating to building density, vehicle parking, accessways and crossings and scale of activities. While not in an area identified for medium density development, it was considered that the matters set out for the assessment of *comprehensive residential development* provided a useful basis for assessing the application.

The objectives and policies of the District Plan were generally considered to support the application, however it was considered that the application was contrary to provisions relating to transport networks which would create an unsafe living environment for residents. It was also considered that the adverse effects of the proposal would be more than minor.

Following a hearing, consent was granted by the Commissioner in April 2016 subject to conditions associated with both the construction of the development and the on-going site operation.

The Boulevard, 200 Dunns Crossing Road, Rolleston (RC165703)

Consent was sought to establish and operate a retirement village, comprising of 59 single storey two or three bedroom villas with garaging, a 78 bed aged care home with dementia care, 40 apartments in a two storey building, a community centre and 93 car parking spaces. The site comprised an area of approximately 4 hectares and was zoned *Living Z*.

The application was determined to be *non-complying* as it failed to comply with a number of the rules in Part C relating to buildings, roading, signs, waste and activities. Actual and potential effects were determined to relate to density, traffic, visual amenity and residential character, reverse sensitivity and noise. It was also considered that the assessment matters for *comprehensive residential development in medium density areas* provided a useful basis for assessment, although the site was not identified as an area for medium density development within Outline Development Plan 12 in Appendix 38 of the Township Volume of the District Plan.

It was considered that the application was in general accordance with the objectives and policies of the Plan and any effects would be largely limited to the site and would have a no more than minor effect on the wider environment.

Consent was granted in August 2017 subject to conditions largely associated with the construction of the development, however a number of conditions were imposed relating to the operation of the site including:

25. *That the site shall be operated as a retirement village registered under the Retirement Villages Act 2003.*
26. *That at least one occupant of each dwelling shall be over the age of 55 years.*

4.2 Supported Accommodation

This form of alternative housing is identified in the current definition of **residential activity** as ‘*supervised living accommodation and any associated caregivers where the residents are not detained on the site*’. In the past 10 years, only two applications have been identified as being for alternative forms of housing that support people to live independently, with assistance. However, it is likely that there are many more examples of this form of housing within the District that operate without the need for consent.

St John of God Health Care, 23 Masefield Drive, Rolleston (RC135177)

The St John of God Health Care facility supports people living with a disability to live an independent life. While care and lifestyle support is provided, residents are actively involved in the day-to-day running of the home. There was already established on the site a dwelling providing supported accommodation for six residents when, in 2013, consent was sought to erect a second dwelling on the site which could accommodate a further six residents. The site of the application comprised an area of approximately 3,000m². In addition to the six bedrooms in each dwelling, both also provided communal facilities including a kitchen, dining and lounge areas.

The property was zoned **Living 1** and the proposal to erect a second dwelling on the site was a **restricted discretionary activity** in terms of Rule 4.6.3. Discretion was restricted to consideration of outdoor living space, access to sunlight, privacy and any adverse effects on the sense of spaciousness of the area. Consent was granted as it was considered that the effects of the proposal on the other dwelling on the site and on the area generally would be less than minor.

Vintage Village, 33 Flannery Street, Leeston (RC145270)

Consent was sought to establish and operate an 'Abbeyfield' housing unit, being rental accommodation for 14 single people over 50 years of age, with self-contained bedrooms and associated communal facilities comprising a lounge, kitchen and laundry and car parking for 12 vehicles. In addition, an attached housekeeper's flat, with its own kitchen and single garage was also to be provided on site. The live in house keeper cooks lunch and dinner for the residents and cleans the communal areas, thereby supporting the residents.

The site of the application comprised an area of approximately 2,000m² and is located in Leeston, adjacent the domain and close to the centre of town. The site is zoned **Living 1** under the Township Volume of the Plan. The effects were considered to be no more than minor and the written consent of the immediately adjoining landowners was obtained, therefore no notification was required.

The application as considered to be a **restricted discretionary activity** in terms of Part C Rule 4.6.3 Building Density, as the addition of the housekeepers flat was considered to be a second dwelling. Council's discretion was restricted to consideration whether each dwelling would have sufficient open space, privacy, access to sunlight and the impact of the second dwelling on residential density and sense of spaciousness.

The application was considered to be in accordance with the objectives and policies of the Plan and was approved in November 2014, in accordance with the plans submitted. No conditions were attached to the operation or management of the facility.

4.3 Boarding Houses

The definition of residential activity in the operative District Plan includes "*accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site*"⁴. The Christchurch District Plan, and similar definitions in other second generation plans, define a dwelling as a boarding house where it is intended to be occupied by six or more tenants. The metric associated with this definition correlates with provisions in the New Zealand Building Code which classify buildings according to type. Under the Building Code, a detached dwelling applies to a building where a group of fewer than six people live as a single household. Once this threshold is exceeded, the building would be classified as a group dwelling and may require additional fire protection measures in accordance with the Building Code.

A review of resource and building consents issued by Council in the last 10 years of the operative District Plan has identified a number of consents for housing that could take the form of a boarding house, in that

⁴ The current definition of **residential activity** excludes travelling accommodation, and a separate definition of **visitor accommodation** is included in the plan. These types of activities are the subject of a separate scope of work and are not covered by this scope.

they comprise six or more bedrooms. As such, it is highly probable that this form of housing is present in the District.

This form of housing is likely to give rise to effects such as increased traffic generation and a greater need for on-site car parking, given the number of bedrooms that could be occupied by people able to live independently.

4.4 Potential Range of Effects

While all of the alternative forms of housing have been able to establish in the District, the framework of the Operative District Plan has not allowed for consideration of these developments for what they are, thereby not giving full consideration to the range of potential effects that may flow from these forms of housing.

The range of effects generated by the various forms of alternative housing include both positive and potentially adverse effects. The positive effects of the various forms of alternative housing include providing for the health, safety and wellbeing of a wide range of people within the community and aiding housing choice and social integration.

The potential adverse effects from providing housing that departs from the traditional standalone dwelling for single family households includes effects on the character and amenity of the residential area in terms of density, bulk and scale, shading, privacy, noise, signage and traffic generation.

5.0 Issues

Need to improve effectiveness of plan rules – The current definitions in the District Plan that acknowledge alternative forms of housing are either limited in their application or have been made redundant over time by other developments. They are also not supported by standards that guide the location, bulk and scale of such developments.

Lack of certainty for developers – While the lack of express provisions for retirement villages in the Plan has not been a hindrance to the development of alternative housing within the District, it has meant that applicants have had to face considerable uncertainty due to the non-complying activity status, and the possible notification requirements and extent of matters able to be considered by Council in making a decision as a result of this status.

Lack of specific assessment criteria – As can be seen in the review of consents above, retirement villages have been assessed as though they are the same as other residential developments, with the *comprehensive medium density development* provisions being used as an assessment tool even though the majority of the developments did not fall within an identified medium density area. While these developments are similar in scale, medium density developments do not necessarily result in appropriate outcomes for seniors. For example, the provision of communal facilities, combined with the age of residents, means that retirement village units do not require standard residential sized outdoor spaces. Conversely, boarding houses are likely to generate a need for more vehicle parking beyond that of standard residential developments, however there is currently no trigger to require additional on-site car parking.

Matters for discretion – These tend to be designed for standard residential development and address assessment matters largely internal to the amenity of the site, including privacy, outdoor living space, access to sunlight and landscaping.

In relation to retirement villages, these matters are often unnecessary as the operators of the villages have a long term interest in ensuring that all units are attractive to current and prospective residents. It also needs to be recognised that the visual effects associated with the scale of development needs to be balanced against the commercial viability of the development.

There is also no guidance on where alternative forms of housing should be located. Ideally, retirement villages and supported accommodation should be located within close proximity to community facilities, shops and health services and public transport options.

6.0 Options to address Issues

6.1 Option 1: Retain the status quo

This option involves no changes to the provisions in relation to alternative housing in the current plan.

Effectiveness in Addressing Issue: Continuation of the current provisions would not address the known issues in the Operative District Plan and is therefore considered ineffective.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will be the most cost effective and require the least amount of time.

Stakeholder and Community Interests: All district residents.

Recommendation: This option is not recommended as it does not address the issues with the Operative District Plan.

6.2 Option 2: Develop and incorporate new provisions that provide for alternative forms of housing.

This option would see the development, testing and implementation of new provisions to ensure that the District Plan recognises and provides for alternative forms of housing. Recommendations that would form the basis of amendments are outlined below:

Objectives and Policies

In general, it is recommended that:

- Objectives continue to encourage housing choice at the same time as maintaining the character and visual amenity of the District, but also clearly recognise and provide for the accommodation and care needs of both the growing aging population and persons requiring support to live independently.
- Stand-alone policies be developed to provide clearer and more specific direction in relation to alternative forms of housing, such as retirement villages, supported accommodation and boarding

houses. Particular matters that should be addressed in policy relating to alternative forms of housing should include that it be of an appropriate scale, location and provide for suitable amenity both on-site and in relation to adjoining properties and public spaces.

Retirement Villages

- Incorporate a specific definition for retirement villages that is flexible to enable a wide range of activities on the site. It is noted that as the draft National Planning Standards are proposing to define retirement village premises as meaning “*premises (including any land and associated buildings) within a complex of premises for occupation as residences predominately by persons who are retired and any spouses or partners of such persons*”⁵, the ability of Council to establish its own definition of retirement village may be limited.

However, should there be scope to develop our own definition, it is recommended that retirement villages acknowledge that retirement villages are designed to meet a range of needs, which can vary from the ‘early’ retired through to those residents with high dependency and care needs. This can translate into a range of building forms such as small homes/apartments, serviced bedrooms and/or secure care units. In addition to providing accommodation for persons in their retirement, these premises may include a range of facilities and/or services for residents on the site such as medical, respite care, recreational and other communal facilities⁶.

- Restricted discretionary activity status within appropriate residential zones. As proposed in a recent report to the District Plan Committee, four residential zones are proposed – Medium Density, General, Large Lot and Settlement. Retirement villages would be appropriate in all of these proposed zones, bar the Large Lot Zone as the intent of this zone is to provide for lower densities, providing a transition between residential and rural activities. Where a proposed development is unable to meet the standards, applications should be treated as discretionary.
- Assessment matters that focus on the effects on neighbourhood character, residential amenity and the surrounding residential area from building intensity, scale, location and accessibility, design, form and appearance (so as to avoid dullness of uniformity), fencing and boundary treatments, traffic generation, parking and access, noise, lighting and hours of operation. Matters for discretion should also acknowledge that retirement villages are likely to have higher densities and smaller outdoor living spaces than standard residential development. Other assessment matters may include the proximity of the development to services such as local shops and public transport.

Supported Accommodation

- Incorporate a specific definition for supported accommodation recognising that, while residential in nature, residents receive care or wellbeing respite support on a 24 hour basis to assist with independent living.
- Restricted discretionary activity status within all residential zones, subject to standards.

⁵ This definition is drawn from section 226A of the Resource Management Act

⁶ Council staff are currently preparing a submission in response to the draft National Planning Standards, and are likely to make a submission on this definition.

- Assessment matters that focus on the effects on the neighbourhood character, residential amenity and the surrounding residential area from building intensity, scale, location, form and appearance, traffic generation, parking and access, noise, lighting and hours of operation.

Boarding Houses

- Incorporate a specific definition for boarding houses that recognises that, while being a residential house, it is used for paid lodging and provides accommodation for six or more persons along with facilities for communal use by the tenants of the boarding house. It should be highlighted that a boarding house is a distinct use from other uses where residential accommodation is offered at a daily or specified rate such as visitor accommodation etc.
- Permitted activity status within residential zones, subject to bulk and location standards applicable to standard residential development, but a requirement for additional car parking. Restricted discretionary where standards are not able to be met.
- Assessment matters that focus on the effects on the neighbourhood character, residential amenity and the surrounding residential area from building intensity, scale, location, form and appearance, traffic generation, parking and access.

Effectiveness in Addressing Issue: While the alternative forms of housing discussed in this report are essentially residential activities, they are generally of a greater intensity than that of a detached dwelling and, in the case of retirement villages, offer a range of other complementary activities (such as recreation, social, community and health) in an integrated manner. Rules within the District Plan could be amended to better recognise alternative housing forms and their operational and functional requirements, whilst still ensuring that effects are appropriately managed.

Risks: Not addressing the identified issues with the current provisions would be a lost opportunity given the District Plan review is underway.

Budget or Time Implications: This option will require the drafting and testing of new provisions.

Stakeholder and Community Interests: All district residents.

Recommendation: It is recommended that the Proposed District Plan should be amended to provide a context for the consideration of issues associated with the provision of alternative housing and provide specific guidance in relation to the form that this housing may take. Recognition that there are special considerations related to alternative housing will help to improve the process for assessing applications.

7.0 Preferred Options for Further Engagement

The Project Team recommends that Option 2 as outlined above be endorsed by the Committee for further development.

Appendix A: Operative District Plan Provisions

Township Volume

Objectives and Policies

3 People's Health, Safety and Values:

B3.4 Quality of the Environment

- Objective B3.4.1** The District's townships are pleasant places to live and work in.
- Objective B3.4.2** A variety of activities are provided for in townships, while maintaining the character and amenity values of each zone.
- Objective B3.4.4** Growth of existing townships has a compact urban form and provides a variety of living environments and housing choices for residents, including medium density housing typologies located within areas identified in an Outline Development Plan.
- Policy B3.4.2** To provide for any activity to locate in a zone provided it has effects which are compatible with the character, quality of the environment and amenity values of that zone.
- Policy B3.4.3** To provide Living zones which:
- are pleasant places to live in and provide for the health and safety of people and their communities;
 - are less busy and more spacious than residential areas in metropolitan centres;
 - have safe and easy access for residents to associated services and facilities;
 - provide for a variety of living environments and housing choices for residents, including medium density areas identified in Outline Development Plans;
 - ...
- Policy B3.4.19 (a)** Ensure all activities have appropriate car-parking facilities to avoid, remedy or mitigate any adverse effects of car-parking on:
- The amenity values of streets;
 - The privacy of residents; and
 - Safe and convenient access to sites.
- Policy B3.4.25** In all zones in townships, ensure buildings:
- Do not shade adjoining properties; and
 - Maintain a predominantly low rise skyline.

4 Growth of Townships

B4.1 Residential Density

- Objective B4.1.1** A range of living environments is provided for in townships, while maintaining the overall 'spacious' character of Living zones, except within Medium Density areas identified in an Outline Development Plan where a high quality, medium density of development is anticipated.
- Objective B4.1.2** New residential areas are pleasant places to live and add to the character and amenity values of townships.
- Policy B4.1.1** (a) Provide for a variety of allotment sizes for erecting dwellings in Living 1 Zones, while maintaining average section size similar to that for existing residential

areas in townships, except within the Living Z Zone, including any Medium Density area identified in an Outline Development Plan where a higher density of development is anticipated.

B4.3 Residential and Business Development

Objective B4.3.1 The expansion of townships does not adversely affect:

- Natural or physical resources;
- Other activities;
- Amenity values of the township or the rural area; or
- Sites with special ecological, cultural, heritage or landscape values.

Objective B4.3.3 For townships within the Greater Christchurch area, new residential or business development is to be provided within existing zoned land or priority areas identified in the Regional Policy Statement and such development is to occur in general accordance with an operative Outline Development Plan.

Objective B4.3.5 Ensure that sufficient land is made available in the District Plan to accommodate additional households in the Selwyn District portion of the Greater Christchurch area between 2013 and 2028 through both Greenfield growth areas and consolidation within existing townships.

Policy B4.3.4 Encourage new residential or business development to occur on vacant land in existing Living or Business zones, if that land is available and appropriate for the proposed activity.

Rural Volume

Objectives and Policies

3 People's Health, Safety and Values:

B3.4 Quality of the Environment

Objective B3.4.1 The District's rural area is a pleasant place to live and work in.

Policy B3.4.1 Recognise the Rural zone as an area where a variety of activities occur and maintain environmental standards that allows for primary production and other business activities to operate.

Policy B3.4.6 Maintain low levels of building density in the Rural zone and the predominance of vegetation cover.

4 Growth of Rural Area

B4.1 Residential Density and Subdivision in the Rural Area

Objective B4.1.1 The provision of a variety of residential section sizes in the rural area, while maintaining a low overall residential density.

Rules

Elderly Residential Care — Living 1A Zone, Lincoln

Permitted Activities — Elderly Residential Care – Living 1A Zone, Lincoln

- 10.13.1 Elderly residential care in the Living 1A Zone at Lincoln shall be a permitted activity if the following conditions are met:
- 10.13.1.1 Elderly residential care is limited to one site in the location shown on concept plan C1 in Appendix 18 as ‘site for proposed rest home’;
 - 10.13.1.2 The site has an area no smaller than 8000m²; and
 - 10.13.1.3 Elderly residential care is limited to 80 residents in residential care beds, single bedroom units or separate apartments, provided that residential care beds are limited to a maximum of 30; and
 - 10.13.1.4 Parking and outdoor storage areas are screened from adjoining sites by landscaping, fence(s), or a combination thereof, to at least 1.8m in height along the length of the parking or storage area. The minimum depth of the screening is 1.5m if it is in the form of landscaping; and
 - 10.13.1.5 The maximum height of any building is 7.0m; and
 - 10.13.1.6 Staff and visitor parking spaces are provided within the site at the following rates:
 - (a) 1 space per 6 care beds
 - (b) 1 space per 4 single bedroom units
 - (c) 1 space per apartment unit; and
 - 10.13.1.7 No elderly residential care facility is erected on a site that adjoins the boundary of the zone.
- 10.13.2 Rules 10.8 – Scale of Activities; 10.9 – Hours of Operation; 5.4 – Car Parking; 4.8 – Building height; and 4.7 - Buildings and Site Coverage do not apply to elderly residential care as described in Rule 10.13.1.
- 10.13.3 Rule 10.13.1.4 is a screening requirement additional to any screening required under Rule 10.10 – Outdoor Storage of Materials and Goods.

Restricted Discretionary Activities — Elderly Residential Care – Living 1A Zone, Lincoln

- 10.13.4 Any elderly residential care in the Living 1A Zone at Lincoln which does not comply with Rule 10.13.1.2 shall be a restricted discretionary activity.
- 10.13.5 Under Rule 10.13.4, the Council shall restrict the exercise of its discretion to:
- 10.13.5.1 The number of residents that can be accommodated within the facility.

Non-Complying Activities: Elderly Residential Care — Living 1A Zone, Lincoln

- 10.13.6 Any elderly residential care facility in the Living 1A Zone at Lincoln which does not comply with Rules 10.13.1.1, Rule 10.13.1.3, Rule 10.13.1.4, Rule 10.13.1.5 Rule 10.13.1.6 or Rule 10.13.1.7 shall be a non-complying activity

Definitions

The following definitions are included in both volumes of the Operative District Plan, unless otherwise indicated.

Carehome (TV)	an old people's home or home for the care of people with special needs excluding a hospital.
Dwelling	<p>means any building or buildings or any part of a building or buildings which is used as a self-contained area for accommodation or residence by one or more persons; where that area collectively contains: bathroom facilities, kitchen facilities and a sleeping/living area. The term dwelling includes a family flat up to 70m², except where the Plan has separate provisions that apply specifically to family flats.</p> <p>A dwelling does not include any part of a farm building, business building or accessory building which contains bathroom or kitchen facilities which are used solely for the convenience of staff, or contract workers who reside off-site, or day visitors to the site; unless that building or part of a building is being used for overnight accommodation.</p> <p>Where any buildings, building or part of a building on a site contains more than one set of bathroom facilities, kitchen facilities and a sleeping/living area such that they can be used as self-contained residences by different households, then each separate set of facilities shall be deemed to be one dwelling.</p>
Elderly Residential Care (TV)	means any facility and associated ancillary services providing care for the elderly. For the purposes of Rule 10.13 (Elderly Residential Care – Living 1A Zone at Lincoln) it does not include hospital care, or similar, in a full nursing care licensed rest home.
Noise Sensitive Activities	<ul style="list-style-type: none"> - Residential activities other than those in conjunction with rural activities that comply with the rules in the plan; - Educational activities including pre-school places or premises; - Travellers' accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants; - Hospitals, healthcare facilities and elderly persons housing or complex.
Residential Activity	<p>means the use of land and buildings for the purpose of living accommodation and ancillary activities. For the purpose of this definition, residential activity shall include:</p> <ul style="list-style-type: none"> a) Accommodation offered to not more than five guests for reward or payment where the registered proprietor resides on-site b) Emergency and/or refuge accommodation c) Supervised living accommodation and any associated caregivers where the residents are not detained on the site <p>'Residential Activity' does not include:</p>

- a) Travelling accommodation activities (other than those specified above)
- b) Custodial and/or supervised living accommodation where the residents are detained on site.

Sensitive Activity (RV)

includes any of the following activities:

- Residential Activity;
- Travelling Accommodation;
- Community Facility;
- Recreational Facility or Recreational Activity;
- Place of Assembly;
- Restaurant;
- Educational Facility;
- Camping Ground Facility;

but excludes Temporary Accommodation.

Appendix B: Christchurch District Plan Provisions

Operative 19 December 2017

Definitions

Boarding house means one or more buildings, used for paid lodgings or boarding, providing accommodation on a site whose aggregated total contains more than two boarding rooms and is occupied by six or more tenants.

Care facility means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of people with special needs, and/or any land or buildings used for the care during the day of elderly persons or people with special needs.

Care home within a retirement village means a facility providing rest home care within the meaning of the Health and Disability Services (Safety) Act 2001, or a home for the residential care of older persons and/or any land or buildings used for the care of older persons within a retirement village.

Community housing unit in relation to the Community Housing Redevelopment Mechanism means a residential unit owned, let or to be let by or on behalf of the Council, Housing New Zealand Corporation, a not-for-profit housing entity or a registered community housing provider (under Part 10 of the Housing Restructuring and Tenancy Matters Act 1992) as social housing.

Elderly person's housing unit means an older person's housing unit that was consented or otherwise permitted prior to the District Plan becoming operative.

Hospital within a retirement village means any facility providing hospital care within the meaning of the Health and Disability Services (Safety) Act 2001 within a retirement village

Older person means a person over the age of 60 years or a person who qualifies for a permanent supported living payment on health grounds. It includes the partner, spouse, dependants or caregiver of such a person, notwithstanding that the partner, spouse, dependents or caregiver may be under the age of 60 years.

Older person's housing unit means one of a group of residential units developed or used for the accommodation of older persons, where the group is held under either one title or unit titles under the Unit Titles Act 2010 with a body corporate, and which is encumbered by a bond or other appropriate legal instrument which ensures that the use of the unit is confined to older persons. It includes any unit previously defined as an elderly person's housing unit.

Residential activity means the use of land and/or buildings for the purpose of living accommodation. It includes:

- a. a residential unit, boarding house, student hostel or a family flat (including accessory buildings);
- b. emergency and refuge accommodation; and
- c. sheltered housing; but

excludes:

- d. guest accommodation;
- e. the use of land and/or buildings for custodial and/or supervised living accommodation where the residents are detained on the site; and
- f. accommodation associated with a fire station

Residential unit means a self-contained building or unit (or group of buildings, including accessory buildings) used for a residential activity by one or more persons who form a single household. For the purposes of this definition:

- a. a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
- b. where there is more than one kitchen on a site (other than a kitchen within a family flat or a kitchenette provided as part of a bed and breakfast or farm stay) there shall be deemed to be more than one residential unit;
- c. a residential unit may include no more than one family flat as part of that residential unit;
- d. a residential unit may be used as a holiday home provided it does not involve the sale of alcohol, food or other goods; and
- e. a residential unit may be used as a bed and breakfast or farm stay.

Retirement village means any land, building or site that:

- a. is used for accommodation predominantly for persons in their retirement, or persons in their retirement and their spouses or partners; and
- b. satisfies either of the following:
 - i. it is registered as a retirement village under the Retirement Villages Act 2003 or will be so registered prior to it being occupied by any resident; or
 - ii. it is a rest home within the meaning of s58(4) of the Health and Disability Services (Safety) Act 2001; and
- c. includes not less than two residential units; and
- d. may include any or all of the following facilities or services for residents on the site:
 - i. a care home within a retirement village;
 - ii. a hospital within a retirement village;
 - iii. nursing, medical care, welfare, accessory non-residential and/or recreation facilities and/or services.

Sensitive activities means:

- a. residential activities, unless specified below;
- b. care facilities;
- c. education activities and preschools, unless specified below;
- d. guest accommodation, unless specified below;
- e. health care facilities which include accommodation for overnight care;
- f. hospitals; and
- g. custodial and/or supervised living accommodation where the residents are detained on the site; but excludes in relation to airport noise:
- h. any residential activities, in conjunction with rural activities that comply with the rules in the relevant district plans as at 23 August 2008;

- i. flight training or other trade and industry training activities located on land zoned or legally used for commercial activities or industrial activities, including the Specific Purpose (Airport) Zone; and
- j. guest accommodation which is designed, constructed and operated to a standard to mitigate the effects of aircraft noise on occupants.

Sheltered housing means a residential unit or units used solely for the accommodation of persons for whom on-site professional emergency care, assistance or response is available, but not where residents are detained on the site.

Social housing complex means a group of residential units that are:

- a. owned or operated by Housing New Zealand Corporation, the Council, a not-for-profit housing entity or a registered community housing provider (under Part 1 of the Housing Restructuring and Tenancy Matters Act 1992), including where one of these parties is in a public/private development relationship to provide mixed tenure housing; and
- b. provided to help low and modest income households and other disadvantaged groups to access appropriate and secure housing that is affordable

Supportive housing in relation to the Salvation Army site in Addington means housing for individuals supported by the Salvation Army, whether individual housing (inclusive of kitchen and ablution facilities) or shared housing (which provides for shared meals and recreation rooms). It includes reintegration housing for recently released inmates supported by the Salvation Army

Objectives and Policies

Strategic Directions Objectives

Objective 3.3.4 – Housing capacity and choice

- a. For the period 2012 to 2028, an additional 23,700 dwellings are enabled through a combination of residential intensification, brownfield and greenfield development; and
- b. There is a range of housing opportunities available to meet the diverse and changing population and housing needs of Christchurch residents, including:
 - i. a choice in housing types, densities and locations; and
 - ii. affordable, community and social housing and papakāinga.

Objective 3.3.7 – Urban growth, form and design

- a. A well-integrated pattern of development and infrastructure, a consolidated urban form, and a high quality urban environment that:
 - i. Is attractive to residents, business and visitors; and
 - ...
 - iv. Increases the housing development opportunities in the urban area to meet the intensification targets specified in the Canterbury Regional Policy Statement, Chapter 6, Objective 6.2.2 (1)
 - ...

Residential Zone

Objective 14.2.1– Housing supply

- a. An increased supply of housing that will:
 - i. enable a wide range of housing types, sizes, and densities, in a manner consistent with Objectives 3.3.4(a) and 3.3.7;
 - ii. meet the diverse needs of the community in the immediate recovery period and longer term, including social housing options; and
 - v. assist in improving housing affordability.

14.2.1.6 Policy - Provision of social housing

- a. Enable small scale, medium density social housing developments throughout residential areas as a permitted activity and social housing developments generally throughout residential areas.

14.2.1.7 Policy - Non-household residential accommodation

- a. Enable sheltered housing, refuges, and student hostels to locate throughout residential areas, provided that the building scale, massing, and layout is compatible with the anticipated character of any surrounding residential environment.

14.2.1.8 Policy - Provision of housing for an aging population

- a. Provide for a diverse range of independent housing options that are suitable for the particular needs and characteristics of older persons throughout residential areas.
- b. Provide for comprehensively designed and managed, well-located, higher density accommodation options and accessory services for older persons and those requiring care or assisted living, throughout all residential zones.
- c. Recognise that housing for older persons can require higher densities than typical residential development, in order to be affordable and, where required, to enable efficient provision of assisted living and care services.

Objective 14.2.4 – High quality residential environments

- a. High quality, sustainable, residential neighbourhoods which are well designed, have a high level of amenity, enhance local character and reflect the Ngāi Tahu heritage of Ōtautahi.

Policy 14.2.4.8 – Best practice for health, building sustainability, energy and water efficiency

- a. Promote new residential buildings that:
 - i. provide for occupants' health, changing physical needs, and life stages; and

RE016 Alternative housing in residential zones – communications and engagement summary plan

Key messages

(as of 18 July 2018)

Background

- Policies and rules for alternative types of housing, such as housing for the elderly and people with special needs, and boarding houses, in the current District Plan are being reviewed as part of the District Plan review.
- There are limited provisions that address alternative forms of housing in the District Plan, and those that do have been rendered redundant by development over time.
- The most common form of housing in the district is a single storey detached dwelling with an average floor area of 215m² and most dwellings have three to four bedrooms.

Current status

- Key issues include:
 - Lack of choice for different types of housing in the district, such as retirement and supported accommodation.
 - The current District Plan doesn't accommodate the district's projected growth in population and expected change in demographics (ageing population and predominately one- and two-person households).
 - The current District Plan has no specific provisions that address alternative housing, in particular how and where alternative housing can and should be provided for within the district.
 - Permitted standards for traditional housing developments don't work for alternative types of housing, for example different requirements regarding outdoor spaces, car parking, density-related standards and traffic generation.
 - Lack of certainty for developers due to current non-complying activity status of an alternative housing development.

About preferred option

- Key draft changes are aimed at developing new provisions that recognise and provide for alternative types of housing within the district while at the same time maintaining the character of the surrounding residential areas.
- Key draft changes are:
 - Developing new definitions for retirement villages, supported accommodation and boarding houses.
 - Making alternative types of housing a restricted discretionary activity within residential zones, subject to appropriate standards, such as traffic, car parking, hours of operation and scale, location and height of the building.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Retirement Villages Assn NZ, Township committees and residents associations	[N/A]	Selwyn ratepayers
Consent and compliance teams	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)			News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)			Wider public

Legend	<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>

¹ "...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]

² 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)

³ 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						
Preferred option consultation					[through 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-July	July	August ⁴
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
Landowners/occupiers			[through public consultation]
General public			General consultation as part of residential matters
DPC		Preferred option report goes to DPC for endorsement	

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

12. 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 May 2018.

Recommendation

“That the Committee notes the report.”

Attachments

‘DPR Financial Report to 31 May 2018 report’

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 16 July 2018

PURPOSE OF REPORT: DPR Financial Report to 31 May 2018

PREPARED BY: Jesse Burgess, Planning Manager

EXECUTIVE SUMMARY

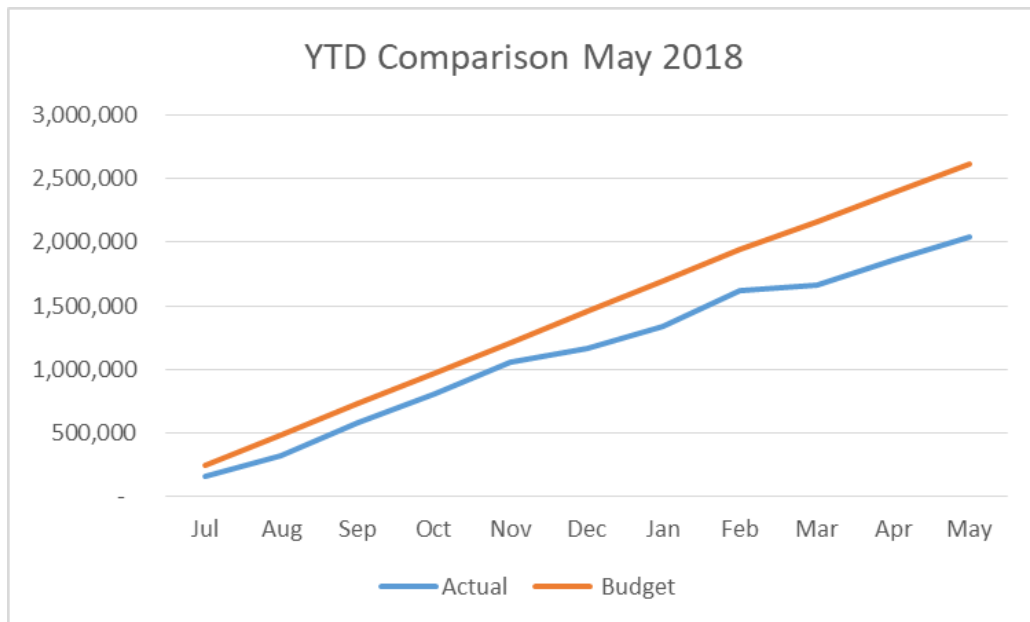
<i>Purpose</i>	<i>To provide an update on the District Plan Review budget and expenditure to 31 May 2018</i>
<i>Recommendation</i>	<i>That the Committee notes the report</i>
<i>DPC Decision</i>	



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 and Business packages and a wide range of district-wide related topics. Stakeholder engagement is also underway with a number of workstreams.
- 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.
- 1.3 Key implementation progress (since last month) includes:
- Preferred Options reports completed for a number of Business Topic workstreams, Sites and Areas of Cultural Significance, Family Flats, Alternative Housing, West Melton Airfield, Waste Disposal and Research Facilities.

2.0 Financial Update



- 2.2 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.
- 2.3 During May 2018 \$177,786 worth of invoices were approved. 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.
- 2.4 Overall the DPR actual expenditure of \$2,039,247 is tracking at 70% of the budget for the 2017-18 financial year.
- 2.5 There are a number of cost centres which are tracked well below budget such as GIS mapping and Economic Analysis.
- 2.6 Expenditure against these cost centres are set to take place during Q4 of the current financial year or will likely be expensed in the 2018-19 year.
- 2.7 Projected expenditure to end of the financial year across the project is expected to range from \$2,355,000 - \$2,380,000, which will be significantly under the anticipated budget of \$2,910,478.

3.0 Conclusion

- 4.1 Overall, during the month of May, 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 August/September.
- 4.2 The DPR budget is on track to come within the amended budget agreed by Council at the LTP workshop in 2017 for the 2017/18 financial year.

4.0 Recommendation to DPC

- 5.1 The Project Sponsor recommends that:
1. The Committee receives the financial update report.