



PUBLIC AGENDA

FOR THE MEETING OF

DISTRICT PLAN COMMITTEE

TO BE HELD AT THE

SELWYN DISTRICT COUNCIL OFFICES,
COUNCIL CHAMBERS

ON WEDNESDAY 27 JUNE 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 Lyaall

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

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Agenda Items

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Standing Items			
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Specific Reports			
6a. Preferred Option Report – Residential Character, Amenity, Density & Housing Typologies	6-35	Written	Adam Jellie (Stantec) & Jocelyn Lewes
6b. Preferred Option Report – Comprehensive Medium Density	36-50	Written	Karen Bell (Stantec) & Jocelyn Lewes
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8a. Preferred Option Report – Kāinga Nohoanga	81-114	Written	Paul Horgan (Mahaanui Kurataiao Ltd)

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9a. Preferred Option Report – Managing Geotechnical Risk	118-150	Written	Janice Carter (GHD) & Rachael Carruthers
9b. Communications and Engagement - Managing Geotechnical Risk	151-153	Written	Rachael Carruthers & Katrin Johnston
10a. Preferred Option Report – Earthworks	154-179	Written	Nick Boyes (Planz) & Robert Love
10b. Communications and Engagement - Earthworks	180-182	Written	Robert Love & Katrin Johnston
11a. Supplementary Preferred Option Report – Lighting & Glare (Night Glow)	183-199	Written	Frances Lojkin (Stantec) & Vicki Barker
11b. Communications and Engagement - Lighting & Glare (Night Glow)	200-202	Written	Vicki Barker & Katrin Johnston
12. Hazardous Substances and Contaminated Land Engagement Update	203-206	Written	Robert Love

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 for 20 June and 27 June 2018 to be confirmed at **25 July meeting.**

5. OUTSTANDING ISSUES REGISTER

Nil

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

Specific Reports

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

Author:	Adam Jellie (Stantec) & Jocelyn Lewes (Strategy & Policy Planner)
Contact:	347 1809 (Jocelyn)

Purpose

To brief the Committee on the Preferred Option Report for 'Residential Character, Amenity, Density & Housing Typologies', which summarises three Baseline Reports and to identifies issues, options and approaches for addressing the management of the form and location of residential activities across the District.

The three Baseline Reports relate to:

- Character and Amenity Baseline Report (Baseline Report RE007);
- Density and Typology Baseline Report (Baseline Report RE004);
- Bulk and Location Baseline Report (Baseline Report RE005).

As the three baseline reports are inter-related, this Preferred Options Report brings all the issues and options into one place. If endorsed by Council, the Preferred Options will form the basis of further engagement with stakeholders as part of the District Plan Review project.

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.”

Attachments

'Preferred Option Report for Residential Character, Amenity, Density and Housing Typologies'

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE:	14 June 2018
TOPIC NAME:	Residential
SCOPE DESCRIPTION:	Residential Character, Amenity, Density and Housing Typologies
TOPIC LEAD:	Jocelyn Lewes
PREPARED BY:	Stantec New Zealand (Adam Jellie)

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ol style="list-style-type: none"> 1. As a consequence of the large number of Living Zones the residential section of the District Plan has become unwieldy to interpret and administer. There is no clear policy framework to describe the outcomes sought or differentiate each Living Zone. There are implementation issues with some of the Living Zone rules due to clarity of drafting, formatting and inconsistent use of terminology. 2. The District Plan enables a range of housing typologies, however these are not being taken up by developers and as a consequence there is very limited diversity in the housing stock across the District; 3. Largely as a response to the 2010 and 2011 earthquakes, development has been focused on the greenfield priority areas. There is a need now to focus intensification around Key Activity Centres, business zones, neighbourhood centres and core public transport routes.
<i>Preferred Option</i>	<p>In summary the recommended options for further development are:</p> <ul style="list-style-type: none"> • Option 2a: Incentives for different housing typologies; • Option 3b: National Planning Standards adapted to local circumstances; • Option 3c: Housing typologies; • Option 3d: Spatial distribution of zones and typologies; and • Option 3e: New rules.
<i>DPC Decision</i>	



1.0 Introduction

Three baseline reports have been prepared for the residential workstream to inform the identification of issues, options and approaches in this Preferred Options Report.

The *Character and Amenity Baseline Report* (Baseline Report RE007) undertook an on-the-ground assessment of character and amenity and evaluated the effectiveness of the District Plan provisions in contributing to or maintaining character and amenity. Baseline Report RE007 is attached as **Appendix 1**.

The *Density and Typology Baseline Report* (Baseline Report RE004) examined the various Living Zone and Outline Development Plan (ODP) density requirements and provided an analysis of subdivision and building consents over the past 10 years. This analysis identified the range of allotment sizes created and housing typologies developed. The Report also analysed population and dwelling projections out to 2043 for six townships. Baseline Report RE004 is attached as **Appendix 2**.

The *Bulk and Location Baseline Report* (Baseline Report RE005) provided an evaluation of the bulk and location rules in the Operative Selwyn District Plan (the District Plan). It also considered the use of consistent terminology, structure, formatting and whether rules are overly prescriptive and if they were able to be measured Baseline Report RE005 is attached as **Appendix 3**.

The purpose of this Preferred Option Report is to provide summaries of these three Baseline Reports and to identify issues, options and approaches for addressing the management of the form and location of residential activities across the District. As the three baseline reports are inter-related, this Preferred Options Report brings all the issues and options into one place. If endorsed by Council, the Preferred Options will form the basis of further engagement with stakeholders as part of the District Plan Review project.

2.0 Summary of Issues

2.1 Structure of District Plan

The residential provisions of the District Plan are considered to be unwieldy to interpret and administer, by all plan users, due to the large number of Living Zones and generic policy framework. There is no clear policy approach or support to the variable density, allotment sizes, character and amenity provisions or the number of zones which have been put in place.

Currently there are over 70 Living Zones. This is an overly complex residential zone framework where the main differences between zones are the minimum average allotment size. Most other provisions are common across the zones. Baseline Report RE007 found through site visits that there is no noticeable difference in terms of allotment size created by the small variances provided for in the 72 Living Zones.

Baseline Report RE005 identified a number of issues relating to plan structure, interpretation of rules and clarity of drafting. This includes an inconsistent numbering system, use of terminology and definitions which leads to implementation issues.

2.2 Diversity of housing typologies

A review of building consents between 2013 and 2017 found that the predominant housing typology developed over this period is the single storey detached dwelling, making up 96% of building consents issued for dwellings. While the District Plan does enable other housing typologies there has been no considerable uptake in these typologies by developers. There are a number of factors which could be influencing developers' decisions such as feasibility, demand and the role of covenants. Anecdotally developers have commented on the complexity of some of the District Plan provisions which may lead to increased costs of developing other typologies.

Whilst this approach gives effect to the Canterbury Regional Policy Statement (RPS) in terms of the District Plan enabling a range of housing typologies, these are not being delivered on the ground. Implications of this include minimal choice of housing typologies by residents which may benefit from typologies other than the single storey detached dwelling.

The growth in population and changing demographics identified in Baseline Report RE004 (as shown in Figure 1) indicate over the life of the Proposed District Plan (10 years) there is expected to be an increase in demand for different housing typologies (as shown in Table 1). The Proposed District Plan will need to provide for these changing circumstances and enable the efficient and effective delivery of a range of housing typologies.

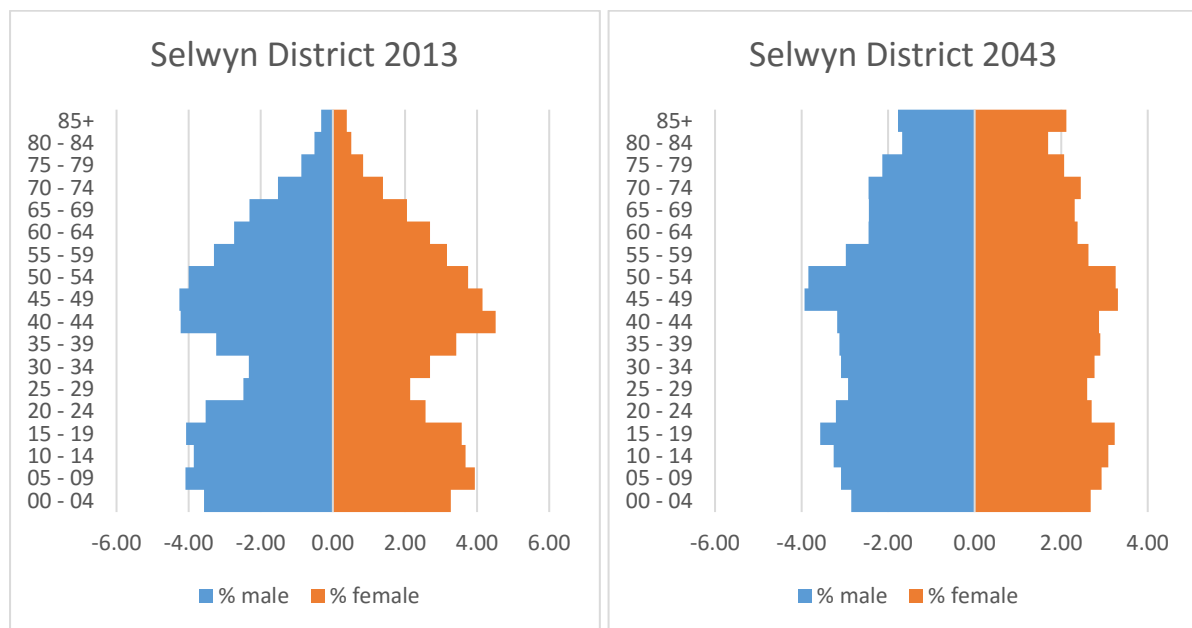


Figure 1: Age Sex Structures for 2013 (Census) and 2043 (Statistics New Zealand Medium Variant Population Projections)

Table 1: Composition of New Households by Type over 2016 Base* for the Entire District

Year	Couple without children	Couple with child(ren)	One parent with child(ren)	Other multi-person households	One-person households	Total households
2018	1,184	890	90	23	262	2,449
2043	7,747	5,071	579	216	1,745	15,358

* The household type is estimated by applying the distribution of growth observed between census 2006 and 2013.

2.3 Intensification around Key Activity Centres

A review of building and resource consents between 2007 and 2017 identified that the majority of development over this period has occurred towards the periphery of larger townships (Rolleston and Lincoln) and that this development is of higher densities than existing development located near Key Activity Centres and business zones. Baseline Report RE004 found that this form and location of development is a response to the strategic direction established in higher order planning documents in response to the 2010 and 2011 earthquakes as all new development was focused towards greenfield priority areas.

3.0 Statement of Operative District Plan approach

Provisions relating to the management of density, housing typologies, character and amenity are split between various sections of the Township Volume of the District Plan. The majority of the relevant objectives and policies are located in Section B4 Growth of Townships with rules and other methods split across Sections C1 Living Zone Activities, C4 Living Zone Buildings and C12 Living Zone Subdivision. All relevant objectives and policies have been set out in the Baseline Reports (Appendices 1 – 3).

3.1 Objectives

Objective B4.1.1 seeks to provide for a range of living environments in townships, while maintaining the overall 'spacious' character of the Living Zones. Objective B4.1.2 seeks that new residential areas are pleasant places to live and add to the character and amenity values of townships. There are no specific objectives to support each of the Living Zones, instead the generic objectives apply across all of the zones.

3.2 Policies

The overarching objectives above are supported by policies which seek to provide for a variety of allotment sizes while maintaining average section size similar to that for existing residential areas in townships (B4.1.1(a)). Subdivision which provides for a variety of section sizes that are designed to cater for different housing typologies within ODP areas is encouraged (Policy B4.2.11).

There is no specific policy direction attributed to residential bulk and location provisions except in respect of medium density developments (Policy B3.4.3) in the District Plan. Instead, the policies seek to maintain the existing quality of the environment by ensuring that the District's townships are pleasant places to live and work, and addressing the quality of the environment and amenity values that may make a township an unpleasant place to live or work provide the only basis for the bulk and location rules.

3.3 Rules

There are over 70 Living Zones in the District Plan (excluding the Living 3 Zones which are subject to another workstream). The main variances between these zones relate to density standards which range from 300 m² through to over 10,000 m². The largest number of Living Zones (21) set an average allotment size of 800 m². The majority of bulk and location standards remain common across all of the Living Zones.

Standards in the District Plan which relate to bulk, location, character and amenity cover the following matters:

- allotment size;
- minimum density;
- height;
- recession planes;
- setbacks;
- private open space;
- site coverage; and
- fencing

Details of relevant rules and development standards are set out in Baseline Report RE005 (Appendix 3) and Baseline Report RE007 (Appendix 1).

3.4 Housing typologies and incentives

Baseline Report RE007 found that the District Plan includes provisions which enable a diversity of housing typologies through various rules and methods. These include:

- Comprehensive Medium Density provisions;
- Family Flat provisions;
- Outline Development Plans (ODP) which some identify medium density areas; and
- Living Z Zone which includes a minimum net density.

3.5 Intensification around Key Activity Centres

The District Plan gives effect to the RPS by implementing the Living Z Zone and ODP provisions which set a minimum net density of 10 households per hectare or as specified by each ODP.

The Living Z Zone and ODPs have been applied to greenfield priority areas as directed by the RPS. These areas are predominately located on the periphery (towards the urban boundaries) of the larger townships (for example: Rolleston and Lincoln).

For the most part, these provisions have not been applied around Key Activity Centres or business zones within the townships.

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

4.1 National Policy Statement on Urban Development Capacity 2016

How the District Plan will give effect to the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) is subject to another workstream. However in the context of this Preferred Options Report it is important to note that the Proposed District Plan must:

- provide sufficient opportunities for the development of housing land to meet demand, and provide housing choices to meet the needs of people, communities and future generations for a range of dwelling types and locations (Objective OA2);
- provide urban environments that, over time, develop and change in response to the changing needs of people, communities and future generations (Objective OA3); and

- promote the efficient use of urban land and infrastructure (Policy PA3).

The Preamble to the NPS-UDC also sets out that the NPS-UDC has a particular focus on ensuring that local authorities, through their planning, provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas and “out” by releasing land in greenfield areas.

4.2 National Planning Standards

As part of the 2018 amendments to the Resource Management Act (RMA) the Ministry for the Environment (MfE) is developing national planning standards to make council plans under the RMA faster to prepare and easier for plan users to understand, compare and comply with. The first set of draft standards was released for consultation on 6 June 2018.

The purpose of national planning standards are to direct a set of requirements or other provisions relating to aspects of the structure, format, or content of RMA plans including district plans. One of the reasons for national planning standards is to achieve national consistency. The material released in June 2018 includes a zone framework, standardising the range, names and purpose of zones.

Once national planning standards are approved by the Minister for the Environment Council will be required to prepare its district plan in accordance with a national planning standard and the district plan must give effect to a national planning standard.

As such, the development of a new zoning framework within the Proposed District Plan will need to have regard to the national planning standards. However, at this time, the final form of the standard is unknown and it is unclear whether the standardised zones will be mandatory or able to be adapted to local circumstances.

4.3 Canterbury Regional Policy Statement 2013

The two key chapters of the RPS that are relevant to this Preferred Options Report are:

- Chapter 5 – Land Use and Infrastructure; and
- Chapter 6 – Recovery and Rebuilding of Greater Christchurch

4.3.1 Chapter 5 Land Use and Infrastructure

The key themes evident from an analysis of the policy framework of Chapter 5 that are relevant to this Preferred Options Report are:

- providing sufficient housing choice to meet the region’s housing needs (entire region) (Objective 5.2.1);
- encouraging within urban areas housing choice of a character and form that supports urban consolidation (wider region) (Policy 5.3.1);
- encouraging high quality urban design, including the maintenance and enhancement of amenity values (Policy 5.3.1); and
- ensure that substantial developments are designed and built to be of a high-quality, and are robust and resilient where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced (wider region) (Policy 5.3.3).

The methods identified in Chapter 5 for implementing the policies provide clear direction to territorial authorities as to what is required of them. This includes that councils will include provisions in their district plans that:

- establish an approach for the integrated management of urban development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns; and
- consider methods which promote good planning, building design and urban design that give effect to the New Zealand Urban Design Protocol (2005).

4.3.2 Chapter 6 Recovery and Rebuilding of Greater Christchurch

Chapter 6 provides a resource management framework for the recovery of Greater Christchurch. The key themes evident from an analysis of the policy framework of Chapter 6 that are relevant to this workstream are:

- recovery, rebuilding and development are enabled within Greater Christchurch through a land use and infrastructure framework that maintains the character and amenity of rural areas and settlements (Objective 6.2.2);
- providing higher density living environments including mixed use developments and a greater range of housing types in and around Key Activity Centres, and in greenfield priority areas (Objective 6.2.2);
- ensuring residential developments provide choice and diversity in their layout, built form, housing type and density in order to adapt to the changing needs and circumstances of the population (Policy 6.3.2);
- recovery and rebuilding is undertaken in Greater Christchurch that provides a range of densities (Objective 6.2.3);
- focusing intensification in urban areas of Greater Christchurch around the Key Activity Centres and neighbourhood centres commensurate with their scale and function; core public transport routes, mixed-use areas, and on suitable brownfield land (Policy 6.3.7); and
- achieving a minimum net density of 10 households per hectare in greenfield priority areas (Policy 6.3.7).

The methods identified in Chapter 6 for implementing the policies generally relate to requiring territorial authorities to give effect to specific policies through their district plans. The methods relating to Policy 6.3.2 – development form and urban design include:

- district plans objectives, policies and rules (if any) to give effect to Policy 6.3.2;
- development of urban design guidelines to assist developers with addressing the matters set out in Policy 6.3.2; and
- consideration of the principles of good urban design as reflected in the New Zealand Urban Design Protocol (2005) in urban design processes;
- identify areas in Proposed District Plan that are suitable for urban intensification, including brownfields redevelopment.

4.4 Selwyn 2031: District Development Strategy

The key outcomes anticipated by the Strategy's actions that are relevant to this Preferred Options Report are:

Compact urban form

- Promote consolidation and intensification within existing townships to maintain a clear urban/rural interface, retain rural outlooks and minimise the loss of productive farmland

Protection of our existing character:

- 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.
- Retain the District's sense of rural identity by adopting a consolidated approach to urban growth;

Higher quality living environments:

- Achieve safe, functional and attractive living 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.

There are a number of actions identified in the Strategy that require implementation through the District Plan Review that relate to the residential zone framework. These are as follows

- requiring ODPs for all greenfield and intensification areas that demonstrate how key attributes and features, including the presence of any tāngata whenua values, of the existing and surrounding environment can be integrated into the subdivision layout and design;
- review District Plan residential density provisions, including the number of Living Zones and minimum allotment sizes, to create a cohesive Living Zone framework;
- ensuring that subdivision design is based on good urban design principles, including opportunities for enhancing tāngata whenua values, and integrates into the existing township as much as possible;
- monitor and review the effectiveness of ODPs through an assessment of the urban design merit of subsequent subdivision consents and the quality of built development;
- monitor and review the effectiveness of the Council's Subdivision Design Guide, Medium Density Housing Design Guide and Commercial Design Guide in achieving high quality living and business environments.

4.5 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan (IMP) 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."

Although no specific policies relating to this Preferred Options Report are specified in the IMP, there is some discussion on urban design outcomes in relation to subdivision and development, and policies around ensuring that new development plans and strategies recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites.

4.6 Common themes of higher order planning documents

The NPS-UDC, the RPS and Selwyn 2031 all have clear, consistent, specific policy and strategic directions relating to residential character, amenity, density and housing typologies.

The common themes from the higher order planning documents are:

Meeting demand

The need for the District Plan to provide housing choice and diversity to meet the changing needs and circumstance of the District's population over time.

Choice and diversity

The need to the District Plan to provide for:

- sufficient housing choice;
- diversity of housing choice;
- range of residential densities;
- choice in location, character and form; and
- diversity of layout, housing types and lot sizes.

Character and amenity

The need for the District Plan to:

- retain the District's sense of rural identity; and
- reinforce and enhance the character of each township.

Spatial extent

The District Plan needs to manage the spatial extent of residential development to achieve:

- compact urban form;
- consolidation and intensification;
- the densities specified in the RPS;
- efficient use of land and infrastructure;
- development that is appropriately serviced; and
- intensification around the Key Activity Centres and neighbourhood centres and in greenfield priority areas.

5.0 Summary of alternative management responses – Other Districts

5.1 Housing typologies and incentives

The second generation district plans of Christchurch, Auckland, Hamilton, Dunedin and Queenstown were reviewed to identify a range of methods to incentivise the development of differing building typologies. A summary of approaches used in each district plan is set out in Table 2. A description of each approach is set out in Table 3.

Table 2: Summary of approaches

	Permissive approach to multiple dwellings on the same site	Permissive approach to minor dwellings	Alternative /or exceptions to standards	Higher height limit	No density standard in residential zones	Comprehensive Development Plans	Non-notification rule
Auckland Unitary Plan 2016 (Operative in part);	X	X	X		X		X
Hamilton District Plan 2017	X	X		X	X	X	X
Christchurch District Plan 2017	X		X		X	X	X
Proposed Dunedin District Plan 2015	X		X		X		X
Proposed Queenstown Lakes District Plan 2015	X	X	X	X	X	X	X

Table 3: Description of Incentives

Incentive	Description
Permissive approach to multiple dwellings on the same site	Either a permitted activity, or the same activity status of the principal dwelling. Incentivises the development of more than one dwelling on the site, this could range from multiple detached dwelling through to units and apartments. This results in an increase in site coverage and subsequent higher density in preferred locations.
Permissive approach to minor dwellings	Either a permitted activity, or the same activity status of the principal dwelling. Incentivises the development of more than one dwelling, smaller and ancillary to the principal dwelling on the site.
Alternative/or exceptions to standards	Offers alternative standard(s), or exception to standard(s) in order to achieve more dense development and/or differing typologies. Examples include the alternative height to boundary standard, and exceptions to the yard standards for terrace/row housing in the Auckland Unitary Plan (operative in part).
No density standard	No minimum density is set out, therefore a number of dwellings can be developed subject to other standards such as height, height to boundary and yard standards. Negative effects from this could be that land is underutilised.
Comprehensive Development Plan	In Queenstown for example a comprehensive development plan means a comprehensively planned and designed collection of two or more residential units where: (a) the building and subdivision consents are submitted concurrently (b) the net area for a residential unit is less than 450 m ² (c) the net area of the site containing all residential units is 2000 m ² or larger. This approach is similar to the current Comprehensive Medium Density rules in the District Plan.
Non-notification rule ¹	A rule which states that the resource consent application will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist. Usually linked to particular standards or does not apply when standards are infringed.

¹ Amendments have been made to RMA in 2017 which direct Councils to not publically notify certain applications such as subdivisions.

Planners at each council were contacted to discuss how successful the implementation of the approaches identified in Table 1 have been. Of note Hamilton City Council has seen a large increase resource consents (approximately 25 per cent of all resource consents) for semi-detached/duplex developments since the inclusion of this typology in their District Plan.

Baseline Report RE004 found that good, clear objectives and policies which seek to achieve a range of housing typologies are fundamental. Rules and standards should enable a range of typologies and should not be focused on detached dwellings. Dunedin City Council commented on the relationship of other rules in the plan, such as minimum parking requirements which may hinder the ability to achieve a range of typologies, due to land requirements to provide car parking.

5.2 Plan structure

A review of the structure of the Waimakariri and Christchurch District Plans found that these plans were intuitive in their structure – it was easy to find the residential building standards and they were structured in a logical way. The provisions were separated into their respective zones so users of the plans only needed to find the zone chapter and all the relevant rules relevant to that zone were in one location. While this may result in duplication within the Plan, there is more certainty for users that all relevant rules have been identified.

Both plans also had objectives and policies located in the same chapter as the rules for each zone. This enabled a direct cascade from objectives to policies to rules (activity status, performance standards and matters of control / discretion) and there is no confusion as to which objectives and policies are relevant.

6.0 Summary of stakeholder engagement prior to or during the drafting of the Baseline Reports

Stakeholder engagement was undertaken with developers and housing providers who formed part of the Working Party for Alternative Housing Options. Discussions were held prior to and during the preparation of the Baseline Reports.

Feedback was also sought from internal stakeholders from Selwyn District Council's Compliance and Consenting Team with regard to the administration of the District Plan.

It is expected that further stakeholder engagement will be undertaken in the next stages of the District Plan Review process.

7.0 Summary of options to address issues

There are a range of approaches to managing residential development in the Proposed District Plan: to retain the status quo (Option 1); to make modifications and additions to the existing provisions (Options 2a – 2b); or to draft new provisions (Options 3a – 3f). These options are discussed in more detail below.

7.1 Option 1 Status Quo

No changes would be made to the existing residential objectives, policies and rules, or to the structure of the District Plan. The 70+ Living Zones would be maintained along with the policy framework without modification.

Effectiveness in Addressing Issue:

This approach would not effectively address the issues identified with the operative District Plan. The District Plan provisions are not achieving a diversity of housing typologies and the structure of the Living Zone provisions is confusing from a plan user's perspective.

Risks:

There would be a lost opportunity to improve the efficiency and effectiveness of management of residential activities across the District if the existing provisions were rolled over. The District Plan provisions may not be best suited to respond to the projected growth in population and change in demographics.

Budget or Time Implications:

None as no work would be required.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

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

7.2 Option 2: Status Quo with amendments

This option comprises a suite of suggested modifications and amendments to the existing provisions (the status quo) that can be adopted separately or as a package.

7.2.1 Option 2a: Incentives for different housing typologies

This option looks to include additional incentives over what is included in the District Plan and apply them more broadly than just across townships in the Greater Christchurch Area. Potential methods are set out in Table 4.

Table 4: Incentives

Incentive	Comment	Recommendation
Permissive approach to multiple dwellings on the same site	<p>This option involves providing for multiple principal dwellings (for example up to two dwellings) on one site as a permitted activity.</p> <p>This option is effective on larger allotments which can accommodate another principal dwelling and still comply with all the development standards for the zone.</p> <p>Further investigation is required in terms of where and which zones this option is applied. Alignment with the subdivision provisions is required to ensure there are opportunities for these provisions to be taken up. For example if the minimum allotment size is 500 m²</p>	This option be carried forward for further consideration

Incentive	Comment	Recommendation
	allotments over 1000 m ² could provide opportunities for subdivision of the additional dwelling.	
Permissive approach to minor dwellings	<p>Inclusion of a minor dwelling definition and removal the limitation that these dwellings be occupied only by family members (as currently required by the family flat provisions). This would increase housing choice and also additional rental options.</p> <p>Initial findings in Baseline Report RE007 recommend limiting the minor dwelling provisions to the proposed Medium Density Residential Zone and the General Residential Zone where reticulated services such as potable water, stormwater and wastewater are in place. This is proposed until further work is done to identify infrastructure capacity constraints.</p> <p>It is recommended that minor dwellings be provided for as permitted activities in the aforementioned zones subject to specific development standards to ensure the dwelling is secondary to the principal dwelling on the site.</p>	This option be carried forward for further consideration
Alternative/or exceptions to standards	<p>This option sets out alternative standard(s), or exception to standard(s) in order to achieve more dense development and/or differing typologies.</p> <p>For the Proposed District Plan it is recommended that this approach be considered for denser developments such as semi-detached/duplex, terrace/row housing and low-rise apartments. Standards such as site coverage could be relaxed depending on the typology (i.e. allowing up 50 per cent site coverage to enable these types of developments).</p> <p>Another option is increasing the height limit for certain typologies to encourage a variation in roofing form and to avoid developments with flat roofs (i.e. up to 10 m for variation in roofing form).</p>	This option be carried forward for further consideration
No density standard	<p>This options provides for an unlimited number of dwellings in appropriate locations (for example this provision could be applied to the proposed Medium Density Residential Zone). All dwellings are subject to the development standards for the zone, such as height, recession planes and site coverage.</p> <p>Other district plans have combined no density standards with minimum dwelling sizes to ensure an appropriate level of amenity is achieved for residents.</p> <p>Negative effects from this provision could be that land is underutilised as no minimum allotment size is prescribed.</p>	This option not be carried forward for further consideration
Comprehensive Development Plan	<i>Subject to another workstream and will be covered in a separate Preferred Options Report.</i>	<i>To be confirmed.</i>
Non-notification rule	<p>Non-notification rules were common in district plans reviewed in Section 5 of this Report. However in 2017 amendments were made to the Resource Management Act 1991 (RMA) which now precludes public notification in certain circumstances.</p> <p>Section 95A(5)(b) states that public notification is precluded <i>the application is for a resource consent for 1 or more of the following, but no other, activities:</i></p> <p><i>(i) a controlled activity;</i></p> <p><i>(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;</i></p> <p><i>(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;</i></p> <p><i>(iv) a prescribed activity (see section 360H(1)(a)(i)).</i></p> <p>It is not recommended that a provision be included in the Proposed District Plan that duplicates what is addressed in the RMA.</p>	This option not be carried forward for further consideration

Effectiveness in Addressing Issue:

Further incentivising other housing typologies may facilitate the uptake of by property owners, housing providers and developers.

Risks:

Residents may raise concerns about the scale of development encouraged by these incentives and the perceived impact it could have on the amenity of existing residential neighbourhoods. It is recommended that stakeholder engagement is undertaken to discuss the potential changes to the Proposed District Plan.

Budget or Time Implications:

This option will require the drafting, stakeholder engagement, testing of provisions, and further investigation to determine the areas to be subject to the proposed provisions.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

It is recommended that Option 2a be carried forward for further investigation. It is considered that early stakeholder engagement will allow residents questions to be answered and provide the opportunity to address any concerns raised.

7.2.2 Option 2b: Restructure District Plan provisions

This option involves restructuring the existing provisions by each Living Zone grouping (e.g. Living Zone 1, 2, X and Z) rather than the provisions applying generally across all zones. All variations of the Living Zones e.g. Living 1A would be grouped into the Living 1 Zone as set out in Table 5. Objectives and policies would be amended and or drafted for each of the Living Zone groupings.

Table 5: Proposed Living Zone Structure

Living 1	Living 2	Living X	Living Z
Living 1 (Arthur's Pass)	Living 2 (Coalgate)	Living X (Darfield)	Living Z (Lincoln)
Living 1 (Coalgate)	Living 2 (Darfield)	(Deferred)	Living Z
Living 1 (Darfield)	Living 2 (Darfield) (Deferred)	Living XA (Leeston)	(Prebbleton)
Living 1 (Doyleston)	Living 2A (Darfield) (Deferred)	Living X (Lincoln)	Living Z (Rolleston)
Living 1 (Glenntunnel)	Living 2A1 (Darfield)	Living X (Prebbleton)	
Living 1 (Hororata)	Living 2 (Dunsandel)		
Living 1 (Kirwee)	Living 2 (Kirwee)		
Living 1 (Lake Coleridge Village)	Living 2A (Kirwee)		
Living 1 (Leeston)	Living 2 (Leeston)		
Living 1 (Leeston) (Deferred)	Living 2A (Leeston)		
Living 1A3 (Lincoln)	Living 2 (Leeston) (Deferred)		
Living 1 (Lincoln)	Living 2 (Lincoln)		
Living 1A1 (Lincoln)	Living 2 (Prebbleton)		
Living 1A2 (Lincoln)	Living 2A (Prebbleton)		
Living 1A (Lincoln)	Living 2 (Blakes Road) (Prebbleton)		
Living 1A4 (Lincoln)	Living 2A (The Paddocks) (Prebbleton)		
Living 1 (Prebbleton)	Living 2		
Living 1A1 (Prebbleton)	Living 2A		
Living 1A2 (Prebbleton)	Living 2A (Tai Tapu)		
Living 1A3 (Prebbleton)	Living 2 (West Melton)		

Living 1	Living 2	Living X	Living Z
Living 1A4 (Prebbleton) Living 1A5 (Prebbleton) Living 1A (Prebbleton) Living 1A6 (Prebbleton) Living 1 (Rolleston) Living 1B Living 1C Living 1A Living 1 (Sheffield) Living 1A (Sheffield) Living 1 (Southbridge) Living 1 (Springfield) Living 1 (Springston) Living 1A (Springston) Living 1A (Tai Tapu) Living 1 (Waddington) Living 1 (West Melton) Living 1B (West Melton) Living 1 (Whitecliffs)	Living 2A (West Melton)		

Effectiveness in Addressing Issue:

This option addresses the issue regarding the structure of the operative District Plan however does not reduce the overall amount of Living Zones. Locating all of the relevant rules and development standards within the applicable zone groupings will assist plan users identify what activities and standards apply without having to navigate the entire District Plan however this will be of limited benefit if the large number of zones are retained.

Risks:

By restructuring and only making minor modifications to the rules and standards there is a lost opportunity to include incentives or variances based on typology.

Budget or Time Implications:

This option will require restructuring and minor amendments to the rules and standards. Therefore less time and budget will be required to undertake this option as opposed to the drafting new provisions.

Stakeholder and Community Interests:

All District residents, housing providers and developers.

Recommendation:

Option 2b should not be carried forward for further consideration.

7.3 Option 3: Zone rationalisation

This option includes a suite of new and amended provisions that can be adopted separately from one another.

7.3.1 Option 3a: Proposed National Planning Standards²

This option is based on the current understanding of MfE's approach to possible residential zone options for a proposed National Planning Standard. Table 6 sets out the proposed zones and a purpose statement.

Table 6: National Planning Standard Zones

Zone	Purpose and Descriptive Characteristics
Residential Zone	<p><u>Purpose</u></p> <p>The purpose of the Residential Zone is primarily to provide for residential activities in areas of suburban character.</p> <p>Provides for home business, and other small scale non-residential activities where they service the immediate and wider neighbourhood and maintain residential amenity.</p> <p><u>Descriptive characteristics</u></p> <ul style="list-style-type: none"> generally characterised by detached residential units, up to two storeys in height and may include other low-moderate scale residential unit types including minor residential units, attached or terraced houses and infill development; common non-residential activities within the zone include home business, community facilities and halls, playgrounds, day care centres, health care centres, visitor accommodation; residential units may have private open space with tree and garden planting, a front yard separating residences from the street and on-site car parking; and may have a range of environmental effects (e.g. noise, traffic, building bulk and location, light spill) which require management to protect residential amenity and character.
Medium Density Residential Zone	<p><u>Purpose</u></p> <p>The Medium Density Residential Zone primarily provides for residential activities in areas of urban character.</p> <p>Provides for home business and small scale non-residential activities where they service the immediate and wider neighbourhood.</p> <p><u>Descriptive characteristics</u></p> <ul style="list-style-type: none"> provides for a range of residential unit types giving housing choice, including detached and semi-detached residential units, duplexes, town houses, terraced houses, low-rise apartments and infill development; usually located close to a city / town centre or a larger node of commercial development, or near a main transport corridor; residential units and residential complexes may incorporate some areas of private open space with opportunities for landscaping; intensity of development is usually higher, or intended to transition to be higher than that which normally applies to a standard residential zone; common non-residential activities include home business, day care centres, health care centres, visitor accommodation, community facilities; amenity values associated with an urban residential character; increased emphasis on urban design principles and outcomes; and may have a range of environmental effects (e.g. noise, traffic, building bulk and location, light spill) which require management.
High Density Residential Zone	<p><u>Purpose</u></p> <p>The High Density Residential Zone primarily provides for residential activities in areas of high density, urban character.</p> <p>Provides for home business and a range of small scale non-residential activities.</p> <p><u>Descriptive characteristics</u></p>

² MfE released a draft first set of national standards on 6 June 2018, after the preparation of the baseline reports that form the basis of this report. The material included in this section references material available prior to the release of the draft standards.

Zone	Purpose and Descriptive Characteristics
	<ul style="list-style-type: none"> • primarily enables residential development, made up of residential units consistent with a high density built character; • intensity of built form is greater, or intended to transition to be greater than that which normally applies of other residential zones; • provides for a range of more intensive dwelling types providing housing choice, particularly multi-storey apartments, terraced and attached residential units; • usually located close to or in a city / town centre or a larger node of commercial development, or near a main transport corridor, with ready access to a wide range of supporting activities and land uses (e.g. commercial, recreational, and community activities); • residential units and residential complexes may incorporate some areas of private open space with opportunities for landscaping, commonly in communal or shared spaces; • common non-residential activities anticipated the zone include home business, day care centres, recreation; • increased emphasis on urban design principles and outcomes; and • may have a range of environmental effects (e.g. noise, traffic, building bulk and location, light spill) which require management.
Rural Settlement Zone	<p><u>Purpose</u></p> <p>The Rural Settlement zone primarily provides for a mixture of residential, commercial, light industrial and community activities located within rural areas that support a small settlement and surrounding rural area. It is typically applied to reflect historical small settlements.</p> <p><u>Descriptive characteristics</u></p> <ul style="list-style-type: none"> • may enables residential, commercial, community and light industrial activities; • influenced by surrounding rural environment; and • may have range of environmental effects (e.g. noise, dust, odour, traffic) which may require management.

Effectiveness in Addressing Issue:

Adopting the National Planning Standard option would be an effective method to address the issue of simplifying the residential zone framework. The implementation of the above National Planning Standard Zones would reduce the number of Living Zones down from 72 to potentially five zones and this would improve the structure and usability of the Proposed District Plan.

However this option does not in all cases reflect the local circumstances of the District. For example it provides for a High Density Residential Zone that would be more appropriate in large urban areas such as Christchurch.

It is likely that the National Planning Standard zones could also address the issues of housing choice and location through enabling the establishment of residential units which are consistent with the anticipated density and residential amenity characteristics of the various zones.

Risks:

The provisions of each National Planning Standard zone have yet to be confirmed. The draft National Planning Standards were formally on 6 June 2018, and open for submissions until 17 August 2018. The standards are not likely to be confirmed until April 2019. Therefore it is uncertain what provisions will be included for each of the zones, and this could change up until April 2019.

The National Planning Standard zones in the current form includes a zone category that does not reflect local circumstances.

Budget or Time Implications:

This option will require limited drafting. Stakeholder engagement of the National Planning Standards is being carried out by MfE following notification in June 2018.

Stakeholder and Community Interests:

All District residents, housing providers and developers.

Recommendation:

Option 3a National Planning Standards zones should not be carried forward for further consideration.

7.3.2 Option 3b: National Planning Standards adapted to local circumstances

This options involves adopting the recommendations of Baseline Report RE007 in terms of the residential zone framework.

Baseline Report RE007 recommended harmonising the current 72 Living Zones into four residential zones set out in Table 3. These zones have been based on information available on the draft National Planning Standards to ensure consistency with the development of these standards while also taking account of local differences.

It is recommended that new objectives and policies be drafted for each residential zone which will set the outcomes for each zone (e.g. a diversity of housing typologies) while managing adverse effects on character and amenity.

Table 7 sets out the recommended residential zones, based on the draft National Planning Standards, along with a character and amenity statement to describe each of the zones. Example objectives and policies are set out in Baseline Report RE007 (Appendix 1) which could be used as the basis for drafting the zones.

Table 7: Summary of Baseline Report RE004 recommended zones

Zone	Zone Description from Baseline Report RE007
Medium Density Residential Zone	<p>This zone is designed to enable medium density residential development around key activity centres or near core public transport routes.</p> <p>The zone will provide for a range of residential dwellings to enable a choice of housing types e.g. detached and semi-detached dwellings, duplexes, town houses, terraced houses and infill development. Residential complexes may incorporate some areas of private open space with opportunities for landscaping. Density of development is usually higher, or intended to transition to be higher than that which normally applies to a general residential zone.</p> <p>The dominant character of this zone is expected to be medium density built forms of up to 3 storeys (10 metres in height for low-rise apartments) with a residential net density of around XX-XX [to be determined] dwellings per hectare. The scale of development will be controlled to maintain the overall spacious character of the Selwyn District.</p> <p>This zone primarily provides for residential activities in areas of urban residential character. The character is influenced by a mix of typologies, consisting of semi-detached and terraced housing adjacent to key activity centres identified in the Selwyn 2031 Strategy, larger neighbourhood centres and core public transport routes. This zone promotes consolidation and intensification within existing townships, giving effect to a strategic direction of Selwyn 2031 of achieving a compact urban form,</p> <p>Home occupations and small scale non-residential activities are provided to service the immediate and wider neighbourhood. Common non-residential activities include home businesses, pre-schools, small-scale health care centres (e.g. a doctor's clinic), visitor accommodation and community facilities.</p>

Zone	Zone Description from Baseline Report RE007
	<p>Amenity values are those associated with an urban residential character which consist of denser development. Setbacks from road boundaries will be used to provide opportunities for landscaping to soften the built form. A cohesive built form will be achieved through design elements such as interesting roof forms, articulated buildings, recessed vehicle garaging, and landscaped spaces between buildings and the road reserve.</p> <p>Subdivision layout, roads and walkways will be integral to the neighbourhood design with the aim to minimise the need for local vehicle trips. These networks will encourage active transport such as walking and cycling.</p>
General Residential Zone	<p>This zone is designed to enable low density residential neighbourhood within established townships adjacent to the Medium Density Residential Zone or local centres in smaller townships.</p> <p>The zone will provide for predominately detached residential dwellings and may include other low-moderate scale residential unit types including minor residential units, and infill development.</p> <p>The dominant character of this zone is expected to be low density built forms of up to 2 storeys with a residential net density of around XX-XX [to be determined] dwellings per hectare. The scale of development will be controlled to maintain the overall spacious character of the Selwyn District.</p> <p>This zone primarily provides for residential activities. Home occupations and small scale non-residential activities are provided for where they service the immediate and wider neighbourhood. Common non-residential activities include home businesses, pre-schools, visitor accommodation and community facilities.</p> <p>Amenity values are those associated with a low density residential character which consists of predominately detached dwellings. Setbacks from road boundaries will be used to provide opportunities for landscaping to soften the built form. A cohesive built form will be achieved through design elements such as interesting roof forms, articulated buildings, recessed vehicle garaging, and landscaped spaces between buildings and the road reserve.</p> <p>Subdivision layout, roads and walkways will be integral to the neighbourhood design with the aim to minimise the need for local vehicle trips. These networks will encourage active transport such as walking and cycling.</p> <p>Allotments are to be connected to reticulated services such as wastewater.</p>
Large Lot Residential Zone	<p>This zone is designed to enable low density residential neighbourhoods, characterised by one house per site, one or two storeys in height and set on generous sized sections, surrounded by areas of private open space and garden/landscaping.</p> <p>This zone will assist with providing a transition between residential and rural activities. This zone primarily provides for residential activities and small scale non-residential activities where the adverse effects on amenity values can be appropriately managed.</p> <p>Amenity values are those associated with a low density residential character.</p> <p>Allotments either have on-site servicing or are connected to reticulated services.</p>
Rural Settlement Zone	<p>This zone primarily provides for residential activities in the form of low density development and a mix of commercial, light industrial and community activities located that support a small settlement and surrounding rural area. It is typically applied to reflect historical small settlements.</p> <p>Development maintains the surrounding rural character.</p> <p>Given the range of activities provided for there may be environmental effects (e.g. noise, dust, odour, traffic) which will require management.</p> <p>Allotments either have on-site servicing or are connected to reticulated services.</p>

Effectiveness in Addressing Issue:

A new residential zone framework would effectively address the three issues with the operative District Plan. The four zones would reduce the complexity of the existing 72 Living Zones and would contain all relevant activities and development standards within each zone section. It is recommended that specific

objectives and policies be drafted for each zone that would clearly describe the outcomes sought for each zone.

The recommended zones will also enable a range of housing typologies and provide for intensification around Key Activity Centres and business zones.

Risks:

The current form of the National Planning Standards for zones upon which Option 3b is based could be significantly different from the Standard that is finally approved by the Minister for the Environment.

Residents and the development industry may prefer the status quo and could resist change. Stakeholder engagement with residents, housing providers and developers will be important to ensure community buy in. The benefits of a simpler residential zone framework should be conveyed and feedback from the community considered when drafting the provisions and spatially applying the zones.

Budget or Time Implications:

This option will require the drafting, stakeholder engagement and testing of provisions.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

It is recommended that Option 3b be carried forward for further investigation.

7.3.3 Option 3c: Housing typologies

Baseline Report RE004 reported on resource and building consent data for creation of allotments and construction of dwellings over a 10 year period. The report found that the predominant housing typology developed over the past 10 years has been detached dwellings (98 per cent of building consents issued for dwellings).

Other housing typologies such as medium to high rise apartments were considered to be inappropriate for the Selwyn context in terms of character and amenity outcomes and achieving a 'spacious' character across the District.

Based on the projected growth and changes in demographics set out in Baseline Report RE004 a range of housing typologies are recommended for inclusion in the Proposed District Plan to respond to the these projections. The recommended typologies are set out in Table 8.

Table 8: Recommended typologies and descriptions

Typology	Description of typology	Potential areas for enablement
Detached dwelling	<ul style="list-style-type: none"> Standalone/not attached to other dwellings; Up to two storeys; Can be part of a larger master-planned development. 	All residential zones
Semi-detached/duplex dwellings	<ul style="list-style-type: none"> Two side-by-side dwellings contained within one building; 	Medium Density Residential Zone and General Residential Zone

Typology	Description of typology	Potential areas for enablement
	<ul style="list-style-type: none"> One dwelling is usually the mirror image of its partner; Two storeys in height. 	
Terrace/row dwellings	<ul style="list-style-type: none"> Row of identical or very similar attached dwellings that are joined on one or both sides by other houses; The 'end terrace' house can be different to the rest of the terrace; Sometimes can be joined by garages between houses and can either be built into the terrace and accessed from the front or can be accessed by a rear laneway; and Two storeys in height. 	Medium Density Residential Zone
Low rise apartment building	<ul style="list-style-type: none"> Apartments are usually single level self-contained units within a larger building, but sometimes apartments have more than one level; Usually there is common access to a core stairwell; Private open space is a courtyard or garden on ground floor or on balconies on upper floors; Often rubbish storage is communal and post boxes are in one central place. 	Areas within the Medium Density Residential Zone. Further work is required to refine this.
Minor dwelling	<ul style="list-style-type: none"> Is secondary to the principal dwelling on the site; Occupation is not limited to family members. 	<p>General Residential Zone and Medium Density Residential Zone</p> <p>Further work is required to consider the implications of this typology where reticulated services are not available</p>

Effectiveness in Addressing Issue:

Providing for a range of housing typologies in the Proposed District Plan will assist with achieving a diversity of housing typologies (Policy 6.3.2 of the RPS). It may not be feasible to develop some of typologies listed at present, however it is important that the District Plan provides for future longer term demands i.e. 10 plus years and enables options for denser developments in appropriate locations with appropriate rules and development standards (i.e. adjoining Key Activity Centres).

Risks:

The risk of not providing for a range of housing typologies is that the demand for different housing typologies driven by population growth and demographic changes is not provided for by the District Plan. Consequently Council may have to consider resource consent applications and or private plan change in areas which may not be best suited or appropriate for this type of development.

Budget or Time Implications:

This option will require the drafting, stakeholder engagement and testing of provisions.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

It is recommended that Option 3c be carried forward for further investigation.

7.3.4 Option 3d: Spatial distribution of zones and typologies

The RPS states that intensification in urban areas of Greater Christchurch is to be focused around the Key Activity Centres, neighbourhood centres commensurate with their scale and function and core public transport routes.

The Selwyn 2031 District Development Strategy states that Key Activity Centres are key existing commercial/business centres identified as focal points for employment, community activities, and the transport network and which are suitable for more intensive mixed-use development. The Selwyn District has four Key Activity Centres being Rolleston, Lincoln, Darfield and Leeston.

Based on this direction the recommended residential zones from Option 3b should be spatially distributed as follows:

- Medium Density Zone to adjoin Key Activity Centres (Town and Local Centres) in Rolleston, Lincoln, Darfield³ and Leeston and neighbourhood centres in Rolleston and Lincoln;
- General Residential Zone to adjoin the Medium Density Zone around Key Activity Centres or to adjoin the business zoned land in other townships;
- Large Lot Residential Zone to be located between the General Residential Zone and the boundary of the township or boundary with a rural zone; and
- Rural Settlement Zone to apply to townships with no business zones.

Baseline Report RE007 (Appendix 1) includes a table that sets out the recommended new residential zone to be applied to each of the existing Living Zones. Further refinement of the application of the recommended zones will be required including ground truthing and will need to be informed by stakeholder engagement.

Effectiveness in Addressing Issue:

The option effectively addresses the issue with the plan framework and homogeneity of built form by enabling a range of housing typologies and locating denser development around Key Activity Centres, business zones and neighbourhood centres. This options gives effect to the RPS (Policies 6.3.2 and 6.3.7).

Risks:

Residents may raise concerns with regard to the types and scale of development which may occur in the Medium Density Residential Zone. Stakeholder engagement should be undertaken to explain the housing typologies, where these will be provided for and how character and amenity effects will be managed. Feedback received should be used to refine the application of the zones and the provisions.

Budget or Time Implications:

³ It is recommended that further work be carried out to determine servicing constraints. Particularly in Darfield where there is no reticulated wastewater services.

This option will require further ground truthing, feasibility assessments and stakeholder engagement.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

It is recommended that Option 3d be carried forward for further investigation.

7.3.5 Option 3e: New rules

Structuring development standards by each of the proposed housing typologies allows for standards to be tailored to each housing typology. Examples of this approach include modifying the outdoor living space development standard by housing typology, and allowing for this standard to be through providing balconies for low-rise apartments.

Tailoring the development standards by housing typology also allows for incentives for other typologies to be incorporated as recommended in Option 2a. For example, allowing variation in the height standard for potentially low-rise apartments up to 10 m in height in appropriate locations.

Baseline Report RE005 recommended a suite of development standards for each housing typology. These are summarised and set out in Table 9. A full table of recommended development standards is set out in Baseline Report RE005 (Appendix 3).

Table 9: Summary of recommended standards for each typology from Baseline Report RE005⁴

Standard	Detached dwelling	Semi-detached, duplex, terrace and row dwellings	Low-rise apartments
Height	8 m	8 m	10 m (3 storey)
Recession planes	Apply to <u>all</u> boundaries	Apply to <u>zone</u> boundaries	Apply to <u>zone</u> boundaries
Setbacks from site boundaries	2 m but allow garages to be built on side/rear boundary subject to building code requirements. This is to avoid redundant, unusable space being created. 3 m front boundary where the garage door is not facing the road.	It is recommended that side setbacks only be applied to boundaries with lower density residential zones. Setbacks with the road are recommended to manage the streetscape and the way the buildings frame the road.	It is recommended that side setbacks only be applied to boundaries with lower density residential zones. Setbacks with the road are recommended to manage the streetscape and the way the buildings frame the road.
Site coverage	Retaining 40% is sufficient for this form of housing.	50% is appropriate. If site coverage limits are permitted to be too high on larger lots, it can lead to a predominance of single storey dwellings with large footprints, and potentially limited useable outdoor space. Limiting site coverage to 50% as opposed to higher encourages dwellings to be multi-storey, which can indirectly lead to better outdoor living spaces.	More flexibility could be provided by increasing the site coverage standard to 55% for this form of housing. Low-rise apartments are likely to be located in the towns and 55% site coverage will enable more efficient use of the site.

⁴ Refer to pp 37-43 of Baseline Report RE005 (Appendix 2) for full table of recommended standards

Standard	Detached dwelling	Semi-detached, duplex, terrace and row dwellings	Low-rise apartments
Landscaping	Not required, but similarly no limitations. This enables maximum flexibility for personal choice and enables variation.	As the residential intensity increases, the size and quality of open spaces becomes more important. It is recommended that a minimum percentage area of landscaping is required such as 30%. While the outdoor living space can be included in this percentage, car parking/manoeuvring spaces should not be.	As the residential intensity increases, the size and quality of open spaces becomes more important. It is recommended that a minimum percentage area of landscaping is required such as 30%. While the outdoor living space can be included in this percentage, car parking/manoeuvring spaces should not be.
Fencing	Maximum height for visually impervious fences (i.e. less than 50% visually open). This is to provide privacy for dwellings while enabling opportunities for passive surveillance of the street. The standard needs to be of an appropriate height to safely contain activities such as children playing, dogs and swimming pools. Increased maximum height for fences with greater than 50% transparency.	Fencing in the front yard should not be permitted forward of the front line of the dwelling, except where a north-facing outdoor living space is required in the front yard. In this instance, the front door should be readily visible from the street with access possible without having to access through a gate	Fencing in the front yard should not be permitted forward of the front line of the dwelling, except where a north-facing outdoor living space is required in the front yard. In this instance, the front door should be readily visible from the street with access possible without having to access through a gate

Effectiveness in Addressing Issue:

This option effectively addresses the first issue of clearly drafting and structuring rules so they are easily interpreted, implemented and measured. Structuring the rules by housing typology so there is no confusion as to which standards apply to which typology. Further the rules control the level of development so that character and amenity values are managed whilst providing for a diversity in housing typologies and giving effect to the RPS (Policy 6.3.2).

Risks:

Residents may raise concerns with regard to the types and scale of development which may occur in the Medium Density Residential Zone. Stakeholder engagement should be undertaken to explain the housing typologies, where these will be provided for and how character and amenity effects will be managed. Feedback received should be used to refine the application of the zones and the provisions.

Budget or Time Implications:

This option will require the drafting, stakeholder engagement and testing of provisions.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

It is recommended that Option 3c be carried forward for further investigation.

7.3.6 Option 3f: Restrictive approach to detached dwellings

This option proposes that in zones where greater density is encouraged such as the proposed Medium Density Residential Zone detached dwellings would have a more restrictive activity status over other typologies. For example detached dwellings may be a restricted discretionary activity where semi-detached/duplex dwellings may be permitted activities subject to development standards.

Resource consent would be required to build a single detached dwelling. Provisions would need to be included to enable additions and alterations of existing single detached dwellings.

Effectiveness in Addressing Issue:

This option could be an effective method to address the issues of achieving a diversity of housing typologies. This is because typologies other than the detached dwelling would have a more permissive activity status which may encourage developers to construct these typologies.

Risks:

This option could have unintended consequences. If over time there is no demand for other housing typologies this approach could discourage any form of development in these areas.

Budget or Time Implications:

This option will require the drafting, stakeholder engagement and testing of provisions.

Stakeholder engagement with potentially affected property owners is recommended such that potentially affected property owners are aware of the implications of this approach.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

It is not recommended that Option 3f be considered further. This approach could have unintended consequences of discouraging development and further investment in existing properties if there is no demand for alternative housing typologies.

8.0 Conclusion

The key conclusions of this Preferred Options Report is that the current residential provisions in the District Plan require a comprehensive review. The options (particularly Options 2b) involving amendments and restructuring will not effectively address the issues set out in Section 2 of this Report.

To appropriately address the three issues in Section 2 of this Report the following key elements for residential provisions are proposed:

- a new residential zone framework including a structured spatial distribution;
- provision for new housing typologies;
- a new policy framework that comprises overarching residential objectives and policies that sets in place the new zone framework, supported by specific zone objectives and policies for reinforcing the function of each zone and managing effects to achieve amenity and design outcomes; and

- new rules based on housing typologies.

9.0 Preferred Option for further engagement

In summary the recommended options for further consideration and engagement are:

- Option 2a: Incentives for different housing typologies;
- Option 3b: National Planning Standards adapted to local circumstances;
- Option 3c: Housing typologies;
- Option 3d: Spatial distribution of zones and typologies; and
- Option 3e: New rules.

This Preferred Option also includes:

- new overarching objectives and policies to set in place the zone framework and new objectives and policies for each of the recommended zones.

The definitions of the Proposed District Plan will need to describe each of the housing typologies recommended. This is so that each typology is clearly distinguished in terms of the development standards which need to be applied.

Appendix 1: Baseline Report RE007 – Character and Amenity

Link to Baseline report below:

[Character and Amenity \[PDF, 30704 KB\], 8 June 2018](#)

Appendix 2: Baseline Report RE004 – Density and Typology

Link to Baseline report below:

[Density and Typology, \[PDF, 5622 KB\] 7 June 2018](#)

Appendix 3: Baseline Report RE005 – Bulk and Location

Link to Baseline report below:

[Bulk and Location, \[PDF, 3791 KB\]](#) May 2018

6b. Preferred Option Report – Comprehensive Medium Density Development

Author:	Karen Bell (Stantec) & Jocelyn Lewes (Strategy & Policy Planner)
Contact:	347 1809 (Jocelyn)

Purpose

To brief the Committee on the findings of the Preferred Option Report for Comprehensive Medium Density Development (CMDD), which summarises the Baseline Report prepared for CMDD and identifies additional issues, options and approaches for addressing the management of Comprehensive Medium Density residential development.

Recommendation

“That the Committee notes the report.”

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

Attachments

‘Preferred Option Report for Comprehensive Medium Density Development’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 13 June 2018

TOPIC NAME: Residential

SCOPE DESCRIPTION: Comprehensive Medium Density Development

TOPIC LEAD: Jocelyn Lewes

PREPARED BY: Stantec New Zealand (Karen Bell)

EXECUTIVE SUMMARY

Issue(s)	<p><i>The Operative District Plan enables a range of housing typologies, however the attached and semi-detached forms related to comprehensive medium density are not being taken up by developers.</i></p> <p><i>The provisions in the Operative District Plan related to comprehensive medium density development are largely unused and this may possibly be due to inconsistent use of terminology, making the provisions hard to interpret and administer.</i></p> <p><i>A change in market conditions that may result in increased demand for comprehensive medium density development could result in interpretation and administration issues related to the provisions in their current form.</i></p> <p><i>There are potentially implementation issues meaning that related rules need better clarity in terms of drafting and formatting.</i></p>
Preferred Option	<p><i>In summary the recommended options for further development are:</i></p> <ul style="list-style-type: none"> <i>Option 2a and Option 2b: realignment of existing provisions;</i> <i>Option 3: New rules associated with different approaches to comprehensive residential development</i> <p><i>It is noted that the changes suggested in Options 2a and 2b could be undertaken as part of the preferred option from Preferred Option Report for RE207.</i></p>
DPC Decision	



1.0 Introduction

The Comprehensive Medium Density Development (CMDD) Baseline Report (Baseline Report RE018) has been prepared for the residential work stream to inform the identification of issues, options and approaches related to this form of residential development. Baseline Report RE018 looked at the application of the CMDD provisions in the Living Z zone and in ODP areas in that zone as specified in the definition. Baseline Report RE018 is attached as **Appendix 1**.

The purpose of this Preferred Option Report is to provide a summary of Baseline Report RE018 and to identify additional issues, options and approaches for addressing the management of Comprehensive Medium Density residential development. If endorsed by Council, the Preferred Option will form the basis of further engagement with stakeholders as part of the District Plan Review project.

2.0 Summary of Issues

2.1 CMDD provisions within the existing structure of Operative District Plan

Baseline Report RE005 (Bulk and Location) identified a number of issues relating to plan structure, interpretation of rules and clarity of drafting, inconsistent use of terminology and definitions which leads to implementation issues. Some of these issues also apply in the case of CMDD.

Baseline Report RE018 found the CMDD provisions potentially prone to outcomes not anticipated when the provisions were included in the Operative District Plan. This situation arises due to the terminology and rule framework used in the plan. The use of inconsistent terminology confuses the delivery of both medium density and comprehensive residential development. The approach to enabling medium density development is further complicated by the focus in the CMDD definition on the provision of CMDD in the Living Z zone.

Baseline Report RE018 notes that the density anticipated in the ODPs is being delivered not via attached and semidetached development envisaged in the definition of CMDD, but instead by small lot subdivision, as there is a clear preference in the market for standalone sites at this time.

Baseline Report RE018 noted the limited delivery of CMDD by developers. There are a number of factors which could be influencing developers' decisions. Anecdotally developers have commented on the absence of any market demand in the district and given that some of the developers deliver CMDD in other jurisdictions this seems to be a significant factor.

Whilst the existing approach appears to give effect to the Canterbury Regional Policy Statement (RPS), as the Operative District Plan enables medium density, the attached and semidetached typologies are not being delivered on the ground. Therefore the rules and provisions are not as effective as anticipated.

The future growth in population and changing demographics signalled in Baseline Report RE004 (Density and Typology) indicates that there is the potential for an increased demand for different housing typologies. It is considered that if the price of land increases in the district in conjunction with a change in community experience and perceptions, there could, as seen elsewhere in New Zealand, be demand for comprehensively designed and delivered medium density development.

The review in Baseline Report RE018 also noted that while the Operative District Plan enables comprehensive medium residential development in other zones (although not referred to as CMDD), the assessment matters in the Operative District Plan for such development are not as conducive to good urban design outcomes as their implementation is very reliant on the ability of council staff to influence outcomes and for developers to accept this. Different market or development pressures and changes in Council staff could mean that this is not achieved under the existing approach if it is incorporated into the Proposed District Plan.

3.0 Statement of Operative District Plan approach

Currently the key provision in the Operative District Plan in relation to the provision of CMDD is the definition of *Medium Density* located in Part D of the Operative District Plan, as *Comprehensive Medium Density Development* is a subset of that definition. It is noted that the other subset is *Small-lot Medium Density*.

Provisions directly or indirectly related to the management and delivery of CMDD are located in various sections of the Township volume of the Operative District Plan. The majority of the relevant objectives and policies are located in Section B4 Growth of Townships with rules and other methods split across Sections C1 Living Zone Activities, C4 Living Zone Buildings and C12 Living Zone Subdivision. The key issue is that the term CMDD is not used in the various sections of the Operative District Plan; instead there is reference to comprehensive residential development in a number of the provisions. Due to the drafting it is potentially not clear to users if they are applicable to CMDD. This was confirmed by council staff who advise that they often have to guide plan users around the plan and at times use provisions not directly applicable to get good outcomes.

Comprehensive residential development has its own definition and due to the wording of the definition is restricted to the Living L15 zone in Prebbleton.

The CMDD definition means that CMDD can only occur in the Living Z Zone, on land identified in an ODP for medium density housing, or in a Business 1 Zone. These specific circumstances only apply in greenfield situations as these areas are predominately located on the periphery (towards the urban boundaries) of the larger townships (for example Rolleston and Lincoln). As these provisions have not been applied to other zones it theoretically means that CMDD or comprehensive residential development is expected to occur only in these locations. However, it is noted in Baseline Report RE018 that the Operative District Plan provisions can allow applications for comprehensive residential under rules such as 4.6.1 as non-complying activities.

All relevant objectives and policies have been set out in Baseline Report RE018 (Appendix 1).

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

4.1 National Policy Statement on Urban Development Capacity 2016

While the National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) is subject to another work stream it is important to note that the Proposed District Plan must:

- provide sufficient opportunities for the development of housing land to meet demand, and provide housing choices to meet the needs of people, communities and future generations for a range of dwelling types and locations (Objective OA2);
- provide urban environments that, over time, develop and change in response to the changing needs of people, communities and future generations (Objective OA3); and
- promote the efficient use of urban land and infrastructure (Policy PA3).

The Preamble to the NPS-UDC also sets out that the NPS-UDC has a particular focus on ensuring that local authorities, through their planning, provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas and “out” by releasing land in greenfield areas.

4.2 National Planning Standards

As part of the 2018 amendments to the Resource Management Act (RMA) the Ministry for the Environment (MfE) is developing national planning standards to make council plans under the RMA faster to prepare and easier for plan users to understand, compare and comply with. The first set of draft standards was released for consultation on 6 June 2018. There is a submission period open until 17 August 2018 and the recently notified standards (amended potentially by submissions) are likely to be confirmed by April 2019.

While the draft standards released in June 2018 include a zone framework, standardising the range, names and purpose of zones with reference to low, medium or high density residential zones, it does not contain a guidance on the level of development anticipated by these densities. In addition there is no direct reference to CMDD. It is noted however that the standards include definitions for site, net site area that could influence the delivery of CMDD.

Once approved by the Minister for the Environment, the Council will be required to give effect to the national planning standards in its district plan. It is noted that under the draft standards, Selwyn District Council must amend its plan within 5 years of gazettal of the planning standard.

As such, the development of a new zoning framework within the Proposed District Plan will need to have regard to the national planning standards. However, at this time, as the national standards are out for consultation, the final form of the standards are unknown and it is unclear whether the standardised zones or definitions will be mandatory or able to be adapted to local circumstances.

4.3 Canterbury Regional Policy Statement 2013

The RPS recognises that changing demographic patterns, including the aging population and smaller households, along with providing housing choice for future generations are expected to increase the desirability of higher density development. The RPS sets out that territorial authorities will adopt a comprehensive approach to the management of the location of urban and rural-residential development to ensure that good urban design and amenity outcomes are achieved.

4.3.1 Chapter 5 Land Use and Infrastructure

The key themes evident from an analysis of the policy framework of Chapter 5 of the RPS that are relevant to this Preferred Option Report are:

- encouraging within urban areas housing choice of a character and form that supports urban consolidation (wider region) (Policy 5.3.1);
- encouraging high quality urban design, including the maintenance and enhancement of amenity values (Policy 5.3.1); and
- ensuring that substantial developments are designed and built to be of a high-quality, and are robust and resilient where amenity values, the quality of the environment, and the character of an area are maintained, or appropriately enhanced (wider region) (Policy 5.3.3).

The methods identified in Chapter 5 for implementing the policies provide clear direction to territorial authorities as to what is required of them. This includes that councils will include provisions in their district plans that:

- establish an approach for the integrated management of urban development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns; and
- consider methods which promote good planning, building design and urban design that give effect to the New Zealand Urban Design Protocol (2005).

4.3.2 Chapter 6 Recovery and Rebuilding of Greater Christchurch

Chapter 6 provides a resource management framework for the recovery of Greater Christchurch. The key themes evident from an analysis of the policy framework of Chapter 6 that are relevant to this Preferred Options Report are:

- ensuring residential developments provide choice and diversity in their layout, built form, housing type and density in order to adapt to the changing needs and circumstances of the population (Policy 6.3.2);
- focusing intensification in urban areas of Greater Christchurch around the Key Activity Centres and neighbourhood centres commensurate with their scale and function, core public transport routes, mixed-use areas, and on suitable brownfield land (Policy 6.3.7); and
- providing in district plans for urban growth and limited rural residential development in comprehensive development across multiple or amalgamated sites achieving a minimum net density of 10 households per hectare in greenfield priority areas (Policy 6.3.7).

The methods identified in Chapter 6 for implementing the policies generally relate to requiring territorial authorities to give effect to specific policies through their district plans. The methods include:

- district plans objectives, policies and rules (if any) to give effect to policies;
- development of urban design guidelines to assist developers with addressing the matters set out in Policy 6.3.2;
- consideration of the principles of good urban design as reflected in the New Zealand Urban Design Protocol (2005) in urban design processes; and
- identify areas in Proposed District Plan that are suitable for urban intensification, including brownfields redevelopment and around the Key Activity Centres.

4.4 Selwyn 2031: District Development Strategy

The key outcomes anticipated by the Strategy's actions that are relevant to this Preferred Option Report are:

Protection of our existing character:

- Retain the District's sense of rural identity by adopting a consolidated approach to urban growth;
- 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.

Higher quality living environments:

- Achieve safe, functional and attractive living 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.

There are a number of actions identified in the Strategy that require implementation through the District Plan Review that relate to the residential zone framework. These are as follows:

- review District Plan residential density provisions, including the number of Living Zones and minimum allotment sizes, to create a cohesive Living Zone framework;
- ensure that subdivision design is based on good urban design principles, including opportunities for enhancing tāngata whenua values, and integrates into the existing township as much as possible;
- monitor and review the effectiveness of ODPs through an assessment of the urban design merit of subsequent subdivision consents and the quality of built development; and
- monitor and review the effectiveness of the Council's Subdivision Design Guide, Medium Density Housing Design Guide and Commercial Design Guide in achieving high quality living and business environments.

4.5 Mahaanui Iwi Management Plan

The Mahaanui Iwi Management Plan (IMP) 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 Whakatekata o Waitaha and Te Pātaka o Rākaihautū."

Although no specific policies relating to CMDD are specified in the IMP, there is some discussion on urban design outcomes in relation to subdivision and development, and policies around ensuring that new development plans and strategies recognise and provide for the relationship of Ngāi Tahu and their culture and traditions with ancestral land, water and sites.

5.0 Summary of alternative management responses – Other Districts

5.1 Approaches to medium density development

The second generation district plans of Christchurch, Auckland, Hamilton and Waimakariri were reviewed in Baseline Report RE018 to identify a range of methods related to delivering CMDD (or similar typology/definition). A summary of approaches used in each district plan is set out in Table 1. A description of each approach is set out in Table 2.

Table 1: Summary of approaches

	Permissive approach to multiple dwellings on the same site	No density standard in residential zones	Definition of CMDD	Definition for comprehensive residential development/ comprehensive development plan
Auckland Unitary Plan 2016 (Operative in part);	X	X		
Hamilton District Plan 2017	X	X		X
Christchurch District Plan 2017	X	X		X
Waimakariri District plan 2005				X

Table 2: Description of Approaches

Approach	Description
Permissive approach to multiple dwellings on the same site	Either a permitted activity, or the same activity status of the principal dwelling. Incentivises the development of more than one dwelling on the site, this could range from multiple detached dwelling through to units and apartments. This results in an increase in site coverage and subsequent higher density in preferred locations.
No density standard	No minimum density is set out, therefore a number of dwellings can be developed subject to other standards such as height, height to boundary and yard standards. Negative effects from this could be that land is underutilised.
Comprehensive residential development	Generally specifies at least 3 dwellings designed as a group and located on a physically contiguous site or sites. This approach is similar to the current Comprehensive Medium Density Development definition in the Operative District Plan but generally (but not always) available in a number of zones.
Comprehensive medium density development	No definition but there are medium density zones.

5.2 Plan structure

A review of the structure of the four District Plans found that these plans were intuitive in their structure; it was generally easy to find the relevant residential rules as the provisions were separated into their respective zones and all the relevant rules were in one location. Unlike the Operative District Plan's structure which requires a very good understanding of the rules and the plan related to the type of proposal, there is more certainty for users of the other plans with their structure that all relevant rules for the zone have been identified.

The review identified that a number of residential rules in the Operative District Plan could be considered to relate to CMDD due to the use of the word 'comprehensive' in the rule. It is good practice to limit the use of words that are also defined terms, unless the intention is that the defined term is to be captured by the rule.

6.0 Summary of stakeholder engagement prior to or during the drafting of the Baseline Report

Stakeholder engagement was undertaken with developers and housing providers who were identified by staff as being providers of comprehensive residential development. Discussions were held during the preparation of Baseline Report RE018.

Feedback was also sought from internal stakeholders from Selwyn District Council's Compliance and Consenting Team with regard to the administration of the Operative District Plan.

It is expected that further stakeholder engagement in relation to this topic will occur as the District Plan Review project progresses.

7.0 Summary of options to address issues

There are a range of approaches to managing CMDD in the Proposed District Plan: to retain the status quo (Option 1); to make changes through modifications and additions to the existing provisions (Options 2a and 2b); or to draft new provisions (Options 3). These options are discussed in more detail below.

7.1 Option 1 Status Quo

No changes would be made to the existing residential objectives, policies and rules, or to the structure of the Operative District Plan. The definition of CMDD (applying only to Living Z zoned land in ODP areas and Business 1 land) would be maintained along with the policy framework without modification.

Effectiveness in Addressing Issue:

This approach would not effectively address the issues identified with the Operative District Plan provisions. While the existing provisions are not achieving a diversity of housing typologies and both the meaning and structure of the plan's provisions are confusing from a plan user's perspective, the absence of market demand means that currently there is no pressure on the Council or challenges to these provisions due to the absence of market demand for CMDD.

Risks:

There would be a lost opportunity to improve the efficiency and effectiveness of management of residential activities across the District if the existing provisions were rolled over. The Operative District Plan provisions may not be best suited to respond to the projected growth in population and change in demographics and any corresponding increase in market demand for CMDD.

Budget or Time Implications:

None as no work would be required.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

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

7.2 Option 2: Changes to existing provisions

This option comprises a suite of suggested modifications and amendments to the existing provisions (the status quo) that can be adopted separately or as a package.

7.2.1 Option 2a – Widen the provision for comprehensive residential development by utilising existing criteria

This sub option looks to take the opportunity already present in the existing rules in the Operative District Plan (Rule 4.6.6) that makes the erection of more than one building (other than an accessory building) which does not comply with Rule 4.6.1 a non-complying activity in Living zones. It proposes:

- changing the activity status for such applications;
- amending the definition of comprehensive residential development;
- utilising existing criteria (Rule 4.12. – Comprehensive Residential Development in Medium Density Areas covered by an Outline Development Plan); and

applying the rules potentially to existing townships such as but not necessarily limited to the Key Activity Centres (Rolleston and Lincoln) identified in the RPS. This would provide the opportunity for comprehensive residential development in all townships, in all residential zones, where relevant criteria can be met. Potential methods are set out in further detail in Table 3.

Table 3: Widen provision for multiple dwellings

Widen provision	Comment	Recommendation
Introduce explicit provision for comprehensive 'multiple' residential development on the same site in all residential zones	<p>This options involves providing for multiple principal dwellings on a large site as a restricted discretionary activity in all residential zones.</p> <p>This option is effective on larger sites (existing or through site amalgamation) able to accommodate multiple principal dwellings either by adding to existing dwellings or involving removal of the</p>	This option be carried forward for further consideration

Widen provision	Comment	Recommendation
	<p>existing dwelling/dwellings and adding new dwellings on one or more sites.</p> <p>Further investigation is required in terms of where this option is applied. A starting point could be the existing Key Activity Centres (Rolleston and Lincoln). Alignment with the subdivision provisions is required to ensure that site amalgamation and subsequent subdivision around existing development is provided for.</p>	
Utilise criteria in Rule 4.12.1 for assessing comprehensive 'multiple' residential development in residential zones	<p>This option involves using the existing criteria and applying them to applications for multiple dwellings in all residential zones.</p> <p>Further investigation is required in terms of what additional matters are included in 4.12.1 to ensure that urban design standards manage the effects of various forms of multiple dwellings development. The criteria could be broadened to include locational criteria to access to key facilities that reduces reliance of motor vehicles.</p>	This option be carried forward for further consideration
Amend the comprehensive residential development definition	<p>Amend the existing definition of 'comprehensive residential development' to remove the limitation that it applies only to the Living L15 zone in Prebbleton and if needed create a separate definition for Prebbleton.</p> <p>Bring the definition in line with the Ministry for the Environment definition for medium density housing to provide for a more comprehensive approach and enable both small lot medium density and comprehensive medium density. (It is noted that a new definition may be proposed in future National Planning Standards).</p> <p>Further investigation is required in terms of what additional criteria should apply and whether the definition should include a provision for multiple (four or more) dwellings.</p>	This option be carried forward for further consideration
Non-notification rule	<p>In 2017 amendments were made to the Resource Management Act 1991 (RMA) which now precludes public notification in certain circumstances.</p> <p>Section 95A(5)(b) states that public notification is precluded <i>the application is for a resource consent for 1 or more of the following, but no other, activities:</i></p> <ul style="list-style-type: none"> <i>(i) a controlled activity;</i> <i>(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;</i> <i>(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity;</i> <i>(iv) a prescribed activity (see section 360H(1)(a)(i)).</i> <p>It is not recommended that a provision be included in the Proposed District Plan that duplicates what is addressed in the RMA.</p>	This option not be carried forward for further consideration

Effectiveness in Addressing Issue:

This sub option potentially incentivises increases in density in existing townships. This could encourage the provision of a range of housing typologies and may facilitate the uptake by property owners, housing providers and developers of development potential.

This option will support the policies in the RPS seeking consolidated, well-designed and more sustainable urban patterns in existing urban areas.

Risks:

Residents may raise concerns about the scale of development potentially encouraged by these incentives and the perceived impact it could have on the amenity of existing residential neighbourhoods. Given the perception of medium density development as outlined in the Baseline Report RE018 it is recommended that stakeholder engagement is undertaken to explicitly discuss the potential changes to the Proposed District Plan if this option is pursued. The potential impact of such a change to some neighbourhoods needs to be outlined along with the benefits such as utilising locational assessment criteria that support enhanced access to key facilities. This is potentially a change given the existing plan's approach that could be subject of challenges if included in the Proposed District Plan.

Budget or Time Implications:

This option will require the drafting of amended provisions, stakeholder engagement, testing of provisions, and further investigation and evaluation to determine the new criteria and specific townships to be subject to the proposed provisions. To protect this sub option from a successful challenge, a full assessment of the environmental, economic, social and cultural effects, supporting research, investigations and information and an analysis of the costs and benefits including qualitative and quantitative and, where appropriate, an identification of the recipients of the costs and benefits, as required by s32 of the RMA should be undertaken.

Stakeholder and Community Interests:

All District residents, development industry and other housing providers.

Recommendation:

It is recommended that Option 2a be carried forward for further investigation.

7.2.2 Option 2b: Redraft District Plan provisions

This sub option involves amending the existing provisions (definition and rules) that are related to comprehensive residential development and CMDD, within specified zones and areas where medium density development is specifically encouraged. This option is considered necessary and stands on its own merits, whether Option 2a is pursued or not.

Table 4: Amend existing provisions

Amend existing provision	Comment	Recommendation
Deleting the definition of Medium Density	The existing definition refers to small lot and CMDD. There is no need for a medium density definition particularly if a medium density zone is drafted and applied. The existing definition is also not needed if the definition of comprehensive residential development is amended as suggested above. Further investigation is required in terms of what additional changes may be needed to other definitions.	This option is recommended
Amending existing provisions to ensure that use of term 'comprehensive' is appropriate to the rule and its application	Given the use of 'comprehensive' throughout the plan, reviewing its application is essential.	This option is recommended

Amend existing provision	Comment	Recommendation
Revisiting the subdivision section of the plan to make subdivision related to semi-detached and attached housing typologies clear and as simple as possible	Review the subdivision rules to determine how effective they are for different forms of housing typologies.	This option is recommended

Effectiveness in Addressing Issue:

This option essentially involves realigning existing provisions to ‘tighten’ up the drafting and implementation issues identified with the Operative District Plan.

Risks:

By making only the changes outlined, the opportunity to reinforce consolidation of the existing townships, and improve the potential for implementation of growth as envisaged in the RPS and the existing objectives (such as B4.3.3) of the Operative District Plan is not achieved. However it also means that, if there are changes in the factors that currently influence market trends in the district that result in increased pressure to deliver more dense development, there is the potential that unforeseen or perverse outcomes are avoided.

Budget or Time Implications:

This option will require restructuring and minor amendments to the rules and standards. Therefore less time and budget will be required to undertake this option as opposed to the drafting new provisions.

Stakeholder and Community Interests:

All District residents, housing providers and developers.

Recommendation:

Option 2b should be carried forward for further consideration.

7.3 Option 3: New rules associated with different approaches to comprehensive residential development

This approach assumes that, as part of the review of other residential provisions in the Operative District Plan, it is considered appropriate to provide for residential development through a different approach such as proposed in the draft National Standards (low, medium and high density zones with some amendments to address the local setting). This option was outlined in the Preferred Option Report for RE207.

Effectiveness in Addressing Issue:

Adopting the National Planning Standard option, or a similar approach, would be an effective method to address the issue of simplifying the residential zone framework and it may not be necessary to specifically provide for comprehensive residential development as the zones would provide for a diversity in housing typologies and give effect to the RPS.

Risks:

The provisions of each National Planning Standard zone have yet to be confirmed as they are open for submissions until 17 August 2018 and are not likely to be confirmed until April 2019.

The National Planning Standard zones in the current draft form includes a zone category that does not reflect local circumstances.

The Selwyn community may not be aware of the implications of the National Planning Standards and could challenge the application of the standards through the Proposed District Plan process.

Budget or Time Implications:

This option could result in /require limited drafting. Stakeholder engagement on the National Planning Standards is being carried out by MfE following notification in June 2018.

Stakeholder and Community Interests:

All District residents, housing providers and developers. The community may raise concerns with regard to the types and scale of development which could occur under these standard zones. Stakeholder engagement should be undertaken in relation to the National Planning Standards as the Selwyn community may not understand that the standards could apply to the district. Feedback received should be used to refine the application of the zones and the provisions

Recommendation:

Option 3 Preparation of an approach with a range of zones that includes a 'medium density' zone (such as proposed with the National Planning Standards zones) should be considered as Selwyn District Council must give effect to the National Standards potentially by 2024.

8.0 Conclusion

The key conclusions of this Preferred Option Report is that the current provisions in the Operative District Plan related to CMDD require review. The options (particularly Options 2a and 2b) involve amendments that would address most of the issues raised in Section 2 of this report.

It is noted that a wider review of the residential provisions is recommended in the Preferred Option Report for RE207. The amendments recommended in option 2a and 2b could be included in that review.

9.0 Preferred Option for further engagement

In summary the recommended options for further consideration and engagement are:

- Option 2a and 2b: Realignment of existing provisions
- Option 3: new rules – such as National Planning Standards adapted to local circumstances.

Appendix 1: Baseline Report RE018 – CMDD

Link to Baseline report below:

- [Comprehensive Medium Density Development, \[PDF, 1656 KB\], 13 June 2018](#)

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

Author:	Jocelyn Lewes (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1809 (Jocelyn)

Purpose

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Residential Character, Amenity, Density & Housing Typologies topic.

Recommendation

“That the Committee notes the summary plan.”

Attachments

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

RE 207 Residential character, amenity, density and housing typologies¹ – communications and engagement summary plan

Key messages

(as of 18 June 2018)

Background

- As part of the Selwyn District Plan Review, objectives, policies and rules which influence the look and feel of residential areas are being looked at. The assessment of how best to manage residential development includes review of density and types of housing in the district's residential areas.
- There are currently over 70 residential zones (Living Zones) in the current District Plan, with the main difference between them being the minimum average allotment size.
- Of the 70+ Living Zones in the District Plan, section sizes range from 300 m² through to 10,000 m². The largest number of Living Zones (21) set an average allotment size of 800 m².
- The most common type of housing built in the district is a single storey detached dwelling. It makes up 96% of building consents issued for dwellings between 2013 and 2017.
- The majority of housing development in the last 10 years has happened at the outskirts of larger townships such as Rolleston and Lincoln rather than near key activity centres and business zones. This is likely to have been in response to the Canterbury earthquakes when all development focused towards greenfield priority areas.

Current status

- Current development standards in the District Plan which relate to character, amenity, density of residential areas and which need to be met as part of resource and/or building consents cover allotment size, minimum density, height, recession planes, setbacks, private open space, site coverage and fencing.
- The residential provisions of the current District Plan are considered to be unwieldy to interpret and administer due to the large number of Living Zones and generic policy framework.
- Currently the district doesn't have a diverse range of housing choices.
- The current Plan doesn't accommodate the district's projected growth in population and change in demographics (ageing population and predominately one- and two-person households).

About preferred option

- Key draft changes include:
 - simplifying the residential zone framework by reducing the current number of residential zones down to four. This will make it much easier for people to understand and apply for consents. It will also follow the likely national planning standards which are currently being developed by the Ministry for Environment. Each of these four new zones would have new policies and outcomes while managing any adverse effects on the character and amenity of the residential zone. The new draft residential zones would be:
 - Medium Density Residential Zone – enables medium density residential development around key activity centres in Rolleston, Lincoln, Darfield and Leeston, neighbourhood centres in Rolleston and Lincoln. In this zone we would encourage medium density types of housing of up to three storeys which would maintain an urban residential character.
 - General Residential Zone – enables low density residential neighbourhood within established townships next to the Medium Density Residential Zone or local centres in smaller townships. In this zone we would see low density types of housing of up to two storeys which would maintain a suburban residential character.
 - Large Lot Residential Zone – would be located between the General Residential Zone and the boundary of the township or boundary with a rural zone. This zone would enable low density residential neighbourhoods characterised by 'lifestyle' properties.
 - Rural Settlement Zone – would apply to townships with no business zones. This zone would enable low density residential development and a mix of commercial, light industrial and community activities which support a small settlement and surrounding rural area.
- creating new rules which would make it easier to build a more diverse housing stock. For example, allow multiple principal dwellings on the same property (conditional on the land size), enable small dwellings such as 'granny flats' to be occupied by not just family members (this would increase housing choice and rental options), relax certain development standards for new houses (eg increase site coverage and height).
- tailoring development standards by each housing type ie for detached dwelling; low-rise apartments; and semi-detached, duplex, terrace and row dwellings.

Audiences²

Internal	Partners	Key stakeholders ³	Landowners /occupiers ⁴	General public
DPC	ECan	Major developers and housing providers within the district	N/A	Selwyn ratepayers
SDC Compliance and Consenting Team	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Township committees and residents associations		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 This will include engagement on RE018 preferred option report which considers both the form and location of medium density housing.

² "...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]

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-June	June	July	August ⁵
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	Consulted with as part of the Baseline assessment		Preferred option report is shared and feedback sought	
Landowners/occupiers			[will be consulted at the time of general public consultation]	
General public			Endorsed preferred options report is published on Your Say Selwyn	General consultation as part of Residential Zone matters
DPC		Preferred option report goes to DPC for endorsement		

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

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

Author:	Jocelyn Lewes (Strategy & Policy Planner)
Contact:	347 1809

Purpose

To brief the Committee on the findings of the Preferred Option Report for 'Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones', which summarises the associated Baseline Report. The purpose of this baseline report was to undertake an assessment of home based business activity as well as larger scale businesses in Living Zones in Key, Service and Rural Activity Centres, as defined in Selwyn 2031: District Development Strategy (Selwyn 2031).

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.”

Attachments

‘Preferred Option Report for Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones’

PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

DATE: 14 June 2018

TOPIC NAME: Residential

SCOPE DESCRIPTION: RE008 Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones

TOPIC LEAD: Jocelyn Lewes

PREPARED BY: Jocelyn Lewes

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ul style="list-style-type: none"> • <i>There is no definition of home based business in the Township Volume of the District Plan and objectives, policies and rules do not specifically address home based business in either volume.</i> • <i>There is disparity in the scale of business activity that may be established in the Living and Rural Zones, not only between zones but also in relation to the intensity of the activity relative to the primary purpose of the underlying zone.</i> • <i>The scale of business activity currently permissible in Living Zones has the potential to impact on the hierarchy of activity centres identified in Selwyn 2031.</i>
<i>Preferred Option</i>	<i>That home based businesses are managed by amendments to definitions, policies and rules within the Proposed District Plan to ensure that that they remain secondary to the primary purpose of the zone and do not detract from the economic viability of centres, as set out in Section 7 of this report.</i>
<i>DPC Decision</i>	

1.0 Introduction

This report is a summary of the *Home Based Business Activities in Living and Rural Zones and Business Activities (not home based) in Living Zones Baseline Report* (Baseline Report RE008), the purpose of which was to undertake an assessment of home based business activity as well as larger scale businesses in Living Zones in Key, Service and Rural Activity Centres, as defined in Selwyn 2031: District Development Strategy (Selwyn 2031). This summary should be read in conjunction with the full Baseline Report RE008, which is attached as **Appendix 1**.

At the very simplest, a home based business is an activity for the purposes of deriving an income that is undertaken from the home. It relies on the home still fulfilling its primary role as being a building for residential and domestic purposes. It must involve a member of the household unit residing on the site, and may involve other employees that do not live on the site. The occupation, business, trade, craft or profession is a secondary and lesser use of the site, compared to the primary residential activities.

Home based businesses are usually undertaken inside a building, whether it be the dwelling or an accessory building, but they may also be undertaken outside depending on the activity. Some home based businesses require clients or customers to visit the site such as hairdressers, while others may be purely self-contained e.g. data analysis.

Home based businesses are not limited to residential zoned sites however, they can also establish in rural zoned sites. Home based businesses in the rural areas are a little more complex to manage because often the primary purpose of a rural site is to generate income from the primary productive potential of the land, with domestic uses being secondary.

For clarity, business activities that establish in residential and rural zoned land and do not have a primarily domestic purpose are not home based businesses. Examples of this is where offices establish in a residential zone and do not have any associated residential activity. For the purposes of this report, commercial activities that establish on residential and rural zoned land and do not have a primarily domestic purpose are not home based businesses and are referred to as “business activities”.¹

Home based businesses can have both positive and negative effects. Home based businesses are an effective way of establishing a small business without the capital outlay required for a business-zoned site. However depending on the business and the scale, home based businesses can create effects that erode the character of an area with additional traffic movements, signs and increased noise.

2.0 Statement of Operative District Plan Approach

The provisions of the Operative District Plan manage both home based businesses as well as larger businesses in both the Living and Rural Zones.

¹ Activities of this nature are being addressed within the Rural and Business work streams as well as by the District Wide topics such as Community and Recreation Facilities.

2.1 Definitions

While the Selwyn District Plan manages land uses in the Living and Rural Zones, it does not specifically list home based business in the Living Zones. There is no definition for home based businesses in the Living Zone. In contrast the Rural Volume contains the following definition:

***“Home Based Occupation** includes the use of a site for an occupation, business, trade or profession in conjunction with the use of the same site for residential activities. A home based occupation is undertaken by a person(s) permanently residing on the site.”*

2.2 Objectives and Policies

The objectives and policies do not specifically address home based business for either Living or Rural Zones, however they do set out the expectations and approach to business activities in both areas.

In Living Zones, the objectives and policies recognise that a variety of activities can be expected in urban areas, but the need for high quality residential amenity is also recognised. The District Plan has an enabling approach to managing activities in zones, with a focus instead on controlling their adverse effects on character, quality of the environment and amenity values. With the focus on controlling adverse effects, the management of business activities also requires consideration of other aspects such as traffic generation, signage, noise, dust, glare, lighting etc.

The objectives and policies in the Rural Volume recognise that business activities and in particular those associated with primary production, are appropriate. The policies in particular seek to retain amenity through management of effects such as noise, vibration, lighting, glare and dust. While these are not in any way specific to home based business, the policies set an expectation for such activities.

2.3 Rules

Building on the objectives and policies in the Township Volume of the Plan, the rules in this volume enable any activity, including business activities, to be established in the Living Zones, provided any effects of the activity are compatible with the character of the zone within which it will be established. The Plan achieves this by focusing largely on the amenity standards rather than the activities themselves. Chapter C outlines the rules for the Living Zone but does not contain any rules that relate solely to home based business.

There are several business activities identified in the Living Zones which are attributed a particular activity status. Other than these, all other all business activities are permitted in the Living Zones (no matter how large or small) so long as the activity can comply with all the standards. There is no requirement for there to be a residential component on the site although Rule 10.8.1.1 requires no more than two full time equivalent staff employed on the site live off site. Rule 10.8.1.2 limits the gross floor area for building(s) other than a dwelling to 300m². There are standards for vehicle movements although these are not specific to home based businesses or business activities.

The standards most relevant to undertaking business activities in the Living Zone include signs (Rule 7.1 where the sign can be a maximum of 2m height and 1m² area), noise (Rule 10.6), lightspill (Rule 10.7) and activities and hours of operation (Rule 10.9). There are no specific parking standards for home based

businesses, but there are parking requirements for a range of activities including residential, offices, industrial etc.

The Plan recognises the Rural Zones as being primarily for business, with rules designed to allow people to undertake farming and other business activities. Chapter 9 in the Rural Volume sets out the rules relevant to the Rural Zones. The Rural Volume adopts a similar approach to the Township Volume and activities are permitted so long as they comply with all the standards and are not specifically listed as a discretionary or non-complying activity.

In addition to the rules which apply to all Rural Zones, the rules outline activities specific to particular areas. Home based businesses are specifically identified as a permitted activity in Port Hills, Malvern Hills and High Country. Non-rural based activities are permitted so long as the activity occupies a maximum space of 100m² and no more than 2 full time equivalent persons are employed (Rule C9.4).

There are standards which home based businesses would be required to comply with, although these are not specific to home based businesses and apply to all activities in the Rural Zones. These include vehicle movements (Rule C9.13), noise and vibration (Rule C9.16), blasting and vibration (Rule C9.17), glare (Rule C9.18) and dust (Rule C9.19).

The approach of the Rural Zones is similar to the Living Zone where home based businesses are not specifically listed as an activity, and instead standards are relied upon to manage any effects. The effect of this is that there is maximum flexibility as to the activities that can be undertaken. There is no limit on the business activities that can be established in the Rural Zone without need for a domestic or residential component (i.e. a purely commercial use). The only limits are on rural based industries and other industries in terms of area and number of employees.

3.0 Summary of relevant statutory and/or policy context

The following key strategic planning documents are relevant to the management of home based business and business activities.

3.1 Canterbury Regional Policy Statement (RPS)

The Canterbury Regional Policy Statement (revised 2017) gives an overview of the significant resource management issues facing the region, including issues of resource management significance to Ngāi Tahu. The purpose of the CRPS is to set out objectives, policies and methods to resolve those resource management issues and to achieve the integrated management of the natural and physical resources of Canterbury.

The RPS directs territorial authorities to set out objectives, and policies, and may include methods in district plans which establish an approach for the integrated management of urban and zoned rural residential development with the primary focus of ensuring consolidated, well-designed and more sustainable urban patterns including the avoidance, remediation or mitigation of reverse sensitivity effects.

The objectives and policies expressed in Chapter 5 Land Use and Infrastructure, which applies predominately to the parts of the District outside of Greater Christchurch, are not particularly directive as

to how or where business activities are to be provided for within urban areas, provided that they avoid conflict between incompatible activities and maintain and enhance amenity values.

Within the rural environment, the objectives and policies of Chapter 5 are more directive and provides clear direction as to the types of businesses that are to be enabled within the rural environment. Policy 5.3.12(c) seeks to avoid proliferation of employment that is not linked to the productive capacity of the rural environment.

In terms of the objectives and policies expressed in Chapter 6 Recovery and Rebuilding of Greater Christchurch, RPS takes a slightly more directive approach to business activities in terms of encouraging the consolidation of business activities around the Central City, Key Activity Centres and Neighbourhood Centres (Objective 6.2.5). Centres are not necessarily business-zoned land, but instead include the whole urban areas of the centre, including residential areas. Thus the RPS does not direct business activities into business zoned land, but the general urban areas that comprises a centre.

The RPS does not specifically reference home based businesses, and instead addresses business at a more strategic level.

3.2 Selwyn 2031 and Area Plans for Malvern and Ellesmere.

Selwyn 2031: District Development Strategy provides an overarching strategic framework for achieving sustainable growth across the Selwyn district to 2031, so that Selwyn can achieve its vision to “grow and consolidate Selwyn District as one of the most liveable, attractive and prosperous places in New Zealand for residents, businesses and visitors”. Four key actions have been identified with respect to business, including building on economic strengths and higher quality living and business environments.

A feature of Selwyn 2031 was the development of a Township Network and Activity Centre Structure applicable to each township. The Strategy supports the development of the centres as the focus for business activities, however it does not distinguish between business or living zoned areas, and instead considers the urban extent of each centre as a whole. The Strategy establishes the role of each Centre and creates a hierarchy of towns to guide business activity.

The preparation of Area Plans for Malvern and Ellesmere was identified as an action in Selwyn 2031. Area Plans are non-statutory long-term strategic urban growth plan covering a wide geographic area and incorporating a number of townships. The primary purpose of these plans is to provide high-level planning direction to guide the growth and sustainable management of the townships identified through to the year 2031, to assist in the delivery of the Selwyn 2031.

The Area Plans identified that most of the rural townships do not have any Business Zoned land, therefore the small amount of business activity is located on Living Zoned sites. In order to enable these townships to continue providing the rural township role and providing some services to the surrounding rural area, business activities must continue to be enabled in Living Zoned sites in these areas.

3.3 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 home based businesses / business activities were identified.

4.0 Summary of Issues

In summary the issues identified in Baseline Report RE008 are:

- There is no definition of home based business in the Township Volume of the District Plan.
- Objectives, policies and rules in the District Plan do not specifically address home based business.
- There is disparity in the scale of business activity that may be established in the Living and Rural Zones, relative not only to each other but also to the intensity of the activity in relation to the primary purpose of the underlying zone.
- The scale of business activity currently permissible in Living Zones has the potential to impact on the hierarchy of activity centres identified in Selwyn 2031.

5.0 Summary of Approaches in Other Districts

The approaches of other districts to providing for home based business activities was considered, as set out in Section 5 of Baseline Report RE008.

Definitions of ‘home occupation’ or ‘home based business’ across the five plans vary considerably, however all of the District Plans recognise that home based business is secondary to the dominant use of the site for residential purposes. This is achieved through wording such as “primary use of the site”, “secondary to the use of the site as a dwelling” and “incidental to the residential use of the site”. The definitions also recognise the need for a person residing on the site to be involved in the home based business.

The objectives and policies of each of the District Plan reviewed recognise that home based businesses are appropriate so long as they do not adversely affect the amenity and character of the residential area. The policies outline how this is to be achieved through ensuring that the home based business is secondary to the residential purpose of the site, and managing effects such as noise, glare, odour, dust, smoke, fumes, other nuisances, traffic, parking, and transport networks.

The objectives and policies also address non-residential activities including business activities located in a residential zone. This is essentially different from home based enterprises and is usually where a residential site is used entirely for business purposes. The objectives and policies on this matter seek to protect the amenity and character of the residential area, but also recognise the potential for these activities to detract from the vitality and economic viability of the business Centres.

Most of the district plans enable a sliding scale between home based businesses at one end and business activities at the other through allowing non-compliance with home based business standards being a discretionary activity.

In all five district plans, home based businesses are permitted in the general residential zones provided they meet all the standards specific to that activity as well as the more general district-wide rules. In the more intensive residential zones, home based businesses generally require resource consent. Standards applying to home based businesses include:

- Maximum gross floor area of the building, plus the area used for outdoor storage area;

- Number and residency of employees;
- Location of the activity;
- Limits on the goods retailed;
- Hours of operation;
- Location of parking areas;
- Number, location and sizes of signs;
- Maximum number of vehicle trips;
- Storage of materials;
- Number and frequency of heavy vehicle trips; and
- Generation of nuisances including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects

In the district plans evaluated, there are a range of business activities which are classified separately to home based businesses in the residential and rural zones. Some of the more common business activities listed include retail, dairies, offices, commercial activities, industrial activities, cafes and restaurants, care of children, bed and breakfast and homestay accommodation. Each district plan assessed classifies each of the activities quite differently and there is little alignment between the district plans in terms of activity status.

6.0 Summary of Stakeholder Engagement

As part of the preparation of the baseline assessment, feedback was sought and provided from the SDC Consenting and Compliances teams as to the issues with the administration and enforcement of the current District Plan provisions.

The completed baseline report was forwarded to Environment Canterbury and Mahaanui Kurataiao Ltd. Environment Canterbury advised that they supported the conclusions reached in principle as they give effect to the direction within the RPS.

The view of both internal and external stakeholders has been incorporated into this preferred options report.

7.0 Options to address Issues

7.1 Option 1: Enable all business activities in all zones

This option would mean that the district plan allowed any business activity in all zones, including residential and rural zones. No resource consent would be required and there would be no restriction on the type, location, or size of activity.

Effectiveness in Addressing Issue: This option would not give effect to the RPS, in that it would not achieve consolidated, well designed and sustainable growth in and around existing urban areas.

Risks: This approach is likely to result in adverse effects on the character and amenity of the residential and rural zones and significantly impact on the integrity and economic viability of centres. This approach would also not align with other work streams being undertaken as part of the District Plan Review.

Budget or Time Implications: This option would require drafting, engagement and testing of new provisions as the Operative District Plan provisions seek to limit the range and scale of business activities in Living and Rural Zones.

Stakeholder and Community Interests: All district residents.

Recommendation: This option is not recommended as it does not give effect to the RPS.

7.2 OPTION 2: Maintain the status quo

This option involves no changes to current plan provisions. The approach in both the Township and Rural Volumes does not specifically list home based businesses as an activity but rather relies on standards to manage any effects. As a result there is maximum flexibility as to the activities that can be undertaken. There is no limit on the business activities that can be established in either the Living or Rural Zones without need for a domestic or residential component (i.e. a purely commercial use). The only limits are on the size of the activity, as determined by the maximum space that the activity can occupy, and the number of off-site employees.

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.

7.3 OPTION 3: Restrict business activities to only home based business

This option involves enabling home based businesses but not providing for any other business activity to establish within the Living and Rural Zones that falls outside the definition of a home based business as a permitted activity. There are many types of activities which could potentially be home-based businesses. The policy and rule framework recommended below focuses on the effects of home-based businesses, and so long as home-based business can meet the standards then there is no need to constrain the type of activity.

Activities other than home based businesses would require a resource consent. It is recommended that the rule framework needs to acknowledge that some business activities are more appropriate in the Living and Rural Zones than Business Zones such as pre-schools and medical facilities. These provide an important social function and are appropriate to be part of the residential and rural community. It is recommended these activities are given a more enabling activity status such as restricted discretionary to indicate that they may be appropriate if the effects can be appropriately managed. If business activities were to be discouraged, then a discretionary or non-complying activity status would be appropriate. This approach would require clear objectives to set the strategic direction, and policies to achieve that outcome.

The recommended approach to either being a home-based business because it complies with all the standards for a home-based business, or some other business activity that requires a resource consent makes this distinction very clear.

This option would logically still enable rural business activities which depend on the productive capacity of the rural environment to continue, but would discourage business activities such as industries which do not depend on primary production derived from the Rural Zone.

The following outlines principles to assist in drafting revised district plan provisions to manage home based businesses.

It is recommended that there is one definition that applies to both Living and Rural Zones, which recognises the concept of the home based business being secondary to the residential use of the site and requires the activity to be undertaken by a person(s) permanently residing on the site. Clarification that activities which do not meet all of the standards relevant to home based businesses are not home based businesses could be contained in either the definition or at the start of the standards themselves.

In order to implement Option 3, it is recommended that policies be drafted to provide policy support for the approach. The policies should spell out the broad approach being taken i.e. that home based businesses are permitted but must meet standards. Activities not meeting all standards are not considered home based business. A policy could also establish the approach to controlling the effects of home based business activity standards, as discussed in Section 7 of Baseline Report RE008.

Resource consent will be required for business activities (i.e. activities that are not home based businesses) and activities will only be considered to be appropriate if, amongst other things, they are of a scale and intensity anticipated within the zone and the adverse effects are adequately avoided, remedied or mitigated.

A supplementary policy should enable rural industries and rural commercial services which are legitimate activities appropriate for the Rural Zone.

It is recommended that rules be drafted which address the following matters for home based businesses:

- A requirement for at least one person engaged in the home based business must use the dwelling on the site as their principal place of residence.
- Maximum number of people employed who do not live on site.
- Maximum floor area expressed as metres squared (m²). Appropriate maximum floor areas are considered to be 40m² in residential zones and 100m² in rural zones.
- The activity should take place entirely within a building and no goods, materials or equipment should be stored outside a building.
- Hours of operation in terms of visits to the home.

Other standards not specific to home based business but applicable across the district, like signage, parking and nuisance such as noise, dust, vibration, may also be required to be complied with.

The following activity status is recommended:

- home based businesses complying with all standards for home based businesses – permitted activity
- Specifically listed business activities that are appropriate in the Living and Rural Zones and will not undermine the viability of the Centres – restricted discretionary or discretionary activities².
- Other business activities – non-complying activity

Effectiveness in Addressing Issue: Updating the provisions would address the issues identified in Section 4 of this report.

Risks: In some instances, a tightening of the rules around home based businesses may not be favoured by the community, particularly in relation to maximum floor areas.

Budget or Time Implications: New provisions addressing home based business, as expressed above, would have to be drafted, tested and consulted on.

Stakeholder and Community Interests: All district residents.

Recommendation: This option is recommended as it addresses the issues with the Operative District Plan and is consistent with the direction of the RPS.

7.4 OPTION 4: Discourage business activities including home based business

This option would mean that any business activity in Living and Rural Zones would be classified as a non-complying activity and would require resource consent. It would enable all effects to be considered. This would enable the focus of the Living and Rural Zones to be for residential and rural production purposes respectively rather than any commercial activities. This option would involve the inclusion of objectives and policies relating to retaining the integrity of the residential areas for residential activities, and similarly the rural zones for rural purposes.

If this option were pursued, careful consideration would need to be given to defining rural production activities (which are to be encouraged) separately from business activities that were not dependent on the primary productive capacity of the rural environment (which would be discouraged).

This option would mean that home based businesses would also be non-complying activities, regardless of size and would effectively prevent people working from home.

Effectiveness in Addressing Issue: This option would be partially effective in retaining the integrity of the Rural and Living Zones for their primary purposes, as well as ensuring that the economic viability of centers is maintained.

Risks: This approach is overly restrictive and would not align with the direction set out in the RPS which seeks to enable development provided that adverse effects are avoided, remedied or mitigated.

Budget or Time Implications: This option would require drafting, engagement and testing of new provisions as the Operative District Plan seek to enable a range of business activities in Living and Rural Zones, at an appropriate scale.

² Business activities considered appropriate in Rural and Living Zones will be identified within the Rural and Business work streams as well as District Wide topics such as Community and Recreation Facilities.

Stakeholder and Community Interests: All district residents.

Recommendation: This option is not recommended as it does not align with the direction of the RPS.

8.0 Preferred Options for Further Engagement

The Project Team recommends that Option 3 as outlined in Section 7.3 above is endorsed by the Council for further development.

Appendix 1: Baseline Report RE008

Link to Baseline report below:

[Home Based Business, \[PDF, 1678 KB\]](#) December 2017

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

Author:	Jocelyn Lewes (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 1809 (Jocelyn)

Purpose

To inform the Committee of the communications and engagement activities to be undertaken in relation to the ‘Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones’ topic.

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Home Based Business Activities in Living and Rural Zones and Business Activities (Not Home Based) in Living Zones – communications and engagement summary plan’

RE008 Home-based business – communications and engagement summary plan

Key messages

(as of 18 June 2018)

Background

- As part of the Selwyn District Plan Review, rules and policies related to home-based business in residential and rural zones are being reviewed, together with business activities in residential zones more generally. This review is closely linked with the review of business activities in the Rural Zone and business in small townships. The latter will include separate communications and engagement plans.
- A home-based business is an activity which generates an income and takes place at home. It relies on the home still having a primary domestic purpose and it must involve a household member residing on the site.

Current status

- Current Plan doesn't have specific rules and policies that manage home-based businesses in residential and rural zones, although there's a relevant definition that applies to the rural area. As a result currently any business can be set up in the residential and rural zones without a resource consent as long as it meets the standards for maximum size of the activity and maximum number employees.
- Disparity between standard for maximum size of a business activity in the Rural Zone (up to 100m²) and residential zones (up to 300m²).
- The scale of businesses that can currently set up in residential areas means that they can potentially adversely affect the look and feel of the residential areas and town centres.

About preferred option

- Key draft changes are aimed at providing best balance between enabling home-based businesses while focusing all other businesses into district's commercial and business centres, while also providing for appropriate rural-based businesses to occur in the rural area.
- Key draft changes include:
 - Home-based business continues to be a permitted activity in both rural and residential zones
 - Develop specific permitted standards for home-based businesses to ensure that the scale of businesses and any adverse effects (eg noise and traffic) on the neighbouring environment are appropriately managed. For example, have a maximum number of people employed (keep current up to two full time equivalent employees who don't live on the site), a maximum size of a home-based business (eg a maximum floor area (m²) and limitations on the hours of operation for visitors to the site.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Local business associations/networks, such as Selwyn Business Group	N/A	Selwyn ratepayers
SDC Consent and Compliance Team	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 ⁴					
Preferred option consultation				[will be consulted at the time of general public consultation]	

2018 communications and engagement key tasks/milestones per month

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

Audiences	Pre-June DPC	June	July	August ⁵
ECan	Consulted with as part of the Baseline assessment		Preferred option report is shared and feedback sought	
Rūnanga	Consulted with as part of the Baseline assessment		Preferred option report is shared and feedback sought	
Landowners/occupiers			[will be consulted at the time of general public consultation]	
General public			Endorsed preferred options report is published on Your Say Selwyn	General consultation as part of district-wide matters
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.

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

Author:	Robert Love (Strategy & Policy Planner)
Contact:	347 1821

Purpose

To brief the Committee on the Supplementary Report to the Preferred Options Report for 'Rural Character and Amenity – Businesses in Rural Zones', which was discussed at the DPC meeting on 16 May 2018.

As a result of Committee discussions at that meeting, the need for an additional option was identified to address a discretionary activity status for businesses located in close proximity to urban areas and/or for rural-based business activities exceeding 500m². This supplementary report further investigates this additional option.

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.”

Attachments

'Supplementary Report to the Preferred Options Report – Character and Amenity – Business Activities in Rural Zones'

SUPPLEMENTARY REPORT TO A PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 27 June 2018

TOPIC NAME: Rural

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

TOPIC LEAD: Robert Love

PREPARED BY: Robert Love

EXECUTIVE SUMMARY

<i>Issue(s)</i>	The Preferred Options report for Rural Character and Amenity – Businesses in Rural Zones was discussed at the DPC meeting held on the 16 th of May 2018. As a result of the discussions, the need for an additional option for further engagement was identified.
<i>Preferred Option</i>	To endorse the amended Option 2 as detailed by this supplementary report
<i>DPC Decision</i>	



1.0 Introduction

The Preferred Options report for Rural Character and Amenity – Businesses in Rural Zones was discussed at the DPC meeting held on the 16th of May 2018. As a result of the discussions, the need for an additional option for further development and engagement was identified.

The recommendation stated that:

“That the Committee endorses the Preferred Option (Option 2) for Rural Character and Amenity (Business), subject to the provision of a supplementary report addressing the option of a discretionary activity status for businesses located in close proximity to urban areas and/or for rural-based business activities exceeding 500m², for further development and engagement.”

Some of the notable points taken from the discussion were:

- It is difficult to determine what actually is a business associated with rural production. There is a need to tighten the definition without leaving loop holes, while ensuring that legitimate unforeseen rural businesses are not unfairly restricted;
- Need to clarify or create definitions for rural business, rural activity, rural producer seller, and rural based industrial activity;
- That the reasoning behind the restricted discretionary activity classification is that for some business activities the amount of things that could cause an adverse effect is known, and small in range. Furthermore, this activity classification provides for clear matters of discretion which provides some certainty to businesses applying for consent;
- Given the uncertainty around potential future businesses, it is difficult to set rules and definitions to address these;
- Should the provisions address where the activity is in relation to the proximity to the City.

Therefore, this supplementary report will provide further exploration of the following:

- The potential for a discretionary activity status and a possible rule structure for business activities within the Rural Zone;
- Should the provisions include an aspect on the activities proximity to the City;
- Further examine what should be defined as a ‘rural activity’ i.e. what is rural production ‘associated’ with that has a genuine ‘need’ to be located within the Rural Zone.

2.0 Summary of Issues

To reiterate the issues raised in the Preferred Options report, the following are the major issues raised as part of this work stream:

- What type of activities are appropriate (or not) within rural areas (particularly what are non-rural activities) to ensure that the amenity and integrity of the Rural Zone is maintained and that townships fulfil their economic and social functions?

- What scale of non-rural activities are appropriate in rural areas?
- What effects from non-rural activities need to be managed and why?

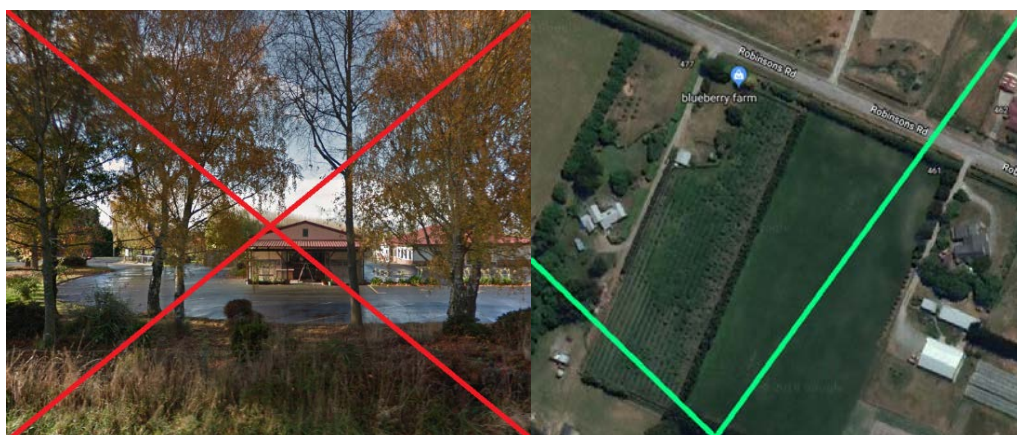
3.0 Preferred Option (2) Supplementary Guidance

The overall approach is to refine the existing situation to better reflect the expectations of the RPS and more strongly support protection of rural character and productivity as the priority for rural areas. The actual wording and structures of the definitions and rules for the Proposed District Plan will be developed as part of the Section 32 stage, and as such only the appropriate direction forward is being assessed at this stage.

3.1 Terms

Rural produce selling:

This term would attempt to capture small scale retail to allow farmers to sell produce grown or produced onsite. It would typically consist of a small roadside stall or similar activity such as the Blueberry Farm located on Robinsons Road. It would not seek to include larger produce retail outlets such as the Springfield Farm rural produce sellers located on the outskirts of Prebbleton.



Rural Activity:

This term would stay fairly similar to the current definition.

'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 Business or Rural Service Activity:

Either of these terms could be introduced to cover those activities which are heavily associated with Rural Activities.

Two of the key parts of this activity and its appropriateness for locating within the Rural Zone is its association with rural activities and its need to be located within the Rural Zone.

The business would need to have a clear association with rural activities, and for that to be primary component of their business. For instance when assessing the appropriateness of a contractor's yard to locate within a Rural Zone, a business that cuts, and bales hay has a legitimate case to be located within the Rural Zone, whereas a contractor who primarily carries out earthworks for subdivision development would not. The focus of the business needs to be on servicing rural activities, and not on other development with a small part assisting rural activities.

For a rural business or rural service activity to be permitted within the Rural Zone, it has to have a need to be located within that zone, and to demonstrate its inappropriateness for a business zone within a township. Inappropriateness could arise through the potential effects of the activity, lack of suitable business land available, or no business land available in close proximity to the rural activities that the business services.

Rural Based industrial Activity:

Presently this term sits within the definition for 'Industrial Activity', it may be more appropriate for it to sit under its own definition. The current definition for this term of '*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*' may need to be clarified to avoid any duplication or confusion with a 'Rural Business' activity as some activities may fall into both categories.

3.2 Rule Structure

It is relevant to note that a separate workstream dealing with home based businesses is currently being developed. Any values and rules drafted as part of that Scope of Works will be consistent with this work to ensure there is no duplication, inconsistencies, or gaps between the two Scopes.

Rural produce selling	
Permitted	Conditions:
	Less than 100 m ²
	Non-permanent structure
	Produce grown on-site
	Maximum of two FTE

The conditions of the rule could either sit within a rule structure or within the definition of the term.

Any breach of this permitted activity would mean that the activity would fall into a non-rural business classification as it would more of a commercial retail business.

Non-Rural Business/Non-Rural Service Activity	
Permitted	Conditions:
	Less than 100 m ²
	Maximum of two FTE
	Not within a ONL/VAL

Non-complying	Breaches the Permitted Rule.

If the business meets the permitted standards that control area, staff numbers, and if it is located outside of an area of significant amenity value, then it will be a permitted activity. These values are the same as currently exist in the District Plan, with the exception of a restriction on being located within an ONL or VAL.

Rural Business/ Rural Service Activity	
Permitted	Conditions:
	Less than 200 m ²
	Maximum of two FTE
	Not within a ONL/VAL <i>(optional condition for further discussion)</i>
Restricted Discretionary	Breaches the Permitted Rule
	Less than 500 m ²
Discretionary	Breaches the Restricted Discretionary Rule

A potential amendment from the current situation would be to increase the maximum area for an activity from 100 m² to 200 m². While this would see an increase in the potential footprint of an activity, 200 m² when considered against the size of a site or the open spaces on the Canterbury Plains is insignificant. However, this increase would better allow for legitimate businesses to operate. Staff numbers would remain the same, and there is an potential option of restricting activities within a VAL or ONL.

If an activity breaches the permitted rule, then it would become a restricted discretionary activity, as long as the activity is less than 500 m² in size. If it is a larger activity, then it would have a discretionary status to allow for a wider effects assessment.

However, in regard to the discretionary status, policy support would need to be in the Plan to ensure those large activities that need to be in the rural environment through proximity to certain rural activities would be enabled.

Rural Based Industrial Activity <i>(note: this format would also be shared with 'Industrial Activities, and 'Other Industrial Activities'.</i>	
Permitted	Conditions:
	Less than 200 m ²
	Maximum of 2 FTE
	Not within a ONL/VAL <i>(optional condition for further discussion)</i>

Discretionary	Breaches the Permitted Rule
	Needs to be in Outer Plains Area
Non-complying	If not within the Outer Plains Area

This structure would see an increase of the permitted area for a rural-based industrial activity from 100 m² to 200 m² to bring it in line with the rural business/ rural service activity rule. The activity would be restricted to two FTEs for it to be classed as a permitted activity. If an activity breaches the permitted rule then it would be a discretionary activity as long as it was located within the Outer Plains, and if this was not the case then it would be a non-complying activity. As with the previous option policy support would need to be included in the report to ensure activities are appropriately located. An example of this is the Meadows Mushrooms Composting facility located in the Greendale area. This operation consists of a large structure, and specifically manufactures compost for rural production, albeit a rural based industrial activity (mushroom growing). This activity would be discretionary activity under this rule structure as it would be inappropriate for it to locate within a Business Zone.

3.3 Proximity to Christchurch City

It is recognised that rural land in proximity to the Christchurch City, particularly in the area opposite the Marshs Road industrial development and adjacent to the Southern Motorway, will be a desirable location for a range of businesses to establish. As such, it is an option for the District Plan to identify this issue and provide policy direction as to whether business activities should be provided for in these areas (or not).

However, this matter is finely balanced as it is not considered appropriate for the District Plan to encourage the use of productive rural land for business purposes (being contrary to the RPS), however there may be certain locations in proximity to the City and/or the Motorway where an appropriate rural-based business is the most efficient use of the land resource. Given that this assessment can only be made on a case by case basis, the merits of any proposal to use rural land for business activities will need be evaluated through a resource consent process.

For these reasons, it is considered that the above rule structure, with clear definitions and policy guidance should be sufficient to ensure business activities are appropriately located in the rural area, having regard to their function, characteristics and scale.

4.0 Summary

In summary, this amendment to the preferred option already brought to the DPC would see the existing definitions amended to provide clarity, and consistency especially around what should be

considered a rurally associated business, and would provide new definitions for certain activities to improve clarity. The existing overall rule structure would be largely kept, with amendments to both restrict inappropriate activities, but to further enable those activities which have a legitimate case to be located within the Rural Zone.

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

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

Purpose

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

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Rural Character and Amenity – Business Activities in Rural Zones – communications and engagement summary plan’

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

Key messages

(as of 11 June 2018)

Background

- A major review of the Selwyn District Plan is now under way. This includes a review of provisions which influence the character and amenity of the district's rural areas. This includes the density of residential development within the rural zone, and appropriateness of particular types of businesses within the rural zone. The former is covered by a separate communications and engagement summary plan.

Current status

- Small businesses (ie less than 100m² and no more than two full time equivalent employees) have a permitted activity status, ie they can be set up in the Inner and Outer Plains areas without a resource consent.
- Rural based industrial activity in the Outer Plains area is generally a discretionary activity. Most other business activities (retail, commercial, and industrial) are non-complying activities in the Rural Zone.
- If there is not a requirement for the business to be located within the Rural Zone, then it should not be located there. However, current provisions aren't directive enough which has resulted in non-rural businesses establishing in the Rural Zone. This in turn potentially compromises rural character and primary production.

About preferred option

- The preferred option recommends making existing provisions clearer and stronger to:
 - ensure only those activities which are servicing rural activities, and have a genuine need to be located within the Rural Zone, are allowed to locate there, and
 - protect rural character and primary production as the priority for rural areas.
- Key draft changes include:
 - clarifying or creating definitions for rural-associated businesses, such as rural business, rural producer/seller and rural-based industrial activity.
 - setting up a small rural business would not require a resource consent, ie would continue to be a permitted activity as long as certain permitted development standards were met. For example, such standards could be maximum area size (increased from current 100 m² to 200 m²), maximum staff number (keep the current rule for up to two staff) and not being located in an area of outstanding landscapes.
 - A medium rural businesses of the area size 200-500m² would become a restricted discretionary activity.
 - A larger rural businesses bigger than 500m² would have a discretionary status, whereas other non-rural businesses would continue to have a non-complying activity status.
 - Consider policy support for discretionary businesses to set up in the Rural Zone because they need to be close to certain rural activities and/or are inappropriate for any other zone.
- Following the Council's approval of the preferred option, the proposed changes to the District Plan will be consulted on as part of the initial public consultation which will take place as part of the wider Rural Zone chapter later in the year.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	N/A	N/A	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	Landowners/ occupiers	General public
Baseline assessments					
Preferred option development ⁴					
Preferred option consultation				[will be consulted at the time of general public consultation]	

2018 communications and engagement key tasks/milestones per month

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

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

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

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

8a. Preferred Option Report – Kāinga Nohoanga Zone

Author:	Lizzie Thomson / Paul Horgan (Mahaanui Kurataiao Ltd) and Andrew Mactier (Strategy & Policy Planner)
Contact:	347 2802

Purpose

To brief the Committee on the findings of the Kāinga Nohoanga Zone Issues and Options 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 Papakāinga / Kāinga Nohoanga in the District Plan.

Recommendation

“That the Committee notes the report.”

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

Attachments

‘Kāinga Nohoanga Zone Issues and Options Report’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 June 2018

TOPIC NAME: Papakāinga (Kāinga Nohoanga)

SCOPE DESCRIPTION: Preferred Options Report for Papakāinga (Kāinga Nohoanga)

TOPIC LEAD: Andrew Mactier

PREPARED BY: Lizzie Thomson & Paul Horgan – Mahaanui Kurataiao Ltd

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p>How to provide for a Papakāinga/Kāinga Nohoanga zone in the Selwyn District Plan:</p> <ul style="list-style-type: none"> • The zoning provisions which enable Ngai Tahu whanui to use and occupy their ancestral land is named in a way that accurately reflects the association and purpose of the zoning as understood by mana whnua; • The location or sites where the Kāinga Nohoanga zone applies; • Activities to be provided for within a Kāinga Nohoanga zone; • Management of activities within the Kāinga Nohoanga zone, including the level of control that Council retains within, or at the boundary of the zone.
<i>Preferred Options</i>	<ol style="list-style-type: none"> 1. To name the proposed zone 'Kāinga Nohoanga' zone; 2. To 'roll over' the existing requirement in the Operative District Plan requiring Kāinga Nohoanga zones to be applied to Maori Land as defined within the meaning of section 129 of the Te Ture Whenua Māori Act 1993; 3. Option 3 – Provide opportunities within the Kāinga Nohoanga zone for housing, community facilities and economic opportunities; 4. That the District Plan provides for a stand alone Kāinga Nohoanga zone, with resource consents not requiring third party approval or notification unless non compliance of zone standards relates to effects which may be experienced beyond the zone boundary.
<i>DPC Decision</i>	



14 May 2018

Selwyn District Council District Plan Review Kāinga Nohoanga Zone Issues and Options

Report to Selwyn District Council

Introduction

Selwyn District is within the rohe of two papatipu rūnanga with manawhenua over the area. These are Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga.

The Selwyn District Council has statutory obligations to Ngāi Tahu whānau under the Resource Management Act 1991. 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.

The Council is currently undertaking its 10-yearly review of the Selwyn District Plan. Accordingly, there is an opportunity to include provisions in the 2nd Generation District Plan that will enable whānau to exercise their relationship with ancestral land. This includes the provision of Papakāinga / Kāinga Nohoanga in the Selwyn District, and which is the subject of this report.

This report was prepared by Mahaanui Kurataiao Ltd on behalf of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga to communicate their preferences for Papakāinga / Kāinga Nohoanga in the District Plan. This report will provide commentary on:

- A definition of Papakāinga/Kāinga Nohoanga;
- The history of Papakāinga/Kāinga Nohoanga in the Canterbury region;
- Background information on the relevant planning documents;
- Identification of key issues and options in respect of papakāinga/kāinga nohoanga zoning; including:
 - Naming of the zone
 - Range of activities and buildings provided for
 - Options for where Papakāinga/Kāinga nohoanga are located
 - Right to use the zone

- Management of activities within the zone
- The preferred options of Ngā Rūnanga as discussed with representatives from Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga.

Defining Papakāinga/Kāinga Nohoanga

Papakāinga is a concept that is concerned with whānau community living in accordance with tikanga¹.

The term ‘Papakāinga’ is commonly used as part of Resource Management language throughout New Zealand. This is however a North Island term and the Ngāi Tahu preference is to use the term Kāinga Nohoanga. In the Christchurch Replacement District Plan the term Papakāinga/Kāinga Nohoanga Zone was adopted to connect the two terms and ensure administrators or readers of the District Plan understood that Papakāinga and Kāinga Nohoanga were interchangeable terms. In the Waimakariri District Plan reference is made to “Māori Reserve 873”, rather than Papakāinga or Kāinga Nohoanga.

For the balance of this report, the term Kāinga Nohoanga may be used alongside or interchangeably with Papakāinga. The term Kāinga Nohoanga is however the preferred terminology for Ngāi Tahu whenua. The key residential components or features of a Kāinga Nohoanga include²:

- Provision for whānau: where extended families can live in close proximity to one another and build strong networks and relationships.
- Allowance for the construction of a mixture of housing types and densities.
- Provision for dwellings to be located in close proximity to traditional structures such as marae, and the enablement of customary activities.

Kāinga nohoanga is not however only about creating housing opportunities on tribal land. It is also about providing the commercial, social and community facilities and opportunities that allow Ngāi Tahu whānui to fully occupy and use ancestral land; recognising and enabling the principles for which the land was originally set aside. These principles are described in the section on the History of Kāinga Nohoanga below.

¹ Tikanga means customs and traditions that have been handed down over the generations.

² Addendum to MR873 Information Package, Te Rūnanga o Ngāi Tahu. (2014).

History of Kāinga Nohoanga

In 1848, the Crown purchased 20,000,000 acres of land within the South Island for £2000 from Ngāi Tahu through a series of deeds. This included Kemp's Deed under which the largest land sale, the 1848 Canterbury Purchase, took place. As part of the Deed of Sale, the Crown undertook to set aside adequate reserves for the "present and future wants" of Ngāi Tahu whānui. These were to include places of residence and provide for associated communal activities including schools, churches, hospitals and cemeteries. These Reserves were referred to as Kāinga Nohoanga.

It is understood from evidence provided to the Waitangi Tribunal, that the predominant view at the time of the Canterbury Purchase was that Kāinga Nohoanga would in time become settlements similar to a rural English village. The statements in Kems Deed indicate that the intention was to allow for mana whenua to live on their ancestral lands, and that this intention would extend to future generations and was not restricted to an allotted time period.

The Deed of Sale also intended to provide on-going access to natural resources where Ngāi Tahu had hunted and gathered for generations. Accordingly, areas used for mahinga kai, the customary production and taking of food were to be set aside. The Waitangi Tribunal used the term "mahinga kai" as a South Island wide reference point for discussion of Ngāi Tahu resources. The Tribunal wrote:

"As we see the position, it was not only necessary for the Crown to protect the principal food resource areas, it was also the duty of the Crown to provide the tribe with extensive land so that it could adapt itself to the new pastoral and agricultural economy. This new economy brought with it the new resources that were in time to replace some of the traditional mahinga kai. To take part in this process Ngāi Tahu had to have reserve to them substantial areas of land which could be developed and farmed."³

Nohoanga were seasonal occupation sites and a vital part of the mobile lifestyle of Ngāi Tahu as they travelled around the South Island in search of food and natural resources. Many of the Crown's guarantees for land and access to resources were not however upheld, and as a result Ngāi Tahu whānui have become alienated from the land that should have been set aside for their occupation and use.

The Waitangi Tribunal agreed that only a fraction of the land that should have been provided for as Māori Reserve in Kems Deed was ever set aside by the Crown for Kāinga Nohoanga. What was intended by the Reserves, and what whānau understood would be provided has been described in evidence to the Waitangi Tribunal³ as follows:

- The right to dwell on land, and that right to remain in place in perpetuity to descendants.
- The right to mahinga kai, including the right to hunt, harvest and to develop mahinga kai resources.
- The right to develop land to achieve the above, including subdivision, and setting aside land for communal facilities or other activities to support the community.

³ Waitangi Tribunal, Ngāi Tahu Land Report, 1991, para 17.5.2

- The right to develop a sustainable and growing economic base within the community that would sustain future generations.

Accordingly, the concept of Kāinga Nohoanga is not limited to residential occupation, but also includes the ability to provide for broader economic enterprise. Ngāi Tahu believe that Kāinga Nohoanga was provided for in Kemps Deed and is guaranteed by Article II of the Treaty of Waitangi.

With the introduction of planning law in the 1950s, being the Town and Country Planning Act 1953, many of the areas that were set aside as Māori Reserve were zoned rural in the subsequent planning provisions and could not be used for housing or other settlement purposes. As a result of the introduction of zoning, many Māori sold their Māori Reserve land past World War II.⁴

In plans prepared under the Town and Country Planning Act 1977 and the Resource Management Act 1991, some councils have made provisions for Papakāinga housing on Maori Reserve land. However, until recently those plans still followed a European development pattern of one house per title. This method does not work for Māori land which is held in tribal ownership and where a more connected pattern of housing is envisaged.

In addition to the limitations of the planning provisions, Papakāinga zones are often located in areas with no reticulated services (water, sewerage etc), inadequate roading and lack of other facilities required to enable land development and the types of activities anticipated within a Kāinga Nohoanga. There is often no commitment from the relevant council to provide these facilities as the area is not recognised as a settlement in the relevant district plans.

Relevant Planning Documents

Canterbury Regional Policy Statement

Under Section 75(3)(c) of the RMA, the new Selwyn District Plan must give effect to the Canterbury Regional Policy Statement (CRPS). The relevant provisions of the CRPS are set out as follows:

Chapter 5 Land Use and Infrastructure

Section 5.1 sets out the Issues for Land Use and Infrastructure within the Wider Region. The Statement identifies a list of adverse effects on the environment that are of particular concern⁵. This list includes “the loss of the relationship of Ngāi Tahu and their culture and traditions with ancestral lands, water, sites, wāhi tapu and other taonga”.

Of particular relevance to this report, clause 5.1.5 identifies that *‘Ngāi Tahu, as tāngata whenua, have difficulty establishing papakāinga housing and marae, and ancillary activities associated with these, on ancestral land identified for such purposes.’*

⁴ Brief of Evidence of Rawiri Te Maire Tau, Christchurch Replacement District Plan

⁵ Section 5.1.1, Explanation, pages 5-2 to 5-3

The Explanation to 5.1.5 describes Papakāinga as a form of housing development on ancestral land. It describes how this is of importance to enable Ngāi Tahu to maintain culture, traditions and relationships, including a culturally-based lifestyle.

The Explanation goes on to identify multiple barriers to the development of Papakāinga housing and marae, including financial, land ownership, development and compliance costs, lack of services and advice from courts, central and local government. The CRPS focuses on the development of appropriate provisions in regional and district plans, as a component of overcoming some of the barriers identified.

Objective 5.2.1 2.(h) seeks that:

“Development is located and designed so that it functions in a way that enables people and communities, including future generations, to provide for their social, economic and cultural well-being and health and safety; and which facilitates the establishment of papakāinga and marae.

The Principal Reasons and Explanation to this Objective offers some limited further advice, stating that “development, including papakāinga and marae, offer significant social, economic and cultural benefits”.

Policy 5.3.4 is intended to implement Objective 5.2.1 2 (h) and states:

5.3.4 Papakāinga housing and marae (Entire Region)

To recognise that the following activities, when undertaken by tāngata whenua with mana whenua, are appropriate when they occur on their ancestral land in a manner that enhances their on-going relationship and culture and traditions with that land:

- 1. papakāinga housing;*
- 2. marae; and*
- 3. ancillary activities associated with the above;*

And provide for these activities if:

- 4. adverse effects on the health and safety of people are avoided or mitigated; and*
- 5. as a result of the location, design, landscaping and management of the papakāinga housing and marae:*
 - (a) adverse effects on the following are avoided, and if avoidance is not practicable, mitigated:*
 - (i) the important natural character values of coastal environment, wetlands, lakes, rivers and their margins;*
 - (ii) the values of the outstanding natural features and landscapes;*
 - (iii) the values of the historic heritage; and*
 - (iv) the values of areas of significant indigenous vegetation and habitats of indigenous fauna.*
 - (b) regard has been given to amenity values of the surrounding environment.*

The CRPS directs that Territorial Authorities will set out objectives, policies and may include methods in district plans to implement Policy 5.3.4. This includes providing for papakāinga housing, and marae, and activities ancillary to these on ancestral land.

Papakāinga housing is described within the CRPS as housing for the occupation of one or more beneficial owners who are members of the same hapū as a result of the implementation of a partition or occupation order of the Māori Land Court. The establishment of marae is to be enabled through a direction of the Māori Land Court in accordance with tikanga Māori; or for the use of beneficial owners.

The CRPS suggests that local authorities should consult directly with the beneficial owners of ancestral land (or their representatives). The identification of ancestral land should be undertaken with mana whenua and may include reference to the Māori Land Court's data-base recording land tenure under the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 or relevant appropriate data bases managed by Te Rūnanga o Ngāi Tahu.

The Principal Reasons and Explanation identifies that a range of activities are expected to occur in conjunction with papakāinga housing and marae. These may include food gathering, storage, the manufacturing and trade of goods and receiving and hosting of visitors. It is acknowledged that often it is these ancillary activities which determine the location of marae and housing.

The CRPS is also clear that ancestral land is not limited to land remaining in Māori ownership (either freehold or in customary ownership). The CRPS does however suggest that where land is to be used for a Papakāinga purpose, a connection is required to be made between culture, traditions and the land. It is noted that the ownership rights, occupation, partitioning, alienation and use and development of some forms of ancestral land is subject to Māori Land Court processes in accordance with Te Ture Whenua Māori Act 1993/Māori Land Act 1993. Papakāinga should be adequately serviced for sewage, stormwater disposal and potable water, as well as being safe from natural hazards. Development should be sensitive to, and manage effects on, the surrounding environment.

In summary, the CRPS clearly directs and anticipates that District Plans will provide for Kāinga Nohoanga on ancestral land where adverse effects are appropriately managed.

Mahaanui Iwi Management Plan (IMP)

The Mahaanui Iwi Management Plan must be taken into account under Section 74(2A) of the RMA. Issues and policies in regards to Kāinga Nohoanga are articulated in the Papatūānuku chapter of the Mahaanui IMP.

The IMP describes how Kāinga Nohoanga developments often require smaller lot sizes or higher density developments than are allowed for in particular zones or density rules in district plans. This occurs for two reasons:

- (a) Ancestral Māori land is often located in areas zoned Rural where farm sized allotments are anticipated; and

- (b) The nature of Māori land ownership means land is often held by multiple parties of the same whānau or hāpu and cannot be easily subdivided. Therefore building on that land and complying with the typical New Zealand town planning/RMA rules of having one dwelling per Certificate of Title is difficult.

Issue P5 in the IMP describes the barriers to papakāinga development, including zone and house density rules, multiple ownership, standards for access and provision of infrastructure.

Key Mahaanui IMP policies in place to enable the use of ancestral land for Papakāinga developments are;

P5.1. To recognise that there are a number of issues and barriers associated with the use and development of ancestral and Māori reserve land for the purposes for which it was set aside, and that these may vary between different hapū/Papatipu Rūnanga.

P5.2. To require that local and central government recognise that the following activities, when undertaken by tāngata whenua, are appropriate when they occur on their ancestral land in a manner that supports and enhances their on-going relationship and culture and traditions with that land:

- a) Papakāinga;
- b) Marae; and
- c) Ancillary activities associated with the above.

P5.3. To require that the city and district plans recognise and provide for Papakāinga and marae, and activities associated with these through establishing explicit objectives, policies and implementation methods, including:

- a) Objectives that specifically identify the importance of Papakāinga development to the relationship of Ngāi Tahu and their culture and traditions to ancestral land; and
- b) Zoning and housing density policies and rules that are specific to enabling Papakāinga and mixed use development; and that avoid unduly limiting the establishment of Papakāinga developments through obligations to avoid, remedy or mitigate adverse effects on the environment.

P5.4. To require that the district plans and land titles clearly recognise the original paper roads that provided access to Māori land.

The policies are intended to enable the development of ancestral land consistent with the purposes for which it was originally identified, including an economic base.

In summary, the Iwi Management Plan has very clear policy directives to explicitly provide for Kāinga Nohoanga. Having regard to s74(2A) of the RMA, these policies should be reflected in the Reviewed District Plan.

Relevant Statutes

The following statutes provide the context for consideration of Kāinga Nohoanga within the Reviewed Selwyn District Plan.

Resource Management Act

The Selwyn District Council is required to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; as well the protection of protected customary rights, as a matter of national importance⁶. In addition the Council is required to have particular regard to kaitiakitanga⁷ and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)⁸.

Accordingly, the provision of Kāinga Nohoanga are a fundamental component of the approach and mechanisms by which Council can fulfil these statutory requirements.

In addition, it is noted that the location of Kāinga Nohoanga within the Selwyn District will also require consideration of the effects of climate change. Also a matter to which the Council must have particular regard to⁹ and is of particular importance having regard to the location of Māori Reserve land at Taumutu.

Ngāi Tahu Claims Settlement Act 1998

Under the Ngāi Tahu Claims Settlement Act 1998 nohoanga are specific areas of Crown owned land adjacent to lakes and riverbanks that can be used to the gathering of food and natural resources by Ngāi Tahu whānau. Nohoanga sites can be used for up to 210 days of the year and authorisation is administered by Te Rūnanga o Ngāi Tahu.

It is noted that there is one nohoanga site located in the Selwyn District, near the mouth of the Rakaia River.

Te Ture Whenua Māori Act 1993 or the Māori Land Act 1993

Reference is made to this Act throughout this report. To assist the reader understand what the purpose of this Act is, the Preamble to the Act states:

Whereas the [Treaty of Waitangi](#) established the special relationship between the Maori people and the Crown: And whereas it is desirable that the spirit of the exchange of kawanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Maori people and, for that reason, to promote the retention of that land in the hands of its owners, their whanau, and their hapu, and to protect wahi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whanau, and their

⁶ Sections 6(e) and 6(g) of the Resource Management Act

⁷ Section 7(a) of the Resource Management Act

⁸ Section 8 of the Resource Management Act

⁹ Section 7(i) of the Resource Management Act

hapu: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Maori people to achieve the implementation of these principles.

The general objectives of the Māori Land Court as prescribed by s17 of the Te Ture Whenua Māori Act 1993 is to promote and assist in:

- The retention of Māori land and General land owned by Māori in the hands of the owners; and
- The effective use, management, and development, by or on behalf of the owners, of Māori land and General land owned by Māori.

The Māori Land Court seeks (s17(2)) to achieve the following objectives:

- (a) to ascertain and give effect to the wishes of the owners of any land to which the proceedings relate:
- (b) to provide a means whereby the owners may be kept informed of any proposals relating to any land, and a forum in which the owners might discuss any such proposal
- (c) to determine or facilitate the settlement of disputes and other matters among the owners of any land:
- (d) to protect minority interests in any land against an oppressive majority, and to protect majority interests in the land against an unreasonable minority:
- (e) to ensure fairness in dealings with the owners of any land in multiple ownership:
- (f) to promote practical solutions to problems arising in the use or management of any land

Operative Selwyn District Plan

The Operative Selwyn District Plan makes provision for customary use of Māori land at Taumutu. The Plan states that this provision is primarily for Papakāinga housing.

The Rural Volume has a specific chapter concerned with the “Growth of Rural Areas”. Papakāinga housing is noted as one of the specific reasons why people wish to live in the Rural environment. The following text describes the basis for Papakāinga housing in Selwyn District:

“Papakāinga is an area of traditional Māori settlement. If it is an ancestral home, it may be associated with Tūrangawaewae – a sense of belonging. Areas of papakāinga may include houses, a marae, church, and community facilities and buildings.

Te Ture Whenua Māori Act 1993 provides for papakāinga housing on Māori land. Taumutu is the ancestral home of the Hapū of Ngāi Te Ruahikihiki. Te Taumutu Rūnanga wishes to establish papakāinga on land at Taumutu subject to Te Ture Whenua Māori Act 1993.

Papakāinga is not easily accommodated in traditional European settlement patterns of one dwelling per allotment. Māori land tends to be owned by families or hapū, rather than individuals, and is not subdivided or sold outside of the family or hapū.”

Policy 4.1.3 is concerned to “Recognise Taumutu as the ancestral home of Ngāi Te Ruahikihiki and provide for papakāinga housing in this area”. The policy aims to recognise the historical occupation and use of land and provides for housing development at densities much greater than elsewhere in

the rural environment. It is relevant to note that there is no Papakāinga Zone in the Operative District Plan, with reference to Taumutu in words only.

The development of Papakāinga housing is qualified as housing on Māori Land (within the meaning of s129 of Te Ture Whenua Māori Act 1993). The definition for Papakāinga Housing in the District Plan further defines this as *“any dwelling(s) which is/are erected to house members of the same family, iwi, or hapū, on land which is owned by that family, iwi or hapū, and which is Māori Land within the meaning of section 129 of Te Ture Whenua Māori Act 1993”*.

It is relevant to note that this definition makes a link between the development opportunities and the cultural relationship with the land.

The rules for Papakāinga housing are contained in Appendix E7 of the Rural Volume of the Plan. These require that each dwelling has access to sunlight, potable water and outdoor living space to ensure a pleasant living environment, but is exempt from compliance with building and site coverage rules, provided it is erected in accordance with Appendix 7.

Appendix 7 requires houses to have a “notional” site of at least 800m² with a site coverage of 25%.

Having regard to these existing provisions, the key question for the District Plan Review is the appropriateness of the operative provisions having regard to:

- current practice;
- giving effect to the policies of the Regional Policy Statement,
- fulfilling the objectives and policies of the Iwi Management Plan and
- meeting the statutory requirements of sections 6(e), 6(g), 7(a), 7(i) and 8 of the Resource Management Act.

The following sections provide advice on those matters that Te Taumutu Rūnanga and Te Ngāi Tūāhuriri consider could be further developed or amended as part of the District Plan Review process.

Title of the Zone

It is important that the zoning/provisions in the Selwyn District Plan which enable Ngāi Tahu whānui to use and occupy their ancestral land, is/are named in a way that accurately reflects the association and purpose of the zoning as understood by mana whenua. Table 1 presents the advantages and disadvantages of naming options that were considered by Ngā Rūnanga.

Naming in other District Plans:

The Christchurch District Plan uses the term Papakāinga/Kāinga Nohoanga and Waimakariri District Council refers to the Kaiapoi Māori Reserve 873, within which there is an area of land zoned Residential 3 and land zoned as Rural.

Options for Title of the Zone

The following table sets out the options considered by Ngā Rūnanga for the Title of the Zone in the Reviewed District Plan.

Table 1: Options for the Title of the Zone

	Option	Advantages	Disadvantages
1	Name the chapter 'Papakāinga'	<ul style="list-style-type: none"> Name will be consistent with terminology commonly used in planning practice nationwide. This term is currently used in the Selwyn District Plan. 	<ul style="list-style-type: none"> Papakāinga is not the traditional name used by Ngāi Tahu to describe 'places of residence' and therefore holds less association in respect of Ngāi Tahu tikanga. Inconsistent with language used in Kamps Deed, considered by the Waitangi Tribunal and used in the Ngāi Tahu Claims Settlement Act. May over time, dilute or change the original intent of Kāinga Nohoanga to simply a zone for housing. Only partially addresses sections 6, 7 and 8 of the RMA.
2	Name the chapter 'Kāinga Nohoanga'	<ul style="list-style-type: none"> The name of the chapter will be consistent with the traditional term used by Ngāi Tahu. Use of this term would provide for tikanga. Achieves consistency with intention of Kamps Deed, the considerations of the Waitangi Tribunal and language in the Ngāi Tahu Claims Settlement Act. Better achieves sections 6, 7 and 8 of the RMA than other options. 	<ul style="list-style-type: none"> The name will omit 'Papakāinga' that is used commonly in legislation and resource management practice. This inconsistency may present some interpretation questions, particularly if Papakāinga is included in any statutes or regulations in the future. A definition would be helpful to address interpretation issues in the future.
3	Name the chapter 'Papakāinga/ Kāinga Nohoanga'	<ul style="list-style-type: none"> A combination of both terms that accounts for the traditional Ngāi Tahu term, as well as the term used in resource 	<ul style="list-style-type: none"> Name is quite long. Inconsistent with terminology used in Kamps Deed, findings of the Waitangi Tribunal and the Ngāi Tahu Claims Settlement

		management practice. <ul style="list-style-type: none"> • Name retains a link to traditional use of the term 'kāinga nohanga' by Ngāi Tahu. • Consistent with the Christchurch District Plan. 	Act. May over time, dilute or change the original intent of Kāinga Nohoanga to simply a zone for housing.
4	Name the chapter a Residential or Rural Zone	<ul style="list-style-type: none"> • Convenience for Plan Administration 	<ul style="list-style-type: none"> • Fails to provide any connection with the cultural history and intended purpose for use of the area. • Potentially inconsistent with the National Planning Standards. • Inconsistent with terminology used in Kamps Deed, findings of the Waitangi Tribunal and the Ngāi Tahu Claims Settlement Act. May over time, dilute or change the original intent of Kāinga Nohoanga. • Fails to achieve sections 6, 7 and 8 of the RMA.

Preferred Ngā Rūnanga option:

Ngā Rūnanga preference is to name the chapter 'Kāinga Nohoanga'. Using this term is considered to be more appropriate as it is unique to Ngai Tahu Rūnanga and achieves consistency with the intent expressed in Kamps Deed as well as the terminology used in the Ngāi Tahu Claims Settlement Act.

Ngā rūnanga support including an explanation in the Reviewed District Plan that outlines why the term Kāinga Nohoanga is used instead of Papakāinga.

Location of Kāinga Nohoanga

In developing a preferred approach for Kāinga Nohoanga, a key consideration are the sites or locations where a zone should be applied .

Having regard to Policy 5.3.4 in the CRPS and the methods proposed for its implementation, some relationship or connection between culture, traditional use and ownership is required as a basis for zoning land for Kāinga Nohoanga purposes. Options for location of a zone therefore include:

- (i) Land that is currently legally identified as Māori Reserve land
- (ii) Land originally set aside as Māori Reserve land but is now alienated

- (iii) Land recognised as Māori land through the Māori Land Court in accordance with Te Ture Whenua Māori Act 1993/Māori Land Act 1993.

Appendix 1 attached to this report provides a map showing land currently legally identified as Māori Reserve land (coloured orange) and land that was originally set aside as Māori Reserve land but is now alienated (coloured blue).

In addition to these areas, it is possible that in the future additional land may be recognised as Māori land and may be suitable for Kāinga Nohoanga purposes. The possible location of such land is unknown and would require legal processes under the Te Ture Whenua Māori Act 1993/Māori Land Act 1993 to be followed before it could be rezoned and/or used.

There may also be practical considerations relating to the ability to service the sites (water, sewerage, stormwater) and susceptibility to natural hazards which influence the suitability of rezoning Māori land as a Kāinga Nohoanga. Those factors may however be considered to be matters more related to the form or nature of a specific development; than establishing the criteria for determining that land is eligible for Kāinga Nohoanga per se¹⁰.

Within the Selwyn District, climate change and coastal erosion are particularly important considerations influencing the location of a Kāinga Nohoanga Zone, noting the location of Ngāti Moki marae close to the coast. Work undertaken by NIWA on climate change variability within the Ngāi Tahu Takiwā for Te Rūnanga o Ngāi Tahu provides some preliminary data on the extent of change that may be anticipated in the locality of Te Waihora and the Selwyn coast. The plan in Appendix 2 indicates that the impacts of climate change may be significant in this location.

In the future should Ngāti Moki need to be relocated or further new marae established, it will be important for the District Plan to have policy that supports and enables the creation of Kāinga Nohoanga on new sites. The policy could provide for new Kāinga Nohoanga in two scenarios. One scenario is the location of new Kāinga Nohoanga on “original” Māori Reserves set aside in Kemps Purchase but now alienated. These are limited within the Selwyn District to the blue areas shown on the plan in Appendix 1 and are generally located in areas close to Taumutu and subject to the same climate change issues. The second scenario concerns new areas of Māori land classified or gazetted through the Māori Land Court in accordance with Te Ture Whenua Māori Act 1993/Māori Land Act 1993.

Implementation in other Districts:

Christchurch City District Plan

In the Christchurch City District Plan the Papakāinga / Kāinga Nohoanga Zone, is “provided within some of the areas of traditional settlement of the Papatipu Rūnanga who represent those who hold mana whenua over land in the Christchurch District. The zones incorporate a variety of land types, but only land which has the status of Māori customary or freehold land, or Māori land reserved for communal purposes, under Te Ture Whenua Māori Act 1993, is able to be used or developed as

¹⁰ Rebuttal evidence of Lynda Marion Weastell Murchison on behalf of Te Rūnanga o Ngāi Tahu and Ngā Rūnanga, Proposed Christchurch Replacement Plan.

Papakāinga / Kāinga Nohoanga. For other land in this zone, the Rural Banks Peninsula Zone provisions apply”.

Māori land has a specific definition which is

“Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Maori Act 1993; and
Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Maori Act 1993.”

Accordingly, in the Christchurch City District Plan the options for the location of a Papakāinga / Kāinga Nohoanga Zone are fundamentally tied to Māori land ownership. The “right” to use the zone is inherent in its location and does not need to be “approved” through a further test or consideration.

This approach was supported by the Banks Peninsula rūnanga for the following reasons:

- (i) Kāinga Nohoanga zones should be reserved for Ngāi Tahu and not be a concept that any landholder can use to develop land.
- (ii) The adoption of Māori land as a mechanism to distinguish entitlement to Kāinga Nohoanga rather than trying to determine the whakapapa of individual landholders.
- (iii) The internal design and development of Kāinga Nohoanga should be in accordance with tikanga. The fact that development of Māori land is subject to approval under the Te Ture Whenua Māori Act made that concept much more acceptable to the Christchurch City Council and the Independent Hearings Panel in terms of relaxing the degree of Council control within the Zone and approvals required.

Waimakariri District Plan

For Kāinga Nohoanga developments on the original Māori Reserve 873 at Tuahiwi, land is not required to be held as Māori Land. Instead development must be located on a site where it is demonstrated that one or more of the owners is a descendant of an original grantee of land within Māori Reserve 873 as set out in the Crown Grants Act (No2) 1862 and the Crown Grants Act 1873. While these Acts were repealed some 110 years ago, the Waimakariri District Council manages development and use of land within Māori Reserve 873 by requiring a statement from the Whakapapa Unit at Te Rūnanga o Ngāi Tahu to verify the ancestry submitted with an application.

Part of Māori Reserve 873 is within a flood hazard area, consequently Kainga Nohoanga development in this area is a non-complying activity.

Options for the Location of Kāinga Nohoanga

The following table sets out the options that Ngā Rūnanga have considered for the location of a Kāinga Nohoanga Zone.

Table 2. Options for the Location of Kāinga Nohoanga

	Option	Advantages	Disadvantages
1	Only land identified as Māori Reserve land is able to be developed under Kāinga Nohoanga zone provisions.	<ul style="list-style-type: none"> • There is a clear linkage between ownership, occupation and cultural use established by an independent agency. • Achieves s6(e) of the RMA, the policies of the CRPS and the Mahaanui Iwi Management Plan. • May provide confidence to the Council to reduce regulation for activities within the Zone, as happened in Christchurch City District Plan. • Avoids Council being directly involved in any dispute regarding eligibility as to use and occupation of the Kāinga Nohoanga Zone. 	<ul style="list-style-type: none"> • Land not recognised as Māori Land is unable to be developed.
2	Land that was originally set aside as Māori Reserve but has been alienated is eligible to be a Kāinga Nohoanga Zone.	<ul style="list-style-type: none"> • Reinstates opportunity and ability for occupation, use and development of land that was originally intended for use by Ngāi Tahu. • Alignment with findings of the Waitangi Tribunal. • Contributes to achievement of s6(e) and s8 of the RMA, the policies of the CRPS and the Mahaanui Iwi Management Plan but only where there is a requirement for the land to be owned by a Ngāi Tahu descendent. 	<ul style="list-style-type: none"> • Kāinga nohoanga zoned land may be available for use by people who are not Ngāi Tahu unless transferred into Māori ownership. In this circumstance the zone would reduce achievement of s6(e) and s8 of the RMA, the CRPS and the IMP. • If Council adopts settlement policies or strategies that are aligned with this approach, it may not be able to be implemented.

	Option	Advantages	Disadvantages
3	To rezone new areas identified as Māori Land under the Te Ture Whenua Māori Act	<ul style="list-style-type: none"> • Provides defensible and compelling basis for rezoning and/or using new areas of land as Kāinga Nohoanga. • Enables whānau to plan and adapt to climate change. • Allows the opportunity for whānau to develop and live in wider areas of the Selwyn District. • Provides for continuity in cultural traditions and lifestyles. • Alignment with findings of the Waitangi Tribunal. • This option gives effect to s6(e) and s8 of the RMA, on the basis that all land is ancestral land. 	<ul style="list-style-type: none"> • It may be expensive to service houses and businesses in “greenfield” Kāinga Nohoanga. • If Council adopts settlement policies or strategies that are not aligned with this approach, it may not be able to be implemented.
4	To rezone areas not identified as Māori land.	<ul style="list-style-type: none"> • Rezoning may occur anywhere. 	<ul style="list-style-type: none"> • The “planning” reasons in support of the rezoning are less compelling and defensible than if the land was Māori Land as there is no linkage between culture, ownership and use. • Kāinga Nohoanga zoned land becomes available for use by people who are not of Ngāi Tahu descent and inappropriate developments may damage or offend the concept of Kainga Nohoanga.

Preferred Ngā Rūnanga option:

The Ngā Rūnanga preference is to “roll-over” the existing requirement in the Operative District Plan requiring that Kāinga Nohoanga zones be applied to Māori Land as defined within the meaning of s129 of the Te Ture Whenua Māori Act 1993.

This provision will enable a Kāinga Nohoanga Zone to apply to both existing Māori Land and land that may be classified as Māori Land in the future. Of the existing Māori Reserve land within Selwyn District, Ngā Rūnanga wish to rezone all of that land as shown in the attached Appendix 1.

A specific policy framework will be required to guide and inform the rezoning of new Kāinga Nohoanga in the future. A key factor for Te Taumutu Rūnanga is the effect of climate change on Te Waihora and Ngāti Moki, which may require the Rūnanga to seek a new marae site elsewhere in the district.

In this context, Ngā Rūnanga’s preferred approach is to have objectives and policies in the District Plan which anticipate and enable new Kāinga Nohoanga zones on land that is identified as Māori Land under the Te Ture Whenua Māori Act. The planning mechanism for implementing the new Kāinga Nohoanga Zones could be achieved through either of two options. One would be, where the land met criteria set out in the District Plan e.g., minimum site area, requirements for servicing of water supply, wastewater disposal and treatment, management of stormwater, and compliance with the District Wide chapters of the Plan such as Transport in relation to the safe design of access. The other option is to require a plan change process for consideration of these matters, but noting that the District Plan would already have objectives anticipating and supporting new zones.

Types of buildings/activities to be provided for in the zone

A key issue considered by Ngā Rūnanga concerns the types of activities and buildings that should be provided for in the zone.

Traditionally, Kāinga Nohoanga provided for a broad range of activities including ahi ka (occupation), housing, communal facilities and mahinga kai. As described above, Kāinga Nohoanga zones are also intended to enable Ngai Tahu whānau to develop and use ancestral land to provide for their economic, social and cultural well-being and to exercise kaitiakitanga^{11,12}. Accordingly, any District Plan provisions should enable housing plus a broad range of social, community and business activities.

Selwyn District Plan

Within the Operative Selwyn District Plan Papakāinga is limited to housing. Although there is text

¹¹ Mahaanui Iwi Management Plan (2013), Te Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke, Te Rūnanga o Koukourāta, Wairewa Rūnanga, Ōnuku Rūnanga and Te Taumutu Rūnanga.

¹² Brief of evidence of Lynda Marion Weastell Murchison on behalf of Te Rūnanga o Ngāi Tahu and Ngā Rūnanga, Proposed Christchurch Replacement Plan.

at the start of Appendix E7, that states “The District Plan recognises Taumutu as the ancestral home and provides for Papakāinga housing and other facilities associated with Māori settlement” the definition of Papakāinga is limited to housing, and similarly the rules only relate to housing. The status of other marae buildings and opportunity for community and business activities is therefore unclear, and appears un-provided for.

Implementation in other District Plans:

Research on the types of facilities located within Papakāinga in different parts of New Zealand was conducted by Te Rūnanga o Ngāi Tahu for the Replacement City Plan¹³.

This research considered the types of activities included as part of Papakāinga in Hastings, Tauranga, Auckland and Māngere. The research confirmed that Papakāinga typically include housing and community facilities (sports grounds, playgrounds, early childhood and health centres). Housing included options for kaumātua housing and the density of housing ranged between 5 and 60 houses per hectare. Kitchen and bathroom facilities are scaled to host marae events.

Christchurch City District Plan

In the Christchurch City District Plan provision is made for the following activities as permitted activities. This approach is quite specific and is also more consistent with the general approach desired by the Selwyn District Council for an activity-based plan.

Marae complexes which include wharehenui (meeting house), wharekai (dining room) and manuhiri noho and associated accessory buildings
Residential activities
Home occupations
Relocation of, or repairs, replacements and/or additions to residential units
Community activities and associated facilities, including whare hauora (health care facilities)
Kōhanga rō and kura kaupapa (pre-school, education activities and facilities)
Hakinakina (recreation activities and facilities)
Ahuwhenua (farming) including hauwhenua (horticulture), rural produce manufacturing and existing forestry
Urupa
Whare hoko (convenience activities – which the District Plan defines as readily accessible retail activities and commercial services required on a day to day basis), rural produce retail, veterinary care facilities and rural tourism activity
Offices
Māketete (markets)
Farm buildings

¹³ Brief of Evidence of Courtney Louise Bennett on behalf of Te Rūnanga o Ngāi Tahu and Ngā Rūnanga, Proposed Christchurch Replacement Plan.

Conservation activities, including new access tracks
Farm stay
Emergency service facilities
Heli-landing area
Flood protection activities including planting of exotic trees, earthworks, structures undertaken by Council or CRC
Public amenities – toilets, changing rooms, signs, shelters, security and amenity lighting, outdoor furniture, tracks, bridges, playgrounds, outdoor fitness equipment, public memorials.
Mahinga kai

In summary, a broad range of activities are anticipated within the Papakāinga / Kāinga Nohoanga Zone within Christchurch City.

Waimakariri District Plan

Policy¹⁴ within the Waimakariri District Plan anticipates both business and residential development within Māori Reserve 873. Table 17.1 of the Plan identifies the range of activities anticipated in the Residential 3 Zone at Tuahiwi. This list states that the predominant activity is living, but also includes the “provision of a mixed use centre focusing on community facilities, convenience retail, recreational and business opportunities. “The rules provide for dwellings and “any other activities provided they meet the standards in the other chapters of the District Plan”. Cluster housing is specifically identified as a discretionary activity.

Working through the other chapters of the District Plan it is possible that business or other activities may achieve permitted status, but the Plan is difficult to interpret as it has not created a specific Kāinga Nohoanga Zone with a clear list of permitted activities as has been achieved more recently in Christchurch City. Nonetheless, it is clear that a wider range of activities than residential are anticipated within Māori Reserve 873.

Options for Activities to be Provided For Within a Kāinga Nohoanga

The following table sets out the options considered by Ngā Rūnanga for the Reviewed Selwyn District Plan.

¹⁴ Policy 17.1.1.5, Waimakariri District Plan

Table 3. Options for Activities to be Provided for Within a Kāinga Nohoanga

	Option	Advantages	Disadvantages
1	Housing only	<p>Supports whānau to develop living areas close to Marae.</p> <p>Limited achievement of CRPS and Iwi Management Plan.</p>	<p>The ability to maintain or expand marae buildings and to provide a range of health, community and business activities is not provided for.</p> <p>Does not achieve the intent of Kāinga Nohoanga through Kemps Deed and recognised by the Waitangi Tribunal.</p> <p>Does not achieve sections 6(e) or 8 of the RMA.</p>
2	Housing and community facilities	<p>Allows for whānau to live close to Marae and to have a range of community facilities.</p> <p>Partial achievement of the CRPS and Iwi Management Plan.</p> <p>Contributes to achievement of section 6(e) of the RMA more effectively than option A as it allows for more than housing.</p>	<p>Facilities may be resisted by the Council as too urban in Rural areas.</p> <p>Potentially higher standards of infrastructure and servicing depending on the nature and scale of the activity may be required.</p> <p>Does not achieve the intent of Kāinga Nohoanga through Kemps Deed and recognised by the Waitangi Tribunal.</p> <p>Partially achieves sections 6(e) and 8 of the RMA.</p>
3	Housing, community facilities and economic opportunities	<p>Allowing for all of these activities will support whānau to 'live and work' on the land that they whakapapa to.</p> <p>Aligns with findings of the Waitangi Tribunal.</p> <p>Achieves the CRPS and Iwi Management Plan.</p> <p>Better achieves sections 6(e) and 8 of the RMA than option 2.</p>	<p>Facilities may be resisted by the Council in what they consider as Rural areas.</p> <p>Potentially higher standards of infrastructure and servicing depending on the nature and scale of the activity may be required.</p>

Preferred Ngā Rūnanga option:

Nga Rūnanga have selected option 3 which provides opportunities for both the occupation and use of ancestral land. The preference is also to adopt the range of permitted activities provided for within the Christchurch City Plan, along with the following activities

- retirement housing for kaumātua;
- boat slipways, ability to dig eel trenches and wharfs to enable access to mahinga kai (this may require cross-referencing with other chapters of the District Plan such as access to water)
- Observatory
- Art Gallery

Any definition of a Kāinga Nohoanga (whether within the Definitions section or the relevant chapter in the District Plan) needs to clearly articulate that a Kāinga Nohoanga provides for housing, community and economic opportunities.

Management of Activities within the Zone

The management of activities within the Kāinga Nohoanga zone, including the level of control that the Council retains within or at the boundary of the zone is an important consideration.

Selwyn District Plan

Appendix E7 sets out the rules that apply to Papakāinga housing. These rules provide only for housing, with “Other Activities” limited only to Papakāinga housing which don’t meet the conditions as a permitted activity.

The rules that do apply to housing require:

- Location within the area identified as Taumutu and meeting the meaning of Māori land as identified in s129 of Te Ture Whenua Māori Act 1993
- Housing to be occupied by members of the same iwi or hapū who own the land
- A notional site area of at least 800m²
- Compliance with recession planes
- Compliance with light spill rules
- Site coverage to be limited to 25%
- Meeting car parking standards
- Installation of a reticulated water supply where density is 1 dwelling per 4ha or greater

Implementation in other District Plans:**Christchurch City District Plan**

Within the Christchurch City District Plan activities and buildings within the Papakāinga / Kāinga Nohoanga Zone are required to meet zone specific “Built Form Standards” and the general rules of the Plan. In addition, some activities have additional requirements, which are noted below.

The “Built Form Standards” address:

- Internal boundary setbacks
- Road boundary setbacks
- Building height
- Maximum coverage (35%)
- Water supply for firefighting

Additional rules apply to the following activities:

Whare hoko (convenience activities – which the District Plan defines as readily accessible retail activities and commercial services required on a day to day basis), rural produce retail, veterinary care facilities and rural tourism activity	Limited to maximum of 100m ² GLFA per business
Offices	Limited to maximum of 100m ² GLFA per business
Māketē (markets)	Not exceeding one event per week
Heli-landing area	Located on a minimum, nominated land area of 3,000m ²

Those general rules of the Plan which apply to Papakāinga Kāinga/Nohoanga include noise, lighting, water body setbacks and signs. Some, but not all of the rules from the Transport, Subdivision, Earthworks and Utilities and Energy chapters of the Plan apply.

Where Papakāinga Kāinga / Nohoanga activities also fall within an overlay for an Outstanding Natural Landscape or an Area of At Least High Natural Character, the activity is a Controlled Activity. It is relevant to note that this is a less onerous activity status than would otherwise apply to activities situated outside of a Papakāinga / Kāinga Nohoanga Zone.

Where an activity fails to meet a performance standard it becomes a Restricted Discretionary Activity. The District Plan specifies that these applications do not require written approvals and shall not be limited or publicly notified. Discretionary activities are limited to quarrying, or any other activity not provided for as permitted, controlled or restricted discretionary. There are no non-complying activities.

Waimakariri District Plan

Within Māori Reserve 873 dwellings must comply with the specified rules either for the Residential 3 Zone or the special rules created for Māori Reserve 873 in the Rural Zone, depending on where the site is located. The rules cover:

- Siting on an existing title existing at 29 October 2015
- Site coverage (35%)
- Setbacks (varying depending on the type of housing proposed and the adjoining road classification)

- Height (noting there is a height protection area)
- Recession planes
- Connection to reticulated services
- Location outside flood event areas

In addition, permitted activities must also comply with “all conditions and provisions ...in all other chapters”. These would include rules for noise, lighting, transport etc.

There is particular provision made for cluster housing as a discretionary activity with some conditions. Applicants for Kāinga Nohoanga at MR873 must submit a Cluster Housing Development Plan for Council’s assessment. Other controls over cluster housing developments include, minimum lot area, site coverage and limits the number of houses per lot to a maximum of seven. The District Plan extends the lapsing period for a consent to 10 years, double that provided under the Resource Management Act.

Otherwise any residential proposal which does not comply with the standards for a permitted activity, becomes a non-complying activity.

With respect to “other activities”, these would need to comply with the other general rules of the District Plan.

By comparison with the Christchurch City District Plan, the provisions within the Waimakariri District appear complicated. This complexity may be created partly by the format of the District Plan where the provisions have been split across various chapters. It is further complicated by having different underlying zones. For example, it is difficult to find the provisions and understand when and why compliance with an Outline Development Plan is required. The provisions are also limited to one Māori Reserve when there are other Māori Reserves which exist within the District which have not been recognised.

A specific Kāinga Nohoanga Zone with all the provisions in one place is easier to interpret.

Options for Management of Activities

The following table sets out the options considered by Ngā Rūnanga when considering provisions for the Reviewed District Plan.

Table 4. Options for Management of Activities

	Option	Advantages	Disadvantages
1	A Kāinga Nohoanga Zone (not an overlay)	<ul style="list-style-type: none"> • All of the relevant rules are in one place so the provisions are easy to find and administer 	<ul style="list-style-type: none"> • Perception that a Kāinga Nohoanga represents an “unplanned” settlement or node of activities inconsistent with the adjoining zone (which in Selwyn District is rural)

			in character)
2	Conditions for permitted activities relating to built form standards for example, site coverage, building height, setbacks and recession planes, infrastructure & natural hazards.	<ul style="list-style-type: none"> • Conditions will ensure that there is adequate provision for on-site servicing (eg wastewater and stormwater disposal) • Ensures the management of effects on privacy of adjoining property owners. • Where rules address the management of effects on environmental values at the boundary of the Kāinga Nohoanga this will achieve the policies of the CRPS (which require provision for Papakāinga to be subject to management of effects on adjoining values). • Where rules are specific to zone boundary effects, this will provide greater flexibility for development to be undertaken in accordance with tikanga Māori This better achieves s6(e) of the RMA. 	<ul style="list-style-type: none"> • Where controls are imposed internal to a Kāinga Nohoanga they can potentially undermine the ability for the rūnanga to determine the layout of facilities, activities and housing in accordance with tikanga. This undermines a true expression of enabling kaitiakitanga.
3	Use of an Outline Development Plan (ODP) directing how the land is developed.	<ul style="list-style-type: none"> • May provide a more holistic overview of how development within a Kāinga Nohoanga will proceed over time. The ODP could be submitted for approval so that there is only one restricted discretionary resource consent rather than multiple consents over time. • Provides for integrated development of the zone and provides Council with greater clarity on servicing requirements. 	<ul style="list-style-type: none"> • Does not enable kaitiakitanga or achieve s6(e) of the RMA. • Less flexibility to take account of multiple land ownership and the variable aspirations of those owners over time. • Assumes a Euro-centric view of land use and activity being in accordance with an approved plan, rather than in accordance with the principles of tikanga. • Potentially lacks

			flexibility for future land owners. <ul style="list-style-type: none"> • Difficult to administer if there is no subdivision of land.
4	Whether applications for development or activities within Kāinga Nohoanga should be required to be publically notified.	<ul style="list-style-type: none"> • Limited public notification could be to directly adjoining landowners for applications that do not comply with certain provisions, for example built form standards or setback rules applying at the boundary of the Kāinga Nohoanga. 	<ul style="list-style-type: none"> • Full public notification of kāinga nohoanga developments does not provide for the relationship of Māori, their customary traditions and their ancestral lands therefore does not achieve s6 (e) in the RMA.
5	Whether other District Plan provisions, such as Outstanding Natural Landscapes should over-ride provisions within a Kāinga Nohoanga.	<ul style="list-style-type: none"> • Where overlays, such as an Outstanding Natural Landscape, “trump” the Kāinga Nohoanga there is greater certainty of the outcomes i.e., limited or no land use development. 	<ul style="list-style-type: none"> • The ability to use land in accordance with tikanga undermined. • Assumes s6(a), (b) or (c) is more important than s6(e) or (g) • Fails to recognise Kemps Deed, the findings of the Waitangi Tribunal and s8 of the RMA. Accordingly, fails to achieve s6(e) and (g).

Preferred Ngā Rūnanga option:

Ngā Rūnanga prefer that there is a “stand-alone” Kāinga Nohoanga Zone with the majority of the relevant provisions in one place.

Ngā Rūnanga are supportive of conditions for permitted activities to manage potential effects on adjoining land owners, the surrounding environment and amenity values. Ngā Rūnanga did not consider an ODP necessary for Kāinga Nohoanga development and it was unclear how this would be administered if there was no subdivision involved.

It was agreed that developments should be able to be limited notified to immediate landowners if the non-compliance related to a matter where effects may be experienced beyond the boundary, e.g., developments that may exceed height and recession plane limits. Otherwise Ngā Rūnanga supported the approach taken in Christchurch City where resource consents do not require third party approval or notification and that this was written into the District Plan.

Recommendations

In summary, Ngā Rūnanga recommend the following approach to Kāinga Nohoanga be provided for in the Reviewed Selwyn District Plan:

- Development of a Kāinga Nohoanga Zone to be applied to existing Māori Reserve land within Selwyn District.
- Support the concept of Kāinga Nohoanga and replace references to Papakāinga with Kāinga Nohoanga.
- Draft an objective that states manawhenua are enabled to provide for their culture and traditions through a Kāinga Nohoanga Zone on Māori land.
- Draft a policy which enables residential, community and economic activity within a Kāinga Nohoanga Zone.
- Draft a policy which limits rules and conditions on buildings and activities within a Kāinga Nohoanga Zone to those which manage the effects at the boundary of the Zone or between property boundaries.
- Draft a policy which supports new Kāinga Nohoanga zones where that land is deemed to be Māori Land in accordance with s338, or s4 and s129 of the Te Ture Whenua Māori Act 1993.
- Develop criteria that will be included in the District Plan for enabling new Kāinga Nohoanga Zones to be developed on Māori land elsewhere in the District. For example, a minimum site area for a Kāinga Nohoanga Zone, achievement of servicing requirements and compliance with District-wide topics such as transport standards for access.
- Draft a definition for Kāinga Nohoanga which describes its relationship to the concept of Papakāinga.
- Develop a list of permitted activities similar in approach to that in the Christchurch City District Plan. A list of permitted activities will provide certainty, clarity and support achievement of an activities-based plan. The list of activities should reflect the aspirations of Ngā Rūnanga. Further engagement will be required to achieve this.
- Develop appropriate performance standards for buildings and activities, with the intention of those standards or rules on management of effects at zone or property boundary interfaces.
- Include provisions which clarify notification and the obtaining of written approvals is limited only to those circumstances where rules have been breached at the zone interface or at property boundaries.

This approach has been discussed with representatives of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga.

The information in this report should assist the Selwyn District Council in the drafting of a Kāinga Nohoanga chapter in the District Plan that will achieve the Council's statutory obligations. This report does not represent the final views of Ngā Rūnanga and the District Council should continue to engage with Rūnanga and Mahaanui Kurataiao Ltd to develop the Kāinga Nohoanga provisions.

Report Prepared by:

Lizzie Thomson

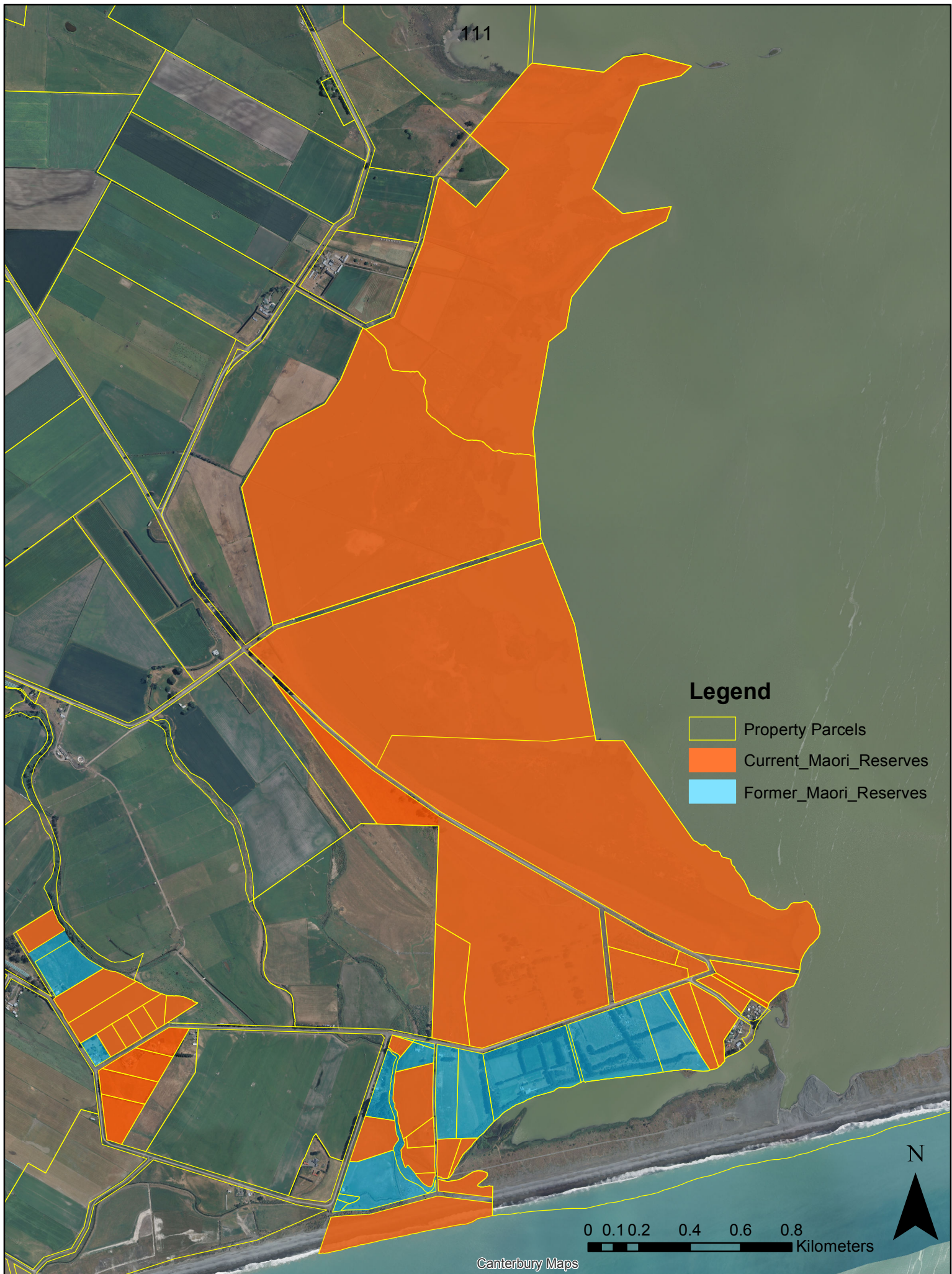
Environmental Planner

Approved for release by:

Tania Wati

Kaihautū

Appendix 1.



Current and Former Māori Reserves in Selwyn District - Taumutu

Appendix 2.



Waihora ki Taumutu - 2m Sealevel rise

Legend

Sealevel_rise_2m



Waihora ki Taumutu - 4m Sealevel rise

Legend

Sealevel_rise_4m

8b. Communications and Engagement Summary Plan – Kāinga Nohoanga

Author:	Andrew Mactier (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 2802 (Andrew)

Purpose

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

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Kāinga Nohoanga – communications and engagement summary plan’

Kāinga Nohoanga – communications and engagement summary plan

Key messages

(as of 18 June 2018)

Background

- As part of the Selwyn District Plan Review rules and policies managing Papakāinga/Kāinga Nohoanga, are being reviewed.
- Papakāinga is a concept that is concerned with whānau living in accordance with tikanga.
- Kāinga Nohoanga concerns residential, commercial, social and community facilities and opportunities that allow Ngāi Tahu whānui to fully occupy and use ancestral land. Ngāi Tahu preference is to use the term Kāinga Nohoanga instead of Papakāinga. This accords with the intentions of Kemps Deed and the outcomes of the Ngāi Tahu claim to the Waitangi Tribunal.
- The Canterbury Regional Policy Statement directs and anticipates that district plans will provide for Kāinga Nohoanga on ancestral land where adverse effects are appropriately managed.
- There is one nohoanga site located in Selwyn district, near the mouth of the Rakaia River. Nohoanga are specific areas of Crown-owned land adjacent to lakes and riverbanks that can be used for the gathering of food and natural resources by Ngāi Tahu whanau for up to 210 days of the year.
- Within Selwyn district, climate change and coastal erosion are particularly important considerations influencing the location of a Kāinga Nohoanga, noting the location of Ngāti Moki marae close to the coast.

Current status

- Current District Plan provides for customary use of Māori land at Taumutu.
- Key issues with the current District Plan:
 - Papakāinga is limited to housing which results in unclear status of other marae buildings, and community and business activities.
 - it doesn't accord with the concept of a Kāinga Nohoanga, which was a key component of the Kemp Deed and the Ngāi Tahu claim to the Waitangi Tribunal.

About preferred option

- Have specific zoning and rules to enable Kāinga Nohoanga whilst appropriately managing adverse effects on the environment.
- Introduce a new zone - Kāinga Nohoanga Zone – which:
 - is named in a way that accurately reflects the association and purpose of the zoning as understood by mana whenua.
 - is applied to existing Māori Land.
 - provides for housing plus a broad range of social, community and business activities and which are controlled by specific provisions that can be found in one place of the Proposed Plan.
- Develop performance standards for buildings and activities in Kāinga Nohoanga Zone to manage potential adverse effects on adjoining landowners, the surrounding environment and amenity values.
- Limit notice to immediate landowners only if the non-compliance related to a matter where adverse effects may be experienced beyond the zone boundary, for example, height and recession plane limits.
- Acknowledge the threats and risks to existing Māori Reserve land from climate change, sea level rise and coastal erosion.
- Provide a policy to support Kāinga Nohoanga Zones in new locations to recognise the need for mana whenua to relocate away from the coast and to support mana whenua provide for their future.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Department of Conservation	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)		Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)	News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)		Landowners adjoining current Māori reserves	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	Stakeholders	Landowners/occupiers	General public
Baseline assessments						
Preferred option development ⁴					[only Rūnanga]	
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-June	June	July	August ⁵
ECan			Preferred option report is shared and feedback sought	
Rūnanga			Preferred option report is shared and feedback sought	
Stakeholders			Preferred option report is shared and feedback sought	
Landowners/occupiers	[Rūnanga only]		Direct mailout to landowners immediately adjoining Maori Reserves and feedback sought	
General public			Endorsed preferred option report is published on Your Say Selwyn	
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.

9a. Preferred Option Report – Managing Geotechnical Risk

Author:	Janice Carter (GHD) and Rachael Carruthers (Strategy & Policy Planner)
Contact:	347 2833 (Rachael)

Purpose

To brief the Committee on the findings of the revised Baseline Report for Managing Geotechnical Risk, the purpose of which was to verify whether or not SDC's current approach to managing geotechnical risk was appropriate, and in terms of cross boundary consistency, aligned with other districts who are required to give effect to the same statutory requirements and higher order planning documents as SDC (such as the Canterbury Regional Policy Statement (CRPS) and the New Zealand Coastal Policy Statement (NZCPS)).

The Preferred Option Report recommends a range of options in respect to addressing:

- Active Faults;
- Earthworks;
- Liquefaction;
- Slope instability, including rockfall; and
- General matters in respect to managing risk from natural hazards.

Recommendation

“That the Committee notes the report.”

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

Attachments

‘Preferred Options Report for Managing Geotechnical Risk under the Selwyn District Plan’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 June 2018

TOPIC NAME: Natural Hazards District Plan Review

SCOPE DESCRIPTION: Preferred Options Report for Managing Geotechnical Risk under the Selwyn District Plan

TOPIC LEAD: Rachael Carruthers

PREPARED BY: Janice Carter

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>How to best manage geotechnical risk in Selwyn District through the District Plan provisions.</i>
<i>Preferred Option</i>	<i>Option 2: That Option 2 (adopting the recommendations of the baseline report) for Managing Geotechnical Risk is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).</i>
<i>DPC Decision</i>	



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Appendix 1 Baseline Report



1.0 Introduction

Selwyn District is vulnerable to a number of geotechnical hazards including earthquake induced fault (ground) rupture, ground level changes and ground shaking, liquefaction, slope instability, subsidence and erosion (including coastal erosion).

This preferred options report is preceded by a baseline report that was prepared by GHD in December 2017, and a revised version which was updated with additional information in May 2018. A copy of the revised baseline report (Baseline Report) is included in Appendix 1.

The Baseline Report did not evaluate a number of options that could be undertaken by the Council in terms of the District Plan Review (DPR) but provided an overview of the issues in respect to geotechnical risk management. It included an assessment of the existing Selwyn District Council (SDC) approach to managing geotechnical risk, identifying any gaps in the approach, reviewing how other councils are approaching the issue (Ashburton District, Waimakariri District, Hurunui District and Christchurch City), and made recommendations in terms of best practice.

The purpose of the report was to verify whether or not SDC's current approach to managing geotechnical risk was appropriate, and in terms of cross boundary consistency, aligned with other districts who are required to give effect to the same statutory requirements and higher order planning documents as SDC (such as the Canterbury Regional Policy Statement (CRPS) and the New Zealand Coastal Policy Statement (NZCPS)).

In terms of determining best practice the Baseline Report also evaluated:

- the Ministry for the Environment's Guidance "Planning for development on and on or close to active faults: A guideline to assist resource management planners in New Zealand";
- Mahaanui Iwi Management Plan (IMP): objectives and policies relating to geotechnical risk and climate change;
- Earthworks rules in the Selwyn District Plan and the Canterbury Land and Water Regional Plan (LWRP) in respect to potential duplication;
- The Baseline Earthworks Report (DW 011);
- Overlaps between High Erosion Risk areas in the LWRP and Outstanding Landscapes and Visual Amenity Landscapes identified in the Baseline Landscape Reports.

Direct consultation was undertaken with planners in each of the councils listed above, with planners at Environment Canterbury (ECan), and with Selwyn Districts Council's resource consent and building consent departments.

Recommendations were made in respect to:

- Active Faults;
- Earthworks;
- Liquefaction;
- Slope instability, including rockfall;
- General matters in respect to managing risk from natural hazards.

The Baseline Report for managing geotechnical risk did not assess best practice recommendations against higher order planning documents such as the Canterbury Regional Policy Statement (CRPS) or the NZCPS, and this will be undertaken as part of this report. It is noted that an earlier baseline report (NH001) on advice on risk based-planning for natural hazard management investigates the requirements of the higher order documents (CRPS and NZCPS) in respect to risk-based natural hazard planning for Selwyn District.

2.0 Summary of Issues

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 (SDP) 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 following matter of national importance:

Section 6

...

(h) – the management of significant risks from natural hazards

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.

The SDP natural hazard provisions predate the NZCPS (2010), the CRPS (2013) and the amendment to the RMA introducing the management of significant risks from natural hazards. Updating the plan provisions pursuant to the requirements of these higher order documents and the amendment to the RMA is required.

The primary gap in SDC's approach relates to the absence of a clear objective and policy based framework which demonstrates a comprehensive risk-based approach to natural hazard management. This applies across the board for flooding and coastal hazards as well as geotechnical hazard types.

There are also gaps in how slope instability and liquefaction risk areas are mapped, and few rules which specifically deal with geotechnical risk.

Prior to undertaking the Baseline Report a preconception existed that there were considerable overlaps in the functions between ECan particularly in relation to earthworks rules and geotechnical matters. The Baseline Report demonstrated that the overlapping areas are minimal, with the respective Councils addressing different issues and consent matters.

The natural hazards topics appear to be artificially divided into two areas:

- flooding and coastal erosion and inundation; and
- geotechnical risks.

However, they need to be treated together in an overall risk based framework in DPR.

A further misconception that appeared to prevail was that Selwyn District had “good ground” and therefore did not have to do much to change the way it currently addresses geotechnical risk. The Baseline Report demonstrates that the geology of Selwyn is not unlike other districts in Canterbury such as Waimakariri and Hurunui, both of which have more robust natural hazard provisions.

3.0 Statement of Operative District Plan Approach

The Operative SDP is divided into two volumes, the Township Volume and the Rural Volume. Both volumes are relevant to the management of geotechnical risk in the District. Natural hazards identified in the SDP for the district include flooding, earthquakes (including liquefaction from ground shaking), unstable land e.g. rockfall and landslips (Arthurs Pass, Malvern Hills, Port Hills and skifields), drought, fire, snow and wind storms and coastal erosion. The focus of this report is on geotechnical risks, and includes active faults, liquefaction, slope instability and earthworks related geotechnical risk.

3.1 Township Volume

The township volume identifies several issues relevant to geotechnical risk. These are:

- Activities that create unstable land, such as vegetation removal, and earthworks; and
- Loss of soil through soil erosion (dealt with in the Rural Volume).

The township volume also includes objectives and policies relating to natural hazards generally. The Council uses these objectives and policies to assess plan changes to rezone new residential and business development within townships, and as a framework for rules.

The three natural hazards objectives are:

Objective B3.1.1 - Ensure activities do not lead to or intensify the effects of natural hazards.

Objective B3.1.2 - Ensure potential loss of life or damage to property from natural hazards is mitigated.

Objective B3.1.3 - Ensure methods to mitigate natural hazards do not create or exacerbate adverse effects on other people or the environment.

The four natural hazards policies are:

Policy B3.1.1

Promote awareness among residents in Selwyn District of the potential for a district-wide natural hazard, and how to respond to minimise loss of life and damage to property.

Policy B3.1.2

Avoid allowing new residential or business development in areas known to be vulnerable to a natural hazard, unless any potential risk of loss of life or damage to property is adequately mitigated.

Policy B3.1.6

Ensure any measures proposed to mitigate a potential natural hazard:

- *Do not lead to or intensify a potential natural hazard elsewhere; and*
- *That any other adverse effects on the environment are avoided, remedied or mitigated.*

Policy B3.1.8

Continue to develop the information base on the location and characteristics of natural hazards in Selwyn District.

A number of policies for specific townships address natural hazards in respect to rezoning land for residential or business purposes in the Rural Zone. Some examples are outlined below:

Policy B4.3.13 (Arthurs Pass)

Ensure that any land in the Rural Zone used for residential or business development is not:

- *Unstable or subject to flooding; or*
- *contaminated*

There are a number of specific policies for Coalgate (Policy B4.3.21), Sheffield (Policy B4.3.82) and Whitecliffs (B4.3.104) aimed at ensuring new residential or business development does not create or exacerbate natural hazards.

In terms of unstable land the following objectives and policies are relevant:

Objective B1.1.1 – Adverse effects on people, and their activities, ecosystems and land and soil resources from contaminated soil or unstable land are minimised.

Policy B1.1.5

Ensure activities do not create unstable land.

Policy B1.1.6

Carry out all legal requirements to record information about sites which may have unstable land, on land information memoranda.

Policy B1.1.7

Avoid adverse effects from erecting buildings and structures on unstable land or land that is prone to liquefaction.

The explanations and reasons state that when a request is made for a plan change to rezone land for new residential or business development, the Council will require information on past activities on the site. The Council may require the stability of the site (or part of the site) be tested.

The Council uses these objectives and policies to assess plan changes to rezone new residential and business development within townships, and as a framework for rules.

However, few rules in the Township Volume specifically address geotechnical natural hazards. The rules largely focus on subdivision and to a lesser extent, the earthworks rules manage geotechnical hazards. The SDP requires activities such as large scale earthworks and earthworks on slopes to be managed through a resource consent process, to ensure sites are properly stabilised, filled and recontoured.

There are no specific natural hazard rules relating to geotechnical matters in the subdivision section, however, subdivision is a restricted-discretionary activity. The matters the Council will exercise its discretion over include Rule 12.1.4.12 Geotechnical Assessment as follows:

The outcome of a comprehensive geotechnical investigation and assessment to assess the risk of liquefaction and lateral spread undertaken in accordance with the most recent NZ Geotechnical Society Guidelines or New Zealand Standard; or an equivalent guideline/standard adopted by the District Council or the New Zealand Government. Where such a hazard is identified, the development shall be designed and constructed to ensure that the magnitude of any liquefaction ground damage and/or lateral spread is reduced to below acceptable levels for both SLS (serviceability limit state) and ULS (ultimate limit state) seismic events. This shall take into consideration potential impacts on land, properties, utility services, roading, buildings and houses.

This would imply that the Council will require a geotechnical investigation and assessment for every subdivision under the Township Volume. However, in practice, not all subdivisions are required to provide a geotechnical assessment.

3.2 Rural Volume

Unstable land and soil erosion are recognised as important issues in the land and soil section of the Rural Volume of the SDP. As per the Township Volume, the objectives and policies also defer to the Natural Hazards Section.

The unstable land and soil erosion objectives and policies include:

Objective B1.1.2 - People and their property are not affected by contaminated soil or unstable land and any adverse effects on the environment are avoided, remedied or mitigated.

Policy B1.1.4

Require earthworks on slopes to be carried out in ways that minimise the likelihood of land slipping or slumping.

Policy B1.1.5

Avoid adverse effects on people or their property from locating buildings or infrastructure on unstable land.

The natural hazard objectives and policies are:

Objective B3.1.1 - Activities do not cause or exacerbate natural hazards.

Objective B3.1.2 - Measures to mitigate natural hazards do not cause or exacerbate adverse effects on the environment

The policies relevant to geotechnical risk include:

Policy B3.1.6

Avoid multi-storey buildings and critical facilities in the Malvern Hills or High Country

Policy B3.1.7

Ensure the risk of damage from avalanche, earthquakes or slips is minor when locating buildings, other structures or recreational facilities at high altitudes or on steep slopes.

Policy B3.1.8

Ensure any measures proposed to mitigate a potential natural hazard:

- *Do not lead to or intensify a potential natural hazard elsewhere; and*
- *Any other adverse effects on the environment being avoided, remedied or mitigated.*

Policy B3.1.9

Continue to develop the information base on the location and characteristics of potential natural hazards in Selwyn District.

As with the Township Volume, the rule framework for managing geotechnical risk in the Rural Volume relies heavily on the subdivision rules and to a lesser extent, on the earthworks rules. However, there are some additional specific provisions in the form of matters of restricted discretion that require a geotechnical assessment. These are included in the rules for building in Outstanding Landscape Areas and Visual Amenity Landscapes.

Under Rule 3.2 Buildings and Outstanding Landscape Areas, the erection, addition, alteration or modification of a dwelling shown on the planning maps as a Visual Amenity Landscape (VAL – lower Port Hills slopes) are a controlled activity. The matters of control include:

3.2.3.2- The appropriateness of the building site and its access having regard to geotechnical conditions and site stability;

This provision does not apply to other buildings.

Buildings over 40m², and exceeding a height of 4m, in the Outstanding Landscape Areas (upper Port Hills, Malvern Hills and High Country) are a restricted-discretionary activity. Similar to the VAL lower Port Hills, matters of discretion include consideration of the appropriateness of the building site and its access having regard to geotechnical conditions and site stability (3.2.5.2). This provision applies to both dwellings and other buildings.

It is further noted that there are specific controls within the Porters Ski and Recreation Area (Appendix E25 including Rules 25.12.1 and 25.12.2), where extensive consideration of geotechnical matters (avalanche, slope instability, fault lines) where the subject of a substantial Plan Change application to upgrade ski facilities and develop a village at Porters Ski Field. The provisions are now incorporated into the District Plan.

In terms of subdivision, like the Township Volume, there are no specific natural hazard rules relating to geotechnical matters. In addition, the matters the Council will restrict the exercise of its discretion over does not include any reference to geotechnical issues as per the Township Volume (Rule 12.1.4.12). Greater reliance is placed on the provisions of section 106 of the RMA for the rural area of the District and is discussed further under “other methods” below.

3.3 Discussion – Role of ONLs and VALs matters of control/restricted discretion

SDC commissioned landscape reports for the DPR (Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report, October 2017 and Outstanding Natural Features and Landscapes, Planning and Landscape Analysis, February 2018). These reports identified areas of Outstanding Natural Landscape (ONL) and Visual Amenity Landscapes (VALs). The areas identified were compared to the LWRP planning map areas of high erosion risk to determine whether the two areas overlapped. This is a useful analysis because currently the SDP has rules in the ONLs and VALs requiring restricted discretionary activity or controlled activity resource consents respectively, for buildings and dwellings as described above (Section 3.2). The matters of discretion or matters of control relate to geotechnical considerations and site stability. If the VALs and ONLs overlapped with the high erosion risk areas of the LWRP, these rules could assist in managing geotechnical risk in the high erosion areas.

The investigation concluded that there is only a partial overlapping of areas, meaning that the geotechnical risk considerations would not be able to be addressed in high erosion risk areas that fell outside outside ONLs and VALs if reliance was on these two rules alone. Specific rules addressing slope instability and geotechnical considerations across the District would provide a better outcome from a risk management perspective.

While a policy addressing earthworks and geotechnical risks, such as slope instability, is supported it is considered that the policy should be focused on avoiding risk to life-safety and reducing damage to property, and not be coupled with issues such as landscape character. Separate geotechnical earthworks policies addressing the risk associated with this natural hazard are recommended as are supporting rules with low volume earthworks threshold in areas of high erosion risk or potential for slope instability.

3.4 Earthwork Provisions

Earthworks are generally managed by way of location, quantity (volume and area), maximum cut face and rehabilitation rules in the SDP. A discretionary activity consent is generally required where the permitted conditions cannot be met.

Earthworks are an important component of subdivision and development and can be important in the development of hazard mitigation works such as stop banks, rockfall bunds and retaining walls in dealing with geotechnical risk. Earthworks, if not properly controlled, can cause and/or exacerbate geotechnical risks.

A major issue that was considered in the Baseline Report was the potential for earthworks provisions in the LWRP and the SDP to overlap, causing unnecessary duplication in consenting processes. This has been a focus of recent amendments to the RMA, with councils being clearly tasked to reduce/remove duplication in district plans provisions where another statutory process addresses the same matter.

To understand the overlaps between geotechnical risk and earthworks, three separate areas of evaluation were undertaken in the Baseline Report:

- The earthworks options report (DW011) was reviewed with reference to the geotechnical risk topic;
- A comparison between the LWRP earthworks rules and the SDP earthworks rules was undertaken; and
- Overlapping functions between Selwyn and ECan in respect to earthworks and geotechnical issues were evaluated through a specific case study of the s42a Report and Decisions for the Central Plains Water – Water Storage Facility (RC155704 and CRC1645541).

The focus of the earthwork provisions in the LWRP for ECan is on discharge of sediment or sediment-laden water, in circumstances where it will enter surface water and effects on water quality and ecology, and on soil erosion in the high risk soil erosion areas on steep hillslopes. The focus for SDC is related to other matters such as amenity (dust, visual impact, noise, traffic effects). This difference in matters considered means that the question of duplication is less significant than first anticipated.

The joint resource consent application case study confirmed that view in respect to overlapping provisions between the LWRP and the SDP. Both consent applications had an earthworks component; for ECan it was excavation over the unconfined and semi confined aquifer; for SDC it was earthworks over the volume threshold in its plan, and lack of ability to rehabilitate. However, it was established that each of these two ‘earthworks’ consent applications have a different focus. The ECan consent was primarily concerned with water quality, and the damming relating to the impounding of water in large quantities (potential for dam breach and inundation). The SDC earthworks consent considered a myriad of effects associated with earthworks including the visual impact, dust and noise, but was also concerned with a potential dam breach.

The actual earthworks rules that overlapped in this case focused on different matters; one being the protection of water quality (ECan), the other being construction noise, visual and dust from earthworks (SDC). Dust is the only area of overlap that appeared unnecessary in this case study, but it is understood from discussions with officers that ECan is uncomfortable dealing with the amenity effects of dust, as opposed to viewing it as an air contamination issue.

There was overlap in considering the effects on ecology, dust, tangata whenua values and of a dam breach. However, the areas of overlap were small.

3.5 District Plan Maps

Fault lines are currently mapped on the electronic planning maps, based on 1:250,000 scale source mapping; and include the Greendale Fault. There are no rules associated with these fault lines, and no fault avoidance zones as per the Ministry for Environment (MfE) guidelines. Mapping the faults on the planning maps assists, however, in implementing policy provisions through resource consent applications and plan changes (for example: Policy B3.1.2 Township Volume).

The other natural hazards identified on the planning maps are flood hazard areas, and the Regional Council's coastal hazard lines. The corresponding rule for these lines is Rule 3.1.4 in the Rural Volume where erecting a building seaward of Hazard Line 1 is a non-complying activity.

4.0 Summary of Relevant Statutory and/or Policy Context and Other Background Information

4.1 Overview

The RMA provides the relevant statutory basis for addressing natural hazards in the DPR.

A natural hazard is defined in the Act as :

natural hazard means any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Section 30 of the RMA lists the functions of regional councils and includes:

...

- (c) *the control of the use of land for the purpose of—*
 - (iv) *the avoidance or mitigation of natural hazards:*
- (d) *in respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of—*
 - (v) *any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards:*
- (g) *in relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of—*
 - (iv) *the avoidance or mitigation of natural hazards:*

Section 31 of the RMA lists the functions of territorial councils. They include:

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
- (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of*
- (i) *the avoidance or mitigation of natural hazards;*

These two functions of regional councils and territorial authorities overlap, and regional councils are required by Section 62 (1) (i) of the RMA to specify the respective roles for the control of the use of land in respect to natural hazards.

A primary means of exercising these functions is through regional policy statements, and regional and district plans (sections 62, 67, and 75).

More recently the concept of risk in respect to natural hazards has been formalised in the RMA with the amendment to the matters of national importance to incorporate the management of significant risks from natural hazards (section 6 (h)). The risk based approach to natural hazard management is the subject of another baseline report for the district plan review.

Section 6

...

(h) – the management of significant risks from natural hazards

4.2 New Zealand Coastal Policy Statement (NZCPS 2010)

The NZCPS deals specifically with the New Zealand coastal environment. In respect to natural hazards its focus is coastal hazards including consideration of climate change.

The key objectives and policies in the NZCPS of relevance to managing coastal related geotechnical risk in the Selwyn District are:

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- *Locating new development away from areas prone to such risks;*
- *Considering responses, including managed retreat, for existing development in this situation; and*
- *Protecting or restoring natural defences to coastal hazards.*

Supporting this objective are a number of policies including, in particular, Policy 3 (precautionary approach), Policy 24 (identification of coastal hazards), Policy 25 (subdivision, use and development in areas of coastal hazard risk), Policy 26 (natural defences against coastal hazards) and Policy 27 (Strategies for protecting significant existing development from coastal hazard risk).

Relevant matters in terms of this report include priority to maintaining and protecting natural features as defences against coastal hazards to protect coastal land uses; the requirement to identify areas in the coastal environment potentially affected by coastal hazards over the next 100 years including consideration of the effects of climate change; avoiding redevelopment, or change

in and use that would increase the risk of adverse effects; discouraging hard protection structures were practicable; and identifying long-term sustainable risk reduction approaches, including relocation or removal of existing development and structures at risk.

4.3 Canterbury Regional Policy Statement (CRPS 2013)

Chapter 11 of the CRPS provides a framework for managing natural hazard risks in Canterbury. It also sets out the responsibilities of the local authorities in the region for the control of land use to avoid or mitigate natural hazards¹.

The objectives and policies relevant to this evaluation report are:

- Objectives 11.2.1, 11.2.2, 11.2.4; and
- Policies 11.3.3, 11.3.4, 11.3.5, 11.3.6, 11.3.9.

Objective 11.2.1 seeks that new subdivision, use and development of land that increases risks associated with natural hazards be avoided. Objective 11.2.2 focuses on avoiding or mitigating the effects of hazard mitigation works on people, property and infrastructure. Co-operation from agencies and organisations to achieve integrated management of and preparedness for Canterbury's natural hazards is the outcome sought from Objective 11.2.4.

Policy 11.3.3 requires new subdivision, use and development of land close to an active fault trace, or in areas susceptible to liquefaction and lateral spreading, to be managed to mitigate their adverse effects. A general risk management approach is required for natural hazards not covered by the specific policies of 11.3.1, 11.3.2 and 11.3.3. This general risk management approach (Policy 11.3.5) requires subdivision use or development of land to be avoided if the risk from natural hazards is unacceptable. In determining whether the risk is unacceptable the CRPS requires consideration of the likelihood of the natural hazard event and the potential consequences for people, communities, property, infrastructure and the environment. A precautionary approach is required where there is uncertainty in the likelihood and consequences of the event. Further exploration of this policy is provided in the baseline report that discusses the risk based approach to natural hazard planning (NH001).

Policy 11.3.6 promotes the use of natural topographic (or geographic) and vegetation features for assisting in avoiding or mitigating natural hazards, and requires that they be maintained, protected and restored, where appropriate.

Policy 11.3.4 requires new critical infrastructure to be located outside high hazard areas unless there is no reasonable alternative, and in relation to other areas be designed to maintain, as far as practicable, its integrity and function during natural hazard events. As defined in the CRPS high hazard areas include areas likely to be subject to coastal erosion over the next 100 years and includes land within the coastal hazard lines.

Objective 11.2.4 is implemented by Policy 11.3.9 which requires lead agencies to investigate and identify natural hazards, provide mapping and analysis of the effects of natural hazards, including the effects of climate change and sea level rise. Setting standards and guidelines for organisations

¹ Chapter 11 Canterbury Regional Policy Statement 2013, Chapter 11, page 11-1.

involved in civil defence and emergency management is also required by this policy, as is development of communication strategies to build community resilience and any other matters that will assist in integrated management of natural hazards. The lead agencies identified in this policy include ECan, territorial authorities, Te Rūnanga o Ngāi Tahu, papatipu runanga, Crown Research Institutes (CRI) and their partner organisations.

The key results from this regional policy framework in respect to natural hazards is that residential or industrial development is not located in areas where natural hazards are most likely to occur. If development must occur in area subject to natural hazards, the potential adverse effects are mitigated or managed by appropriate design and placement of structures and facilities. It is also anticipated that through this framework, communities will become increasingly resilient to natural hazards and hazard mitigation works do not adversely affect the environment.

4.4 Section 106 of the RMA

Section 106 of the Act restricts the subdivision of land where 'natural hazards' may result, even if the subdivision complies with the relevant District Plan rules. SDC therefore, has an obligation under Section 106 to decline subdivision consents where natural hazards, including geotechnical hazards cannot be adequately mitigated. Investigation undertaken for the baseline report indicated that very few councils use s106 of the act to turn down subdivisions, but mainly focus on placing conditions of consent on subdivision applications and hence manage geotechnical risk largely through mitigation measures.

To assist in Section 106 subdivision assessments Selwyn District Council has identified and mapped, at a high level, geotechnical investigation areas. The mapping is based on a report prepared for the Council by Geotech Consulting Limited (dated: 12/07/2013) supported by mapping at a scale of 1:250,000. This report sits outside of the SDP and is used to guide the use of Section 106 of the RMA by subdivision staff. It emphasises that a large part of the district, west of the line provided in Figure 5 in the baseline report "damaging liquefaction" was unlikely. This land is underlain predominantly by deep gravel soils and for much of it also deep groundwater levels, such that the possibility of liquefaction over much of that area of the district is extremely low.

The letter/report recommended that in this low to very low risk area:

- small subdivisions up to 15 lots need not have geotechnical investigations at subdivision consent stage and can be delayed until building consent stage.
- for larger subdivisions of 15 lots or more, geotechnical investigations should be done at the subdivision stage.

The report identifies that on some properties there remains a low risk that geotechnical issues may be undiscovered, but will be identified at the building consent stage.

On the areas outside the low to very low risk investigation area (areas of higher geotechnical risk) subdivisions creating one or more vacant lots were recommended to include geotechnical investigations. This includes areas containing Prebbleton and Lincoln and the rest of Selwyn District west of the high terraces. Subdivision in these areas are therefore required by the Council to be

supported by a geotechnical report which follows Ministry of Business Innovation and Employment (MBIE) guidelines and includes subsurface testing.

Discussions with SDC consent staff indicates that this process has worked reasonably well, and is an enabling approach. However, there is an expectation that once subdivided a site is suitable for building (and potential cost implications if the site is found to need specialised foundations for a building after it has been purchased, in smaller subdivisions). Some concern has been raised as to the liability issues that this approach could create for SDC. Furthermore the approach is not intended to consider other geotechnical risk such as potential land instability on the Port Hills and other steeper parts of the district.

4.5 Building Act 2004

Section 71 of the Building Act deals with building on hazard prone land. Under this section, the Council may be obliged to refuse a building consent application on land subject to hazard events including erosion, falling debris, subsidence, inundation or slippage. Section 73 provides for a notice to be placed on land subject to natural hazards where consent has been granted subject to mitigation of the natural hazards (s72) and will not exacerbate a known natural hazard.

The Building Code contains standards to ensure that any structure is designed to remain standing in a certain magnitude earthquake.

4.6 Mahaanui Iwi Management Plan (IMP)

The IMP includes objectives and policies in relation to natural hazards, however, these focus on the management and the effects from coastal hazards including climate change and sea level rise. Effects of coastal erosion on cultural sites of significance is identified in policy TAN 6.4 and requires that Ngāi Tahu cultural and historic heritage sites are protected from coastal erosion. TW10.1 is also focused on coastal erosion and seeks to encourage research on the nature, extent and effects of coastal erosion on the Te Waihora and Taumutu coastline, in particular.

In respect to climate change policy R3.3 requires that local authorities recognise and provide for the potential effects of climate change on resources and values of importance to Ngāi Tahu, for example:

- (a) Effects of sea level rise on coastal marae and coastal wāhi tapu, including urupā.

It is considered that consultation with Mahaanui Kurataiao Limited (MKT) will be required throughout the plan drafting process to further this discussion and to interpret/apply these provisions. There are significant concerns raised in respect to the effects of coastal erosion and climate change at Taumatu coastline and Te Koru and potentially other sites of cultural significance at risk.

4.7 Guidance from Ministry for Environment (Planning for Development of Land on or Close to Active Faults)²

Selwyn District has 24 areas of known or suspected active faults and folds. The main active faults in Selwyn District are Greendale, Porters-Amberley, Torlesse and Esk, and Cheeseman.

Movement of the Greendale Fault resulted in a magnitude 7.1 earthquake in September 2010. The recurrence interval for this fault line has recently been revised from Class IV (5000 -10,000 years) to Class V (10,000-20,000 years) with an estimated average recurrence interval in the range of 10,000 to 60,000 years³. This is important in terms of its classification, and the types of buildings and structures recommended to be located within “fault avoidance zones” as per the MfE’s guidance on planning for active faults in New Zealand.

The MfE guidance is concerned with the avoidance and mitigation of risk arising from active fault rupture. It emphasises the need for a risk-based approach to planning for land use on and near active faults. It recommends that councils:

- Identify active faults in their district, with maps that are at the right scale for the purpose.
- Create fault hazard avoidance zones on their district planning maps.
- Evaluate the fault rupture hazard risk within each fault avoidance zone.
- Avoid building within fault hazard avoidance zones where possible.
- Mitigate the fault rupture hazard when building has taken place or will take place within a fault hazard avoidance zone.

The main elements of the risk-based approach determine:

- The fault recurrence interval (RI), which is an indicator of the likelihood of a fault rupturing in the near future.
- The fault complexity, which establishes the distribution and deformation of land around a fault line.
- The Building Importance Category (from NZS 1170), which indicates the acceptable level of risk of different types of buildings within a fault avoidance zone.

The guidance assists planners and decision-makers to take a risk-based approach to establishing fault avoidance zones and developing new provisions. The risk-based approach from this guidance can be found in Appendix B of the Baseline Report.

²Institute of Geological Nuclear Sciences Client Report 2002/124, Planning for Development of Land on or Close to Active Faults – A guideline to assist resource management planners in New Zealand, 2003 June, produced for the Ministry for the Environment.

³R Van Dissen et al - Greendale Fault rupture of 2010 (Darfield Earthquake, New Zealand): an Example of Recurrence Interval and Ground-surface Displacement Characterisation for Land-use Planning and Engineering Design Purposes, 6th International Conference on Earthquake Geotechnical Engineering November 2015.

4.8 Other Relevant Legislation/Statutory Requirements & Documents

For completeness the following legislative and statutory requirements and other documents are also relevant to this topic:

- Local Government Act 2002
- Civil Defence Emergency Management Act 2002
- Planning and Engineering Guidance for Potentially Liquefaction-Prone Land (MBIE and MfE, September 2017).
- Coastal Hazards and Climate Change guidance for Local government (MfE, December 2017).

5.0 Summary of Neighbouring Councils Approaches to Managing Geotechnical Risk

5.1 Overview

To enable an evaluation of how the SDP and other methods adopted by SDC compare with the approaches of other districts in the Canterbury Region, four other districts were investigated:

- Ashburton District Council (ADC)
- Waimakariri District Council (WDC)
- Hurunui District Council and (HDC)
- Christchurch City Council (CCC)

It should be emphasised that many councils use a combination of methods to manage geotechnical risk, and these have been discussed in section 4. Of particular importance is the use of section 106 in respect to subdivision and the Building Act 2002 alongside district plan provisions and some reliance on regional plan provisions (earthworks, vegetation removal rules in high erosion zones etc.).

5.2 Ashburton District Council

The Ashburton District Plan (ADP) does not have a specific natural hazards chapter, rather natural hazards are referenced in several chapters. The ADP acknowledges that the main natural hazards facing the district are flooding, coastal erosion and earthquakes. The ADP identifies that its steeper upland areas are likely to be subject to a range of hazards such as erosion and subsidence however these areas are not subject to much development pressure.

The objectives and policies relating to natural hazards relate to protection (of life and infrastructure) from natural hazards, through the avoidance or mitigation of adverse effects. Rules to achieve the relevant objectives and policies primarily control subdivision.

ADC acknowledged its obligations under section 106 of the RMA relating to the subdivision of land at risk of natural hazards and have adopted *New Zealand Standard 4404:2004 Land Development*

and Subdivision Engineering, with some variations. While they do not form rules in the ADP, the requirements and recommended practices can form conditions of resource consent.

Overall, the ADP management of geotechnical hazards is not comprehensive and is largely through the subdivision process, through developments requiring resource consent for other reasons, or the plan change process, where specific conditions, consent notices (in the case of subdivision) and standards (incorporated into plan changes) can be applied. Correspondence with ADC planners indicated that they recognise that the rules are “pretty silent” on managing geotechnical risk.

5.3 Waimakariri District Council

The Waimakariri District Plan (WDP) was made operative on 3 November 2005. However, there have been a large number of plan changes over the years including, more recently, Plan Change 27 in respect to natural hazards management. The Waimakariri District Council is currently reviewing its entire District Plan.

Currently, the WDP has specific chapters dealing with natural hazards and subdivision chapters which contain specific geotechnical considerations. These are:

Chapter 8 – Natural hazards – Objectives and policies

Chapter 27 – Natural hazards – Rules

Chapter 18 – Constraints on Development and Subdivision – Objectives and Policies

Chapter 32 – Subdivision – Rules

The objectives and policies in Chapter 8 (Natural Hazards) seek to minimise potential damage and disruption to existing communities. Other objectives and policies are consistent with avoiding or mitigating risk associated with natural hazards, and increasing the understanding of earthquake risk and associated natural hazards. Policy 8.3.1.1 states:

Identify areas which are at risk from liquefaction, associated ground damage effects, and amplified ground shaking.

In the Subdivisions chapter, Policy 18.1.1.1 is particularly relevant in identifying the types of constraints including geotechnical risks on new development:

Policy 18.1.1.1

Growth and development proposals should provide an assessment of how:

In particular, proposals should not be inconsistent with other objectives and policies in the District Plan, and show how and the extent to which they will:

...

c. avoid or mitigate natural hazards including:

- 1. seismic conditions including the potential for liquefaction and amplification effects,*
- 2. damage from the sea, including erosion, storm and tsunami, and*
- 3. land instability;*

Liquefaction risk is considered through a liquefaction performance standard in both the Natural Hazard and Subdivision rule chapters and has an associated Liquefaction Mitigation Design

Standard (Table 27.2, and Table 32.2) of the District Plan. It should be noted that these rules only apply to the Residential 6, 6A and Business 1 Zones at Pegasus.

The Subdivision Rules Chapter (Chapter 32) also contains specific geotechnical matters to be addressed for subdivisions. For example restricted-discretionary activity consent is required for subdivision of land within the West Kaiapoi Outline Development Plan Area:

Rule 32.2.11 states:

any subdivision of land within the West Kaiapoi Outline Development Plan area shown on District Plan Map 164 that results in any geotechnical investigation revealing ground deformation in an SLS seismic event to be less than 15mm and in a ULS event to be less than 25mm (Technical Category TC1) shall be a discretionary activity (restricted).

The Council in considering an application under this rule requires:

- ii. *the outcome of a comprehensive geotechnical investigation and assessment undertaken by a suitably qualified Geotechnical Engineer (CPEng) to include assessment of all aspects of the risk of liquefaction and lateral spread undertaken in accordance with the most recent NZ Geotechnical Society Guidelines or an equivalent guideline/standard adopted by the District Council or the Canterbury Earthquake Recovery Authority. The geotechnical investigations shall be carried out to a minimum depth of 15m and at a minimum density of 0.25 per lot. This shall take into consideration potential impacts on land, properties, utility services, roading, buildings and houses.*

This provision is similar to a matter of discretion for a restricted discretionary subdivision in the SDP identified in Section 3.1.

The planning maps do not show the location of any geotechnical hazards in the district, with the discrete areas where liquefaction performance standards apply being identified through the zone and outline development plans. However, there is a subdivision constraint area identified on the planning maps which includes consideration of liquefaction at Waikuku Beach.

No fault lines or fault avoidance zone are identified, or steep areas subject to rockfall or landslides. No coastal hazard lines are included.

Other methods used to manage geotechnical risk include the provision of information on properties through LIMs. However, discussions with WDC indicate that in respect to subdivision section 106 is the primary way in which geotechnical hazards are managed by the Council and is used to require geotechnical reports to support building in liquefaction areas or areas prone to other geotechnical hazards. The Council's engineering team (Subdivision) use their database to look at liquefaction, land stability, and provide recommendations to the planning team. Approximately 40% of applications go on to require a geotechnical assessment.

5.4 Hurunui District Council

HDC has recently reviewed its District Plan. The process is almost complete with only one outstanding appeal and there are no natural hazard matters remaining to be resolved. The Hurunui District Plan Revised Version (HDP) manages geotechnical risk through objectives, policies, and rules. These are contained in a specific natural hazards chapter (Chapter 15). The approach includes a number of specific geotechnical risk overlays including Fault Avoidance Zone, Fault Awareness Zone, Liquefaction Awareness Zone and Hanmer Springs Hazard Zones (slope instability). These overlays are shown on the planning maps.

The HDP takes a risk assessment approach to managing all geotechnical risks by requiring a full assessment of natural hazard risks before zoning land for urban purposes. Within the Fault Avoidance Zone (Hope Fault and Hanmer Fault) principal buildings and habitable accessory buildings are only permitted where the location, design and construction complies with the recommendations of an organisation or individual authorised by the Chief Executive as being appropriately qualified and experienced. However, a building of importance⁴ as defined in the HDP is a non-complying activity.

Key policies with respect to the Fault Avoidance Zones and Fault Awareness Zones are Policies 15.3 and 15.4:

Policy 15.3

To avoid the subdivision, use or development of land within the Fault Avoidance Zone unless the adverse effects of fault rupture can be mitigated so as to ensure that there is no greater risk to health and safety during and after an earthquake.

Policy 15.4

To avoid the development of land within any Fault Awareness Zones for post emergency infrastructure or infrastructure which large numbers of people congregate in, unless that infrastructure has been appropriately designed and sited in relation to the fault hazard.

The explanation to Policies 15.3 and 15.4 is useful in explaining the approach:

The framework in the District Plan recognises the difference in knowledge. Where detailed fault mapping has been undertaken the District Plan identifies these faults and a buffer zone around these faults as being a 'Fault Avoidance Zone'. Subdivision, use and development within these fault avoidance zones are restricted. It is expected that geotechnical analysis to identify the exact location of the fault trace would be required and any built infrastructure is designed and situated to ensure that it can withstand the damaging effects of earth shaking.

For other faults identified within the District Plan, where detailed geotechnical analysis has not been undertaken, a Fault Awareness Zone has been included within the District Plan. Because the knowledge of these faults is not as comprehensive, and the exact location of the fault or fold is unknown, a larger buffer zone has been applied. Building within the Fault Awareness Zone is a

⁴ The Building of Importance concept has its origins in the Building Code and NZ1170.

permitted activity. However, geotechnical analysis is expected at the time of subdivision or plan change⁵.

Land Instability Areas have also been identified as Natural Hazard Areas and are mapped on the planning maps. There are rules regulating the siting, erection, replacement or extension of buildings.

Overall, the purpose of introducing avoidance and awareness zones in areas subject to fault lines, liquefaction and instability areas is to be able to require an appropriate level of investigation into the relevant hazard prior to subdivision, development and use of the land.⁶

Discussions with HDC planners indicate that most of the natural hazards are managed through Chapter 15 of the HDP. Measures outside the HDP to manage geotechnical hazards include the use of Section 106 of the RMA, the Building Act, and LIMs. The Council has also established and developed a natural hazards database on the Council's geographic information system.

As Hurunui District has recently experienced severe earthquakes, section 124 of the Building Act has been used to place notices on properties damaged in the earthquakes.

In terms of section 106, it is understood that the Council rarely turns down a subdivision application because of geotechnical risk. Rather, the Council seeks to place appropriate conditions on the consent to mitigate the risk.

5.5 Christchurch City Council

The Christchurch District Plan (CDP) was made operative in July 2017 and includes a specific Natural Hazards Chapter (Chapter 5).

CCC in its CDP take a 'risk-based' approach and state:

Risk is expressed in a number of ways. For example, in areas at risk from slope instability such as cliff collapse, rockfall, or mass movement, it is the degree of risk to people's lives that is of primary concern. In most areas at risk from flooding, the primary concern relates to damage to property and how often this may occur (5.1 g).

In areas of slope instability, risk is expressed as an "Annual Individual Fatality Risk" (AIFR).

In areas where there is likely to be a liquefaction risk to property, no specific measure of risk is applied. The CDP states:

'The level of control over activities in the District Plan is related to the consequence of the various natural hazards and whether such risks are considered to be acceptable or not. There is also a category in between where following proper assessment risk may be able to be managed such that the risk is reduced to acceptable levels' (5.1 k)

⁵Hurunui District Plan, Revised Version December 2017, Explanation to Policies 15.3 and 15.4.

⁶Section 32 Report – Natural Hazards Chapter 15

It is noted that the language the Natural Hazards Chapter of the CDP aligns with both the CRPS and internationally recognised risk assessment literature.⁷

The CDP identifies a liquefaction management area, based on the district wide assessment discussed in section 2.3.4 of the baseline assessment and shown on the map in Figure 5 (see Appendix 1). This information was combined with more detailed information gathered from MBIE's Technical Category 1, 2 and 3 areas, created during the aftermath of the Canterbury Earthquake Sequence 2010-2011, to assess the severity of liquefaction damage in the City. The specific policies in respect to geotechnical risk include Policy 5.2.2.4:

a. Map the Liquefaction Management Area based on a district-wide assessment of where damaging liquefaction is more likely to occur; and

b. Provide for rezoning, subdivision, use and development on flat land where liquefaction risk has been appropriately identified and assessed, and can be adequately remedied or mitigated.

The policy requires the Liquefaction Management Area to be mapped where damaging liquefaction is most likely to occur. In these areas where the need for consents is triggered (by subdivision generally, where a vacant lot is created, and by denser residential developments on larger lots), matters of discretion apply and additional information is required to be provided with each application dealing with the potential liquefaction issues. Location within the Liquefaction Management area does not of itself trigger a resource consent. However, it is noteworthy that these provisions do not solely relate to subdivision as per the current Selwyn District Plan. The CDP also has specific additional information requirements for resource consents required in areas located in the liquefaction management area where a geotechnical report is required.

In terms of slope instability a suite of policies apply. Policy 5.2.2.4.1 b. in particular adopts a risk-based approach and states:

b. In slope instability hazard management areas in the Port Hills and across Banks Peninsula:

- *avoid subdivision, use and development where the activity will result in an unacceptable risk to life safety (AIFR $\geq 10^{-4}$ using the GNS Science method and parameters for establishing life safety risk), taking into account all relevant site-specific information and any hazard mitigation works proposed; and*
- *otherwise, manage subdivision, use and development so that risk of damage to property and infrastructure is mitigated to an acceptable extent.*

Of interest to Selwyn District is Policy 5.2.2.4.3 in the CDP for all other sloping areas on the Port Hills and Banks Peninsula which recognises that the area of potential hazard is extensive and detailed information is not readily available:

Policy 5.2.2.4.3a.

• ⁷ AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines, November 2009 and SA/SNZ HB 436: Risk Management Guidelines – companion to AS/NZS ISO 31000: 2009

- a In areas not already identified in Policy 5.2.2.4.1a as being subject to cliff collapse, rockfall or mass movement, but where the land may be subject to slope instability:*
- to the extent appropriate, require proposals for subdivision, use and development to be assessed by a geotechnical specialist to evaluate the presence of hazards and level of risk to people and property (including infrastructure) from slope instability hazards; and*
 - only allow subdivision, use and development where risk can be reduced to an acceptable level.*

There is also a suite of policies in respect to hazard mitigation works, avoiding such works in cliff collapse areas where the works could experience significant damage and create safety issues, and generally in relation to avoiding transferring risk to people or property.

The CDP implements these policies through a number of overlays or “natural hazard management areas” dealing with slope instability geotechnical risk as follows:

Slope Instability Management areas:

- Rock fall Management Area
- Cliff Collapse Management Area
- Mass Movement Management Area
- Reminder of Port Hills and Banks Peninsula Slope Instability Management area

Developments or subdivisions in these areas require detailed geotechnical investigations where resource consent applications for activities are required. In many cases, for example in cliff collapse areas, the range of activities provided for as permitted activities is very limited. A detailed table of activities and the corresponding activity status for each is provided in Table 5.6.1.1 of the CDP.

In terms of other methods, CCC uses section 106 of the RMA through the subdivision consent process and the Building Act for building consents to ensure geotechnical risks are appropriately assessed. In particular it is noted that rockfall risk and rockfall hazard mitigation structures are assessed through the building consent process and a technical expert panel has been established who peer review all building consent applications in areas subject to rock fall, mass movement and cliff collapse and any other geotechnical hazards.

6.0 Summary of Gaps and Main Issues Identified

It is considered that the approach to managing geotechnical risk in Selwyn District is not robust or up to date in the sense of giving effect to the higher order documents and policy guidance documents being provided from Central Government. Considering the approaches reviewed, it is most similar to the approach taken by ADC. Considerable emphasis is placed on the provision of geotechnical assessments at the subdivision and plan change stage. This is a practical approach given the wide geographical nature of Selwyn District and costs to obtain detailed natural hazard information. However, it is not as robust (or “best practice”) compared with some of the neighbouring districts such as Hurunui District and Christchurch City. It is also not risk-based. Hurunui District, in particular, has a similar geographical spread to SDC and have implemented the

Ministry for the Environment's Fault Line Guidance, more robust liquefaction policies and rules, and greater consideration of slope instability within its new and now essentially operative District Plan. The Christchurch City Council has also given considerable thought to policy provisions for location of critical infrastructure in areas subject to high hazards (see Policy 11.3.4 of the CRPS discussed earlier).

The main gaps identified for the Selwyn District are:

1. Absence of a comprehensive risk-based approach to natural hazard management including geotechnical risks and a clear objective and policy framework.
2. Lack of robust identification on the planning maps of areas of slope instability and liquefaction risk and few rules specifically dealing with geotechnical risk, particularly active faults.
3. A focus on subdivision as the main point of capture for the management of geotechnical risk when many land development projects do not involve subdivision. The majority of the other districts reviewed capture this through requiring land use resource consents in locations where geotechnical risks have been identified and mapped.
4. The absence of a policy framework for strategic and critical infrastructure in high hazard areas (some of these will be located in high flood risk areas rather than areas of high geotechnical risk within Selwyn).

Many of the gaps result from the SDP predating the CRPS.

Most of the district plans reviewed make it clear that subdivision is the foundation of much of the development that occurs within the district as it provides for the establishment of new activities. However, many of the councils have included provisions to cover the situation where land development occurs without subdivision. So while section 106 is important, it is likely that support in the district plan with robust policies, and rules in respect to managing geotechnical risk under a comprehensive natural hazards framework will result in better outcomes for both subdivision and other land development in the district.

Overall, SDCs approach could be more comprehensive and integrated through managing the risk of liquefaction, slope instability and active faults within a framework that is also appropriate to other natural hazards, such as flood and coastal hazards in the district. It could also involve more comprehensive provisions dealing with land development where no subdivision is triggered. Currently the approach is piecemeal with little guidance in terms of matters of discretion, matters of control and additional information requirements to guide resource consent planners and users of the plan. The approach to managing geotechnical risk could be improved by providing clearer provisions that are specifically targeted at addressing geotechnical risk.

Section 6(h) of the RMA is a recent amendment and brings with it an obligation of local authorities to manage significant risk from natural hazards as a matter of national importance and this includes geotechnical risks. It will be important for district councils to manage significant risks from natural hazards at the local level as a matter of national importance, and goes hand in hand with the council's responsibilities to control the use of land for the avoidance or mitigation of natural hazards (Section 31, RMA). This elevated status needs to be embraced in the DPR.

7.0 Summary of Options to Address Issues

Based on the matters discussed in the Baseline Report and summarised in this report two options have been provided below addressing management of geotechnical risk within the DPR.

7.1 OPTION 1 Status quo

This option would result in no change to the provisions in the SDP managing geotechnical risk. Reliance would continue to be placed on capturing geotechnical risk through geotechnical investigations at the subdivision and building consents stage and through requests for specific information to support plan changes. The onus would continue to fall on developers to identify geotechnical risk. ONLs and VALs would continue to be the only trigger for the requirement for a geotechnical investigation in relation to potential slope instability. The faultlines identified on the planning maps would continue to alert the community and developers to the risk from faultlines, but would only be effective if a resource consent was triggered by another matter (not the natural hazard per se as there are no attached rules).

Effectiveness in Addressing Issue:

Maintaining the status quo is not considered to be effective in addressing geotechnical risks in the district.

The Baseline Report has highlighted a number of inadequacies with the current provisions in the SDP. To continue with the provisions unchanged would not address the issues identified. In particular it is considered that the current provisions do not give effect to the NZCPS (in respect to coastal erosion hazard) and the CRPS (all natural hazards).

In terms of the CRPS, policies 11.3.3, 11.3.5 and 11.3.6 will not be given effect to because subdivision and development will not be managed specifically to avoid or mitigate the effects of active faults and areas of liquefaction or lateral spread. A risk based approach has not been adopted generally throughout the existing plan. Including consideration of the likelihood of the natural hazard event and the potential consequences for people, communities, property, infrastructure and the environment

There is currently no real acknowledgment of the role of natural features in assisting in avoiding or mitigating natural hazards, or policies requiring them to be protected and restored where appropriate. This means that the plan is currently more heavily focused on engineering solutions and hard protection structures and is therefore potentially inconsistent with the NZCPS and the CRPS.

Risks:

There are a number of risks associated with the carrying over of the SDP rules. As noted above, Option 1 would not be effective in addressing the identified problems with the current rules package and the matters outlined in the baseline report would remain unresolved.

The onus would continue to fall on developers to identify geotechnical risk in their subdivision developments and plan changes for rezonings. However, there is some risk of liability for the

Council if it approves a subdivision consent in an area where it does not require a geotechnical report, which is later found to require costly foundation design due to geotechnical risks identified at a later stage of site development. There is also the risk exposure where development does not require a subdivision, and the geotechnical risk is of a nature that cannot be addressed by individual site development. This could happen for example during an earthquake that triggered rock fall over a wide area of the Port Hills.

Budget or Time Implications:

There would be no budget or time implications given that this option would effectively result in a roll-over of the existing provisions and would not need further drafting resources, except to make the provisions consistent with any new structure adopted.

Stakeholder and Community Interests:

Minimal consultation has taken place to date in respect to this topic.

The current plan does not effectively consider the cultural implications of geotechnical risk on the community. This has been identified in the Baseline Report as including potential loss of items, features and places of significant cultural value due to coastal erosion. It is considered that engagement with iwi is required to provide culturally acceptable solutions to these issues. Adopting Option 1 would undermine the ability to consider these issues unless a hybrid option of the status quo plus iwi input was considered.

ECan and other Crown Institutions would be unlikely to support Option 1 given the considerable new guidance and policy provisions that have been developed since the SDP was made operative. See comments provided below from ECan in respect to Option 2.

Recommendation:

That this option not be adopted for further engagement.

7.2 OPTION 2 – Comprehensive risk-based framework

This option involves adopting and progressing the recommendations provided in the Baseline Report as follows:

Faultlines

1. Follow the guidance and advice provided in the Planning for Development of Land on or Close to Active Faults: A guideline to assist resource management planners in New Zealand, MfE. It is considered that the Hurunui District's approach to fault avoidance and fault awareness provisions is a useful approach for Selwyn District to adopt. That approach follows closely the MfE Guideline. It is recommended that the risk-based approach outline from the MfE Guideline (provided in Appendix B of the Baseline Report) be used for an initial higher level consideration of priority areas.

For the RI Class V Greendale Fault with a recurrence interval between 20,000 and 30,000 years, establish a fault avoidance zone (buffer area) similar to that developed in Hurunui

District Plan for the Hanmer and Hope faults and determine the Building Importance Category. Under the MfE Guideline, the Greendale Fault would require provisions making structures in building importance category 4 a non-complying activity. This process should be repeated for other active faults where there is sufficient information or adopt the fault awareness zone approach used in the HDP.

2. Develop an objective and policy framework for faultlines similar to the examples below that have been developed for Hurunui District:

Policy 15.3

To avoid the subdivision, use or development of land within the Fault Avoidance Zone unless the adverse effects of fault rupture can be mitigated so as to ensure that there is no greater risk to health and safety during and after an earthquake.

Policy 15.4

To avoid the development of land within any Fault Awareness Zones for post emergency infrastructure or infrastructure which large numbers of people congregate in, unless that infrastructure has been appropriately designed and sited in relation to the fault hazard.

Liquefaction

3. Adopt an approach similar to CCC in terms of a policy framework for managing liquefaction risk (acknowledging that the areas of liquefaction prone land is much smaller in Selwyn District and the district is less populous and experiences less development pressure). The following policy from the CDP could be adapted, or form the basis for consideration of a policy:

Policy 5.2.2.4:

- a. Map the Liquefaction Management Area based on a district-wide assessment of where damaging liquefaction is more likely to occur; and*
- b. Provide for rezoning, subdivision, use and development on flat land where liquefaction risk has been appropriately identified and assessed, and can be adequately remedied or mitigated.*

4. Identify a Liquefaction Management Area (or other label) on the planning maps using information from SDC's technical consultants, as identified in the Baseline Report.
5. Develop provisions relevant to both subdivision, development and use and provide reasonably detailed information requirements for developing on land prone to liquefaction.

Slope instability including rockfall and mass movement

6. Further investigate areas on the Port Hills and possibly also Malvern Hills where rock fall, mass movement and soil erosion may occur (see baseline report section 2.3.5 as a starting point and the high erosion risk maps in the LWRP). Consideration should also be made in respect to the level of development anticipated in these areas over the life of the district plan.

7. Develop specific provisions in respect to slope stability rather than relying on the ONL and VAL provisions to trigger this consideration. These areas do not sufficiently overlap or align with areas of high erosion risk or closely align with areas of known slope instability. The existing provisions are focused on identifying the outstanding natural areas and visual amenity landscapes not natural hazard risk.
8. A useful policy that could assist in providing a framework is the slope instability policy for the remainder of the Port Hills in the CDP. This policy is as follows:
Policy 5.2.2.4.3a.
 - a In areas not already identified in Policy 5.2.2.4.1a as being subject to cliff collapse, rockfall or mass movement, but where the land may be subject to slope instability:*
 - *to the extent appropriate, require proposals for subdivision, use and development to be assessed by a geotechnical specialist to evaluate the presence of hazards and level of risk to people and property (including infrastructure) from slope instability hazards; and*
 - *only allow subdivision, use and development where risk can be reduced to an acceptable level.*

This policy recognises that large areas of the Port Hills have not been investigated but a slope instability risk, such as rockfall, could still be present should development be proposed and could be usefully adapted for the Selwyn District.

Geotechnical risk and earthworks

9. Develop a clearer connection between earthworks and geotechnical related natural hazards as well as exploring the areas where duplication with the LWRP including setbacks from waterbodies and differing maximum volumes thresholds occur. In respect to potential for overlapping functions explore the use of section 33 of the RMA to transfer powers to ECan for earthworks associated with large dam construction, hard protection structures adjacent to MHWS and similar structures. Clearer provisions could include development of matters of control and matters of discretion that specifically target geotechnical risk when earthworks are being undertaken.
10. Consider a lower threshold volume specifically for high erosion risk areas and other areas of likely slope instability. The LWRP already has a low threshold in the High Erosion Risk Areas and this could be relied upon, but those areas are not confirmed to also be an accurate representation of areas of slope instability in the Selwyn District (rockfall, cliff collapse and mass movement) and this requires further investigation.

General Approach to geotechnical risk

11. Consider setting up a register of suitably qualified and experienced geotechnical professionals to assist in reviewing resource consents and building consents, and potentially plan changes. This register should be governed by a select panel (approximately 3) of best

practice geotechnical industry leaders. Professionals within the register could be sought to ‘screen’ and review the most complex or geotechnically challenging applications.

12. Continue to manage the geotechnical risk through the subdivision consent process using the updated Section 106 of the RMA, but include clearer provisions in the district plan relating to liquefaction, faults, and slope instability areas to support assessment processes. The Living Zones in the Township Volume contain more robust assessment matters for subdivision where liquefaction and lateral spread occur than the Rural Volume and this inconsistency could be easily addressed in the review of the district plan.
13. Investigate the 15 lot cut off for requiring geotechnical assessment for subdivisions in the low to very low geotechnical risk area to determine whether this is appropriate and update the district plan provisions to be consistent with what will happen in practice.
14. Given the concern over the effects of coastal erosion and climate change at the Taumatu coastline including Te Koru and other cultural sites of significance and ancestral lands, consult with iwi as part of determining appropriate district plan provisions in respect to geotechnical risk.
15. Develop appropriate district plan provisions for all other land developments types in terms of geotechnical risks. Ensure that the provisions are clearly related to the risk from natural hazards.
16. Include additional matters of control, matters of discretion and additional information requirements to guide resource consent planners, developers and others using the Plan for liquefaction, slope instability, active faults and any other geotechnical risks identified.
17. Include a statement in the reviewed plan similar to that of HDP recognising the seismically active nature of the district and its potential exposure to a number of geotechnical risks.
18. Investigate policy provisions that will assist in relation to the location of critical and strategic infrastructure within Selwyn District to give effect to the CRPS.
19. Give effect to section 6(h) of the RMA. It is recommended that the DPR process be used to re-focus and strengthen natural hazards provisions overall, including those relating to geotechnical risk, with greater cross boundary consistency with the approaches taken by CCC and HDC.

Effectiveness in Addressing Issue:

Overall Option 2 is a more considered approach which will give better effect to the higher order documents discussed in Sections 4.2 and 4.3 than Option 1 and would address the gaps identified in the Baseline Report (summarized above). It will enable SDC to undertake an up to date

assessment of its geotechnical hazards utilising the most recent Central Government guidelines and refocus the provisions for managing geotechnical risk in light of the addition of Section 6(h) to the RMA. It would also enable greater cross boundary consistency with neighbouring districts, particularly CCC and HDC.

Risks:

It is considered that the inclusion of more robust geotechnical risk provisions in the DPR will reduce the risks to SDC in dealing with new development in the district.

There are some risks in terms of introducing new provisions in the district plan process that would need to be properly consulted upon. The new provisions are likely to be controversial with property owners.

Budget or Time Implications:

There are budget and time implications in taking this approach. While it is considered that few additional technical reports will need to be commissioned, considerable work will be required to bring the provisions of the reviewed plan together and to draft provisions appropriately, including updated planning maps. Additional technical advice will be required.

Stakeholder and Community Interests:

It is considered that this option will better give effect to the Iwi Management Plan, the CRPS and the NZCPS and as a consequence it likely to receive greater support than Option 1 from existing stakeholders such as iwi, ECan and Central Government. However, greater consultation will be required with property owners who are likely to be affected by the new provisions.

The Baseline Report was provided to Environment Canterbury who generally supports its recommendations. The comments received from ECan on the Baseline Report are provided below⁸:

Active fault recommendations

- Environment Canterbury would support the development of policies on fault avoidance areas and fault awareness areas. This would be consistent with Policy 13.3.3 in the CRPS.

Geotechnical risk and earthworks recommendations

- Environment Canterbury would support an assessment of the overlaps or potential overlaps in management between the District Plan and the LWRP. Environment Canterbury would be happy to assist with this process.
- Environment Canterbury would be happy to discuss the transfer of powers under Section 33 of the RMA to Environment Canterbury for earthworks associated with large dam construction, hard protection structures adjacent to MHWS and similar structures.

⁸ Email correspondence, Sam Leonard, Environment Canterbury, 12 June 2018

Liquefaction recommendations

- Environment Canterbury would support the development of a policy framework for managing liquefaction risk. This would be consistent with Policy 13.3.3 in the CRPS.

Slope stability recommendations

- Environment Canterbury would support the development of specific slope stability provisions in the District Plan. Environment Canterbury would be happy to assist with the identification of potential overlaps with the LWRP provisions for High Soil Erosion areas.

General recommendations

- Environment Canterbury would also support the general recommendations in the Report.

Recommendation:

That Option 2 be accepted for further development and engagement.

8.0 Summary of Stakeholder Engagement

To date, discussions have been held with the neighbouring Canterbury district council's: CCC, HDC, WDC and ADC. Discussion with each council focused on identifying the methods each council uses to manage geotechnical risk both within and outside of their district plan. The methods each council identified are addressed in full in the Baseline Report and have been discussed in Section 5 of this report. While this assessment of other councils natural hazard provisions assists in cross boundary consistency and best practice approaches it does not amount to stakeholder engagement on the DPR with these councils which is yet to be undertaken.

Discussions have also taken place with resource consent officers and subdivision officers and building consent staff within SDC itself. As provisions are developed it is considered that close liaison will be required to understand the effect of introducing new provisions on existing processes if Option 2 is adopted.

More engagement is considered to be required with both iwi and ECan to further progress the understanding of geotechnical risk in Selwyn District and to effect greater co-operation with lead organisations, including addressing cross boundary issues.

9.0 Preferred Option for Further Engagement

The Project Team recommends that:

Option 2, being the management of geotechnical risk through a risk-based objectives and policy framework that acknowledges the smaller population base and widely distributed nature of the district, and its assets, coupled with additional and updated rules and planning maps be adopted for further engagement as per the recommendations in the Baseline Report summarized above.

Appendix 1 – Baseline Report

Link to Baseline report:

[Managing Geotechnical Risk, \[PDF, 3361 KB\] June 2018](#)

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

Author:	Rachael Carruthers (Strategy & Policy Planner) and Katrin Johnston (Communications Consultant)
Contact:	347 2833 (Rachael)

Purpose

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

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Managing Geotechnical Risk – communications and engagement summary plan’

NH203 Managing geotechnical risk – communications and engagement summary plan

Key messages

(as of 18 June 2018)

Background

- As part of the Selwyn District Plan Review, the current approach to managing geotechnical risk in the district is being reviewed. This includes liquefaction, active faults, slope stability (eg rockfall) and earthworks.
- Selwyn district runs from the east coast south of Christchurch, northwest through to the Southern Alps, crossing the Canterbury Plains. As such, the geology, natural hazards and geotechnical hazards are varied.
- In total, there are 24 areas in the district which are either known or suspected active faults and folds. The main active earthquake faults in the district are Greendale, Porters-Amberley, Torlesse and Esk, and Cheeseman. The Alpine Fault is located approximately 15 km beyond the district's boundary (to the northwest).
- The liquefaction hazard across the district is reliant upon the ground materials, groundwater levels and shaking intensity during earthquakes. Overall risk of damage from liquefaction in most of the Selwyn district is low.
- The Council advises any person requesting Land Information Memoranda (LIM) of any known natural hazard affecting land. For example, properties in Arthur's Pass have rock fall potential listed on their LIMs.

Current status

- Current approach to managing geotechnical risk isn't up to date and robust.
- Key issues:
 - absence of a comprehensive risk-based approach to natural hazard management across the district and for different land uses.
 - few rules specifically dealing with geotechnical risk, particularly active faults.
 - for managing geotechnical risk the Plan relies heavily on geotechnical assessments as part of the subdivision developments and plan changes for rezoning. However, not all subdivisions are required to provide a geotechnical assessment and many land development projects don't involve subdivision.
 - while the district has active fault lines, areas of known liquefaction susceptibility and areas of slope instability, there's little recognition in the Plan of these areas, although active faults are included on the planning maps.

About preferred option

- Key draft changes include:
 - providing clearer, more comprehensive and integrated provisions that are specifically targeted at addressing geotechnical risk. This could include managing liquefaction, slope instability and active faults risk within a consistent framework that is also appropriate for other natural hazards, such as flood and coastal hazards in the district.
 - Identify and map the following geographic areas in the district:
 - where known active faults lie (for example, develop fault avoidance and fault awareness areas), and
 - where damaging liquefaction is more likely to occur should there be an earthquake.
 Once these areas are identified, develop detailed information about the impacts of this identification for an affected landowner. For example, whether a property within a fault awareness area would have this noted on its LIM, and what rules would apply.
 - Further investigate Port Hills and potentially Malvern Hills to identify where slope instability ie rock fall, mass movement and soil erosion, is more likely to occur. This would then inform future development in these areas.
 - Develop more comprehensive natural hazards-related provisions dealing with land development that does not necessarily involve subdivision.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	Ministry of Business, Innovation and Employment	[once all identified areas are confirmed contact all affected landowners]	Selwyn ratepayers
SDC Consent Team	Te Ngāi Tūāhuriri Rūnanga (represented by Mahaanui Kurataiao)	Ministry for the Environment		News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)	GNS Science		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 ⁴						
Preferred option consultation					[will be consulted at the time of general public consultation]	

2018 communications and engagement key tasks/milestones per month

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

Audiences	Pre-June DPC	June	July	August ⁵
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			Endorsed preferred option report is published on Your Say Selwyn	General consultation as part of district-wide matters
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 summary of the baseline report.

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

10a. Preferred Option Report – Earthworks

Author:	James Tapper / Nick Boyes (Planz) and Robert Love (Strategy & Policy Planner)
Contact:	347 1821 (Robert)

Purpose

To brief the Committee on the findings of the Earthworks Baseline Report, which reviewed the effectiveness of the 'general' provisions for earthworks in the Operative District Plan and identified what changes may be appropriate to the rule package in the Proposed District Plan. The purpose of the Preferred Option report is to provide a preferred option for the management of earthworks activities in the Proposed Plan.

Recommendation

“That the Committee notes the report.”

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

Attachments

‘Earthworks – Phase 2 Preferred Option Report (DW211)’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 30 May 2018

TOPIC NAME: District Wide – Earthworks

SCOPE DESCRIPTION: Earthworks – Phase 2 Preferred Option Report (DW211)

TOPIC LEAD: Robert Love

PREPARED BY: James Tapper (Consultant)

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The existing provisions in the Operative District Plan relating to general earthworks require updating to ensure they remain accurate and necessary.</i>
<i>Preferred Option</i>	<i>Option 2 - the management of general earthworks activities as a permitted activity, subject to an updated set of performance standards.</i>
<i>Recommendation to DPC</i>	<i>That the preferred option for District Wide – Earthworks is endorsed for further development (targeted stakeholder engagement, Section 32 and Drafting Phase).</i>
<i>DPC Decision</i>	



1.0 Introduction

Planz Consultants Ltd has been engaged by Selwyn District Council (SDC) to review the effectiveness of the 'general' provisions for earthworks in the Operative Selwyn District Plan ('Operative Plan') and identify what changes may be appropriate to the rule package for earthworks in the Proposed Selwyn District Plan ('Proposed Plan'). The purpose of this report is to provide a preferred option for the management of earthworks activities in the Proposed Plan.

At the outset, it is important to note that this review relates specifically to earthworks activities, including the cut and deposition of material and stockpiling, but specifically excludes the following matters:

- Mining, mineral exploration and quarrying;
- Noise;
- Earthworks within sensitive locations; and
- Loss of versatile soils.

This report firstly provides a summary of the Operative Plan approach and the existing statutory context. It then discusses a series of issues relating to the Operative Plan rules package for earthworks, as identified in the 'DW011 Earthworks Baseline Report' ('Baseline Report'), which was prepared by Planz Consultants in February 2018. In summary, the issues relate to the following matters:

- The volume-related thresholds for earthworks activities, including the control of such activities on a 'per project' basis;
- Gaps in the rules relating to the stockpiling of material, and the remediation of land that has been subject to earthworks;
- The absence of a reference to the potential cultural effects of soil disturbance from general earthworks activities;
- The absence of a reference to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health for the control of earthworks activities on contaminated land; and
- The need to control earthworks associated with subdivision activities through separate permitted activity standards.¹

Having outlined the current Operative Plan approach and identified the issues, the report then considers the approaches taken by surrounding districts in the management of earthworks activities and the feedback obtained from stakeholders during the development of the

¹ This is due to changes to the RMA that have arisen from the Resource Legislation Amendment Act 2017, whereby subdivision of land can now potentially be assessed as a permitted activity.

Baseline Report. Finally, two options for addressing the identified issues with the existing rules package are provided, including the identification of a preferred option.

2.0 Statement of Operative District Plan Approach

The following section provides an overview of the Operative Plan provisions relating to earthworks activities (that are within the scope of this report) from both the Township and Rural Volumes of the Plan.

2.1 Operative Plan (Township Volume)

While the Township Volume does not contain any objectives specifically related to earthworks, the Plan does include broad objectives that generally seek to avoid, remedy or mitigate the associated effects. The most relevant objectives seek the following outcomes:

- That adverse effects from contaminated soil or unstable land, are minimised (**Objective B1.1.1**);
- That the adverse effects from the storage or disposal of waste (including fill) are reduced (**Objective B2.4.2**); and
- That methods to mitigate natural hazards (including earthworks) do not create or exacerbate adverse effects (**Objective B3.1.3**).

The Township Volume policies provide more targeted direction and relate to a broad range of matters in terms of earthworks, including contaminated land, natural hazards, amenity values and subdivision activities. The most relevant policies seek the following outcomes:

- Avoid adverse effects on people's health or wellbeing from exposure to contaminated soil (**Policy B1.1.2**);
- Ensure activities do not create unstable land (**Policy B1.1.5**);
- Regard any land used to dispose of solid waste (including clean fill) as a potentially contaminated site until it is tested (**Policy B2.4.7**);
- Avoid nuisance effects caused by dust from stockpiles or construction work (**Policy B3.4.14**);
- Avoid, remedy or mitigate adverse effects from excessive or prolonged vibration (**Policy B3.4.15**); and
- Ensure any temporary, adverse effects from the preparation of land for subdivision or utilities are avoided, remedied or mitigated (**Policy B4.2.5**);

In terms of the Township Volume rules, it is noted that all earthworks and stockpiles are permitted in townships, provided a series of conditions can be met (**Rule 2.1**). The conditions include volume thresholds and land remediation requirements. The conditions are summarised below:

- Stockpiled material is kept moist, consolidated or covered to avoid sediment run-off;

- Sites subject to earthworks are either built upon, sealed, landscaped or recontoured and replanted within 12 months of the earthworks commencing;
- Earthworks (including stockpiling) do not occur within 20m of waterbodies listed in Appendix 12 and 10m of any other waterbody;
- Earthworks have a maximum volume of 2,000m³ per project in Living Zones or 5,000m³ per project in Business Zones;
- Earthworks have a vertical cut face where no more than 5% of the total vertical cut is over 2m; and
- Earthworks on a site where a building is to be erected complies with NZS 4431 Code of Practice for Earth Fill for Residential Development.

Where the above standards can't be met, the activity becomes fully discretionary. A separate provision applies to the Living 1A and 2A Zones in Tai Tapu (flood prone areas) which only permits earthworks for forming accessways or preparing building platforms and requires that land drainage patterns are taken into account.

Additionally, rules relating to the outdoor storage of materials ensure stockpiles generally need to be screened from view from beyond the site boundary in urban areas. Furthermore, the waste disposal rules in the Plan list the disposal of clean fill as being a discretionary activity in Business Zones and non-complying in Living Zones, unless the material is green waste or fertilizer, in which case it is permitted.

It is also relevant to note that the Plan exempts a series of activities from the earthworks rules, including the digging of post holes, burying pets, maintaining flood protection works and digging for building foundations. Notwithstanding, it is noted that subdivision activities and utility-related works remain subject to the earthworks provisions outlined above. To date this has meant that residential subdivisions are typically accompanied by a separate land use consent to deal specifically with earthworks.

2.2 Operative Plan (Rural Volume)

The outcomes sought by the Rural Volume objectives relating to earthworks are consistent with those sought by the Township Volume, as outlined above. However, the Rural Volume policies differ somewhat in that they take into account the nature of the rural environment. As a broad overview, the relevant policies seek the following outcomes:

- Avoid adverse effects on people from the exposure of contaminated land (**Policy B1.1.1**);
- Require earthworks on slopes to be carried out in ways that minimise land slipping or slumping (**Policy B1.1.4**);
- Avoid removing large quantities of topsoil from sites, unless the site will be covered in hardstanding or the topsoil will be replaced and replanted when the activity ceases (**Policy B1.1.7**);

- Ensure earthworks undertaken in flood areas do not exacerbate flooding on other properties (**Policy B3.1.4**);
- Mitigate nuisance effects on adjoining dwellings caused by dust from earthworks or stockpiled material (**B3.4.16**).

The Rural Volume rules follow a similar structure to those applying to townships, albeit with more lenient thresholds that reflect the lower residential density of the rural environment. As with the Township Volume, earthworks and stockpiles are permitted in Rural Zones (**Rule 1.7**), subject to the following conditions:

- The earthworks are set back from a waterbody;
- The earthworks have a vertical cut face where no more than 5% of the total vertical cut is over 2m;
- The maximum earthworks volume is 5000m³ per project;
- When earthworks cease the site is filled and recontoured to the same state as surrounding land;
- When earthworks cease, the land is replanted with vegetation;
- Any stockpiling of material within 100m of a dwelling on a different property is to be kept moist and consolidated.

Where the above standards can't be met, the activity becomes discretionary. A separate earthworks provision applies to any area of land within 300m either side of SH 73 (between Porters Pass and Arthurs Pass) or the Midland Railway (from Waimakariri Gorge to Arthurs Pass). That rule permits earthworks related to maintenance of existing tracks and road, post holes, telecommunication lines or any other earthworks of less than 150m³ per project. All other activities are restricted discretionary.

In terms of the disposal of clean fill in rural areas, it is noted that the Plan permits such activities provided a series of activity standards can be met. Included in those standards is a requirement for the maximum volume of disposed material to be not more than 3m³ per week averaged over a calendar year, and a requirement that the clean fill being disposed of has been generated on site. Where the activity standards can't be met, clean fill disposal is a discretionary activity.

3.0 Summary of Relevant Statutory Context

To further establish the effectiveness of the existing planning framework, the statutory documents considered most relevant to the control of earthworks have been reviewed in detail as part of the Baseline Report. The planning documents considered most relevant are:

- Canterbury Regional Policy Statement (CRPS)
- Canterbury Land and Water Plan (CLWP)
- Canterbury Air Regional Plan (CARP)
- Mahaanui Iwi Management Plan (IMP)

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)
- National Environmental Standard for Electricity Transmission Activities 2010 (NESETA)
- National Environmental Standard for Telecommunication Facilities 2016 (NESTF)

The provisions of the above listed documents have been taken into account in assessing the Operative Rules for earthworks and in recommending a preferred option. It is noted that the review contained in the Baseline Report did not find any areas of significant overlap between the above documents and the Operative Plan provisions, nor did it uncover any significant gaps.

The majority of the planning documents listed above contain rules that sit alongside the District Plan provisions and relate to certain effects of earthworks activities which are generally outside of the control of the District Plan. Notwithstanding, the CRPS and the IMP are considered to be higher-order strategic planning documents that provide policy direction for the preparation of the Proposed Plan.

On that basis, a summary of the relevant provisions from the CRPS and the IMP and the policy direction provided therein, is contained in the following subsections.

3.1 Canterbury Regional Policy Statement

The CRPS contains provisions relating to natural hazards, air quality, soil erosion and contaminated land. These provisions are of particular relevance as sections 74 and 75 of the Resource Management Act 1991 (RMA) sets out that when preparing or changing a district plan, a territorial authority shall have regard to any proposed regional policy statement; and that a district plan must give effect to (and not be inconsistent with) any regional policy statement.

In terms of natural hazards and earthworks, it is noted that the CRPS seeks to avoid or mitigate land uses that would likely result in increased frequency/severity of hazards. In many instances, this policy will include activities such as earthworks on unstable land. Furthermore, the CRPS aims to avoid or mitigate adverse effects from hazard mitigation (such as increased flooding from land remediation works). This policy is reflected in the Operative Plan Objective B3.1.3.

The CRPS aims to enable discharges of contaminants to air (such as dust from earthworks/stockpiling) provided there are no significant localised adverse effects. Again, this provision is somewhat replicated in the Operative Plan through policies relating to the 'Quality of the Environment' and more specifically those relating to 'Dust'.

The provisions relating to soil erosion in the CRPS seek to prevent any new induced soil erosion and encourage measures to reduce existing induced erosion. While the Operative Plan aligns with the CRPS in terms of preventing erosion, it does not contain any provisions relating to the reduction of existing soil instability.

The CRPS contains two policies relevant to earthworks and contaminated land. Those policies relate broadly to avoiding, remedying or mitigating discharges from contaminated land and any associated adverse effects on the environment or on human health. Similarly, the Operative Plan contains a suite of objectives and policies seeking the same outcomes (Part B1.1 in both the Township and Rural Volumes).

In conclusion, the broad strategic direction of the CRPS in terms of earthworks is largely adhered to within the Operative Plan as a result of the existing objectives and policies in the Plan. The CRPS does not offer guidance specifically in relation to earthworks (aside from those matters outside the scope of this report), but instead contains a series of provisions relating to natural hazards, air quality, soil erosion and contaminated land that may affect earthworks activities depending on their scale and location. It is left up to the district planning framework to set the thresholds in terms of where and at what scale earthworks activities are controlled through the resource consent process.

3.2 Mahaanui Iwi Management Plan

The IMP contains a series of policies specific to earthworks that seek to ensure the localised environmental effects of earthworks proposals are appropriately assessed and controlled. A summary of the relevant policies is displayed in the following table:

Reference	Policy
Section 5.1 – Ranginui	
R1.1	To protect the mauri of air from adverse effects associated with discharge to air activities.
R2.3	To require that local authorities recognise that some discharge to air activities may have particular adverse effects on Ngāi Tahu cultural values, including marae and wāhi tapu.
Section 5.4 – Papatūānuku	
P9.1	To sustain and safeguard the life supporting capacity of soils, mō tātou, ā, mō kā uri ā muri ake nei.
P9.3	To protect the land from induced soil erosion as a result of unsustainable land use and development.
P9.4	To support the following methods and measures to maintain or improve soil organic matter and soil nutrient balance, and prevent soil erosion and soil contamination: <ul style="list-style-type: none"> (a) Matching land use with land capability (i.e. soil type; slope, elevation); (g) Avoiding leaving large areas of land/soil bare during earthworks and construction activities.
P11.1	To assess proposals for earthworks with particular regard to: <ul style="list-style-type: none"> (a) Potential effects on wāhi tapu and wāhi taonga, known and unknown; (b) Potential effects on waterways, wetlands and waipuna; (c) Potential effects on indigenous biodiversity; (d) Potential effects on natural landforms and features, including ridge lines; (e) Proposed erosion and sediment control measures; and (f) Rehabilitation and remediation plans following earthworks.
P11.9	To require stringent and enforceable controls on land use and earthworks activities as part of the resource consent process, to protect waterways and waterbodies from sedimentation, including but not limited to:

	<p>(a) The use of buffer zones;</p> <p>(b) Minimising the extent of land cleared and left bare at any given time; and</p> <p>(c) Capture of run-off, and sediment control.</p>
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Table 4.1 – Summary of relevant Mahaanui IMP policies.

Notably, the policies broadly relate to the protection of land from soil erosion and the potential effects of earthworks on wāhi tapu, wāhi taonga, waterways, indigenous biodiversity and landscapes. Moving forward, particular regard should be had to unknown wāhi tapu and wāhi taonga, and to the protection of the mauri of air and the life supporting capacity of soils through the appropriate management of earthworks activity in the Proposed Plan.

4.0 Summary of Issues

Having undertaken a full assessment of the effectiveness of the Operative Plan provisions within the Baseline Report, a number of issues have been identified, as well as potential options for addressing those issues. The following section provides an overview of the main identified issues which should be considered in developing the Proposed Plan.

4.1 Thresholds for earthworks activities

The way in which the thresholds for earthworks volumes are measured in the Operative rules package is a matter that has been identified as problematic. It is noted that in restricting earthworks activities to a maximum specified volume ‘*per project*’, ambiguities arise in terms of the way the rule is applied. Clearly, the way in which the definition of ‘project’ is interpreted has a significant influence on the application of the rule, particularly in relation to large scale activities. The definition of ‘project’ in the Operative Plan is as follows:

All earthworks undertaken as part of, or ancillary to, the completion of one particular activity or the construction of a building or structure, whether that activity is undertaken or the building or structure is erected continuously or in discrete stages, and whether it occurs in one continuous area or is separated by land which is not disturbed by earthworks.

The wording of the definition is such that it potentially allows for any number of projects to be undertaken across an unidentified land area. Conversely, a different interpretation of the rule could require resource consent for two unrelated and separate earthworks activities if they were deemed to contribute to one overall project. While the definition attempts to package together all earthworks undertaken “as part of, or ancillary to” an activity, it remains unclear as to what constitutes a single activity. This is particularly problematic in dealing with large scale developments which can often involve several components, each of which can be very different in nature, or take place over a large land area.

On that basis, it is considered that the potential for inconsistencies to arise when interpreting and implementing the rules relating to earthworks volumes could allow for two or more earthworks activities with more than minor cumulative effects to occur simultaneously on a site as of right. Conversely, the rules may require resource consent for the undertaking of

earthworks in relation to two or more very separate activities if they were assessed cumulatively as part of a larger 'project'.

In terms of earthworks volumes, it is considered that the current upper limit applying to residential and commercial areas, being 2,000m³ per project, should be lowered to reflect the sensitive nature of the receiving environment. An earthworks volume of 2,000m³ is considered far greater than what could reasonably be anticipated to occur on an urban site without resulting in adverse effects. Notwithstanding, as explained in further detail in this report, it is considered appropriate to control earthworks for the purpose of subdivision or utilities separately in urban areas given the need for a higher volume of earthworks.

4.2 Visual effects of stockpiling in Rural Zones

The main restriction in terms of stockpiling in Rural Zones relates primarily to the requirement to keep stockpiled material moist and consolidated/covered, ensuring dust emissions are reduced (**Rule 9.19²**). However, there is an absence of control over the potential visual effects of large stockpiles, which can be obtrusive when viewed from neighbouring sites and public spaces.

While the thresholds in terms of maximum permitted earthworks volumes apply for the initial deposition of stockpiled material on a site, there are no controls in relation to the maximum height, the required level of screening or the location of stockpiles (such as setback distances from boundaries). As such, up to 5,000m³ of material can be stockpiled immediately adjacent to an internal or road boundary as of right, with the only relevant permitted activity standard relating to the requirement to "*mitigate windblown dust on adjoining properties*". The Rule is only triggered for stockpiles within 100m of a neighbouring dwelling, beyond that the Operative Plan contains no control on stockpiling of materials.

It is accepted that the open spacious character of the rural environment generally allows for the visual effects of stockpiled material to be more readily absorbed, however it is considered appropriate to implement some level of control to protect the outlook and visual amenity of the receiving environment, particularly in relation to stockpile activities near dwellings on adjoining properties.

4.3 Requirements for land remediation

Following the completion of earthworks, **Rule 1.7.1.3** requires sites in Rural Zones to be:

- (a) *Filled and recontoured to the same state as the surrounding land; and*
- (b) *Replanted with vegetation which is the same as, or of similar species to, that which existed on the site prior to the earthworks taking place.*

² It is noted that this particular rule sits in Part C9 'Activities' isolated from the balance of the earthworks provisions contained in C1 'Earthworks'.

While it is important to ensure land is appropriately remediated following the completion of earthworks, it is noted that in many cases, recontouring would defeat the purpose of why the earthworks were undertaken. The Plan excludes earthworks associated with the preparation of sites for buildings, roads, tracks, tree or crop planting from the abovementioned rule. However, there is no such exclusion for earthworks associated with the creation of storage ponds or similar activities. Clearly, it is not feasible for storage ponds to be filled or replanted once they have been excavated. The above remediation rule is also difficult to apply to the construction of earth bunds, given that they are not able to be recontoured to the same state as the surrounding land. On that basis, it is considered appropriate to review the existing remediation rule for Rural Zones.

Unlike the equivalent Rural provisions, the remediation rules for Living and Business Zones would allow for earth bunds to be landscaped as a form of remediation, rather than requiring them to be recontoured. However, as with the Rural rules, there is not an appropriate remediation option available for storage ponds or an activity of a similar nature.

4.4 Cultural effects of soil disturbance

There is a notable absence of provisions within the Operative Plan seeking to protect the cultural values of soil within the Operative Plan. While a series of rules control activities occurring within culturally sensitive areas, there are no such policies or rules relating to potential cultural effects from soil disturbance outside of those areas.

Policy P9.1 in the Mahaanui Iwi Management Plan seeks to “*sustain and safeguard the life supporting capacity of soils, mō tātou, ā, mō kā uri ā muri ake nei.*”³ Subsequent policies aim to ensure this outcome is achieved by protecting land from soil erosion and soil contamination.

Furthermore, it is noted that Chapter 15 of the CRPS aims to ensure the “*maintenance and improvement of the quality of Canterbury’s soil to safeguard their mauri.*” Again, the relevant associated policies relate to the prevention of soil contamination and instability.

While the Operative Plan generally seeks similar outcomes in terms of preventing soil erosion and contamination, it is noted that the Plan does not contain any policy direction or rule that outlines the need to consider the impact of soil disturbance on the life supporting capacity or the mauri of soils when activities are proposed to occur outside culturally sensitive areas.

On that basis, it is considered important that the Proposed Plan addresses the potential for earthworks activities to have an effect on cultural values by directly referring to the mauri and life supporting capacity of soils in the District. This outcome will ensure that the Proposed Plan adequately takes into account the IMP (section 74(2A)) and gives effect to the CRPS (section 75(3) of the RMA).

³ Section 5.4 – Discharge to Land – P9.1.

4.5 Contaminated land

The provisions contained in the Operative Plan relating to contaminated land⁴ were promulgated prior to the introduction of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) and the keeping of the Listed Land Use Register (LLUR) administered by Environment Canterbury.

There is now considered to be no requirement (or need) for the Council to include detailed provisions regarding contaminated land in the District Plan. Section 30 of the RMA makes it clear that the identification and monitoring of contaminated land is a regional function, which is undertaken by way of the LLUR.

However, the District Council remains responsible for the management of adverse effects of the development, subdivision or use of contaminated land through administration of the NESCS. This means there is no need to include any rules in the District Plan. Furthermore, section 44A of the RMA specifically requires that a District Plan may not duplicate or conflict with a National Environmental Standard. Under s44A(2) a plan may only include rules that are more stringent or more lenient than the provisions in the standard, if provided for in the standard. The NESCS does not provide for such rules.

4.6 Preparation of land for subdivision

It is noted that as a result of the Resource Legislation Amendment Act 2017, subdivision of land can now potentially be a permitted activity. It is considered impractical and overly restrictive for subdivision activities to be subjected to the controls for general earthworks, given the nature and scale of subdivision activities are otherwise permitted. Therefore, it is recommended that permitted activity performance standards specific to earthworks associated with the subdivision of land be included in the Proposed Plan to ensure any associated effects of permitted subdivision activities are appropriately managed and accord with the outcomes sought by the Resource Legislation Amendment Act 2017.

4.7 List of exemptions

The Operative Plan includes exceptions within the definition of earthworks, as well as various exceptions scattered throughout the rules framework of the Plan. It is considered that the exceptions should be noted within the applicable rule framework as opposed to being included within the definition. This ensures the exemptions are easily identified and applied to each applicable rule.

Furthermore, it is considered that the list of exemptions for earthworks activities in the Operative Plan, which includes activities such as the burying of pets, the planting of trees and the digging of post holes, is considered excessive. For the most part many of the exempt

⁴ Township Volume, Part C Rule 10.1 & Rule 22.1; Rural Volume Part C Rule 1.2.

activities involve a scale of earthworks that should appropriately be provided for as a permitted activity in any case (given the permitted volume thresholds). If for example, the burying of pets was being undertaken at a scale or frequency that it did trigger the earthworks rules, then it is considered that should be an activity that requires further assessment through the resource consenting process in any case. This is also considered to be the case for trenching of compost.

4.8 Summary

In summary, the following issues with the Operative Plan earthworks provisions have been identified:

- The current resource consent threshold for earthworks activities (being a maximum specified volume per project) does not provide a clear direction for the control of such activities, particularly where earthworks occurs over multiple sites, or where multiple discrete 'projects' occur as part of a larger overall activity within a site;
- The maximum volumes for residential and commercial areas (Township Volume) are considered to be too high given the sensitive and populated nature of those environments;
- The visual effects of stockpiles near property boundaries (in rural areas in particular) are not currently controlled;
- The land remediation requirements following the conclusion of earthworks do not provide options for storage ponds or earth bunds;
- The cultural effects of earthworks (outside of identified culturally sensitive areas) are not referenced in the policy framework;
- The NESCS is not referenced in the Operative Plan and the existing rules in the Rural Volume relating to contaminated land overlap with the NESCS;
- The preparation of land for subdivision is not separately controlled;
- The list of exemptions from earthworks activities are excessive and in many cases unnecessary.

5.0 Summary of Alternative Management Responses – Other Districts

The following section provides a brief overview of the earthworks-related provisions contained within the Ashburton, Waimakariri, Hurunui and Christchurch District Plans and compares them to those contained in the Operative Selwyn District Plan. The purpose of this section is to provide an understanding of how earthworks activities are managed in the

surrounding districts so that alternative management approaches can be considered in addressing the issues identified in Section 4.

5.1 Ashburton District Plan

The Ashburton District Plan (ADP) became operative on 25 August 2014. The Plan does not contain a specific earthworks chapter and instead controls earthworks activities (that are relevant to this scope) via provisions within each of the zone-specific chapters. A summary of the matters of note that arose from an assessment of the ADP is provided in bullet point form below:

- The Plan permits small-scale earthworks in Rural Zones but maintains control over earthworks in all other zones.
- Volume, area and frequency are used as resource consent triggers for large-scale earthworks in the Rural Zones, including a maximum earthworks volume of up to 5,000m³ over an area no greater than 2000m² on any one site per annum.
- Where activities are unable to meet the thresholds for earthworks in Rural Zones, the activity becomes restricted discretionary.
- In Business and Residential Zones, earthworks activities fall under a 'catch-all' rule for 'Other Activities' not specifically categorised. The resultant activity status is fully discretionary.
- However, separate rules apply for subdivision activities in Residential and Business Zones, limiting the maximum permitted earthworks volume to 5000m³ on any one site per annum.

In summary, the general intent of the ADP rules is not dissimilar to that of the Operative Plan rules. Both plans seek to allow earthworks in Rural Zones to an extent, while controlling earthworks more stringently in townships. The permitted volumes for earthworks in each plan are largely similar. However, there are differences in the permitted intensity of earthworks activities. For example, the ADP allows for a maximum earthworks volume of 5,000m³ on an area no greater than 2,000m² on a site *per annum* in Rural Zones, while the Operative Plan provides for a maximum volume of 5,000m³ *per project*.

5.2 Waimakariri District Plan

While the relevant Objectives and Policies of the WDP generally seek similar outcomes to those contained in the Operative Plan, the earthworks rules in the WDP somewhat differ.

In the WDP, the stockpiling of soil over vegetation is restricted to 1000m². All other stockpiling does not appear to be controlled within the Plan. This differs in comparison to the Operative Plan whereby stockpiling is controlled to prevent visual and/or dust effects. In terms of earthworks volumes, the WDP allows for the disturbance of not more than 1,000m² of

soil/rock per hectare in Rural Zones. Any non-compliance with this condition results in the activity being assessed as restricted discretionary. This limit is far more stringent than that listed in the Operative Plan. However, in Residential Zones the WDP allows for 300m³ of material disturbance/excavation per 1,000m² (which equates to 3,000m³/1ha).

It should be noted that the Waimakariri District Council are currently in the process of a District Plan Review. On that basis, little importance should be placed on the provisions contained within the current WDP.

5.3 Hurunui District Plan

The Hurunui District Council notified their Proposed District Plan in 2016 which, as a result of unresolved appeals, is not yet fully operative. Notwithstanding, it is considered more effective for the purpose of this scope of work to review the earthworks provisions contained within the proposed version of the Hurunui District Plan (HDP), as opposed to the operative version.

A summary of the relevant provisions relating to earthworks in the proposed HDP is provided below:

- The threshold for earthworks above 900m in altitude is 100m³ in volume and 500m² in area in Rural Zones.
- Below 900m in altitude, the thresholds alter significantly, allowing for the disturbance of no more than 1,000m³ of land in any 12 month period for a single project. In addition, the alteration of existing ground level by more than 2m in depth or height or where the slope is greater than 20° requires resource consent.
- Exceptions are made for a number of anticipated rural activities including the establishment of livestock fences, firebreaks and earthworks associated with forestry.
- In settlements, earthworks are a permitted provided they are ancillary to a permitted activity for the subject zone. Any other earthworks are a discretionary activity.
- Subdivision activities are generally listed as controlled activities in the district, with the effects of earthworks being a matter of control.

In summary, the HDP generally seeks to permit earthworks where necessary as an ancillary part of a permitted activity. It is noted that a relatively low volume-based threshold is stipulated for earthworks in Rural Zones, with that volume significantly reducing further above 900m in elevation. Additional standards relating to cut/fill depth/height and slope gradient are also applied for earthworks in Rural Zones. In summary, the HDP provisions impose stricter controls on earthworks undertaken in the rural zones than those found in the Operative Plan.

5.4 Christchurch District Plan

The CDP contains a significant number of provisions relating to earthworks, predominantly within a dedicated earthworks chapter. The Plan also contains a series of controls relating to

earthworks within flood management areas and waterbody setbacks found in other parts of the CDP.

It is noted that CDP defines earthworks and clean fill in a similar manner to the existing definitions in the Operative Plan, but also includes separate definitions for disturbance of soil, excavation and filling. In terms of the objectives and policies of the two plans, it is considered that the CDP provides a more comprehensive policy direction that takes into account the positive and negative effects of earthworks.

The CDP generally contains more stringent limits in terms of earthworks volumes in both rural and urban areas when compared to the Operative Plan. Most notably:

- The CDP allows for 20m³ of earthworks per site in Residential Zones, compared to some 2,000m³ per project for Living Zones in the Operative Plan.
- The CDP allows for 100m³ *per hectare* in Rural Zones, while the Operative Plan provides for 5,000m³ *per project*.

On that basis, the CDP potentially provides for a greater volume of earthworks on large rural sites (e.g. sites >50ha), but the earthworks will need to be spread over a wider area. In contrast, the Operative Plan caps earthworks at a volume of 5,000m³ regardless of site size, although the earthworks can occur in an intensified area on a site with little control.

It is also relevant to note that the CDP contains a series of exemptions relating to earthworks activities, including an exemption to allow for:

Any earthworks subject to an approved building consent where they occur wholly within the footprint of the building.

While it appears that the intent of this rule is to allow any earthworks activities that are covered by the Building Act to be exempt from District Plan provisions, the rule is largely ineffective. For the most part, an applicant would not have obtained an approved building consent prior to having the assurance of an approved resource consent. Therefore, there would likely be very few circumstances in which this exemption can be applied, unless the proposed activity was permitted in any case.

Another matter worth noting is the way in which the CDP allows the NES for Contaminants in Soil to control the undertaking of earthworks on potentially contaminated sites. The CDP contains objectives and policies addressing soil contamination issues but does not provide any rules relating to the matter. Instead, under Section 4.2.3 'Other Methods' the Plan specifically refers to the NESCS as the sole method for identifying contaminated land and the appropriate action to be taken.

In summary, given the highly urbanised environment of much of the Christchurch District, in combination with large areas of flood prone land, the rules are generally considered overly stringent and may provide an unnecessary level of control if a similar rules package were to be implemented in the Selwyn District. Furthermore, the structure of the CDP means that

applicable earthworks provisions are spread through various chapters and are very difficult to find, exemptions contained in the CDP vary between chapters causing further interpretation issues. However, the CDP does provide useful guidance in terms of the following matters:

- A policy framework that takes into account both the positive and negative effects of earthworks activities;
- Clear definitions relating to earthworks, clean fill, soil disturbance, excavation and filling;
- A reference to the NES for Contaminated Soils as the primary control for the disturbance of contaminated land.

5.5 Summary

While each District Council appears to seek similar outcomes through various objectives and policies, each Plan utilises a different approach to controlling earthworks, both in terms of the structure of planning provisions and the level of control that is maintained by way of thresholds at which resource consent is required. There is little in the way of consistency across the district plans considered. However, the level of control obtained over earthworks in the ADP and the HDP are considered to be more relevant and appropriate to the Selwyn District than the more stringent rules of the CDP.

6.0 Summary of Stakeholder Engagement

The majority of stakeholder engagement for this topic will take place during the public consultation phase of the District Plan Review, once a policy/rule framework has been drafted. However, it should be noted that the Baseline Report was peer reviewed by air quality consultants Golder Associates Ltd ('Golder'), as well as Mahaanui Kurataio Limited ('Mahaanui') on behalf of ngā rūnanga. In addition, a number of Council staff were consulted, including members of the Resource Consents Team and the Compliance and Monitoring Team. Environment Canterbury ('ECan') were also contacted for comment in relation to potential areas of overlap between the District Plan earthworks rules and the various regional plans. ECan have subsequently reviewed a draft version of this report and their comments have been included in this section, below.

No significant issues were raised by any of the consulted parties and all feedback has been subsequently incorporated into both the Baseline Report and this Preferred Option Report. However, Golder did note a reference document from Ministry for the Environment⁵ which outlines that dust discharges to air should primarily be controlled at a regional level, although some control over land uses which generate dust may be appropriate at a district level. This

⁵ Ministry for the Environment, 2016. Good Practice Guide for Assessing and Managing Dust. Publication Number: ME 1277.

is noted, but it is considered that earthworks have other amenity and land use related effects beyond the discharge to air (dust) falling within the jurisdiction of Environment Canterbury. On that basis it is considered that control at the district level is appropriate (as evident in the other district plans referenced above that control earthworks).

Similarly, ECan made note of potential overlap between the existing District Plan provisions and the rules in the Land and Water Regional Plan (LWRP), although it was accepted that the overlap may be necessary to control adverse effects such as amenity at District level. In particular, ECan outlined that the rules in the District Plan relating to soil stability, setbacks from waterbodies and consolidation of stockpiles may overlap with the rules of the LWRP depending on the proposed land use. However, ECan noted that the District Plan rules were generally aiming to control different adverse effects to LWRP (such as amenity effects) and may therefore be necessary in combination with the LWRP rules. In terms of control of erosion prone areas, ECan note that LWRP maps erosion prone areas, but if there are specific areas that require control within the Selwyn District that are not identified on the LWRP map, then these should be controlled through the District Plan.

It is noted that both Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga outlined their support for additional policies relating to the protection of cultural values of soils. In addition, Te Taumutu Rūnanga recommended the addition of provisions for cultural monitoring when earthworks are undertaken either within or within the vicinity of wāhi tapu and wāhi taonga.

7.0 Summary of Options to Address Issues

Based on the matters discussed in the Earthworks Baseline Report and summarised in this report, including the issues identified with the Operative Plan provisions in Section 4, two options have been provided below for the continued management of earthworks activities within the District Plan. A preferred option for further engagement has also been identified.

It should be noted that Part Three of the Baseline Report, prepared by Planz Consultants in February 2018, contains a series of draft earthworks policy and rule options for further consideration in line with the recommended option put forward in this report. However, for the purpose of brevity it is considered practical to summarise the general direction achieved by those draft policies and rules in terms of the management of earthworks, rather than to outline them in full. In any case, all draft provisions would require further development and would be subject to additional scrutiny at the s32 stage of the process.

7.1 OPTION 1 – Earthworks as a permitted activity, subject to meeting the Operative performance standards (status quo)

This option would result in no change to the earthworks provisions in the Operative Plan and would provide for the provisions to be carried over into the Proposed Plan unchanged.

As outlined in Section 2 of this report, the Operative Plan generally seeks to avoid, remedy or mitigate the adverse effects of earthworks on amenity. In addition, the Plan contains policies that seek to avoid the effects of exposed contaminated land and to mitigate against the exacerbation of natural hazards from earthworks.

The rules in the Operative Plan permit earthworks at a reduced scale in Living Zones and at a larger scale in Business and Rural Zones. A series of permitted activity standards, including an upper-limit on the permitted volume of earthworks per project, are used as triggers for resource consent. Earthworks requiring consent are generally categorised as a discretionary activity.

Effectiveness in Addressing Issue:

Section 4 of this report has identified a series of issues with the existing rules package. Clearly, carrying over an unchanged version of the Operative provisions into the Proposed Plan would not address any of the issues identified in this report. The general direction in the Operative Plan for the management of earthworks, whereby earthworks are permitted provided adverse effects can be avoided, remedied or mitigated, is considered to be an appropriate management approach. However, the existing planning mechanisms for the implementation of that approach do not provide a clear and effective level of control for earthworks activities. In addition, the policy framework requires updating to address issues in relation to the cultural effects of earthworks and the control of soil disturbance on contaminated land.

On that basis, it is considered that Option 1 would be ineffective in addressing any of the identified issues with the existing earthworks rules package.

Risks:

There are a number of risks associated with the carrying over of the Operative Plan rules. As noted above, Option 1 would not be effective in addressing the identified issues with the current rules package. As such, the main risk is that the matters outlined in Section 4 of this report would remain unresolved.

Budget or Time Implications:

There would be no budget or time implications given that this option would effectively result in a roll-over of the existing provisions.

Recommendation:

That this option not be adopted for further engagement.

7.2 OPTION 2 – Earthworks as a permitted activity, subject to meeting an updated set of performance standards

This option would result in little change to the overall policy direction for the management of earthworks in the District Plan but would provide for some improvements to the methods

through which earthworks are controlled. In effect, this option would use the Operative Plan framework as a base model while allowing for the editing or replacement of a number of the existing objectives, policies and rules to match current best practice, streamline the planning provisions and ensure there is clarity in terms of the outcomes sought.

Through this approach, the Proposed Plan would continue to provide for earthworks in Selwyn, provided adverse amenity effects can be avoided, remedied or mitigated. Furthermore, the Plan would continue to seek the avoidance of any adverse effects relating to the creation or exacerbation of natural hazards, including soil instability and flooding capacity.

The policy framework would be updated to acknowledge the positive effects of earthworks, including the facilitation of subdivision, use and development of land and the mitigation of hazards. Further additions would be made to emphasise the importance of soils to Tangata Whenua, including the need to safeguard the mauri of soils and use of accidental discovery protocols when undertaking earthworks. Additionally, there is a need to ensure the NESCS is acknowledged at the policy level as the key document for the management of contaminated soils.

In terms of the rules package, the existing provisions would permit earthworks subject to meeting a series of performance standards. It is considered that the specificities of the standards would be fleshed out at the s32 stage of the District Plan Review process and would be subject to public consultation. However, Option 2 would provide for the standards to be edited in order to achieve the following outcomes:

- Streamline the list of exemptions for earthworks activities.
- Remove the standards in relation to earthworks and contaminated land in the Operative Plan (namely, Rule 1.2 of the Rural Volume – there is no such rule in the Townships Volume) and replace them with a cross-reference to the NESCS for Contaminated Land and the Listed Land Use Register administered by Environment Canterbury.⁶
- Replace the current permitted activity standards for general earthworks (across all zones) with a new set of permitted activity standards. The suggested permitted activity standards could use volume, area, frequency, depth or slope face gradient related standards as resource consent triggers for earthworks activities, or potentially a mix of those measurements.

⁶ This is consistent with the approach that has been recommended and subsequently adopted for the 'Hazardous Substances and Contaminated Land' District Plan Review topic.

- The existing 'per project' based standards are considered to be ambiguous and lead to inconsistent outcomes. Limits based on site area and frequency of activity should be considered.
- Additionally, the permitted standards would include setback distances from sensitive activities for earthworks, restrictions on height for stockpiles, and a revised version of the land remediation requirements.
- Given the sensitive nature of residential and commercial areas, the maximum permitted level of earthworks in those environments should be significantly reduced from the volumes specified in the Operative Plan.
- Earthworks activities which do not comply with the permitted activity standards should be assessed as restricted discretionary activities and be subject to discretionary matters relating to adverse dust, visual and land stability effects, as well as the effects on cultural values and the adoption of accidental discovery protocols.
- Insert an additional set of performance standards relating specifically to earthworks associated with the subdivision of land (while exempting the subdivision of land from the standard zone rules for earthworks). An example list of possible performance standards is attached to this report as **Appendix 1**. However, it is important to note that the example standards would require further analysis at the s32 stage.

Effectiveness in Addressing Issue:

Option 2, as outlined above, would be effective in addressing all of the issues identified in Section 4 of this report for the following reasons:

- The removal of the contaminated land provisions would ensure earthworks activities on contaminated sites is controlled only by the NESCS.
- A review of the performance standards relating to earthworks, and particularly the volume-based thresholds, would allow for the establishment of a more effective and clear approach to the control of earthworks.
- Minimum setback distances from sensitive activities for earthworks (including stockpiles) and a limit on stockpile height would address issues in relation to adverse visual and dust effects associated with earthworks/stockpiling.
- Residential and commercial areas generally contain properties with well-defined boundaries, and aside from subdivision activities, earthworks do not generally occur over multiple sites. Therefore, a volume-based threshold would remain a relevant trigger for controlling the scale of earthworks.
- A lesser volume-based threshold per site in residential and commercial areas would be adequate to allow for any small-scale earthworks, given that earthworks associated with building foundations would be exempt.

- A restricted discretionary activity status would provide a necessary level of control given that the adverse effects of earthworks are well established and can be controlled through a series of discretionary matters.
- Inserting permitted activity standards for subdivision activities would ensure such activities would not be subject to the stringent general earthworks provisions but would still be subject to controls to manage adverse amenity, dust and noise effects.

Risks:

The main risk would be that in making alterations to the provisions, new gaps in the Plan framework are unintentionally created. However, by using the Operative Plan framework as a baseline, and by taking into account the provisions (and lessons learnt) from surrounding District Plans, it is considered that this risk could be reduced.

Budget or Time Implications:

There would be budget and time implications associated with drafting/editing the Proposed provisions. However, the continued use of many of the existing Operative Plan would ensure that time and cost is reduced when compared to the drafting of an entirely new set of provisions.

Recommendation:

That this option be accepted for further engagement.

8.0 Conclusion

This report has identified a series of issues with the Operative Plan provisions relating to earthworks and has assessed alternative management approaches undertaken by surrounding districts. On that basis, the report has specified a preferred option, being Option 2 – to permit earthworks, subject to meeting a series of updated performance standards. The recommendations associated with editing and updating the earthworks standards in line with Option 2 are broadly summarised below:

- Reconsider the listed exemptions contained in the operative Plan to ensure the majority of such activities are permitted as a result of being able to comply with the recommended performance standards, as opposed to being permitted by way of a blanket exemption;
- Carry over the majority of existing policies in the Operative Plan relating to earthworks and amenity values and insert additional policies relating to:
 - The recognition of the need for earthworks to facilitate subdivision, use and development of land, including the provision of utilities and hazard mitigation;

- To provide for temporary and small-scale earthworks as a permitted activity;
- To limit earthworks on steeper slopes and within flood management areas;
- Control of the potential effects of earthworks on cultural values including the protection of the mauri of soil and use of accidental discovery protocols.
- Review the earthworks volume thresholds for Rural and Industrial Zones and replace them with a revised set of thresholds which could relate to one or a mix of volume, area, depth, frequency or slope face gradient.
- Insert additional controls for the stockpiling of material to control visual amenity on adjoining sites;
- Retain the use of volume-based threshold for the control of earthworks within residential and commercial areas, albeit at a reduced level compared to the existing volume threshold (namely in recognition of the most common activity in such zones – earthworks for building foundations – being proposed to be covered by exemption);
- Remove the earthworks rules relating to contaminated land and replace with references to the NES for Contaminated Land;
- Include the consideration of cultural values and the inclusion of accidental discovery protocol as a matter of discretion for all earthworks activities requiring consent;
- Include a set of permitted activity standards specific to subdivision activities; and
- Carry over specific standards for utilities contained in the Operative Plan.

9.0 Preferred Option for Further Engagement

The Project Team recommends that:

Option 2, being the management of general earthworks activities as a permitted activity, subject to an updated set of performance standards, be adopted for further engagement.

Appendix 1

Earthworks and the Subdivision of Land

Permitted Activity Standards

1. Earthworks associated with the subdivision of land is a permitted activity provided the following conditions are met:
 - 1.1. Where earthworks result in an area of unconsolidated land greater than 1,000m² a dust management plan is to be prepared and supplied to Selwyn District Council;
 - 1.2. At the completion of all earthworks, Selwyn District Council shall be informed as to whether any earth fill has been placed on site.
 - 1.3. All filling is to be carried out in accordance with New Zealand Standard (NZS) 4431:1989 Code of Practice for Earth Fill for Residential Development;
 - 1.4. At the completion of all earthworks certificates satisfying the conditions of NZS4431: 1989 Code of Practice for Earth Fill for Residential Development, are to be provided to the Selwyn District Council. These certificates will detail the extent and nature of all earthworks undertaken;
 - 1.5. All hazardous waste sites within the subdivision shall be identified and reported to the Selwyn District Council prior to any engineering works commencing. Where a hazardous site is found at any stage of the subdivision development works then all necessary work shall be undertaken to rehabilitate the site. This may include treatment and off-site disposal.
2. Any activity which cannot comply with Rule 12 shall be a restricted discretionary activity.

Appendix 2: Baseline report Earthworks

Please see the supporting information webpage for a link to the Earthworks Baseline report listed under 'Rural'.

[Supporting Information](#)

10b. Communications and Engagement Summary Plan – Earthworks

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

Purpose

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

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Earthworks – communications and engagement summary plan’

DW211 Earthworks – communications and engagement summary plan

Key messages

(as of 18 June 2018)

Background

- As part of the Selwyn District Plan Review, rules and policies for managing earthworks, including the cut and disposal of material and stockpiling, are being reviewed. This review excludes mining, mineral exploration and quarrying; noise; earthworks within sensitive locations; and loss of versatile soils as these topics are being reviewed separately.

Current status

- All earthworks and stockpiles are permitted in the district, provided a series of conditions can be met which avoid, remedy or mitigate any adverse effects as a result of earthworks. The conditions or performance standards are, for example, capping maximum amount of material per project as a result of earthworks (which can vary between different zones) and how land needs to be remedied after the earthworks are finished. If these standards cannot be met earthworks becomes a discretionary activity.
- Currently the permitted threshold for earthworks is capped at a volume of 5,000m³ per project in the Rural Zone and 2,000m³ per project in non-rural zones.
- A series of activities are excluded from the earthworks rules, including the digging of post holes, burying pets, maintaining flood protection works and digging for building foundations.
- Considering that subdivision activities and utility-related works remain subject to the earthworks provisions, it means that residential subdivisions typically also need a separate land use consent to deal specifically with earthworks.
- Key issues include:
 - the volume-related thresholds for earthworks activities, including the control of such activities on a 'per project' basis;
 - gaps in the rules relating to the stockpiling of material, and the remediation of land that has been subject to earthworks;
 - the absence of a reference to the potential cultural effects of soil disturbance from general earthworks activities;
 - the absence of a reference to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) for the control of earthworks activities on contaminated land; and
 - The need to control earthworks associated with subdivision activities through separate permitted activity standards.

About preferred option

- Key changes include updating existing performance standards such as:
 - instead of per project-based standards, consider limits based on site area or frequency of activity.
 - reviewing the earthworks volume thresholds for all zones and replacing them with a revised set of thresholds which could relate to one or a mix of volume, area, depth, frequency or slope face gradient.
 - lowering the current upper limit of 2,000 m³ per project in residential and commercial areas to reflect potential adverse affects earthworks could have on the surrounding environment.
 - changing rule for remediating land to acknowledge that for some types of earthworks, such as storage ponds and earth bunds, land cannot be remediated with current remediation options.
 - introducing setback distances from sensitive activities for earthworks, including restrictions on height for stockpiles to protect the surrounding environment, in particular nearby property boundaries, from dust effects and being visually impacted.
 - Replace provisions relating to earthworks and contaminated land with a cross-reference to the NESCS.
- Preparation of land for subdivision would no longer require a separate resource consent.
- Introducing provisions that directly refer to the mauri and life-supporting capacity of soils in the district which can be adversely affected by earthworks.
- Earthworks activities that don't meet the permitted standards will be assessed as restricted discretionary activities (rather than current discretionary) and will be subject to discretionary matters relating to adverse dust, visual and land stability effects, as well as the effects on cultural values and the adoption of accidental discovery protocols.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	N/A	N/A	Selwyn ratepayers
SDC Resource Consents and Monitoring teams	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	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-June	June	July	August ⁴
ECan			Preferred option report is shared and feedback sought	
Rūnanga			Preferred option report is shared and feedback sought	
General public			Endorsed preferred options report is published on Your Say Selwyn	General consultation as part of district-wide matters
DPC		Preferred option report goes to DPC for endorsement		

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

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

Author:	Frances Lojkine (Stantec) and Vicki Barker (Barker Planning)
Contact:	021 354366 (Vicki)

Purpose

After considering the Lighting and Glare Preferred Option report at the April DPC meeting, the Committee endorsed the recommended Option 2 (that policies and rules relating to lighting and glare be amended to address current inconsistencies and provide a clearer framework), but requested that further work be undertaken on the preferred option for the protection of the Selwyn night sky across the District. That further work is the subject of this Supplementary Preferred Option report.

Recommendation

“That the Committee notes the report.”

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

Attachments

‘Supplementary Preferred Option Report for Lighting and Glare - Night Glow’

SUPPLEMENTARY PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 27 June DPC Meeting

TOPIC NAME: Lighting and Glare

SCOPE DESCRIPTION: Supplementary Preferred Option Report for Lighting and Glare - Night Glow (DW207NG)

TOPIC LEAD: Vicki Barker (Consultant Planner)

PREPARED BY: Frances Lojkine (Stantec New Zealand)

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The Selwyn night sky is important and should be protected from the effects of night glow.</i>
<i>Preferred Option</i>	<i>Engage with the public during consultation on the proposed District Plan 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.</i>
<i>Recommendation to DPC</i>	<i>That the Preferred Option for Night Glow is endorsed for further development (Public engagement, followed by Section 32 and Drafting Phase).</i>



1.0 Introduction

At the April 2018 District Plan Committee (DPC) meeting a preferred option report for Lighting and Glare (DW207) was presented and discussed with the Committee. Part of that report discussed the potential issue of ‘night glow’ where upwards waste light from outdoor lighting is diffused by particles in the atmosphere and obscures or reduces the view of the night sky. The Lighting and Glare Preferred Option report concluded that the issue was not significant in Selwyn District and that the presence of the Christchurch metropolitan area on the eastern boundary of the District would overwhelm any measures taken to reduce night glow from lighting in Selwyn District. The report recommended that night glow be noted as a potential issue when drafting the District Plan, but that specific policies not be included unless submissions were received raising the issue.

The Preferred Option report was informed by background work on lighting and glare issues, review of the current approach in the Operative Selwyn District Plan (the District Plan) and other neighbouring plans, and consultation with principal stakeholders. It does not necessarily reflect the view of the wider Selwyn community, and this view was expressed by Councillors at the DPC meeting who provided a further perspective on the importance of the night sky to the Selwyn community.

After considering the Lighting and Glare Preferred Option report the Committee endorsed the recommended Option 2 (that policies and rules relating to lighting and glare be amended to address current inconsistencies and provide a clearer framework), but requested that further work be undertaken on the preferred option for the protection of the Selwyn night sky across the District. 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:

- The approaches of the two adjacent districts that include provisions relating to night glow in their District Plans (Ashburton and Waimakariri) have been reviewed again, and discussions have been held with District Plan review staff at Waimakariri District Council to assess what the future approach to managing night glow in Waimakariri District might be;
- A meeting has been held with Mahaanui Kurataio Ltd to discuss the issue and seek feedback from local rūnanga;
- Initiatives to protect night skies around New Zealand have been reviewed, particularly those in the Mackenzie Basin, South Wairarapa and Great Barrier Island;
- Other district plans have been reviewed to provide a range of practice options for addressing the issue – specifically the Mackenzie District Plan, the Auckland Unitary Plan, the Wairarapa Combined District Plan and the operative and draft proposed New Plymouth District Plans;
- The context of settlement patterns and land uses within Selwyn District has been reviewed in assessing the likely effectiveness of various options.

3.0 District Plan approaches to night glow

Six District Plans have been reviewed to investigate options for provisions for managing night glow – Ashburton District Plan, Waimakariri District Plan, Mackenzie District Plan, New Plymouth District Plan, the Auckland Unitary Plan and the Combined Wairarapa District Plan. Neither the New Plymouth District Plan nor the Combined Wairarapa District Plan contain specific provisions in relation to night glow.

Both the Ashburton District Plan and the Waimakariri District Plan contain standards on permitted lighting activities in rural areas, but the rules are supported by general lighting policies concerning effects on amenity, rather than specific policies about managing effects on the ability to view the night sky. The standards require that fixed exterior lighting is angled below the horizontal (Ashburton) or that it is directed away from the sky (Waimakariri). In Ashburton, Retail Sales and Commercial Activities in the Rural Zone require consent, and one of the assessment matters is the effect of night lighting on the visibility of the night sky for the surrounding areas. In Waimakariri, activities that cannot comply with the permitted activity rules for lighting require consent as a restricted discretionary activity, with matters of discretion including the effects of the light colour, and effects on the needs of astronomers. Discussions with Waimakariri District Council staff involved in the review of the Waimakariri District Plan indicate that technical work on lighting and glare provisions has not yet commenced, and so it is not clear whether the current approach to night glow will be retained in any new District Plan.

Unlike the Ashburton and Waimakariri District Plans, the Auckland Unitary Plan contains a policy relevant to managing the effects of night glow (Policy E24.3(2)):

Control the intensity, location and direction of artificial lighting to...minimise the loss of night sky viewing

There is no permitted activity condition that gives effect to this, but where consents are required (as restricted discretionary activities) for activities that cannot comply with permitted activity lighting standards, effects on amenity values are considered and the following assessment criteria used:

Whether the number, placement, design, height, colour, orientation and screening of light fittings and light support structures minimises light spill, glare, and the loss of night time viewing

Auckland therefore represents a slightly more comprehensive approach to managing night glow than either Ashburton or Waimakariri, through its acknowledgement of the issue within the policy framework.

Perhaps unsurprisingly, because of the existence of the Aoraki Mackenzie International Dark Sky Reserve (AMIDSR)¹ within the District boundaries, the Mackenzie District Plan (the MDP) takes the most comprehensive approach to managing night glow. An Outdoor Lighting Restriction Area

¹ See **Appendix A** for background information on the International Dark Sky Association, and requirements for dark sky reserves.

is identified in the MDP (see **Appendix B**), which covers the majority, but not all of the AMIDSR (see **Appendix C**). Maintaining the ability to view the night sky is identified as a specific issue in the MDP and supported by a policy to avoid unnecessary light pollution of the night time sky in the Mackenzie Basin. District rules classify outdoor lighting in the Outdoor Lighting Restriction Area as a permitted activity provided that:

- Lighting is shielded so the edge of the shield is below the whole of the light source;
- Filters are installed to filter out blue or ultraviolet light (so that less than 10% of the light of any wavelength less than 440nm is emitted);
- A curfew is imposed for types of illumination such as floodlighting and the use of high pressure sodium, metal halide, mercury vapour or fluorescent lighting, unless the lighting was already in place before 1986.

Outdoor lighting elsewhere in the Mackenzie District is permitted provided that it is directed away from adjacent properties and roads, and night glow is therefore not considered as much of an issue away from the Outdoor Lighting Restriction Area.

4.0 Other initiatives

Management of the effects of night glow does not have to be through District Plan provisions. Three examples – the Martinborough 3K City initiative, the Great Barrier Island Dark Sky Sanctuary and the Dunedin Night Sky City initiative – provide non-regulatory means of addressing issues. The first two of these examples have principally been driven by local communities, with support from local government as required.

The Martinborough Dark Sky Society is currently investigating making an application to the International Dark Sky Association for an International Dark Sky Reserve in South Wairarapa, which while close to the major light source of Wellington still has sufficiently dark skies to be attractive for astronomy. As part of this work, South Wairarapa District Council supports the Society's initiatives and has undertaken a project to adopt street lighting plans that meet dark sky requirements of 3000 Kelvin (instead of 4000 Kelvin applied in other parts of the country), and has received commitment from the NZ Transport Agency to comply with the 3000 Kelvin limit for lighting as well. Lighting below 3000 Kelvin complies with the International Dark Sky Associations requirements and does not contain the same levels of blue light as higher Kelvin lights, so protects dark sky values to a greater extent. The agreement currently operates outside the Combined Wairarapa District Plan and is not reflected in plan rules or policies.

In 2017, Great Barrier Island was certified a Dark Sky Sanctuary by the International Dark Sky Association. With little development pressure, a significant proportion of the land on the island being Crown land, and the island not being on the national grid, Great Barrier Island has retained relatively natural nighttime darkness. Its declaration as a Dark Sky Sanctuary has been based on non-statutory agreements by the community and specific site owners to maintain that natural darkness. A Lighting Management Plan has been developed and is being implemented to proactively protect the natural darkness. While eventually the community and Community Board will seek to have statutory support (once the Hauraki Gulf Islands Section of the Auckland District

Plan is amalgamated into the Auckland Unitary Plan) at present the initiative functions voluntarily. Plan provisions likely to be sought in the future include the classification of all outdoor lighting on the island as a discretionary activity (noting that this is possible in this location because of the extremely low number of sites currently using outdoor lighting).

Dunedin City Council's Energy Plan includes an initiative for Dunedin to be a 'Night Sky City', based on the International Dark Sky Association's concept of 'light what you need, when you need it'. The Night Sky City action sets out measures of success, identifies key delivery partners and outlines a series of delivery activities, including the establishment of a Night Sky City advisory panel to advise on key city outdoor lighting projects, the upgrading of approximately 15,000 city street lights to LED over time, and developing a specific lighting accord to prevent light pollution and to drive creativity in the outdoor lighting space.

5.0 Stakeholder engagement

Both the Lighting and Glare Baseline Report and the Preferred Option report were subject to consultation with stakeholders. Feedback was received from Mahaanui Kurataio Ltd, NZ Transport Agency, Fonterra, Synlait, Federated Farmers and the Canterbury Astronomical Society. While specific feedback on night glow was only received from Fonterra, Synlait and the Canterbury Astronomical Society, the decision was made to forward this Supplementary Preferred Option Report to all stakeholders to seek feedback, as well as to Tim Carter of Carter Group. A summary of the feedback received is outlined in the table below.

Stakeholder	Feedback
Mahaanui Kurataio	<p>Taumutu Rūnanga provided feedback through Mahaanui Kurataio Ltd that the issues identified in the Iwi Management Plan with respect to the effects of lighting on tuna at Te Roto o Wairewa, would also apply to Te Waihora and all the other lakes in Taumutu's takiwā.</p> <p>Taumutu Rūnanga recommended that appropriate lighting be used for those areas where light glare affects the ability of tangata whenua to catch tuna.</p>
Synlait	<p>The Preferred Option Report accurately reflects Synlait's previous feedback. As there are non-statutory approaches to the management of night glow, Synlait noted that it would be appropriate for Council to rigorously identify all approaches and conduct an appropriate level of community engagement, as well as undertaking an appropriate level of investigation in accordance with s32 of the RMA.</p> <p>If regulatory controls were to be imposed, Synlait would seek clear policy that the Dairy Processing Management Areas be excluded from these controls.</p>
Fonterra	Fonterra reviewed the report but, given the option recommended, provided no further feedback in addition to what had already been provided on the Baseline and Preferred Option reports.
Environment Canterbury	Environment Canterbury noted that if, after public consultation, a decision was made to include policies and/or rules to manage night glow, this would be consistent with Objective 12.2.2 of the Canterbury Regional Policy Statement, concerning protection or maintenance of particular matters of amenity that are important or significant for the local community.

No feedback was received from the NZ Transport Agency, Federated Farmers, the Canterbury Astronomical Society, or Carter Group. Consultants for the Porters Ski Area Ltd (PSAL) became aware of the Supplementary Preferred Option Report and provided feedback to Council officers, noting that PSAL was keen to be consulted on any development of night glow or night sky policy, that the Operative District Plan provisions in relation to lighting in the Porters Ski Area overlay should be acknowledged,² and that no changes should be made to the operative provisions without engagement with PSAL.

6.0 Summary of Options to address issues

A number of options exist to address the management of night glow within Selwyn District. In evaluating all options an assessment needs to be made of their likely effectiveness, in light of the existing use rights that apply under section 10 of the Resource Management Act 1991.

Essentially, in an area already subject to a significant number of land uses that involve outdoor lighting, rules can only apply to new activities and the effectiveness of measures to reduce effects on the night sky may become marginal. In already dark areas, lighting controls will be more effective in maintaining those darkness values. Selwyn District includes both areas that have significant numbers of land uses grouped together (such as Rolleston, and land on the boundary with Christchurch City where the significant light from the city has an effect) and areas of relative darkness (such as some of the mountain areas or out on the plains remote from settlements). In 2015 the New Zealand Herald listed Arthurs Pass as the 6th best place in New Zealand for stargazing³.

6.1 OPTION 1 – STATUS QUO, NO PROVISIONS TO MANAGE NIGHT GLOW

Under Option 1, the approach under the Operative District Plan, where night glow is not identified and managed as a specific issue, would be retained.

Effectiveness in Addressing Issue:

Option 1 will not address the need to protect the Selwyn night sky.

6.2 OPTION 2 – INCLUDE DISTRICT-WIDE PROVISIONS TO MANAGE NIGHT GLOW EFFECTS

Provisions could be included in the proposed District Plan, identifying the maintenance of the Selwyn night sky as an issue to be addressed, and providing either a policy to be considered when processing consent applications for all activities, or a policy and permitted activity standards, to ensure that all new activities involving outdoor lighting consider measures to reduce the effects of night glow caused by upward waste light.

² Note that the Lighting and Glare Baseline Report identifies the policies and rules applying to the Porters Ski Area with respect to lighting and glare.

³ https://www.nzherald.co.nz/travel/news/article.cfm?c_id=7&objectid=11383208

Effectiveness in Addressing Issue:

Option 2 will only apply to activities that do not have resource consent or existing use rights in the District. For new activities, inclusion of provisions in the proposed District Plan will manage a proportion of the District contribution to night glow. However, single sites are unlikely on their own to contribute significantly to night glow and provisions may therefore have limited actual effect in protecting the Selwyn night sky.

6.3 OPTION 3 – INCLUDE PROVISIONS TO MANAGE NIGHT GLOW EFFECTS IN IDENTIFIED AREAS

The majority of effective examples of management of night glow in this Supplementary Preferred Option Report apply to defined areas – the Mackenzie Basin, Great Barrier Island, Martinborough. While some of these areas are quite large, they respond to specifically identified issues and needs, and are therefore more targeted approaches.

A similar approach could be taken in the proposed District Plan. Specific areas could be identified where existing dark sky values should be preserved, and provisions included in the District Plan that apply only to those areas.

Effectiveness in Addressing Issue:

Depending on the areas selected, Option 3 may be more effective than Option 2. If currently naturally dark areas of sufficient size to have a meaningful impact are selected, provisions that apply to outdoor lighting will apply to a greater proportion of land uses over time as they apply to each proposed new land use and relatively few existing land uses can take advantage of existing use rights.

Option 3 also offers the advantage over Options 1 and 2 that it would address a specifically identified issue, and can therefore more easily be justified through the necessary Resource Management Act 1991 s32 evaluation process.

Identification of specific areas would need to be undertaken in consultation with the Selwyn community, through wider public and possibly targeted engagement on the Lighting and Glare topic than has been undertaken to date.

6.4 OPTION 4 – NON-STATUTORY TOOLS

Option 4 reflects the type of non-statutory initiatives currently being adopted in Martinborough and Great Barrier Island to address the issue of night glow in the absence of plan provisions. There are a variety of services that the Council delivers that could consider ways to mitigate the effects of lighting, for example street and reserve lighting, that could make an appreciable difference to the occurrence of night glow. Working with local communities keen to reduce light pollution and encouraging voluntary initiatives could also achieve results if significant buy-in from the relevant community is able to be achieved.

Option 4 could either be a stand-alone option, or delivered as part of a package with associated plan provisions either district-wide or in selected areas.

Effectiveness in Addressing Issue:

On its own, with sufficient community support, a non-statutory approach could be effective, as demonstrated in Martinborough and Great Barrier Island, although it depends entirely on a keen local community to implement measures and self-manage. In combination with appropriate plan provisions, and in targeted areas, the effectiveness of Option 4 would increase.

Implementation of non-statutory tools can be a resource intensive process and demand considerable time and commitment from local communities.

6.5 OPTION 5 – PUBLIC CONSULTATION ON NIGHT GLOW AND POTENTIAL PROVISIONS

One of the difficulties in recommending an approach for addressing the effects of activities on the visibility of the night sky is the current lack of knowledge of how important this matter is to the wider Selwyn community and which particular areas might be candidates for lighting policies or controls to protect the night sky. Option 5 is therefore to engage with the public during consultation on the drafting of the proposed District Plan 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.

Effectiveness in Addressing Issue:

Option 5 represents an intermediate step in the process, in order to gain further information to be able to assess Options 2 – 4.

7.0 Preferred Option for further engagement

The Project Team recommends that Option 5 be proceeded with as an intermediate step and a preferred option selected following consultation.

Appendix A – International Dark Sky Association

The International Dark Sky Association (the IDSA) is a United States based non-profit organisation founded in 1988. Its mission is *‘To preserve and protect the night time environment and our heritage of dark skies through quality outdoor lighting’*. The IDSA works principally by raising awareness of the value of dark, star-filled night skies, and encouraging their protection and restoration through education and the implementation of the International Dark Sky Places programme. The programme recognises five types of dark sky places:

- International Dark Sky Communities – cities and towns that adopt quality outdoor lighting rules and undertake efforts to educate residents about the importance of dark skies
- International Dark Sky Parks – publicly or privately owned spaces protected for conservation purposes, that implement good outdoor lighting and provide dark sky programmes for visitors
- International Dark Sky Reserves – consisting of a dark ‘core’ zone surrounded by a populated periphery where policy controls are enacted to protect the darkness of the core
- International Dark Sky Sanctuaries – generally the most remote (and often darkest) places in the world, which are most vulnerable to the effects of light pollution
- Dark Sky Developments of Distinction – recognised subdivisions, master planned communities and neighbourhoods and townships whose planning actively promotes a more natural night sky, but does not qualify them for the International Dark Sky Community designation.

New Zealand has two Dark Sky Places – the Aoraki Mackenzie International Dark Sky Reserve (the AMIDSR) in the Mackenzie Basin and the Aotea/Great Barrier Island Dark Sky Sanctuary. The AMIDSR has two ‘cores’, a primary core at Mt John around the University of Canterbury’s Observatory, and a secondary core at Mt Cook airport. The peripheral region is shown on the map contained in Appendix C below.

Application requirements to become an International Dark Sky Place are stringent and ongoing management is needed to retain the status. As an example, the following pages outline the application requirements for International Dark Sky Reserves.

the same effect. IDA maintains a Web page identifying and describing all DSRs available on <http://www.darksky.org/>.

ELIGIBILITY

To be eligible for consideration as a DSR, a candidate site must meet all of the following requirements:

- A) The core of the proposed DSR must be a public or a private land protected for scientific, natural, educational, cultural, heritage and/or public enjoyment; **AND**
- B) A core area does not have a minimum area requirement but must provide sufficient area to meet the Dark Sky Places Program's outreach and public access requirements. The proposed core area boundary may take any shape and may follow logical or natural geographic features. **If the core includes a publicly protected area, it should strive to fully encompass the boundaries of that area.** The core boundaries may not be arbitrarily drawn to omit areas that would increase the difficulty of achieving DSR approval, but should embrace these areas as an opportunity for improvement. If an irregular shape is chosen it must be explained in the text of the application; **AND**
- C) The peripheral area should encompass a minimum of 700 km² (270 mi² or 173,000 acres) around the core (roughly equivalent to a 15-km/9.3-mile radius) **OR** an area sufficient to mitigate 80% of current and expected future light pollution threats. The actual area of the peripheral, or buffer zone, may be reduced or increased as needed on a case-by-case basis by the Dark Sky Places Committee (DSPC) to ensure future protection of the DSR; **AND**
- D) Regular visitation by the public is essential to meet the goals of the Dark Sky Places Program. The core must provide an opportunity for regular public nighttime access, with or without supervision. A portion of designated land may meet this requirement, or access must be available for a fraction of the length of the night. In some cases, such as when working with areas that protect endangered wildlife, this requirement may be adjusted; **AND**
- E) The core must provide an exceptional dark sky resource, relative to the communities and cities that surround it. Core night sky quality must fit in one of the three tier qualifications (Gold, Silver, Bronze). See the "Sky Quality Tiers" section.

MINIMUM REQUIREMENTS FOR ALL RESERVES

- A) A quality comprehensive Lightscape Management Plan (LMP) should be adopted by a sufficient number of communities within the entire DSR (core and periphery) corresponding to at least 80% of population **AND** 80% of designated area of protection. The regulations contained in the LMP should address all private **AND** public owners of communities within the area of protection. Some exceptions may apply but are individually subject to IDA approval.

The LMP should address all of the following standards:

- i) New, current, and required retrofit lighting must meet all of the Reserve's LMP requirements. The Royal Astronomical Society of Canada / IDA Guide to Outdoor Lighting (GOL; <http://bit.ly/1NYjY9D>) should be consulted while creating the park's LMP; **AND**
 - ii) Includes a policy for determining whether an area should or should not be lighted, at what times an area should or should not be lighted, and appropriate illumination levels. Standards may be appropriately more restrictive when close to the core and less restrictive when farther from the core; **AND**
 - iii) Fully shielded fixtures are standard throughout the Reserve. Any lighting fixtures above 500 initial lumens are required to use fully shielded fixtures emitting no light at or above the horizontal. When unshielded fixtures are used, impacts to the lightscape must be minimized with the use of timers and/or curfews; **AND**
 - iv) Methods for determining the appropriate type of lamp (color, efficiency, technology) and fixture that should be used for particular tasks and in particular areas with goals to maximize energy efficiency and minimize impact to human vision dark adaptation/recovery time, wildlife, and the nocturnal ecology. The correlated color temperature (CCT) of lamps installed in the Reserve shall not exceed 3000 K, and a CCT of 2000 K or less is recommended to minimize the impact on most wildlife; **AND**
 - v) The LMP should conform to or surpass applicable policy in the appropriate local jurisdiction concerning lighting and dark sky protection as well as other applicable guidance and laws (e.g. environmental leadership programs, agency orders, wilderness act, energy management guidelines).
- B) Evidence of community commitment to dark skies and lightscape management, as shown by at least two-thirds (67%) of existing outdoor lighting fixtures within the core conforming to the LMP (or an alternative fraction approved by the DSPC); **AND**
- C) Lighting Inventory and a plan to bring 90% of outdoor lighting into compliance with the Reserve's LMP within five (5) years of receiving an IDA designation, as well as a written commitment to bring the Sanctuary into 100% compliance within ten (10) years of designation; **AND**
- D) A measurement program must be maintained either by the park, private landowner(s) or another public or private organization (university, research center, IDA chapter, astronomy club, etc.) to follow the evolution of light pollution in the DSR core and assert that the night sky quality does not degrade; **AND**
- E) Communities must have a number of examples of conforming lighting installations proportional to the size of the population they serve, both on roadways **AND** on different private sites (industries, stores, public services, etc.):
- i) Each participating municipality (excluding businesses, residences, and partners without installed lighting) should have completed **at least one** highly visible demonstration project with night sky friendly lighting consisting of at least 10 lighting fixtures for each 5000 residents; **AND/OR**

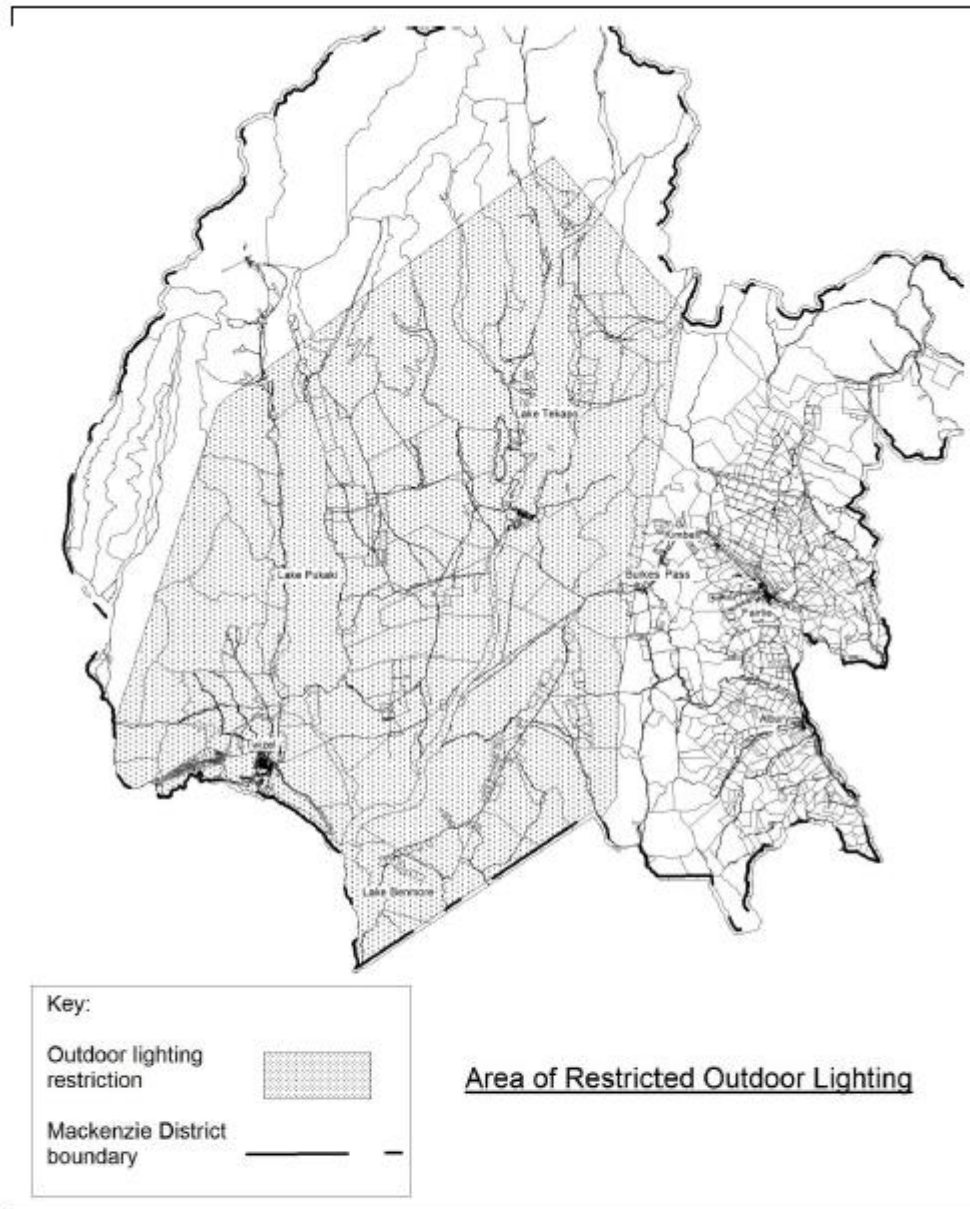
- ii) Approximately 10% of fixtures within the Reserve (outside of the core) must be retrofitted or brought into compliance with the appropriate regulation or guideline. This percentage does not include fixtures that were compliant upon the initial lighting survey, but rather must show active motivation of the community to make changes through the form of retrofits and/or appropriate physical changes to the current fixtures' form. Such changes may include, but are not limited to, installation of adaptive controls such as timers and dimmers.
- F) Participating communities must have a program, either through education, economic incentives, permitting or regulation, to encourage all new outdoor lighting fixtures to conform to the relevant regulation or guidelines for night sky friendly lighting.
- G) The Reserve's commitment to public education.
 - i) The importance of dark skies/natural darkness and the benefits of good lighting should be part of Reserve interpretation/outreach programs. If the Reserve typically provides interpretive programs, then dark skies must be one of the central themes ("dark skies education" here means not only to astronomy education but also education about wildlife, efficiency, safety, and human health) communicated through on-site interpretation. If interpretive programs are not typically offered, then publications, flyers, press releases, media, or other outreach are appropriate substitutes; **AND**
 - ii) Dedicated dark skies programming must occur at least four times per year; however, more frequent events are preferable. These events may highlight the dark night sky in any appropriate way (e.g. cultural or historic value, importance to wildlife, astronomical or stargazing events, and a portion of the event must include dark sky awareness or preservation specifically including reference to the IDA and what it means to be a DSR).
- H) Acknowledgement of the protected area by government or regulatory agencies situated higher than community level (county/province/etc.) with the perspective that dark skies are an important scientific, natural, cultural, and/or scenic resource value as shown by the inclusion of appropriate language in official documents (politics, protocols, management plans, etc.) for long term planning.
- I) Communities within the DSR will receive a certificate verifying the community as a part of the DSR upon request. Those who wish to erect a sign must address a letter to IDA referring to the community as a part of the DSR and giving specific examples of their engagement (lighting fixture replacement, outreach program, etc.).
- J) Once established, the Reserve must erect and maintain a sign indicating the IDA Dark Sky Reserve designation along a roadway entrance, along a footpath entrance if no roadway exists, or a visitor contact center. Sign must include DSR text and logo. With IDA approval, an alternative wording may be used, such as Dark Sky Wilderness, Night Sky Refuge, or similar. The Reserve may include the awarded tier if desired. Once the sign is erected a picture documenting this sign must be taken and sent to IDA for records along with a description of its location.
- K) A DSR designation is subject to regular review by IDA and possible revocation if minimum requirements are not maintained. More details may be found in the "Reassessment of DSR designation" section.

- L) The Reserve will submit an annual report to IDA by 1 October of each year detailing activities and progress towards fulfilling IDA DSR goals during the previous year. The report serves to document that Reserves continue to meet minimum program requirements, are sustaining partnership, outreach, and interpretive efforts, and are making adequate progress toward at least 90% compliance with LMPs. The report should include dates and brief descriptions of interpretive events, lighting retrofit projects, community outreach, etc. It should also provide information on any new lands acquired since designation and/or the most recent prior report, as well as any potential future sale of land that may result in reassessment of DSR status (see “Sale or Transfer of Land Ownership,” below). Samples of printed materials and press articles should also be included. The annual report should not require a lot of time to produce, as it should be a compilation of information generated during the previous year. A form will be provided to aid in the compilation of these details. Electronic submission of these documents is required in MS Word or PDF format. If the annual report is not sent in a timely fashion, IDA may suspend the IDA DSR’s status until the annual reporting requirements have been met.
- M) Sky Quality Tiers for Core Determination
- i) The sources of light pollution in the DSR core must be estimated through calculations, maps, photographs or any other proper method **AND** clearly identify actual and future threats to the sky quality. A plan must be devised to address these current and future threats.
 - ii) Once the minimum requirements have been met, a DSR is designated by IDA at one of three levels or tiers (Gold, Silver, Bronze) indicating the night sky quality of the core.
 - iii) Gold corresponds to natural, non-polluted or near-natural night skies.
 - iv) Silver corresponds to nighttime environments that have minor impacts from light pollution and other artificial light disturbance, yet still display good quality night skies and has exemplary nighttime lightscapes.
 - v) Bronze corresponds to areas not meeting the requirements of Silver, yet still offering people, plants and animals a respite from an otherwise degraded nocturnal environment.
 - vi) The determination of whether the minimum sky quality standard has been met and what tier will be awarded will be decided by IDA based on submitted information.
 - vii) For a breakdown of requirements for each tier designation, see the table on the next page:

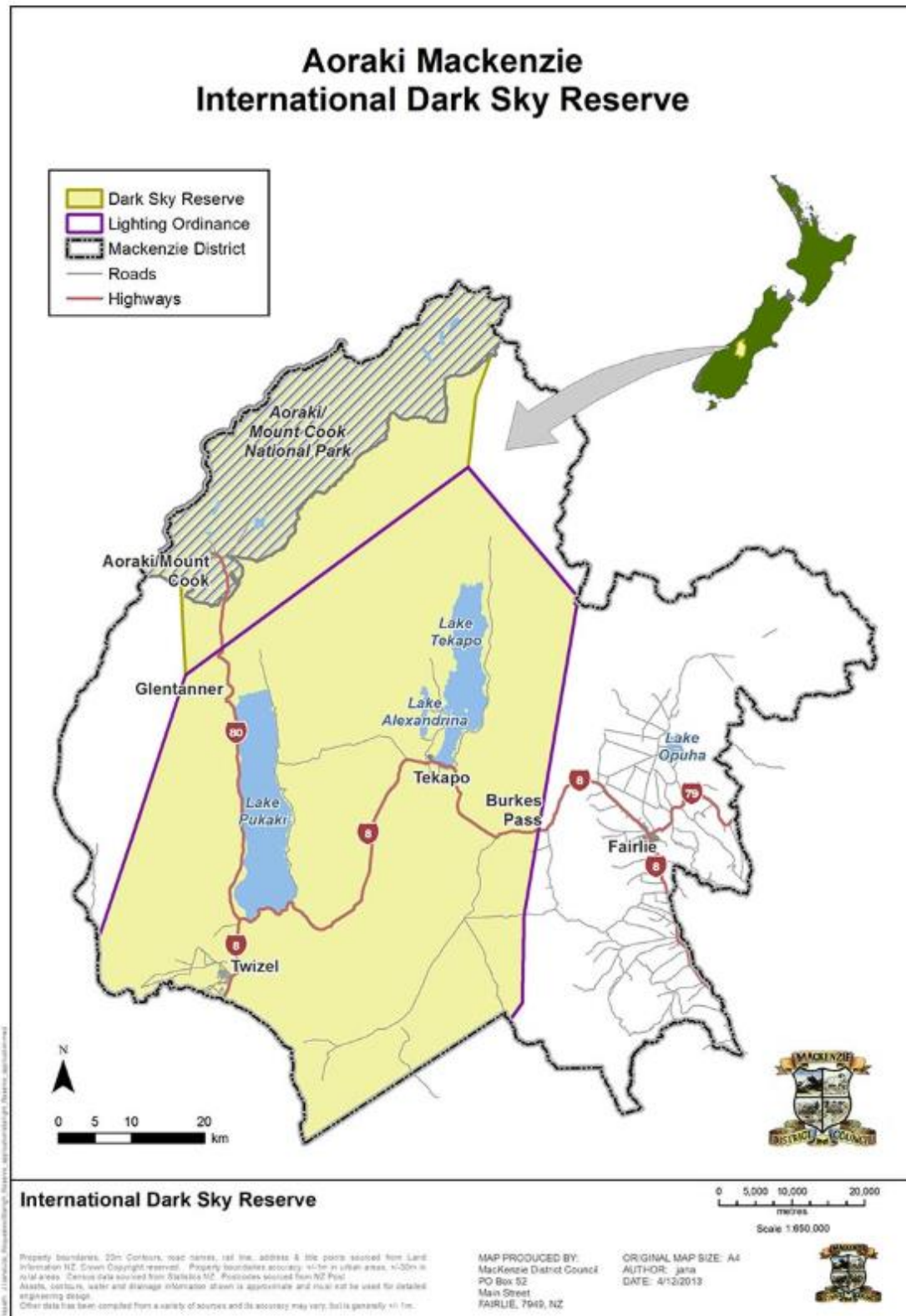
GOLD, SILVER, AND BRONZE TIER DESIGNATION

Indicator	Gold	Silver	Bronze
Philosophy	Nighttime environments that have negligible to minor impacts from light pollution and other artificial light disturbance, yet still display outstanding quality night skies and have superior nighttime lightscapes.	Nighttime environments that have minor impacts from light pollution and other artificial light disturbance, yet still display good quality night skies and have exemplary nighttime lightscapes.	Areas not meeting the requirements of <i>Silver</i> , yet still offering people, plants and animals a respite from a degraded nocturnal environment and suitable for communicating the issue of light pollution and connecting people with the many aspects of the night sky.
Artificial Light and Skyglow	Typical observer is not distracted by glary light sources. Light domes are only dim and restricted to sky close to horizon.	Point light sources and glary lights do not dominate nighttime scene. Light domes present around horizon but do not stretch to zenith.	Areas with greater artificial light and skyglow than <i>Silver</i> , but where aspects of the natural sky are still visible.
Observable Sky Phenomena	The full array of visible sky phenomena can be viewed—e.g. aurora, airglow, Milky Way, zodiacal light, and faint meteors.	Brighter sky phenomena can be regularly viewed, with fainter ones sometimes visible. Milky Way is visible in summer and winter.	Many sky phenomena cannot be seen. Milky Way is seen when pointed out to the average person, as is the Andromeda Galaxy.
Nocturnal Environment	Area is devoid of obvious lights that can cause wildlife disorientation. Artificial light levels are thought to be below the threshold for plant and animal impact. Ecological processes related to nocturnality are unaltered. No lighting atop towers or buildings within park boundary.	Areas that have minor to moderate ground illumination from artificial skyglow. Lights that may cause disorientation to wildlife are distant. Disruption of ecological processes is minor with no impairment to plants or wildlife.	Areas with greater nocturnal impact than <i>Silver</i> , but where ecosystems are still functional.
Visual Limiting Magnitude	Equal or greater than 6.8 under clear skies and good seeing conditions	6.0 to 6.7 under clear skies and good conditions	5.0-5.9 under clear skies and good seeing conditions
Bortle Sky Class	1-3	3-5	5-6
Unihedron Sky Quality Meter	> 21.75	21.74-21.00	20.99-20.00

Appendix B - Mackenzie District Outdoor Lighting Restriction Area



Appendix C – Aoraki Mackenzie International Dark Sky Reserve



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

Author:	Vicki Barker (Barker Planning) and Katrin Johnston (Communications Consultant)
Contact:	347 1821 (Robert)

Purpose

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

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Earthworks – communications and engagement summary plan’

DW207NG Lighting and Glare (Night Glow) – communications and engagement summary plan

Key messages

(as of 18 June 2018)

Background

- As part of the Council's review of the current District Plan, the provisions relating to the effects of outdoor lighting and glare are being reviewed. The District Plan Committee requested that further work is undertaken on the preferred option for the protection of the Selwyn night sky across the district.
- Outdoor lighting affects the visibility of the night sky for the surrounding areas. Night glow can happen by stray light scattering into the atmosphere.

Current status

- Currently there aren't any provisions to manage night glow.

About preferred option

- There are different options for managing night glow and protecting the night sky. Before the preferred option can be recommended we need to better understand how much of a concern night sky visibility is for the Selwyn public and what and where, if at all, they consider would be the most appropriate levels of control.
- Before a preferred option for night glow management is recommended, it's proposed to consult with the wider public on:
 - how important night sky visibility is to the Selwyn community and whether we should seek to protect it,
 - whether there are any specific areas in the district where we should consider introducing policies and/or rules to protect the night sky, and
 - what level of control should we introduce.

Audiences¹

Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	NZTA	Canterbury Astronomical Society	Selwyn ratepayers
	Te Ngāi Tuāhuriri Rūnanga (represented by Mahaanui Kurataiao)		Synlait	News media
	Te Taumutu Rūnanga (represented by Mahaanui Kurataiao)		Fonterra	Wider public
			Carter Group	
			Porters Ski Area	

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")

Engagement during review phases

Review phases	Internal	ECan	Rūnanga	Key stakeholders	Landowners /occupiers	General public
Baseline assessments						
Preferred option development						
Preferred option consultation						[night glow management 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)

2018 communications and engagement key tasks/milestones per month

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

Audiences	March	April	May	June	July	August ⁴
ECan	Circulated preferred option report for feedback		Shared endorsed option reports and gather any further feedback	Share draft supplementary option report and gather any further feedback	Share endorsed supplementary option report and gather any further feedback	
Rūnanga	Circulated preferred options report for feedback		Shared endorsed option reports and gather any further feedback	Share draft supplementary option report and gather any further feedback	Share endorsed supplementary option reports and gather any further feedback	
Key stakeholders	Circulated preferred option report for feedback		Shared endorsed option reports and gather any further feedback	Share draft supplementary option report and gather any further feedback	Share endorsed supplementary option report and gather any further feedback	
Landowners/occupiers	Circulated preferred option report for feedback		Shared endorsed option reports and gather any further feedback	Share draft supplementary option report and gather any further feedback	Share endorsed supplementary option report and gather any further feedback	
General public			Endorsed preferred option report was published on Your Say Selwyn engagement hub		Endorsed supplementary preferred option report is published on Your Say Selwyn engagement hub	Public consultation on night-glow as part of district-wide matters
DPC		Preferred option report presented		Supplementary preferred option report on night glow presented		

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

12. Hazardous Substances and Contaminated Land Engagement Update

Author:	Robert Love (Strategy & Policy Planner)
Contact:	347 1821

Purpose

To provide an update on the next steps for landowner engagement for Hazardous Substances and Contaminated Land topic.

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.”

Attachments

‘DPR Hazardous Substances and Contaminated Land Engagement Update’

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 18 June 2018

PURPOSE OF REPORT: DPR Hazardous Substances and Contaminated Land Engagement Update

PREPARED BY: Robert Love, Strategy and Policy Planner

EXECUTIVE SUMMARY

<i>Purpose</i>	<i>To provide an update on the next steps for landowner engagement for Hazardous Substances and Contaminated Land topic</i>
<i>Recommendation</i>	<i>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.</i>
<i>DPC Decision</i>	



1.0 Introduction

1.1 Following the District Plan Committee meeting on 18 April 2018, more landowners/occupiers have been added to the list of people who should be contacted directly about the endorsed draft changes to rules managing hazardous substances and contaminated land in the district. In summary, the following landowners/occupiers should be contacted directly about the current draft changes the Council is considering for the Proposed District Plan:

- Selwyn sites identified on the LLUR database
- Owners/ occupiers of sites where hazardous substances are used and/or stored as informed by SDC consent records
- Landowners of properties next to sites as outlined above
- All industrial land owners (Business Zone 2)

1.2 This would mean the Council would have to contact directly potentially thousands of residents.

2.0 Scale of draft changes endorsed by DPC

2.2 Draft changes the Council is currently considering are focused on:

- removing only those rules which are already covered by other relevant regulation and legislation, such as Hazardous Substances and New Organism Act and Canterbury's Regional Land and Water Plan), while
- keeping current provisions which control the storage and use of hazardous substances in close proximity to sensitive areas and activities (eg residential areas and schools), and the cumulative effect from these types of activities.

2.3 By removing some rules and keeping others, the significant change will be for businesses and landowners using and/or storing hazardous substances who will have greater clarity what rules they have to comply with.

2.4 All others shouldn't be affected and as such aren't likely to be interested in the draft changes at this stage of the District Plan Review.

3.0 Conclusion

3.1 Considering the size of the potential consultation and the minor scale of draft changes, we recommend only targeting industrial landowners (Business Zone 2). These landowners may want to develop their land so need to be aware how the Council is considering removing duplicated rules and as a result making it clearer what hazardous substances-related rules they have to comply with.

- 3.2 We could potentially include information about the draft changes in the upcoming initial public consultation.
- 3.3 It's important to note that all residents will have an opportunity to provide feedback, should they wish to, when the Proposed Plan is notified in early 2020 and the Council formally consults on all the proposed changes to the current Plan.

4.0 Recommendation to DPC

- 4.1 The Project Team recommends that:
 - 1. for the endorsed draft changes to hazardous substances and contaminated land-related rules in the District Plan, the Council targets at this stage of the District Plan Review industrial landowners (Business Zone 2) only.