



PUBLIC AGENDA

FOR THE MEETING OF

DISTRICT PLAN COMMITTEE

TO BE HELD AT THE

SELWYN DISTRICT COUNCIL OFFICES,
COUNCIL CHAMBERS

ON WEDNESDAY 28 MARCH 2018

COMMENCING AT 9:00AM

Committee Members

Independent Chair

Tim Harris (Environmental Services Manager)

Selwyn District Council

Mayor Sam Broughton

Councillor Mark Alexander

Councillor Jeff Bland

Councillor Debra Hasson

Councillor Murray Lemon

Councillor Malcolm Lyall

Councillor Pat McEvedy

Councillor Grant Miller

Councillor John Morten

Councillor Bob Mugford

Councillor Nicole Reid

Councillor Craig Watson

David Ward (Chief Executive)

Te Taumutu Rūnanga

Hirini Matunga

Environment Canterbury

Councillor Peter Skelton

Te Ngāi Tūāhuriri Rūnanga

Tania Wati

Project Sponsor

Jesse Burgess
Phone 347-2773

Project Lead

Justine Ashley
Phone 027 285 9458

Agenda Items

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6. Overview of RMA Legislative and Statutory Planning Context	22 - 30	PowerPoint	Sarah Dawson
7a. Preferred Option Report – Outstanding Natural Features and Landscapes	31 - 43	Written & PowerPoint	Andrew Mactier, James Bentley & Stephanie Styles
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Standing Items

1. APOLOGIES

2. DECLARATION OF INTEREST

Nil.

3. DEPUTATIONS BY APPOINTMENT

Nil.

4. CONFIRMATION OF MINUTES

Minutes from the meeting of the District Plan Committee on 28 February 2018.



**District Plan Committee meeting
held on Wednesday 28 February 2018 at 8.30am
at Selwyn District Council,
Rolleston**

Present: The Mayor, Councillors M Alexander, D Hasson, M Lemon, G Miller, B Mugford, N Reid, C Watson, P McEvedy Mr D Ward (CEO SDC), Tania Wati (Te Ngāi Tūāhuriri Rūnanga), Hirini Matunga (Te Taumutu Rūnanga).

In attendance: Chairperson – T Harris (Environmental Services Manager), J Burgess (Planning Manager), B Rhodes (Team Leader – Strategy and Policy), J Ashley (District Plan Review Project Lead), E Hodgkin (Project Manager, District Plan Review), C Friedel (Senior Strategy and Policy Planner), A Mactier (Strategy and Policy Planner), J Lewes (Strategy and Policy Planner), R Love (Strategy and Policy Planner), S Burkett (Strategy and Policy Planner), S Hill (Business Relationship Manager), V Barker (Planning Consultant), J Tapper (Planning Consultant), note taker T Van Der Velde (District Plan Administrator).

Standing Items:

1. Apologies

Councillor P Skelton (Environment Canterbury)
Councillor J Morten
Councillor J Bland

Apologies for lateness:
Councillor C Watson
Councillor N Reid

Absent:
Councillor M Lyaal

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

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

2. Declaration of Interest

Nil.

3. Deputations by Appointment

Nil.

4. Confirmation of Minutes

Moved – Councillor Alexander / Seconded – Councillor Mugford

‘That the Committee accepts the minutes of the 06 December 2017 as being true and correct’.

CARRIED

5. Outstanding Issues Register

Nil.

Specific Reports:**6. Quarterly Biodiversity Working Group report**

Mr Mactier noted that the report provides a quarterly update and progress of the Biodiversity Working Group, including the identification of two matters for the Committee's consideration.

The Mayor made comment that he attended a gathering with Banks Peninsula Conservation Trust and other Selwyn organisations who work with biodiversity. The Mayor noted the Waihora Ellesmere Trust is included in the Biodiversity Working group but questioned whether other groups / organisations, such as the Banks Peninsula Conservation Trust, should also be involved. Mr Mactier responded that at this stage of the District Plan Review there is not much to report to other biodiversity focused organisations, but that will come later in the process.

Councillor Lemon clarified with Mayor whether he would like to see them as part of consultation rather than part of Working Group. The Mayor answered yes.

Moved – The Mayor / Seconded – Councillor Alexander

“That the Committee notes the report.”

“That the Committee approves the recommended amendments to the Biodiversity Working Group Terms of Reference.”

CARRIED

7. Preferred Option Report – Emergency Services

Ms Barker (Consultant Planner) provided a summary of her report to the Committee.

The purpose of the report is to brief the Committee on the findings of the Emergency Services Baseline Report, which sought to better understand the requirements of emergency services establishing and operating in Selwyn District, the effects they generate, and the effectiveness of the current operative District Plan (DP) provisions.

Ms Barker advised that this was the first preferred options report brought to the District Plan Committee. Ms Barker spoke to her report to inform Council that there are currently 25 emergency service facilities across Selwyn District and at least two new proposed facilities. Fire and Emergency NZ (FENZ) propose to construct a replacement fire station at Rolleston and a fire-fighting training and Urban Search and Rescue (USAR) facility at the Izone Business Hub. St John also expect to upgrade existing facilities and establish new ambulance stations but have no firm plans at this point in time. NZ Police are the only emergency services with designations.

Issues identified in the report include unclear and overlapping definitions, policies that are generic and high level and do not relate to emergency services that well, and unclear and/or impracticable rules. For example there are a lot of rules that often require emergency services to apply for resource consent such as site coverage and signage. The firefighting water supply provisions also need to be updated in line with the new Firefighting Water Supplies Code of Practice which FENZ are responsible for developing.

'8.40 Councillor Hasson in'

Ms Barker commented that St John, FENZ and NZ Police were involved in the baseline report.

Preferred option is to amend the current DP rules to provide more flexibility for emergency services.

Councillor Alexander commented in support of the third preferred option (to retain the current management approach with amendment) and asked for clarification about the location of the replacement fire station in Rolleston as he understood the fire station was to be developed on a new site in Kidman Street and not the existing site. Ms Barker responded that at the time of drafting the Baseline Report the information provided by FENZ was that the replacement fire station would be constructed on the same site in Rolleston. Ms Barker noted Councillor Alexander's advice that the new site is in fact in Kidman Street as the land was purchased from Council.

Councillor Alexander continued to comment that it will be easier to amend the Engineering Code of Practice rather than the District Plan with respect to the firefighting water supply provisions. Ms Barker responded that the Engineering Code of Practice is focused more on technical matters such as hydrant spacing, whereas the DP looks at the provision of water supply for firefighting and access to that supply when land is subdivided or developments occur. Ms Barker explained that the firefighting water supply provisions in the DP and the Engineering Code of Practice will need to be considered further to establish where the provisions best sit and to ensure that if provisions are retained in both documents, that they are consistent and do not overlap, and reflect the

new Firefighting Water Supplies Code of Practice being developed by FENZ.

Councillor Lemon sought clarification about Civil Defence sites?

Ms Barker responded that the report focused on Police, St John and FENZ facilities. Civil Defence sites which are within Council owned buildings are subject to another report. The scope of this project only covered the above emergency service providers.

The Mayor commented that the report provides good direction which makes sense, but questioned if all the emergency services could be designated?

Ms Barker responded that this has been considered but legally Police are the only ones who can designate as they are a Crown entity and a Requiring Authority under the Resource Management Act (RMA). St John and FENZ are not requiring authorities, therefore they do not have the ability to designate their sites. St John is not eligible under the RMA to apply for requiring authority status. FENZ's eligibility is less clear as they are a Crown entity, however FENZ advised they have not pursued requiring authority status to date and do not intend to. The Mayor questioned if Council could designate on their behalf and it was clarified by Ms Barker that Council cannot.

The Mayor commented about building setbacks from roads in residential areas and suggested that setbacks aligned with residential development building setbacks should be considered to retain the look of an area. Ms Barker commented that this will be considered further in the next stage and that there will be a need to balance residential amenity and operational efficiency for emergency services.

The Chair gave a briefing of the purpose of preferred options reports and commented that the reports help refine Councillor perspectives for further engagement.

Moved – Councillor Miller / Seconded – Councillor Hasson

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Emergency Services for further development (Section 32 and Drafting Phase).”

CARRIED

8. Preferred Option Report – Stock droving

Mr Tapper (Consultant Planner) provided a summary of his report which briefs the Committee on the findings of the Stock Droving Topic Investigation, which reviewed the effectiveness of the operative District Plan provisions relating to new and expanded dairy farms.

Mr Tapper provided a presentation overviewing the current overlap of rules.

Part of Rule 9.11 in Operative District Plan overlaps with other legislation – Land and Water Regional Plan (LWRP) Stock Exclusion Rule 5.70 which states that use/disturbance of waterbody by intensively farmed stock and any associated discharge is a non-complying activity.

Part of Rule 9.11 in Operative District Plan overlaps with Stock Droving Bylaw 2008 which provides a series of conditions for farmers using road reserves.

Section 75 of the Resource Management Act (RMA) requires consistency between a district plan and a regional plan.

‘Councillor Watson and Councillor McEvedy in 8.53am’

Councillor Alexander commented that he agreed with the first part regarding stock exclusion, however in terms of the stock droving bylaw he suggested it may be an extra hoop people have to go through and they might not know about.

Mr Tapper responded that if you retain the existing DP rule they will need to get two consents, one under the District Plan and one under the bylaw.

Chair suggested that Council information relating to the bylaw could be attached to LIMs (Land information memorandum).

Councillor Alexander commented that he noted in the report that New Zealand Transport Agency (NZTA) were asked to comment and Council did not receive a reply however Councillor Alexander recommended that Council be firmer with NZTA and request a formal response as to their position.

Ms Ashley questioned that in terms of existing provisions was Mr Tapper aware of any existing resource consent applications that have been applied for under the current ‘new and expanding dairy farm’ provisions? Mr Tapper noted that the SDC consents team had not had any consents lodged under current provisions.

Councillor Alexander sought clarification around LWRP for water bodies in the High Country and whether the same stock exclusion provisions apply?

Mr Tapper responded that he had not seen that in the regional plan, but he could check.

Councillor Hasson discussed that Environment Canterbury talks about ‘intensively farmed stock’ and our DP plan talks about ‘dairy stock’ and therefore she would like clarification about the definition of stock. Mr Tapper responded that in the LWRP the definition of stock includes dairy stock.

Councillor Hasson asked for full definitions when writing up policy and rules.

Councillor Lemon questioned that if we assume it goes through will it be good to review bylaw? Mr Tapper responded that stock driving bylaw will have a review clause which is usually around every 5 years.

Councillor Lemon commented that it might leave a hole if Council take one rule out.

Councillor Hasson questioned if Beef and Lamb NZ can be added to stakeholder engagement and not just Dairy NZ?

Mr Tapper clarified that rules as it stands in DP only relates to dairy stock.

Moved The Mayor / Seconded – Councillor Watson

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘New and Expanded Dairy Farms and Stock Droving’.”

Ms Tania Wati voted against.

CARRIED

9. Proactive Zoning for Ellesmere and Malvern Townships

The Chair provided a summary of the report for Proactive Zoning for Ellesmere and Malvern Townships. The Project team would like to receive direction from the District Plan Committee on whether Council should proactively zone 'greenfield' residential sites in the Ellesmere and Malvern Wards or leave consideration of any rezoning of 'greenfield' sites to the DPR submission phase.

Mr Rhodes recapped that the report follows on from two previous discussions on the rezoning of 'greenfield' residential land in the Ellesmere and Malvern Wards by District Plan Committee (DPC). The report was very similar to the previous one but had been updated to reflect growth model numbers and progress of the Area Plan Working Party (APWP).

He noted that the Selwyn Capacity for Growth Model (SCGM) was endorsed by DPC in December 2017: Outcomes of that model are outlined in section 2 of the report. The SCGM highlights that there is still capacity for growth in the Ellesmere and Malvern townships out to 2031, other than Rakaia Huts. Following on from SCGM further discussion was had with APWP earlier this month on whether any sites in the Ellesmere and Malvern Townships should be promoted for zoning consideration. The APWP discussions did not promote any sites for further consideration however it was stressed that such a position did not preclude private plan change request from being received, landowners putting submissions in on the Proposed District Plan, nor did it preclude Council making changes at a later date should the need arise following the Proposed District Plan notification.

The APWP stressed the need to continue detailed and updated monitoring on growth in Ellesmere and Malvern townships. The APWP also highlighted the need to consider deferred living sites ahead of new living sites. Council staff should help facilitate the lifting of these deferred sites.

Mr Rhodes concluded by commenting that the report recommended option two be endorsed.

Councillor Hasson advised she was in support of option two and provided the Committee with her thoughts that if we were to rezone everywhere there will be an issue with land banking. With a plan change proposal there is less incentive for land banking as the landowner has had to incur the expense of rezoning rather than relying on Council.

The Mayor commented that he hopes that Council would be consistent across the district, including the UDS area. The Mayor would rather see Council be a bit stronger on where Council see the development in Darfield and Leeston and thinks Council should have identified areas in that process.

Councillor Lemon acknowledges the Mayor's point and responded that we have gone through a democratic process with APWP discussions and the preferred option has been identified as the one that is most appropriate.

Councillor Miller commented that he understood how the Council got to this point. A lot of people are not land investors. However, he considered that it was important that if Council decide on this option that Council communicate the available options to landowners, including the ability to request a private plan change or to put in a submission on the Proposed District Plan.

Mr Burgess commented that if at this point in time Council are not going to proactively rezone, but there may be a need in the future, Council can actively look at this at a later date. Staff are actively working with a number of landowners to understand their aspirations of what they want to do with their land in the future.

Councillor Miller's view is landowners should be able to submit through the District Plan if they want their land re-zoned.

Mr Burgess confirmed that yes they can submit and meet that they would have to meet their own costs. Council has done a lot of strategic planning in the growth space to get to this position but landowners can still submissions through the process which Council will consider. Puts the onus on landowners rather than Council.

Councillor Miller commented that he wants the process to be transparent.

Councillor McEvedy commented that the district has two different economic areas being the Ellesmere and Malvern Areas and the Urban Development Strategy (UDS) area. Attitude of the Council matters and it needs to stop putting hurdles in front of everyone and enable people to rezone land without incurring excessive costs. Costs are the same in the two economic areas but the returns are not. Any additional costs added to process for the Ellesmere and Malvern Townships makes their financial risk higher.

Mr Matunga raised a point to note that Council need to ensure intersection with Pāpakainga / Kāinga Nohoanga and that there is a clear link and how it will impact on the Tangata whenua.

Mr Burgess responded to Mr Matunga that this was noted and this issue will come up in separate reports before the DPC.

Moved – Councillor Lemon / Seconded – Councillor McEvedy

“That the Committee notes the report.”

“That the Committee endorses Option 2 outlined in the report, which is to not proactively rezone ‘greenfield’ sites in the Ellesmere and Malvern Wards”

CARRIED

10. Update on Communication & Engagement

Mr Hill and Ms Hodgkin spoke to their presentation to provide the Committee with an update on District Plan Review (DPR) communications and engagement.

First engagement phase of review process included a launch of the DPR website.

Ms Hodgkin provided a demonstration to Committee of DPR website and the DPR video.

Mr Hill advised that the website and video uses plain language and provides a simple overview of what the process involves. The video is on both the website and Facebook.

Mr Hill discussed the DPR's first public engagement with drop in sessions held in Darfield, Leeston, Lincoln and Rolleston for Heritage items and protected trees which asked for nominations of Heritage Items and Protected Trees. Subject matter expert Ann McEwan was there to provide her expertise and answer questions that public may have had. Mr Hill advised that drop in sessions went well with over 20 members from public attending.

Councillor Hasson suggested that Council capture the attention of public who come in to Council by displaying material and video on televisions out in Foyer like the Council have done so for the Southern Motorway. Committee and speakers agreed.

Councillor Watson advised that he put in a nomination on the website on behalf of a group however the website did not prompt for contact details and he was confused by not being prompted to register, suggesting Council are not capturing contact details. Mr Hill clarified that there are a few ways of registering and will follow up on the registration processes to ensure Council are capturing this information.

Mr Hill advised there has been a promotional flyer developed, pull up banners, sandwich boards and posters that promote the district plan review process. Mr Hill provided a look at Engagement HQ - an engagement platform which offers a range of engagement tools. One tool used for the Heritage engagement has been where people can drop a pin on a map location to comment on. This has been valuable for locating heritage items and protected trees and can be used for other topics.

Ms Wati commented that for Te Ngāi Tūāhuriri Rūnanga a lot do not have internet access or a computer. Nor do they understand the District Plan. How is Council engaging or enabling them to have their say?

Mr Hill responded that as Council work through engagement you will start to see there is a wide range of tools. Mr Burgess added that the DPR project team did offer drop in sessions at Lincoln, Leeston, Darfield and Rolleston and there will be other avenues going forward.

Mr Watson gave an example of where last year's Long Term Plan (LTP) project was promoted by going to events rather than asking the public to come to us.

Mr Burgess commented that yes that is something Council have thought of but at the moment Council staff are conscious of the consultation about to commence with the

LTP and do not want to confuse public on what they are being consulted on.

Mr Matunga sought clarification on the broader context planning process as it is very complex for the community. Mr Matunga would like reiteration on where the District Plan Review fits within the broader framework such as the LTP.

Speakers noted this.

‘Councillor Lemon left room 9.38am’

Ms Hodgkin noted that most of the queries just raised would be addressed through the development of topic specific communications and engagement plans that are being undertaken for each topic. Heritage Items and Protected Trees example provided in the presentation. These plans will outline the key messages, timings, resources required and modes and channels of communication that will occur across that topic. The DPR project team will have standard information that Council will make topic specific – for example ‘What is the District Plan Review’.

The project team is assessing what the best tools for engagement are for each topic including media releases, drop in sessions, as well as appropriateness of online tools as well as continuing stakeholder engagement. Ms Hodgkin noted that it is a large scale process in terms of the planning, tracking and management of these activities but a lot of time and work is currently being undertaken to ensure effective communications and engagement activities.

Councillor Miller questioned if the project team will bring the governance group into the process. Ms Hodgkin agreed that the project team will involve governance in the engagement process by including a copy of the topic specific communications and engagement plan for noting with each Preferred Options report to ensure Councillors are aware of the information in the public arena.

Ms Hodgkin explained the next priority topics for e communications and engagement planning, which focus on stakeholder and/or landowner engagement are ‘Outstanding Natural Landscapes’, ‘Quarrying’, ‘Natural Hazards’, and ‘Energy and Infrastructure’ topics.

These pieces of work are very targeted to landowners and/or stakeholders and Council will not be out in the public arena until after LTP consultation.

‘Councillor Lemon in 9.40am’

Ms Hodgkin advised that the project team is working with GIS to map who the relevant landowners are for each topic, to capture full information.

Mr Hill discussed that the project team will engage with Councillors to ask them to give an indication of topics they would like to be involved in and indicative timeframes so Councillors can support ‘championing’ this work. Mr Hill advised that an email would be circulated to Councillors in the next two weeks asking for their input and preferences for various topic areas.

Councillor Watson commented that he is happy to champion topics.

Councillor Alexander asked that when the project team are sending out stakeholder and landowner letters / correspondence that Councillors get a copy even if not a 'champion of topic' so not caught off guard if questioned by a member of the public.

Mr Alexander also commented about engagement for the topic 'Quarrying' as timing is important due to it being a contentious subject.

The Chair advised that if the Fulton Hogan resource consent application is lodged in May the notified process may stretch for another 6 months. It will be very difficult to try to avoid clashes with processes for the consent. The Chair acknowledged it will be a major topic of interest.

Councillor Alexander suggested consulting after the resource consent submission process has closed due to concern that Council may get emotive feedback that is not helpful to the development of the DPR Quarrying topic.

The Chair advised Council will take on board.

Moved – Councillor Watson / Seconded – Councillor Alexander

"That the Committee notes the presentation."

CARRIED

11. Update on District Plan Review Financials

Mr Burgess and Ms Hodgkin spoke to their report, which updated the Committee on the District Plan Review budget and financials.

Mr Burgess noted that for the 2017-18 financial year the budget is set at 2.3 million which is the upper limit of that tabled at the LTP workshop last year. The 2018-19 budget is likely to be set at a similar amount but will then drop considerably as the Project draws closer to notification. Page 447 of the report shows financial position to 31 December 2018 and tracking of actual expenditure. This demonstrated there is a lot of work being done in a very short period of time.

Councillor Watson questioned section 4.6 of the report in terms of whether Council has a policy for non-performance?

Ms Hodgkin clarified that at this stage, as far as we are aware, the Council, nor specifically the District Plan Review does not have a policy to address non-performance and this will be brought to the Audit & Risk Committee. Mr Ward clarified section 2 and 4.6 are featured in the Audit & Risk agenda for 7 March meeting.

Councillor McEvedy commented that the budget is not a target to hit and he would be quite happy if there are left overs in the end.

Mr Burgess commented that the project is something that keeps evolving, however the project has more certainty over it now and all contracts are scrutinised through the procurement process.

Councillor Miller questioned whether there is a correlation through work stream and budget.

Mr Burgess responded that Council will be providing more information in the next District Plan Committee meeting and Council are on track for both budget and work stream.

Moved – Councillor McEvedy / Seconded – Mr Ward

“That the Committee notes the presentation.”

CARRIED

12. Option of notifying a Draft District Plan

Mr Burgess provided a memorandum in the agenda to brief the Committee on the option of notifying a 'Draft' District Plan to enable public feedback prior to notifying the 'Proposed' District Plan, which is subject to a formal submission process.

Legal advice on the merits (or otherwise) of notifying a Draft District Plan was sought from Adderley Head.

Moved – Councillor Lemon / Seconded – Councillor McEvedy

“That the Committee confirms that a Draft District Plan will not be notified prior to the formal notification of a Proposed District Plan.”

CARRIED

The meeting adjourned for a 10 minute break at 10.00am

The meeting reconvened at 10.16am

13. RESOLUTION TO EXCLUDE THE PUBLIC

Moved – Mr Ward / Seconded – Councillor Lemon

1. *‘That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>
2.	National Policy Statement on Urban Development Capacity – Settlement Pattern Review Discussion Document		

This resolution is made in reliance on Section 48(1) (a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1.	protect information where the making available of the information (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(b)(ii)
2.	Maintain the effective conduct of public affairs through: (i) the free and frank expression of opinions by or between or to members or offices or employees of any local authority, or any persons to whom section (5) applies, in the course of their duty; (ii) The protection of such members, officers, employees and persons from improper pressure or harassment.	Section 7(2)(f)

2. *That appropriate officers remain to provide advice to the Committee.*

CARRIED

The meeting moved to Public Excluded at: 10.20am

Meeting Concluded at: 10.54am

This day of 2018

CHAIR PERSON

UNCONFIRMED

5. OUTSTANDING ISSUES REGISTER

Nil

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

Specific Reports

6. Overview of RMA Legislative and Statutory Planning Context

Author:	Sarah Dawson, Sarah Dawson Consulting
Contact:	027 444 0161

Purpose

To provide the Committee with an overview and update of the relevant RMA legislative and statutory planning context, including how to apply the principles arising from the *King Salmon* case to the District Plan Review process.

Recommendation

“That the Committee notes the presentation.”

Attachments

PowerPoint Presentation: ‘Overview of RMA Legislative and Statutory Planning Context’

The proposed Selwyn District Plan



Overview of RMA Legislative and Statutory Planning Context

Sarah Dawson

Resource Management Hierarchy

- 3 tier management system – national / regional / district
- Hierarchy of planning documents

Resource Management Act (Part 2)

National Policy Statements and Environmental Standards

Regional Policy Statement

District Plans and Regional Plans

- Purpose of each is to achieve Part 2 of RMA
- Moves down the hierarchy from general to specific
- RMA sets out “tests” for the relationship between each level in the hierarchy
- MfE is also preparing National Planning Standards to improve consistency in plans and policy statements



²⁵ Key Tests to be Met

RMA (Part 2)

- **Section 5:**
 - broad / guiding principle to be followed / not prescriptive
 - covers both protection and enabling (wellbeing) aspects
 - must be read as a whole
- **Sections 6-8 add to section 5 – stating obligations on a range of topics**

NPS

- **National policy positions on matters of national significance, including:**
 - NZ Coastal Policy Statement (NZCPS)
 - NPS for Urban Development Capacity (NPSUDC)
 - NPS on Electricity Transmission (NPSET)
- **Must achieve RMA Part 2**



²⁶ Key Tests to be Met

NES

- **National regulations setting standards for activities, including:**
 - NES for Telecommunication Facilities
 - NES for Electricity Transmission Activities
- **Must achieve RMA Part 2**

RPS

- **Must “give effect to” NPS / NZCPS**
 - “give effect to” means implement
 - Strong directive / firm obligation

District Plans

- **Must “give effect to” NPS / NZCPS and RPS**
- **Must “not be inconsistent with” a regional plan**
 - “not be inconsistent with” means not contradict / not be opposed to
- **Must enforce NES standards**



Broad Implications of ²⁷King Salmon Decision

- Reinforces hierarchy
- Higher level planning documents assumed to be in accordance with RMA Part 2
- A Plan needs to “give effect to” the higher-level documents without going back to reconsider the enabling / balancing aspects of Part 2 – specific exceptions to this may apply
- Words and direction in higher-level documents are be interpreted specifically
 - Lower-level planning documents must do what higher-level documents say
- Higher-level planning documents can include “bottom-lines”
 - “avoid” means “not allow” or “prevent”
 - “avoid adverse effects” refers to the aspects / characteristics that are to be protected
 - protecting areas from “inappropriate” activities needs to relate to what is being protected



Broad Implications of ²⁸King Salmon Decision

- Need to look carefully at how each higher-level policy is expressed to resolve any apparent conflicts
- Directive / specific policies have greater weight than less directive ones
 - Specific policies “trump” general policies
- Higher-level planning documents may be very specific about some topics / areas, but leave more discretion to Plans in other situations – for example
 - Specific direction – NZCPS for landscape and biodiversity at the coast; and RPS for ecological significance
 - Less specific direction – RPS for historic heritage
 - General direction – NZCPS for activities on the coast
 - No higher-level direction – protected trees



Relevance for²⁹ DPR Drafting

- **Language is important / Words are intentional / DPR needs to mean what it says**
 - *“mean what you say” / “say what you mean”*
- **DPR needs to be precise with its words to give clarity and certainty of meaning**
- **Strong and directive policies in higher-level planning documents need to be specifically “given effect to”**
- **For the DPR drafting process, this means a need for**
 - clear identification of what the higher-level documents mean for the District
 - strong methodologies and section 32 evaluation / reports
 - mapping of important areas; description of their characteristics / values
 - understanding of what is to be protected / adverse effects to be avoided / activities that are appropriate.
 - plan objectives, policies and rules that reflect this



Relevance for DPR Drafting³⁰

- **Doesn't mean there is no place for flexibility in the DPR – but it needs to be clear about where, when, how much and under what circumstances**
- **Important to reconcile any potential conflicts between different DPR provisions through the drafting process**
- **Difficulty with chapter-based Plans having potentially conflicting objectives and policies on different topics – for example between:**
 - **Protect and avoid policies in significant natural areas or outstanding landscapes; and**
 - **Enabling policies for important infrastructure**
- **DPR needs to set out in its policies how such conflicts will be reconciled – this will require an integration process as part of DPR drafting process**



7(a) Preferred Option Report – Outstanding Natural Features and Landscapes

Author:	James Bentley & Stephanie Styles (Boffa Miskell) and Andrew Mactier (Strategy & Policy Planner)
Contact:	347 2802 (Andrew)

Purpose

To brief the Committee on the findings of the Outstanding Natural Features and Landscape Baseline Reports, including the Landscape Study and associated Planning Analysis, which reviews the effectiveness of the operative District Plan provisions relating to the identification and protection of Outstanding Natural Landscapes.

Recommendation

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option (Option 2) for Outstanding Natural Features and Landscapes for further development.”

Attachments

‘Preferred Option Report for Outstanding Natural Features and Landscapes’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 6 March 2018

TOPIC NAME: Natural Environment

SCOPE DESCRIPTION: Natural Environment - Outstanding Natural Features and Landscapes

TOPIC LEAD: Andrew Mactier

PREPARED BY: Boffa Miskell Ltd (Claire Kelly, James Bentley and Stephanie Styles)

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<p>The key issues for this topic are:</p> <ul style="list-style-type: none"> Does the District Plan give effect to the Canterbury Regional Policy Statement (CRPS) and current best practice in terms of identifying and protecting Outstanding Natural Features and Landscapes (ONFL)? Should the District Plan identify and manage Visual Amenity Landscapes (VAL)? How best to protect and manage adverse effects of subdivision, use and development on the values of ONFL/VAL.
<i>Preferred Option</i>	Option 2 (the findings of the landscape planning assessment and planning assessment are adopted in full) as it will improve clarity, increase protection of ONFL where necessary, align with current best practice approaches and give effect to the CRPS.
<i>DPC Decision</i>	

1.0 Introduction

This report provides a summary of the planning and landscape planning assessment of the key issues relating to Outstanding Natural Features and Landscapes (ONFL) and should be read in conjunction with the technical report “*Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report*”¹ which contains the specialist review of landscapes within the district, and the *Outstanding Natural Features and Landscapes: Planning Analysis* report. These reports are attached as **Appendix 1** and **Appendix 2** respectively.

The technical report provides a district-wide landscape characterisation, by which the district's landscapes are classified into broad land-types and character areas, drawing from land typing analysis conducted by Landcare Research on a regional scale. It also comprises an evaluation of the district's different landscape values, including the identification of landscapes in accordance with Sections 6 and 7 of the Resource Management Act (RMA).

The report then recommends which areas should be identified as ONFL and provides an understanding of threats to their values that should be considered in the development of rules within the District Plan, including advice on which activities are likely to cause adverse effects on the identified values. It also identifies other sensitive areas that should have specific management mechanisms applied through the District Plan rules, such as VAL.

The technical report has informed an understanding of the landscape values of the district in terms of the planning approaches to a framework for provisions within the District Plan. The specialist advice has closely influenced recommendations around what amendments are necessary to align provisions with current best practice landscape protection and management outcomes for Selwyn District.

2.0 Summary of Issues

The Operative District Plan identifies ONFL and forestry exclusion areas on the planning maps and contains a range of provisions that provide for the identification and protection of landscape values. However, the operative District Plan is not based on a district wide study of landscape areas (being based mainly on a series of area or issue specific projects) and thus the current landscape layers have been identified on an ad hoc basis and not in the context of the entire district. There is a need to ensure that the identification of ONFL areas is based on up to date criteria as directed by the CRPS and is carried out comprehensively.

In addition, the analysis indicates that the operative rules and assessment matters are not fully efficient or effective at protecting ONFL from some activities that can impact adversely on landscape values. Furthermore, the VAL and ONL areas on the Port Hills overlap, creating a confusing and overly complex planning framework. It is further complicated by the wording used in the issues and policies sections not being consistent.

¹ Boffa Miskell Ltd, 15 September 2017.

The key issues for this topic are:

- Does the District Plan give effect to the CRPS and current best practice in terms of identifying and protecting ONFL?
- Should the District Plan identify and manage VAL?
- How best to protect and manage adverse effects of subdivision, use and development on the values of ONFL/VAL

3.0 Statement of Operative District Plan approach

The Planning Maps in the Operative District Plan identify the following landscape areas:

- ONL areas within the Port Hills, Inner Plains, Malvern Hills, and High Country;
- VAL area on the Port Hills (overlapping with part of the ONL area);
- ONF area encompassing Lake Ellesmere / Te Waihora; and
- Forestry exclusion areas within the Malvern Hills.

The key provisions are contained in the objectives and policies set out in part B1 Natural Resources – B1.4 Outstanding Natural Features and Landscapes.

The objective seeks to recognise and protect ONFL from inappropriate use and development while still enabling people to provide for their economic and social well-being.

The policies recognise particular areas of outstanding landscape value (in the Port Hills, Canterbury Plains, Te Waihora/Lake Ellesmere, Malvern Hills, and High Country), and the values and features that make an area outstanding. The policies also seek to recognise the mix of physical and natural elements within landscapes and provide for these to continue where appropriate but acknowledge that landscapes will change over time, and ensuring that where change occurs, the core values of the landscape are retained. Consequently, there is clear direction to avoid or control activities that can adversely impact on landscape values², whilst recognising that some activities cannot be located elsewhere and that where activities do occur, structures are designed, sited, landscaped and finished in an appropriate manner. In addition, the restoration and enhancement of indigenous vegetation is encouraged as a benefit to landscape values.

The policies also identify:

- areas of significant rural landscape (Between Christchurch City and a line extending from West Melton to Tai Tapu);
- areas requiring control of particular activities i.e. forestry in the high country and avoiding exotic tree planting in the Areas of Outstanding Landscape and the Forestry Exclusion Areas in the high country; and

² including clearance of indigenous vegetation; dwellings, large buildings and structures and utilities/infrastructure, and associated access; exotic and indigenous plantations, shelterbelts and amenity planting; subdivision of land; and earthworks.

- areas that merit control to protect wider landscape values i.e. high country areas that form a backdrop to the Areas of Outstanding Landscape.

The rules are contained in several sections of the Rural Volume of the Plan and are summarised as:

- Permitted activity status for small scale earthworks and small-scale buildings/structures.
- Controlled activity status in the Port Hills VAL for new dwellings or alterations / additions / modification to existing dwellings.
- Restricted discretionary or discretionary activity status for activities that do not meet permitted activity standards.
- Non-complying activity status for activities in the Summit Road Protection Area, plantations in ONFL, and some large-scale buildings or utilities.

Key matters identified in the current Plan provisions that need to be addressed in the district plan review process are:

- The current ONFL areas are not based on a comprehensive review of the district but on a series of area or issue specific projects.
- The current ONFL areas are not based on the identification approach set out in the Regional Policy Statement or best practice established by caselaw. In addition, the current identification does not clearly identify the values that make the areas outstanding and which require protection.
- The current VAL applying to the lower Port Hills overlaps with the ONL area, which is confusing for interpretation and application.
- The landscape objectives and policies currently are repetitive, extensive and not particularly directive of the priority to be placed on protection of ONFL.
- The current rules do not cover all activities in all ONFL areas e.g. shelterbelt planting rules only apply in some areas.
- The rules currently are reasonably blunt and would benefit from some greater subtlety e.g. size and purpose of buildings.
- The National Environmental Standard on Plantation Forestry needs to be given effect to in the rules relating to forestry.
- Within ONFL, there are no controls that would limit farming intensification or changing practices (except where this may involve earthworks or indigenous vegetation removal) and protection of some of the ONL areas would necessitate some rules on this issue.

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

4.1 Resource Management Act (RMA)

Section 6(b) of the Resource Management Act 1991 (RMA) requires the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. Section 7(c) requires the

maintenance and enhancement of amenity values and section 7(f) requires the maintenance and enhancement of the quality of the environment.

4.2 Canterbury Regional Policy Statement (CRPS)

All district plans are required to give effect to the applicable Regional Policy Statement³ and it is considered that the CRPS inherently achieves the purpose of the RMA.

Chapter 12 of the Canterbury Regional Policy Statement 2013⁴ (CRPS) includes objectives seeking to identify and protect outstanding natural features and landscapes, and identify and manage other landscapes⁵, whilst ensuring consistency of assessment and management. The policies set an expectation that ONFL will be identified at a district level, based on the identified landscapes at a regional scale and require consistency of identification by providing a set of criteria which address biophysical, sensory and associative values. The policies also seek to ensure management methods in district plans:

- achieve the protection of ONFL from inappropriate subdivision, use and development, and
- provide for the identification and management of other important landscapes for natural character, historic cultural, historic heritage and amenity purposes.

4.3 Mahaanui Iwi Management Plan (IMP)

The focus within the IMP for landscapes is on cultural landscapes, which are described as a culturally meaningful and effective framework for the identification, protection and management of sites and places of significance, the multiple values associated with those sites and places, and the relationship of tāngata whenua to them.

The main area of the IMP that addresses this issue is chapter 5.8 Ngā Tūtohu Whenua which contains an objective that *‘Cultural landscapes are recognised and provided for as a planning tool to protect wāhi tapu and wāhi taonga, the multiple values associated with these sites and places (traditional and contemporary), and the relationship of tāngata whenua to them’*. This chapter also sets out policies around the recognition of cultural landscapes, and protection and recognition of cultural landscapes of particular importance.

Cultural landscapes are being addressed through a separate district plan review workstream being undertaken by Mahaanui Kurataiao Ltd.

4.4 Other Documents of Particular Relevance

The National Environmental Standard on Plantation Forestry⁶. This puts in place standards for forestry activities and has implications for landscape areas as it includes activity status for forestry in ONFL (restricted discretionary) and VAL (controlled).

³ Resource Management Act, section 75 Contents of District Plans “(3) A district plan must give effect to—(c) any regional policy statement”.

⁴ Revised February 2017.

⁵ “other landscapes” is the term used in the CRPS which is applied in various areas as visual amenity landscapes, significant landscapes, rural amenity landscapes or similar. These ‘other landscapes’ may also have particular cultural, history or other values.

⁶ This will come into force from 1 May 2018.

The Port Hills Fire Recovery Plan anticipates that a response to fire issues will be covered by the District Plan Review and specifically mentions the need to consider minimising fire risk through design, provision for water storage requirements for firefighting purposes, and issues around landscaping and fuel build-up. Managing wild fire risk is currently subject to a separate workstream under the Natural Hazards Topic, however these overlapping matters will need to be integrated as the District Plan Review progresses.

5.0 Summary of alternative management responses – Other Districts

The following plans were reviewed to understand different approaches to identifying and managing ONFL and VAL: Ashburton District Plan, Waimakariri District Plan, Hurunui District Plan, Christchurch District Plan, Proposed Queenstown Lakes District Plan and the Proposed Dunedin District Plan.

The objectives and policies in all the plans reviewed have a strong similarity and alignment with the requirements of the RMA and their relevant RPS. Generally, the intent of all plans is to identify areas of outstanding landscape value and to document the values/characteristics/qualities of these identified areas. Following identification, all the plans reviewed seek to ensure protection of the values from inappropriate activities.

The approach to identification of landscape areas varies, with some plans taking a simple approach and only identifying ONFL, whilst others have layers of complexity and identify additional areas e.g. visual amenity landscapes, rural amenity areas or significant landscapes.

Most of the plans provide for a low level of change and small-scale activities i.e. small-scale buildings and maintenance and upkeep of tracks as a permitted activity. They also generally apply a restricted discretionary or discretionary activity status to most activities, enabling an assessment of impacts on values and the ability to decline an inappropriate application.

In all plans reviewed, the most stringent activity status is non-complying, with this usually applied to large scale activities with high potential for visual change, including forestry, mining/quarrying, and large buildings. This approach clearly identifies activities considered to be generally inappropriate and/or that are likely to generate significant adverse effects.

However, it is noted that the same activity can have different activity status across plans e.g. earthworks as a restricted discretionary, discretionary and non-complying activity in various plans. This variation could reflect that each area has identified different values and threats that require distinct management approaches or that different local priorities are being expressed. It also clearly shows that there is no consistent approach to similar issues.

6.0 Summary of Options to address Issues

6.1 OPTION 1: Status quo

This option would involve a continuation of the current approach with identification of ONL, ONF, VAL and Forestry Exclusion areas. There would continue to be objectives, policies and rules applying to these areas.

Effectiveness in Addressing Issue: This option will partly address the issues identified above in section 2.0, but will not give full effect to the CRPS or reflect current best practice. The ONFL in the Plan have not been identified as part of a comprehensive study using criteria in the CRPS and best practice methodologies. Furthermore, the overlap of the VAL and ONL boundaries would remain on the Port Hills and this could continue to cause unnecessary confusion. The rules may continue to enable the establishment of inappropriate activities in the High-Country, such as buildings on skylines or prominent ridges.

In addition, the provisions would not give effect to the NES on Plantation Forestry. With the introduction of the NES on Plantation Forestry, the forestry exclusion areas may not be able to be retained. However, many of these areas have broader values that are not currently addressed by the provisions in the Plan. Consequently, their importance and value including as a backdrop or foreground to the ONFL may be lost.

The Plan would continue to contain objectives, policies and rules that seek to manage the effects on activities on the values of ONFL but these would not be aligned with up to date approaches.

Risks: That the Plan does not follow best practice or give full effect to the CRPS and given the issues identified above, attracts many submissions.

Budget or Time Implications: None as no work would be required. However, it may be that a significant number of concerns and issues are raised through submissions. This could lead to protracted hearing times and even appeals to the Environment Court with subsequent time and cost implications.

Stakeholder and Community Interests: Landowners in the ONFL/VALs, Government Agencies such as DOC and special interest groups such as Forest and Bird.

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

6.2 OPTION 2: Adopt the findings of the Landscape Study and Planning Analysis in full

This option would involve the inclusion of a comprehensive set of eight ONL areas and four VAL areas each based on a district wide assessment and application of the CRPS criteria to identify values. There would also be a review and update of the current objectives, policies and rules to improve clarity within the provisions, increase protection of ONL where necessary, align with current best practice approaches and give effect to the CRPS.

Based upon the findings of the Landscape Study and Planning Analysis, it is recommended that the provisions are reviewed and amended where necessary. It is also recommended that a number of provisions remain essentially unchanged or are only slightly refined/modified to fit with a restructured approach aligned with recommended new ONL / VAL areas.

In summary, it is recommended to:

- clearly identify the ONL and VAL areas on the planning maps, with a graphic differentiation between ONL and VAL areas.
- draft objectives and policies, based on the existing provisions, to protect the values of ONL and maintain and enhance the VAL values from inappropriate subdivision, use and development.
- draft rules, based on the existing provisions, to more effectively manage the adverse effects on the identified values of ONL's and VALs.

The draft rules to be developed are recommended to focus on the following activities which have been identified in the Landscape Study as most likely to impact on identified values:

- Earthworks and quarrying / mining
- Pastoral intensification and agricultural conversion
- Vineyards and orchards
- Woodlots, shelterbelts and plantation forestry
- Buildings and signs

Effectiveness in Addressing Issues: This option will address all the key issues identified above.

This approach to content and intent for the proposed plan provisions will not significantly differ from the operative plan but will allow for refinement of the current provisions. This option will ensure that the proposed plan provides greater clarity, direction and protection of ONL, where necessary, to give effect to the CRPS. Furthermore, the provisions will be supported by a robust and comprehensive assessment of the district's landscapes, and expert technical landscape planning advice. This more sophisticated approach will better protect the identified values of the ONL as sought by the CRPS.

This option also enables the confusing overlap between the ONL and VAL in the Port Hills to be addressed thus providing clearer management of landscape values in this area. It also recommends that VAL's are identified and specifically managed through provisions in the Plan – this is addressed in more detail in Option 3 below.

Risks: The option may mean that resource consents are required for a wider range of activities.

Consequently, landowners may oppose the provisions and the decision on the provisions is appealed to the Environment Court. However, this risk can be mitigated through engagement with landowners.

Budget or Time Implications: Need to engage with landowners to ensure an understanding of the process, statutory drivers and the implications of the provisions.

Stakeholder and Community Interests: Federated Farmers, individual landowners, Government Agencies such as DOC and special interest groups.

Recommendation: This option is recommended as it gives better effect to the CRPS and current best practice.

6.3 OPTION 3: Adopt the findings of the Landscape Study and Planning Analysis, but without identification or management of Visual Amenity Landscapes

This option would mean that the findings of the Landscape planning assessment and planning report as described above, would be adopted in part. Given that the CRPS does not require the identification and maintenance of the values of VALs, the Council could decide not to include these areas in the District Plan.

Effectiveness in Addressing Issue: This option would have most of the benefits of Option 2 above in addressing the issues and would address the ONL/VAL overlap in the Port Hills, by removing the VAL overlay.

However, the Landscape Study has determined that the high amenity and environmental characteristics and values of some landscapes warrants their inclusion in the Plan as VALs. In other words, whilst not outstanding, their values are important and contribute to the amenity and quality of the rural area of the District. Furthermore, identifying, maintaining and enhancing VALs would assist in managing activities in areas that form a backdrop or foreground to ONL. Their inclusion would also assist the Council in achieving its obligations under s7(c)(maintenance and enhancement of amenity values) and s7(f) (maintenance and enhancement of the quality of the environment).

Risks: If VALs are not identified in the Plan, these areas would not be subject to specific management and it may be that the general rural provisions are not sufficient to manage effects on the values of these areas and as a result, their values and characteristics are compromised.

Budget or Time Implications: As above.

Stakeholder and Community Interests: Landowners, DOC and special interest groups.

Recommendation: Whilst it is acknowledged that the CRPS does not require the identification and management of VALs, the landscape planning assessment has identified these as areas of importance with high natural values. Given the reasons outlined above, this option is not preferred.

7.0 Preferred Option for further engagement

The Project Team recommends that Option 2 is the most efficient and effective option as it gives full effect to the CRPS, and reflects current best practice in terms of identifying and protecting ONL. Whilst the identification and maintenance of the values of VALs is not required by the CRPS, the Landscape Study has determined that the high amenity and environmental characteristics and values of some areas of the District warrants their inclusion in the Plan as VALs. Their inclusion will assist the Council in achieving its obligations under s7(c)(maintenance and enhancement of amenity values) and s7(f) (maintenance and enhancement of the quality of the environment).

In summary, Option 2 seeks to improve clarity, increase protection where necessary, align with current best practice approaches and give full effect to the CRPS. The changes recommended through Option 2 would include drafting revised provisions that consider:

- Objectives and policies based on the existing provisions, to protect the ONL values of ONL and maintain and enhance the VAL values from inappropriate subdivision, use and development, but which provide greater direction and clarity
- Rules based on the existing provisions, to manage the adverse effects on the identified values of ONL's and VAL's, including:
 - Permit small scale earthworks within ONL and VAL areas e.g. maintenance and repair of existing roads, and control larger scale earthworks.
 - Control quarrying and mining in all ONL and VAL, subject to further to discussion over the level of control relating to the differing scales of such activity.
 - Permit farming generally but manage significant farming change and intensification in areas where such activity would be inappropriate and it would be difficult to enable the change in a way that would adequately protect identified landscape values. Such consideration should be subject to further to discussion over the level of control necessary for such activity.
 - Generally, control all planting including shelterbelts and woodlots, except amenity planting.
 - Provide for plantation forestry as per the NES-PF with specific rules within ONL.
 - Require all buildings in Te Waihora / Lake Ellesmere, Rakaia River and Waimakariri River ONLs to obtain resource consent.
 - Permit small scale buildings subject to controls on location, colour and reflectance values in the other ONL and within the VAL, and require larger scale buildings to obtain consent. However, consideration should be given to including different provisions for buildings necessary for farming purposes.
 - Restrict the overall scale and height of signs in ONL to ensure adequate protection of visual amenity values.
 - All subdivision within an ONL or VAL to be managed to ensure that subdivision that would adversely impact on landscape values (through visual change or change in expectations of activity levels) can be declined.
- Include new definitions in relation to all new rules.

Appendix 1:**Selwyn District Landscape Study: Landscape Characterisation and Evaluation Report****Links to Report and Appendices**

[Selwyn District Landscape Study - Boffa Miskell \[PDF, 4513 KB\]](#)

[Appendix 1 Bibliography & References \[PDF, 143 KB\]](#)

[Appendix 2 Landscape Evaluation Attributes \[PDF, 136 KB\]](#)

[Appendix 3 Geopreservation Site Index Table \[PDF, 221 KB\]](#)

[List of Figures Landscape Evaluation Attributes \[PDF, 31608 KB\]](#)

Appendix 2:**Outstanding Natural Features and Landscapes: Planning Analysis****Links to Report and Appendices**

[Outstanding Natural Features and Landscapes, Planning and Landscape Analysis report \(NE004\) - Boffa Miskell \[PDF, 1310 KB\]](#)

[Appendix 1 Operative Selwyn District Plan Provisions \[PDF, 1513 KB\]](#)

[Appendix 2 Ashburton District Plan Provisions \[PDF, 1106 KB\]](#)

[Appendix 3 Waimakariri District Plan Provisions \[PDF, 272 KB\]](#)

[Appendix 4 Hurunui District Plan Provisions \[PDF, 287 KB\]](#)

[Appendix 5 Christchurch Replacement District Plan Provisions \[PDF, 1378 KB\]](#)

[Appendix 6 Queenstown Lakes District Plan Provisions \[PDF, 1303 KB\]](#)

[Appendix 7 Dunedin District Plan Provisions \[PDF, 1017 KB\]](#)

[Appendix 8 Operative District Plan Rule Summary \[PDF, 210 KB\]](#)

[Appendix 9 Reviewed District Plans - Comparison Table \[PDF, 166 KB\]](#)

[Appendix 10 Pressures and Threats \[PDF, 225 KB\]](#)

7(b) Communications and Engagement Summary Plan – Outstanding Natural Features and Landscapes

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 Outstanding Natural Features and Landscapes topic.

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Outstanding Natural Features and Landscapes – communications and engagement summary plan’

NE004: Outstanding Natural Features and Landscapes – communications and engagement summary plan

Key messages

(as of 16 March 2018)

Background

- A major review of the Selwyn District Plan is now under way. This includes a review of rural areas and features in our district which are of significant appeal or environmental significance, and any provisions that apply to these areas.
- In the district plan these areas and features with high landscape value that need protecting are referred to as Outstanding Natural Features (ONF), Outstanding Natural Landscapes (ONL), Visual Amenity Landscapes (VAL) and Forestry Exclusion Areas.
- These areas and features are to be protected from inappropriate use and development while still enabling people to provide for their economic and social wellbeing.
- These areas currently comprise:
 - 4 ONL areas within the Port Hills, Inner Plains, Malvern Hills, and High Country;
 - One VAL area on the Port Hills (overlapping with part of the ONL area);
 - One ONF area encompassing Te Waihora/Lake Ellesmere ; and
 - Forestry exclusion areas within the Malvern Hills.

Current status

- Current protected areas and features with high landscape value have been identified on an ad hoc basis and not in the context of the entire district.
- Current ONL areas aren't considered to be adequately protected from the adverse effects of a number of activities, including quarrying mining, intensification of pastoral farming activities in the High Country and the adverse effects of large buildings.
- Current provisions in District Plan don't follow best practice or are not fully aligned with regional regulations (ie Canterbury Regional Policy Statement).

About preferred option 2

- All protected areas with high landscape value are to be assessed on a district wide basis and meet relevant regional criteria.
- It's proposed to increase number of ONL areas (4 to 8) and VAL areas (1 to 4) (see detailed map in Landscape Study, October 2017). Partially this is due to forestry exclusion areas becoming part of ONL or VAL, and ONF becoming ONL.
- It's proposed that resources consents will be required for a wider range of activities to better protect these areas from adverse effects. For example, require all buildings in Te Waihora/Lake Ellesmere, Rakaia River and Waimakariri River ONLs to obtain resource consents, and intensification of pastoral farming in High Country also being subject to resource consent.
- Following Council's approval of preferred option, we will engage with landowners and key stakeholders to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. This will be prior to public consultation which will take place as part of the wider Rural Zone chapter later in the year.

Audiences

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")
Internal	Partners	Key stakeholders ¹	Landowners /occupiers ²	General public
DPC	ECan	Federated Farmers	Owners/occupiers of currently identified landscape areas and features (includes SDC, ECan, DOC, LINZ (on behalf of the Crown Commissioner for Land) and University of Canterbury)	Selwyn ratepayers
	Mahaanui Kurataiao	Environmental Defence Society	Owners/occupiers of proposed areas and features (includes SDC, ECan, DOC, LINZ and University of Canterbury)	News media
		Forest and Bird		Wider public
		Fish and Game		
		Malvern Hills Protection Society		
		Waihora Ellesmere Trust		
		Waimakariri Ecological & Landscape Restoration Alliance		
		Council (Resource Consent Planners, Building, Monitoring and Enforcement, Property and Commercial)		
		Upper Waimakariri Group		

¹ 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*)

² 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	Mahaanui Kurataiao and/or 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 ³	March	April	May	June	July ⁴
ECan		<ul style="list-style-type: none"> Letter to inform of approved preferred option, share report and gather feedback (follow up from previous engagement) 			
Mahaanui Kurataiao		<ul style="list-style-type: none"> Letter to inform of approved preferred option, share report and gather feedback (follow up from previous engagement) 			
Key stakeholders		<ul style="list-style-type: none"> Letter to inform of approved preferred option, share report and gather feedback (first engagement on this topic) 			
Current landowners		<ul style="list-style-type: none"> Letter to inform of progress made since August letter, upcoming drop-in sessions and what to do if they want further information about their ONFL (week of 9th) 			
		<ul style="list-style-type: none"> A number of drop-in sessions held in close proximity to affected landowners, such as Tai Tapu, Leeston and Springfield. Meetings held with major landowners (DOC, LINZ and University of Canterbury) 			
		<ul style="list-style-type: none"> Individual site visits with affected landowners 			
Newly affected landowners		<ul style="list-style-type: none"> Letter to inform of upcoming drop-in sessions and what to do if they want further information about their ONFL (first engagement on this topic) 			
		<ul style="list-style-type: none"> A number of drop-in sessions held in close proximity to affected landowners, such as Tai Tapu, Leeston and Springfield. Meetings held with major landowners (DOC, LINZ and University of Canterbury) 			
		<ul style="list-style-type: none"> Individual site visits with affected landowners 			
General public		<ul style="list-style-type: none"> Information put on SDC Facebook Info on Your Selwyn Engagement website live (including landscape study, baseline planning assessment and approved preferred options report) 			General consultation as part of Rural Zone chapter
DPC	Approval of Preferred Options report (28 March)				

³ Identify the ones that could/will bring the message from the comms (face-to-face; letter etc.) into the public arena; these are the ones that would usually require comms support.

⁴ This plan covers period until public pre-notification consultation on preferred options starts. This plan covers period until public consultation on preferred options starts.

8(a) Preferred Option Report – Intensive Farming

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

Purpose

To brief the Committee on the findings of the Intensive Farming Baseline Report, which reviews the effectiveness of the operative District Plan provisions that manage the potential adverse effects of intensive farming activities.

Recommendation

“That the Committee notes the report.”

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

Attachments

‘Preferred Option Report for Intensive Farming’

PREFERRED OPTION REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 March 2018

TOPIC NAME: Rural

SCOPE DESCRIPTION: Preferred Option Report – Intensive Farming RU007

TOPIC LEAD: Robert Love

PREPARED BY: Robert Love

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<i>The current rules are unnecessarily onerous, complex, and include ambiguous definitions and in some cases they require the duplication of process with the regional authority. Overall the current district plan provisions do not serve the community or the farming industry well and need to be amended to improve outcomes.</i>
<i>Preferred Option</i>	<i>Option 2 - Amend provisions and remove duplication with the Canterbury Regional Air Plan in relation to dust and odour effects.</i>
<i>DPC Decision</i>	

1.0 Introduction

The Resource Management Act 1991 (Act) requires Territorial Authorities (among other things) to deal with the effects on amenity values from intensive farming activities. Generally, effects on amenity are caused by odour, dust, noise, and traffic. The responsibility to manage adverse effects on the environment has meant that Territorial Authorities have developed planning provisions within the District Plan framework. These provisions are required under the Act to be reviewed every 10 years to ensure their appropriateness and effectiveness.

However, when addressing adverse effects on air quality there is an overlap in regulatory responsibilities between district and regional councils. While regional councils have a specific duty to control air discharges, district councils are primarily responsible for managing land use activities affecting amenity values. Ideally, such roles are intended to complement each other. It is evident that care needs to be taken to reduce the risk of producing plans containing discrepancies, gaps, or duplication of provisions in addressing air quality matters.

Selwyn is home to the highest number of pork producers in the country, although not the largest volume produced. The current trend is that the overall number of farms producing pork is decreasing, but the volume being produced is being maintained. The Selwyn District is also home to a significant number of poultry farms, with an increasing amount either expanding or becoming established.

This report is meant to serve as an abbreviated summary of the matters covered within the baseline report for this scope. Please consult the baseline report for an in-depth assessment of this scope.

2.0 Summary of Issues

On review of the intensive livestock farming resource consent history the following potential and actual effects were found:

- Construction of large buildings to house stock and feed.
- Manure management in regard to disposal, composting, and effluent ponds and the potential for odour effects.
- Effects from particulate matter from ranging areas, vents, shed cleaning.
- The attraction of pests to the activities.
- Increase traffic movements from typical motor vehicles and heavy vehicles resulting in noise and safety issues.
- Noise from the stock, or from the operation of the activity.
- Effects on nearby sensitive activities, such as residential dwellings, and the potential for reverse sensitivity effects from these sensitive activities.
- Incompatible hours of operations with surrounding land uses.
- Soil contamination as a result of the activity, or the potential hazard of these operations occurring on already contaminated sites.

- Deceased animal disposal and management.
- Fresh water contamination.
- Dust and odour from exposed feed stockpiles.

2.1 Definitions

The current definitions used for intensive livestock production and intensive piggery production are ambiguous and not conducive to good planning outcomes. This ambiguity has resulted in Environment Court proceedings in order to determine the status of an activity, and therefore if a consent is required for the operation.

Intensive Livestock Production - *‘the use of land and buildings for the commercial rearing and management of livestock where the viability of that activity is not dependent upon the soil fertility of the land on which that activity is undertaken’.*

Intensive Piggery Production - *‘means the use of land and buildings for the commercial rearing and management of pigs where the viability of the activity is not dependent upon the soil fertility of the land on which that activity is undertaken.’*

The activities that are commonly considered to fall under this umbrella in the Selwyn District are indoor piggery and poultry units, and those outdoor (or free-range) piggery and poultry operations that rely on off-site feed.

If taking a literal meaning of this definition, any activity which uses land and buildings, and supplements their operation with off-site feed as a result of insufficient soil fertility could be captured under this rule. This could extend to high country sheep stations who commonly supplement their operations with off-site feed.

However, this approach should not be adopted given the findings of the ‘Bates’ Environment Court decision (Bates v SDC [2014] NZEnvC 32). This decision found that rather than include all farms that rely on outside feed into an intensive farm classification, any consideration should take into account what the rule or definition was trying to achieve. In this instance the Operative Plan seeks to manage the activities with significant adverse odour, dust, noise and/or traffic effects. Therefore, a high country station would not be included in this definition due to a lack of significant adverse effect in either of these four aspects.

There has been some conflict with the implementation of this definition arising from its ambiguous nature. This ambiguity stems from the inclusion of the aspect of an activity’s reliance on soil fertility. In essence this means a farm importing stock food is not dependent upon soil fertility, and is therefore an intensive livestock production. The definition does not go into any detail as to what degree this aspect should be considered, i.e. how much of the farm’s operation is reliant on outside feed.

Given the ambiguity arising from these definitions and the related Environment Court case it is recommended that the definitions be amended.

2.2 Rules

2.2.1 Inconsistency between Regional and Territorial Authorities.

The main area of inconsistency is in regard to the assessment of free range poultry activities. This activity is permitted by Environment Canterbury, but requires consent from the Selwyn District Council. The RMA requires district plans to not be inconsistent with regional plans, so therefore if this activity type is deemed by the regional authority to be permitted, subject to meeting the definition, then it would not be appropriate for the territorial authority to have a stricter activity classification.

2.2.2 Complex and onerous controlled activity rule for the expansion of existing intensive piggery activities.

In its present form rule 9.10.1 is seldom used, and through consultation with the industry, this may be due to its complexity and overly onerous requirements, which creates uncertainty in the administration of the plan. This has the potential to adversely affect the primary production capability of the rural area, which is in conflict with the Regional Policy Statement.

An example of this arose through the planning assessment of rule 9.10.1.3 (controls expansion to a 50% stock pig unit (SPU) increase), and rule 9.10.1.2 (nil increase in odour emissions). The primary issue when assessing intensive piggeries is the potential for odour and dust creation. Having a rule that controls the overall stock increase to no more than 50% is not necessary when there is another rule requiring there to be a nil increase in odour emissions. If an activity could demonstrate that there would be a nil increase in odour emissions as a result of the expansion then there should be no concern about the stock number increase. The SPU factor numbers were queried during the Baseline Assessment, with a focus on the empirical evidence to justify these numbers and how accurate they actually are. The reasoning behind this is as pig numbers have stayed the same on farms, stock weights have dramatically increased. Finally in regard to the SPU table, the numbers stated are unwieldy for farmers to use as farms use strict stock number formulas which cannot be amended on an ad hoc basis.

It is also noted that reference to 'international odour emission' standards may not be appropriate due to the research that they are based on applying to non-New Zealand situations, which employ different farming techniques and have different environmental conditions.

Part of this rule required the submission of a report from an independent expert, and that this report would then be reviewed by an SDC appointed independent expert. The industry raises this as an issue due to the significant increase in costs from using two independent experts. It may be appropriate to only require one report, and rely on the expert's self-interest to protect their independent expert status and credibility.

2.2.3 Duplication between Selwyn District Council and Environment Canterbury

Presently, when an intensive farming operation is seeking to establish they are required to obtain a consent from both Environment Canterbury and Selwyn District Council. This situation can and does lead to an overlap in process between the two authorities. This can have significant cost and time implications on applicants, especially if multiple experts need to be enlisted to prepare and support any application. The Selwyn District Council Consents Team also noted that through their interactions with the public there is confusion about when and why a consent is required from both the Selwyn District Council and Environment Canterbury. It is therefore considered that on council should take on the whole responsibility for assessing odour and dust discharges.

In relation to this cross-over of jurisdictions between authorities, this aspect also extends to compliance and monitoring when considering what council should be following up on a complaint. Further to this point Selwyn District Council at the present moment has responsibility to assess the amenity effect from these activities, but lack the equipment and technical expertise to carry this out, whereas Environment Canterbury do possess the required skills. This results in the majority of complaints being passed onto the regional authority.

2.2.4 Miscellaneous

Firstly, the keeping of pigs for self-sufficiency was identified as being a gap within the plan. At the moment the keeping of pigs for domestic purposes could trigger resource consent requirements as an intensive livestock activity, a situation that was not intended. The Canterbury Air Regional Plan does allow for this by setting a threshold of no more than either 25 weaned pigs or six sows for personal production before resource consent requirements will be triggered.

Secondly, if an intensive farmer wanted to establish a residential dwelling within their property, other rules notwithstanding, they would be required to apply for a resource consent if located within 300 metres of intensive farming operation, regardless of if the operation is their own. This is in conflict with the RMA which states that adverse effects being inflicted on oneself should be disregarded.

Finally, the current land use rules dealing with contaminated land restrict the use of land for intensive farming. The reasoning behind this is to ensure no adverse health effects occur from either the direct transfer of contaminants to the animal, or from making any contaminant airborne through soil disturbance. However, if an intensive farming activity included a sealed floor, this would effectively act as a cap over the contaminated land. In a situation such as this the current rule would be unnecessarily restrictive.

3.0 Summary of Operative District Plan approach

3.1 Policy

No policy in the Operative District Plan directly addresses intensive livestock production, but there are policies that indirectly deal with the potential effects of this form of agriculture. These primarily deal with soil health and loss, general amenity and character, and amenity effects such as noise, glare, and dust. Furthermore, there is considerable emphasis placed on avoiding reverse sensitivity in the policy framework. It is relevant to note that there are no specific policies relating to the control of odour. However, this aspect is currently managed under the general amenity policies.

3.2 Definitions

The Operative District Plan contains definitions for intensive livestock production and intensive piggery production. The key qualifier is whether the activity is dependent upon the soil fertility of the land. In essence, can the land support the requirements of the stock contained on it? No definitions exist for any form of extensive farming.

3.3 Township Rules

The Township Volume renders all intensive livestock operations within a Living (Rule 10.3.5) or a Business 1, 1A & 3 Zone (Rule 22.2.4.3) as non-complying activities. The non-complying status of these types of activities in the Living and Business Zones would suggest that these activities should be avoided in these areas unless under certain unique situations.

3.4 Rural Rules

Within the Rural Volume it is anticipated that intensive livestock operations occur in the Rural Zone, provided that any significant adverse amenity effects are avoided. As such the activity status is more lenient than those for the Living or Business Zones. Within the Rural Zone, there are only two relevant rules, one for the expansion of existing piggery operations, and a general intensive livestock production rule for new or expanding activities. There are no specific rules for poultry production (extensive (free-range), or intensive), and herd homes.

For piggery activities seeking to expand there is a controlled activity status. However, in order to be classified under this rule (9.10.1) the expansion shall not result in an increase in odour emissions, and shall not exceed a 50% increase in equivalent stock units. The conditions of this rule are quite restrictive, and few consents have been issued under this rule. Matters of control have been limited to amenity effects caused by odour, dust, noise and traffic, effectiveness of mitigation, the location of the odour causing buildings, positive effects, and monitoring and review conditions. On review of the matters of discretion it would appear that the first three matters primarily deal with the same aspect of an activity that being the effects and resultant mitigation.

The general intensive livestock production rule (9.10.3) classifies all new sites or expansions not covered by the controlled activity rule to be a restricted discretionary activity. As per the Bates' decisions ([2014] NZEnvC 32, [2016] NZEnvC 63), this encompasses all livestock production activities that utilise the land or buildings which require off-site feed for their viability. Primarily this includes piggeries, poultry sheds and some free range operations, and although not traditionally captured by the SDC, herd homes, including calf rearing barns. The matters of discretion are the same as rule 9.10.1, although there is not the same discretion over the location of any buildings.

3.5 Reverse Sensitivity Buffer

In addition to the rules controlling intensive livestock production, there are provisions (Rule 3.13.1.5) in the District Plan controlling the construction of any 'sensitive activity' near an existing lawfully established intensive livestock production operation. A sensitive activity is considered to be an activity that has aspects that are particularly vulnerable to various effects such as dust and odour. Activities could include things such as residential dwellings and community centres.

These provisions require a buffer of 300 metres between the edge of buildings, enclosures or yards which contains the intensive livestock production operation and any new residential dwelling (or other 'sensitive activity') as a means to minimise reverse sensitivity effects on the intensive farming activity.

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

4.1 Canterbury Regional Policy Statement (RPS)

The provisions within Chapters 5 and 6 seek to ensure the protection of existing intensive livestock production activities from reverse sensitivity effects while managing the location of these types of activities and the potential for significant adverse effects. The objectives and policies seek to avoid incompatible land-uses being based near each other to minimise reverse sensitivity issues. It is noted that the rural economy makes up a significant component of the economic and social well-being of Canterbury, and therefore needs to be protected from incompatible land uses.

The provisions in Chapter 14 seek to maintain and improve air quality, and to protect activities with air discharges from encroachment from incompatible development. It is noted that people and communities should be free from unpleasant effects on air quality.

These aspects have been addressed in the current District Plan through setbacks from sensitive activities to intensive livestock production, and through the assessment during the resource consent process of the amenity effects caused by activities of this nature.

4.2 Canterbury Air Regional Plan (CARP) – October 2017

Definitions

Environment Canterbury has opted to include definitions for both extensive and intensive pig, and poultry farming activities in the CARP.

A common feature across the definitions is whether the activity will maintain ground cover. All 'extensive' or 'free range' activities require the maintenance of permanent vegetation ground cover. By including this attribute, the intention is to keep stock densities low, reducing the likelihood of dust and odour discharges. To meet the extensive definitions set by Environment Canterbury there is a requirement to adhere to industry standards, and that either, no fixed buildings are used (Pigs), or the requirement for access to open air runs (Poultry).

Both intensive farming definitions include a minimum stock number, and specify that the operation primarily occurs within a building or closely fenced runs.

By having a definition for extensive/intensive pig and poultry farming, it provides clarity as to where a particular activity sits on the spectrum and if resource consent requirements have been triggered. On review of the definitions there is a clear delineation between what could be considered an 'extensive' farm and an 'intensive' farm. An extensive farm would be considered to involve outdoor operations, with low stocking densities, grass cover being maintained, with low amounts of dust and odour being discharged from the activity. Whereas, an intensive farm would primarily consist of an indoor high stock density operation which has the potential to capture some free range farming operations.

Rules:

Rules 7.3 – 7.5, and 7.65 – 7.71 are the most relevant rules located within the CARP. These rules cover the discharge of contaminants to air from pig, poultry, and cattle in certain circumstances.

Extensive piggeries and free range poultry farms are not covered within the CARP and are therefore considered permitted activities. Only intensive pig/poultry, and cattle barns are captured by the CARP. Despite this, the CARP does include protections against non-listed activities through rules 7.3-7.5 which act as 'catch-all' rules to provide a safety net to capture activities that cause an adverse effect, but have not been provided for elsewhere in the Plan. The threshold for consent is if an activity has caused an adverse effect, which escalates to a non-complying activity if there is an offensive or objectionable effect.

Rules 7.65- 7.71 detail the provisions for each individual intensive farming activity, including those lawfully established prior to June 2002.

While the Regional Council focusses on the effects of the discharge and the sensitivity of the receiving environment, they lack the jurisdiction to control the placement of 'sensitive activities' near discharges, which is managed by the Territorial Authority. The CARP seeks to manage air quality, while the District Plan seeks to address nuisance effects caused by the discharge of contaminants.

4.3 Ministry for the Environment – Good Practice Guide for Assessing and Managing Odour 2016 & Good Practice Guide for Assessing and Managing the Environmental Effect of Dust Emissions 2016

These guides set out the roles and responsibilities of councils for assessing and managing odour and dust discharges under the Act. Regional councils have the responsibility to manage air quality, while district councils are required to manage land uses which have the potential to discharge odour and dust which cause amenity effects, such as intensive farming. Under Section 15 of the Act unless a regional rule specifies that any non-industrial or trade premises discharge requires consent, it is permitted. District councils also have the responsibility to manage the location of sensitive activities in relation to proximity to discharges.

These requirements can and do lead to regional and district regulation overlap for intensive farming activities. Guidance states that there are two options for exercising these functions, either for the regional council to take control of managing activities that cause effects as a result of odour and dust discharges, or a combined approach where the district council manages the amenity effects arising from emissions associated with any land use, and the regional council dealing with the contaminants of any emissions. To determine the best outcome it is recommended that regional and district authorities collaborate together, as the Ministry encourages that duplication should be avoided.

Whilst it is recognised that in the first instance any significant odour and dust effect should be internalised within the site generating the discharge, this may not always be practical or reasonable to do so. Separation distances between the discharge point/site and neighbouring land uses can be an effective tool to allow the discharge to dilute to a point where any effect is below the threshold to require action. Whether a discharge has an offensive or objectionable effect requires an overall judgement that considers the frequency, intensity, duration, offensive/character, and location of the discharge (FIDOL factors).

5.0 Summary of alternative management responses – Other Districts

The Christchurch City Council, Ashburton District Council, and Waimakariri District Council have setup their provisions to be more restrictive of intensive farming within non-rural zones with the primary activity status being non-complying. When basing an intensive operation within the rural zone these Councils relax their provisions. The Christchurch City Council considers them to be Restricted Discretionary, and the Ashburton District Council, Hurunui District Council, and Waimakariri District Council all consider them permitted activities subject to certain conditions.

The Christchurch City Council, Ashburton District Council, and Waimakariri District Council have provisions restricting the location of intensive operations near sensitive activities. However, these separations vary from council to council.

Authority	Animal Type	Setback to residential dwellings	Setback to residential zones	Reverse sensitive setback-residential to intensive farming
CCC	All	200 metres	N/A	200 metres
ADC	All	400 metres	1200-1500 metres	400 metres
WDC (depends on stock numbers)	Pigs	200-750 metres	N/A	200-750 metres
	Chickens	300 metres	N/A	300 metres
	Cow Barns	100 metres	N/A	100 metres
HDC	All	N/A	N/A	500 metres
SDC	All	Restricted Discretionary	N/A	300 metres
ECan (CARP)	Chickens	200 metres (Restricted Discretionary)	N/A	N/A
	Cow Barns	500 metres (Restricted Discretionary)	1000 metres	N/A
	Pigs	No setback distances included but consent is still required		

Table 1: Council setback distances

All Councils have provisions controlling the location of intensive farming activities other than Hurunui District Council who have intentionally allowed regional council provisions to manage this type of activity.

Regarding definitions, the Hurunui District Council have adopted the same definition used by the Ashburton District Council which includes matters relating to whether feed is brought onto the site, a stocking rate of 15 pigs per hectare for outdoor farms, and provision for herd homes. The Christchurch City Council definition includes the aspect of whether the activity occurs indoors or on a feedlot, has no dependence on soil quality and/or the importation of feed. The Waimakariri District Council definitions only specifies if it has a dependence on soil quality for production.

On review of other authorities in New Zealand, it was clear that there is no concise or consistent definition for intensive livestock production. Terms ranged from factory farming, intensive rural production, intensive feedlot, and among others intensive farming.

Although all of the authorities were seeking to define the same activity, the term used, and the definition for that term differed from authority to authority. Common key attributes were:

- If the activity was primarily indoors, within small enclosures, or wholly outdoors.
- If ground cover is maintained through the operation of the activity
- If the activity relies solely on the soil fertility to supply its needs
- If off site feed is required to supplement the operation.

To a lesser extent the following attributes were used:

- If the land was irrigated
- The stock density rate
- The amount of stock involved
- That the activity be in compliance with industry standards.

6.0 Summary of stakeholder engagement

The following parties provided comments as part of the Baseline Assessment:

- SDC consents and monitoring
- New Zealand Pork
- Environment Canterbury
- Mahaanui Kurataiao Ltd

The discussions with these parties has helped to inform the baseline report, and to determine the preferred option. For further details of these discussions please review the baseline report.

Unfortunately despite attempting to consult with other members of the industry such as Federated Farmers, Dairy NZ, Beef and Lamb NZ, and Poultry Association NZ no responses were received.

7.0 Summary of Options to address Issues

7.1 OPTION 1 (Status Quo)

Retain the status quo

Effectiveness in Addressing Issue:

While being the simplest option, rolling over the suite of existing provisions is not considered to be the most efficient or effective given the issues identified, particularly in relation to the definition of 'intensive livestock production' and the controlled activity rule for the expansion of existing 'intensive piggery production' activities. This review provides an opportunity to make amendments to the Plan, to increase its effectiveness and efficiency.

Risks:

By not addressing the known issues within the Operative District Plan, the adverse implications currently occurring will continue. This will frustrate operators who are seeking to establish new or expand existing activities. Furthermore, the ruling in the Bates' Environment Court case could have unwanted implications by requiring all pig farms that import stock feed to apply for resource consent.

Budget or Time Implications:

None

Stakeholder and Community Interests:

Industry stakeholders wish to see a change in the current planning regime, and do not believe the current provisions are fit for purpose.

The community wish to see protections either created or maintained against unsuitable development near sensitive sites. Wider community engagement is anticipated through the public consultation phase for the Rural Zone chapter.

Recommendation:

As previously stated, this option is not preferred as it does not address the known problems within the District Plan.

7.2 OPTION 2 (Amend provisions and remove duplication with CARP)

Rely on the CARP to address odour and dust emissions from intensive farming activities, rather than duplicating the process in the District Plan. This approach is supported by the independent legal advice received from Adderley Head, attached to this report as Appendix A.

This option will see the maintenance of the 300 metre reverse sensitivity setback, which to date appears to be working in an acceptable manner. However, an amendment to this is proposed, in that the restrictions on residential development within the 300 metre buffer should be removed if the dwelling is located on the same site as the intensive farm.

By adopting a permissive approach to intensive farming, it does pose an issue about how the council will know where these activities are located in order to enforce a 300 metre reverse sensitivity buffer. To resolve this issue, one of the permitted development standards could be that the intensive farm operator is required to supply a location and plan showing the extent of the activity to council, who can then log the location on GIS.

While the Hurunui District Council have adopted the principle of this Option through the method of removing their intensive farming rules, a method of listing the activity as permitted within the plan may be required in anticipation of the more 'activity-based' National Planning Standards.

This option will also include amendments to the current definitions and the creation of new ones, to make them fit for purpose. The intensive farming definition will make an allowance for small scale home production activities. Both definitions will be tied to the maintenance of ground cover which should be assessed on a common sense basis rather than being linked with a yet to be created detailed explanation, industry standard, and/or guide.

Definitions

Extensive farming

Means the keeping, breeding or rearing of stock for commercial purposes, on pasture at a stocking density that sustains the maintenance of pasture or ground cover, including free range poultry farming where the birds have access to open air runs.

Intensive farming

Means the use of land and/or buildings for the commercial production of animals, where the predominant productive processes are carried out within buildings, or closely fenced outdoor runs where the stocking density, or nature of the activity, precludes the maintenance of pasture or ground cover. It excludes pig production for domestic self-subsistence home use which involves no more than 25 weaned pigs or six sows.

Indicative rule format for new extensive or intensive farming activities:

Permitted Rule #	Conditions/ Classification
Extensive Farming	Extensive farming is permitted
Intensive Farming	Intensive farming is considered to be a permitted activity if all of the following matters are met: <ul style="list-style-type: none"> i- Meets the permitted development standards listed in Appendix X (<i>See explanation below</i>) ii- Is not located within a Living or Business Zone
Restricted Discretionary Rule #	
Intensive Farming	Any activity that breaches condition i. is a restricted discretionary activity with the matters of discretion being restricted to those listed in Appendix Y. (<i>Note this will not include a matter to assess the amenity effect from any odour or dust discharge</i>)
Non-complying Rule #	
Intensive Farming	Any activity that breaches ii. is a non-complying activity.

Regarding the restricted discretionary rule and the permitted development standards which trigger this rule (referred to as Appendix X in the above table), these standards will involve general aspects such as noise, transport, lighting, site coverage, location registering etc. rather than dust or odour considerations.

This option would see the removal of a controlled activity rule from the expansion of existing intensive farms. Any expansion would require an additional consent from Environment Canterbury for the discharge component, and the other aspects of the expansion will be assessed under the permitted development standards as would a new activity.

Finally this option would remove the restriction of not allowing intensive farms to be carried out on contaminated land in cases where the activity will be on a sealed surface.

Effectiveness in Addressing Issue:

This option reduces the overlap between the regional and local authority, reducing planning costs and timeframes. Furthermore, it removes any confusion that currently arises from implementing and interpreting the existing plan.

While air quality is an important resource management issue and one that requires an integrated approach between regional and local authorities, issues relating specifically to air quality (dust and odour), rather than general amenity or reverse sensitivity effects, are more appropriately addressed by Environment Canterbury.

Within the rural zone farming activities and their associated effects should generally be expected to occur and therefore there should be an element of tolerance for this activity type. This sentiment is expressed through the creation of an extensive farming definition and rendering this activity type as permitted. This allows those activities that cause little or no effect to occur without needing resource consent.

A common feature across the definitions is whether the activity will maintain ground cover. All 'extensive' or 'free range' activities require the maintenance of permanent vegetation ground cover. By including this attribute, the intention is to keep stock densities low, reducing the likelihood of dust and odour discharge. To meet the definition set by Environment Canterbury there is a requirement to adhere to industry standards, with either no fixed buildings being used (Pigs), or access to open air runs (Poultry).

Both intensive farming definitions include a minimum stock number, and specifies that the operation primarily occurs within a building or closely fenced runs.

By having a definition for extensive and intensive farming, it provides clarity as to where a particular activity sits on the spectrum and if resource consent requirements have been triggered. On review of the definitions there is a clear delineation between what could be considered an 'extensive' farm and an 'intensive' farm. An extensive farm would be considered to involve outdoor operations, with low stocking densities, grass cover being maintained, with low amounts of dust and odour being discharged from the activity. Whereas, an intensive farm would primarily consist of an indoor high stock density operation.

Risks:

While reducing the amount of regulation for farmers to operate under, this option does rely on the regional authority to correctly assess the activity, and make sure that odour and dust discharges are acceptable on a district level.

It is noted that the regional authority does possess the expertise and technical capability to assess odour and dust discharges, and thus it is logical that this responsibility sits with them.

The inclusion of a ground cover clause does create an issue as to how to measure the adequacy of 'ground cover', a view shared by Air Quality Scientist Richard Chilton. The term is subjective, and to rectify this, either a common sense approach would need to be relied on; or for the Plan to adopt an approach where measurable details are included as has happened in the recent Bates' resource consent decision. Whilst a common-sense approach is simpler and in many cases would be used without issue, it is left open to interpretation. Whereas, the detailed based approach provides certainty, it can be very hard to monitor. For the sake of ease and simplicity, it is recommended that the use of 'maintaining ground cover' within the definition should be linked with a common sense approach, rather than a technical explanation supported by an industry standard or guide which has yet to be developed. This would allow the Compliance and Monitoring Officer to assess the individual situation on its merits, and determine if there is sufficient ground cover and if a significant effect is occurring to act as required.

Regarding the inclusion of free range poultry farming as an extensive farming activity, there is a risk from a district council perspective that the removal of planning restrictions may lead to

adverse outcomes which cannot be addressed. However in saying this the CARP's 'catch-all' would be triggered if an adverse effect occurs. Furthermore, the birds will be required to have access to open air runs, which will be required to maintain ground cover. This requirement will ensure that the land area will restrict bird numbers, or else the activity would be considered intensive, triggering resource consent. If flock numbers increase as is the current trend for operations of this nature, then the operator will need to either improve their management techniques or increase the amount of land available to the birds, subsequently increasing the area the effect can be absorbed into. While consideration was given to the potential definition of free range poultry farming as an intensive farming activity given the use of buildings for the production process, it was deemed that if Environment Canterbury have determined, through their permissive stance in the CARP, that there is no significant issue, then it would be inconsistent for the territorial authority to require consent where it was not required at a regional level. There is also a layer of protection within the CARP, where if the activity does cause an adverse effect then the resource consent requirement is triggered.

Another element of risk arises from the reliance on the regional authority to effectively address odour and dust effects. Differences in philosophy or expectations between the two councils could lead to outcomes which are deemed acceptable by the regional authority, but which are not acceptable to the district authority.

Budget or Time Implications:

New provisions will need to be drafted and consulted on.

Stakeholder and Community Interests:

Industry stakeholders may support this option as it removes an additional layer of regulation as they would only need to make an odour and dust assessment against the CARP.

The community may have concerns about an extra layer of planning protection being removed and having a reliance on the regional authority.

Recommendation:

Given the proposed effectiveness and efficiency amendments and the removal of duplication between the regional and district authorities this option is preferred.

7.3 OPTION 3a (Amend provisions and retain full control)

This option is similar to option two with the main difference being that a more streamlined approach to intensive farming would not be taken. Any intensive farm would require resource consent under the district plan, while removing any duplication with Environment Canterbury where possible. This option would see the following amendments:

- Definition amendments as per Option 2.
- Introduction of a permitted rule for extensive farming.
- Amendment of the controlled rule for expanding intensive farms, to reduce complexity, and potential duplication with regional authority processes.

- Amendments to the existing restricted discretionary rule for new intensive farming activities. Includes provisions to remove potential duplication with regional authority processes.
- Maintain the existing 300 metre reverse sensitivity setback, and no stated setbacks controlling the location of intensive farming activities in relation to sensitive activities.
- Making the erection of a residential dwelling within a 300 metre reverse sensitivity buffer permitted as long as the dwelling is erected within the property boundary containing the intensive farm.
- Remove the restriction on allowing intensive farms being carried out on contaminated land in cases where the activity will be on a sealed surface.

Indicated rule format:

Permitted Rule #	Conditions/ Classification
Extensive farming	Extensive farming is a permitted activity.
Controlled Rule #	
Expansion of existing intensive farms	<p>The expansion of an existing intensive farming activity shall be a controlled activity if all of the following conditions are met:</p> <ul style="list-style-type: none"> i- <i>That the expansion will not result in an increase in odour, or dust discharged at the boundary of the property containing the activity. This shall be demonstrated through either; a report provided by a suitably qualified independent air quality expert; <u>or</u> a Certificate of Compliance or Resource Consent granted by the Canterbury Regional Council for any discharge to air.</i> ii- <i>The applicant has prepared a management plan, certified by a suitably qualified independent air quality expert, to deal with activities that have the potential to cause an offensive or objectionable effect from an odour or dust emission. This management plan shall address the following:</i> <ul style="list-style-type: none"> a. <i>Management of sheds and barns</i> b. <i>Effluent collection and storage systems</i> c. <i>Manure application to land systems</i> d. <i>Carcass disposal system</i> e. <i>Compost management</i> f. <i>Landscaping and building design</i> g. <i>Management and maintenance of ground cover where applicable</i> h. <i>Dust suppression measures</i> i. <i>The keeping of monitoring and maintenance records</i> j. <i>Performance review process</i> k. <i>Any consultation with the local community and the operation of a complaints system</i> <p><i>The Council shall exercise control over:</i></p> <ul style="list-style-type: none"> a) <i>Any adverse effects from odour, and dust, on surrounding properties;</i> b) <i>All matters covered by the management plan;</i>

	<ul style="list-style-type: none"> c) <i>The location of any buildings to avoid, remedy, or mitigate potential adverse odour effects associated with any relocation of the odour emission source to another part of the site;</i> d) <i>Any positive effects;</i> e) <i>Any monitoring or review conditions</i>
Restricted discretionary rule #	
Intensive Farming	<p>Intensive farming activities and activities that do not met controlled rule # are a restricted discretionary activity with the matters of discretion being restricted to those listed in Appendix Y. <i>(Note this will include a matter to assess the amenity effect from any odour or dust discharge)</i></p> <p><i>For reference:</i></p> <p><i>The Council shall restrict its matters of discretion to:</i></p> <ul style="list-style-type: none"> a) <i>Any adverse effects from odour and dust on surrounding properties;</i> b) <i>Any positive effects;</i> c) <i>And monitoring or review conditions</i>

Effectiveness in Addressing Issue:

This option shares many similarities with option 2 and thus also comes with the same effectiveness in many aspects.

A difference in the options is the inclusion of a controlled activity rule for the expansion of existing intensive farms. This rule seeks to remove duplication with Environment Canterbury if a Certificate of Compliance or Discharge Permit has already been obtained by the Applicant.

The rule changes also make the controlled activity rule for the expansion of existing farms simpler than currently exists. The key determiner is if the increase in the operation will increase the air discharge at the boundary. If there is no increase then the district plan should not be attempting to prevent this form of development.

However, an inefficiency of this rule structure is that an odour and dust assessment is required at the restricted discretionary level regardless of whether the Applicant has obtained a Certificate of Compliance or Discharge Permit under the CARP.

Risks:

Many of the risks associated with the former option are also shared with this option. However, a major element of risk has been removed through the retention of odour and dust assessments at the district level.

Budget or Time Implications:

This option will have budget and time implications in that the option would need further drafting, consultation, and testing. Additionally, the amendments may attract submissions and in-depth discussions at the hearing stage.

Stakeholder and Community Interests:

Stakeholders have an interest in ensuring that the appropriate level of planning controls are implemented. They do not want to see overly onerous provisions which diminishes their ability to develop and operate.

Regarding the community interest, they wish to also see the appropriate level of planning control being implemented in order to protect their amenity values.

Recommendation:

This option is not recommended due to the retention of overlapping provisions with the regional council.

7.4 OPTION 3b (Amend provisions and retain full control)

Much like option 3(a), with one of the only differences being the use of the alternative definitions for extensive and intensive farming, primarily for their use of stock density numbers, and the certainty of operation they provide. Although, their accuracy at predicting a potential effect is uncertain.

The further change to 3(a) is the increase of the setback from 300 metres to 400 metres, and the implementation of a reciprocal buffer from sensitive activities to intensive farming activities.

Ideally, to increase the clarity of the definitions, provisions referring to soil fertility, and off-site feed should be removed, for the reasons already discussed in this report, but primarily, as large numbers of farms require off-site feed at one time or another, and would not typically be considered 'intensive'. Therefore, to remove this doubt and confusion these terms should not be used.

Proposed amendment to current provisions

Extensive Farming:

Means the keeping, breeding or rearing of stock for commercial purposes, on pasture where the nature of the activity sustains the maintenance of pasture or ground cover including free range poultry farming where the birds have access to open air runs, and for pig farms, has a stock density rate of less than 15 pigs per hectare.

Intensive Farming:

'means the use of land and/or buildings for commercial plant or animal production where the regular feed source is predominately provided other than from the site concerned, and includes:

(a) the farming of pigs outdoors at a stocking rate 15 pigs or more per hectare (stocking rate in relation to pig farming means the number of pigs (excluding progeny up to weaner stage) carried per hectare of land, where the area of land fenced, available and used for pig farming includes only that area on which the pigs are regularly run);

(b) herd houses, or feed pads, or any building providing shelter to stock where stock are confined within the building for any continuous period exceeding two weeks;

(c) poultry farming;

(d) mushroom farming;

(e) fish farming;

(f) rabbit farming;

(g) the storage and/or disposal of effluent from any of the above, whether on the same site as the intensive farming activity or not. but does not include nurseries, glasshouses, buildings used for housing or sheltering animals that are giving birth or raising juvenile stock, where no animal is housed or sheltered for more than 3 months in any calendar year and boarding of animals.'

Effectiveness in Addressing Issue and associated risks:

Reciprocal setback buffer

Regarding the potential implementation of a reciprocal setback buffer from sensitive activities to intensive farms, while separation distances do not directly address specific environmental effects, they can be effective in dealing with odour, dust, spray drift, and noise effects, effects which diminish with distance. Such measures are simple to enforce, keeping compliance costs relatively low. However, separation distances are inflexible and do not take into account the nature of the topography, wind patterns, vegetation or other features that might influence the intensity or spread of the effect. Additionally they do not address how each individual activity is operated. For instance with a piggery, the strength and character of odours discharged from sheds housing the pigs will depend on building temperature, building design and means of ventilation (passive or active), pig population density, type of feed, method of food and water supply, effluent collection and removal system, shed-flushing arrangements, and age of buildings.

In the matter of implementing a setback buffer for newly established intensive farm activities (as recommended by Mr. Chilton to act as an extra layer of protection), there may not be a need to implement a setback buffer, as their effect on the surrounding environment will be assessed as part of the resource consent process. Including a rigid setback requirement introduces a broad tool to deal with a complex effect such as odour and dust which have effects that can vary in extent depending on variables like wind conditions and terrain. If a setback was introduced, any sensitive activity within that setback buffer would be considered as an affected party, regardless of whether there is actually an effect on that party. To progress a consent application, affected parties would need to provide written approval, and if they didn't, the application would progress to a hearing, which would significantly increase the time and cost of consenting this form of activity. This misdiagnosis of an affected party based on the broad assessment of being within a setback is not fair situation and should be avoided. For these reasons this method of control is not recommended.

Inclusion of a stock density term within the definitions

Extensive farming definitions provided for in some other authorities include a stock density number. While recommended by Air Quality Scientist Richard Chilton and there being merit in providing a measure due to its clarity and ease of use for stakeholders, it may not be an accurate measure, or achieve the desired outcome. Firstly, there is no guidance other than what other authorities have used, as to what an appropriate stock density is. Additionally, any figure decided on would need to vary depending on soil characteristics, climate conditions, pig type, and management techniques.

For instance a stock density rule of 15 pigs per hectare could be the permitted standard within the definition. However, a farm may be operating below this stocking density, but still causing adverse effects, and vice versa. The potential and actual effects from a farm are more complex than a simple density figure and thus should not be reduced to one. Use of a density figure could lead to farms which are operating well with little or no effect being targeted by consent requirements due to an arbitrary density figure. This approach would also expose the Council to being powerless to address a permitted activity causing significant effects due to their compliance with a stock density figure.

Additionally, the use of the term '15 pigs' does not specify the type of pig, which is particularly relevant given the varying degrees of effects that differ depending on the type of pig, or the area of land over which the density is calculated.

When comparing this option with the previous ground cover option, the ground cover option gives the ability for Council to manage actual effects which may not be available if the stock density option was adopted (where that farm was operating below the stated density). If the latter were true it may result in farms operating within the District Plan framework, but due to inappropriate land characteristics and management techniques, be causing significant adverse effects beyond their property boundary.

Proposed definition used for intensive farming

This option involves a similar definition to that used by the ADC and HDC Plans, which also includes a stock density number rather than ground cover provisions. This definition also includes mushroom farming, and effluent disposal and storage. The former not necessarily causing any issues if separated from any composting component, and the latter being primarily controlled by the Regional Authority, with no real need to be included in a District Plan. Furthermore, all poultry farming would be included under this definition, including free range poultry farming. Additionally one of the key determiners of this definition is whether the regular feed source is from off-site rather than produced on the same site. The potential complications involved with this type of determination have already been touched on within this report.

Increase in size of the reserve sensitivity buffer

Increasing the size of the setback to 400 or 500 metres, as per the Ashburton District Plan or Hurunui District Plan respectively would increase the area that any effects could dissipate

over, potentially reducing the likelihood of an adverse effect on neighbouring sensitive sites, and subsequently any complaints. However, by increasing this buffer, it has the potential to unreasonably restrict rural township growth, and the legitimate residential development of rural blocks. The use of a setback as a trigger point for the requirement of a more detailed assessment is not a favoured result as the breach of the setback would automatically mean that the intensive farming operation would be considered an affected party, making any resource consent process more difficult, which should not happen if no reverse sensitivity effect is likely to occur. As such, increasing the current 300m reverse sensitivity buffer is not recommended.

Another potential option is to decrease or remove the setback buffer. This option is not recommended as it would be contrary to those RPS provisions that promote the rural environment for rural production and seek to avoid reverse sensitivity effects. While there is the potential for reverse sensitivity effects to arise with any setback distance, the likelihood of conflict between incompatible land uses will increase by either reducing or removing the existing 300 metre buffer. On discussions with Council staff, the 300 metre buffer appears to be adequate for its intended purpose. Furthermore, there does not seem to be a push from the industry involved in this process to change this reverse sensitivity buffer.

Budget or Time Implications:

As per the previous option this option will have budget and time implications in that the preferred option would need further drafting, consultation, and testing. Additionally, the amendments may attract submissions and in-depth discussions at the hearing stage.

Stakeholder and Community Interests:

Stakeholders have an interest in ensuring that the appropriate level of planning controls are implemented. They do not want to see overly onerous provisions which diminishes their ability to develop and operate.

Regarding the community interest, they wish to also see the appropriate level of planning control being implement in order to protect their amenity values.

Recommendation:

When considering the discussions about these proposed amendments within the baseline report and this report, this option is not recommended.

8.0 Preferred Option for further engagement

The Project Team recommends that Option 2 be considered the preferred option and used for further engagement, development, and testing.

Appendix A: Legal advice received

From: [Paul Rogers](#)
 To: [Robert Love](#)
 Cc: [Joan Burgess](#); [Julaine Ashley](#); [Tim Harris](#)
 Subject: Intensive Farming
 Date: Tuesday, 6 March 2018 5:11:31 p.m.
 Attachments: [image001.png](#)

Hi Robert,

As previously discussed, we consider that you have two options available to you in relation to regulating intensive farming:

1. Rely on the provisions of the Canterbury Air Plan (Regional Plan); or
2. Regulate intensive farming under the District Plan.

Before we give our view on which option is best, it is important to understand what the law requires in relation to consistency between district and regional plans.

Legal requirements

Section 75(4)(b) of the RMA requires that a district plan must not be inconsistent with a regional plan. This means, that if you seek to regulate matters under the District Plan, that are regulated by a Regional Plan, the District Plan provisions must not be inconsistent with what is provided for within the Regional Plan.

Applying this to your context, given that the Regional Plan regulates intensive farming in relation to discharge of contaminants to air (dust and odour effects), if you regulate intensive farming under the District Plan, you will need to make sure the provisions do not conflict with those in the Regional Plan.

What does the Regional Plan regulate?

The Regional Plan regulates intensive farming in relation to the discharge of contaminants (including dust and odour) to air.

The Regional Plan has a number of central policies which apply to all activities. Of particular importance in this context is policy 6.32 which provides that:

"Discharges of contaminants to air associated with farming activities do not cause offensive or objectionable effects beyond the boundary of the property of origin." This policy applies generally to all farming activities. We consider that, intensive farming, as a type of farming activity, is captured by this policy.

In addition to the central policies, the Regional Plan also includes rules applying to specific activities including intensive poultry farming and intensive pig farming. There are specific rules that must be met in relation to these activities however the threshold for effects remains the same, that is, the discharge of contaminants into air shall not cause and offensive or objectionable effect beyond the boundary..

Where the discharge of odour or dust is not managed by any other rule in the Regional Plan, the activity will be permitted where:

1. The discharge does not cause or is not likely to cause an adverse effect beyond the boundary of the property of origin; and
2. The discharge does not cause an offensive or objectionable effect beyond the boundary of the property of origin

The Regional Plan is clearly drafted in a way to capture discharge of contaminants to air generated by any activity. Even if intensive farming was not captured by "farming activities", applying the plain and ordinary meaning of 'any activity' and acknowledging that 'intensive farming' is an activity, intensive farming will be captured by the Regional Plan.

Option 1 – Rely on the provisions of the Regional Plan

If you wish to rely on the provisions of the Regional Plan to regulate intensive farming, you will need to be sure the Regional Plan covers what you are seeking to regulate, i.e. are the intensive farming activities covered by the Regional Plan.

As mentioned above, the Regional Plan regulates intensive farming in relation to discharge of contaminants (dust, odour) to air. However, the Regional Plan does not regulate all matters relating to intensive farming, for example, noise effects generated by an intensive poultry farm. I discuss how this can be dealt with below.

The benefit of relying on the provisions of a regional plan is that it avoids any potential repetition and inconsistency if those matters are also covered by a district plan. Further, it ensures a clear delineation between the functions of a regional council and the functions of a district council.

Option 2 – Regulate Intensive Farming under the District Plan

If you do not wish to rely on the Regional Plan provisions you could regulate intensive farming under the District Plan. In doing so, you need to ensure that the provisions do not conflict or are not inconsistent with the provisions in the Regional Plan.

For example, you could not impose a more stringent threshold for effects than what is provided for in the Regional Plan – that is, you could not say *"the discharge must not cause any effects beyond the boundary of the property of origin"*. This would be inconsistent with the threshold set in the Regional Plan. Further, a higher threshold for the District Plan is likely to catch other legitimate farming activities.

Further, if you include what is already covered by the Regional Plan, the provisions simply become repetitive, and in essence, redundant.

If you do wish to rely on the Regional Plan, but find that it does not cover everything you would like regulated for intensive farming, i.e. noise effects arising from an intensive poultry farm, it is appropriate to include these in the District Plan. However you will need to be sure the rules are supported by objectives and policies.

Which Option is best

So as to avoid repetition and inconsistencies between the District and Regional Plan and so that you are not regulating matters that should not be regulated by a territorial authority, we consider the best option is to rely on the provisions of the Regional Plan. We consider this to be the simplest and most efficient method. If the Regional Plan meets the District Council's needs in terms of addressing effects in relation to intensive farming, there is really no need to do anything further.

However, if there are effects that you want to address that are not covered by the Regional Plan, it is appropriate to include these within the District Plan.

If you choose to follow this approach, you would first need to make sure the Regional Plan rules did not provide for those effects you wish the District Plan to cover. You would then need to ensure there is no inconsistency with the Regional Plan. Any rules you include in the District Plan will need to be supported by objectives and policies.

If any of the above is unclear or you wish to discuss further, please let me know.

Regards

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Appendix B: RU007 Baseline report

Link to report:

[Intensive Livestock Production Report \(RU007\) \[PDF, 5797 KB\]](#)

8(b) Communications and Engagement Summary Plan – Intensive Farming

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 Intensive Farming topic.

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Intensive Farming – communications and engagement summary plan’

RU007 Intensive Farming – communications and engagement summary plan

Key messages

(as of 16 March 2018)

Background

- A major review of the Selwyn District Plan is now under way. This includes a review of provisions for intensive farming. Selwyn is home to the highest number of pork producers in the country (although not the largest volume produced) as well as a significant number of poultry farms.
- There is also a trend towards free-range intensive farming which has caused administrative issues under the current District Plan.

Current status

- What is considered an intensive farming activity is currently not clearly defined, which makes consenting requirements ambiguous.
- Currently farmers who want to expand or set up an intensive farming activity need to get consent from both district and regional councils.
- There is duplication of process between the district and regional council regarding air quality (dust and odour) assessments. This duplication also extends to compliance and monitoring of dust and odour discharges.
- From industry only one member (NZ Pork) has engaged in consultation so far.

About preferred option

- Intensive farming activity is clearly defined as an activity which predominantly occurs indoors or closely fenced runs at a stock density that doesn't maintain ground cover.
- Air quality, such as odour and dust discharges will be controlled by the regional council only.
- Intensive farming will be considered a permitted activity within the proposed District Plan as long as the activity is within the Rural Zone and meets certain permitted development standards such as building characteristics, noise, transport and lighting.
- There is no change to the restriction on residential development within 300 metres of an existing intensive farming activity.
- Following council's approval of preferred option, we will engage with owners of intensive farms and key stakeholders to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. This will be prior to public consultation which will take place as part of the wider Rural Zone chapter later in the year.

Audiences¹

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")
Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan	NZ Pork, NZ Poultry Association, Beef and Lamb, Dairy NZ, Federated Farmers	Owners of existing intensive farms	Selwyn ratepayers
	Mahaanui Kurataiao	Tegel, Brinks and other major companies		News media
				Wider public

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	Mahaanui Kurataiao and/or Runanga	Key stakeholders	Landowners	General public
Baseline assessments				NZ Pork, NZ Poultry Association, Beef and Lamb, Dairy NZ, Federated Farmers.	Owners of intensive farms	
Preferred option development ⁴						
Preferred option consultation				NZ Pork, NZ Poultry Association, Beef and Lamb, Dairy NZ, Federated Farmers.		

2018 communications and engagement key tasks/milestones per month

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

Audiences ⁵	Aug - February	March	April	May	June	July ⁶
ECan	Consulted with as part of the Baseline assessment		Share approved preferred options report and gather feedback			
Mahaanui Kurataiao	Consulted with as part of the Baseline assessment		Share approved preferred options report and gather feedback			
Key stakeholders	Attempts were made to consult with industry representatives, with only NZ Pork replying		Share approved preferred options report and gather feedback			
Landowners					Targeted consultation via letter	
General public		Preferred options report is published				General consultation
DPC		Preferred options 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 Identify the ones that could/will bring the message from the comms (face-to-face; letter etc) into the public arena; these are the ones that would usually require comms support.

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

9(a) Preferred Options Report – Airfields, Airstrips and Helicopter Landing Pads

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

Purpose

To brief the Committee on the findings of the ‘Airfields, Airstrips and Helicopter Landing Pads’ Baseline and Preferred Option Reports, which review the effectiveness of the operative District Plan provisions that manage the potential adverse effects of aircraft activities.

Recommendation

“That the Committee notes the report.”

“That the Committee endorses the Preferred Options for ‘Airfields, Airstrips and Helicopter Landing Pads’ for further development.”

Attachments

‘Preferred Options Report for Airfields, Airstrips and Helicopter Landing Pads’

PREFERRED OPTIONS REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 March 2018

TOPIC NAME: Rural - Airfields, Airstrips and Helicopter Landing Pads

SCOPE DESCRIPTION: Preferred Options Report for Airfields, Airstrips and Helicopter Landing Pads

TOPIC LEAD: Robert Love

PREPARED BY: Vicki Barker

EXECUTIVE SUMMARY

<i>Issue(s)</i>	<ol style="list-style-type: none"> 1. <i>Inaccurate and permissive definitions</i> 2. <i>Suitability of the range of permitted activities</i> 3. <i>Permissive rules relating to noise and aircraft movements</i> 4. <i>Questionable need for approach surface controls</i> 5. <i>Policies and rules consistent with the Canterbury Regional Policy Statement (CRPS)</i> 6. <i>Canterbury Aero Club consider the rules too onerous in relation to West Melton Aerodrome</i>
<i>Preferred Options</i>	<i>That airfields, airstrips and helicopter landing pads are managed by amended definitions, policies and rules within the Proposed District Plan to enable better management of such facilities as set out in the recommendations in section 9 of this report.</i>
<i>Recommendation to DPC</i>	<i>That the Preferred Options for Airfields, Airstrips and Helicopter Landing Pads is endorsed for further development (targeted engagement, public consultation, Section 32 and Drafting Phase).</i>



1.0 Introduction

The Airfields, Airstrips and Helicopter Landing Pads Baseline Report sought to: identify the existing aircraft facilities and operators in the District; identify the key issues with the Operative Selwyn District Plan (District Plan) provisions informed by stakeholder engagement; review the Canterbury Regional Policy Statement and other District Plans; and recommend the most appropriate management approach. A copy of the Baseline Report is attached as **Appendix 1**.

There are currently two well established airfields in the District - the West Melton Aerodrome operated by the Canterbury Aero Club, and the Springfield Aerodrome operated by the Canterbury Gliding Club. The airfield at Hororata Domain which was the Canterbury Gliding Club's former base is no longer operational.

The West Melton Aerodrome is located on an approximate 80-hectare rural zoned site leased from Environment Canterbury. Christchurch Airport is currently the Club's primary base and West Melton is a satellite airfield. The Club advised they have firm plans for a long-term future at the West Melton site. The predominant activity on site is commercial flight training of powered aircraft, but there is also a recreational flying element (the ratio is currently approximately 75% commercial and 25% recreational).

The Springfield Aerodrome is located in Russells Flat, Springfield on a rural zoned site. The Aerodrome land is owned by a charitable trust and leased in perpetuity to the Gliding Club. The long-term plan is that the operation remain as a Gliding Club which the Club advised is reflected in the trust deed. The Aerodrome is used mainly for recreation and has approximately 200 members, however some glider pilot training also occurs.

In addition to the aerodromes, there are also a number of rural airstrips used in association with farming (i.e. top dressing) or for private use. There are also established helicopter operations and new operations currently seeking to establish within the District.

2.0 Statement of Operative District Plan Approach

The District Plan identifies issues associated with airfields/airports and manages airfields in both the Township and Rural Volumes by way of objectives, policies, rules and an 'airport' definition¹. Airports are also referenced in the 'utility' definition² and are deemed to be a utility in accordance with this definition.

The focus of the Baseline Report was on the rural provisions given the scope of work was rural based. The issues and related objectives and policies in the Rural Volume of the District Plan address the following matters:

- ensuring the safe and efficient operation of transport networks, including airfields;
- ensuring approach surfaces to airfields are clear of very high structures;

¹ **Airport:** means any land intended or designed, to be used, whether wholly or partly, for the landing, departure and movement of aircraft.

² **Utility:** includes the use of any structure, building or land for any of the following purposes: (f) Transportation infrastructure, including (but not limited to) roads, accessways, railways, airports and navigational aids;...

- managing the effects on the environment and surrounding land uses (i.e. aircraft noise); and
- managing reverse sensitivity effects with respect to airports, airfields or helipads used frequently.

In the Rural Zone, Rule 9.14.1.1 permits certain aircraft movements (taking off and landing) associated with:

- (a) emergency, fire control or law enforcement work; or*
- (b) seasonal farming work such as topdressing, spraying, stock management, fertiliser application, frost mitigation, or associated activities; or*
- (c) the operation of military aircraft; or*
- (d) aircraft movements associated with activities within the Porters Ski and Recreation Area.*

Rule 9.14.1.2 only permits other aircraft operations (not otherwise permitted by Rule 9.14.1.1) if:

- (a) the noise produced at the notional boundary³ in the Rural Zone or at the boundary of any Living Zone is no more than 50 dBA Ldn; and*
- (b) where the airstrip or helipad is located within 1km of the nearest boundary of any Living Zone, there are no more than 14 flights (28 aircraft movements) per week on any one property, except that on any five days in any continuous six-month period, an unlimited number of flights is permitted.*

The rule also allows for aircraft noise to be averaged over periods of seven consecutive days and the average value shall not exceed 50 dBA Ldn, and that in any case the limit shall not be exceeded by more than double the sound exposure limit on any one day.

If the above rules are not met discretionary activity resource consent is required.

Other relevant District Plan rules include:

- Scale of non-rural activities - this rule limits the maximum area of a site covered by buildings to 100m² and the full-time equivalent persons employed in undertaking any other activity on the site to two (airports are deemed utilities and are exempt from this rule);
- Approach surfaces - these rules apply at the West Melton Airfield and the non-operational Hororata Airfield only and set maximum height limits for trees, buildings and utilities within the approach surfaces to the airfield runways.
- Transport - transport related rules such as car parking and vehicle movements also apply.

Overall, the District Plan approach is considered permissive with respect to aircraft operations which is explained in further detail in section 4.0 (Summary of Issues).

³ A note to the rule states that: *The notional boundary shall be measured from any residential activity which exists on the same property as the aircraft movements.* Whereas the definition of notional boundary in the Plan states: *means a line 20m from any side of a rural dwelling or the legal boundary where this is closer to the dwelling.*

3.0 Recent Resource Consent History

3.1 West Melton Aerodrome

The West Melton Aerodrome was established approximately 45 years ago. There is only one recent resource consent on record for an approximate 360m² hangar development (RC165475). During the processing of that consent further information was sought by the Council including a Flood Report (as the site is within the Waimakariri Flood Area A), detail about increased flight movements, and a noise assessment. A Flood Report was provided and the Club advised there would be no increase in flight movements and successfully argued that no noise report was needed and that existing use rights apply with respect to noise. The size of the hangar building was not subject to the scale of activity rule which limits buildings to 100m² due to the 'utility' definition and the West Melton facility being considered as an airport (which is further explained in section 4.0 below). Therefore, the only reason for resource consent was due to the hangar building being located within a Flood Area.

3.2 Springfield Aerodrome

The Springfield Aerodrome was established by way of Certificate of Compliance in 2009 as it was deemed to comply with all of the District Plan rules (a noise report was provided to demonstrate compliance with noise). A further Certificate of Compliance was granted in 2010 for a 1,500m² hangar building. Like at West Melton Aerodrome, the scale of activities rule which limits building size to 100m² was not applied due to the 'utility' definition exempting airports from this rule. Overall, the Springfield Aerodrome was permitted and did not require resource consent to establish.

3.3 Rural Airstrips

There is only one recent resource consent on record for a rural airstrip as most are likely permitted under the current rules. Often such airstrips are established in association with farming activities, and if used for activities other than those which are permitted, they would likely comply with noise and the aircraft movement limit due to their often remote rural locations.

3.4 Helipads

Wyndon Aviation in Templeton is a helicopter operation which was deemed to be a permitted activity and granted a Certificate of Compliance in 2009. A resource consent application for a proposed new helicopter facility in Prebbleton is currently being processed by the Council (RC175456). The application states that all rules are complied with (including noise and aircraft movements) except for the size of the hangar which has triggered consent⁴; however the consent is currently on-hold as the Council has sought further information to demonstrate noise compliance in particular. A resource consent application for a new helicopter operation in West Melton is also expected to be lodged soon (the need for resource consent was identified at the building consent stage as the proposed hangar exceeds 100m²).

⁴ In this case the scale of activity rule which limits building size to 100m² has been applied as the facility has not been considered as an 'airport' and therefore has not been exempted from the scale of activity rule under the 'utility' definition.

4.0 Summary of Issues

4.1 Inaccurate and Permissive Definitions and Terminology

Airport Definition

The 'airport' definition is broad in nature and is not considered an accurate term for the existing and anticipated aircraft facilities in Selwyn District. Based on the legislation and documents reviewed, an airport is primarily a passenger transport facility which is part of the wider regional and national transport network. Selwyn does not have any such facility, nor is it anticipated to, and therefore considering the West Melton and Springfield Aerodromes to be airports is not considered accurate.

Utility Definition

Airport buildings are considered to be a utility under the 'utility' definition. As utilities are exempt from the scale of non-rural activities rule and the 100m² building size limit, large-scale hangar buildings have been constructed at both the West Melton Aerodrome and Springfield Aerodromes without the need for resource consent, which has not enabled consideration of the effects of such large-scale development.

As there are no airports in Selwyn and no aircraft operators in Selwyn are network utility operators in accordance with the RMA (section 166(g) and (h)), the exemption for airports in the utility definition needs to be reconsidered and likely deleted (link with the Utilities Topic).

Terminology

In addition to 'airport', the District Plan also uses the terms 'airfield', 'airstrip', 'aerodrome', 'aircraft' and 'helipad', none of which are defined. Using these overlapping terms is unclear. There is also overlap with the 'Recreational Facility' definition which could apply to aircraft facilities largely used for recreational purposes. This overlap will need to be considered further in alignment with other Topics.

Overall, there is a need to clarify the definitions and terms used in the Plan to ensure existing and anticipated activities are accurately provided for and defined where necessary to ensure the Proposed Plan is clearer and efficiently manages effects and overlap is avoided.

4.2 Suitability of the range of activities which are permitted

As outlined in section 2.0, there are certain aircraft movements associated with the likes of emergencies, fire control, seasonal farming work etc. which are automatically a permitted activity in the District Plan with no consideration of noise effects or flight frequency.

Permitting certain aircraft movements is considered to be appropriate in principle and is a standard approach across other district plans to ensure necessary flights and those anticipated in association with seasonal farming work in the rural zones (topdressing, fertiliser application etc.) are not unduly restricted by regulation. However, the range of these activities and the detailed wording of the rule needs to be considered further in the next phase of the District Plan Review to ensure the list of permitted activities and the terminology is still entirely appropriate and clear, and whether there may be other valid permitted activities that could be included such as helicopter movements in association with temporary events for example. This work is linked to other Topics (i.e. Temporary Activities).

4.3 Rules applying to other aircraft movements which are not automatically permitted are permissive and unclear

Other aircraft movements which are not automatically permitted are subject to noise limits and flight movement restrictions (and other rules), which overall are considered permissive and unclear.

Noise

Noise from the take-off and landing of aircraft produced at the notional boundary in the Rural Zone or at the boundary of any Living Zone is restricted to no more than 50dBA Ldn, which can be averaged over a period of 7 days. The averaging of noise over a period of 7 days means that it is relatively easy for compliance to be achieved even if movements are frequent on any certain day and peak at certain times. Furthermore, the rule does not consider noise effects on sensitive activities such as rest homes, schools or hospitals. In addition, the rule does not differentiate between powered aircraft and helicopter noise and does not reference the New Zealand Standards relevant to measuring and assessing noise from helicopters and aircraft (NZS6807:1994 and NZS6805:1992) which are now commonly referred to in District Plans.

The Noise Baseline Assessment prepared by Acoustic Engineering Services (AES) recommends that further consideration be given to the aircraft noise rule as part of the next phase of the review.

Aircraft Movements

The current restriction on aircraft movements (28 per week) only applies to airstrips or helipads located within 1km of the nearest boundary of any Living Zone. The rule provides no ability to consider the impact of frequent flight movements on dwellings and other sensitive activities located in Rural Zones (the only control is the noise limit). Also, the rule does not manage peak flight movements as there is an exception that on any five days in a six-month period an unlimited number of flights is permitted.

Therefore, a powered aircraft or helicopter operation could feasibly establish in the Rural Zone relatively near to a dwelling and readily comply with noise and the aircraft movement rules but still result in adverse effects on rural amenity.

Overall, these rules are considered permissive and unclear and could be improved to better manage the actual and potential noise and nuisance effects of aircraft operations establishing and expanding.

4.4 Questionable need for approach surfaces rules and the rule is redundant in relation to Hororata Domain

The District Plan contains approach surfaces rules which restrict the height of trees, buildings, and utilities underneath the approach surfaces to runways in relation to the West Melton and Hororata Domain Airfields to ensure aircraft can take off and land safely.

The Canterbury Aero Club strongly wishes to retain approach surfaces rules for the West Melton Aerodrome as they consider the rules imperative to protect their operations and to ensure operational safety and efficiency; however, they have requested that the associated runway information and diagram in Appendix 19 (E19 Airfield Height Limits) which is out of date be modified to reflect the current runway

vectors and the latest Civil Aviation Authority (CAA) chart. Appendix 19 and the latest CAA chart for West Melton supplied by the Canterbury Aero Club is attached as **Appendix 2**.

As the Hororata Domain Airfield is no longer operational, the rule is redundant with respect to this airfield and needs to be removed. The Canterbury Gliding Club is open to approach surface rules instead being introduced in relation to the Club's site at Springfield, subject to further engagement on this matter.

It is acknowledged that such rules do have safety and operational benefits; however, there are also questions around their inclusion in the Proposed Plan such as: overlaps with CAA legislation which controls air safety; some difficulty in interpreting the provisions in Appendix 19; and they are an inflexible tool where circumstances change (i.e. the West Melton approach surfaces in the District Plan are out of date, and as the Hororata Domain Airfield is no longer operational the rules are redundant with respect to this former airfield and are imposing unnecessary restriction on potential development). An alternative is to leave such regulation to CAA who control air safety and/or the airfield operators whereby potentially private agreements outside of the RMA could manage this issue and maintain operational safety.

4.5 Policies and rules consistent with the Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement (CRPS) seeks to enable development in rural areas so long as it maintains the overall quality of the environment, including amenity values and rural character; and to avoid conflict between incompatible activities and reverse sensitivity effects. Maintaining the quality of the environment is a particular matter needing better management consistent with the CRPS; i.e. such as managing frequent aircraft movements in relation to rural dwellings and other sensitive activities.

The CRPS review also clearly highlighted that the existing aircraft facilities in Selwyn are not part of the transport network as these facilities are not primarily used for the transport of people and/or goods. Furthermore, the strategic transport network is limited to core regional passenger transport operations and significant regional transport hubs such as Christchurch International Airport. Therefore, it is questionable that aircraft activities should be provided for within the transport policies in the District Plan as they are currently, which have a land transport focus. Stand-alone aircraft operations related policies would be clearer and more consistent with the CRPS.

4.6 Canterbury Aero Club consider the Plan rules too onerous in relation to West Melton Aerodrome

The Canterbury Aero Club currently rely on existing use rights with respect to noise and have expressed concern regarding the difficult and time-consuming process of establishing existing use rights (to avoid the need for resource consent) when they seek to make changes to their operations such as constructing a new hangar. As a result, the Club has expressed a preference for a more permissive planning approach such as an Outline Development Plan approach to enable expansion of their facility in the future.

The Club is especially concerned about the need to demonstrate noise compliance by way of an acoustic assessment each time they seek to develop and contend that additional building development such as a

new hangar building does not necessarily result in increased flying activity and noise. The Club's development plans are summarised in section 6.0.

5.0 Summary of relevant statutory and/or policy context

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

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

The relevance of the Canterbury Regional Policy Statement (CRPS) is summarised above in section 4.5.

There are New Zealand Standards relating to the measurement and assessment of noise associated with aircraft movements and helicopter landing areas which will need to be reviewed and considered as part of the next phase of the District Plan Review in conjunction with Council's Acoustic Consultants as discussed in section 4.3.

6.0 Summary of Approaches in other Districts

The approaches of the Christchurch, Ashburton, Waimakariri and Hurunui District Plans were reviewed.

6.1 Airports/Aerodromes

The Christchurch Airport is designated but has limited comparable applicability to Selwyn given its size and strategic and critical significance. More comparable are the Rangiora Airport and Ashburton Aerodrome. The Rangiora Airport is Council owned and is proposed to be provided for by way of designation (currently subject to the Rural zone and district-wide rules). The Ashburton Aerodrome is also Council owned and is a scheduled activity⁵ in the Plan. Hurunui has no known significant aircraft facilities.

6.2 Airfields/Airstrips

It is of note that the Christchurch Plan does not specifically provide for aircraft movements or airstrips in Rural or Open Space Zones and therefore they would be non-complying activities. Likewise, in Ashburton such activities would be deemed "commercial" and would be non-complying. The building development standards are fairly common across the plans and include setbacks, building height and building coverage.

6.3 Helicopter-Landing Areas

⁵ Identified on planning maps and a permitted activity within the site. The intention is to provide a level of protection of the investment committed to building and site development and opportunity for expansion and development within prescribed limits.

The Christchurch Plan contains the most comprehensive provisions relating to helicopter landing areas and permits them in a number of zones subject to compliance with activity specific and noise standards. The standards are comprehensive and include matters such as restrictions on site size, number of flights per year and per month/week, hours of operation, setback from residential units, and the requirement for a log to be kept detailing movements. The Hurunui District Plan addresses aerial distractions to motorists and requires that heli-pads and associated aircraft movements not be visible within the state highway visual protections corridor, which is 50 metres either side of the centre of the carriageway.

6.4 Noise

All of the plans contain noise provisions relevant to aircraft movements and set varying limits and measurement points. The Christchurch and Waimakariri Plans have specific limits for helicopters, and the zone noise limits apply to other aircraft movements. All of the Plans except Christchurch reference the New Zealand Standards relevant to measuring and assessing noise from helicopters and aircraft.

6.5 Approach Slopes

The Ashburton District Plan contains flight path controls limiting building, structure and tree height surrounding the Ashburton Aerodrome. Christchurch Airport and the Wigram Helipad also have aircraft protection surfaces which have the same intent. The Waimakariri Plan does not contain any rules restricting building, structure or tree height in relation to the Rangiora Airport aside from the zone rules.

7.0 Summary of stakeholder engagement during drafting of the Baseline Report

Stakeholder engagement was undertaken with representatives from Environment Canterbury (ECan), New Zealand Transport Agency (NZTA), Canterbury Gliding Club and the Canterbury Aero Club during the drafting of the Baseline Report and their feedback was incorporated into the report and is summarised below.

Feedback was also sought from the Selwyn District Council Consents, and Monitoring and Compliance Officers and is also reflected in the report. Mahaanui Kurataiao Ltd were provided with a copy of the report but had no feedback. The Civil Aviation Authority were contacted on several occasions for input, especially in relation to the approach surfaces rules, but did not provide any response.

As context to the stakeholder engagement with respect to the West Melton Aerodrome, the Baseline Report recommended an either/or option – either a policy overlay/special management area approach, or a resource consent approach subject to further consideration of the costs and benefits of each approach (i.e. a better understanding of the Club's development plans and their ability to assist with the drafting of any special provisions and the resultant timing and costs).

7.1 Environment Canterbury

ECan were requested to focus on the review of the CRPS provisions and the sections of the report relevant to West Melton Aerodrome as the owners of the site. ECan supported the findings of the report that the

overall District Plan provisions are broadly consistent with the CRPS but could be strengthened to better manage the effects on rural character and amenity.

Of the alternative management options considered in relation to West Melton, ECan supported a policy overlay or special management area approach (identified as Option 5(d) in the Baseline Report) and retention of the approach surfaces rules. ECan do not support designating or applying a special zoning to the West Melton Aerodrome site. Overall, ECan requested to be involved in any further discussions involving provisions relevant to the West Melton Aerodrome.

7.2 Canterbury Aero Club

The Canterbury Aero Club support a policy overlay or a special management area approach applying to the West Melton Aerodrome site (identified as Option 5(d) in the Baseline Report) and highlighted that further discussions are needed with the council about their development plans, the costs and benefits of the option, and where the costs will fall to develop such an option.

7.3 Canterbury Gliding Club

The Canterbury Gliding Club acknowledged the recommendations of the report would essentially tighten the provisions with respect to their future operations. They requested that consideration be given to avoiding future building developments at their site requiring resource consent given the established nature of the Club, the remoteness and the benefits of the facility. The Club also advised they wish to be involved in the development of any approach slope provisions applicable to their site.

7.4 NZTA

NZTA noted that the two established aerodromes are remote from the state highway, however they anticipate potential safety issues when helipad operations in particular are too close to the state highway given the potential to distract motorists. They asked that provisions be considered which capture aircraft activities within 50-100m of the state highway to influence appropriate locations and avoid adverse safety effects. NZTA also requested that there be the ability to consider any activity that would duplicate the role of Christchurch airport. Although highly unlikely, NZTA seek to avoid any undermining of Christchurch Airport as a key strategic network hub.

8.0 Summary of stakeholder engagement during drafting of Preferred Options Report

ECan and the Canterbury Aero Club were engaged with again during the drafting of this Preferred Options Report to assist with determining the recommended preferred option in relation to the West Melton Aerodrome. Their feedback is summarised below. Mahaanui Kurataiao Ltd were also provided with a copy of the Preferred Options Report and advised they have no feedback.

8.1 Environment Canterbury

ECan continues to support the assessment of the CRPS within the Baseline Report. In particular, ECan agree that the existing aircraft facilities in Selwyn are not considered transport hubs as these facilities are not

primarily used for the transport of people and/or goods and that these activities should not be considered within the transport provisions.

With respect to the West Melton Aerodrome, in principle ECan now support West Melton Aerodrome being provided for as a permitted activity subject to development standards being met, and that if they are not met, resource consent is required (recommended preferred option (Option 2) in section 9.2). ECan consider this option will ensure that the adverse effects of these activities will be avoided, remedied or mitigated, and reverse sensitivity effects and conflicts between incompatible activities will be avoided or mitigated. ECan also support the recommendation that the West Melton and Springfield Aerodromes be treated the same.

8.2 Canterbury Aero Club

As requested, the Club provided further feedback in an email dated 8 February 2017. They advised there is increasing local and international demand for flight training and recreational flying, but there is no plan to increase the Club's fleet or aircraft, although aircraft will be upgraded and replaced. It is of note that no information was provided about whether flying activity is expected to intensify in line with the increased demand (and consequently noise effects), however this is assumed in line with increased growth.

Currently there is a clubhouse, club aircraft hangar, a small cottage for a resident security person and seven privately owned hangars within the site. The Club advised they propose to construct a new club house and would like to provide for club members who own their own aircraft to sub-lease part of the site to construct additional private hangars. The Club advised that due to the current District Plan requirements and the likely need for resource consent they are currently not accepting any applications for private hangar developments in spite of demand.

From the Club's perspective, the main planning consideration in relation to the continued use of the West Melton Aerodrome relates to operational safety. They consider it imperative that the approach surface rules be carried over to the Proposed Plan with necessary modifications to reflect the existing runway vectors (which have changed compared to the existing vectors contained in the District Plan).

The second key issue for the Club is being able to continue to use the airfield and construct additional hangar facilities without needing ad-hoc resource consents (and avoiding the need for noise reports). To achieve this, the Club suggests a Master Plan or Outline Development Plan approach which shows the area set aside for future hangar development and the proposed clubrooms as a permitted activity subject to a maximum height rule and possibly a minimum floor level for habitable buildings only (given the site is within a Flood Management Area). The Club considers this would control the scale of built development and the flying activity, as in their opinion increased hangar facilities are not necessarily related to an increase in current hours flown or more aircraft operating. Furthermore, in recognition of existing use rights and the remote location well distanced from dwellings or the potential for dwellings (approx. 1.5km minimum), the Club would prefer that the Aerodrome was exempt from any aircraft noise rule and instead was reliant on a simple maximum number of annual movements, with the scale of additional building development controlled by the Outline Development Plan.

9.0 Summary of Options to Address Issues

9.1 OPTION 1 - MAINTAIN STATUS QUO

Effectiveness in Addressing Issues: A rollover of the current provisions would maintain the issues outlined in section 4.0 and is therefore considered ineffective.

Risks: The rules are considered permissive and therefore there would be ongoing risk that the effects of such activities are not appropriately managed. There is also a need to provide for existing and anticipated activities more clearly in the context of an activity-based plan, i.e. existing unclear definitions and terminology. Not addressing the identified issues with the provisions would be a lost opportunity given the District Plan review is underway and the existing management approach could be retained with amendment to improve the efficiency and effectiveness of the provisions.

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

Stakeholder and Community Interests: All identified stakeholders.

Recommendation: Do not maintain the status quo.

9.2 OPTION 2 - CONTINUE TO EXPRESSLY PERMIT CERTAIN AIRCRAFT MOVEMENTS AND PERMIT OTHER AIRCRAFT FACILITIES AND MOVEMENTS SUBJECT TO COMPLIANCE WITH MORE COMPREHENSIVE, CLEARER AND STRINGENT RULES

This option proposes that certain flights (i.e. emergency, fire control, law enforcement, seasonal farming work, military aircraft and aircraft movements associated with Porters Ski and Recreation Area) continue to be a permitted activity without needing to meet certain rules/development standards. However, it is considered that the range of permitted activities needs to be carefully reviewed to ensure all remain appropriate and that the wording and terminology used is accurate. It also needs to be considered whether there are any other activities that could be permitted as of right such as temporary flights in association with events for example.

With respect to other aircraft facilities (aerodromes/airfields, rural airstrips and heli-landing pads) and movements, this option proposes to continue to permit such aircraft facilities and movements but subject to more comprehensive, clearer and in some instances more restrictive rules, and if the rules are not met, resource consent is required. Such rules could include:

- Scale of non-rural buildings - there would need to continue to be a rule limiting building size to manage amenity and character effects and the loophole which currently exempts airport utility buildings is not considered appropriate. The current building limit of 100m² before resource consent is triggered would need to be considered in the context of the wider Rural review.

- Aircraft movements - a rule which better considers the effects of aircraft movements on dwellings and other noise sensitive activities and reconsider allowing an unlimited number of flights over 5 days to avoid significant peaks in activity with no ability to manage these peaks.
- Noise - the noise rules need to be reconsidered in conjunction with Council's Acoustic Consultants so they better manage noise and are easier to interpret and understand and consideration needs to be given to referencing the New Zealand Standards relating to aircraft and helicopter noise.
- Setbacks - a rule could be developed to ensure aircraft operations are appropriately setback from dwellings and other noise sensitive activities and possibly state highways as suggested by NZTA.
- Hours of operation - aircraft movements could be restricted to occur within normal business hours.
- Log - a log detailing flight movements could be required.
- Traffic movements and car parking - consideration of traffic generation and car parking rules could be undertaken in conjunction with the Transport Topic.

Effectiveness in Addressing Issues: The effectiveness of this approach very much relies on the detail of the drafting and achieving the right balance between enabling and managing certain activities; however, it is considered this can be achieved as comparable rules in other district plans can assist with drafting as can stakeholder input. The approach is not a significant departure from the Plan rules currently, but the provisions can be drafted so they are clearer, more comprehensive and provide more fine-grained activity-based rules rather than a broad-brush resource consent approach (Option 3). The proposed approach will also more effectively manage environmental effects, especially noise effects and effects on rural character and amenity. This approach will also avoid large-scale developments establishing and expanding as permitted activities within the Rural Zone. The effectiveness of the approach in relation to West Melton Aerodrome is discussed further below at section 9.5.

Risks: The detail of the rules and associated definitions will be critical to the rules working effectively to avoid them being too onerous or too permissive. Where the threshold is set and getting the balance right is a risk, but there are many other examples of such rules which can assist with drafting. The approach will result in a tightening of some of the current provisions (i.e. aircraft movements in relation to rural dwellings and other sensitive land uses) and therefore there could be submissions in opposition from operators.

Budget or Time Implications: No significant budget or time implications, but would be more detailed and therefore more time intensive and costly to develop than Option 3 (requiring resource consent).

Stakeholder and Community Interests: All identified stakeholders.

Recommendation: Proceed with this option.

9.3 OPTION 3 - REQUIRE RESOURCE CONSENT

This option would mean that resource consent is automatically required for any aircraft facilities and movements beyond those that are permitted outright (i.e. emergency, fire control, law enforcement, seasonal farming work, military aircraft and aircraft movements associated with Porters Ski and Recreation Area).

Effectiveness in Addressing Issues: This approach would automatically require all aircraft facilities and movements not otherwise permitted to require resource consent. This approach would enable Council to manage such activities, but it is very broad-brush and would automatically capture minor small-scale activities that may have negligible to no effects. For example, very remote rural airstrips used infrequently for private use would be unduly captured by such a rule. Overall, it is considered to impose unnecessary regulation.

Risks: This approach is broad-brush and does not provide the ability to set a threshold whereby some activities are permitted and others require resource consent. In comparison, Option 2 provides the ability for a finer-grained approach.

Budget or Time Implications: It would be a cost and time effective approach to develop as it is the most simplistic.

Stakeholder and Community Interests: All identified stakeholders.

Recommendation: Do not proceed with requiring resource consent.

9.4 OPTION 4 - PERMIT CERTAIN ACTIVITIES AND REQUIRE OTHERS TO AUTOMATICALLY OBTAIN RESOURCE CONSENT

Another potential option considered in the Baseline Report is a hybrid of Options 2 and 3, which is to permit some aircraft facilities and movements subject to compliance with rules, but to automatically require resource consent for more significant and larger-scale activities to establish and expand such as Aerodromes with a greater potential for adverse effects.

The Baseline Report recommended this option be pursued, however upon further reflection and due to the further stakeholder feedback received, Option 2 is now preferred.

Effectiveness in Addressing Issues: This approach originally sought to require resource consent for larger operations which would be expected to trigger the need for resource consent under Option 2 in any case. However, if existing larger-scale facilities are seeking to establish minor additional developments for example, they will automatically need consent even though effects may be insignificant. Also, establishing what activities should automatically require consent and which should be permitted subject to compliance with rules is not clear-cut. For example, the Canterbury Gliding Club results in significantly less noise effects than the Canterbury Aero Club (gliders compared to powered aircraft), and therefore making all aerodromes/airfields require resource consent does not reflect the fact that operations have differing effects based on their nature and scale - Option 2 can better recognise that.

Risks: This approach shares the same risks as those outlined for Options 2 and 3. Also establishing exactly where the balance should sit between what is permitted subject to standards and what automatically requires resource consent could be difficult and therefore is now considered overly complicated.

Budget or Time Implications: Like Option 2, no significant budget or time implications, but would be more detailed and therefore more time intensive and costly to develop than Option 3 (requiring resource consent).

Stakeholder and Community Interests: All identified stakeholders.

Recommendation: Do not proceed with this option.

9.5 WEST MELTON AERODROME OPTIONS

In addition to Options 2-4 above, a range of other options were considered in relation to the West Melton Aerodrome given the Club considers the District Plan provisions to be too onerous with respect to their site. The Club is seeking a more permissive regime to allow for future development without the need for resource consents.

The Baseline Report considered a total of four alternative options in relation to the West Melton Aerodrome site:

- (a) Designating
- (b) Specific zoning
- (c) Scheduling
- (d) Policy Overlay or Special Management Area

Option (d) was considered the most feasible of the four alternative options and is supported by the Canterbury Aero Club, therefore this option alone is summarised below. The feasibility of the other options is discussed in more detail in Section 8.5 of the Baseline Report and is not repeated here given option (d) was a clear preference. Of particular note is that ECan do not support designating or a specific zoning.

Policy Overlay or Special Management Area

With this approach the underlying Rural zone would be retained and a management area could be developed which has a specific and tailored set of development provisions to provide for future development as a permitted activity subject to compliance with standards. An Outline Development Plan could be developed to indicate suitable development areas which could be contained within the Plan.

Effectiveness in Addressing Issues: Such an approach could provide for the expansion and continued operation of the West Melton Aerodrome without an ongoing need for resource consent each time the Club seeks to develop if the development provisions are met. This would provide the Canterbury Aero Club with greater ongoing certainty (similar to the Dairy Processing Management Area ODP and the specific provisions in the Plan for the Synlait and Fonterra Dairy Plants).

However, in reality it is considered that resource consenting is not a significant issue for the Club. There has been only one recent resource consent for a new hangar facility whereby a noise report was avoided and existing use rights were relied on with respect to noise. The only reason for resource consent was to build within the Waimakariri Flood Area. It is acknowledged that the ability to establish existing use rights will become more difficult over time as the Club seeks to expand, however this could be managed in a strategic way by the Club and the Council also needs to be sure that effects such as noise are being appropriately managed.

The Club has indicated they intend to develop a new clubhouse and would like to provide the ability for further private hangars to be developed which plane owners would sub-lease from the Club. To avoid ad-hoc consenting, an alternative is that the Club could take a strategic and integrated approach and apply for a single overarching resource consent for its proposed new clubrooms and private hangar facilities

and could seek an extended consent term beyond the standard 5 years if they wanted more time before they commenced development.

Risks: The effectiveness of this approach to managing effects is in the detail. For example, the Canterbury Aero Club consider that noise limits are not necessary and noise could be managed by a restriction on annual flight movements alone. However, this approach would provide the Council with limited control over noise effects and it is anticipated that noise effects would increase in association with future hangar developments on site. There would also likely be risk in managing the expectations of the Club and reaching agreement as to the suitability of the detail of the provisions.

It is also considered that the need for a special management approach has not been strongly justified. The proposed future development is relatively limited and could be covered by a comprehensive resource consent as mentioned above, which would avoid the need for ad-hoc consenting. Furthermore, there is also a question about the significance of the facility for the District, and whether it is necessary to provide special management of this activity as opposed to management by way of rules and resource consent given it is not strategic or regional network infrastructure under the CRPS. In saying this, it is acknowledged that the Aerodrome provides economic and social benefits for the district and region and has back-up capacity given its proximity to Christchurch City and Christchurch Airport; however, this is not expected to be compromised by the recommended preferred option approach (Option 2).

There is also a risk that other rural-based activities of a unique nature will seek a similar special management approach with the potential to put a cumulative strain on Council's planning resources in developing such provisions and overly complicating the Plan.

On balance, the Club's proposed development plans are not considered extensive or critical to ongoing operations to justify a special management approach for this one site. It is considered that amended rules can effectively manage the facility from the Council's perspective and the Club could achieve certainty by taking a strategic and coordinated approach to development and resource consenting.

Budget or Time Implications: The time and cost to Council of developing such a site-specific approach would be more than Options 2-4.

Stakeholder and Community Interests: Canterbury Aero Club and Environment Canterbury as land owner.

Recommendation: Not to proceed with a special management approach and to proceed with Option 2.

9.6 APPROACH SURFACES RULES

As previously mentioned, the District Plan contains approach surfaces rules which restrict the height of trees, buildings, and utilities underneath the approach surfaces to runways in relation to the West Melton and Hororata Domain Airfields to ensure aircraft can take off and land safely.

The Canterbury Aero Club strongly wishes to retain approach surfaces rules for the West Melton Aerodrome in the Proposed Plan. The Canterbury Gliding Club is seeking that approach surfaces rules be introduced in relation to their Springfield Aerodrome. As the Hororata Domain Airfield is no longer operational, the rule is redundant with respect to this airfield.

Effectiveness in Addressing Issues: The Baseline Report raised the issue of whether such rules are necessary in a District Plan as CAA legislation controls air safety and they can be difficult rules to interpret and an inflexible tool when circumstances change. However, the Canterbury Aero Club are seeking the continuation of these rules and the Canterbury Gliding Club are open to the introduction of these rules in relation to the Springfield Aerodrome (subject to ongoing engagement) to protect their existing and ongoing operations from development which would affect their ability to safely and efficiently operate. Such controls are effective in managing development in relation to established airfields and have safety and operational benefits.

Risks: The risks to including such provisions are the overlaps with CAA legislation (although CAA did not respond to stakeholder engagement requests and therefore their input has not been received), and the constraints this puts on surrounding land owners with respect to development, although such constraint is expected to be required by CAA in any case. The provisions can also become out of date if circumstances change like the Hororata Domain and West Melton Airfield approach surface provisions currently are.

Budget or Time Implications: The provisions will need to be revised to ensure they are clearer and up to date with respect to West Melton and drafted with respect to Springfield Aerodrome, but no significant budget or time implications are expected.

Stakeholder and Community Interests: Canterbury Aero Club and Environment Canterbury as land owner, Canterbury Gliding Club, the Civil Aviation Authority, and adjoining land owners affected by the provisions.

Recommendation: Retain approach surfaces rules in relation to the West Melton Aerodrome and introduce them in relation to the Springfield Aerodrome (subject to further engagement) and ensure the technical information is up to date and the provisions are clear and easy to interpret by plan users. Delete reference to the Hororata Airfield from the approach surfaces rules.

8.0 Preferred Option for further engagement

The Project Team recommends that:

1. Option 2 be pursued.

Continue to expressly permit certain aircraft activities in the rural zones (i.e. emergency, fire control, law enforcement, seasonal farming work, military aircraft and aircraft movements associated with Porters Ski and Recreation Area) without needing to meet certain rules/development standards; but reconsider the appropriateness of the range of permitted activities and the drafting and whether any additions may be necessary.

Continue to permit other aircraft facilities and movements subject to compliance with clearer, more comprehensive and in some instances more stringent rules. In order to develop such rules, it is recommended that:

- Noise - Advice be sought from the Council's Acoustic Consultants as to appropriate noise levels, measurement of and management methods (and any noise exemptions), and the relevant New

Zealand Standards to measure and assess noise associated with aircraft movements and helicopter landing areas referenced by the other District Plans.

- Transport (traffic generation and car parking) - Advice be sought from Council's Consultant Transport Engineers when developing any relevant transport provisions.
2. The Springfield and West Melton Aerodromes (and all aircraft facilities) be subject to Option 2 and that no special management approach be developed for the West Melton Aerodrome site.
 3. Clearer activity-based definitions are developed to provide for the existing and anticipated aircraft facilities and operations in the District and to avoid overlap with other definitions. In particular:
 - Reconsider the existing definition of 'airport' and consider more appropriate definition(s) more suited to the existing and anticipated aircraft activities in the Selwyn District;
 - Consider specific definitions for 'Aerodrome', 'Airstrip' and 'Heli-landing area' (or similar) to specifically relate to activity-based rules;
 - Reconsider the definition of 'utility' and clause (f) as it relates to 'airport'. In particular, consider deleting the reference to 'airports';
 - Consider a definition of 'Aircraft operations' and take into account the Ministry for the Environment National Planning Standard Definition of 'Aircraft operations' when and if released;
 - Ensure overlap with the 'Recreational facility' definition and associated rules is avoided.
 4. The objectives and policies are revised in line with the CRPS and the option that the Council endorses to pursue. In particular:
 - Ensure the Proposed Plan continues to include objectives and policies concerning the quality of the environment and managing incompatible development and reverse sensitivity effects in relation to aircraft facilities and operations;
 - Consider stand-alone policies with respect to aircraft facilities and operations as opposed to generic objectives and policies sitting within the Transport objectives and policies as they do currently;
 - Retain policies relating to the safe and efficient operation of airfields in line with the recommendation to include approach surfaces rules.
 5. That the references to the Hororata Airfield are deleted from the approach surfaces provisions in the Plan (Appendix 19 and the associated Rules (2.2.1, 3.7.1 and 5.12)) given Hororata Airfield is no longer operational.
 6. That approach surfaces provisions be retained in relation to the West Melton Aerodrome and introduced in relation to the Springfield Aerodrome (subject to further engagement), and ensure all technical information is up to date and the provisions are clear and easy to interpret by plan users.
 7. Note that rules will also need to be developed for the Living and Business Zones.

Appendix 1 – Airfields, Airstrips and Helicopter Landing Pads Baseline Report

Link to report:

[Airfields, Airstrips and Heli Landing Pads Report \(RU004\) \[PDF, 896 KB\]](#)

Appendix 2 – Appendix E19 Airfield Height Limits and Current CAA Chart for West Melton Aerodrome

PART E

APPENDIX 19

HEIGHT LIMITS FOR WEST MELTON AIRFIELD AND HORORATA DOMAIN

The following notes describe the approach paths to the airfield runways at West Melton Aerodrome and Hororata Domain, which are illustrated on the plans which form part of this appendix:

West Melton Airfield

Runway 04/22

- (a) Approach surfaces rise at a gradient of 1 in 40 from the eastern and western ends of the runway strips 04/22 at 84.528 and 91.011 metres above mean sea level (AMSL) respectively, each for a length of 3000m;
- (b) Approach surfaces splay outwards at a gradient of 1 in 10 from each corner of the eastern and western ends of the runway strips 04/22 at 84.528 and 91.011 metres AMSL, each for a length of 3000m;
- (c) Transitional surfaces for runway 04/22 slope upwards and outwards at a gradient of 1 in 5 from the edge of the runway and the approach fans in (a) to a height of 10 metres, then rise vertically to meet the horizontal surface;
- (d) Inner horizontal surface extend to a height of 45m above the runway strip out to a distance of 2500m from the runway centre line.

Runways 17/35 & 11/29

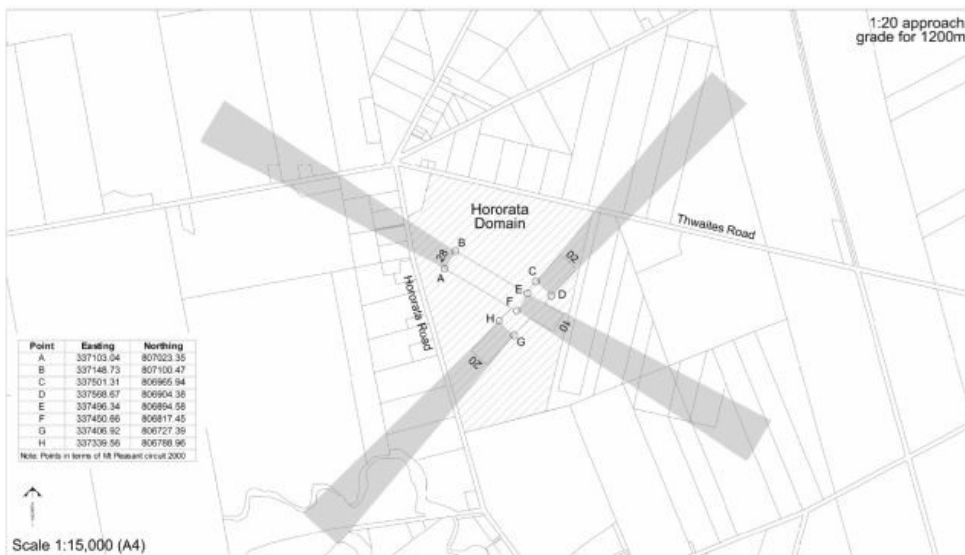
- (e) Approach surfaces splay outwards at a gradient of 1 in 20 from the south-western end of runway 17/35 at 90.115 metres AMSL, the north-eastern end of the runway 17/35 at 90.708 AMSL, the south-eastern end of runway 11/29 at 86.841 metres AMSL and the north-western end of runway 11/29 at 89.876 metres AMSL, each for a length of 1200m;
- (f) Transitional surfaces for runways 17/35 and 11/29 rise at a gradient of 1 in 4 from the edge of the runway and the approach fans in (a) to a height of 2 metres.

Hororata Domain

- (a) Take off and approach surfaces for each runway rise at a gradient of 1 in 20 commencing within the Domain at the points indicated on the plan which forms part of this appendix. The take-off climb and approach surfaces extend outwards from these points for a horizontal distance of 1200 metres;
- (b) Take-off climb and approach surfaces also splay outwards at a gradient of 1 in 20 from the points as illustrated on the plan which forms part of this appendix;
- (c) In addition, transitional side surfaces for runways 02/20 and 10/28 slope upwards and outwards at a gradient of 1 in 4 from the edge of the runway strip and approach/take-off fans described in (a) and (b) to a height of 2 metres, as illustrated by the diagram which forms part of this appendix.

Height Limits for Hororata Domain

NOTE: The points shown on the plan which forms part of this appendix indicate the positions (thresholds) from which the take-off climb and approach surfaces begin. The height limits for buildings, structures and trees are to be measured from ground level relative to those surfaces.

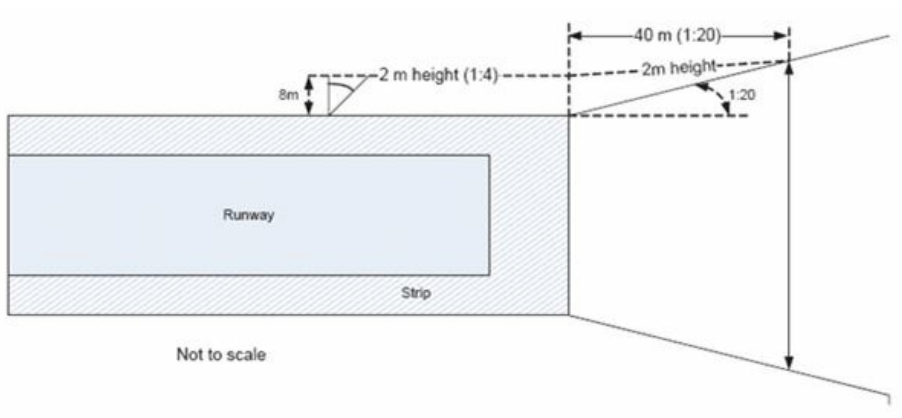


1

Point	Easting	Northing
A	337103.04	807023.35
B	337148.73	807100.47
C	337501.31	806965.94
D	337568.67	806904.38
E	337496.34	806894.58
F	337450.66	806817.45
G	337406.92	806727.39
H	337339.56	806788.96

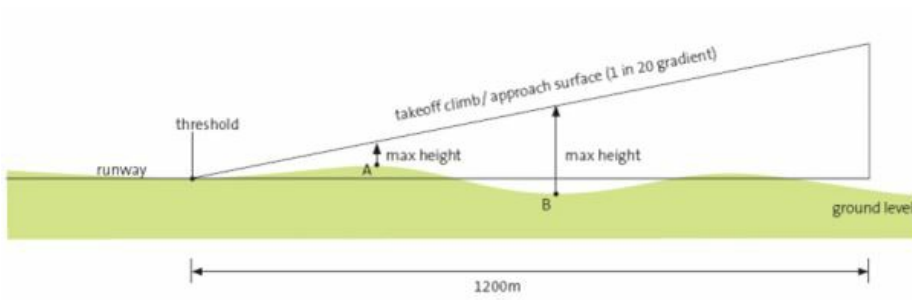
Note: Points in terms of Mt Pleasant circuit 2000

Transitional Side Surfaces

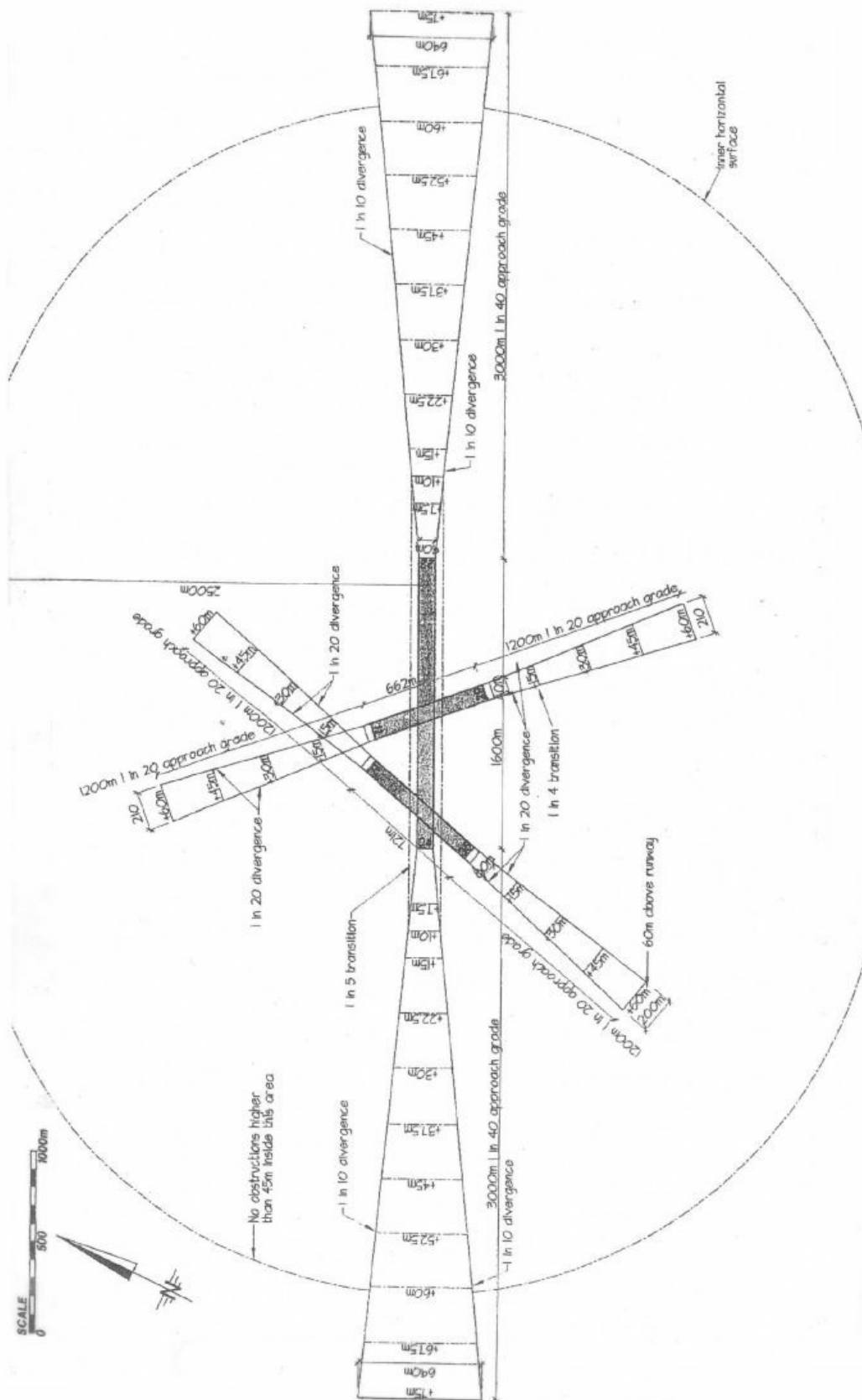


Hororata Domain

Maximum Height relative to ground level schematic



Height Limits for West Melton Airfield



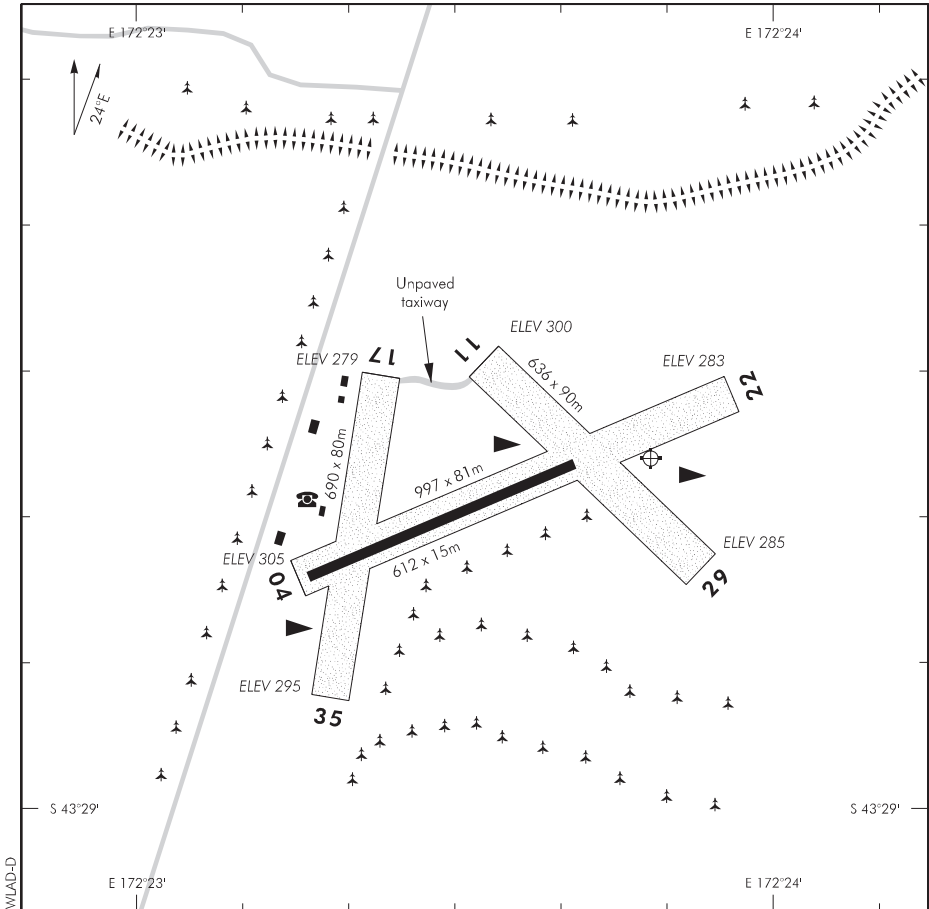
ELEV 305

NZWL

UNATTENDED: 119.2

100

NON-CERTIFICATED

**WEST MELTON
AERODROME**

1. Circuit altitude —1100ft.
Joining altitude —1500ft.
2. Periodically closed for sheep grazing.
3. Taxiway surface has considerable undulations.
4. **CAUTION:** Danger Area D827 (army firing range) lies just west of the aerodrome, designated permanently active, SFC to 1350ft.

When firing is in progress on the rifle ranges at the southern end of D827, a large fluorescent red/orange marker will be displayed on the appropriate range. When the range is in use, a modified circuit can be flown to remain clear of the area when using RWY 04.

Care must be taken when taking off from RWY 22 — it may be necessary to turn early to avoid entering D827.

Changes from 27 SEP 07: Editorial.

S 43 28 36 E 172 23 48*

Effective: 25 SEP 08

© Civil Aviation Authority

**WEST MELTON
AERODROME**

RWY

RWY	SFC	Strength	Gp	Slope	ASDA	Take-off distance			LDG DIST
						1:20	1:30	1:40	
04 22	Gr/B	ESWL 3180*	8	0.73D 0.73U		997			997
11 29	Gr	ESWL 3180	4	0.73D 0.73U		636			636
17 35	Gr	ESWL 3180	5	Nil		690			690

*ESWL of bitumen 612 x 15m is 18150 kg.

LIGHTING

Nil

FACILITIES

Nil

SUPPLEMENTARY

Operator: Canterbury Aero Club (Inc), PO Box 14-006, Christchurch Airport.
Tel (03) 359 2121 Fax (03) 359 2621

Use restricted to: Light aircraft as approved by Canterbury Aero Club (Inc).



9(b) Communications and Engagement Summary Plan – Airfields, Airstrips and Helicopter Landing Pads

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

Purpose

To inform the Committee of the communications and engagement activities to be undertaken in relation to the Airfields, Airstrips and Helicopter Landing Pads topic.

Recommendation

“That the Committee notes the summary plan.”

Attachments

‘Airfields, Airstrips and Helicopter Landing Pads – communications and engagement summary plan’

RU204: Airfields, Airstrips and Helicopter Landing Pads– communications and engagement summary plan

Key messages

(as of 16 March 2018)

Background

- The District Plan Review is considering the effectiveness of the District Plan provisions for the management of airfields, airstrips and helicopter landing pads.
- There are currently two well established airfields in the District: the West Melton Aerodrome (owned by Environment Canterbury and operated by the Canterbury Aero Club), and the Springfield Aerodrome (owned by a charitable trust and operated by the Canterbury Gliding Club who's got a perpetual lease).
- There is also a number of rural airstrips and established helicopter operations and new helicopter operations currently seeking to establish.

Current status

- Current rules managing aircraft facilities and movements are considered too permissive and therefore their effects aren't appropriately managed.
- Current definitions of what is an aircraft facility or aircraft movement aren't clear and consistent.
- Current Plan contains approach surfaces rules for West Melton Aerodrome. These rules restrict the height of trees, buildings and utilities underneath the approach surfaces to ensure aircrafts can take off and land safely.
- Partners and key stakeholders have been engaged with to seek their feedback regarding the current effectiveness of the provisions and to understand the issues from their perspectives.

About preferred option

- The preferred option is essentially reworking the existing provisions so they are activity-based, clearer and more comprehensive. This will enable the Council to better manage any adverse effects from these activities.
- The preferred option provides for airfields, airstrips and helicopter landing pads as permitted activities, but only where certain rules are met such as noise and aircraft movement limits.
- Large building developments and aircraft movements beyond the specified thresholds, for example in relation to residential dwellings, will require resource consent to manage adverse effects.
- Certain aircraft activities in the rural zones (i.e. emergency, fire control, law enforcement, seasonal farming work, military aircraft and aircraft movements associated with Porters Ski and Recreation Area) will continue to be a permitted activity without having to meet certain rules.
- It's proposed to retain the approach surfaces rules for West Melton Aerodrome and introduce them for Springfield Aerodrome.
- The West Melton Aerodrome has requested more permissive provisions specific to them to avoid the need for resource consents in the future. This is not considered necessary at this time as the West Melton Aerodrome is not recognised as a critical or strategic infrastructure under the Canterbury Regional Policy Statement. Also there is only one recent resource consent on record, which was granted relatively easily, and therefore resource consenting has not been a significant issue to date. The Club's future development plans are minimal (a replacement club house and possibly private hangars).
- It is considered that the preferred option would not unduly compromise West Melton's operations as ad-hoc resource consents could be avoided by the Club applying for one comprehensive resource consent and possibly asking for a longer term than 5 years if a longer development lead-in time is required.
- Following council's approval of preferred option, we will engage with owners of land within flight paths and key stakeholders to ensure they understand the proposed changes to the District Plan and have the opportunity to provide their feedback. This will be prior to public consultation which will take place as part of the wider Rural Zone chapter later in the year.

Audiences¹

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")
Internal	Partners	Key stakeholders ²	Landowners /occupiers ³	General public
DPC	ECan			Selwyn ratepayers
	Mahaanui Kurataiao			News media
				Wider public

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	Mahaanui Kurataiao and/or Runanga	Key stakeholders	Landowners/Occupiers	General public
Baseline assessment						
Preferred options development						
Preferred option consultation						

2017/2018 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 ⁴
ECan		Share approved options report and gather further feedback			
Mahaanui Kurataiao		Share approved options report and gather further feedback			
Key stakeholders		Share approved options report and gather further feedback			
Landowners/occupiers				Targeted consultation (ECan already in April)	
General public		Approved preferred options report published on Your Selwyn Engagement website			General consultation as part of Rural Zone chapter
DPC	DPC Meeting – Preferred Options Report is published as part of agenda				

⁴ This plan covers period until public pre-notification consultation on preferred options starts.

10. Update on District Plan Review Financials

Author:	Emma Hodgkin, DPR Project Manager & Jesse Burgess, Planning Manager
Contact:	021 240 1242 (Emma)

Purpose

To provide the Committee with an update on the District Plan Review budget and financials to 31 January 2018.

Recommendation

“That the Committee notes the report.”

Attachments

“DPR Financial Report to 31 January 2018” report, dated 19 March 2018

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 19 March 2018

PURPOSE: DPR Financial Report to 31 January 2018

PREPARED BY: Emma Hodgkin, Project Manager & Jesse Burgess, Planning Manager

EXECUTIVE SUMMARY

<i>Purpose</i>	<i>To provide an update on the District Plan Review budget and expenditure to 31 January 2018</i>
<i>Recommendation</i>	<i>That the Committee notes the report</i>
<i>DPC Decision</i>	



1.0 Summary

- 1.1 The DPC budget is currently set at, and being tracked against, the amount agreed by Council at the LTP Workshop in September 2017 and not the budget previously approved in the 2015-25 LTP Budget (which was \$882,000). The 2017-18 revised budget is set at \$2,358,739.00 plus GST plus an additional \$551,739.00 which was accrued from the 2016-17 financial year into the current financial year¹. The addition of the carryforward further increases the 2017-18 budget to **\$2,910,478.00 plus GST**.
- 1.2 Since receiving the last report, the budget has been further refined to align the carryforward to specific cost centres. In addition, the budget against each GL code has been further refined to reflect our more detailed understanding of true costs across different topics and our forecasted expenditure to the end of the current financial year. These changes will be reflected in the graphs and information contained throughout this report.
- 1.3 The annual expenditure is expected to decline in 2018-19 financial year (particularly in Quarter 3 and Quarter 4) due to a shift from the baseline and development of options phases into s32 reports and provision drafting, much of which will be completed in house by Council staff.
- 1.4 During January we processed \$160,627.63 worth of invoices plus GST. This amount compared to \$92,782.30 approved during December 2017.
- 1.5 Overall the DPR is tracking at 45% of the budget for the 2017-18 financial year. The project level expenses are currently tracking at 41% against the budget and this is offset by the slightly higher actual percentage spend vs expected spend of 49%.
- 1.6 This report is for expenditure to 31 January 2018. This is due to the agenda for DPC closing before the January 2018 financial report is available. The updated financial report to 28 February 2018, will be presented at the next SDC Audit and Risk Committee. Going forward, DPC will receive the report following its presentation to Audit and Risk but will likely always be at least one month behind due to the dates DPC meetings falls.
- 1.7 Procurement and expenditure continue to remain closely monitored on a monthly basis through the manual checking of each invoice as well as implementing stringent service and financial reporting requirements onto Suppliers via our contracting and reporting mechanisms. This is also being supported by the communication and relationship management principles we are implementing with our Suppliers.
- 1.8 There are a number of cost centres which are yet to incur expenditure. These activities (such as 'other rural' are set to take place from now until the end of the current financial year.

¹ Note that the carryforward of \$551,739.00 was committed to contracts to complete baseline work during the 2016-17 year but costs were not invoiced until 2017-18 financial year.

2.0 Procurement and Contracting

- 2.1 Implementing the DPR Procurement Plan remains a key piece of work for the Project Manager and DPR Administrator as the baseline phase draws to a close and we start to develop a number of Phase 2 Scopes of Work and develop Preferred Options papers for DPC approval.
- 2.2 January saw a number of contracts and baseline assessments end across a number of topics. Scopes of Work for further baseline assessments yet to begin as well as a number of Phase 2 Scopes of work have been issued during January and February with a number of contracts currently under negotiation. This work continues to be a priority for the Team to ensure fair and transparent contracting and procurement processes are implemented. As at 16 March 2018, the DPR has developed 121 Scopes of Work and procured external services via 81 contracts (excluding variations to the end of February).
- 2.3 The DPR Team anticipates that a further 13 Scopes of Work either need to be developed, approved and/or allocated during the next month to complete all baseline assessments (7) and Phase 2 assessments (6). Note that a further 7 Phase 2 Scopes of Work will need to be developed once the seven outstanding Scopes of Work have been completed.
- 2.4 Gaining approval for further expenditure against remaining Scopes of Work as well as beginning the process of determining carryforwards for the 2018-19 financial year will take place over the next month.

3.0 Key Trends

- 3.1 A number of budget areas have not incurred costs as year during the financial year (such as economic analysis, GIS analysis and some topic areas including coastal environments, mana whenua engagement and communications and some District Wide topic areas. This is due to work not yet commencing in these areas. Expenditure is scheduled to occur during Quarter 3 and predominately Quarter 4 of the financial year
- 3.2 The budget areas at most risk of exceeding the budgeted amount include²
 - Rural Character and Amenity (31% remaining)
 - District Wide – Emergency Services, Lighting and Glare, Noise and Vibration (36% remaining)
 - Outstanding Natural Landscapes and Features (29% remaining)
 - Quarrying and Airfields (31% remaining)
 - Historic Heritage and Protected Trees (27% remaining)

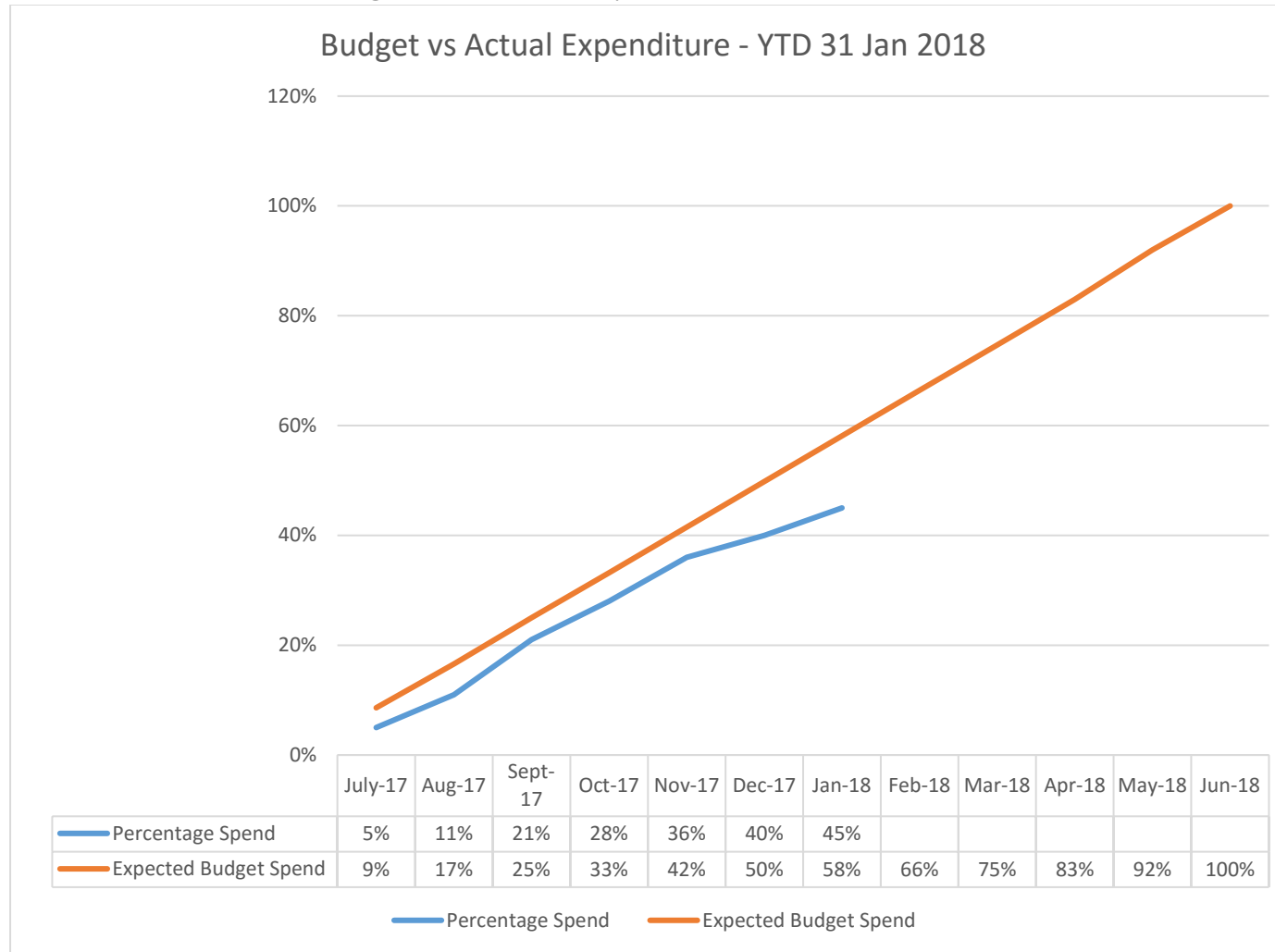
² It is important to note here that the bulk of the work has been completed for Rural Character and Amenity and District Wide topics. The risks outlined above are attributed to the unknown costs that may arise during the consultation phases of the ONLF, Quarrying and Heritage topics in particular.

4.0 Financial Risks and Management

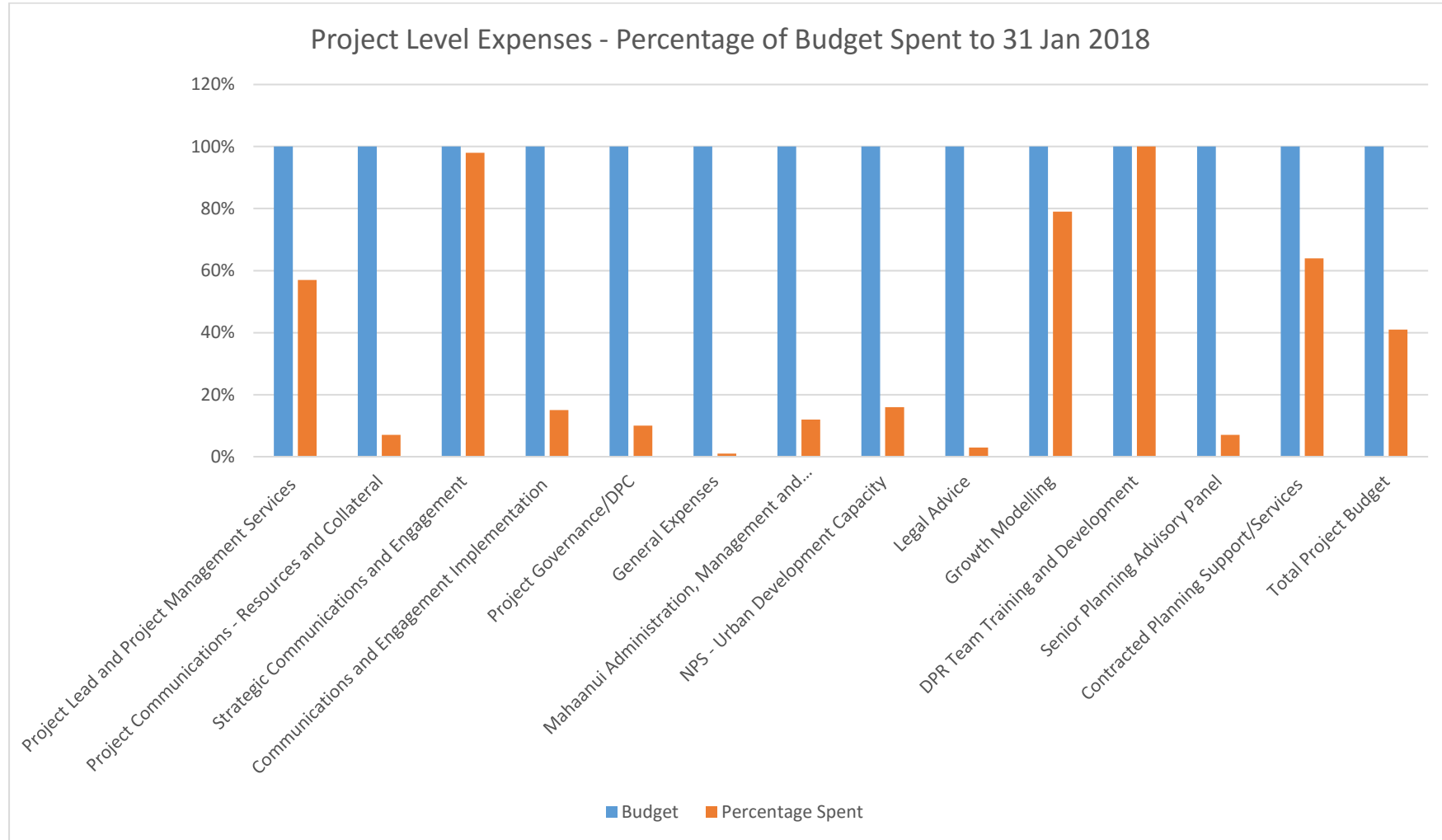
- 4.1 A significant portion of the external work and budget is currently allocated to one Supplier Panel member and a small team of experienced planners. The Suppliers' total contract value is already 29% of the total 2017-18 Topic Level budget with further expenditure to come as they move into Phase 2 of the work they are undertaking. Effective management of the Council's relationship with this Supplier, along with prudent management of their financial expenditure and quality of outputs will be vital to the overall success of the DPR and overall financial expenditure.
- 4.2 Internal resourcing across the DPR team and Communications team remains a considerable risk. From a Planning perspective this may require additional consultant expenditure to support the delivery of the Business topic in particular. In the short term, completion of smaller baseline reports is being mitigated by contracting additional planning resource that will be with the DPR Team until 31 March to complete a number of baseline assessments for topics such as Stock Droving, Keeping/Boarding of Animals, Research Facilities and Scheduled Sites.
- 4.3 Steps have been put in place to resolve the communications and engagement capacity in the short to medium term however these wider resources (such as website and IT, resource design and development) and the resource available will be stretched to deal with the significant amount of activity that will occur in this area over the course of 2018. It is likely that further costs in this area will be incurred to ensure our Engagement Principles are able to be met.
- 4.4 There is currently no budget to support monitoring or evaluation activities against this Project. This is a risk to assessing our performance in achieving our Engagement Principles as we are unable to measure the key indicators we identified (such as reduced engagement fatigue or how engaged the community felt in the process)
- 4.5 The resources needed to meet the Council's requirements under the NSP-UDC are still unknown but it is likely that much of the DPR Contingency budget will be used to support this work which places further restrictions on the core DPR budget.
- 4.6 The Council does not currently have a policy with managing non-performance of Suppliers, for example, specifically relating to withholding payment of invoices until work has been completed to a satisfactory level. The Project Manager has prioritised this as a piece of work for early 2018. This will provide the Council with clear guidance it can communicate to Suppliers regarding the Council's expectations and performance management and mitigation processes. This will be required if the delivery against the Programme Plan is to be achieved. This will also incur additional legal costs as any policy will require legal approval before adoption.

5.0 District Plan Review – Financial Position to 31 January 2018

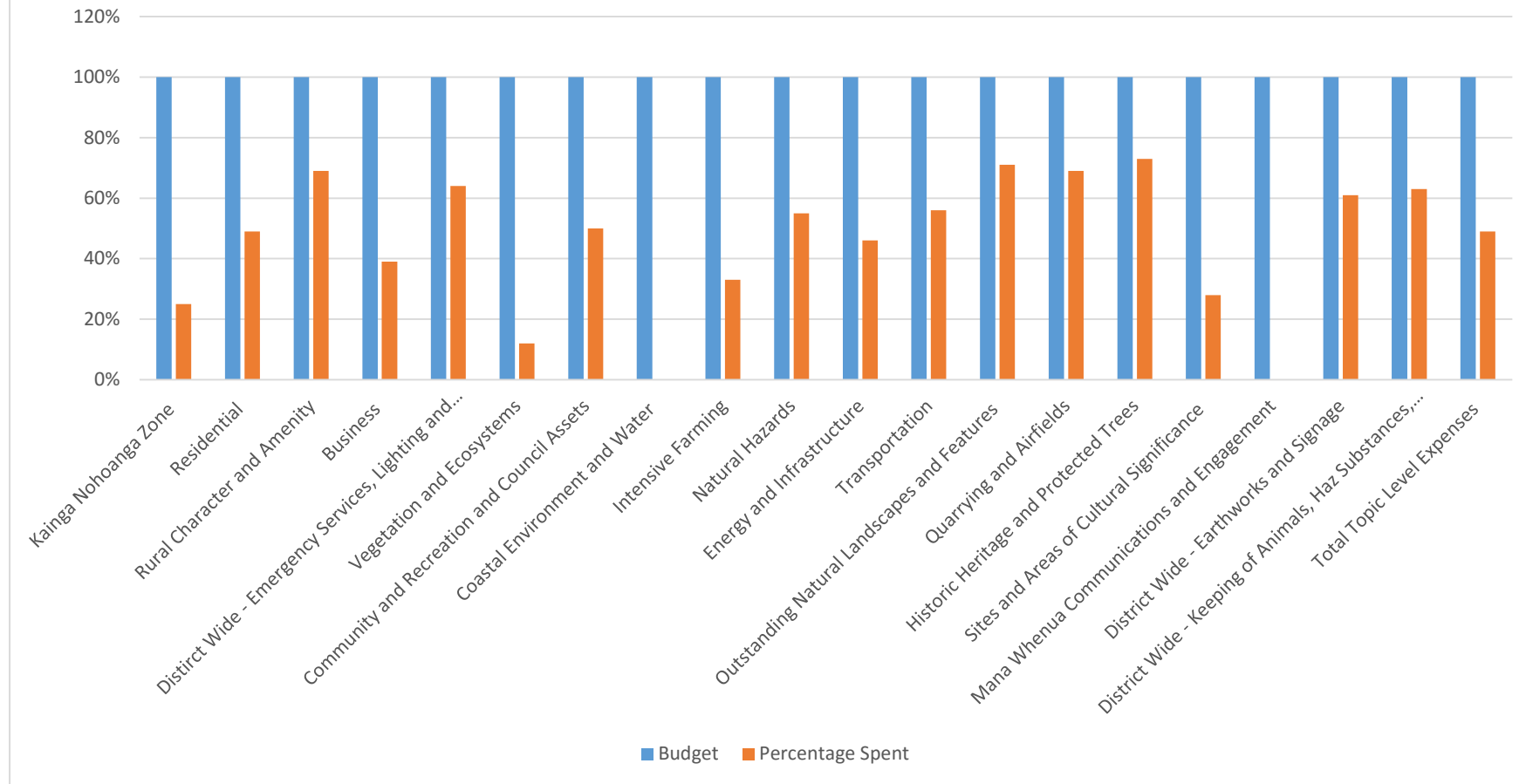
5.1 Year to Date Budget vs Actual Expenditure



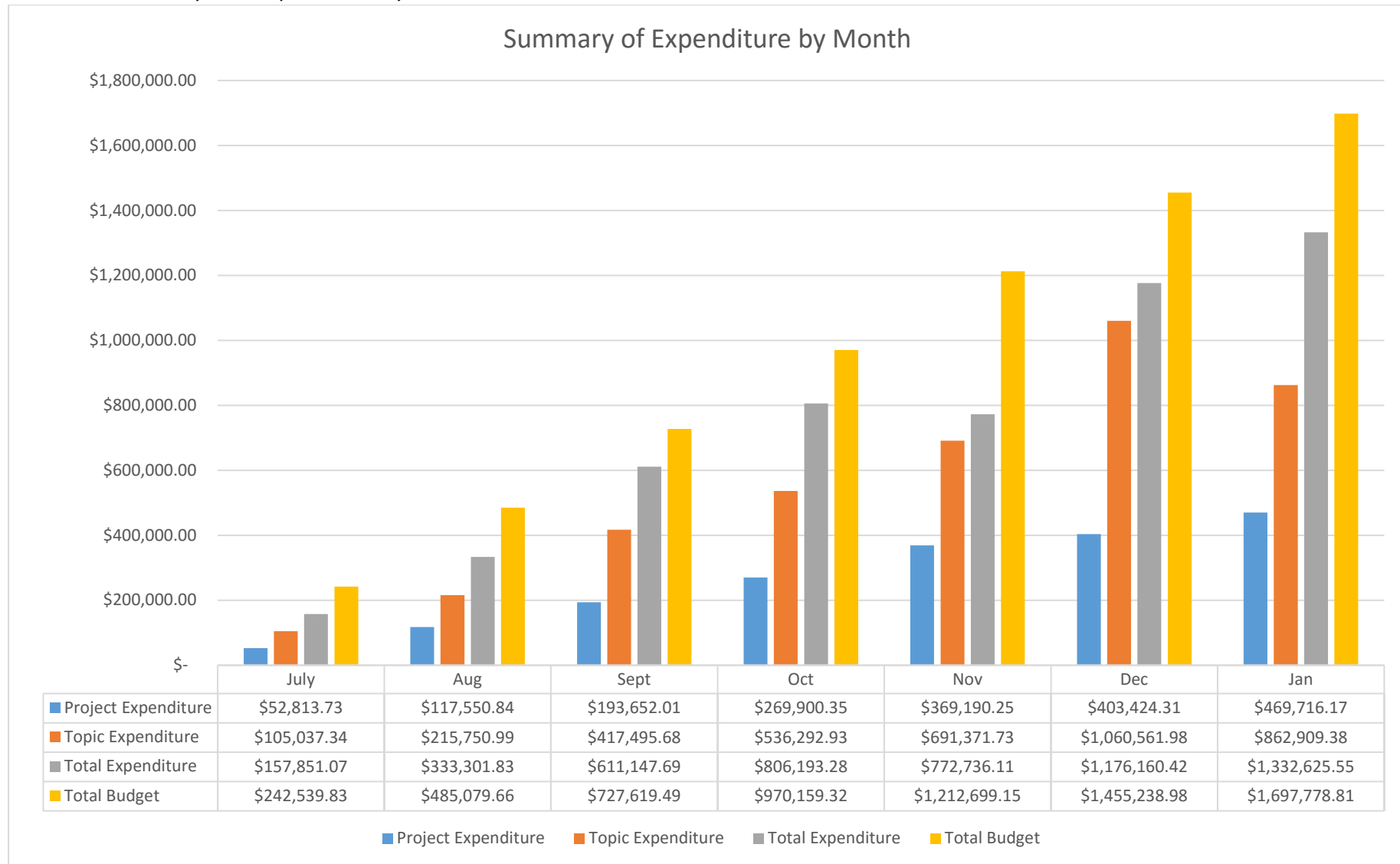
5.2 Summary of Year to Date Expenditure by Type of Expense



Topic Level Expenses - Percentage of Budget Spent to 31 Jan 2018



5.3 Summary of Expenses by Month



4.0 Conclusion

- 4.1 The DPR budget is on track to come within the amended budget agreed by Council at the LTP workshop in 2017.

5.0 Recommendation to DPC

- 5.1 The Project Manager recommends that:
1. the Committee receive the financial report

11. Alternate Chair of District Plan Committee

Author:	Tim Harris, Environmental Services Manager
Contact:	347 2850

Purpose

To seek the appointment of an alternate chairperson for the District Plan Committee in the absence of the Environmental Services Manager and to update the District Plan Committee Terms of Reference accordingly.

Recommendation

“The District Plan Committee appoints [insert name] to be appointed as the alternate Chair for the District Plan Committee.”

“The Terms of Reference be amended accordingly.”

Attachments

“Alternate Chair of District Plan Committee” report

REPORT TO DISTRICT PLAN COMMITTEE

DATE: 16 March 2018

TOPIC NAME: Alternate Chair for the District Plan Committee.

PREPARED BY: Tim Harris, Environmental Services Manager

EXECUTIVE SUMMARY

Issue(s)	<i>An alternate Chair for the District Plan Committee needs to be included in the Terms of Reference for that Committee in the case the incumbent Chair is unavailable on a scheduled meeting date.</i>
DPC Recommendation	<i>The District Plan Committee appoints [insert name] to be appointed as the alternate Chair for the District Plan Committee</i> <i>The Terms of Reference be amended accordingly.</i>

1.0 Introduction

Currently the Terms of Reference for the District Plan Committee appoints Tim Harris as the independent Chair for the Committee. There may be instances that Tim Harris is unavailable and accordingly the Terms of Reference (the amended Terms of Reference in track changes are included in Appendix 1) needs to include the ability for an alternate person to sit as the Chair of the Committee.

2.0 Discussion

The current Terms of Reference for the District Plan Committee does not have the ability for an alternate to sit as Chair of the Committee. On the 18 April 2018 Tim Harris has a prior appointment that he is unable to remove himself from and accordingly there is the need for someone to sit as the Chair of the Committee as it is scheduled to meet on that day. In addition there could be other instances where the incumbent Chair is unable to sit as Chair. Accordingly the Terms of Reference need to be amended to include an alternate Chair.

Appendix 1: Detailed Terms of Reference for: District Plan Committee

Detailed Terms of Reference for:

District Plan Committee

Purpose

The District Plan Committee (**DPC**) is a standing committee of Council pursuant to the Local Government Act 2002 (Schedule 7, Section 30). The role of the DPC is to:

- Make governance recommendations in relation to all District Plan Review (**DPR**) related matters;
- Provide feedback to the Project Team on all DPR-related matters (either directly during a DPC meeting or via the Relationship Manager (Environmental Services Manager);
- Approve the Communication and Engagement Plan (**CEP**) for the DPR;
- Reviewing and make recommendation to Council regarding proposed provisions for notification, as informed by the initial s32 evaluation;
- Recommend to Council that the 'Draft' and/or 'Proposed' District Plan be publicly notified;
- Recommend to Council the members to be appointed to the hearings panel(s) for determining submissions on the Proposed District Plan.
- Recommend that further work be completed by the Project Team on certain issues.

Underlying principles of the District Plan Review

The DPC is to ensure that the following underlying principles of the DPR are achieved so that the new District Plan:

- is 'user-friendly' with a simple zoning and plan structure and use of plain english;
- is available in an electronic format on the Council's website – known as an 'E-Plan';
- comprises only one volume, including the co-location of relevant objectives, policies and rules, where practicable;
- streamlines the use of zones and overlays;
- gives effect to higher order documents, including (but not limited to) National Coastal Policy Statement, National Policy Statement for Freshwater Management, National Policy Statement for Renewable Electricity Generation, National Policy Statement on Electricity Transmission and the Canterbury Regional Policy Statement, Recovery Strategy for Greater Christchurch and the Land Use Recovery Plan;
- implements Council's strategic plans, including Selwyn 2031, Long Term Plan 2015/2025, Malvern & Ellesmere Area Plans, Rural Residential Strategy, Rolleston Town Centre Master Plan, Lincoln Town Centre Plan, and the Rolleston, Lincoln and Prebbleton Structures Plans (where relevant);
- is not inconsistent with Te Waihora/Lake Ellesmere Water Conservation Order and all relevant regional plans (operative and proposed);
- takes into account the Mahaanui Iwi Management Plan and any other relevant non-statutory document, including regional strategies, such as the Greater Christchurch Urban Development Strategy and the Canterbury Regional Land Transport Strategy.
- builds in flexibility to accommodate the introduction of national planning templates through RMA Amendments;

- achieves the purpose of the RMA and ‘best practice’ planning outcomes that are supported by robust technical evidence.

Members of the DPC and support roles

The DPC is to comprise the following members:

- Mayor and Councillors; and
- Runanga representative.

The DPC is to be supported by the following parties who will attend as observers and have speaking rights but in a non-voting capacity:

- Chief Executive;
- Relationship Manager (Environmental Services Manager);
- Canterbury Regional Council representative
- Project Sponsor, Project Lead and Project Team.

The Relationship Manager is to be appointed as an Independent Chair (non-elected member) by the Committee.

An alternate Chair appointed from the existing Committee by resolution when the incumbent Chair is unavailable.

A meeting of the DPC requires a quorum of at least three members of the committee¹.

Other representatives are permitted to attend meetings of the Committee; however attendance at any public excluded session shall only be permitted with the prior approval of the Chair. Likewise, speaking rights of other representatives at Committee meetings (whether in public session or not) shall only be granted with the prior approval of the Chair.

Role of Independent Chair

The role of the Independent Chair is to ensure full participation by all DPC members and others (i.e. members of the Project Team or representatives of other organisations), to achieve effective implementation of the DPR. The Independent Chair is to undertake the following tasks through facilitation, leadership and advocacy with an emphasis on consensus decision making:

- Chair the meetings of the DPC;
- Provide key advice on courses of action to progress the DPC in its deliberations and outcomes;
- Manage meeting agendas in conjunction with the Project Lead;
- Provide a facilitative style of Chairmanship that enables quality participation and outcomes;
- Ensure timeframes/targets set by the DPC are achievable and are achieved;
- Operate in a manner that recognises political sensitivities and the protection of sensitive information;
- Act as a liaison and facilitator between the DPC and the Project Lead;

¹ Schedule 7, Section 23 of the Local Government Act 2002. The original TOR had a quorum of 2 (minimum allowed under LGA. At the DPC meeting on 23 November 2016 it was considered this was too low a number for a quorum and was agreed to increase this to 3 members as minimum for a quorum.

- Provide assistance to the Project Lead, including consultation with external parties providing DPR assistance (e.g. contracts for external consultants or agreements with other agencies etc), where necessary.

Meetings and reporting

Through Stage 2, the DPC will meet at least once per month on a Wednesday morning (to coincide with Council workshop allocated time).

DPC meetings will be open to the public, except where public exclusion is warranted due to the sensitivity of information being discussed (section 48 of Local Government Official Information and Meetings Act 1987). Minutes of each DPC meeting shall be recorded and circulated to the Project Team (via the Independent Chair). The minutes will also be available to the public, except where the agenda item was publicly excluded. All DPC minutes are to be endorsed by full Council at the next available Council meeting.

Agendas shall be made available 7 working days prior to the DPC committee meeting. Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987.

Updates to the TOR

It is anticipated that various matters will arise during the DPR process that may require amendments to the TOR. On the basis that the DPC will be kept fully informed of progress and issues arising during the DPR project, the DPC shall be authorised to update the TOR, where required.

12. RESOLUTION TO EXCLUDE THE PUBLIC

Recommended:

1. *'That the public be excluded from the following proceedings of this meeting. The general subject matter to be considered while the public is excluded, the reason of passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:*

General subject of each matter to be considered		Reasons for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
1.	Public Excluded Minutes	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

1.	protect information where the making available of the information (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	Section 7(2)(b)(ii)
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2. *That appropriate officers remain to provide advice to the Committee.*