



District Plan Committee meeting held on 11 May 2016 at 9am in the Council Chambers

Present: Mayor Coe, Councillors M Alexander, N Barnett, J Bland, S Broughton, D Hasson, P Hill, M Lyall, P McEvedy, G Miller, S Walters, and Terrianna Smith from Te Taumutu Runanga

In attendance: **Chairman** Environmental Services Manager (T Harris), Project Lead District Plan Review (C Wood), Planning Manager (J Burgess), Environmental Services Consultant (J Ashley), Asset Manager (M Washington), Chief Executive Officer (D Ward), Planners M Rachlin, A Paris, E Larsen, C Friedel and minute taker District Plan Administrator (R Sugrue).

Standing Items:

Apologies: Cr J Morten (Arrived as meeting ended at 10.40am)

Moved: Councillor Broughton / Seconded – Councillor Alexander

‘That the Council accepts the apologies for absence from John Morten’

CARRIED

Declaration of Interest:

Nil.

Deputations by appointment:

Nil.

Confirmation of Minutes:

Moved: Councillor Miller / Seconded – Councillor McEvedy

‘That the Council accepts the minutes as being true and correct’

CARRIED

Outstanding issues register:

No update.

Specific Reports

Overview of the Purpose and Requirements of the s32 of the RMA:

Presented by Ms Justine Ashley

Ms Ashley spoke to the Committee on the requirements of a Section 32 (s32).

Ms Ashley explained to the Committee a s32 is required for all new district plans to be examined for their appropriateness in achieving the purpose of the RMA, and the policies and methods of the plan are to be examined for their efficiency, effectiveness and risk.

Councillor Barnett joined the meeting at 9.08am, with Councillor Lyall arriving at 9.09am.

The s32 tells the story of what is being proposed and the reasoning behind it, so it is integral to ensuring transparent, robust decision-making on RMA plans and policy statements.

Cr Miller asked if s32 is an audit process, or if it runs alongside the review. Ms Ashley explained that in the past a s32 was done at the end of the review process, but this time we are going to get the s32 template and process done from the start and get the requirements as we go, as a s32 must be available at the time that the plan is notified so people can understand why policy or rule are in the plan, and the justification behind this.

Mayor Coe asked hasn't the s32 been around for a long time, has anything changed, and there must be templates out there we could use. Ms Ashley explained that s32 have been used but never been put into a sound document which could stand up to intense scrutiny. Mayor Coe asked if s32 is more of an issues and options documents. Ms Ashley explained that essentially it is, as it's showing you've been through that process to get a robust plan that we can defend as we go through a submissions hearing process which won't fall apart at hearings stage.

Chairman Tim Harris commented that the new changes to s32 mean that there are a lot more steps we have to go through, that our thinking and conclusions need to be sound and justified.

Mr Ashley told that Committee that here are a lot of District Plan reviews happening at the moment and we have looked at their s32's for a template but haven't seen one that ticks all the boxes, some appear to be limited by budget, timeframes, or are just covering the minimum. The importance of having this right is that the s32 evaluations need to 'tell the story' of what is being proposed and the reasoning behind it. Plans that are developed using sound evidence and rigorous policy analysis lead to more robust, enduring provisions and can mean issues are resolved early in the plan making, thereby reducing opposition during hearings or at appeal. The effects of new policies and rules on the community, the economy (includes employment and costs involved) and the environment needs to be clearly identified and assessed and can demonstrate that they have been well tested against the purpose of the RMA and planning again exceeds planning burden. We need to be able to show that these matters have been considered and seek expert advice if needed.

Councillor Bland joined the meeting at 9.34am

The s32 needs to be documented so the Community and decision makers understand the reasoning behind policy approaches and methods used. The report must be publicly available at the same time as the proposed district plan is notified.

Ms Ashley told the Committee that Gina Sweetman, an experienced planner based in Wellington, has been engaged by Selwyn District Council and Porirua District Council to prepare a s32 methodology and template. A draft has been prepared, and will be finalised before we start Stage 2. Ms Sweetman runs courses on s32 so is very knowledgeable and experienced. The s32 valuation should be fully integrated into decision making throughout the planning process, and not seen as merely a reporting documents.

Councillor Miller mentioned that the 1st slide talked about the s32 and appropriateness of the District Plan, and it appeared more like an audit process rather than integrated process – are we putting too much into this, and it is more of an audit process? Ms Ashley responded that it was important to be fully integrated as you are then constantly assessing decisions as you go. During Stage 2 the team will be coming to the Committee to seek input and direction, the s32 will be documented on that basis as we go forward so it is telling the story of how we got to that point when it goes publicly notified. Auckland City Council was audited after their review, and showed a lack of integration into the topics. If we fully integrate the s32, we can check as we go and make sound decisions.

Ms Ashley told the Committee that with the outline of the process, a lot of detail is gone through to get to the end point, a lot of criteria and assessment tools are used and that it will be beneficial to get Ms Sweetman to do a workshop so everyone understands this process. Ms Ashley reiterated that it is important to start s32 at the beginning of the DPR process, as the decisions made need to be supported by robust evaluation, that the public can be ‘taken on the journey’ and accountability and transparency is ensured throughout the decision making process. Ms Ashley told the Committee that it was important to remember s32 evaluations are part of the wider RMA framework which set the purpose, principles, roles, responsibilities and scope for plan-making. The RPS gives clear direction but there may be alternatives which give effect to the RPS which could be considered. There are some good outcomes coming out of Christchurch City Council, but their whole strategic direction chapter had to be rewritten and we don’t want to go down this track.

Councillor Alexander questioned if we are looking at our old plan and seeing what outcomes weren’t as we wanted/anticipated? Ms Ashley explained that we are looking at the District plan outcomes as part of swot analysis, and this will form part of the outcome of the s32 evaluations.

Councillor Broughton said with a s32 and the Community being taken on journey, we want to be open to feedback and listening to the Community right from the start of this process. Project Lead Cameron Wood replied that we are going to make the SWOT analysis online in the next few months which will give the Community the opportunity to agree or give feedback, developers and councillors can add into this and give feedback also. This will tie in with website launch, and there will be the ability for the Community to have their say constantly throughout the review process.

Councillor Broughton agreed it was good to have the information online, but also thought drop in sessions could be very helpful so people feel that they have been heard and feel engaged in this process. The Project Lead responded he that had been thinking about this but in the past the Community has not used those opportunities very much. He is currently working with the Communications Team as to how best to structure the events to engage the Community.

Chairman Harris asked if in the coming months, the consultation plan will be released in detail, to which the Project Lead said this went to a DPC meeting a few meetings ago, he will give updates on the process as we go through and communications and the agendas evolve.

Moved – Councillor Broughton / Seconded – Councillor Mark Alexander

“That the Committee notes this report and presentation.”

CARRIED

SWOT Update (Water, Residential Density – Township, Monitoring)

Mr Craig Friedel presented a slideshow to the Committee on three SWOT analysis chapter updates.

Mr Friedel spoke to the Committee about the SWOT analysis to date, for Water, Residential Density (Township) and Monitoring, and that the material being presented is a summary of over forty-one A3 sheets of paper. Members of the Committee are welcome to meet individually if they have a particular interest in any topic. The purpose of the SWOT analysis is to establish a baseline of information to inform the next phase of the DPR. It includes a critical review of the SDP and how its being administration, analysis of contemporary planning instruments and strategies, and incorporates initial stakeholder feedback.

Councillor Alexander asked for clarification as to who the stakeholders are we refer to, and that it may be helpful to have a list of them for reference. Mr Friedel responded that staff have engaged with a range of stakeholders across the 16 SWOT topics that we may refer to, but examples are DOC, NZTA, ECAN, MfE and Runanga.

Mr Friedel spoke to the Committee on the SWOT analysis chapter of Residential Density – Township.

The SDP needs to give effect to higher order documents such as the Resource Management Act (RMA) and Regional Policy Statement (RPS).

Strengths

- The SDP has been informed by other strategic planning documents so it has a strong foundation
- The SDP density provisions are generally consistent with the RMA and give effect to LURP/CRPS
- LZ, L3 and L1B frameworks represent best practice examples for managing mixed density developments – Although outcomes analysis is required to occur in Phase 2 of the DPR

Weaknesses

- Disconnect between objectives, where outcomes are not mutually exclusive and have unrealistic expectations e.g. B4.1.1
- Lack of approaches to enable infill and intensification of existing neighborhoods
- Poor distinction between residential and business densities, including the management of mixed use development - How we manage business development in town centres e.g. West Melton and Key Activity Centre frameworks are examples of how this matter has been addressed for three of the district's town centres
- Poor connection between the residential density rules and subdivision assessment matters

Opportunities

- To consolidate the two volumes of the SDP to avoid duplication and manage densities in a more integrated way
- Standardise the various minimum average lot sizes (Table C12.1) and the methods for managing densities (ODPs)
- Advancing the Ellesmere and Malvern Area Plan Implementation Steps – e.g. Darfield septic tanks as a hindrance to enabling a greater range of housing and business options

Threats

- Standardising densities may reduce character of neighborhoods and townships. Issues and Options papers will need to inform any positions reached on optimal densities for respective townships.
- Provisions may be amended as the 2nd Generation Plan progresses, with there being a risk that private plan changes or submissions could create a disconnect with policies and establish inconsistent methods – Need to be conscious of this, but unable to resolve directly as it is a function of the RMA
- Limited opportunity to amend the minimum densities prescribed in Chapter 6 of CRPS

A discussion was had by the Committee on this topic, including how Special Housing Areas are covered. Mr Friedel explained that these sit outside the District Plan scope and are administered under separate legislation. The Project Lead then spoke that the Special housing accord and areas has only just happened, if we find issues with Special Housing Areas then we will look into it further

Councillor Alexander commented on section and house sizes, that with Farringdon being medium density, we thought we were getting smaller houses on smaller sections but ended up with same size houses on smaller sections. Are the planning rules and outcomes looking at this with the DPR? Mr Friedel responded that this should be looked at by the Medium Density Housing Forum as a component of implementing Selwyn 2031 and that it should form part of the Issues and Options in Stage 2 of the DPR.

Councillor Lyall commented that communities wanted to have larger sections in the old plan, as this is part of the reason people want to move into the District, so they can have a larger section for a fraction of the price they would pay in town. Mr Friedel responded that this had been identified in the SWOT analysis, and we would be looking at those types of issues.

Councillor McEvedy commented about section sizes and how in some new subdivisions the rooflines are almost touching, do we have rules around rooflines in subdivisions. Mr Friedel said that we have building setback and height to boundary controls that cover a lot of these types of issues. Planning Manager Mr Jesse Burgess said that we are also working through this with the Housing Accords, looking at setbacks from the road and road alignment. This will be fed through the DPR process, which should also address Councillor Alexander's point regarding large houses on small lots.

Councillor McEvedy asked if we should be looking at sewage for Darfield now, and how we manage expansion in Darfield. The Project Lead responded that this was something that we need to work closely with ECAN in regards to seeing if they would grant consent for this.

Councillor Miller commented that the desirability of Lincoln and Prebbleton will only increase with the new motorway access to the city. We have to accept people want to live in these areas. How are we going to manage this growth? Mr Friedel responded that we need to look further ahead as we have almost reached capacity in these townships and that strategic planning is required to identify whether further 'greenfield' land is viable or whether these townships reached their growth limits. These questions will be looked into as we go through the DPR process. The Planning Manager commented that the UDS Refresh in two/three years' time, looks at growth management and whether urban limits and are the right way to manage this issue. Councillor Miller responded that this needs to be addressed in a systematic way or we will end up with ad-hoc developments.

Councillor Lyall mentioned that the UDS puts limits around townships, with Prebbleton almost at capacity, we need to think about if we keep Lincoln and Prebbleton as separate townships or if we combine them.

Councillor Walters noted that with submissions for a private plan change, it underlines the importance of having a solid s32 report so we can refer back to it at any time as issues arise.

Mayor Coe asked if the subdivision section size of 10 per ha comes from the RPS. Mr Friedel responded that RPS only applied to UDS townships, and we can apply s2031 and the outcomes expressed in the Area Plans for the townships in the balance of the district. The Project Lead also commented that if we find issues with the RPS through this process, we can talk to ECAN about what is and what isn't working and what might need to change. This is where having a strong relationship with ECAN will be vital.

Mr Friedel spoke to the Committee on the SWOT analysis chapter of 5Waters.

We need to give effect to the higher order documents such as the Resource Management Act (RMA), NZ Coastal Policy Document (NZCPS), Selwyn District Plan (SDP), Land and Water regional plan and Regional Policy Statement (RPS).

Strengths

- SDC duties are clearly expressed in the objectives and policies.
- The SDP recognises the regional significance of water relatively well

Weaknesses

- There is a disconnect between the objectives and policies in Part B and how we integrate the rules, harder to manager with having two volumes of the plan.
- Lack of clarity between District and Regional Council functions in Part C
- SDP fails to have effect to the NZCPS and CRPS e.g. Salmon, Trout
- Unrealistic expectations in the policy framework e.g. encouraging township growth while enhancing ground and surface water quality
- Water is not managed in an integrated way throughout the SDP

Councillor McEvedy mentioned that perhaps we need to maintain rather than enhance water quality. Te Taumutu Runanga representative Ms Smith said that water should be a guiding force, we need to encourage growth but we also need to learn to live within the current environment.

Councillor Alexander commented that water races are being used as amenity features throughout new subdivisions and it doesn't work and that we need to manage this through the DPR process. Asset manager Mr Washington responded that the Water Race Committee is aware of this and a Water Demand Strategy Document is being developed, with the aim of making better use of the resource without detrimental effect to the water resource.

Chairman Harris reminded the Committee it is important to keep in mind that the DPR is not the only way to manage all these issues, we need to keep focused on what we are trying to achieve within the District Plan.

Opportunities

- Establish a more integrated approach with a clearer policy framework on how we manage Water (integral to a number of DPR topics)
- Standardise methods for managing water in the living, business and rural zones
- Advance the s2031 Actions and Area Plan Implementation steps relating to 5Waters
- Work collaboratively to give effect to the RMA, CRPS & NZCPS and to better recognise the outcomes expressed in Mahaanui IMP and the Land and Water Forum

Threats

- Enable growth while ensuring 5waters are sustainably managed
- Investigations to better recognise and manage the coastal environment are costly and contentious, with only a small geographical area of the district affected
- Standardising / consolidating provisions managing the 5Waters may risk undermining its significance

Ms Smith disagreed with the second point made on threats, that while it may be a small geographical area population wise, the coastal threat concerns most of the district and would have a major impact on towns like Lincoln and Leeston.

Councillor McEvedy mentioned that lake levels will rise as time goes by, so the communities around the lake will be affected possibly significantly. The Project Lead responded that from an economic point of view with flooding and inundation, we need to focus on land use as we don't have as many residential houses that will be affected so much as land.

Councillor Broughton commented that that reticulated sewer in Darfield needs to be identified through the DPR. There are no plans to reticulate Darfield currently but something will need to change. Councillor McEvedy asked about ECANs ability to issue discharge consents. Mr Friedel said that this has been signalled in the Area Plan as an issue that needs to be investigated, with the findings informing the DPR. The Project Lead reiterated that we need to work collaboratively with ECAN to get a clearer understanding of this issue and solutions can be built into the District Plan.

Councillor Bland asked what collaboration or steps have we got in place to work with ECAN etc before we put these rules in place, and are we happy with where we are going? The Project Lead responded we are wanting to build on the collaboration through this process, we have Anna Paris from ECAN, we are working with MKT, Waimakariri Council and have a lot of collaboration from a staff level also. We are lucky to have had other Councils previously go through this process and we can learn from their mistakes. We need to document through the s32 where we got to and how we got to that point, so we can justify our position in front of a Commissioner / Panel.

Mr Craig Friedel spoke to the Committee on the SWOT analysis chapter of Monitoring.

We need to give effect to the higher weighted documents such as Resource Management Act (RMA), Selwyn District Plan (SDP), and Regional Policy Statement (RPS).

Strengths

- Monitoring responsibilities and associated procedures are articulated in the SDP monitoring schedules
- RMA monitoring duties are integrated within the SDP, assisting in elevating its status
- Efficiencies are able to be gained through continuing with the UDS partnership

Weaknesses

- The SDP has detailed schedules which prescribe environmental outcomes, states how often monitoring is to occur and what is monitored, but we aren't currently doing any SDP efficiency or effectiveness monitoring. Outcomes contained within the SDP Monitoring Schedules are out of date and difficult to interpret, contributing to poor implementation.
- Limited SDP efficiency and effectiveness monitoring has been carried out, presenting a relatively significant risk to the DPR
- Fail to give effect to components of the CRPS, although ECAN is the lead agency. SDC does monitor housing data to record the uptake of 'greenfield' land, e.g.

Opportunities

- Remove duplication and inconsistencies
- Incorporate Mahaanui IMP outcomes

- Advance s2031 Actions, including establishing governance groups.
- More efficiency and effectiveness monitoring in terms of Phase 2 of the DPR process.

Threats

- RMA reforms may establish one plan template prescribing mandatory monitoring requirements – We do not have any direct control over if and when this may occur.
- If we don't have an integrated approach we may dilute the significance of monitoring in the policy cycle
- Phase 2 to assess the costs and risks of various approaches – non-statutory, statutory or hybrid approaches

Councillor Miller commented that we are good at setting rules, but not monitoring them. Feedback from community often questions why we don't monitor – We need to get this to work and collaborate with ECAN. The Project Lead acknowledged it is a particular weakness in the current plan. We do consent monitoring but not monitoring of the District Plan – This is a particular focus to get better systems in place.

Councillors Walters liked the comparison to s32 that we are considering and that we need to think how we will monitor the rules. The Project Lead responded that we need to look at the planning gain versus planning burden, and the reality that we need to be sufficient monitoring without too much cost or staff time.

Councillor Hill said it is known that population decline is occurring, but Selwyn is still growing and we are out of step with this growth. The plan needs to reflect further than 10 years, it also needs to look at the population decline. The Project Lead responded that demographics are important, we will need to look at this but we also need to be mindful the District Plan is a 10 year document, and it is a dynamic we will have to work through. Having good monitoring programmes in place we can identify quite early what we might need to change in the next 10 years' – Information will be provided on a regular basis and may show where we need to improve the District Plan.

Councillor Barnett said there seems to be a view growth will continue, which is what we are after, but we also underestimate what environmental damage we might create.

Councillor Hasson said we need to look at infrastructure, that once the motorway goes in Dunsandel etc will be more accessible and there will be pressure from businesses to relocate alongside motorways – How do we deal with these sorts of pressures? Chairman Harris responded that we need to look outside of our District how we manage growth and the UDS does this. We are going through the Urban Development Strategy at the moment will look at these issues. UDS meeting this Friday.

The Project Lead said there is a 30 year infrastructure plan and we need to work in with Asset Planning to achieve a comprehensive approach, we are trying to get integration with LTP about getting best community outcomes and how we are managing effects under RMA.

The Planning Manager said that this underlines the importance of Strategic Documents in the past. Conversation has already happened with the Community like area plans – this ties in with the UDS refresh as well.

Councillor Miller asked for confirmation if we are using s2031 and the area plans as a base, to which the answer was yes, as a lot of research has gone into this.

Moved – Councillor McEvedy / Seconded – Councillor Alexander

‘That the Committee notes this report and presentation.’

CARRIED

District Plan Committee Forward Meeting Schedule

The Project Lead spoke to the Committee about future meetings. Now that good progress is being made with the SWOT analysis, each chapter will be presented to the Committee and as there are no meetings between September and October, the aim is to have the Committee meetings going forward fortnightly, as per the provisional agendas supplied.

Moved: Councillor Barnett / Councillor Broughton

“That the Committee confirms the provisional agenda for the next DPC meetings”.

CARRIED

Meeting ended at 10.40AM