



**District Plan Committee meeting  
Held on Wednesday 12 June 2019 at 9.00am  
at Selwyn District Council,  
Rolleston**

**Present:** Mayor S Broughton (Chair), Councillors M Lemon, D Hasson, G Miller, C Watson, M Alexander, N Reid, B Mugford, P McEvedy, M Lyall, J Bland, Mr P Skelton (Environment Canterbury), Mr D Ward (CEO Selwyn District Council), M McKay (Te Taumutu Rūnanga) and T Harris (Chair).

**In attendance:** Messrs.' J Burgess (Planning Manager), B Rhodes (Strategy & Policy Team Leader), S Hill (Business Relationship Manager), R Love (Strategy and Policy Planner), B Baird (Strategy and Policy Planner), A Mactier (Strategy and Policy Planner), Mesdames' J Ashley (District Plan Review Project Lead), J Lewes (Strategy and Policy Planner), J Tuilaepa (Senior Strategy and Policy Planner), R Carruthers (Strategy and Policy Planner), V Barker (Consultant Planner) and T Van der Velde (District Plan Administrator).

**Standing Items:**

**1. Apologies**

Apologies received from Councillor J Morten, Ms T Wati (Te Ngāi Tūāhuriri Rūnanga) and Mr H Matunga (Te Taumutu Rūnanga) for absence and Councillor M Lyall for lateness.

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

*'That the apologies from Committee members Councillor J Morten, Ms T Wati and Mr H Matunga for absence and Councillor M Lyall for lateness be received for information.'*

**CARRIED**

**2. Declaration of Interest**

Nil.

**3. Deputations by Appointment**

Nil.

**4. Outstanding Issues Register**

Nil.

**5. Confirmation of Minutes**

Taken as read and accepted.

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

*'That the Committee accepts the minutes of the 17/04/2019 as being true and correct'.*

**CARRIED**

**6. Updated Preferred Options Report – Rolleston KAC Residential area**

Ms Tuilaepa spoke to her report. The updated preferred options report in the agenda has updated content from the report that came to the Committee in December 2018. The report also considers an additional option. The additional content touches on the engagement process, feedback received and legal advice received regarding the restrictive covenants which exists over the sites.

Ms Tuilaepa summarised the options as:

- Option 1: Status Quo
- Option 2: Rezone to Town Centre
- Option 3 Full Transitional Living Overlay
- Option 4: Relax home based business provisions

In the December 2018 report it was the DPR project team's recommendation to retain the status quo. After considering feedback provided from the consultation phase and legal advice received, this position remains unchanged. However at the District Plan Committee meeting in December 2018 the Committee opted to endorse Option 3 –applying the full transitional living overlay to the area and to consider that for further development and engagement.

The reason it has been brought back to the Committee is to seek clear direction in regards to continuing with the full transitional living overlay over Markham Way, Peel Close, Wilbur Close and Landor Common in light of the additional information requested and received (covenant and legal advice).



Clarification was sought over whether the Tennyson Street frontage was part of the subject area. Ms Tuilaepa clarified that the Tennyson Street frontage area and Gerald Street in Lincoln, will be rezoned to Town Centre as decided by the Committee in December. The recommendation in the report only relates to Rolleston, the Markham way enclave specifically.

Discussion was held over the process around challenging a covenant. Ms Tuilaepa responded that legal advice received from Adderley Head Environmental Law Specialist indicated that any landowner could challenge any activity that did not meet the covenants by raising this through the court process. This is not something that the Council would be party to.

Ms Tuilaepa added that there is also a process for a landowner to remove a covenant from their property however they would still need buy-in from others subject to the covenant.

A Committee member questioned if Council decide on Option 1, yet if the Town Centre Master Plan review advises that Council should go with a transitional overlay, how do Council go about this?

Ms Tuilaepa advised that a Plan Change can be applied for.

The same Committee member argued against the recommendation of Option 1. Commenting that over his 25+ year's involvement in this area Council are consistently under estimating the rate of growth in the District. This is the chance to get ahead and not leave it to a subsequent Council to apply via a Plan Change. The Committee member went on to add that it is very likely the transitional overlay will need to be enabled within 10 years not the next 15 years and would like to see Council being bold, a leader and supports Option 3.

There was discussion around the table with the majority in support of Option 3, with a Committee member commenting that Option 3 is the most logical decision for the Council and for progression of the Rolleston Town Centre.

A Committee member proposed a deferral of five years for the transitional overlay which will allow residents time to make future decisions.

Another Committee member touched on the concerns of residents in the affected area known to them and the effects it has had on their community. This Committee member also proposed a deferral and questioned why this has not been explored in the report.

The Chair responded that a deferral could provide its own issues and could be problematic without the presence of any physical restraint to development, which may come under a legal challenge that may be hard to justify. The Chair asked Mr Skelton to comment.

Mr Skelton agreed with the Chairman's statement advising that there needs to be strong justification for a deferral usually to do with infrastructure or something of the

same nature. A deferral gives an indication of where the development will take place, when the infrastructure is in place, which is his understanding.

The Chair commented that as part of the District Plan Review process in a way there will be a built in deferral as these types of provisions will not have effect until the plan is operative, which will not be for another two to three years.

An amended recommendation was then moved.

Councillor Reid **voted against** the amended Recommendation b.

**Moved (as amended) – Councillor Alexander / Seconded – Councillor Bland**

### **Recommendation**

*"That the Committee:*

*a) Notes the report.*

*b) ~~That the Preferred Option 1 for 'Rolleston KAC Residential area' is endorsed for further development, Section 32 and drafting phases."~~*

*b) That the Preferred Option 3 for 'Rolleston KAC Residential area' is endorsed for further development, Section 32 and drafting phases"*

**CARRIED**

*'The District Plan Review Committee Meeting finished at 9.19am, with the District Plan Committee Workshop commencing at 9.20am.'*

Confirmed 26 June 2019

The Chair

A handwritten signature in blue ink, consisting of a large, stylized 'C' followed by a smaller, more complex flourish, is written over a horizontal line.