



**District Plan Committee meeting  
Held on Wednesday 17 April 2019 at 9.00am  
at Selwyn District Council,  
Rolleston**

**Present:** Mayor S Broughton (Chair), Councillors M Lemon, D Hasson, N Reid, B Mugford, P McEvedy, M Lyall, J Bland, J Morten, Mr P Skelton (Environment Canterbury), Mr D Ward (CEO Selwyn District Council) and Mr H Matunga (Te Taumutu Rūnanga).

**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), 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) and T Van der Velde (District Plan Administrator).

**Standing Items:**

The alternate Chair of the District Plan Committee was appointed as Mayor S Broughton who will stand in as Chair today in Mr T Harris' absence.

**Moved** – Councillor Lyall / **Seconded** – Councillor J Morten

*'That Mayor S Broughton be appointed as the Chair for the District Plan Committee meeting 17/4/2019 in T Harris' absence'*

**CARRIED**

**1. Apologies**

Councillors M Alexander and G Miller, Ms T Wati (Te Ngāi Tūāhuriri Rūnanga) and Mr T Harris (District Plan Review Committee Chair) for absence. Councillors N Reid, C Watson and D Hasson for lateness.

**Moved** – Councillor Lyall / **Seconded** – Councillor J Morten

*'That the apologies from Committee members Councillors M Alexander and G Miller, Ms T Wati and Mr T Harris for absence and Councillors N Reid, C Watson and D*

*Hasson for lateness be received for information.'*

**CARRIED**

**2. Declaration of Interest**

Nil.

**3. Deputations by Appointment**

Nil.

**4. Outstanding Issues Register**

<b>Subject</b>	<b>Comments</b>	<b>Report Date</b>	<b>Item Resolved or Outstanding</b>
Energy & Infrastructure – Orion Protection Corridors	<ul style="list-style-type: none"><li>• Clarification on Orion's responsibilities in regards to maintaining vegetation under the lines in the protection corridors.</li><li>• Clarification if Orion has considered the financial implications of potentially having to purchase land for a protection corridor when constructing new electricity distribution lines.</li></ul>	27 March 2019	Resolved (email) 17 April 2019

**5. Confirmation of Minutes**

Taken as read and accepted.

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

*'That the Committee accepts the minutes of the 27/03/2019 as being true and correct'.*

**CARRIED**

The Committee discussed permitting notes surrounding the Markham Way discussion at the 10 April 2019 District Plan Committee Workshop to be made available to the Public.

*‘That the Committee agrees that the ‘Markham Way discussion notes’ from the 10/4/2019 District Plan Committee Workshop be available to the public and published in the 17/04/2019 District Plan Committee meeting minutes’*

**Moved** – Councillor Lyall / **Seconded** – Councillor Lemon

**CARRIED**

### **Markham Way Post-Consultation Update Notes from the 10 April 2019 District Plan Committee Workshop:**

- A meeting was held on 4 April 2019 at Council Headquarters with residents and property owners of Markham Way, Peel Close, Wilbur Close and Landor Common.
- The meeting provided an opportunity for Councillors and Council staff to update affected residents and property owners on the new Rolleston Town Centre and library development, including changes to roading in the vicinity of Markham Way. An update on the District Plan Review proposals for rule changes in that area was also provided.
- Meeting attendees had the opportunity for questions and further feedback on these matters. Some meeting attendees opposed the proposed transitional overlay (loosening up rules adjacent to town centre). There were a number of heated discussions during that meeting. It was acknowledged that although a petition was signed, there is likely to be a variance of views. A Committee member commented that there are some resident/property owners that welcomed the opportunity that an overlay would provide.
- Conditions requested from residents/property owners include:
  1. Clear that the roading environment needs to be a 30km area
  2. Protection of parking for residents and visitors
  3. Access needs to be open to town centre, reserve and shops
- The Committee discussed the deferral of the proposed overlay as an option (5-7 year delay), as immediate changes are not envisaged. A formal submission process would be part of that process. Case law dictates that having a deferral in place with an unspecified timeframe or no identified way of lifting it will likely have legal ramifications. The recently released NPS, opened up the ability for special overlays to identify growth areas which could apply to this (future urban zones etc). A concern is how to show this for residential areas.

- It was noted that in terms of Council's own evidential base for commercial floor area in terms of need, the demand is not there. There is no economic analysis to support expansion of the town centre unless this was for aesthetic, amenity and urban form purposes.
- A resident mentioned there is allegedly a covenant that precludes anything but a residential house on the sections in that area. Council staff noted this for further investigation, and a report will be prepared to be present to the Committee in June.

**Markham Way notes end.**

## **6. Preferred Option Report and Communications and Engagement Summary Plan for Noise and Vibration – NZDF West Melton Rifle Range**

Ms Barker spoke to her report. The New Zealand Defence Force (NZDF) contacted Council seeking changes to the District Plan looking for greater protection for the West Melton Rifle Range, particularly from reverse sensitivity. The West Melton Rifle Range is designated under the District Plan.

In 2018 the NZDF put forward four options for protection, Council went back to them asking for further explanation of and justification for the options. The two key options include requiring noise insulation for new noise sensitive development within a proposed noise control boundary (Option 3), or requiring a no-complaints covenant is registered on the property title at the time of subdivision or when new noise sensitive development is proposed within the proposed noise control boundary (Option 4). The proposed noise control boundary is based on noise modelling by NZDF's acoustic consultants.

In 2019 NZDF provided draft provisions to the Council based on the no-complaints covenants approach.

Legal advice was sought by Council and Council was advised that it is a legal approach, is readily enforceable if drafted well, and that there should be a covenant template in the Plan.

Ms Barker noted that the West Melton Rifle Range is strategic infrastructure under the Canterbury Regional Policy Statement (CRPS) and that Option 4 would give effect to the CRPS. Ms Barker also noted that Option 4 is a unique approach for Selwyn but that the approach is used in other district plans including the Christchurch District Plan in relation to Lyttelton Port and the Auckland Unitary Plan in relation to stadia, the Port and Airports.

Ms Barker also outlined the other approaches being proposed by the Inland Port, Christchurch International Airport, the New Zealand Transport Agency and Kiwirail, and the Dairy Processing Management Areas. There is a precedence risk with Option 4, but any proposal to use no-complaints covenants would be assessed on its merits.

A NZDF prepared map showing the remaining development potential around the West Melton Rifle Range and the proposed noise control boundary was shown to the Committee.

Ms Barker advised there have been few complaints in relation to the Range to date, but this could change in the future.

Options 3 and 4 are finely balanced, but overall the recommended option to the Committee is Option 4 the no-complaints covenant approach.

Discussion was held over existing residents and Ms Barker clarified that the provisions would apply to new developments and subdivisions only.

A Committee member asked whether other noisy activities such as motor racing could also seek a no-complaints covenant approach? Ms Barker responded that West Melton Rifle Range is recognised as strategic infrastructure and therefore such an approach is justified, however this approach is not so easily argued for activities that are not strategic infrastructure.

Mr P Skelton also confirmed his view that no-complaints covenants are a legal mechanism that can be used in a district plan context.

**Moved** – Councillor Mugford / **Seconded** – Councillor Morten

### **Recommendation**

*‘That the Committee:*

- a) Notes the report.*
- b) Endorses the Preferred Option for Noise and Vibration – NZDF West Melton Rifle Range’ for further development and engagement, including Section 32 and plan drafting.*
- c) Notes the communications and engagement summary plan.’*

**CARRIED**

*‘The District Plan Review Committee Meeting finished at 9.19am, with the District Plan Committee Workshop commencing at 9.30am.’*