



**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 Lyall

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 driving

Mr Tapper (Consultant Planner) provided a summary of his report which briefs the Committee on the findings of the Stock Driving 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 Driving 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 driving 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