



**District Plan Committee
meeting
held on Wednesday 16 May 2018 at 9.00am at
Selwyn District Council,
Rolleston**

Present: Mayor S Broughton, Councillors M Alexander, P McEvedy, D Hasson, G Miller, M Lyall, B Mugford, J Bland, N Reid, C Watson, J Morten, M Lemon, D Ward (CEO SDC), Hirini Matunga (Te Taumutu Rūnanga), & P Skelton (Environment Canterbury).

In attendance: Chair T Harris (Environmental Services Manager), J Burgess (Planning Manager), J Ashley (District Plan Review Project Lead), R Love (Strategy and Policy Planner), B Rhodes (Strategy and Policy Team Leader), V Barker (Planning Consultant), K Johnston (Communications Consultant), S Styles & J Bentley (Planning Consultants from Boffa Miskell), A Callaghan (Planning Consultant from GHD), J Clease (Planning Consultant from Planz Consultants), note taker T Van Der Velde (District Plan Administrator) & K Hunt (PA to Manager Environmental Services).

Standing Items:

1. Apologies

T Wati (Te Ngāi Tūāhuriri Rūnanga)

Apologies for lateness:
Cr M Lemon

Moved – Councillor Alexander / Seconded – The Mayor

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

CARRIED

2. Declaration of Interest

Nil.

3. Deputations by Appointment

4. Confirmation of Minutes

Taken as read and accepted.

Moved – Councillor Watson / Seconded – Councillor Mugford

‘That the Committee accepts the minutes of the 18 April 2018 as being true and correct’.

CARRIED

5. Outstanding Issues Register

Nil.

6a. Preferred Option Report – Rural Character and Amenity – ‘Business Activities in Rural Zones’

Ms Styles spoke to her presentation, commenting that this scope of work was separated into two pieces of work – ‘Business Activities’ in the rural area and ‘Rural Density’.

Consultants looked at the key issues for Business Activities in rural zones which were: Does the current District Plan give effect to the expectations of the Regional Policy Statement (RPS) for prioritising rural production and restricting non-rural activity in rural environment? What type of activities are appropriate or not in the rural environment? What scale and effects from non-rural activities are appropriate / need to be managed and why.

‘Cr Miller in 9.02am’

‘Cr Morten in 9.03am’

The current District Plan approach for the rural area talks about matters such as a pleasant place, the variety of activities, maintaining rural character and avoiding reverse sensitivity effects. It includes policies that imply a range of activities that are fairly loosely worded. It also talks about amenity values, low levels of building density, managing effects and managing small scale industrial activity.

The current rules enable very small businesses: ones that are less than 100m² and that have no more than two full time equivalent employees in the Inner and Outer Plains. There is a term called rural based industrial activity which is a discretionary activity in the Outer Plains area. All other business activities such as retail, commercial and industrial are non-complying activities in the rest of the rural environment.

Under the RPS the rural environment is split between the Greater Christchurch area and the rest of the rural area therefore there are two sets of provisions.

Ms Styles explained how they looked at options in the baseline report, including the status quo which would not give good effect to the RPS outcomes. The reason why is that there is insufficient strength in the policy framework to resist general businesses in the rural environment and that give primacy to primary production.

In summary, the consultants recommend refining the District Plan and making it more directive to focus on enabling primary production and protection of primary production from adverse effects.

Councillor Alexander commented the problem Council has is defining what is a business associated with rural production as it seems that Selwyn has businesses that push that boundary and that is where Council can get into conflict. How do Council tighten that definition without leaving loop holes?

‘Cr Lyall in 9.10am’

Ms Styles agreed with Cr Alexander's comments and responded that is what we are suggesting; that Council needs to tighten definitions and make sure there are alternative locations available in the industrial or business zones in the right locations across the district so Council can protect the rural areas. Ms Styles also suggested refining definitions around what is rural business as currently it is around industrial business. Therefore there will be a more tailored approach for dealing with specific activities.

Councillor Reid questioned how does Fonterra and Synlait fit in? Are there special dairy zones for them? For any other business starting up there would be quite a high test for example they would not fit into the restricted discretionary scale threshold and the next level would be non-complying.

Ms Styles responded that special zones were established for Fonterra and Synlait through the plan change process.

The plan change process is a more comprehensive way of dealing with the scale and effects of larger facilities. Ms Styles commented that they have recommended large scale businesses unrelated to the rural area be dealt with strongly.

Cr Reid asked for clarification as to why there is no discretionary activity?

Ms Styles responded that it is recommended for anything that is smaller scale there is a relatively narrow set of things to consider in terms of the effects of the activity.

These can tidily be dealt with through restrictive discretionary status.

Discretionary status leaves a bit of the unknown as there are other things that you might be considering. The smaller things fit naturally in restricted discretionary. For bigger scale activities you are in a position where there could be significant adverse effects on the rural environment and the RPS direction for that is to take it to a non-complying status to show people that the Council is genuinely trying to protect the area for rural primary production.

Cr Reid commented you never know what would come in to the future and Cr Reid would have liked to see middle ground.

Councillor McEvedy commented that trying to define rural activity is near impossible as rural activity is constantly changing. If Council make things too restrictive Council could penalise legitimate rural activities that will develop in the future around growth for example. Cr McEvedy wants to make sure Council are not too restrictive and wants more enforcements not restrictions.

Councillor Lyall commented that it is very hard to enable rural businesses to operate in the rural area and yet still restrict those who do not want to buy a piece of industrial land. Cr Lyall suggested perhaps something within close proximity to the boundaries of the City.

The Chair responded that the Project Team could explore a category for discretionary activities as a refinement of Option 2, which may apply in close proximity to Christchurch boundary or it could be around a rural based type of industry.

Mr Matunga commented what is the nature of the link between these types of policies

and the Papakainga / Kainga Nohoanga area provisions which are currently in preparation? Mr Matunga would have real concerns if the kinds of activities that are envisaged for Papakainga/ Kainga Nohoanga zones are unfairly prejudice by this kind of approach. What is going to be the nature of the link of policies in other areas particularly Papakainga and this?

Ms Ashley responded that until Council receive the report from Mahaanui Kurataiao Ltd on the Kainga Nohoanga zone Council cannot comment what is proposed, but Ms Ashley envisaged that it will include a range of activities within that area, therefore the general provisions would not apply. It is part of the integration process.

The Mayor commented the extra work that the Chair discussed is very important. The Mayor would like to see the link, the drive and the experience in the rural area maintained so Selwyn do not continue to have towns spread into rural areas. The Mayor questioned the sizing of land on page 40 of the report which talks about provisions for small scale activities up to 200m² and an approach between 200m² & 500m². The Mayor questioned whether that is the built size or does this include parking, the yard and inclusion of everything?

Ms Styles responded the report talks about total area which includes the building and/or yards. The numbers are areas of activities and the numbers in report are a starting point for conversation.

Councillor Miller questioned how tourism activity would fit in, as most of them start small scale but can grow extensively.

Ms Styles commented Tourism as a business is treated differently—it is hard to define what is tourist based and what is small scale.

Councillor McEvedy commented Council should make sure rural settlements have enough zoned land - providing ample quantities so people are not forced to look elsewhere.

Councillor Hasson commented that when the Southern Motorway goes up there will be pressure of owner's land banking land alongside the Southern Motorway and asked if the impact was looked at and an allowance made for special zoning along the Southern Motorway?

Ms Style responded the report only looked at the rural zone aspect of this not business zone, which will be subject to a separate piece of work. Mr Burgess clarified Council will look into the capacity of business-zoned land through the National Policy Statement for Urban Development Capacity.

Mr Ward commented that Council know that continued growth in our area is inevitable and commented are Council going too far to constrain the type of businesses that we are allowing in? Adventure Tourism is growing and typically operated off a small base. It is unclear whether this type of activity would be defined as being related to rural activities or is it based in a rural area, being two separate aspects.

Moved – Councillor Lyall / Seconded – Councillor Alexander

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option (Option 2) for Rural Character and Amenity (Business), subject to the provision of a supplementary report addressing the option of a discretionary activity status for businesses located in close proximity to urban areas and/or for rural-based business activities exceeding 500m², for further development and engagement.”

CARRIED

6b. Preferred Option Report – Rural Character and Amenity – ‘Rural Density’

Ms Styles spoke to her presentation and advised that similar to the ‘Rural Business’ report, the ‘Rural Density’ report considered the following issues:

Does the District Plan give effect to the RPS and how do Council give effect to the RPS? What is the character of the rural area that is to be maintained? What density is appropriate in each rural area to provide for primary production and protect rural character and amenity? Issues surrounding the use of the ‘grandfather clause’, which allows for development not permitted by a plan where that development had previously been permitted. Additionally, there is a question of the appropriateness of the use of open space, balance lot, and clustering approaches.

Ms Styles explained the objectives, policies and rules of the current District Plan approach.

RPS within the Greater Christchurch area is clear that rural activity includes residential activity on sites of four hectares or greater. Within the wider rural area there is clear direction that the areas must avoid development, fragmentation or intensification that: forecloses the ability to make appropriate use of that land for primary production, results in reverse sensitivity effects that limit or preclude primary production and contributes to significant cumulative adverse effects on water quality and quantity.

Ms Styles advised a whole range of options were looked at for the report, essentially the status quo was looked at with or without the grandfather clause, balance lot, and clustering exceptions. Neither of which give good strong effect to the RPS but have varying different effects.

In addition the consultants looked at changing the density based on the existing zone boundaries or having a reduced density and amending zone boundaries and also looked specifically at the existing variation around grandfather clauses, balance lot and clustering. Ms Styles explained it got very complex and there was also input from a landscape architect and an economist. In summary what was looked at is what that effect would have on different areas.

Ms Styles discussed an example in the Port Hills that was explored and discussed the preferred option which is a mix of approaches for different zones.

Mr Bentley provided a summary and stated that specifically in places like the Port Hills it is aligning the zoning with the values that underpin the existing environment.

Councillor Alexander commented that Council need to emphasise that the RPS places a restriction on land use, rather than the SDC, and this aspect needs to be made clear when engaging with the public.

Mr Matunga asked if he is right in assuming if a Kainga Nohoanga zone is determined that that zone will determine density requirements?

Ms Ashley and the Chair responded yes and if it is not a zone it is likely to be some

sort of overlay with its own set of provisions.

Councillor Hasson commented about Gammack Estate in Springston, which is governed by an act of parliament that cannot be subdivided and asked for areas like this to be noted.

The Chair reiterated to the committee that the maps provided in the presentation are an observation based on landscape values, the report is not recommending these areas be rezoned. This would be subject to a separate piece of work and separate report. This is a starting point for engagement.

The Mayor commented that historically Selwyn is a rural district that produces a lot of primary produce that is based from our soil and the types of activities that can make best use of this soil. The Mayor added just because some land use change has occurred he does not necessarily want to see Council legitimising the change which then lowers the bar and allows people to challenge the overall community outcomes. The Mayor added if you look at it from a National level the Canterbury economy relies on the productive nature of Selwyn's land and soil.

Mr Bentley clarified the blue line (which is a possible boundary between lower and upper Outer Plains) on his presentation slide.

The Chair commented further work is going to be done on these provisions and clarified that this is a concept report.

Moved – Councillor McEvedy / Seconded – Councillor Watson

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Rural Character and Amenity – ‘Rural Density’ for further development and engagement.”

CARRIED

6c. Communications and Engagement Summary Plan – Rural Character and Amenity

No discussion was held, summary plan taken as read.

Moved – Councillor Watson / Seconded – Councillor Hasson

“That the Committee notes the summary plan.”

CARRIED

‘Refreshment break taken at 10.20am’

‘Meeting Reconvened at 10.34am’

‘Cr Lemon in 10.34am’

7a. Preferred Option Report – Rural Quarrying

Ms A Callaghan from GHD Ltd and Mr R Love spoke to this report.

GHD was engaged to look at rural quarrying throughout the district. Looking at how quarries are currently provided for within the district and any issues identified with the current District Plan.

A number of issues were identified with the current planning framework and how it deals with quarrying. The primary one being issues with the definitions for quarrying, the current definition is very limited and does not provide for the types of activity that now form part of a quarry, resulting in a number of problems for the Council.

The Regional Policy Statement (RPS) provides some reasonably clear direction with what it anticipates within the rural zone and within the Greater Christchurch area. Rural activities include quarrying and associated activities, therefore the Regional Council (Ecan) sees quarrying as part of rural environment and something that needs to be provided for, subject to environmental effects and effects on people living in that environment being appropriately mitigated. RPS flows into other plans, with most quarrying activities needing a suite of consents.

GHD looked at approach to quarrying within neighbouring districts, Hurunui, Waimakariri, Ashburton and Christchurch noting that there appears to be a reasonably consistent approach.

Options moving forward include retaining status quo, noting that there are issues with this option as there is no degree of certainty. Option two was to create a quarry zone, however this has its own issues with neighbouring rural residents and perceptions around loss of land values. Option three has been split into two, with option 3a being to provide for quarrying as a discretionary activity and option 3b is same option but includes a potential setback provision. Ms Callaghan spoke to a key set of assessment criteria, which will provide for some certainty for rural residents. Staff see there are benefits to both these options, and therefore their overall recommendation is that Options 3a and 3b be investigated further.

In response to a question around banning or holding a moratorium on quarrying, it was commented that Council needs to give effect to RPS which clearly identifies quarries as being a rural activity that needs to be provided for, therefore there is a legal barrier. In terms of having a moratorium Council would need to do plan change to allow that but the RPS would be an impediment to getting that Plan Change through the process. Councillor Skelton commented that there is no ability by a local authority to impose a moratorium.

Discussion was held on option 3b, and sensitive activities and their definition, and the potential use of having a 500 metre setback such as Hurunui District Council has in their plan. The actual distance of a setback had not been considered as part of this report, but this would need to be looked at in more detail around impact on sites we already have and whether it will achieve what it is meant to. High level analysis

would need to be done. The Project Team will look at setback options, and an option to have setbacks to the property boundary.

Cr Skelton spoke to aggregates and gravels from river beds that should be regarded as a secondary source, as its primary purpose is in regards to flood protection and not quarrying action, so would not like that be seen as an option. Quarry zones would be a good option as it gives everyone notice that this activity will take place for the future and avoids poor planning. Would be useful to look at further. If the Committee does not wish to pursue, then is interested in the high quality gravels overlay as this gives an indication as to where quarrying is likely to occur. Noted his support for setback provisions.

Concern was noted by the Committee around what is the Council's responsibility and when it stops and becomes a responsibility for ECan. There is the need to ensure that Council and ECan's separate conditions align, requires cooperation, discussed potential of transferring some functions such as dust.

Discussion was held on transportation being a key effect that has to be dealt with by any quarry.

In response to a question by a Committee member as to why having a quarrying zone was not the recommended option, staff spoke to Christchurch City Council's Plan Review process, noting costs and distance. Once land has been zoned for quarrying then operators pay a premium for this zoned land which would make this activity unviable. Through the Christchurch City Councils Plan Review process they received strong opposition to this option, as the community was concerned about the effects on their land value. Noted there is also difficulty around where to locate quarry zones as need high quality gravels. Discussion followed on whether land values would increase or decrease in a quarry zone, and whether this would allow Council to future plan rather than be led by developers. Staff were asked to provide more information in relation to the option of having a quarrying zone.

Mr Matunga raised concern regarding the potential impact on critical Maori cultural sites and proximity and potential impact on Kainga Nohoanga. Mr Matunga advised Council do need to have policy or provision for potential impact around critical cultural Maori sites and Kainga Nohoanga. Ms Callaghan responded that it is definitely anticipated as part of the suite of rules.

Discussion followed on cumulative effects of having a quarry zone and there was a request to staff for further investigation.

The Chair commented that staff will do further work on quarry zones and why they were discounted, with a further report being brought to the Committee.

A vote was called for whether the Committee request that staff carry out further investigation into quarry zones with four committee members in favour of further work, with eight voting on recommended option as put forward in this report.

The Chair noted on page 89 of the report point 2 - setbacks are listed but no quantum of setback is suggested as we are only going out for consultation and engagement at this stage.

Councillor Watson asked for point 2 on page 89 of the report to be reworded to 'Include setback provisions' rather than 'investigate the potential to include set back provisions'. This was noted.

Moved – Councillor Watson / Seconded – Councillor Hasson

Recommendation amended to:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Quarrying for further development and engagement and to include the amendment of a more directive statement in relation to setbacks”

CARRIED

7b. Communications and Engagement Summary Plan – Rural Quarrying

No discussion was held, summary plan taken as read.

Moved – Councillor Alexander / Seconded – The Mayor

“That the Committee notes the summary plan.”

CARRIED

8a. Preferred Option Report – Signage

Mr Jonathan Clease from Planz Consultants spoke to his report.

It was noted that some councils use signage Bylaws in relation to Council owned land, and will look at whether a Bylaw would be a more appropriate tool in some situations for Council owned land (not private land), i.e. sandwich boards. Can be looked at through the next phase of the review (drafting and s32). Discussion was held on the faster pace of undertaking enforcement through a Bylaw compared to taking action via the Resource Management Act. Noted it is necessary to have a set of clear unambiguous rules.

Discussion followed on signage in reserves such as sponsorship of some sporting activity and whether these are covered under rules. Mr Clease noted that most Council reserves are designated, but the Council can tailor rules and can look to make provisions more enabling where required for Council as landowner.

The Committee discussed temporary signage for community events such as markets, and the need for some flexibility given the community focus and the generally temporary nature, balanced with managing the effects of and a proliferation of such signage. Mr Clease noted there is some difficulty striking the balance between enabling the advertising events for community purposes (and generally not for profit) and managing the effects of signage, and that the Plan provisions are quite different between districts. Discussion was held on the need to be consistent in regards to enforcement (which requires unambiguous rules). Mr Clease notes that the detail of how to achieve reasonable flexibility around advertising of community events will be considered in the next stage of the review.

Discussion was then held around LED signage especially at intersections, and whether this is a distraction at intersections, and the need to think about wider implications. Need to get the balance right in the provisions as LED signage is increasing in popularity.

Discussion followed around the use of Te Reo, and provision for bilingual use of signage for sites. Mr Matunga suggested the need for a policy for encouraging bilingual provision in signage around critical places such as Lake Ellesmere / Te Waihora and the need for consultation with Mana Whenua which was noted.

In response to a question from Councillor Hasson Mr Clease commented he understood that Council staff have discussed signage with the Council Roading staff. Need to balance roading and planning staff views.

The Committee noted that distractions caused by signage is a current issue. For example Domino pizza placards on people at intersections.

Not for profit temporary signage versus commercial operators using fence lines for advertising which remains in place for months was also raised by the Committee as a current issue.

Mr Clease summarised by noting the key issues to be: managing signage in road reserve; temporary event signage; and off-site signage/non-site related signage.

‘Cr Miller left the meeting at 11.59am and returned at 11.59am’

Moved – Councillor Mugford / Seconded – Councillor Lyall

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Signage for further development and engagement.”

CARRIED

'The Chair noted the fairly large agenda and explained time had run out to go over report 9a/9b, 10a/10b, & 11a/11b therefore these agenda items will be moved over to the agenda for June's District Plan Committee meeting.'

12. Update – Energy and Infrastructure

Ms Rykers provided a brief overview of the Energy and Infrastructure work programme.

Discussion was held on who was providing community feedback on the process for Energy and Infrastructure. It was noted that the project staff will get further information and ensure that everyone who should be involved is included in the process. Staff will discuss with those groups/companies how they see engagement happening.

Moved – Councillor Alexander / Seconded – Councillor Lyall

"That the Committee notes the report."

"That the Committee endorses the recommended approach for progressing the Energy and Infrastructure work programme."

CARRIED

13. Update on District Plan Review Financials

No discussion was held, update taken as read.

Moved – The Mayor / Seconded – Councillor Lyall

“That the Committee notes the report.”

CARRIED

‘Meeting closed at 12.06pm’

Minutes confirmed:

This day of 2018

CHAIR PERSON