



**District Plan Committee
meeting
held on Wednesday 20 June 2018 at 10.00am at
Selwyn District Council,
Rolleston**

Present: Mayor S Broughton, Councillors M Alexander, M Lemon, P McEvedy, D Hasson, G Miller, M Lyall, J Bland, C Watson, J Morten & P Skelton (Environment Canterbury).

In attendance: Chair T Harris (Environmental Services Manager), J Burgess (Planning Manager), J Ashley (District Plan Review Project Lead), R Carruthers (Strategy and Policy Planner), J Tuilaepa (Senior Strategy and Policy Planner), R Love (Strategy and Policy Planner), V Barker (Planning Consultant), K Johnston (Communications Consultant), note taker T Van Der Velde (District Plan Administrator).

Standing Items:

1. Apologies

T Wati (Te Ngāi Tūāhuriri Rūnanga)
D Ward (CEO SDC)
Cr N Reid
Hirini Matunga (Te Taumutu Rūnanga)
Cr B Mugford

Apologies for lateness:

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Moved – Councillor Lyall / Seconded – Councillor Watson

‘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 Bland / Seconded – The Mayor

‘That the Committee accepts the minutes of the 16 May 2018 as being true and correct’.

CARRIED

5. Outstanding Issues Register

Nil.

6a. Preferred Option Report – Community and Recreation Facilities

Ms Barker spoke to her report. Report focused on non-council owned community and recreation facilities. Council owned facilities are subject to another report to be presented to the committee at a later date.

Key focus of report is stocktake on what facilities are in the district, their location, nature and scale and planning provisions that currently apply to them as well as the effectiveness of rules and managing them.

Most facilities in district rely on zoning, both zone rules and district wide rules. Some facilities are designated, such as state schools, Rolleston Prison and Youth Justice Residential Centre.

Four key issues

Definitions: A whole range of activities and definitions in the plan that are overlapping and unclear. Definitions need to be revised significantly. National Planning Standards have brought out definitions that will need to be considered going forward.

Objectives and Policies: Unclear and not very directive and do not recognise the positive benefits of community and recreation facilities to the district. These need to be rewritten.

Rules are not effective: Either too restrictive or too lenient, for example spiritual and education activities which include pre-schools are exempt from noise and hours of operations in living zones. This is very lenient and needs to be addressed. However, site coverage controls are quite restrictive in rural zones and could be more lenient for community facilities. In terms of signage a few resource consents triggered.

Need for activity based provisions: There are quite a few identified facilities that are not currently provided for in the plan such as integrated family health care facilities, which is a new health model that has been rolled out. Council should be thinking about tailored provisions in the plan to cater for multifaceted facilities. In addition Corrections are quite strong through the country for providing non-custodial corrections activities. Would like to see District Plan future proofed to provide for these sorts of activities. There is currently a non-complying rule (for Corrections) in plan but definition needs a lot of work. Liaison with Corrections will be required to think about providing for such activities more clearly.

A lot of Stakeholder engagement was undertaken for both the Baseline and Preferred Option report for this topic. Ms Barker provided a summary of stakeholder engagement as per report.

‘Cr Morten out 10.07am’

Overall two options were considered, option one: Status quo and option two: Status quo with amendment.

There is going to need to be further work given that this is a district wide matter to make sure it is linked in with the likes of noise, signage and other district wide topics.

'Cr Miller in 10.10am'

Cr Watson questioned why Oranga Tamariki were not on key stakeholder engagement list knowing that they are wanting to expand and have non-custodial services next to Te Puna Wai. Also with cross boundary issues should Council consider Ruapuna in relation to noise?

Ms Barker noted that it was a difficult process to identify stakeholders at the outset of project, Council worked as best as it could to identify stakeholders given the timings and resources. Stakeholders mentioned are noted and they could be considered in the next phase.

Cr Alexander questioned how would it work if a school transitions from a resource consented site to a designated site?

Ms Barker responded to become a designated school, the Ministry of Education will have to go through a Notice of Requirement process.

Cr Lemon raised concerns for Ellesmere Gun Club on reverse sensitivity issues going forward on the outskirts of Leeston and effects that District Plan amendments could have on the gun club.

Ms Barker noted the concerns.

Cr Hasson added the Waihora Gun Club and various other shooting organisations such as Motukarara.

Cr Hasson questioned when talking about community facilities where are we sitting with regards to the likes of Springston South Hall run by volunteers?

Ms Barker acknowledged that it would be a community facility that would fall under the provisions and enabled just like any other community hall.

The Mayor questioned whether the exemptions / tightening up on noise rules was articulated to those likely to be most affected such as schools and churches?

Ms Barker responded that Ministry of Education were supportive of the rules changing. In terms of larger facilities, a lot of them have resource consents as the scale of them has triggered a resource consent in some other area therefore they would have existing use rights under consent.

Cr McEvedy commented about speedways in relation to noise and the fact that activities are constantly developing and changing. How do Council allow for the fact that they are there and provide richness to our community, how do Council protect them and write them into the rules?

Ms Barker explained that for speedways who do not have resource consents, as soon

as they do something beyond their existing arrangement, for example if they increase intensity or scale they would trigger a need for assessment under the plan rules. If they were going to expand you will need to look at rules which would trigger a need for consent. Going forward for speedways Council could look at specific targeted noise rules. An example of this is Ellesmere Speedway have offered to do noise readings to give a baseline indication of what level of noise they are generating, therefore Council could write them a tailored rule to give them some flexibility to operate in that envelope. If the speedway went beyond the rule it would trigger the need for a consent. Essentially tailoring rules to suit them. There is a variety of ways to do it e.g. scale, limiting events, and setbacks.

The Chair questioned does this mean there could be a set rules for each facility?

Ms Barker responded yes potentially but that is work in progress.

Cr Alexander added Malvern Gun Club for engagement list.

The Chair asked the committee to forward through any stakeholders they wish to include in engagement for this topic to Ms Barker. The Chair added he would like to see one set of community rules, rather than specific rules for each individual facility.

Moved – Councillor Alexander / Seconded – Councillor Watson

Recommendation

“That the Committee notes the report.”

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

CARRIED

6b. Communications and Engagement Summary Plan – Community and Recreation

No discussion was held, summary plan taken as read and accepted

Moved – The Mayor / Seconded – Councillor Miller

Recommendation

“That the Committee notes the summary plan.”

CARRIED

7a. Preferred Option Report – Relocated Buildings

Ms Carruthers spoke to her report. Issues for relocated buildings tended to be the timeframes for completion of work which is either amount of time it takes for building to be placed onto its foundation on arrival on site or time owner takes to complete exterior reinstatement works once down on foundations.

Another issue is build and design, an example being the relocation of a villa into an area of new houses where neighbours / locals do not appreciate the older look.

In addition, shipping containers can be an issue when household belongings are moved into a shipping container on site and once finished with the build the owner moves belongings into house but container becomes useful to owner so it stays on site.

There tends to be a split between how relocated buildings are perceived between the rural area and townships. As per report some townships have a fair proportion of relocated buildings, in some cases they fit and then other cases the work does not get done in a timely manner and building sits there looking tired.

There are seven options outlined in the report for treating relocated buildings moving forward. Ms Carruthers explained the options and provided examples to Committee and whether the options are recommended or not.

The preferred option being: For residential areas, including rural settlements, a combination of Options 3 and 5, being to carry over a revised version of the existing provisions. For all other areas, Option 7, being to make relocated buildings a permitted activity, subject only to the same district plan standards that relate to new buildings.

‘Cr Morten in 10.32am’

The Chair summarised: Preferred option is a combination of the options but in essence it is to have a permitted activity status for relocated buildings everywhere except townships with a revised set of rules around what they need to comply with.

For townships keep them as a controlled activity but clean up the rules around them. Similar to what is in place now but a change in rule framework in which those activity status sit.

Ms Carruthers agreed and added business zones relocated buildings are already a permitted activity so it is moving from controlled to permitted in rural areas and retaining controlled but cleaning up rules in residential areas.

Cr Lemon questioned shipping containers, what sort of site coverage is there and are shipping containers meant to be stacked at what point would it trigger a problem?

Ms Carruthers responded yes they will still be subject to same setback, recession planes and site coverage rules as the underlying site.

Ms Carruthers clarified a transportable building versus a relocated building.

‘Cr Morten out 10.43am’

Cr McEvedy commented that the challenge for relocated buildings is integrity of structure and visual amenity implications. Visual amenity is major concern which comes down to integrity of the structure. A challenge for Council is enforcement. Cr McEvedy questioned is there a way to check structural integrity before it gets relocated and whose responsibility is it?

The Chair advised it is covered by the Building Act / building consent process. If it comes from outside the district it becomes more challenging.

‘Cr Morten in 10.48am’

Cr McEvedy does not agree with the controlled activity provisions not applying to rural areas.

The Chair asked each member of the committee whether they accept the preferred option as is or agree with Cr McEvedy’s preference of having consistency across the district with relocated buildings being a controlled activity for both rural and residential areas in the Selwyn District.

The majority voted for consistency across the district.

The Chair summarised controlled activity status for both rural and residential zones but with some tweaking to rules as suggested in the options.

Moved – Councillor Hasson / Seconded – Councillor Bland

Recommendation

The recommendation was amended to:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Relocated Buildings for further development and engagement, with the amendment that the relocation of buildings in the rural zones retain their existing controlled activity status (Options 3 and 5).”

CARRIED

7b. Communications and Engagement Summary Plan – Relocated Buildings

No discussion was held, summary plan taken as read and accepted

Moved – Councillor Watson / Seconded – The Mayor

Recommendation

“That the Committee notes the summary plan.”

CARRIED

8a. Preferred Option Report – Mushroom Farming and Composting

Mr Love spoke to his report. Mr Love advised this topic is similar to intensive farming topic, with the main focus being removal of air quality provisions and moving this to Environment Canterbury to manage.

Overall focus is commercial mushroom farming and composting in either association of mushroom farming or in isolation. Composting and mushroom farming are not specifically covered in the district plan through the definitions and rules and this can create ambiguity for the users.

There is duplication with the Regional Council with the need to assess odour and dust discharges.

The manufacturing of compost has the potential to give out adverse odour and dust discharges which can have a significant effect on sensitive sites nearby. Whereas mushroom farming activities with no associated compost manufacturing have more typical effects such as building size, noise, lighting and glare, and traffic considerations. It is important to note that a mushroom farming activity that does not involve onsite composting can have very little odour omissions.

Mr Love gave the committee a rundown of known sites of mushroom farming and composting sites in the District as per report.

Current issues for mushroom farming is there is no definition or specific rules. But is captured by rural based industrial rule – discretionary activity as long as it is located in the Outer Plains area and if not is a non-complying activity. A mushroom farming operation would unlikely be considered a permitted activity due to size and involve no more than 2 full time equivalents.

Composting in operative plan is there is no specific definition in the plan. Mr Love explained rules around composting brought onto sites.

Ministry guidance on this topic is either that a joint approach between both councils should be adopted or a Regional Council approach be adopted. Duplication should be avoided.

Canterbury Land and Water Regional Plan (LWRP) only deals with storage of compost in regards of its potential to contaminate water. Air plan deals with the dust and odour effects of mushroom farming and composting. Essentially all new operations that do not cause offensive or objectionable effects are a restricted discretionary. Composting is classed as an industrial or trade process under the plan. Renders activity as discretionary unless there is an objectionable or offensive effect then it will be non-complying.

Mr Love provided a summary of engagement up to date and a summary of options noting 'option 3: Make amendments to the current framework and remove air discharge controls' as the preferred option for further development.

Cr Lyall raised his concerns as a resident of Prebbleton noting that the stakeholder list does not include the residents of Prebbleton who have suffered from Meadow Mushrooms for many years. Noting that odour from this factory is an issue. A huge history with Meadow Mushrooms in past with discharge and composting on site / pollution in the community and monitoring of this falling between the cracks.

Cr Lyall added he has concerns with reverse sensitivity effects, odour does travel a fair distance. Option 2 is what he would call a “belts and braces approach” as it gives greater protection to the communities. Cr Lyall would like Council to maintain that level of protection and is therefore in favour of option 2.

‘Cr Miller and Cr McEvedy out 11.16am.’

Cr Skelton commented there is ongoing problem in the City with composting activities. All discharges would require a consent from both councils but not if you adopt option 3.

Mr Love responded that where an activity triggered resource consent under both district and regional plans, then we would work together, however it would be up to Environment Canterbury to consider the dust and odour. Option 2 requires the district plan to also manage the dust and odour.

The Mayor commented it would be a lot cleaner and easier if there is one party to manage, monitor and do consenting as well as monitoring the discharges to air whether it is dust or smell. That way the responsibility for enforcement is also clear.

Cr Lyall commented will take Cr Skelton’s ideas on as long as Council has control over location.

The Chair advised that for the Quarrying and Intensive farming topics the Council’s preferred option is to give controls to Environment Canterbury so ideally this should be consistent.

Cr Skelton commented if activity requires land use consent or other consents it will only work if the two councils work together for joint hearings for example. To make it effective it would need to be done together.

The Chair summarised: Mushroom farming is a rural activity so a requirement for resource consent across all of the rural areas goes against the principle that it is a ‘rural activity’. The Chair acknowledged there is a general agreement from the Committee to move the consideration of dust and odour to the Canterbury Regional Air plan with a set of provisions that would trigger land use consent in locations that would cause issues to communities and people and those sensitive activities.

Moved – Councillor Watson / Seconded – The Mayor

Recommendation

The recommendation was amended to:

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for Mushroom Farming and Composting for further development and engagement, except that further consideration be given to requiring land use consent in proximity to sensitive activities.”

CARRIED

8b. Communications and Engagement Summary Plan – Mushroom Farming and Composting

No discussion was held, summary plan taken as read and accepted.

Moved – Councillor Alexander / Seconded – Councillor Bland

Recommendation

“That the Committee notes the summary plan.”

CARRIED

9. Summary of Public Consultation Approach

Ms Johnston spoke to her presentation, which is to inform Committee of public consultation coming up later this year and how it fits in with the overall public consultation framework.

Advised District Plan Review (DPR) is reaching a stage of review where preferred option reports are coming to Committee for endorsement. These reports have often been informed by targeted consultation with specific groups and in some cases with affected landowners.

The Project team would like to go out to the general public to get their views before formal consultation in early 2020 when the proposed plan will be notified.

To make DPR more accessible to the general public and get people engaged earlier in the review process Council should consider following principles as per presentation such as consulting on key draft changes only.

Timing wise the project team is looking at public consultation in August 2018 for 8 weeks.

A table was provided in presentation to show calendar of topics available for 2018 initial public consultation. In total around 25-35 topics. For other topics Council will do targeted consultation only.

Ms Johnston explained key consultation tools and methods listed in her presentation. Touched on using the online forums as much as possible via the engagement hub g 'Your say Selwyn' and looking at consultation across sections of the population such as youth and business.

In summary timing of public consultation to start in August for a period of 8 weeks. Approach for consulting on draft changes will be focused on matters relevant to target audiences.

Cr Alexander commented that Quarrying is listed under Rural but effects are also spread across residential or district wide.

Ms Johnston responded that yes the project team are aware that topics can crossover areas.

The Chair explained the table in presentation is more for internal understanding in regards to topics. Not categorising anything to exclude people. The public will receive information to clarify topics.

Cr Watson agrees with Cr Alexander, confirmed that it is a public document and queried are we already consulting on the topics listed under 'now'?

Ms Johnston responded yes, topics under 'now' are ready for public consultation but the project team will start the main public consultation in August.

Moved – Councillor Lyall / Seconded – Councillor Lemon

Recommendation

“That the Committee notes the presentation.”

CARRIED

'The Chair advised Committee will move to Item 11 of Agenda while presentation for Item 10 is organised'

11. Update on District Plan Review Financials and Work Programme

Mr Burgess provided a summary of his report stating overall the District Plan Review continues to track well against timing and budget. Mr Burgess provided a summary of key implementation milestones, as per report.

Mr Burgess advised of updated District Plan Review programme / Critical Path attached to report and noted that each topic also has an individual programme plan. Each month an updated critical path will be brought to the Committee.

Recommendation

"That the Committee notes the report."

Moved – Councillor Watson / Seconded – Councillor Alexander

CARRIED

10. Update on National Planning Standards

Ms Tuilaepa spoke to her presentation providing an update on the National Planning Standards (NPS) that was last brought to the attention of the Committee a year ago.

NPS template was proposed by the Government in 2010. The Government introduced the legislative requirements to be put into action in 2015. In May 2017 some discussion documents were published which Council provided feedback on and Council were invited to become part of a pilot programme which meant Selwyn District Council were involved in development of first draft standards released recently.

The aim of NPS is to make the Resource Management Act (RMA) simpler to prepare and easier for users to understand.

Ms Tuilaepa provided a summary of what the NPS cover as listed in presentation.

There are similar structures across the country which is intended to help plan users easily use and compare plans.

One of the standards includes what content is required in the plan for example introduction and general provisions, this provides people an overview of how the content of the plan came about. A 'How the plan works' section will also be very useful.

In the current plan Selwyn District Council already have referenced the relationship between Council and Tangata Whenua, the NPS intend for this to be it its own section of the plan. Therefore people wanting to know how Council consults with Iwi will be in the same place.

Something new is strategic directions which are objectives for the district, a high level stance for Council on what direction Council wishes the plan to take.

As with the current plan Council have district wide matters for example noise and signage - NPS will have a way for users to find those topics under the heading of district wide matters which will keep it separate from area specific matters (zones).

Area specific matters - NPS would provide a 'suite of 27 zones' from which Council can pick and choose. Council can create 27 special purpose zones if required.

'Miller and McEvedy in 11.50am'

NPS proposed providing a palette of colours for mapping and spatial planning tools for consistency over the country.

'Cr Miller out 11.51am'

In terms of the ePlan standard for electronic accessibility and functionality, Selwyn District Council ePlan is scaled as a 5 which is great but this can be improved.

The project team is hoping to put old chapters into new format to test how it works. Ms Tuilaepa touched on definitions noting local authorities must implement the definition standards.

The next step is Selwyn District Council will be providing a submission on the draft NPS to the Ministry for the Environment. Submissions close 17 August 2018. Selwyn District Council submission to be endorsed by Council before this on 8 August at Council Meeting.

Ms Tuilaepa closed presentation off by advising of link available on presentation in agenda to view NPS in full.

Moved –The Mayor / Seconded – Councillor Lemon

Recommendation

“That the Committee notes the presentation.”

CARRIED

‘Meeting closed at 11.57pm’

Minutes confirmed:

This day of 2018

CHAIR PERSON