



**District Plan Committee meeting
Held on Wednesday 21 November 2018 at 9.00am
at Selwyn District Council, Rolleston**

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

In attendance: T Harris (Chair), Messrs J Burgess (Planning Manager), B Rhodes (Strategy & Policy Team Leader), S Hill (Business Relationship Manager), R Love (Strategy and Policy Planner), A Mactier (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), V Barker (Planning Consultant), K Johnston (Communications Consultant), R Phillipson (Student Planner), G Wolfer (Senior Urban Designer), N Brown (District Plan Administrator).

Standing Items:

1. Apologies

Ms T Wati (Te Ngāi Tūāhuriri Rūnanga) and Councillor P McEvedy for absence and Councillor J Morten for lateness.

Moved – The Mayor / Seconded – Councillor Lyall

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

CARRIED

2. Declaration of Interest

Nil.

3. Deputations by Appointment

Nil.

4. Confirmation of Minutes

Taken as read and accepted.

Moved – Mr Ward / **Seconded** – Councillor Mugford

‘That the Committee accepts the minutes of the 10 October 2018 as being true and correct’.

CARRIED

5. Outstanding Issues Register

Issues raised during Meeting 21 November 2018

Subject	Comments	Report Date / Action	Item Resolved or Outstanding
Community & Recreation Facilities	Clarification of Preferred Option for non-custodial community corrections facilities	28 November 2018	Outstanding
Earthworks	Clarification of how bunds are managed in the rural area, including the permitted activity threshold	28 November 2018	Outstanding
Earthworks	Clarification of Preferred Option relating to provisions recognising the need to safeguard the mauri of soils	28 November 2018	Outstanding
Sites & Areas of Cultural Significance	Engagement with SDC Assets and all affected landowners	28 November 2018	Outstanding

6. Report on initial public consultation engagement

No discussion was held, report taken as read.

Moved – Councillor Watson / **Seconded** – Councillor Miller

“That the Committee notes the report.”

CARRIED

7. Update on DPR programme, post engagement reporting and Proposed District Plan chapters

Ms Ashley spoke to her presentation, and briefed the Committee on the DPR programme, post engagement reporting and proposed District Plan Chapters.

Post Engagement Reports

Workstreams are continuing to track well. Any changes proposed as a result of engagement with and feedback from individual landowners and stakeholders will support shaping the plan provisions during this next phase. This includes any recommendations to change the preferred option(s).

Communications and Engagement Summary

Each report is accompanied with a Communications and Engagement Plan which outlines the proposed communication and engagement activities from the time of initial public consultation through to the formal notification of the proposed District Plan. Additional stakeholders have been identified to include as part of this process. Council are endeavouring to share as much information with key stakeholders as possible.

Councillor Morten in 9.10am

Chapter Delivery Stages

Ms Ashley presented the 'Chapter Delivery Stages' and associated timelines, highlighting that not all topics will include an economic analysis. Mahaanui Kurataiao Ltd, Environment Canterbury and the District Plan Review Senior Advisory Panel are also involved in reviewing stages of the draft Plan. The Plan is on track to be drafted by June 2019, and will align with the National Planning Standards.

A question was asked how it was determined whether an economic analysis is considered for each of the topics. Ms Ashley responded that it will be targeted towards topics with key contentious issues, or where there is high commercial value ie: the industrial area relating to large format retail zone.

Councillor Skelton suggested the Committee consider conducting legal reviews at the earliest point in the review process. The Committee agreed, and Ms Ashley added that Adderley Head (law firm) and the Senior Advisory Panel are engaged for this.

Moved – The Mayor / Seconded – Councillor Lyall

"That the Committee notes the report."

CARRIED

8. Post Engagement Report and updated Communications and Engagement Summary Plans for: Community Recreation, Kainga Nohoanga Zone, Business in Small Settlements, Research Sites and Coastal Environment

Ms Ashley briefed the committee on the 'Little/No Feedback' post engagement report', which grouped together five topics that had a low level of feedback during the public consultation phase.

Councillor Miller raised a point about potential for duplication/potential overlap with Environment Canterbury work. Ms Ashley responded that staff are working closely with Environment Canterbury to provide a cohesive package, particularly for the following topics: Coastal environment, Water, Sites and Areas of Cultural Significance.

Clarification was sought of the preferred option for non-custodial community corrections facilities. The Committee discussed having a more lenient activity status and greater development flexibility in certain zones, especially for non-custodial community corrections facilities. Currently this type of facility is non-complying in a number of residential and business zones. It was suggested that the community would likely prefer a higher degree of input into this. Ms Ashley agreed and explained that this was considered and forms part of the preferred option. The Mayor added that Council should be looking at ways to help people reintegrate into our community.

There is opportunity for public opinion to be noted at various points in the process, including when the draft Plan is released (through formal submission and appeals).

Moved – Councillor Watson / Seconded – Mr Ward

"That the Committee notes the report."

"That the Committee confirms that the Preferred Option(s) for the following Topics progress to the 'Drafting and Section 32 Evaluation' Phase:

- *Community and Recreation*
- *Kainga Nohoanga Zone*
- *Business in Small Settlements*
- *Research Sites*
- *Coastal Environment*

"That the Committee notes the updated summary plans."

CARRIED

9. Post Engagement Report and updated Communications and Engagement Summary Plan for Hazardous Substances and Contaminated Land

Mr Baird spoke to his report and commented that feedback received was generally supportive of the preferred approach. This topic will progress to the drafting phase.

No discussion was held.

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

“That the Committee notes the report.”

“That the preferred option previously endorsed by DPC progresses to the ‘Drafting and Section 32 Evaluation Phase’.”

“That the Committee notes the updated summary plan.”

CARRIED

10. Post Engagement Report and updated Communications and Engagement Summary Plan for Earthworks

Mr Baird commented that feedback was supportive of approach, which is exempting certain things from earthworks (such as farming activities), removing overlap with Environment Canterbury and National Environment Standards, and providing general clarity on how the rules work.

Feedback was mixed regarding thresholds based on a site or project basis. There are different benefits and costs of each approach, which will be worked through in the development of the provisions. Stakeholders are interested in ongoing engagement with the development of the approach.

Councillor Hasson sought clarification on how bunds are managed in the rural area, including the permitted activity threshold. Mr Baird commented that no feedback was received regarding bunds or stockpiling of earth, but would note this for further consideration. The Chair added that change of use will be taken care of through the resource consent process. Councillor Hasson is concerned about the monitoring of this.

A question was asked in regards to section 2.2. of the report which refers to electricity transmission activities, and whether other utilities such as irrigation infrastructure are included and exempt from earthworks. Mr Baird explained that it would be addressed and included in the section 32 evaluation report.

The Committee sought clarification on the introduction of provisions that directly refer to the mauri and life-supporting capacity of soils in the District which can be adversely effected by earthworks (pg. 71 on the Agenda). A question was asked what the implications of this are. The term ‘mauri’ was not problematic, it is the implications of *how* the provisions are applied. Mr Matunga gave an example of ‘ancestral land’, and the impact of using certain terms. Ms Ashley noted that clarification of the preferred option relating to provisions recognising the need to safeguard the mauri of soils was required.

Councillor Reid out 9.27am

The Committee requested that background information (baseline and preferred option reports) is made available to support understanding of the post engagement report

discussions during the Committee meetings. The Chair reiterated that there are a series of opportunities and mechanisms available to address any issues/concerns including using the outstanding register, submitting questions before Committee meetings, and providing supporting information for Councillors. Ms Brown will circulate links to background information (relating to the post engagement reports) to the Committee following the meeting. Changes proposed to the preferred position are presented to the Committee and identified in the executive summary of each report.

Ms Ashley added that a set of draft provisions, chapters, policies and objectives will be available at the workshops to review, discuss and seek further endorsement from the Committee.

Councillor Reid in 9.31am

The intention is to consult targeted groups in 2019 prior to the formal submission process. The process is constrained by the RMA framework, justifications (section 32 evaluation report) are used to deliver how/why certain decisions are made. Even when the Plan is publicly notified, there is still opportunity to make a submission to seek to change what Council has endorsed.

Moved – Councillor Alexander / Seconded – Councillor Watson

“That the Committee notes the report.”

“That the Preferred Option previously endorsed by DPC progresses to the ‘Drafting and Section 32 Evaluation Phase’, including an amended communication plan with an updated stakeholder engagement list.”

“That the Committee notes the updated summary plan.”

CARRIED

11. Post Engagement Report and updated Communications and Engagement Summary Plan for Sites and Areas of Cultural Significance

Mr Baird commented about the substantial amount of feedback received for this topic, and the high level of engagement and discussions held during the recent public drop in sessions. Feedback focused on five themes

- Identification and validity of specific sites
- The robustness of methodology
- The range of activities controlled
- Costs of complying and compensatory options
- Overlap with Environment Canterbury processes (ie: cultural landscapes management).

Several landowners responded by noting that they were unaware of a spring being on their site not seen any evidence of a spring in the location provided. Some questioned the appropriateness of the extent of area around Te Waihora. People sought more

information on this, and questioned whether there was enough data to support the draft provisions.

There is some uncertainty created by the maps/data used, the Committee agreed that the same source of data is required. Mr Baird added that Mahaanui Kurataiao Ltd used Environment Canterbury data for spring sites. Councillor Lemon confirmed that Mr Mananui Ramsden has ground-truthed a lot of this work, particularly in regards to Farm Environment Plans. The Committee highly commended Mr Ramsden's work.

Generally landowners supported the categorisation approach provided there are different controls for each category, though were concerned about possible overlap with other topics areas such as outstanding natural landscapes, indigenous vegetation and water.

The Committee discussed possible duplication with Environment Canterbury's Farm Environment Plans, which include a cultural element. The concern was that additional regulatory requirements can potentially undermine the 'good will' and partnerships Environment Canterbury have established with farmers. Councillor Skelton commented on Plan Change 1 and the cultural landscape provision. The farming community have a good understanding of what the provision is in regards to that. Council need to work with Environment Canterbury to ensure there is no duplication.

Councillor Lemon agreed that this topic received significant public interest and participation in providing feedback. Generally farmers were not opposed to protecting cultural sites, but the concern is around how they can continue to farm while complying with the district plan. Mr Matunga commented that he was pleasantly surprised that landowners did not strongly object to this, but commended the work completed.

Councillor Hasson queried whether the Council Assets team had been consulted. Suggested this be noted for further consideration.

The Chair concluded that the Committee is comfortable with the direction outlined in the post engagement report and that the Project Team will work closely with Environment Canterbury in regards to further consultation with landowners.

Moved – Councillor Lemon / Seconded – Mr Matunga

"That the Committee notes the report."

"That the preferred approach is refined through the drafting and Section 32 evaluation phase, including on-going engagement with Mahaanui Kurataiao Ltd (on behalf of Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga), Environment Canterbury and key stakeholders."

"That the Committee notes the updated summary plan."

CARRIED

12. Post Engagement Report and updated Communications and Engagement Summary Plan for Home based business activities in Living and Rural Zones and business activities (not home based) in Living Zones

Ms Lewes spoke to her report. Feedback received is supportive of the preferred option approach, which is to decrease the maximum floor area of a home-based business from 300sqm to 40sqm in Living Zones, and that specific permitted rules are developed for home-based businesses across the district.

The Committee discussed possible constraints of 40sqm ie if using a garage for a home-based business. Ms Lewes responded that 40sqm is consistent with neighbouring Councils and stems from predominance that it should be a 'home with a business' (in a living zone) rather than a dominating business function run from a residential home.

Application for a resource consent may be necessary if more space is required. The scale of activity would give rise to consideration of character and amenity on adjoining properties. The mismatch stems from not having business areas in some townships. The intent is to focus large-scale business activities in business zones, and protect residential zones.

A question was asked whether tourism farm stays falls into the home-based category. Ms Lewes responded no, and that the tourism topic addresses this.

Amendment to the report in paragraph 2.1 should read 'reverse sensitivity'.

Moved – Mr Ward / Seconded – Councillor Lyall

"That the Committee notes the report."

"That the preferred option previously endorsed by DPC be progressed to the Drafting and Section 32 Evaluation Phase."

"That the Committee notes the updated summary plan."

CARRIED

13. Post Engagement Report and updated Communications and Engagement Summary Plan for Minor Residential Units (previously Family Flats)

Ms Lewes spoke to her report. The preferred option endorsed by the Committee was to remove the occupancy restriction on family flats and minor residential units in residential and rural zones be managed by amended definitions, policies and standards. Feedback received was supportive of the endorsed preferred option.

Concerns were raised of proliferation of minor dwellings within the airport noise contours. However, the preferred option does not alter this, it is only the nature of occupation that is proposed to be altered. CIAL has advised they are currently in the process of remodelling the Air Noise contours and that this information will be provided to Council for inclusion in the proposed District Plan. Noise is being considered in a

separate workstream. Recommendation is that no changes are made to the preferred option.

Councillor Alexander queried the difference in space allowances for urban and rural areas and asked whether it would be simpler to administer if the size allowances are the same. Ms Lewes responded that the reason for 70sqm in living zone, is a reflection of smaller lot sizes and current status is appropriate to maintain character and amenity. Proposed rules around open space, site coverage and car parking would also need to be complied with for a larger building. 70sqm is also consistent with neighbouring Councils. Agreement from the Committee that 70sqm was appropriate.

Councillor Hasson asked for clarification about the conversion of existing buildings on rural lots to minor residential units. Ms Lewes commented it would be subject to a resource consent process if the building breached the maximum size limit.

Moved – Councillor Lyall / Seconded – Councillor Bland

“That the Committee notes the report.”

“That the preferred option previously endorsed by DPC be progressed to the Drafting and Section 32 Evaluation Phase.”

“That the Committee notes the updated summary plan.”

CARRIED

14. Post Engagement Report and updated Communications and Engagement Summary Plan for Housing Development in Residential Zones

Ms Lewes spoke to her report. Feedback was received from various infrastructure and industry bodies, Environment Canterbury, Canterbury District Health Board, Ministry of Social Development, and the Retirement Villages Association, as well as feedback submissions from the public via Engagement HQ and email.

The endorsed preferred option included the rationalisation of the large number of living zones down to four zones, as proposed by the draft National Planning Standards; that specific objective and policies be drafted for each zone; and to encourage medium density development and accommodate retirement villages, supported accommodation and boarding houses, including the incorporation of appropriate definitions, policies and rules.

A comment was made on the positioning of bus routes and encouragement for the facilitation of public transport, particularly to areas of higher density living.

A question was raised whether there is ability to enforce design standards in medium density zones. Ms Wolfer responded that the design guides are currently under review that will support this. Ms Lewes added that this will be addressed in the next phase including key criteria for assessment and application (bulk and location rules), and that discretion can be retained.

An issue was raised about the scale of boarding houses, with particular concern regarding reverse sensitivity effects and noise issues. However, feedback received was generally supportive of the preferred option direction. Recommendation that the preferred options previously endorsed by DPC be progressed to the drafting and section 32 evaluation phase.

Moved – Councillor Lyall / Seconded – Councillor Reid

“That the Committee notes the report.”

“That the preferred option previously endorsed by DPC be progressed to the Drafting and Section 32 Evaluation Phase.”

“That the Committee notes the updated summary plan.”

CARRIED

16. Post Engagement Report and updated Communications and Engagement Summary Plan for Business Zone Framework

Ms Tuilaepa spoke to her report. Feedback received was supportive of the proposed Zone Framework. The draft National Planning Standards recognises the township hierarchy, which Selwyn 2031 also supports.

A question was raised about the provision of industrial land in Darfield, this was addressed at the meeting on the 22 August 2018.

Moved – Mr Ward / Seconded – Councillor Lyall

“That the Committee notes the report.”

“That the preferred option previously endorsed by DPC be progressed to the drafting and Section 32 evaluation phase, including the development of a Special Purpose Port Zone.”

“That the Committee notes the updated summary plan.”

CARRIED

15. Post Engagement Report and updated Communications and Engagement Summary Plan for Business: Urban Design and Interfaces

Ms Tuilaepa spoke to her report. There is general public support of the preferred approach. Feedback was received from 7 parties via Engagement HQ and email.

Ms Wolfer added that the commercial design guide will be updated.

Moved – Councillor Lyall / Seconded – Councillor Bland

“That the Committee notes the report.”

“That the Preferred Option that has been previously endorsed by DPC progress to the ‘Drafting and Section 32 Evaluation Phase.’”

“That the Committee notes the updated summary plan.”

CARRIED

17. Post Engagement Report and updated Communications and Engagement Summary Plan for Airfields (including West Melton Airfield)

Mr Love spoke to his report. Feedback received from stakeholders, landowners and partners and the public were generally supportive of the approach. The main concerns received centred around private airfield movements.

The Committee queried how this will impact private operators. Mr Love responded that provisions will possibly put restrictions on commercial operations in built up areas, where landing and take-off sites will likely be controlled.

Moved – Councillor Mugford / **Seconded** – Councillor Reid

“That the Committee notes the report.”

“That the Preferred Option previously endorsed by DPC progresses to the ‘Drafting and Section 32 Evaluation Phase’, including the provision of height restrictions at the Springfield Aerodrome.”

“That the Committee notes the updated summary plans.”

CARRIED

18. Post Engagement Report and updated Communications and Engagement Summary Plan for Scheduled Sites

Mr Love stated that few submissions were received for this topic. A representative of Brink’s Chicken provided feedback which will be considered.

No discussion was held.

Moved – Councillor Lyall / **Seconded** – Councillor Bland

“That the Committee notes the report.”

“That the updated Preferred Option progresses to the ‘Drafting and Section 32 Evaluation Phase’.”

“That the Committee notes the updated summary plan.”

CARRIED

19. Post Engagement Report and updated Communications and Engagement Summary Plan for Signage

Ms Barker spoke to her report. The preferred option is to update existing signage provisions to improve clarity and effectiveness, and to be contained in a single consolidated chapter.

Feedback received is consistent with this approach, although Horticulture NZ conversely suggested to spread signage rules across each chapter, rather than in a single chapter. Feedback from the public was limited, however most agreed with temporary signage provisions.

A question was asked regarding signage for health and safety purposes and the legislation covering this. Ms Barker responded that there are New Zealand-wide legislative regulations that deal with this. In terms of events signage, this will be covered in the drafting and overlaps with the temporary activities topic.

Councillor Lyall wished to note that he has a conflict of interest on this topic so will not comment on this.

Moved – Councillor Alexander / **Seconded** – Councillor Watson

“That the Committee notes the report.”

“That the Preferred Option previously endorsed by DPC progresses to the ‘Drafting and Section 32 Evaluation Phase’.”

“That the Committee notes the updated summary plan.”

CARRIED

20. Post Engagement Report and updated Communications and Engagement Summary Plan for Lighting and Glare - Night Glow

Ms Barker spoke to her report. Night sky visibility is an important issue, and had a high level of engagement (31 surveys completed) and feedback received.

The endorsed preferred option was to engage with the public during consultation to establish whether there are particular areas of the District that should be protected and what level of control should be established through the proposed District Plan.

Feedback received on the protection of the night sky included targeting specific areas including Te Waihora/Lake Ellesmere (and all other lakes in the Taumutu takiwa), Arthurs Pass, and Castle Hill. Industry and Commercial stakeholders do not support district-wide night glow provisions that would constrain business.

Councillor Miller out 10.50am

General outdoor lighting and glare provisions will target reserves and outdoor recreation activities (along with any night glow provisions).

Councillor Miller in 10.53am

The Committee discussed whether the preference was District-wide or a targeted approach to applying night glow provisions.

The Mayor supports having rules across the entire district. It will not likely constrain operations, but it could necessitate the need to light differently. He supports 24-hour operators to continue, but is concerned that if we don't have rules on this then those places will lose the night sky. Councillors Lyall, Reid, Alexander Mugford, Bland, and Mr Matunga support the Mayor's view of applying District-wide provisions.

Councillors Miller, Morten, Lemon, Hasson and Mr Ward support a targeted approach to applying night glow provisions. The impact on the entire District would need to be considered. Councillor Watson was undecided.

Ms Barker suggested that two sets of provisions could be drafted, one for District-wide, and another set for a targeted approach. The Chair summarised that although there is merit in the suggestion there is a majority view from the Committee for District-wide night glow provisions to be drafted (rather than a targeted approach).

Moved – Councillor Lyall / **Seconded** – Councillor Bland

"That the Committee notes the report."

"That Option 2 (District-wide provisions to manage night glow effects) progresses to the 'Drafting and Section 32 Evaluation Phase'."

"That the Committee notes the updated summary plan."

CARRIED

Meeting closed 11.20am

Minutes confirmed:

This day 12 of December 2018

Tim Harris

CHAIR PERSON