



**District Plan Committee meeting
Held on Wednesday 5 December 2018 at 1.00pm
at Selwyn District Council, Rolleston**

Present: Mayor S Broughton, Councillors M Alexander, D Hasson, N Reid, B Mugford, G Miller, M Lyall, J Bland, C Watson, J Morten, Mr D Ward (CEO Selwyn District Council), Ms T Wati (Te Ngāi Tūāhuriri Rūnanga) & Mr H Matunga (Te Taumutu Rūnanga).

In attendance: Messrs T Harris (Chair), 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).

Meeting open 1.05pm

Standing Items:

1. Apologies

Councillors M Lemon, P McEvedy, and P Skelton (Environment Canterbury)

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

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

CARRIED

2. Declaration of Interest

Councillor Hasson noted her son has a property in the flood plain zone. The Committee agreed it was not a conflict of interest.

3. Deputations by Appointment

Nil.

4. Outstanding Issues Register

Issues raised during 5 December 2018 meeting

Subject	Comments	Report Date / Action	Item Resolved or Outstanding
Energy Generation	Clarification of consenting requirements for renewable energy utilities in Outstanding Natural Landscape areas	12 December 2018	Outstanding
Network Utilities	Clarification of Preferred Option in relation to applicability of recession plane requirements	12 December 2018	Outstanding

5. Confirmation of Minutes

No minutes to confirm.

Committee members voiced concern about the volume of material on DPC agendas. The Chair outlined the District Plan review process and acknowledged the amount of reading over past few weeks. The Committee has the opportunity to ask for further information and to highlight any particular issues.

The current programme is to have a draft District Plan completed by June 2019, with notification in 2020. The Chair advised the Committee that while these timeframes had previously been agreed by the Committee, they could be extended if necessary.

Councillor Lyall reiterated that there is a lot of reading involved, and that it was noted from the previous District Plan Review process that the reading workload would be large and to expect this.

Councillor Alexander replied that he would be concerned if the June deadline is missed, and it may be more preferable to have the Plan complete in the June/September timeframe, ahead of potentially having new Councillors on the Committee.

6. Preferred Option Report and Communications and Engagement Summary Plan - Energy Generation

The Chair introduced Ms Rachel Ducker from Harrison Grierson. Ms Ducker spoke to her report, which identified issues and options to address the location, scale and management of renewable Energy Generation activities within the Selwyn District.

It is a national and regional regulatory requirement to recognise and provide for renewable energy generation activities in the District Plan. Key proposed changes are to enable solar energy generation in residential zones, and solar and wind energy generation in business and rural zones where that energy serves the site; and to develop more permissive rules which would enable an increase in renewable energy

activities, including for community scale energy generation, and permitting activities with minor effects.

A resource consent would be required for commercial scale activities and renewable energy generation activities in sensitive locations in the District. Although minor repairs, maintenance and small upgrades to buildings at the Coleridge Power Station would be enabled as a permitted activity but retain a requirement for a discretionary activity resource consent for significant expansion to ensure effects on the environment are able to be managed.

Large scale wind farms are unlikely in Selwyn, but it is appropriate to provide for these in case commercial operators would like to do so in the future. Other locations in New Zealand may have more favourable wind conditions.

Received supportive feedback from Environment Canterbury but still waiting on feedback from Trustpower and Mahaanui Kurataiao Ltd.

Table in page 8 of the report summarised rules in the Operative District Plan. The table states that utilities for on-site use are currently permitted in various zones. Councillor Watson suggested that the new consent framework should allow for some off-site generation as a permitted activity (such as a residential dwelling with a solar panel selling solar back to the national grid) provided that generation is primarily for on-site use. Ms Ducker responded that this will be taken into account when drafting the rules. The Mayor added that he supports Councillor Watson's point, having recently visited China with different corridors of solar energy generation. The Plan should allow for a range of possibilities.

In response to a comment made on the noise of a wind turbine generator, it was stated they are subject to noise standards to manage any excessive noise.

Ms Ducker responded to Councillor Hasson's query about a restricted discretionary activity on the Port Hills, and that the ONL rules will need to be read in conjunction. Typically there are higher consent requirements for activities within an ONL. Clarification of consenting requirements for renewable energy utilities in Outstanding Natural Landscape areas was sought. This will be noted on the outstanding issues register.

There was a discussion on how a cultural assessment is triggered. The consent framework is to enable minor activities to be undertaken without resource consent, but this will depend on the significance of the location/area. Discretionary activities will still require a full assessment of adverse effects.

Further investigation into electricity corridors to be undertaken.

Moved – Councillor Lyall / **Seconded** – Councillor Alexander

"That the Committee notes the report."

"That the Preferred Options for 'Energy Generation' be endorsed for further development and engagement, including Section 32 Evaluation and Plan Drafting."

“That the Committee notes the summary plan.”

CARRIED

7. Update on Preferred Option and Communications and Engagement Summary Plan for Network Utilities

Ms Rykers spoke to her report and provided an update on the topic of network utilities, noting the overlap between the Network Utilities and Transport Topics. The Network Utility Chapter of the District Plan will address those matters related to the road as an asset and its use for network utilities within the road corridor.

Ms Rykers summarized the feedback received from a number of stakeholders.

The Committee then discussed a number of recommendations made in the report, including:

Environmental Sensitivities

A balance is needed in regards to environmental sensitivities. Network utilities are to maintain sensitive areas including riparian margins and cultural landscapes. Key discussions have been held with network companies around activity statuses and whether they should be discretionary or non-complying.

Transpower's Model Provisions

Recommended to use Transpower's Model Provisions as the basis for transmission line rules in the Proposed District Plan. Drafting should consider the feedback on wording provided by Federated Farmers and Horticulture New Zealand.

Legal Opinions required

1. Provision for Telecommunications facilities NESTF and PDP

It was discussed that a legal opinion on whether the Proposed District Plan can, and should, duplicate provisions from the National Environmental Standards for Telecommunication Facilities Regulations 2016 having regard to the s44A of the Resource Management Act and the matters raised by the telecommunications companies. Ms Rykers asked the Committee whether there was support for ongoing dialogue with parties to reach consensus, although this may be difficult to achieve by the June deadline.

2. Need for Sub-Transmission Electricity Distribution Protection Corridors (Interpretation of the New Zealand Code of Practice for Electrical Safe Distances (NZECP34))

The Committee discussed concerns about private property rights. Ms Rykers agreed that it was a main concern, as protection corridors can fall on private property.

Council received a memo in mid-October 2018 from Orion in regards to transmission lines (owned by Transpower) that are entitled to have a protection corridor, with Orion seeking the same level of protection and control for their

lines. Federated Farmers and Horticulture NZ strongly oppose protection corridors where this crosses private property.

Further assessment of the proposed rules for electricity protection corridors for sub-transmission lines in relation to agricultural and horticultural activities is required, together with an assessment of the sub-transmission lines as Strategic Infrastructure (as defined in the CRPS), and determining how many properties are impacted.

Recession Planes

Reference was made to recommendations in the Boffa Miskell report regarding recession planes. A question was asked about removing requirements around recession planes for utility buildings versus utility structures. Ms Rykers responded that clarification in relation to applicability of recession plane requirements will be provided and added to outstanding issues register.

Councillor Watson out 1.39pm

Next steps

Draft provisions will be provided to network utility providers to provide feedback before a final draft is considered at a Council workshop in late March 2019. Draft provisions will be developed in consultation with Mahaanui Kurataiao Ltd.

Following further consideration of the additional assessment on the proposed protection corridors, further engagement with landowners (where electricity distribution lines traverse private property) will be considered.

Mr Matunga commented on where there are policy overlaps (for example, with Sites of Cultural Significance), clarity and clear policy is also required.

Councillor Watson in 1.43pm

Moved – Councillor Miller / Seconded – The Mayor

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Network Utilities’ for further development and engagement.

“That the Committee notes the updated summary plan.”

CARRIED

8. Post Engagement Report and updated Communications and Engagement Summary Plan for Alpine Villages

Ms Lewes spoke to her report. Feedback received from the community committees and landowners indicated general support for preferred approaches, but sought minor amendments to reflect existing conditions.

The first amendment raised is the recommendation that there is no requirement for 40 degree pitch in Arthurs Pass, as it is out of character with the built form in that village and not required by the building code.

Councillor Watson out 1.45pm

The second amendment raised is the realignment of the Zone boundary between Living 1A and Business 1A land in Castle Hill to reflect the underlying subdivision, approved by resource consent.

Ms Lewes concluded with the recommendation that those two minor amendments be made to the preferred options previously endorsed by the Committee.

No discussion was held by the Committee.

Moved – Mr Ward / Seconded – Councillor Mugford

“That the Committee notes the report.”

“That the preferred options previously endorsed by DPC be amended as follows:

- That the requirement for a 40° roof pitch in Arthur’s Pass not be carried forward into the Proposed District Plan;*
- That the alignment of the zone boundary between Living 1A and Business 1A land in Castle Hill be amended to reflect the underlying subdivision, approved by resource consent.”*

“That the updated Preferred Options described above progresses to the ‘Drafting and Section 32 Evaluation Phase.”

“That the Committee notes the updated summary plan.”

CARRIED

9. Post Engagement Report and updated Communications and Engagement Summary Plan for Vegetation Planting

Mr Love spoke to his report. The majority of feedback received was supportive of the preferred option.

With the presence of the National Environmental Standards for Plantation Forestry (NES-PF) some changes to the Operative District Plan are mandatory.

Most vegetation activities will have a permitted, restricted discretionary, non-complying hierarchy depending on the type of planting, the location of planting, and conditional matters. Amenity plantings and shelterbelts would generally be permitted unless located in an Outstanding Natural Landscape (ONL), then depending on the characteristics of the activity would either be restricted discretionary or non-complying. Regarding planting within a Visual Amenity Landscape (VAL), this would be permitted, but subject to conditions.

Other plantations would generally be permitted unless located in an ONL or VAL, then depending on the characteristics of the activity (e.g. orchards, and vineyards may be less restricted than woodlots) would either be restricted discretionary or non-complying in an ONL. Activities within a VAL would be controlled. Generally if the plantings are native then the activity would be permitted.

No discussion was held by the Committee.

Moved – Councillor Bland / **Seconded** – Councillor Hasson

“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 Managing Wildfire Risk

Mr Love spoke to his report. Feedback received was generally supportive of the proposed provisions.

Recommended option post engagement includes feedback received from Fire and Emergency New Zealand (FENZ) requesting accessway protection setbacks (to ensure egress routes are clear); and separately, to enable pasture improvement & agricultural production on Port Hills.

Mr Love spoke to his presentation and showed the Committee examples of where resource consent could be required for plantings that failed to maintain a safe egress to an existing dwelling (including shelter belts), and situations where a setback could be required.

Mr Ward out 1.52pm
Councillor Watson in 1.52pm

A question was asked about the management of natural hazard risk outweighing privacy. Mr Love responded that the resource consent would address the type of shelter belt permitted for fire resistance. Existing shelter belts on roadsides are not affected.

Councillor Morten out 1.53pm

A discussion was held regarding compliance and pragmatism of the provisions. There was a concern that additional rules may unreasonably impinge on people’s ability to develop their land. The proposed provisions will restrict neighbouring properties from creating a wildfire risk on someone else, leaving individuals to manage their own

wildfire risk. The Chair added that Council will support this with an education campaign.

Mr Ward in 2.04pm

Moved – The Mayor / Seconded – Councillor Lyall

“That the Committee notes the report.”

“That the preferred options previously endorsed by DPC be amended to include the potential for an accessway setback to be developed, and to consider enabling improved pasture within the Port Hills Outstanding Natural Landscape.”

“That the updated Preferred Options described above progresses to the ‘Drafting and Section 32 Evaluation Phase.’

“That the Committee notes the updated summary plan.”

CARRIED

11. Post Engagement Report and updated Communications and Engagement Summary Plan for Water

Mr Mactier spoke to his report. General support for the preferred options from stakeholders and the public. Federated Farmers provided general support for the preferred approach, but were undecided on whether additional rules to manage drains and reclamations in accordance with the National Water Conservation Order for Te Waihora are required, noting that the Water Conservation Order is the responsibility of Environment Canterbury, who would have provisions to manage these concerns

Public feedback predominantly indicated a desire for Council to manage land use activities particularly agriculture/dairying to stop any further degradation of the region’s springs, streams, rivers, lakes and underground water. It was noted that it may be better dealt with in a regional plan.

No discussion was held by the Committee.

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

12. Preferred Option Report and Communications and Engagement Summary Plan – Stopbanks and defences against water

Ms Carruthers spoke to her report and briefed the Committee on the range of options to manage the continued maintenance of existing, and establishment of new, stopbanks and related defences against water in Selwyn District.

The preferred option recommends to comprehensively update the provisions to give effect to higher order documents and improve consistency with regional and Christchurch City Plan provisions (however provisions need to ensure appropriateness to Selwyn District).

Councillor Bland out 2.10pm

A question was asked in relation to where stopbanks are required and how crossovers are managed (pg. 265). The proposed provisions are not radically different, but provide for ongoing maintenance.

Councillor Bland in 2.12pm

Moved – Councillor Watson / Seconded – Mr Ward

“That the Committee notes the report.”

“That the Committee endorses the Preferred Option for ‘Stopbanks and defences against water’ for further development and engagement.”

“That the Committee notes the summary plan.”

CARRIED

13. Preferred Option Report and Communications and Engagement Summary Plan for Coastal Hazards

Ms Carruthers spoke to her report and provided an update on the coastal hazard work that has been undertaken by Environment Canterbury since the release of the Department of Conservation and Ministry for the Environment guidance notes.

Most activities are managed through the Regional Plan, however, the Regional Policy Statement now says that Districts in the greater Christchurch area need to manage coastal hazards through their District Plan.

A copy of the screening assessment was circulated in the Agenda, to better understand where Selwyn’s coastal hazards are. Ms Carruthers spoke to her presentation.

The presentation showed coastal erosion and inundation areas. Environment Canterbury consider the model they used is not appropriate to use at Rakaia Huts due to the interaction of the river, hāpua/lagoon and the coast, therefore processes in this location are different and require more work. A question was asked about implications

for homeowners. In areas subject to coastal inundation, the RPS requirement is to severely limit development of high value items in that area (i.e. houses). RPS requirements in areas that are already zoned for residential development are less restrictive. Targeted consultation is the next stage.

A question was asked whether climate change was taken into effect. Ms Wati commented that this has been well mapped by NIWA, Ngai Tahu and Environment Canterbury, and offered to share this information. Ms Carruthers responded that sea level rise was taken into consideration of those areas but that access to information to date has been restricted.

Councillor Lyall out 2.20pm

The Committee agreed that further modelling is to be undertaken at Rakaia Huts to take account of the interaction between the coast, the hāpua/lagoon and the river in the identification of high hazard and hazard areas. Environment Canterbury staff have recommended providers to complete this discrete piece of work.

Moved – Councillor Alexander / Seconded – The Mayor

“That the Committee notes the report.”

“That the Committee endorses the Preferred Options for ‘Coastal Hazards’ for further development and engagement, Section 32 evaluation and drafting phases.”

“That the Committee notes the summary plan.”

CARRIED

14. RESOLUTION TO EXCLUDE THE PUBLIC

Recommended:

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
7.	Flooding <ul style="list-style-type: none">• Preferred Option Report• Communications and Engagement Summary Plan	<i>Good reason to withhold exists under Section 7</i>	<i>Section 48(1)(a)</i>

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:

10 & 12	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)
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2. *That appropriate officers remain to provide advice to the Committee.*

Meeting Concluded at: 2.30pm

Minutes confirmed:

This day 13 of February 2019

Tim Harris

CHAIR PERSON