



**AGENDA FOR THE
ORDINARY MEETING OF THE
HOUSING AND URBAN DEVELOPMENT
SUBCOMMITTEE

TO BE HELD ON
WEDNESDAY 5 FEBRUARY 2025

COMMENCING AT 1pm**

Housing & Urban Development Subcommittee - Wednesday 5 February 2025 PUBLIC AGENDA

Attendees: Mayor Sam Broughton; Councillors, S G McInnes (Chair), D Hasson, R H Mugford & E S Mundt & Ms M McKay

05 February 2025 01:00 PM - 03:00 PM

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Public portions of this meeting are audio-recorded and livestreamed via the Council's YouTube channel.

The Severe Weather Emergency Legislation Bill has, until October 2024, suspended the requirement for members to be physically present to count as 'present' for the purposes of a quorum. Members attending by means of audio link or audiovisual link are therefore able to be counted as present for the purposes of a quorum and able to vote. The recently enacted Local Government Electoral Legislation Act has made these emergency provisions permanent.

OPENING KARAKIA

Whakataka te hau ki
te uru

Cease the winds from
the west

Whakataka te hau ki
te tonga

Cease the winds from
the south

Kia mākinakina ki uta

Let the breeze blow over
the land

Kia mātaratara ki tai

Let the breeze blow over
the sea

E hī ake ana te
atakura

Let the red-tipped dawn
come with a sharpened
air

He tio, he huka, he
hau hū

A touch of frost, a
promise of a glorious
day

Tīhei mauri ora!

**MINUTES OF THE MEETING OF THE
HOUSING AND URBAN DEVELOPMENT SUBCOMMITTEE
HELD IN THE TAUWHAREKAKAHO ROOM - SELWYN DISTRICT COUNCIL
ON WEDNESDAY 4 DECEMBER 2024
COMMENCING AT 1.00PM**

PRESENT

Mayor S T Broughton, Councillors S G McInnes (Chair), R H Mugford and E S Mundt; D.Hasson and Ms M McKay.

ATTENDEES

Messrs. R Love (Executive Director Development and Growth), B Baird (Head of Strategy and Policy) and R Raymond (Acting Communications Manager); Mesdames R Phillips (Commercial Manager - Property and Investments), Ms T Davel (Senior Governance Advisor); and Jo Gallop (Minutes)

The meeting was livestreamed.

The meeting was opened with a karakia.

APOLOGIES

No apologies were received.

IDENTIFICATION OF EXTRAORDINARY BUSINESS

None.

CONFLICTS OF INTEREST

None.

ORDER OF BUSINESS

CONFIRMATION OF MINUTES

Minutes of the Inaugural meeting of the Housing and Urban Development Subcommittee held on Wednesday 6 November 2024.

Moved – Councillor Mugford / **Seconded** – Mayor Broughton

'That the minutes of the inaugural meeting of the Housing and Urban Development Sub-Committee held on Wednesday 6 November be confirmed.'

CARRIED

Councillor Mundt arrived at 1.05pm.

REPORTS

Chairperson's Report

Chair provided an overview of her report.

The diagrams depicting data from the NZ 2023 Census were discussed. Of particular note was the areas of affluence and deprivation and how this information could be useful.

It was noted that there are 225 dwellings recorded and 28 households (in Selwyn Huts), based on data taken on census night. Some people still using these as a bach not a permanent dwelling. It was worth being aware of the discrepancy in the number of dwellings in the census information.

Moved – Councillor Mugford / **Seconded** – Councillor Mundt

'That the Housing and Urban Development Sub-Committee receives the Chair's report for information.'

CARRIED

Executive Director's Report

Executive Director Development and Growth

Robert provided an overview of the report.

District Planning

Discussion followed on impacts of greater Christchurch growth, due to ECan and the Christchurch City Council decisions, including Plan change 14.

Heritage items were discussed and noted that they are identified through the district plan review, and people can always be proactive to come to Council with suggestions for any heritage site, which will then be determined via a prescribed process.

The review of the availability of credits was noted with the detail being formed up through district plan. It is up to this committee to help to determine the priority. Plan changes were discussed about how that may look and how many there are per year. Figures included in the report are from the LTP.

Financial contributions apply to medium density to help pay for upgrade of infrastructure based on the number of units on one lot. They are set beforehand for things like trees and park upgrades, etc. Shading is a qualifying matter and there is a placeholder to think about this further.

An historic heritage mapping exercise will be undertaken and could add more sites. Trees could be mapped as well to show where they are required.

Plan change 1 has some urgency behind it, so as soon as the committee is aware of these the sooner we can get them underway. It was confirmed that an Issues and Options paper will be coming to this committee next year.

The number of changes in a plan change was queried with the response being one, which reduces risk and complexity.

Currently there is not enough resource to scope all of the work on the indicative list, so the request is that this committee identify priorities. It was agreed to focus on what has been identified as urgent and noted that the high priority item is already in train. A workshop to set priorities will be held in the middle of next year.

Resilience and sustainability and natural hazards is marked as low because the national policy statement hasn't been released yet.

Spatial plan timeline

Dates are currently being confirmed for events and a poll will be sent to councillors to confirm attendance. These will be held in Darfield, Lincoln, Rolleston and Leeston.

Ben Baird provided an update on the consultation. The timeline was discussed and confirmed that there will be several opportunities for engagement.

Links to the Greater Christchurch Partnership was discussed with an agreement that delegations need to be reviewed, ie transport, spatial planning.

Further discussion followed on how the Mayoral and CEO Forums, as well as the forums that sit under these, disseminate the information to Council and whether it is useful. This is to be reviewed.

Moved – Councillor McInnes / **Seconded** – Councillor Mugford

'That the Housing and Urban Development Sub-Committee:

- a. Receives the Executive Directors report; and*
- b. Approves the amended Terms of Reference attached as **Appendix A**.*

CARRIED

Terms of Reference

The TOR will go to Council next week.

GENERAL BUSINESS

None

The meeting closed at 2.15pm

DATED this day of 2025

CHAIRPERSON



**Housing and Urban Development Subcommittee
Terms of Reference**

**For the remainder of the 2022-2025 Triennium Adopted by
Selwyn District Council on 14 August 2024**

List of Committees

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INTRODUCTION

1. General Principles of Delegation

This document sets out the terms of reference and delegations for Selwyn District Council, and its committees and subcommittees. It also sets out the responsibilities of and delegations associated with certain roles, including the Mayor, Deputy Mayor, Chief Executive, Committee and Subcommittee Chairs and Deputy Chairs.

The Council's functions are wide-ranging, and it has obligations and powers under many statutes and regulations.

These terms of reference are intended to allow the Council to ensure that its powers and functions are exercised at a level commensurate with efficiency and effectiveness and the significance of the power or function.

2. Establishment of Committees

Procedures, responsibilities, and accountabilities

Subject to the following limitations, the committees of the whole shall have power to act in all matters concerning the functions listed in their respective delegations, provided they do not conflict with stated policy of Council. In respect of matters requiring financial input the committee's power is limited to the extent that provision has been made in the annual budgets and in the Long-Term Plan.

All Committees of the Whole:

- a) Shall be responsible for planning, reviewing and implementation of functions, duties, and powers in respect of their delegations
- b) Shall be responsible for monitoring performance (including budget and performance targets) for their areas of responsibility
- c) Have delegated power to appoint subcommittees and to delegate their powers to that subcommittee.
- d) May delegate their powers to an officer of the Council
- e) Can delegate any of its powers to any joint committee established for any relevant purpose under clause 32, Schedule 7 of the Local Government Act 2002 (LGA)
- f) Any committee of the whole has the power to adopt the Special Consultative Procedure provided for in Section 83 to 88 of the LGA in respect of matters under its jurisdiction. (This allows for setting of fees and bylaw making processes up to but not including adoption)
- g) All committees of the whole shall undertake such other functions as may be

delegated by Council from time to time and are able to provide recommendations to council where appropriate

- h) When an Act or Regulation empowers 'the Council' to carry out a decision-making function, that decision must be made by way of resolution of the full council unless the Act or Regulation permits delegation to a committee, subcommittee or officer
- i) Council cannot delegate any of the following matters to committees, subcommittees or any other subordinate decision-making body (Clause 32(1)(a)- (h) of Schedule 7 of the Act):
 - a) the power to make a rate
 - b) the power to make a bylaw
 - c) the power to borrow money, or purchase or dispose of assets, other than in
 - d) accordance with the long-term plan
 - e) the power to adopt a long-term plan, annual plan or annual report
 - f) the power to appoint a chief executive
 - g) the power to adopt policies required to be adopted and consulted on under the Local Government 2002 in association with the long-term plan or developed for the purpose of the local governance statement
 - h) the power to adopt a remuneration and employment policy.
- j) The power to make or alter any council policy is limited to those instances where that power has been specifically delegated to the committee
- k) Any committee of the whole can approve submissions on legislation
- l) All Council committees will follow Tikanga and will open and close with a karakia

3. Committees

Committee includes, in relation to the Council:

- a) A committee comprising all the members of the Council;
- b) A standing committee or special committee appointed by the Council;
- c) A standing committee or special committee appointed by the Mayor;
- d) A joint committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002;
- e) Any subcommittee of a committee described in items (a) (b), (c) or (d) of this definition; or
- f) A subordinate decision-making body, including Subcommittees and Forums

The terms of reference and delegations to Committees and Subcommittees are set out in full in this document. In respect of committees and subcommittees:

- a) The committees have no decision-making powers other than those set out in these terms of reference
- b) Any committee may request expert advice through the Chief Executive where necessary
- c) The committees may make recommendations to their governing committee or Council, or Chief Executive as appropriate

4. Working groups

Working groups may be recommended by committees and subcommittees for Council approval. Working groups are set up to investigate a specific issue within their area of focus and report back within a specific timeframe. Working groups are made up of members of the committee or subcommittee. Working groups do not have decision making power.

Working groups enable Councillors to work constructively and collegially together to consider an issue and collectively work on solutions.

5. Quorum

Unless otherwise specified, a quorum is defined as a half, if the total number of members is even or a majority, if the total number of members is odd. The quorum for committees and subcommittees are stated in the relevant terms of reference. The Mayor is included in calculating the quorum and is counted towards the quorum when present. Appointed members are included in calculating the quorum and are counted towards the quorum when present.

6. Ambiguity and Conflict

In the event of ambiguity or conflict between any of the provisions contained in these terms of reference, the Chief Executive can provide advice. If the ambiguity or conflict results in uncertainty or dispute as to which chairperson, committee or subcommittee has the delegation to act in respect of a particular matter, then the Mayor will decide in consultation with the Deputy Mayor and having received advice from the Chief Executive. The decision of the Mayor will be final and binding.

In resolving ambiguity or conflict in the allocation of matters to committees, the guiding principle is that the primary outcome of the decision required should determine which committee deals with the matter.

HOUSING AND URBAN DEVELOPMENT S U B COMMITTEE – TERMS OF REFERENCE

The Housing and Urban Development Subcommittee shall be a Committee of Council, established by Council for specific periods determined by the governing body, or until the 2025 local elections. The existence of the subcommittee does not remove from council any of its legal obligations or responsibilities. The subcommittee may meet in person and online.

Chair:	Councillor McInnes
Deputy Chair:	Councillor Mugford
Members:	Mayor Sam Broughton Councillor Hasson Councillor Mundt Megen McKay (Te Taumutu Rūnanga representative) Vacant (Ngāi Tūāhuriri Rūnanga representative) Up to 2 x Subject matter experts
Quorum:	Half the number of elected and appointed members on the committee at the time, as per S.O 11.1(b). If it is an odd number, then the quorum is half plus 1.
Meeting Cycle:	Every second month or as necessary
Delegations Powers:	As per section 5 of the TOR
Reporting Officer:	Executive Director Development & Growth

1. Purpose

The purpose of the Housing and Urban Development Subcommittee is to guide and provide direction for the development of documents and approaches that relate to development within Selwyn to ensure strategic alignment with Waikirikiri Ki Tua Future Selwyn, and that the housing needs of the Selwyn community are met.

2. Responsibilities

- To work closely with local housing providers and other agencies in the district with an interest in progressing the provision of housing to meet the district wide housing vision as set out in Waikirikiri Ki Tua Future Selwyn. This includes the availability of affordable, accessible housing for all housing needs.
- To assess, promote and utilise the housing related research as currently provided for within the National Policy Statement (NPS) – Urban Development with Council and its partner agencies, ensuring that capacity for housing is enabled.
- To guide the development of spatial plans such as Area Plans and Town Structure Plans
- To provide direction to District Planning development (Council Plan Changes)
- Provide advice and assist in developing Council's position on relevant reform such as Resource Management Act and Building Act reform
- Whilst the key focus will be on housing and urban development, there is an interrelationship with the development of the rural area that this Committee will need to consider
- Shall be responsible for monitoring performance (including budget and performance targets) for their areas of responsibility
- To guide the development of strategic transport decisions

3. Delegations

The Subcommittee will be required to develop its work plan based upon the approved Long-Term Plan of the Council and report back on its progress to the Governing Body.

Confirm submissions to central and regional government on behalf of Council.

4. Reporting and linkages

The subcommittee will report to the Governing Body (full Council). Reporting to full Council will be by way of a report prepared by the Chair with the assistance of the Deputy Chair.

5. Chairperson may refer urgent matters to the Council

As may be necessary from time to time, the Subcommittee Chairperson is authorised to refer urgent matters to the Council for a decision, where this Subcommittee would ordinarily have considered the matter.

6. Terms of Reference Review Process

The Terms of Reference will be reviewed at the first meeting of the subcommittee and then again before the end of the triennium for advice to the next elected council.

TERMS OF REFERENCE REVIEW TABLE

Date of review	Status / summary of changes made
June 2024	TOR established
14 August 2024	Adopted by Council
6 November 2024	Adopted by Subcommittee (with amendments to be made)

REPORT

TO: Housing and Urban Development Sub-committee

FOR: Meeting on 5 February 2025

FROM: Strategy Team Leader – Ben Baird

DATE: 24 January 2025

SUBJECT: GREATER CHRISTCHURCH PARTNERSHIP UPDATE

RECOMMENDATION

‘That the Housing and Urban Development Sub-Committee:

a) Receives the Greater Christchurch Partnership Update report’

1. PURPOSE

The following memo is a summary of the work underway as part of the Greater Christchurch Partnership. 2024 for the partnership saw the endorsement of the Greater Christchurch Spatial Plan; Joint Housing Action Plan; and various Transport projects.

2. JOINT HOUSING ACTION PLAN

The Joint Housing Action Plan has completed Phase 1 of the work, which provides options for the partnership to support the delivery of social and affordable housing. A summary of the actions are as follows:

Action	Description	Status
1	Identify publicly owned sites appropriate for affordable housing development and determine what is required to enable development.	Completed Potential Partner Council sites mapped. Work is ongoing with Crown partners
2	Identify mechanisms to enable development of affordable housing on public land.	Completed The various development models and tenure types across the housing continuum have been identified and detailed.

Action	Description	Status
3	Investigate collective inclusionary zoning across all three TAs to increase the supply of social and affordable rental housing.	<p>Completed</p> <p>The inclusionary zoning policy options would produce both positive and negative outcomes.</p> <p>Further investigation and detailed assessment would be required to establish whether the positive outcomes would outweigh the negative outcomes for the inclusionary zoning policy options. However, it is acknowledged that these policies would result in a considerable amount of funds being collected from the community and that GCP councils would need to commission more research to develop a robust evidence base to justify the implementation of an inclusionary zoning policy.</p>
4	Investigate incentives to encourage development of affordable housing.	<p>Completed</p> <p>Density Bonus, targeted rates, local government funding and rates concession policies are likely to have the best outcomes where the potential benefits are likely to outweigh the cost.</p>
5	Investigate expanding development contribution rebates to all councils, and including social, affordable rental and progressive home ownership.	<p>Completed</p> <p>The planning concessions and development contributions remissions are likely to have minimal implications in terms of the wider impacts. However, it is expected that the net outcomes would most likely be positive.</p>
6	Support wider advocacy to influence financial institutions to invest in affordable housing solutions	<p>Completed</p> <p>Supporting nationwide advocacy by the GCP is ongoing. Advocacy plan and key messages will be refined to reflect the target audience.</p>
7	Investigate expanding the Ōtautahi Community Housing Trust model.	<p>Completed</p> <p>OCHT are progressing a private members bill to broaden OCHT's remit.</p>
8	Develop a monitoring and implementation framework to track progress.	<p>Completed</p> <p>Monitoring framework for the JHAP will be incorporated within the framework for the GC Spatial Plan.</p>

From the Phase 1 investigations it was found that the most effective levers available to partners to positively impact affordable housing are:

- Use of property holding of partners;
- Fundings and Financing for affordable housing development, such as through very low or no interest loans;
- Policy changes that support Community Housing Providers and Community Housing Trusts (CHPs/CHTs) and generate more affordable housing; and
- Partnering and advocacy to influence external settings and levers out of control of the GCPC e.g. Institutional investment in housing, Government legislation.

3. MONITORING

The partnership is also developing a monitoring programme: to meet the requirements of the National Policy Statement on Urban Development and track the outcomes of the Greater Christchurch Spatial Plan.

Council staff are involved in the development of this and are using our work relating to Waikirikiri Ki Tua to inform it.

4. TRANSPORT

There are several initiatives relating to transport – PT Futures; Mass Rapid Transit (MRT); Regional Public Transport Plan (RPTP); and Greater Christchurch Transport Plan (GCTP). In relation to public transport most of the co-funding requested from the 2024-27 National Land Transport Programme was not approved in line with Governments latest Policy Statement on Transport.

This was a national phenomenon that for Selwyn included co-funding for its proposed PT infrastructure upgrades such as Park N Rides facilities and bus stop improvement programme, and for Environment Canterbury to provide further direct bus services to Rolleston and Lincoln. The NZ Transport Agency has handed over the primary responsibility for progressing MRT to Environment Canterbury and the Christchurch City Council.

The current estimate to develop the next phase Detailed Business Case is \$53 Million. The City Council has recently applied to the NZ Infrastructure Commission for funding. Consultation and hearings on the RPTP occurred late in 2024, with actions relating to this decided in early 2025 working to a planned adoption of the RPTP by mid 2025. The drafting of the GCTP to reflect the outcomes of the adopted GC Spatial Plan continues for presenting to the GCP in early 2025. Council staff continue to advocate for the type of District outcomes needed to be represented in the GCTP.

5. PRIORITY DEVELOPMENT AREAS

Staff have been exploring the potential Priority Development Area for Rolleston and the potential actions from partners to help achieve the overarching objectives of the Greater Christchurch Spatial Plan, namely focusing growth through targeted intensification in urban and town centres and along public transport corridors, including incorporating future MRT to Rolleston. Actions will explore land-use and infrastructure (development and community) planning, as well as economic development and partners and could include re-prioritised government spending (e.g. schooling or roading upgrades), changes to legislation (e.g. covenant removal), and partnerships (e.g. exemplars).

A handwritten signature in blue ink, appearing to be 'Ben Baird', with a stylized, flowing script.

Ben Baird
STRATEGY TEAM LEADER

Endorsed For Agenda

A handwritten signature in blue ink, appearing to be 'Robert Love', with a stylized, flowing script.

Robert Love
EXECUTIVE DIRECTOR DEVELOPMENT AND GROWTH

REPORT

TO: Housing and Urban Development Sub-committee

FOR: Meeting on 5 February 2025

FROM: Strategy Team Leader – Ben Baird

DATE: 24 January 2025

SUBJECT: **WAIKIRIKIRI KI TUA FUTURE SELWYN PROGRAMME UPDATE**

RECOMMENDATION

‘That the Housing and Urban Development Sub-Committee:

a) Receives the Waikirikiri Ki Tua Selwyn Programme Update report’

1. PURPOSE

This memo provides an update of the Waikirikiri Ki Tua Future Selwyn Work Programme. This includes the next stages of the Strategy's development, including monitoring, and the Area Plan development, including engagement.

The programme is progressing, and a more detailed summary is found in Appendix 1. Here is a quick summary on the following stages:

Stages	Description
Engagement	We are currently doing some early engagement, as well as some targeted engagement. There will be engagement on options in July and August, with formal consultation in 2026. Engagement is using a range of tools, including large tabletop maps and digital maps to collect the community's thoughts.
Area Plans	Area Plans are a detailed spatial representation of the Waikirikiri Ki Tua Future Selwyn Strategic Framework. We will develop three options for engagement by July, to coalesce into one option for consultation.
Monitoring	The development of indicators and a dashboard are underway. This is expected to be completed in the first half of the year with our first report done in June.
Implementation	We are looking to embed Waikirikiri Ki Tua Future Selwyn throughout council and within templates and projects.

A handwritten signature in blue ink, appearing to be 'B Baird', with a stylized flourish at the end.

Ben Baird
STRATEGY TEAM LEADER

Endorsed For Agenda

A handwritten signature in blue ink, appearing to be 'R Love', with a long horizontal flourish extending to the right.

Robert Love
EXECUTIVE DIRECTOR DEVELOPMENT AND GROWTH

Waikirikiri Ki Tua Future Selwyn Programme Update

Housing & Urban Committee Meeting

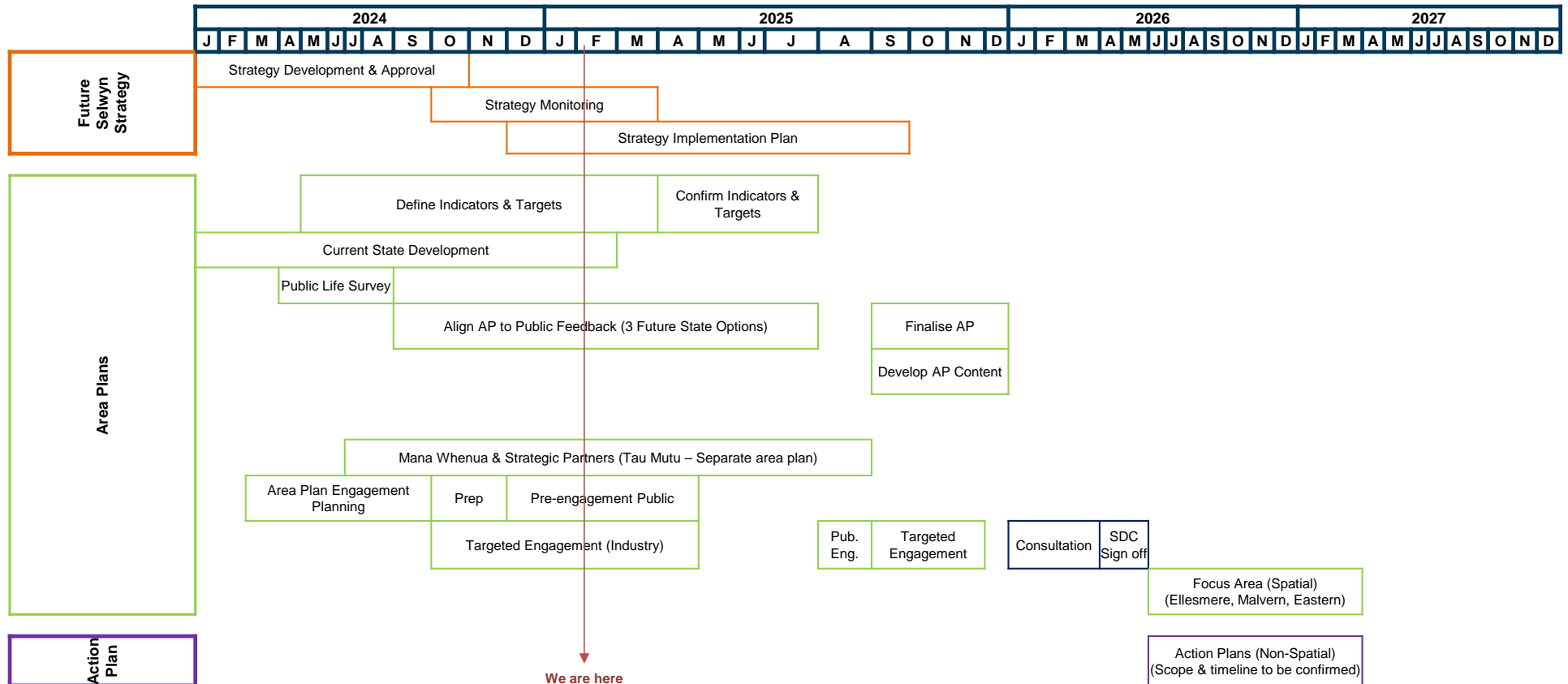
2 February 2025



Waikirikiri Ki Tua Future Selwyn Programme Overview



Waikirikiri Ki Tua Future Selwyn Programme Timeline



Future Selwyn Strategy Project Update

Background

This project underpins the development of the Future Selwyn Strategy, creating a dynamic, community-supported framework that provides clear direction for Council activities and investment, as well as overarching guidance for the district. Focusing on sustainable development through a Selwyn-specific lens, it integrates growth data with a Strategic Framework that outlines key priorities and objectives. The Strategy serves as a reference point for aligning Council strategies and plans with defined outcomes and current data.

Moreover, the project embeds the Strategic Framework into Council processes by refining reporting mechanisms, updating strategies, addressing gaps, and aligning critical plans such as the Long-Term Plan and Infrastructure Strategy. This ensures the Strategy drives tangible impact, clearly demonstrating how Council initiatives and investments advance its outcomes.

Roles & Responsibilities

Sponsor	Tim Harris
Business Owner	Head of Strategy & Performance
Programme Lead	Ben Baird
Project Manager	Naz Mansouri
Project Leads	George Sariaik & Ryan Mayes
Engagement & Comms Lead	Natalie Cahill
Delivery Team	Strategy Team

Workstreams

Strategy Development		Strategy Monitoring		Strategy Implementation Plan	
Status	Complete	Status	On track	Status	On track
Phase	Close-out	Phase	Delivery	Phase	Set-up
Purpose: To develop a strategic framework that informs the future of the district's development and well-being, through a sustainability and Te Ao Māori lens.		Purpose: To measure progress on the outcome of the strategic framework.		Purpose: To embed the strategic framework across council to ensure meaningful change.	

Timeline



Achievements

- Developed placeholder indicators and data source for dashboard.
- Drafted dashboard build.
- Progressed development of the community profile and activity monitor.
- Commenced requirement gathering for Implementation Plan.
- Commenced requirement gathering for Implementation Plan.

Next Focus

- Build dashboard to collect and analyse data.
- Complete the development of the community profile and activity monitor.
- Complete planning phase for Implementation Plan.

Area Plans Project Update

Background

This project delivers detailed spatial representations of Future Selwyn through the development of Area Plans. These sub-district spatial plans align with the Future Selwyn Strategy by translating its Vision, Outcomes, and Directions into a localised spatial framework. The Area Plans provide greater detail to the District Picture, identifying specific areas for development and investment aimed at enhancing community well-being and environmental sustainability. They will also outline key projects for inclusion in the 2027 Long Term Plan and actions to guide Council.

The initial phase involves developing three growth options for each area and engaging the public to gather preferences and feedback. This is followed by finalising Area Plans based on input, including public consultation and hearings, before approval. The process then identifies key investment areas to achieve the desired state.

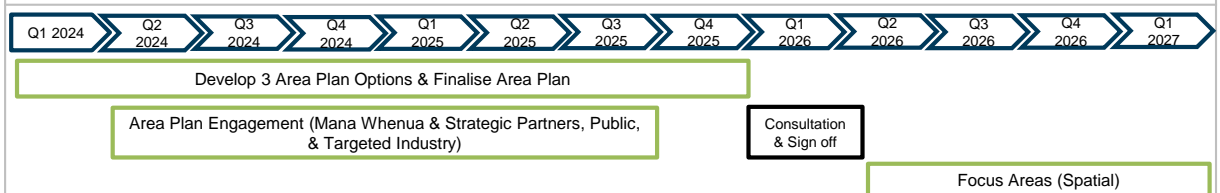
Roles & Responsibilities

Sponsor	Tim Harris
Business Owner	Head of Strategy & Performance
Programme Lead	Ben Baird
Project Manager	Naz Mansouri
Project Leads	Justine Ashley & Ryan Mayes
Area Plan Delivery Sub-Team	Strategy Team

Workstreams

Area Plans		Area Plan Engagement		Focus Areas	
Status	On track		On track		On track
Phase	Delivery	Phase	Delivery	Phase	Initiation
Purpose: To complete the current state development, define targets & principles, and develop 3 area plan options to inform the final area plan.		Purpose: To engage with the local community to incorporate their needs and inputs in the development of three area plan options.		Purpose: To address investment in infrastructure, services, and community well-being to achieve the desired future state.	

Timeline



Achievements

- Completed defining principles.
- Progressed defining targets and indicators.
- Commenced area plan engagement activities with public and targeted (industry) services.
- Progressed current state development.
- Drafted growth scenarios.
- Progressed community needs assessment.
- Commenced drafting 3 area plan options.

Next Focus

- Confirm future state targets and indicators.
- Complete current state development.
- Complete initial engagement activities with public and targeted (industry) services.
- Draft 3 area plan options.

REPORT

TO: Chief Executive Officer

FOR: Housing and Urban Development Subcommittee – 5 February 2025

FROM: Michelle Flay – Senior Policy Planner

DATE: 22 January 2025

SUBJECT: **COUNCIL SUBMISSION ON THE RESOURCE MANAGEMENT (CONSENTING AND OTHER SYSTEM CHANGES) AMENDMENT BILL**

RECOMMENDATION

‘That Council:

- (a) Receives this report and:*
- (b) Endorses the attached submission on the Resource Management (Consenting and Other System Changes) Amendment Bill’.*

1. PURPOSE

The purpose of this report is to seek the Subcommittee approval of the attached Council submission on the Resource Management (Consenting and Other System Changes) Amendment Bill (the Bill).

2. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The decisions and matters of this report are assessed as of low significance, in accordance with the Council's Significance and Engagement Policy. The degree of significance attached to this is considered low, as the Council is submitting on a Central Government process.

3. HISTORY/BACKGROUND

On the 9 of December 2024, the government announced an amendment bill to the Resource Management Act. The amendment bill makes targeted amendments to the RMA as part of Phase 2 of resource management system (RM system). These amendments are intended to unlock infrastructure, housing and primary sector development, and drive a more efficient and effective RM system.

The amendments are wide-ranging and have been grouped across five themes: infrastructure and energy, housing growth, farming and the primary sector, natural hazards and emergencies, and system improvements.

The submission period closes on 10 February 2025.

4. PROPOSAL

That the subcommittee receives and endorses Council's submission as attached as Appendix 1.

5. OPTIONS

The Committee has three options:

Option 1 (Recommended) – receive and endorse the submission

Option 2 – endorse the submission pending any suggested changes

Option 3 – not support the submission and do not submit on this bill.

6. VIEWS OF THOSE AFFECTED / CONSULTATION

In making a decision Council needs to know enough about and give adequate consideration to the views and preferences of affected and interested parties. The degree to which Council seeks views of affected and interested parties will be proportionate to the significance of the decision or issue being considered.

(a) Views of those affected and Consultation

A draft submission was circulated and informed by relevant Council staff. Councillor comments were sought via email, ahead of the subcommittee. No external consultation was undertaken in the development of the submission.

(b) Māori and Treaty implications

No liaison with mana whenua was undertaken in the preparation of this submission, but staff have general concerns about the expediency and lack of engagement and consultation undertaken in the development of the proposed bill.

(c) Climate Change considerations

As this submission is a procedural matter, there are no direct climate change considerations.

7. FUNDING IMPLICATIONS

There are no budget considerations associated with the recommendations of this report.



Michelle Flay
SENIOR POLICY PLANNER

Endorsed For Agenda



Robert Love
EXECUIVE DIRECTOR DEVELOPMENT AND GROWTH

Ministry for the Environment | Manatū Mō Te Taiao

Selwyn District Council submission on the Resource Management (Consenting and Other System Changes) Amendment Bill.

Introduction and Context

1. Selwyn District Council (The Council) welcomes the opportunity to provide a submission on the Resource Management (Consenting and Other System Changes) Amendment Bill (Bill 2).
2. The submission represents the collective opinion of the Council and focuses on issues from the perspective of a Territorial Authority.
3. The Selwyn District (the district) is a territorial authority in Te Waipounamu | South Island and covers 6,400 km² embodying ki uta ki tai, from the mountains to the sea. Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga (Ngāi Tahu) have the predominant takiwā interests.
4. The Selwyn district has experienced unprecedented growth, change and development in recent decades, and so far, Council has responded well to the pressures and opportunities this growth entails. Continued growth of the Selwyn District is expected into the future, which will need to be supported by appropriate regulatory system settings if Selwyn is to achieve its long-term vision of *“A liveable, innovative and connected Waikirikiri Selwyn, filled with opportunity and prosperity”*.¹

Submission key themes

5. Selwyn District Council's submission key themes:
 - Council is concerned about the complexity and speed of the reform overall as this increases the likelihood of poor policy outcomes.
 - Council is concerned that the amendments, cumulatively, are not “simple quick-fixes” to what are systemic issues.
 - Council considers that many of the proposed amendments will do little to improve the status quo, but will certainly introduce further uncertainty into the system.
 - Council supports many of the consenting and enforcement related amendments but is concerned about how these will translate into a new resource management system (beyond the RMA) when the premise of the new system will have less of a consenting focus.
 - Overall, there has been limited consultation, engagement, data and evidence (especially economic analysis) to inform these changes to legislation which is particularly concerning in an economic crisis and when councils have been instructed to focus on ‘doing the basics brilliantly’.

¹ Waikirikiri Ki Tua Future Selwyn. www.selwyn.govt.nz/future

General Comments

6. Council supports reforming the resource management system and agrees with many of the proposed changes to the Act. However, Council is concerned by the overly complex, staged approach to resource management reform (reform), within condensed timeframes. This approach increases the risk to local government, and rate payers needing to bear the future costs associated with poorly developed policies and subsequently jeopardises councils' ability to focus on core functions.
7. While Council supports changes to fix what are long-standing issues with Act, the breadth and scope of changes progressed through this Bill, the previous RM Amendment Bill, and what will be the “largest package of national direction in New Zealand's history” are neither targeted nor offer clear ‘quick fixes’ to what are systemic issues.
8. The long-term implications of the Bill will be dependent on the subsequent replacement of the Act. This makes it difficult to understand the benefit of making "Consenting and Other System Changes" now. Given a key principle for Phase 3 of reform is to shift the system focus from “*ex ante consenting to strengthened ex post compliance monitoring and enforcement*”, it is unclear why such expediency to deliver consenting changes is justified in the face of such a monumental system shift, delivered ahead of the next general election.
9. Proposals progressed under the Bill need to deliver clear economic benefit. Council considers it poor that the expedience of policy development has meant only a limited understanding of the scale of the issues identified² and non-monetary estimation of costs and benefits has been undertaken. Consenting changes have the potential to impact communities directly, therefore understanding those economic impacts from the outset is critical.

Comments on proposals by theme

10. The below comments are separated out into the 5 themes as they appear in the general policy statement set out in the Bill. The 5 themes are:
 - Infrastructure and energy
 - Housing growth
 - Farming and primary sector
 - Natural hazards and emergencies
 - System improvements

Infrastructure and energy

11. Council supports the proposed inclusion of new section 123B, providing for a default 35-year duration for resource consents for renewable energy and for long-lived infrastructure. Though it is noted that the requirement in this section to specify the period for which the resource consent is granted conflicts with existing section 123(b) that provides for unlimited duration of consent for section 9 land use activities and subdivision. We believe this is unintended, and limiting the duration of land use consents for these activities would be counter to the intent behind new section 123B.

² Supplementary Analysis Report: Resource Management Act Amendment Bill 2 – analysis to support introduction, page 4.

12. Council supports the 1-year timeframe for processing for renewable energy and wood processing facilities but considers this change will have very little impact on the status quo as majority of renewable energy generation³ and wood processing⁴ consents are already processed within a year according to national monitoring data.
13. Further direction should be provided in the legislation detailing the process where applications do go over the 1-year limit, particularly with respect to local authority processing fees. It is proposed that applicants and a relevant entity may request an extension to the 1-year period by up to a further 1-year. There would appear to be little incentive for the applicant (or treaty entity) to seek an extension to the 1-year timeframe in this case. Exceeding the timeframe would be of little or no consequence to the applicant. There is also no consequence specified for consenting authorities if the 1-year timeframe is exceeded.
14. While Council supports the proposal, it appears there is limited evidence to justify the proposed 10-year lapse period for renewable energy activities. The Act already provides that an application can be made to extend the lapse date under the existing section 125.
15. Council supports extending the default lapse period for designations to 10 years. Designations often take longer than 5 years to implement so extending this period will improve system efficiency. This change will also require no consequential changes to the district plan and will be beneficial to improving the delivery of infrastructure.

Housing

16. Increased Ministerial involvement in local planning processes will exacerbate uncertainty for local government. District plans are intended to have a 'life span' of ten years which does not align with the timeframe of the central government political cycle. Increasing the ability for ministerial intervention will potentially reduce the certainty that district plans provide to communities.
17. Local planning processes offer the opportunity for communities to determine their own priorities. Increased Ministerial intervention will likely result in communities that are less engaged and willing to invest in local planning processes driving community determined outcomes. The most recent change of government, and Bill 1 changes have demonstrated considerable disregard to the investment local communities have made to date in preparing regulatory documents under the RMA.
18. The benefits of increasing ministerial powers to direct local authorities are also unclear. Central government already have the powers to direct local planning instruments and have exercised these most recently through the MDRS changes, which, for the Selwyn District alone, took 12 months, at a cost to ratepayers of over \$1 million.
19. Council highlights the additional cost burden to local ratepayers triggered by making the MDRS optional. While Council accepts that making the MDRS optional has an elected mandate, Council is concerned that no cost-benefit analysis has been undertaken.

³ 95 per cent of wind, solar and geothermal resource consents were granted in less than one year. Regulatory Impact Statement paragraph 52.

⁴ 84 per cent of wood processing consents were granted in less than one-year. Regulatory Impact Statement paragraph 69.

20. Council supports the MDRS changes enabling more flexibility in local decision-making. Councils are best placed to determine where the MDRS settings should apply, for example being able to disapply MDRS settings outside of walkable distances from essential services and neighbourhood centres, as well as having greater control over infill and access issues.
21. Additional Ministerial powers to amend plans need to be supported by an appropriate process whereby the community are only consulted if there is a genuine opportunity to influence change. At significant expense to the community, previous MDRS changes directed mandatory requirements to consult with the community when there was no genuine opportunity to influence what the plan was to include.
22. Council looks forward to the release of proposals for the revised NPS-UD which are wholly necessary to fully comprehend the requirements of this Bill. As a tier 1 Council, we urge an early proactive release of the revised NPS-UD so that local authorities can prepare to give effect to this instrument, particularly as a decision to remove or alter MDRS could reduce development capacity.
23. Council has concerns in using the Streamlined Planning Process (SPP) to delist heritage buildings and structures. The criteria for using the SPP covers broad themes such as meeting a significant community need, implementing national direction or addressing an urgent matter of national policy. The insertion of a clause to delist heritage buildings and structures is an extremely specific addition for an issue where there are already existing mechanisms within the RMA.
24. It is also noted that the explanatory statement implies that the SPP is available for delisting and listing of heritage buildings which is not evident in the Bill provisions. If the SPP is to be used as a more expedient method to delist heritage buildings and structures, there may also be merit in extending this to the listing of heritage building and structures.
25. Given the importance attached to scheduling a building or structure in a district plan to provide protection from inappropriate subdivision, use and development, it is recommended that for any building or structure that is also entered on the New Zealand Heritage List/Rārangī Kōrero, Heritage New Zealand Pouhere Taonga (or 'heritage protection authority' as appropriate) is specifically included as a party whose comment must be sought when undertaking an SPP process where clause 80C(2)(ea) has been used in the application to the Minister.

Farming and primary sector

26. The proposed changes relating to the farming and primary sector relate to consenting functions administered by regional authorities.

Emergencies and natural hazards

27. Council supports allowing land use consents to be declined or the ability to apply conditions based on risk from natural hazards. Council notes this is consistent with the existing approach to considering subdivision consent applications under section 106.

28. The proposed amendment to section 86B providing that rules addressing natural hazards will have legal effect from notification is supported and ensures that decisions on resource consent applications will not exacerbate risk from natural hazards once a plan is notified.
29. Council agrees with the changes to section 330 clarifying the local authority's responsibility to notify the owner and occupier of land entered for the purpose of taking remedial action in an emergency. This approach will be particularly helpful in the context of an emergency response.
30. Council also supports the proposed changes to section 330A to extend the timeframe by which resource consent for emergency works must be applied for to 30 working days.
31. Proposed section 331AA is also supported. Prescribing the process that emergency response regulations can be made will also expedite consenting associated with recovery activities. This formalises the approach taken to facilitate recovery from natural disasters and draws from experience in responding to the Christchurch Earthquakes, Kaikoura Earthquake and Cyclone Gabrielle.

Consenting, enforcement and other matters

32. New clause 2B in section 92 requires the consent authority to make several considerations ahead of making a formal request for further information. It is understood that this change has the purpose of speeding up the consent process by avoiding unnecessary requests for information. Council considers the new requirements could be strengthened by amending section 92(2B) to say "*The consent authority must not request further information unless it is required for: a) b) c).*"
33. Council considers the new requirements would have already been undertaken ahead of seeking further information regardless of it being a legislative requirement, therefore, this amendment is not likely to result in any change to existing practice in most cases.
34. Council welcomes proposed section 92AA, enabling the ability to return consent applications where applicants have failed to provide requested information in certain circumstances. Further to this, Council suggests extending this ability to private plan change requests. This will be beneficial where applicants have failed to respond and may have disengaged from the process. This will be a useful tool for councils managing legacy applications.
35. Council supports the replacement of section 100, removing the obligation for councils to hold a hearing, however, considers the benefit may be small, and further clarity of what is required for 'sufficient information' is required. Only a small proportion of resource consent applications are notified, and only a smaller number of situations exist where nothing further is to be gained from hearing from submitters, or the applicant, and where a decision can be made without the added time and cost of holding a hearing.
36. The replacement to section 100 is unclear on the process where Council decides not to hold a hearing, and whether this decision can be challenged, and by whom (e.g. can this be challenged by applicant, and also submitters or others involved in the process?).
37. Natural justice generally requires affected parties have the opportunity to be heard. Removing these rights based on what Council considers to be 'sufficient information'

introduces new legal risks for Council and potential litigation where applicants (wanting to avoid the expense of hearing processes) disagree on Councils determination of the sufficiency of the information that has been provided.

38. New section 103BA, related to the change proposed to section 100, requires that any report prepared under section 42A and any other evidence be provided to the applicant and any submitter in the instance that the Council decides that a hearing is not required. While Council supports this new section, it considers that the provision requires direction around the timing for providing these documents to the applicant, specifically before a decision is made on the application, and further details (limitations and timeframe for response, objection period and limitations) as to the input that the parties can have, if any.
39. Council supports amendments to section 104 which explicitly provides for the consideration of the compliance record of a consent applicant in making a decision on a resource consent application, and that a poor compliance record may be a reason to ultimately decline resource consent. This is likely to reduce or eliminate recidivist offending.
40. The intent of new section 107G is supported, and obtaining agreement on draft conditions is an important step prior to making a decision on a resource consent application. It is typical for the consenting authority to provide draft sets of conditions to applicants with the aim of seeking agreement, it would not often be left to consent applicants to request this to occur. This new section would benefit from being amended to allow for either the applicant or the consenting authority to seek a review of draft conditions.
41. Proposed new section 314A benefits consenting authorities. The ability to apply to the Environment Court for revocation or suspension of a resource consent will provide an additional tool to use to gain compliance promptly and proportionally, or to remove the authority to undertake an activity.
42. Section 61 provides an extension of the time to excessive noise directions (END) (extending the previous 72 hours to 8 days) for the recipient of an END to remain compliant before removal of equipment and infringements. This is positive as it will reduce unnecessary call outs for repeat or prolific offenders. This will reduce costs to the public and will help to support a healthy noise environment.
43. Council supports changes to section 339, the imprisonable offence period, and increasing the fines provide an appropriate deterrent for non-compliance with district (and regional) plan regulation and resource consent conditions.
44. Council supports amendment to section 36(1). This change enables councils to recover costs for investigations, and 'for any function necessary to determine whether the contravention has occurred'. This will improve Council's ability to recover costs associated with necessary investigations. The Council can also recover costs in monitoring compliance with an abatement notice. All these amendments could enable a reduction in cost to the ratepayer in pursuing offences under the Act.

Response to Questions

Thank you for the opportunity to provide this submission.

For any clarification or discussion on points within this submission please contact Selwyn District Council's Michelle Flay, michelle.flay@selwyn.govt.nz.

I acknowledge and accept that this submission may be released publicly including being published on the Ministry for the Environment's website.

Nāku noa, nā

On behalf of the Selwyn District Council

Robert Love

Executive Director – Development and Growth

CLOSING KARAKIA

Unuhia, unuhia
Te pou, te pou
Kia wātea, kia
wātea
Āe, kua wātea

Remove, uplift
The posts
In order to be
free
Yes, it has been
cleared