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PART A

# A1 THE DISTRICT PLAN

## A1.1 WHAT IS THE DISTRICT PLAN?

The Selwyn District Plan has been prepared under the Resource Management Act 1991 ("the Act"). The purpose of the District Plan is to assist the Council to carry out its functions in order to achieve the purpose of the Act.

The sustainable management of natural and physical resources is the purpose of the Act. In general terms the District Plan is the means by which the use, development and protection of the District's natural and physical resources will be sustainably managed into the future.

In addition to achieving the purpose and principles of the Act, the District Plan must address the following functions of the Council, as defined in section 31:

- "(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district,
- (b) The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances,
- (c) The control of subdivision of land,
- (d) The control of the emission of noise and the mitigation of the effects of noise,
- (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes;
- (f) Any other functions specified in this Act."

## A1.2 CONTENT OF THE DISTRICT PLAN

The District Plan sets out the manner in which the Council intends to deal

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with its functions under the Act. In doing this, the district plan specifies objectives, policies and methods, in relation to the resource management issues of the District, to achieve the integrated and sustainable management of the District's resources. The District Plan is a legal document, with the power of regulation, and is binding on all persons within the District, including businesses, Government bodies (including the District Council) and any other organisation or group.

Section 75 of the Act prescribes the contents of any district plan, which must include, among other matters:

- The significant resource management issues of the District:
- The objectives sought to be achieved by the Plan:
- The policies in regard to the issues and objectives, and an explanation of those policies:
- The methods being or to be used to implement the policies, including any rules:
- The environmental results anticipated from the implementation of these policies and methods:
- The procedures to be used to review the matters above, and to monitor the effectiveness of the Plan as a means of achieving its objectives and policies.

## **Volumes of the District Plan**

The Selwyn District Plan comprises two volumes. Volume 1 is for the townships of the District and Volume 2 is for the rural areas. This volume deals with the townships. It comprises the following parts:

- Part A Introduction
- Part B Issues, Objectives and Policies
- Part C District Plan Rules
- Part D Definitions
- Part E Appendices

The Township Planning Maps are contained separately.

Under Section 73 of the RMA, a territorial authority shall at all times have

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one District Plan, but that Plan may be prepared in territorial sections. This District Plan is prepared in two territorial sections, townships and the rural area. The two volumes are not separate District Plans, they are two sections of the same Plan.

The territorial boundaries of the sections are shown on the planning maps, with all land zoned Living or Business being administered through rules for the Township Volume and all land zoned Rural through rules for the Rural Volume. Where effects of activities extend across the boundary into zones administered under the other volume of the Plan, then all relevant objectives and policies of both volumes will apply to any resource consents, and in terms of relevant objectives and policies, for Plan Changes and Variations. The Township Volume also has a policy framework for dealing with urban expansion and the growth of townships. This process can affect the surrounding rural area where it involves rezoning land from Rural to a Living or Business zone. Therefore, the Township Volume includes policies to manage the effects of such change and to ensure patterns of residential development that achieve the purpose of the RMA. These policies apply to land which is being considered for rezoning for urban growth. The District Plan does not contain policies for rezoning land from Living or Business to Rural, because this is not a resource management issue which requires managing in the District. However, this does not preclude the land from being rezoned from a Living or Business zone to Rural, using the provisions in the RMA, if that zoning better suits the existing or intended land uses on the site.

As the territorial sections of this District Plan are based on zones, rather than geographic areas, it is possible for land to move from one volume to another as it is rezoned. Therefore, any change to the Plan to rezone land is a change to both volumes of the District Plan, in the same way as it would be a change to the entire plan should it be bound as one document.

As stated above, the District Plan sets out the issues that have been identified by the Council, and the objectives and policies of the District Plan to address those issues. The objectives are framed as the end state or situation that the district plan aims to achieve. The policies are the course of action being followed through the district plan to achieve the objective. The District Plan also specifies the environmental results anticipated to be achieved by the implementation of the objectives and policies.

To achieve the objectives and policies of the Plan, rules are included which allow, control or prohibit activities. To recognise that different areas of the District will have different resources, character and levels of amenity, and that the community will seek different environmental results for those areas, the Council has adopted the method of zoning. The zones provide opportunities for future development in keeping with the

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character and amenity sought for these different areas. Any particular activity must comply with the rules applicable to the zone in which it is situated.

## **A1.3 CHANGING AND REVIEWING THE DISTRICT PLAN**

Section 73 of the Act requires the Council to have a District Plan for its District at all times. The Council is obliged to commence a full review of its District Plan not later than 10 years after the plan becomes operative. It is, therefore, envisaged that this document will provide the guidelines for the management of the natural and physical resources of the Selwyn District over the next 10 years. The Council is committed to a plan that is current and relevant, and which address issues and concerns as they arise. Therefore, the provisions of the Plan will be subject to continuous review by the Council, and may be changed (including within the 10 year full review period if necessary), so that on-going and evolving resource management requirements of the community may be acknowledged and provided for.

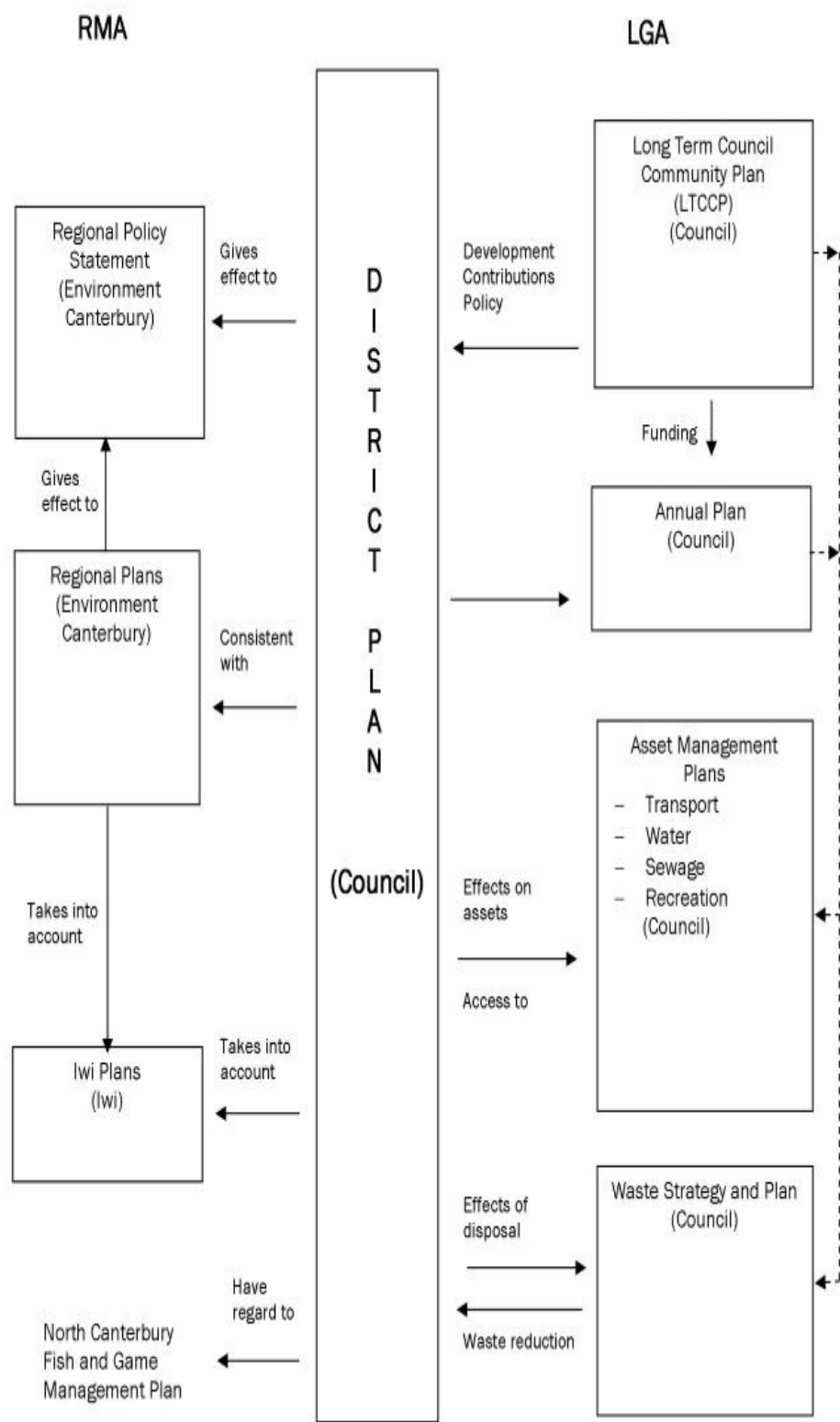
In addition to Council initiated changes, any person may formally request the Council to change the Plan. The procedure is set out in the First Schedule of the Act. Requests must clearly define the proposed change, so that it can be readily understood, and describe the environmental results anticipated from implementation of the change.

Requesters must also provide the following information in support of their Plan Change, to the satisfaction of the Council:

- The extent to which the change is necessary in achieving the purposes of the Act, and any relevant objective or policy in this Plan;
- Alternative means of achieving the purpose of the Act, or any objective or policy of this Plan;
- Reasons for and against the adoption of the plan change and the outcome of taking no action;
- An evaluation of the likely benefits and costs of the principle alternative means and the likely implementation and compliance costs if the plan change is adopted.

## **A1.4 RELATIONSHIPS WITH OTHER DOCUMENTS**

### **Figure A1.1 — Relationship Between Plans**



# Explanation

The Council is required to produce plans to help it carry out its functions

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under both the Act and the Local Government Act 1974 2002 (“the LGA”). Figure A1.1 shows the relationships between the various strategies, policies and plans the Council produces and those produced by Environment Canterbury (the Regional Council) and Iwi.

## **Resource Management Act 1991 (“the Act”)**

Under the Act, Regional Councils must produce a regional policy statement (RPS) (section 60). Regional Councils must also have a regional coastal plan at all times (section 64(1)). They may also produce regional plans to address issues that are mostly under their control (section 65). District Councils must produce a District Plan (section 73). Regional plans must be consistent with the RPS (section 66(2)(a)); District Plans must be consistent with both the RPS and any relevant regional plan (section 74(2)(a)). The Council must also have regard to plans recognised by Iwi, in preparing a District Plan (section 74(2)).

## **Local Government Act 2002 (“the LGA”)**

In New Zealand the powers of local Government are set by Parliament and are contained in the LGA, and other specific statutes, such as the Resource Management Act 1991. The LGA reflects a departure from the way in which powers and functions have traditionally been codified in legislation. Instead of prescribing all the functions that local Government should undertake, the LGA has instead provided local Government with a general form of empowerment. The LGA encourages local authorities to focus on promoting the social, economic, environmental and cultural well-being of their communities, consistent with the principles of sustainable development.

Under the LGA, District Councils are required to prepare a Long Term Plan (LTP) and an Annual Plan. The LTP covers a period of ten years and outlines the Council’s medium to long term priorities. It describes how the Council intends to contribute to the community well-being over the life of the plan. The Annual Plan sets out the budget for each year and includes:

- a funding impact statement;
- forecast financial statements;
- statements setting out service levels and performance measures; and
- details of any changes from the information in the LTP.

The LTP and Annual Plan allocate funds for all Council’s activities, including funds for non-regulatory methods, environmental monitoring in

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the District Plan and Asset Management Plans.

The District Plan sets the policies and rules under which everyone (including the Council) must carry out their activities to protect the environment.

## **Other Legislation**

The Council has functions, powers and duties under other statutes. Some of these functions and powers are used along with, or instead of, rules in the District Plan to provide sustainable management of natural and physical resources. The district plan states where other legislation is used. Examples include:

- Building Act 1991: safe and structurally sound buildings.
- Historic Places Act 1993: protection of archaeological sites.
- Hazardous Substances and New Organisms Act 1996: health and safety in use of hazardous substances.

The Resource Management Act 1991 does not apply to:

- Activities necessary for national security (section 4(2)).
- Activities by the Crown on land held under the Conservation Act 1987, or any act listed in the First Schedule of that Act, if the activity is consistent with a conservation management plan or strategy or other management plan prepared under those Acts (section 4(3)).

Section 68(6) of the Act requires the Regional Council (Environment Canterbury) to notify the Council of any regional rules that affect the use of particular areas of land in the District. These regional rules may cover such matters as the carrying out of earthworks, burning and clearance of vegetation, the discharge of contaminants onto land, and gravel extraction. The Selwyn District Council will ensure that any such rules are annexed to, and appropriately annotated in, the copies of the District Plan which are held by the Council.

These rules are not to be regarded as rules in the Selwyn District Plan, therefore they will be updated as and when necessary without further formality. Only regional rules of proposed or operative regional plans, and those regional rules contained in various instruments (plans, by-laws and legislation) deemed to be regional plans under the transitional provisions of the Act, are annexed to the Plan.

## **Strategic Plan (1977) — Mandate under LGA**

Section 223(d) of the LGA 1974 allows the Council to set out its broad policies and objectives through an annual plan, providing a clear statement of the goods and services produced by the Council. The District Plan, through its rules, is principally a regulatory method of achieving the sustainable management of the natural and physical resources of the District. Service delivery and regulation are however complementary procedures, and the delivery of goods and services by the Council can also be used to achieve sustainable resource management. To this extent the Council's District and Annual Plans ought to be consistent with each other, in order to work together to achieve the purposes of the Act.

## **A1.5 CROSS-BOUNDARY ISSUES WITH OTHER COUNCILS**

A District Plan must identify issues which cross territorial boundaries and methods to address these issues, under the Act (section 75(2)(f)). Table A1.1 includes a list of cross-boundary issues and methods to address each issue. The cross-boundary issues relate to both townships and the rural area in the Selwyn District, and are repeated in both volumes of the Plan.

**Table 1 Cross-Boundary Issues in the Selwyn District**

<b>Issues</b>	<b>Local Authorities</b>	<b>Methods</b>
Effects on the strategic and arterial road network from people commuting between Selwyn and Christchurch.	Christchurch City Council (CCC) and Environment Canterbury (EC)	Identified as an effect of residential growth in the Plan. CCC can submit on proposals to re-zone land for more growth.
Effects on "rural character" of small allotments on the boundary with Christchurch and the management of rural residential growth.	CCC, EC, Waimakariri District Council (WDC) and New Zealand Transport Agency (NZTA)	Consistent provisions in plans for residential density in the District and rural residential densities in the Greater Christchurch area subject to Chapter 6 of the Canterbury Regional Policy Statement.
Effects of stormwater run-off in Christchurch on flood flows and	CCC and EC	Submissions on proposals for residential development in Halswell catchment.

water quality in the Halswell River.		Lobby EC to model flood flows.
Air pollution across the boundary with Christchurch.	CCC and EC	Submissions on Regional Air Plan.
Effects of land uses on groundwater supplies for Christchurch.	CCC and EC	Require reticulated sewage for West Melton township. Encourage EC research and monitoring.
Noise effects from aircraft utilising Christchurch International Airport.	CCC, EC and Waimakariri District Council (WDC)	Consistent approach between plans.
Disposal of sewage from some townships to Christchurch.	CCC	Disposal agreements between two Councils.
Region-wide approach to disposal of solid waste and hazardous waste.	CCC, WDC, Hurunui District Council (HDC) Ashburton District Council (ADC) and EC	Joint working party. RMA process to determine if a site is appropriate.
Recreational use and natural values of Port Hills	CCC and EC	Summit Road (Canterbury) Protection Act 2001. Consistent provisions between plans. Joint projects, reserve purchase and management.
Management of Te Waihora/Lake Ellesmere	CCC, EC and Ngāi Tahu	Te Waihora/Lake Ellesmere Department of Conservation/Ngāi Tahu Joint Management Plan. Consistent provisions between Statutory Planning Documents.
Recreational use (including activities on the surface of the river) and natural values of	WDC, CCC and EC	Consistent provisions between district plans and with regional plans. Monitor recreational use and

the Waimakariri River.		effects.
Flooding from Waimakariri River	CCC, WDC and EC	Management through EC.
Water take from Waimakariri River	WDC and EC	Proposed Waimakariri River Regional Plan.
Recreational use and natural values of Rakaia River	ADC and EC	Consistent provisions between District Plans and with regional plans.
Management of Puketeraki Ranges	HDC and WDC	Consistent approaches between district plans.
Management of Southern Alps/ Ka Tiritiri o te Moana	Westland District Council and EC	Other legislation ensure consistent management: National Parks Act 1980, Crown Pastoral Lease Act 1998.
Development on or near the boundary of Selwyn District and Christchurch City Council.	CCC	Notify the Christchurch City Council of Plan Changes, Variations and significant resource consents for residential development near the city boundary and including Rolleston and Lincoln.
Management of the Coastal Environment.	EC	Consistency between the District Plan and the Proposed Regional Coastal Environment Plan.
Proposals affecting the road link between Selwyn and Waimakariri Districts.	WDC	Consistent approach between plans. Submissions on proposals involving new or amended road linkages.
Activities within the landscape corridor shared by Selwyn and Waimakariri Districts affecting qualities of the outstanding landscape identified in the District Plans of both Councils.	WDC	Consistent approach between district plans.
The provision of, and effect of, utilities crossing the territorial boundaries.	WDC and EC	Consultation between Councils and other utility providers.
Hazardous Substance	CCC,	Liaison with relevant staff and

thresholds and controls	Westland District Council, WDC, ADC, HDC, EC and West Coast Regional Council	representatives of other local authorities on hazardous substances issues of local and regional concern, with due consideration to relevant legislation and local and regional environmental issues. Submissions and cross references on variations of hazardous substances provisions in District Plans and the NRRP to aim for consistent approach between plans, with due consideration to relevant legislation and local and regional environmental issues. Submissions on changes to hazardous substances legislation and standards of relevance to the District Plan.
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Of these issues, the provision of land for residential and rural-residential development is the most complex and the most significant in terms of cross-boundary issues. Policies concerning the need for further residential development and rural subdivision within Christchurch City will directly affect the demand for residential development and rural subdivision in Selwyn District and vice versa. Where proposed residential development is of a scale which has cross boundary significance (through resource consents, variations or plan changes) the Christchurch City Council will be advised.

It is appreciated that in some areas different rules may apply on either side of territorial boundaries. However, while the Council recognises that it is preferable that consistent provisions apply where possible, it also considers that differences will occur due to differing objectives and policies of each Council.

To deal with issues that cross territorial boundaries, the processes to be used shall include:

- Meetings with other Canterbury Councils as agreed under the triennial agreement to discuss common issues.
- Meetings and discussions at staff and Councillor level regarding specific issues.
- Joint project teams/working parties as required from time to time.

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- Joint project teams.
  - Regular meetings of Environment Canterbury/Territorial Local Authorities Liaison Group.
  - Liaison with the Summit Road Protection Committee.

## **A1.6 MONITORING**

The Council has duties to gather information, monitor and maintain records on resource management matters. These duties will allow the Council to consider refinements of the content of the Plan, as well as enable the community to be informed about how the Plan's provisions are performing.

The monitoring process of the Council has three components:

- Compliance with the provisions of the Plan and compliance with conditions of consents. In particular, the Council will monitor compliance with approved resource consents. If provided for in the consent, the consent conditions will be reviewed in accordance with section 128 of the Act;
- The state of the environment;
- The suitability and effectiveness of the provisions of the Plan. If necessary, the provisions of the Plan will be updated or improved by way of Plan Change procedures.

The procedures for monitoring the effectiveness of the district plan are set out in Part E, Appendix 1.