

3. AN ADDITION TO THE PRIORITY VARIATION LIST TO INCORPORATE A VARIATION FOR THE MANAGEMENT OF THE DISTRIBUTION OF RETAILING ACTIVITIES FROM INDUSTRIAL ZONES

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The purpose of this report is to recommend to the Regulatory and Consents Committee that a variation for the management of retailing activities from industrial areas be added to the Council's Variations Priority List.

BACKGROUND

On 25 November 1999 the Council agreed that in order to finalise the Proposed City Plan only those variations deemed to be necessary would be initiated. The criteria associated with the list included the following:

- They were signalled in decisions as being desirable as a means of dealing with submissions;
- There are some crucial gaps in the Plan that need to be plugged before the Plan becomes operative in order to protect the environment;
- There are some variations which are essential to simplify the administration process of the Plan; and
- Some variations will assist in resolving appeals.

The Council agreed the following recommendation:

“That the Council note the above list of variations as being critical and that no further variations should be added to this list unless there are compelling reasons to do so in terms of getting the City Plan operative or improving its performance and administration.”

There are a number of references to the Proposed City Plan regarding the extent to which retailing is permitted from industrial zones (Business 3B and 4 zones). The Council agreed that its decisions within the Proposed City Plan to allow virtually unrestricted retailing in these zones were too liberal. The Council, through delegated authority to the City Plan References Subcommittee agreed in October 2001 to support in broad terms a return to a centres-based approach to retailing activities, and to further this approach through the reference/Environment Court process.

In August 2002, the Council's lawyers advised that such an approach could not be furthered through the reference/Environment Court approach due to a lack of scope provided within the arguments raised by the referrers to the Proposed City Plan. They advised that the most fruitful way of achieving the Council's October 2001 directive to return to a centres-based strategy was to initiate and notify a comprehensive variation on the issue.

The advice tabled by Aidan Prebble to the City Plan References Subcommittee on Wednesday 21 August 2002, provided the following recommendation which was accepted by the Subcommittee:

*“The Subcommittee **resolved** that officers be directed to begin work on a Section 32 analysis leading to the preparation of a variation introducing a return to a centres-based retail distribution strategy along the lines of the Council's current “changed position”. On this basis the Legal Services Unit is to inform the Environment Court and the parties to proceedings that it no longer seeks to lead evidence in support of the “changed position”.”*

THE ISSUE

Council Officers and the Subcommittee did not realise that it too would have been prudent to advise this Committee of the above decision, and to request that the retail variation be added to the 14 priority variations agreed to in November 1999. Since August 2002, Council officers and external consultants have been preparing the robust section 32 analysis necessary to present the variation to the full Council.

Council officers are of the opinion that the variation meets the criteria agreed to by the Council in November 1999, and that it is necessary to achieve the Council's October 2001 directive to return to a centres-based strategy. In any case the references on this issue are still subject to the Environment Court process, and it is believed that the Council will be in a much stronger position to argue the centres-based proposition through a comprehensive variation.

SCOPE

The variation proposes to deal only with matters relating to the distribution of retailing activity, with a specific focus on retailing activities from industrial areas. It will not cover issues of visual amenity, of how much retailing the city should have, the development of existing suburban centres, nor transport issues related to existing retail centres.

On 25 February 2003, the Urban Planning and Growth Special Committee agreed to the Terms Of Reference as attached in Appendix 1 for the formation of the Christchurch Commercial Strategy. The strategy is therefore the appropriate document to analyse and determine the wider issues of retail activity within the City. The last update for progress with the Commercial Strategy was provided to the Urban Planning and Growth Special Committee on 10 July 2003.

It is proposed that the variation deal principally with matters (1) to (7) stated below. The Committee is advised that a number of these matters are necessary to update the factual basis of the plan, and provide a comprehensive policy framework for regulation:

| | Part of the PCP | Proposed Amendments |
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| 1 | Volume 1 | Updating the existing business issues of the Plan. |
| 2 | Volume 2 | Providing a policy framework that encourages a centres-based retailing strategy that applies to retailing throughout the City. |
| 3 | | Providing consistent terminology for the phrase "community focal point". |
| 4 | | Introducing a limited number of specifically located "car based large retail concept" zoned areas to recognise this existing retail format in Christchurch. |
| 5 | Volume 3 | Establishing rules that enables a range of industrial and trade based activities within industrial areas, whilst providing an adequate cap on the extent of retailing from these centres. Assessment matters and explanations will also be provided. |
| 6 | | Ensuring that the traffic rules are consistent to the proposed changes above. |
| 7 | | Providing rules, including those relating to landscaping, signage, noise and hazardous substances, for the new "car based large retail concept" zone(s). |

Staff

Recommendation: The retail variation, limited in its scope to points (1) to (7) above be added to the priority list of variations agreed to by the Council in November 1999.

Chairman's

Recommendation: That the above recommendation be adopted.