

5. WORK BRIEF REGARDING REVIEW OF RELEVANT ENVIRONMENT COURT DECISIONS

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The purpose of this report is to inform the Regulatory and Consents Committee of a report considered by the Urban Planning and Growth Committee on Wednesday 5 March 2003.

This report outlines a draft brief which was prepared for Peter Skelton (previous Environment Court Judge, and current Associate Professor of Lincoln University) to provide Staff and Councillors with an overview of relevant Environment Court decisions regarding the ability to do and provide more comprehensive planning within the RMA. In this case, the term comprehensive planning refers not just to effects based planning, but incorporating aspects such as scale, sequence, timing and enhanced outcomes rather than just avoiding remedying or mitigating adverse effects.

Peter Skelton's views are sought to assist both staff work underway and to provide insight/update to Councillors/Council Committees as appropriate.

The feedback sought should outline what 'burden of proof' or prerequisites would be required to meet desired planning and policy changes supportable or defensible before the Environment Court.

Of the topics identified, the following are priority:

1. *Distribution of Retail Activity* - to undertake a review of staff work to date on this matter and to provide suggestions as to the 'burden of proof' that would be required in terms of the statutory methods within the proposed Commercial Strategy (and associated report on the Terms of Reference). Advice will be sought on cases regarding: Retail Distribution and Trade Competition Effects and Strategic Planning.
2. *Staging and Sequencing of New Greenfield Development* - to seek to clarify if the Environment Court has dealt with cases regarding the benefits of staging and sequencing new greenfield development (eg deferring zoning until population growth is at a level which supports further zoning in pre-identified areas - note Manukau City specifically have 'deferred special purpose or future zoning' which provides a signal to the development community regarding next preferred zoning areas; North Shore City also include a required step for structure planning before subdivision zoning applications are received, particularly for zoning/subdivision of large greenfield areas).
3. *Urban Planning generally (eg Consolidation, Metro Limits, adjoining TLA Growth)* - to review: Summary of Environment Court decisions on urban consolidation objectives in the Proposed Christchurch City Plan and related zoning decisions in Christchurch; Exploration of cases regarding metropolitan urban limits and growth in residential/commercial development cases in adjoining TLAs (including the potential for the City to mount successful cases involving proposed developments in adjoining districts within the existing statutory framework).

The timeframe for reporting to Council has not yet been set although the intention is to provide initial reports/feedback for the April/May period.

The Chairperson of Urban Planning and Growth Committee proposed the following recommendations which were adopted by the Committee:

Urban Planning and Growth Committee

- Recommendation:**
1. The information be received.
 2. That arrangements be made for Peter Skelton to address a seminar for all Councillors with an overview of relevant Environment Court decisions.

Regulatory and Consents Committee Chairman's

- Recommendation:** That the above recommendations be adopted.