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Corporate Plan Output: City Plan	

The purpose of this report is to update the Council on progress with regards to City Plan Variations and puts forward a suggested priority list for dealing with them.

### INTRODUCTION

Decisions on the Proposed City Plan were publicly notified in May/June this year, attracting references on 360 issues. Since then, much effort has been put into developing a process that will enable the Council to deal with these references in the most efficient and cost effective manner having particular regard to the needs of appellants, submitters and the Environment Court. A Project Manager has been appointed to assist in developing a project management system to complete the district plan process.

In developing this system the overriding objective has been to get the City Plan operative as quickly as possible. In achieving this objective six principal tasks have been identified and priorities developed. One of these tasks is to deal with a large number of potential variations that have been identified from a number of sources as being desirable in order to enhance the quality of the plan. It is this issue, and how to deal with these variations in the context of achieving our overall goal, which is the subject of this report.

### STRATEGY FOR GETTING THE PLAN OPERATIVE

The urgency and advantages of getting the City Plan operative as soon as possible cannot be over-stated. In its present form (notified as amended by decisions) the Plan is proving difficult to administer, potentially confusing for applicants, and is creating uncertainties as to the way the provisions are to be applied. Particular issues of concern are:

- The application of Section 19 of the Act
- The weight to be given to various provisions of the Plan
- The relevance and weight to be given to the Transitional District Plan
- The need for regular updates or reprints of the Plan as appeals are dealt with or variations become operative

All of these factors place extra costs and delays on users of the Plan, increase costs for the Council, and generally put the Resource Management Act in a dim light. The sooner the Plan becomes operative the better.

There are six principal tasks that need to be undertaken to achieve this goal:

1. References on the Plan either need to be negotiated or resolved through the Environment Court.
2. The submissions on Montgomery Spur need to be heard and a decision issued. A similar situation also applies in the Cashmere Valley and to land at the Templeton Hospital.
3. Decisions on designations need to be notified.
4. A process needs to be put in place to ensure an orderly and efficient print production process.
5. There are some issues that fall into the category of errata that need to be addressed and the Plan updated.
6. If the Council wants to collect financial contributions on development then provisions need to be inserted into the Plan through a variation. This needs to occur before the rest of the Plan is made operative.

The overall objective cannot be achieved until all six of these tasks have been completed. Moreover theoretically the Plan can be made operative without the need for any further variations other than that covering financial contributions. For practical reasons, however there are several critical variations that need to be prepared and notified for the following reasons:

- 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.
- Some variations will assist in resolving appeals.

Those variations which are regarded as being critical to getting the Plan operative in an efficient and effective manner are shown in the table on the following page.

Note: Construction Effects is the subject of a Section 32 analysis and will be added if needed.

No.	Description of variation
1.	Ecological Heritage Sites - Is a minor variation which effectively improves the consistency of the Plan. No new ecological heritage sites are proposed.
2.	Review of height rules in the Living Hills Zone - This Variation will involve the investigation of area based height controls in this zone. There is a definite undertaking in the Council decision on Living Hills Height issues to proceed with this variation. This will require some work.
3.	Continuous building length - This rule requires clarification it is causing significant administration problems.
4.	Minor variation to do with site density issues in the LRS Zone. The Variation is not of substance it merely clarifies how the exceptions apply.
5.	Rural Q- Issue relating to screening in this zone. There is a definite undertaking in the decision to address this issue.
6.	Financial Contributions: This is a large variation and will require significant Council resources to complete. It is essential that this variation is completed prior to the Plan being made operative.
7.	Waimakariri Flood Plain / Minimum floor levels - An investigation relating to the introduction of standards in the Plan that address the withdrawal of the CRC Regional Plan as well as other flooding relating matters in the City.
8.	Future zoning in Awatea. There is a clear commitment in the Plan that a Variation be notified to address zoning issues in this area.
9.	Industrial Zone Rules (Setbacks and Residential Activities). The current provisions are causing administration problems.
10.	Rezoning matter Planning Map 10A. A commitment has been made with the landowner to address a minor zoning issue.
11.	Overhead lines. There is a commitment in the Council decision on Utilities to add standards to the Plan regarding the erection of overhead lines to existing support structures. This is an issue that also has the potential to cause significant adverse effects.
12.	Brooklands. There is a definite commitment in the Council's decision to review zoning issues around Brooklands.
13.	Outdoor Advertising. This issue is causing significant administration concerns and requires a variation to address the issues. A significant proportion of the work has already been completed on this issue.
14.	Open Space Zoning in Farnborough St. A commitment has been made between the subdividers and the Council for some years to change the location of the reserve in this area. This variation seeks to reflect that commitment.

Preparing variations and seeing them through to the operative stage is a time consuming and often resource intensive task. In effect a variation starts the entire district plan process over again, for the provisions that are subject to the variation, as illustrated in Attachment 1. The more variations that the Council notifies, the less likely the chances are of the Plan becoming operative within a reasonable period. Not only are staff resources diverted away from their principal task, there is an increased risk of variations being tangled up in the Environment Court with consequential delays to the Plan becoming operative. The Council should therefore resist pressure to notify any further variations than those listed above unless there are compelling reasons to do so. Potential variations that are seen as desirable but not essential can be notified as plan changes once the Plan is operative.

### **CONCLUSIONS**

A lot of staff time and resources will be committed over the next two years to resolving the references that have been lodged in the Proposed City Plan. This task must be seen as a priority for the Council and, where possible, City Plan staff should not be diverted into areas of work not directed towards getting the Plan operative. With some notable exceptions Plan variations are not essential to getting the Plan operative. A list of critical variations has been prepared and these should be seen as being the maximum amount of time that should be put into the variation process.

**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.