

1. CROSS BOUNDARY ISSUES INFORMATION REPORT



Officer responsible
Team Leader, Planning Policy

Author
Ivan Thomson, Senior Planner (Team Leader), 941-8813

PURPOSE OF THIS REPORT

The Regulatory and Consents Committee, at its meeting on 14 June 2002, resolved that an information report on cross boundary issues, including planning relating to Banks Peninsula, Selwyn and Waimakariri District Councils be submitted at the next meeting.

STATUTORY FRAMEWORK

The basis for making submissions across territorial boundaries is Section 74(2)(c), reproduced in Appendix 1, attached, which requires Councils that are changing their plans to have regard to the extent to which the change needs to be consistent with the plans or proposed plans of adjoining territorial authorities.

Section 75(1)(h) (see Appendix 1) requires a district plan to make provision for matters set out in Part II of the Second Schedule. The district plan shall state "The processes to be used to deal with issues which cross territorial boundaries ..."

It is, however, still the discretion of those other Councils as to how they may view the relationship between their plans and those of the City.

PROPOSED CITY PLAN

In accordance with the Act, the Plan sets out the cross boundary issues in Volume 1 of the Plan. (See Appendix 2 attached). Changes made to the Plan as a result of submissions are highlighted in bold and underlined.

Although becoming a little dated, the issues listed are still relevant today. If Volume 1 was to be reviewed, then the following issues could be added:

- The financial implications to Christchurch City of continuing residential development in its neighbouring districts. (These are mostly transport related).
- Funding and co-ordination of new infrastructure provision. (The Proposed Regional Landfill is one example of such an issue; a sewage disposal scheme could be another).

Most of the processes for dealing with cross boundary issues have worked well but there have been some obvious difficulties through lack of an effective planning framework. For example, it is uncertain whether the Council could mount a sound case in the Environment Court if it wanted to oppose development outside its territorial boundaries. The Act does not explicitly provide a sound mandate, and weaknesses in the Regional Policy Statement have been exposed in recent Court cases, leaving the Council without any support from that important document.

OTHER METHODS

The Joint Councillor Committee referred to in Appendix 2 was disbanded following concerns by the City Council that preparing a long term urban strategy could hinder the City Plan process. Environment Canterbury has since launched Future Path Canterbury in partnership with most of the Region's territorial local authorities and there are six City Councillors on the Elected Members Committee. The study area extends from Ashburton District in the south to Hurunui District in the north.

Three teams have been set up - an elected members team, a stakeholder group and a technical team.

Each Council has appointed Councillors to serve on the Elected Members' Team. This team serves as the policy advisers, goal setters and tacticians for development and implementation of the strategy. Member Councillors are responsible for liaison with each Council, and its respective communities.

The Stakeholder Group comprises individuals and representatives of organisations that are part of the Canterbury community.

The Elected Members' Team and the Stakeholder Group are supported by a technical team of officers from each of the districts, the City and ECAN to oversee the development of the strategy and work programme and to provide all information necessary for the development of the strategy. Other information extracted from the Future Path website is attached. (See Appendix 3). Whether that project, which has a 50 year timeframe, assists in resolving cross boundary resource management issues, remains to be seen.

In addition to Future Path Canterbury, other mechanisms currently in place include:

- The Territorial Authorities Officers Liaison Group that meets two or three times a year to discuss issues of mutual interest in the Canterbury region.
- The Canterbury Forum.
- The Northern Roding Options Study (NROSS), involving the Christchurch City Council, Waimakariri District Council, Hurunui District Council and ECAN.
- Informal networking between individual Council Units and adjoining districts.

Present Situation

The present situation is that cross boundary issues affecting urban development between Christchurch and its surrounding districts are being dealt with in an ad hoc and disjointed fashion. This is partly because settlement strategy contained in the former Canterbury Regional Planning Scheme prepared under the Town and Country Planning Act 1977, has not been replaced in the plans so far prepared under the Resource Management Act. The length of time it has taken to get district plans operative is another impediment dealing with cross boundary issues in a consultative and integrated manner. Scarce staff resources at City and District Councils have been targeted towards dealing with planning issues within territorial boundaries, with little time devoted to wider strategic issues, other than perhaps transport where there is joint Council work under way in some projects.

The need for a coherent urban development strategy has already been identified by the Environment Court and this project is on the City Council work programme. Such a strategy can only be effective in dealing with cross boundary issues if it is given statutory effect and Councils being prepared to work in partnership with each other. The resolution of other issues such as water quality, the Waimakariri River and Christchurch International Airport, appear to be progressing satisfactorily, albeit slowly, through various mechanisms.

Some initiatives have already been taken to increase the level of co-operation between Councils on land use matters. For example, the Strategy and Resources Committee, at its meeting in March 2002, sought that an informal meeting be held with Selwyn District Council and the Riccarton/Wigram Community Board with a specific agenda that includes at least the following reports prepared in consultation with Selwyn District Council officers:

- (a) A discussion paper outlining options and processes to agree on possible boundary adjustments.
- (b) The merits of establishing a joint working group (which will include staff from other local authorities) to examine and recommend options for managing the Halswell and Summit Road Protection Area.
- (c) With reference to the comments of the Environment Court mentioned above, the need for a joint approach managing urban growth in Christchurch and surrounding districts.

On 19 April 2002, a report was presented to the Regulatory and Consents Committee for information, on "Where to With the City Plan". The purpose of this report was an attempt to 'look ahead' with the City Plan process and suggest a possible approach to progressing it (and looking beyond) over the next five to six years. It was suggested, that any future review of the City Plan would be influenced by the development of cross boundary urban growth strategy, amongst other things.

Summary

The only tool the Council currently has available to effect the resolution of cross boundary issues under the RMA is through making submissions on plan changes and plan reviews. The obligations of the territorial authority are only to have regard to the need for consistency between plans of adjoining territorial authorities. Owing to the Regional Policy Statement not having the support of the Environment Court in matters relating to urban development, the Council is not in a strong position to influence strategic land use decisions in adjoining districts. Therefore other 'non-statutory' methods such as a joint committee, or regular meetings with elected members of adjoining Councils, need to be established and supported if better integration across territorial boundaries is to be achieved.

This report has also been referred to the Urban Planning and Growth Special Committee which resolved:

- (1) That the information be received.
- (2) That the Urban Planning and Growth Special Committee initiate discussions with Banks Peninsula, Selwyn and Waimakariri District Councils to discuss cross boundary planning issues.
- (3) That the Committee acknowledges the need for a mechanism for cross boundary discussions to take place.
- (4) That the Committee acknowledges the need to involve Environment Canterbury in the process at the appropriate time.

Recommendation: That the Terms of Reference for cross boundary issues be considered as part of the upcoming review of the Committee structure and the review of this Council's involvement in Future Path Canterbury.