



## Christchurch City Council

# REGULATORY AND PLANNING COMMITTEE AGENDA

THURSDAY 3 APRIL 2008

AT 9.30AM

IN THE NO 1 COMMITTEE ROOM, CIVIC OFFICES

**Committee:** Councillor Sue Wells (Chairman),  
Councillors Helen Broughton, Sally Buck, Ngaire Button, Yani Johanson, Claudia Reid and  
Chrissie Williams.

**Principal Adviser**  
Mike Theelen  
Telephone: 941-8281

**Committee Adviser**  
Warren Brixton  
Telephone: 941 8439

- PART A - MATTERS REQUIRING A COUNCIL DECISION
- PART B - REPORTS FOR INFORMATION
- PART C - DELEGATED DECISIONS

### INDEX

PART C 1. APOLOGIES

#### SECTION 1 – REGULATORY AND PLANNING

PART A 2. FURTHER SUBMISSIONS ON VARIATION 6 (CHRISTCHURCH GROUNDWATER PROTECTION ZONES) TO THE PROPOSED NATURAL RESOURCES REGIONAL PLAN

PART A 3. TERMS OF REFERENCE FOR COMMITTEE

PART C 4. CITY PLAN WORK PROGRAMME

#### SECTION 2 - BYLAWS

PART B 5. REVIEW OF BYLAWS PROCESS

#### SECTION 3 – WORKSHOP

PART C 6. WORK PROGRAMME FOR COMMITTEE/WORKSHOP TIMETABLE

PART C 7. PLAN CHANGES - ROLE OF COMMUNITY BOARDS  
- HEARING PANEL MAKEUP

**We're on the Web!**

[www.ccc.govt.nz/Council/Agendas/](http://www.ccc.govt.nz/Council/Agendas/)

## 1. APOLOGIES

## SECTION 1 - REGULATORY AND PLANNING

## 2. FURTHER SUBMISSIONS ON VARIATION 6 (CHRISTCHURCH GROUNDWATER PROTECTION ZONES) TO THE PROPOSED NATURAL RESOURCES REGIONAL PLAN

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8177
<b>Officer responsible:</b>	Programme Manager – Healthy Environment
<b>Author:</b>	Jenny Ridgen, Programme Manager – Healthy Environment

## PURPOSE OF REPORT

1. The purpose of this report is to seek retrospective adoption by the Council of the attached further submissions (Attachment 1) on Variation 6 (Christchurch Groundwater Protection Zones) to the Proposed Natural Resources Regional Plan (PNRRP) - Chapter 4: Water Quality. The submission was lodged with Environment Canterbury prior to the closing date of 28 March 2008.
2. For the Council to decide to either endorse or withdraw the further submissions.

## EXECUTIVE SUMMARY

3. Variation 6 aims to strengthen provisions protecting the quality of Christchurch groundwater, while still allowing for urban development when the effects on groundwater can be avoided or mitigated. In areas where groundwater is vulnerable to contamination, discharges of stormwater to the ground are restricted to roof runoff and discharges from stormwater treatment systems designed to avoid contamination of groundwater. Sewerage systems are required to be designed, constructed and maintained in accordance with best management practices.
4. The Variation establishes three Groundwater Zones: Zone 1 (high vulnerability); Zone 2 (transitional); and Zone 3 (low vulnerability). Four Sub-Zones are established within Zone 1 (Sub-Zones 1A, 1B, 1C and 1D) which recognise areas of existing activities on the shallow soils and stony gravels of the unconfined aquifer to the west of the city.
5. The Council's original submission (October 2007) supported the intention of the Variation which is consistent with a need to protect Christchurch groundwater resources and maintain its high quality into the future. The Council's concerns were that the provisions should be targeted appropriately to achieve the overall objective and that in protecting the resource ECan does not excessively constrain the ability for well designed development to continue.
6. A Summary of Decisions Requested on Variation 6 was notified on 23 February 2008 and the period for making further submissions closed on 28 March 2008. The further submissions process provides the Council with an opportunity to support or oppose submissions made by other individuals and organisations.
7. The majority of submitters on Variation 6 are industry groups, developers, residents and landowners, with particular interests in the city's urban-rural boundary, or the rural area beyond it within both the City and Selwyn District. The major focus of submissions were restrictions on the development of Zone 1 and Sub-Zones 1A, 1B, 1C and 1D, and the affect this new zoning regime would have on present and further development. There are concerns that the status of some activities, particularly those relating to stormwater, are too restrictive. Other areas of concern include the policies and rules relating to the management of hazardous chemicals, landfills and quarrying.

**2 Cont'd**

8. In summary the main points of the CCC further submissions:
- Oppose requests for amendments that would allow for additional development beyond that already provided for (with an associated increase of risk to groundwater quality).
  - Oppose requests for amendments that would allow increases in the scale and type of lawfully established industries with regard to their use of hazardous substances through Policy WQL14 and Policy WQL15 and Policy WQL19 within Christchurch Groundwater Protection Zone 1, or Sub Zones 1A, 1B, 1C and 1D.
  - Oppose requests to amend Policy WQL14 to allow for the establishment of new municipal or hazardous landfills within Christchurch Groundwater Protection Zone 1, or Sub Zones 1A, 1B, 1C and 1D.
  - Oppose changes to Rule WQL5 (Stormwater onto land) which seek to amend conditions of discharge, from a specified roof area to a gross impermeable area for any site, and to amend the activity status so that discretionary activities are removed.
  - Oppose submissions on Rule WQL7 (Stormwater onto land or into a river) to delete Sub-zones 1A and 1B from the conditions which trigger the requirement for a discretionary activity.
  - Oppose submissions on Rule WQL55 (Use of Land for Mineral Extraction, Use of Specified Hazardous Substances, or the Discharge of Stormwater in Sub-Zones 1A, 1B, 1C and 1D) where submitters have requested to have the rule deleted, or to have Activity (3) (2) (a) and (c) deleted in relation to the non-complying status of the use of land for the storage of hazardous substances and mineral extraction.
  - Support submissions that request clarity on terms used in the Variation, and changes that would better allow for strategic transport infrastructure consistent with implementation of the Greater Christchurch Urban Development Strategy.

**FINANCIAL IMPLICATIONS**

9. The Council supports the intention of the Variation, which may have significant cost implications for Council, and which were discussed in the report on the main submission in October 2007. Council will need to demonstrate a best practice approach for storm water and sewerage infrastructure in areas where groundwater is vulnerable.

Maintaining high quality groundwater, which requires no treatment, has cost advantages. Also, while there is no guarantee that the submissions or further submissions will be accepted, if successful the amendments sought would reduce the cost of preparing resource consent applications for stormwater management and other Council infrastructure. On the other hand, policies requiring best management practice for the design, construction and maintenance of stormwater and sewerage systems in new urban developments, may mean that costs increase for some of these activities. These cost implications will need to be assessed as part of the LTCCP.

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

10. The cost of preparing and presenting submissions is covered by existing unit budgets.

**LEGAL CONSIDERATIONS**

11. The RMA 1991 (First Schedule, Part 1 (6)) allows Council to make further submissions on a variation to a Regional Plan.

**2 Cont'd**

**Have you considered the legal implications of the issue under consideration?**

12. A legal review was carried out for the Council's original submission on Variation 6. The key recommendation was to seek better recognition of the balance required by Section 5 of the RMA which allows for a three-pronged approach of: "avoiding, remedying, or mitigating any adverse effects of activities on the environment." The further submissions were prepared in light of this advice.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. The submission seeks to make the Variation more practical and effective and is consistent with achieving the LTCCP objective "To conserve and protect the long-term availability and quality of the city's water." (p. 166).

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

14. By providing a planning framework to protect the quality of Christchurch groundwater, Variation 6 helps to achieve a number of measures associated with the Council's water supply including: achievement of the highest Ministry of Health water supply grade possible without treatment of the water; and 90% customer satisfaction with water quality and taste, as set out on page 167 of the LTCCP process.

**ALIGNMENT WITH STRATEGIES**

15. This submission process supports work being done in preparation of Council Strategies on Surface Water and Water Supply. In particular, maintaining the high quality of the Christchurch municipal water supply, so that treatment remains unnecessary, supports the goals of the Water Supply Strategy (in development).

**Do the recommendations align with the Council's strategies?**

16. As above.

**CONSULTATION FULFILMENT**

17. A presentation on Variation 6 was made to the Joint Council/Community Board seminar on Monday 17 September 2007.

**STAFF RECOMMENDATION**

It is recommended that the Committee endorse the proposed further submissions (Attachment 1) on Variation 6 (Christchurch Groundwater Protection Zones) to the PNRRP Chapter 4: Water Quality.

**3. TERMS OF REFERENCE FOR COMMITTEE**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Democracy Services Manager
<b>Author:</b>	Warren Brixton

**PURPOSE OF REPORT**

1. The purpose of this report is to provide a basis for the Committee to review its Terms of Reference as established at the Council meeting of 13 December 2007, as attached, in light of its experience to date. It is appropriate that this consideration is done in conjunction with the Review of Delegations to the District Plan Appeals Subcommittee and the Resource Management Officers Subcommittee, the subject of a separate report.

**BACKGROUND**

2. The Regulatory and Planning Committee is a new standing Committee of the Council established to give recognition to the volume of regulatory and planning matters coming before the Council and enable due and proper consideration of specialised matters.

**FINANCIAL IMPLICATIONS**

3. There are no direct financial considerations

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

4. This recommendation has no implications for the LTCCP budgets.

**LEGAL CONSIDERATIONS**

5. Not applicable

**Have you considered the legal implications of the issue under consideration?**

6. Not applicable

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

7. The proposal has no impact on the LTCCP or activity management plans

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

8. Not applicable

**ALIGNMENT WITH STRATEGIES**

9. Not applicable

**Do the recommendations align with the Council's strategies?**

10. Not applicable

**CONSULTATION FULFILMENT**

11. There is no statutory requirement for public consultation.

**STAFF RECOMMENDATION**

The attached Terms of Reference form the basis of discussion for formulating more defined Terms of Reference.

**4. CITY PLAN WORK PROGRAMME**

<b>General Manager responsible:</b>	General Manager Strategy and Planning , DDI 941-8177
<b>Officer responsible:</b>	
<b>Author:</b>	David Mountfort, DDI 941-8669

**PURPOSE OF REPORT**

1. The purpose of this report is to update the Council on progress on the approved City Plan Work Programme

**EXECUTIVE SUMMARY**

2. On 17 May 2007 the Council approved the annual City Plan work programme for 2007-2008 and requested regular updates on progress. In 2007/08 the Council approved additional funding for the City Plan team to enable more rapid progress to be made on the overall programme, with several items in particular.
3. The year has seen intensive efforts to complete the parts of the Christchurch City Plan which are not yet operative, and to make substantial progress on getting the Banks Peninsula District Plan to the operative in part stage. There has been an exceptionally heavy programme of major Environment Court hearings in 2007/08. Court activity is not expected to continue at this level in the near future.
4. In the next 12 months considerable progress is expected on several long-standing issues to improve the City Plan, including design and appearance provisions for commercial areas, the review of Living 3 and 4 provisions, New Brighton, heritage provisions, Special Amenity Areas, non-family residential accommodation, Elderly Persons Housing and a number of other issues. In addition to these active changes, the City Plan team is also addressing noise issues associated with Ruapuna, which are to be reported to a workshop in April, and have commenced work on the Notice of Requirement for the Southern Motorway.
5. Private plan changes are becoming a major feature of the team's workloads, with most applications now referred to external consultants at the applicants cost.
6. A significant, but unanticipated piece of work over the next period is the review of the airport noise contours issue. This has arisen out of appeals on the Selwyn District Plan and Change 1 to the Regional Policy Statement. A new set of contours has been produced by a panel of experts representing a wide spectrum of aviation industry parties and landowners, which is expected to be very authoritative. CIAL has commenced the process to have these incorporated in the relevant RMA documents, starting with the Regional Policy Statement.
7. Attachment 1 identifies the key pieces of work presently underway or planned. They are grouped under a series of strategic headings. The key ones for the Council are completion of the two District Plans, projects that directly support the implementation of the Urban Development Strategy, and changes to City Plan to promote improved Urban Quality. In addition to these priorities; statutory obligations and the capacity to match tasks to staff availability and experience means that the actual work programme is adjusted on an ongoing basis.

**FINANCIAL IMPLICATIONS**

8. All work carried out within the budgets of the City Plan Team and the Strategy and Planning Group.

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

9. Yes

**4 Cont'd**

**LEGAL CONSIDERATIONS**

10. There are no particular legal issues arising out of these reports. All City Plan activities take place under the Resource Management Act 1991.

**Have you considered the legal implications of the issue under consideration?**

11. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Yes

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

13. Yes

**ALIGNMENT WITH STRATEGIES**

14. Yes

**Do the recommendations align with the Council's strategies?**

15. Yes

**CONSULTATION FULFILMENT**

16. Not required.

**STAFF RECOMMENDATION**

It is recommended that the Committee receive the report.

4 Cont'd

**BACKGROUND (THE ISSUES)**

17. On 17 May 2007 the Council approved the annual City Plan work programme for 2007-2008 and requested regular updates on progress. In the 2007/08 the Council approved additional funding for the City Plan team to enable more rapid progress to be made on the overall programme, with several items in particular being of concern.
18. The full City Plan work programme runs to 78 items and 16 pages. Attached is a summary table of the main items progressed during 2007/08.
19. The year has seen intensive efforts to complete the parts of the Christchurch City Plan which are not yet operative, and to make substantial progress on getting the Banks Peninsula District Plan to the operative in part stage.
20. There has been a very heavy programme of major Environment Court hearings. The cases heard have been:
  - Variation 86 to the City Plan, retail distribution
  - Belfast section 293 case, rezoning
  - Variation 2 to the Banks Peninsula District Plan, rural issues esp landscape, ecology and various other matters.
21. As well as the actual hearings there were a large number of negotiations and mediation sessions which resulted in a number of cases being settled by consent, withdrawn, or the issues narrowed. Environment Court cases pending include:
  - Variation 48, floodplains;
  - Variation 93 Clearwater; and
  - Change 12, rezoning of part of Wigram Airfield.
22. The list of items which the Council wished to see more rapid progress on includes
  - Special Amenity Areas
  - Protected Trees
  - Commercial design and appearance
  - Banks Peninsula designations and variations
  - L3 and L4 review
  - Subdivision design and layout (Greenfield's Variation)
  - Quarry Zone Rules
  - Ferrymead Study
  - Wigram
  - Awatea
  - Heritage protection
23. All of these matters are being actively progressed except the item relating to subdivision design and layout, which has not yet commenced on an overall city-wide basis. However, subdivision design and layout is now a key component of all individual rezoning exercises under consideration, whether these are Council initiated such as the Awatea and Wigram Plan Changes, or private proposals such as the Belfast section 293 case and various private plan changes. This is a key requirement of the Regional Policy Statement Change 1. The main mechanism is the use of detailed Outline Development Plans



