


7. PROGRESS REPORT ON CITY PLAN PROGRAMME 2006-2007 AND PROPOSED PROGRAMME FOR 2007/2008



General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	City Plan Team Leader
Author:	David Mountfort, City Plan Team Leader

PURPOSE OF REPORT

1. The purpose of this report is to provide a report on progress against the City Plan work programme approved by the Council on 17 May 2007.

EXECUTIVE SUMMARY

2. This report reviews progress on the City Plan programme approved by the Council last year. The Council requested that quarterly updates be provided. The report briefly describes the more significant matters that have been worked on in the last year and provides a detailed schedule of the entire programme.

FINANCIAL AND LEGAL CONSIDERATIONS

3. Programme is being delivered in terms of the budget. Legal implications are meeting Environment Court requirements for progressing cases before the Court, and meeting the requirements of the Resource Management Act for the preparation and processing of changes and variations to the City Plan.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receive this report.
- (b) Agree to the inclusion of a new project in the programme for the modification of the airport noise contours.

BACKGROUND

4. In May 2007 the Council adopted a programme of work for the City Plan Team to carry out to progress the reviews of the Christchurch City and Banks Peninsula District Plans. Of necessity this is a rolling programme looking ahead several years and is to be reviewed annually, with progress to be reported to the Council periodically. This was the third such programme since the Council adopted this arrangement.
5. A copy of the schedule presented in 2007 is attached. This has been modified to include comments on progress on each project during 2007-08. The most significant items on the programme are briefly outlined below. Comments and additions to the programme are shown as tracked changes format for ease of comparison. A number of private plan changes received during the year have been added to the programme.

MAIN FEATURES OF 2007-2008 PROGRESS

6. Urban Development Strategy

There has been significant involvement by City Plan staff in the UDS, particularly with drafting the Regional Policy Statement Change, and considering and preparing officer reports reporting on submissions. Adoption of the RPS change will lead to City Plan changes, some of which have commenced already, notably the Awatea and Wigram rezonings and the Belfast section 293 case.

7. Area Plans

The Strategy and Planning Group has made significant progress on the South-West Area Plan, to the point where decisions will soon become possible on the zoning and timing of development in places such as Wigram, Awatea and South Halswell. City Plan staff are regularly involved commenting on proposals, attending workshops and liaising with landowners. These will also be required as part of the implementation of the Urban Development Strategy. Timing of development in these areas will depend on the timing of upgrades to the roading, sewer and stormwater networks.

9. Airport Noise Contours

A new set of draft airport noise contours has been produced. This arose out of Environment Court hearings on the Selwyn District Plan. Experts representing a wide range of parties, from CIAL, landowners and Councils, met following the hearing and agreed upon a new set of inputs for modelling the contours. These were then mapped and have resulted in a set of contours that is different from the previous version in the three district plans. Broadly speaking, the new contours are shorter and wider than the existing version, freeing up land at Rolleston but affecting new areas at Kaiapoi and along a strip of Christchurch from Belfast to Templeton. Approximately 2,000 of the households anticipated in the UDS in this strip will have to be reallocate elsewhere. CIAL has commenced the statutory process to have these new contours included in the RMA plans, starting with the Regional Policy Statement. Because of the broad range of expertise, and the range of parties represented, it is considered that these new contours will be very authoritative and difficult to challenge technically. What will be able to be challenged, however, is the policy response, in particular whether the threshold for land use restrictions should be on the 50 or the 55 dBA contour. Although this was settled by the Environment Court recently for the Christchurch Plan, it appears that some parties will be attempting to relitigate this issue. As the issue has become caught up in the Regional Policy Statement it is inevitable that the Council will have to become involved in it again. Following the Regional Policy Statement Change 1 hearings, it is recommended that a plan change be introduced to the City Plan.

10. **Belfast Urban Growth Case**

This is a 93 ha site and is proposed to be developed to achieve high quality development at a higher than traditional density, in the manner required by the RPS Change 1. The major issue at Belfast has been the effect on the traffic network, with Main North Road and Johns Road already severely congested. The solution developed between the major landowners, Transit NZ, Council and Environment Canterbury, has been for the major landowners to build an interim Belfast bypass, and for this Council to collect financial contributions from later developers to fund their share of this work, which will be refunded to the developers. This arrangement has recently been approved by the Environment Court in an interim decision. Many details of the zoning package remain to be worked out.

11. **Floodplains Variation 48 & City Plan References on Floodplains**

The Council decision on Variation 48 was issued in 2006/07 and appeals were lodged. Discussions have taken place with appellants. Additional computer modelling work has been carried out, the results analysed, and Environment Court evidence prepared. The hearing in the Environment Court will take place shortly. Progress has been made on a further variation to deal with the land between the Waimakariri primary and secondary stopbanks.

12. **Retail Distribution Variation 86**

The great majority of the appeals against Variation 86 were settled by consent, including all appeals against the framework of objectives and policies, and the rules. In the end the Environment Court hearing was confined to cases involving zoning at two sites in Ferrymead and one at Moorhouse Avenue. The Environment Court decision largely favoured the appellants, leaving considerable concerns about the traffic impacts, and a concern about height limits at Ferrymead, where the decision has negated the recent plan change introducing height limits. These aspects have been appealed to the High Court. A hearing is to take place in June.

13. **Heritage protection – Review of City Plan Provisions**

A consultant is assisting staff with the preparation of this plan change for Council consideration in mid 2008.

14. **Higher Density Living zones (Living 3 and 4) – Review Development Controls**

A consultant is assisting staff with the preparation of this plan change for Council consideration in mid 2008.

15. **Review of Elderly Person's Housing Provisions**

A Council seminar was held on this topic but little further progress has been possible on this due to staff shortages. With a recent appointment this project has just recommenced and should be reported to the Council again in late 2008.

16. **Motor Racing**

Staff have been involved with a joint Council team investigating options for the relocation of the Carr's Road Raceway at Awatea and for resolving noise issues at the Ruapuna Raceway. A report has been presented to the Council about options for Ruapuna. It is anticipated that the Carr's Road facility is likely to remain where it is unless agreement can be reached with Environment Canterbury about a possible site in West Melton.

17. **Review Special Amenity Areas**

Investigations and discussions with interested parties have been carried out. A Council seminar was conducted in mid 2007. Currently the Heritage Team is carrying out investigations into the possibility of establishing Residential Heritage Conservation Areas.

18. Banks Peninsula District Plan

Environment Court appeals on ecological and landscape protection have taken up a great deal of time and budgets this year. Mediation and negotiation resulted in a settlement of the ecological issues, but a three week Court hearing was required on landscape issues. Other outstanding issues on the BP District Plan include financial contributions, and designations. These are both being pursued by consultants. It is anticipated that the Banks Peninsula District Plan should be able to be made operative, at least in part by the end of 2008, which represents a very significant piece of work since amalgamation.

19 Private Plan Changes

Twenty private plan changes are at various stages, with two completed and made operative. These were minor rezonings, at Barrington and Cranford Streets. Several others are at the final stages, unless appeals are lodged. Private plan changes range from single lot rezonings, through to major new urban growth areas for residential or business purposes. A process document has been prepared to guide staff and consultants about how to process these applications. On legal advice, applications are being very thoroughly assessed prior to being publicly notified, because the Council's powers to modify a private plan change are more limited after notification. The first cases have been valuable to fine tune this process. Recently, every application received has been contracted out to consultants for processing and reporting. This assists to free up staff, but consultants must still be managed and given feedback and assistance, particularly on the major applications which have considerable strategic significance. A list of private plan changes known to Council at this time will be tabled.

20. Council Plan Changes

Two plan changes have been publicly notified during the current financial year. Change 27 alters the zoning and height controls in central New Brighton. Change 29 introduces height controls into the Business 4 zones. A number of other plan changes are in preparation and will be reported to Council separately.

21. Miscellaneous Minor Changes

This is a database of approximately 500 items which has been accumulated since the City Plan was first notified. These are mostly low priority, anything of higher priority has already been included in the schedule of major projects. The database has been sorted and a process developed for addressing it but there has been insufficient staff time available to start addressing most of the items. A current recruitment process may enable this to be restarted in the second quarter of 2007.

22. New Projects Arising

As discussed in paragraph 9 above, it is recommended that a new project be added to the City Plan Work Programme, a Plan Change to alter the airport noise contours.

23. Environment Court Decisions

A number of substantive Environment Court decisions have been handed down, as follows

City Plan Variation 86 Retail Distribution

This variation altered the objectives, policies and rules relating to retailing in the City Plan. The particular focus was to return to a more centre-based approach and restrict the proliferation of retailing in the Business 4 (Suburban Industrial) Zone. A new Business Retail Park zone was also introduced and applied to selected existing "Big Box retail" developments such as Tower Junction. A wide range of appeals were lodged against the new framework and a number of landowners sought alternative zonings for their sites. In the end all the appeals relating to objectives and policies were settled by consent, leaving the proposed framework largely intact. All but three of the zoning appeals were also settled, leaving only two cases at Ferrymead and one at Moorhouse Avenue to be determined by the Court.

The Court applied a Business 2 zoning to one site at Ferrymead and applied a 20 metre height limit, thus effectively reversing the Council's recent plan change to restrict height limits in Ferrymead. The other Ferrymead site has been left as Business 4 but a range of retailing and residential uses have also been permitted. The Court also made some surprising findings about traffic-related provisions and has not taken seriously the severe traffic congestion issues on Ferry Road. In all three cases there is a requirement for the parties to negotiate and produce outline development plans for the site. The Council has appealed the two Ferrymead decisions to the High Court. The other Variation 86 decision was for a site in Moorhouse Avenue where the Court has given a new Business Retail Park zoning.

Although none of the cases which actually went to the Court were decided in the Council's favour, this needs to be balanced against the fact that the objective and policy framework and most of the other zoning cases were resolved by agreement, and the overall result is very satisfactory indeed in terms of what the Council set out to achieve. The case has been the largest and most expensive City Plan project undertaken since the City Plan review itself and has cost approximately \$1.3m since notification in 2004.

Belfast Rezoning

The site known as the section 293 site at Johns Road/Main North Road, which has been in the Environment Court since 1999 has finally been rezoned by the Court as Living G, although aspects of the case have now been appealed to the High Court. This case has been reported to the Council, on a number of occasions. It has a somewhat ground-breaking feature under which the lead developers propose to construct a State Highway Western Belfast Bypass to mitigate projected traffic congestion, and the Council has agreed to collect financial contributions toward this bypass from other landowners. This development is important for the implementation of the Urban Development Strategy as one of the limited number of large Christchurch City sites available for development in the first 10 years of the Strategy.

Variation 2 to the Banks Peninsula District Plan

This decision settles the issue of landscape protection in the rural zones of Banks Peninsula case. It has been another very long-standing case, running since the notification of the BPDC plan in 1997. The Council funded and carried out a major study of landscape values on the Peninsula, along with an extensive public consultation. The Council and most of the landowners reached agreement after the study, but Environment Canterbury, and a number of individuals on both sides of the argument took the matter to the Court. The basis of the dispute is how extensive the Outstanding Natural Character Landscape and Coastal Natural Character Landscape overlays should be, with ECan and two suggesting areas much greater than Council, and two landowners suggesting they be reduced. The Court adopted the Council's position with two very minor amendments. The Court was extremely critical of the position taken by ECan and has reserved costs.

24. Summary of Progress on the City plan Programme 2007-2008

Items	Completed	Substantial progress	Not Progressed	Total
Priority 1	6	50	8	64
Priority 2	0	16	7	23
Priority 3	0	2	3	5
Total	4	70	18	92
New Projects	1			

25. Use of Consultants

Twenty-seven of the 70 active projects have involved the employment of consultants. These have been to:

- Provide technical expertise in cases where the Council either does not have in-house expertise or staff are not available because of the extent of the proposal. Examples include Variations 86 and 48 to the City Plan.
- Process private plan changes.
- Undertake part of the City Plan workload, eg completing the Banks Peninsula Proposed District Plan.

To the end of May 2008 \$1.94m has been spent on consultants and legal advice, against a budget of \$1.01m. Further expenditure will be required in the rest of the year. The over-expenditure has largely been on the Environment Court cases on Variation 86 to the City Plan and Variation 2 to the Banks Peninsula District Plan. These were major cases where it is very difficult to estimate the amount of expenditure in advance of the hearings, or the timing and speed of the hearings and all the preliminary discussions, mediations etc. The over-expenditure has been partially off-set by savings in the salary budget due to recruitment difficulties and sick leave, and there will also be recoveries in respect of the private plan changes and designations, and the balance off-set against savings on other projects in the Strategy and Planning Group. There will not be nearly the same level of Environment Court activity in 2008-2009, which will enable more rapid progress on a number of cases.

In the same period \$739,215 was been spent on staff salaries against a budget of \$1,007,793.