



Christchurch City Council

REGULATORY AND PLANNING COMMITTEE AGENDA

THURSDAY 4 SEPTEMBER 2008

AT 9.30AM

IN THE NO 3 COMMITTEE ROOM, CIVIC OFFICES

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

Principal Adviser
Mike Theelen
Telephone: 941-8281

Committee Adviser
Warren Brixton
Telephone: 941 8439

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1. APOLOGIES

2. DEPUTATIONS BY APPOINTMENT

(a) **LYTTELTON/MT HERBERT COMMUNITY BOARD - BANKS PENINSULA LANDSCAPE**

At its June meeting the Lyttelton/Mt Herbert Community Board considered the following item (under Board Members' Exchange of Information):

Banks Peninsula Landscape

The Chairperson had circulated a discussion paper on the management of the Banks Peninsula landscape following the conclusion of rulings on the landscape study. The paper discussed ways in which landscape change could be monitored and evaluated. Board members agreed that the paper was well written and contained points which the Board wished to pursue.

The Board decided to request a deputation at the Council's Regulatory and Planning Committee, to present this paper.

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3. ALCOHOL POLICY AND LIQUOR CONTROL BYLAW SUBCOMMITTEE - 6 AUGUST 2008

The minutes of the meeting (attached) are included for the Committee's information.

STAFF RECOMMENDATION

It is recommended that the minutes of the meeting of the Alcohol Policy and Liquor Control Bylaw Subcommittee of 6 August 2008 be received.

4. 9. 2008

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4. BROTHELS LOCATION AND SIGNAGE BYLAW SUBCOMMITTEE - 6 AUGUST 2008

The minutes of the meeting (attached) are included for the Committee's information.

STAFF RECOMMENDATION

It is recommended that the minutes of the meeting of the Brothels Location and Signage Bylaw Subcommittee of 6 August 2008 be received.

5. REVIEW OF OPERATIONAL POLICIES RELATING TO THE NEW PUBLIC PLACES BYLAW

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Network Planning Unit Manager
Author:	Teena Caygill, Policy Analyst – Bylaws – Strategic Support Unit

PURPOSE OF REPORT

1. The purpose of this report is to update the Regulatory and Planning Committee on the initial stages of the review of the operational policies that relate to the new Public Places Bylaw and to seek any initial feedback from Councillors on the direction or scope of the reviews.

EXECUTIVE SUMMARY

2. At its meeting of 28 February, the Council resolved that the operational policies relating to the Public Places Bylaw were to be reviewed by the end of 2008.
3. The 12 policies that need to be reviewed can be grouped into four subject areas:
 - structures on roads
 - signboards
 - market stalls
 - busking
4. The policies relate to the clauses in the Bylaw that regulate commercial activities and obstructions in public places (clauses 6 and 7).
5. The policies were all adopted in the 1990s, with the exception of the Public Street Enclosures Policy and Fees Charged, which was adopted in 2006. The policies were developed before the amalgamation of Banks Peninsula District Council and the Christchurch City Council, and all were developed before the adoption of the new Bylaw. The policies need to be reviewed to ensure that they are still necessary, that they are appropriate and that they are fit for purpose.
6. The review of the policies will:
 - rationalise the current policies, where needed
 - establish whether current practice and needs align with the policies
 - assess whether any new matters need to be included
 - establish whether the policies align with the new bylaw
 - take account of internal (Council) needs and external (stakeholder) needs
 - result in redrafted policies that are coherent, stand-alone documents.
7. The operational policies are more significant than they were under the old bylaws, as much of the detail that was in the old bylaws has been removed, with the expectation that the detail will now be in the policies. Policies are easier to amend than bylaws, as each time a bylaw is amended, the full Special Consultative Procedure (as set out in the Local Government Act 2002), must be undertaken, while this is not the case for a policy.
8. This report is to highlight some of the issues that have been identified from an initial examination of the policies, and to give Councillors an opportunity to raise any issues or concerns about the existing policies or direction of the policy reviews at this early stage. The existing policies can be found in Attachment 1. The issues are outlined in Attachment 2.
9. A later report will follow, which will contain draft, revised policies. If the revised policies are adopted, they will then go out for consultation, and will ultimately come back to the Regulatory and Planning Committee/Council for final adoption.

5 Cont'd

THE POLICIES

Review #1: Structures on roads

10. The five policies that cover different aspects of structures on roads focus on the use of public space for commercial activity. Through these five policies, the Council can grant licences for the use of airspace, footpath extension use, the use of legal road for licensed premises, the use of public space for outdoor dining, and the erection of structures on public roads.

Title of policy	Summary of coverage
Airspace over Public Roads - Granting Rights	This policy focuses on granting rights to airspace over a public road eg. overbuilding or airbridge. It outlines the criteria Council needs to consider when granting an application. The policy also identifies areas where airspace licences can or cannot be granted.
Footpath Extensions to Expand Cafes onto the Roadway	This policy is in the form of a note for Council to encourage the use of extensions to outdoor dining areas onto footpaths/roadways; and sets out the guidelines in determining the granting or declining of applications.
Legal Road as Licensed Premises, use of	This policy is currently a statement noting that a clause be included in licence agreements, giving the Council the ability to revoke the licence should there be continuing problems.
Public Streets Enclosures Policy and Fees Charged	This policy focuses on the licensing of public space for outdoor dining.
Structures on Streets (Ramp, Retaining Walls, Garage, Parking Platform Etc)	This policy sets out the criteria under which existing and new structures can exist on legal roads (including airspace) within the city boundary. It also outlines the criteria that should be taken into account when the Council is considering an application.

Review #2: Signboards

11. The Council policy covering signboards identifies a range of traffic volumes in pedestrian areas and outlines signboard requirements according to each of these.

Title of policy	Summary of coverage
Signboards in Public Places	Identifies a range of pedestrian area types and sets out signboard criteria for each of these; and identifies other uses and sets their criteria. The policy also notes what will happen if the policy is contravened and also the need to ensure that all signboards do not pose a danger to property or to the public.

Review #3: Market Stalls

12. The five policies covering market stalls and street trading address a range of matters, including the allocation and management of sites; tender and leasing processes; charges, rents or leasing fees; temporary sites; the impact of festivals and events; application processes; standard conditions; any special vendor sites; etc.

5 Cont'd

Title of policy	Summary of coverage
Banks Peninsula District Council Stalls/Market Policy	Covers semi-permanent sites, market stalls, fees and the leases that will be issued in connection with the sites. The policy includes compliance with the district plan and indicates location of sites. Outlines the process for applying for a site.
Street Trading Policy	Covers the conditions of approval for the allocation, use and size of a site with provisions for specialist areas with Victoria Square, Worcester Boulevard and the Avon riverbanks. The policy has provision for temporary sites. Tables and chairs for outside dining adjoining food premises are included.
Stalls in Cathedral Square and City Mall	Indicates limiting the number of sites available within City Mall and Cathedral Square and the tender process. Covers permanent sites, International Food Fair, Heart of the City Market, and the duration of the leases that will be issued.
Stall Site Licensing Policy	Sets out the process / procedure for the allocation of licenses for stall sites within the City. Stating that all sites will be allocated through tender, with the exception of the ice cream vendor sites in Victoria Square and the pie cart in Latimer Square.
Victoria Square and Victoria Square Amphitheatre, use of	The policy outlines activity types permitted, booking processes, management of the site and notes provision for one specialist ice cream vendor.

Review #4: Busking

13. This short Council policy outlines the conditions associated with busking in the city.

Title of policy	Summary of coverage
Busking Conditions	The policy outlines the conditions of busking throughout the central city, indicating areas allocated for busking. The conditions include nuisance, noise, hindrance and money collection.

STAFF RECOMMENDATIONS

It is recommended that the Regulatory and Planning Committee:

- (a) Note that staff are undertaking the initial stages of the review of operational policies under the new Public Places Bylaw.
- (b) Direct any feedback on the policy reviews to staff.

6. ADOPTION OF REPORT ANNUAL REPORT TO THE LIQUOR LICENSING AUTHORITY

General Manager responsible:	General Manager Regulatory & Democracy Services, DDI 941-8549
Officer responsible:	Gary Lennan, Inspections & Enforcement Unit Manager
Author:	Paul Rogers, Liquor Licensing Team Leader

PURPOSE OF REPORT

1. The Sale of Liquor Act 1989 ("the Act"), section 105, requires every District Licensing Agency (DLA) to prepare and send to the Liquor Licensing Authority (LLA) a report of the District Licensing Agency's proceedings and operations during the year no later than three months after the end of every financial year. The LLA advises the DLA of the annual report format and the information required in the report. The annual report (attached) has followed the required report format.

EXECUTIVE SUMMARY

2. This report is required to be submitted to cover the year July 2007 to June 2008. This has proved to be a year in which the community and the media have focused a great deal of attention on alcohol both from a licensing perspective and from a liquor abuse perspective.
3. As a result, in the latter part of the year and in particular immediately following the period that this report covers, it has been announced by the Government that there may be significant changes to the Act and as a result some comments on this have been included in this report.

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

4. The submissions as recommended with no significant financial implications for the Council.

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

5. Yes. Pursuant to the Sale of Liquor Act 1989 ("the Act"), section 105 (1), requires every District Licensing Agency (DLA) to prepare and send to the Liquor Licensing Authority (LLA) a report of the District Licensing Agency's proceedings and operations during the year no later than three months after the end of every financial year.
6. Subsection (2) of section 105 requires the DLA to supply a copy of each such report to any person who requests it on payment of such reasonable fee as the Authority or Agency may prescribe.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

7. Yes. The submission detailed supports the Council's Regulatory Services activities, which includes assessing the potential effects of sale of liquor licences (page 145 of the LTCCP, level of service under Regulatory Services).

ALIGNMENT WITH STRATEGIES**Do the recommendations align with the Council's strategies?**

8. Yes the recommendations links to the Council's Safer Christchurch Strategy's aim of alcohol becoming a less significant cause of crime and injury.

6 Cont'd

CONSULTATION FULFILMENT

9. No external consultation has been carried out, but internal consultation between the Inspections & Enforcement Unit, Strategy & Planning Unit, Legal Services and the Alcohol Policy and Liquor Control Bylaw Sub-Committee, has taken place.
10. A point of interest that the Regulatory and Planning Committee may care to note, is the view expressed on page 3 of the annual report relating to raising the age to 20 years of age for purchase liquor from an off licence. It is the view of the Liquor Licensing Team that raising that age limit will have a positive impact on reducing the levels of intoxication and disorder in the city as research indicates that 70% of all liquor sales are from off licence premises. Raising the age limit will restrict the availability of cheap alcohol to young people from off licence premises.

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee adopt the attached 2007/2008 Annual Report to the Liquor Licensing Authority pursuant to Section 105 of the Sale of Liquor Act 1989.

7. CORRECTION OF MINOR ERRORS IN THE CITY PLAN

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Team Leader City Plan
Author:	David Punselie

PURPOSE OF REPORT

1. The purpose of this report is to correct minor errors in the City Plan.

EXECUTIVE SUMMARY

2. In a 1999 decision on the zoning of land in Avoca Valley the Council extended the Living Hills zone and introduced new rules that were intended to reduce the potential for conflict between activities in that zone and those in the neighbouring Rural 7 zone. The relevant plan provisions that were introduced by this decision are:
 - An exception to the separation from neighbours rule in Part 2 Living Zones (rule 2.2.6) that provides:
 - (g) *in the Living H (Hills) Zone on Planning Map 54A in Avoca Valley, on sites within the land contained within Lot 1 DP 56925, the minimum building setback from the Rural 7 Zone shall be 3m.*
 - An exception to the residential site density rule in Part 2 (rule 2.4.1) that provides:
 - (e) *on the land in Avoca Valley contained within Lot 1 DP 56925 and zoned Living H, the minimum net area of any site adjoining the Rural 7 Zone or within 20m of the Rural 7 zone shall be 1,500m².*
 - An assessment matter for the separation from neighbours rule that provides:
 - (k) *In the case of the larger setback required in the Living H (Hills) Zone in Avoca Valley, the potential for conflict to arise with rural activities in the adjoining Rural 7 area.*
 - A reason for the separation from neighbours rule that provides:

In the Avoca Valley a greater setback applies on sites in the Living Hills Zone where it adjoins the Rural 7 Zone. This is intended to reduce the potential for conflict between rural and residential activities.
 - A provision in Part 14 Subdivision (rule 4.3.2(A)) that provides for a minimum net area of 1500m² in the Living H zone on Planning Map 54A for any allotment on land contained in Lot 1 DP 56925 where it adjoins the Rural 7 zone or is within 20m of the Rural 7 zone.
 - A further provision in Part 14, (rule 4.3.2(E)), that creates a prohibited status activity *In the Living H Zone (Avoca Valley) on land contained in Lot 1 DP 56925 where any allotment less than 1500m² adjoins the Rural 7 Zone or is within 20m of the Rural 7 Zone.*
3. The reference to Lot 1 DP 56925 is an error. All the rules quoted above suggest this land is zoned Living H and adjoins the Rural 7 zone. However, as the attached map shows, it is zoned Rural 7 and does not adjoin the zone boundary. Consequently, because of the specific reference to Lot 1 DP 56925, all the provisions quoted above are meaningless and have no effect. At the time the Council decision was made the Living Hills zoned land at the boundary with the Rural 7 zone to the south was described as Lot 1 DP 20792. There is nothing in the text of the Council's decision, nor in the planning report on the matter, that gives any indication why the reference to Lot 1 DP 56925 is included in the rules.
4. In 2000 a 12 lot subdivision of the Living Hills land adjoining the zone boundary was approved with a balance rural lot of 6000m² south of the zone boundary. The allotments in this subdivision that adjoin the zone boundary range in size from 678m² to 1258m².

7 Cont'd

5. An option would be to delete the reference to Lot 1 DP 56925 from the rules. However this is not recommended as the land has already been subdivided below the standard specified in the prohibited activity rule (see rules 4.3.2 (E) above) and the resultant lots have all been developed. It is noted that, without any valid restrictions in place, neither the Enforcement Team nor the Environmental Compliance Team has recorded any complaint in this area relating to conflicts between rural and residential activities since the land was subdivided in 2000.
6. In the circumstances it is recommended that all the provisions described above be deleted from the plan. They have no effect because they do not impose the restrictions that were intended for the purpose of reducing the potential for conflict between residential and rural activities. In their present form they are meaningless.

FINANCIAL IMPLICATIONS

7. There are no apparent financial implications.

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

8. Covered by existing unit budgets.

LEGAL CONSIDERATIONS

9. Correcting minor errors in District Plans is provided for in the Resource Management Act 1991. Clause 20A of the First Schedule to the Act provides that a local authority may amend, without further formality, an operative plan to correct minor errors. The Council has delegated its function under clause 20A to the Committee by way of resolution.

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

10. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Aligns with City Plan Activity Management Plan.

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

12. Yes. Supports the Maintenance and Review of the City Plan project.

ALIGNMENT WITH STRATEGIES

13. Not Applicable.

Do the recommendations align with the Council's strategies?

14. Not Applicable.

CONSULTATION FULFILMENT

15. Consultation is not required. The Resource Management Act 1991 allows the Council to make the changes without formality.

STAFF RECOMMENDATION

It is recommended that the Committee, without further formality and pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, correct errors in the Christchurch City Plan by deleting the following provisions:

- Volume 3, Part 2 Rule 2.2.6(g)
- Volume 3, Part 2 Rule 2.4.1(e)
- Volume 3, Part 2 Clause 7.2.4(k)
- Volume 3, Part 2 Clause 8.1.4 (Fifth paragraph, First two sentences)
- Volume 3, Part 14 Rule 4.3.2 A (2nd row under heading "Living H Zone")
- Volume 3, Part 14 Rule 4.3.2 E (3rd Paragraph)

8. CONSULTATION ON DRAFT REGIONAL POLICY STATEMENT CHAPTERS ON WASTE MINIMISATION AND MANAGEMENT, CONTAMINATED LAND AND HAZARDOUS SUBSTANCES

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager- Healthy Environment
Author:	Melissa Renganathan, Policy Analyst – Strategy and Planning Group

PURPOSE OF REPORT

1. The purpose of this report is to provide the Committee with an overview of the issues arising in draft chapters of the Canterbury Regional Policy Statement (CRPS), currently being reviewed by Environment Canterbury (ECan), and to gain the Committee's support on recommendations for feedback to ECan with regard to the draft chapters on Waste Minimisation and Management, Contaminated Land and Hazardous Substances.
2. This is a non-statutory process which allows for consultation at an early stage of the review. It will replace the ECan seminars and workshops previously held for Council. Instead, over the next few months, the Committee will be provided with a number of draft CRPS chapters, a Committee report and staff recommendations for feedback to ECan. The formal (RMA) consultation process will take place next year when the entire draft CRPS is completed and notified as a proposed policy statement.

EXECUTIVE SUMMARY

3. The CRPS provides an overview of the resource management issues for the region and is prepared to meet RMA 1991 requirements. The policies it contains affect the way the Council manages its City Plan as the Council will have to give effect to the CRPS (as required under s. 75 of the RMA).
4. The CRPS became operative in 1998 and is required to be reviewed within ten years of it becoming operative. ECan is leading the review of the CRPS and is consulting with all Canterbury territorial authorities throughout the review process.
5. This review is a separate process to the preparation of Proposed Change No. 1, which introduces a new Chapter 12A, (Development of Greater Christchurch). Chapter 12A sets out land use distribution, particularly for areas available for urban development, the household densities for various areas and other key components for consolidated and integrated urban development. It also identifies land which is to remain rural for resource protection and enhancement and other reasons.
6. ECan began discussions over the review of the CRPS with District Councils in late 2006. ECan has consulted with territorial authority (TA) officers on the review process, issues and options papers and draft chapters of each CRPS chapter. Discussions have taken place (and will continue to) at the officer level through workshops and meetings and at the Councillor level through Council meetings, committee meetings and seminars.
7. The current CRPS consists of 14 chapters which discuss various regional issues (eg water, soil and landscape) and provide objectives, policies and methods with regards to these issues. During the review process, it was decided that some issues would be better dealt with in new chapters (eg contaminated land which was previously dealt with in Chapter 7 Soils and Land Use) or better dealt with in conjunction with other issues (eg the proposed Settlement Chapter will also have transport provisions as well as deal with issues regarding versatile soils).
8. The three draft chapters attached (see Attachments 1, 2 and 3) discuss solid waste management (Waste Minimisation and Management), management of contaminated land (Contaminated Land) and the management of hazardous substances (Hazardous Substances).
9. The "Waste Minimisation and Management" Chapter (see Attachment 1) is a rewrite of the current Chapter 18 Solid and Hazardous Waste Management (which concerns managing the adverse effects of waste disposal). In its review of the current chapter, ECan highlights the many changes that have occurred in waste management practises and public behaviour since the CRPS was prepared. For example, the number of municipal landfills has decreased from 65 in 1996 to three currently in operation, and kerbside collection of recyclables is now available to about 90% of households in the region. However, the amount of residual waste produced per person continues to increase mainly due to increasing consumption.

8 Cont'd

10. In line with current thinking, which aims towards reducing the generation of waste that begins at the manufacturing stage, the proposed chapter places greater emphasis on waste reduction, the promotion of a hierarchy of waste management (5Rs- Waste reduction, reusing, recycling, recovering and when all reusable resources have been recovered, the item enters the waste stream as residual waste) and ensuring that adverse environmental effects are minimised.
11. In general the CCC is supportive of the draft Waste Minimisation and Management Chapter. However it is unclear as to what wastes (eg household wastes are different from business wastes which are different from construction activity wastes) the chapter is dealing with as there is no definition provided in the chapter. A definition to clearly define what wastes are being dealt with in the chapter would be helpful. Although the chapter discusses integrated waste management, the CCC is of the opinion that waste minimisation should also be integrated. Please refer to Attachment 4 Section 1 for detailed comments on the draft Waste Minimisation and Management Chapter.
12. The current CRPS Chapter 7 Soils and Land use deals with four issues; land degradation, loss of versatile soils, soil contamination and land use effects on water quantity and quality. Although a policy framework for the management of contaminated sites is provided for in this current chapter, it has not been effective in dealing with the issue of contaminated land as land is contaminated usually as a result of an activity (eg hazardous substance use/spill and landfills). In line with the 2005 amendment to the RMA, regional councils now have the additional functions to investigate, identify and monitor contaminated land and territorial authorities (TAs) have the additional function to control the effects of the use of contaminated land.
13. Soil contamination issues will therefore be dealt with in the draft Contaminated Land Chapter (See Attachment 2). The current issue statement in Chapter 7 does not fully describe the extent of issues facing the *management* of contaminated land. The draft chapter proposes two issues. The first issue deals with the management of contaminated land (lack of knowledge, historical contamination and different ways contaminated land is dealt with regionally). The second issue deals with use, storage and transport of hazardous substances and is linked to the Hazardous Substances draft chapter.
14. The CCC has provided feedback with regards to its contaminated land management practises to ECan during the review process. However the CCC is also involved in an internal review of its own contaminated land management processes. This review is planned for completion by the end of 2008 after which CCC will be in a better position to provide robust feedback to ECan. The draft chapter on contaminated land, however, does not take into account the CCC management practises already in place. The draft chapter also does not sufficiently acknowledge the regional differences between TA contaminated land management practices. The CCC is of the opinion that these are issues that need to be acknowledged within the draft chapter as has been done with the draft Hazardous Substances Chapter. Please refer to Attachment 4 Section 2 for detailed comments on the draft Contaminated Land Chapter.
15. Presently, the CRPS policies relating to hazardous substances management are found in Chapter 17 Hazardous Substances, which seeks to prevent or mitigate the adverse effects of hazardous substances and Chapter 18 Solid and Hazardous Waste Management which deals with disposal of waste hazardous substances. There have been many changes at the national (the Hazardous Substances and New Organisms Act 1996 (HSNO) came into full effect in 2006 and the National Strategy for improving the Workability of Hazardous Substance Provisions of HSNO) and regional (Canterbury Hazardous Waste Management Strategy 2006) levels since the CRPS became operative.
16. It is unclear as to how effective the current chapters have been in reducing the adverse effects of hazardous substances in the environment. A number of issues have been highlighted during the CRPS review process including the lack of clarity in the role of ECan and TAs with regard to hazardous substances, the lack of integration of hazardous substance management between legislations and organisations, and the substance focused approach in which a single activity may need two consents as both ECan and CCC control different substances.

8 Cont'd

17. The draft Hazardous Substances Chapter (see Attachment 3) attempts to recognise these issues and provide some guidance for TAs. CCC has provided feedback at various stages of the chapter review process and in general the draft Hazardous Substance chapter has taken into account the concerns expressed by CCC with regard to the role of the Regional Council and TAs in hazardous substance management.
18. The CCC is generally supportive of the draft Hazardous Substances chapter as ECan has acknowledged the role of TAs in hazardous substances management as it applies to controlling land use for the purpose of preventing and mitigating the effects of storage, transport and disposal of hazardous substances. However CCC has concerns with regards to the practicality of achieving some of the policies (eg Policy 7 requires information sharing between a number of different agencies which may all collect and store data differently). These issues may need to be discussed with ECan and may need to be acknowledged within the draft chapter. Please refer to Attachment 4 Section 3 for detailed comments on the draft Hazardous Substances Chapter.

FINANCIAL IMPLICATIONS

19. The CRPS could result in additional resources being required to amend planning documents in order to give effect to the CPRS. Giving effect to the final CRPS will be achieved through a variety of mechanisms including the Christchurch City Plan and Banks Peninsula District Plan and the LTCCP.

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

20. The cost of preparing and participating in the CRPS review is covered by existing unit budgets.

LEGAL CONSIDERATIONS

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

21. The RMA provides for the Regional Council (ECan) to prepare Regional Policy Statements and review them. The Council is participating in the ECan consultation process in the preparation of the proposed Chapters. The Council will also have the opportunity to influence and shape the proposed CRPS through the formal submission process which is scheduled for mid 2009.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

22. The chapters supports several of the LTCCP objectives that aim to manage and minimise Christchurch and Banks Peninsula's residual waste and to investigate or respond to situations that might affect human health or safety.

ALIGNMENT WITH STRATEGIES

23. The recommendations supports work being done for the Christchurch City Council Contaminated Land Management Project and supports the CCC's Sustainability Policy 2008, and Waste Management Plan -Towards Zero Waste 2006.

Do the recommendations align with the Council's strategies?

24. As above.

CONSULTATION FULFILMENT

25. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council provide feedback to ECan as set out in Attachment 4.

9. NOTIFICATION OF COUNCIL PLAN CHANGE 8 TO CITY PLAN – REZONING OF 191 WIGRAM ROAD (MUSGROVES SITE) FROM BUSINESS 5 TO BUSINESS 4

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	David Mountfort, Team Leader, City Plan
Author:	Anita Hansbury, Assistant Planner, City Plan

PURPOSE OF REPORT

1. This report is seeking a Council resolution on whether or not to proceed with public notification of proposed Plan Change 8 – Rezoning of 191 Wigram Road (Musgroves site) from Business 5 to Business 4.

EXECUTIVE SUMMARY

2. The proposed plan change seeks to change the zoning of the Musgroves site at 191 Wigram Road (Lot 6 DP 73928, comprising 11.1553 ha) from Business 5 (B5) to Business 4 (B4).
3. In 1995 Musgrove Bros Limited lodged a submission to the then Proposed City Plan seeking the rezoning of the subject site from Rural to Business 5. This land was also encompassed by the Good Shepherd Convent Trust and Others submission requesting the rezoning of a substantial area of land in the locality to a mix of Living zones. In 1999 the Council's decision rezoned the Musgroves site from Rural to Living 1A Deferred. Subsequently Musgrove Bros Ltd lodged a reference with the Environment Court against the Council's decision. The referrer sought Business 5, or alternatively, Business 4 zoning.
4. The Council officers proceeded to negotiate a settlement for a B4 Zone on the basis that it would be a more suitable zone in terms of the objectives and policies of the Plan and its location adjacent to the newly rezoned Living land. Before an agreement was reached it was determined that the Council was unable to rezone the Musgroves site to B4 as it was beyond the scope of the original Musgroves Bros submission. Instead, the B5 zoning with conditions was agreed to by both parties and the Council agreed to consider the B4 zoning within 18 months of the City Plan being made operative.
5. The City Plan was made partially operative on 21 November 2005. The Council has re-assessed the zoning status of the Musgroves site in terms of Section 32 of the Resource Management Act, in accordance with its agreement.
6. The attached report concludes that the proposed change of zoning to B4 is a more efficient and effective means of achieving the City Plan's objectives and policies than the current B5 provisions.

FINANCIAL IMPLICATIONS

7. There are no direct financial considerations beyond staff time covered by existing unit budgets.

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

8. The costs of public notification are able to be covered by existing unit budgets.

LEGAL CONSIDERATIONS

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

9. Section 32 of the Resource Management Act requires the Council to undertake an analysis of the costs and benefits of any potential plan change so that the Council can be satisfied that the proposed plan change is a more efficient and effective method of achieving the Plan's objectives and policies than the current provisions.
10. There is a legal process set out in the RMA which must be followed. It includes public notification of the plan change followed by submissions, reporting, hearings, decisions and possible appeals. It is a process which is very familiar to the Council and should create no particular risks or liabilities if followed correctly.

9 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Supports the LTCCP City Plan measure of 10 variations or plan changes being prepared and notified annually.

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

12. As above.

ALIGNMENT WITH STRATEGIES

13. The attached Section 32 report demonstrates that the proposed plan change more effectively and efficiently meets the objectives and policies of the City Plan than the current provisions.
14. The proposed plan change does not conflict with the recently adopted Urban Development Strategy.

Do the recommendations align with the Council's strategies?

15. As above.

CONSULTATION FULFILMENT

16. The City Council has consulted all near neighbours, the local residents groups, the relevant community board, Environment Canterbury and the local tangata whenua about the proposed rezoning at the beginning of the review process in late 2006. Aidanfield Holdings Ltd, the developer of the neighbouring residential properties, and the owner of the site expressed their support for the proposed plan change. Environment Canterbury expressed their concern over the issue of the use of hazardous substances on the site and the potential for contamination of the underlying aquifer. Their concerns have been addressed in the proposed provisions regarding the storage and use of hazardous substances on the site as well as the proposed groundwater protection provisions. It is noted that public notification of the proposed Plan Change will enable the community to have their say through submissions and a public hearing.

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee recommends that the Council:

- (a) Adopt the attached assessment under Section 32 of the Resource Management Act.
- (b) Publicly notify Plan Change 8 to the City Plan.

RICCARTON/WIGRAM COMMUNITY BOARD CONSIDERATION

The Riccarton/Wigram Community Board considered the above report at its meeting on 5 August 2008.

The Board resolved that the staff recommendation be adopted.

9 Cont'd

BACKGROUND AND DISCUSSION

The Plan Change

17. The purpose of Plan Change 8 is to rezone the Musgroves site at 191 Wigram Road, from Business 5 (B5) to Business 4 (B4). The subject site comprises 11.1553 ha and is occupied in part by a recycling business for demolition building materials which was established in 1972 through a resource consent process.
18. The current Business 5 zone provides for larger scale industrial uses with associated adverse effects such as high traffic generation, noise and hazardous substances. The uses associated with the zone may conflict with the neighbouring residential activities and give rise to reverse sensitivity.
19. The proposed Business 4 zone is intended to accommodate light industrial activities, warehousing, service industries, some commercial activities like offices and limited retail activities. The zone standards exclude or control activities with a potential to have detrimental impact on adjoining living zones through stricter limits on the scale of buildings, noise and other nuisance effects. The higher standards of amenity within Business 4 zones are making them more compatible with adjoining sensitive zones such as living zones.
20. Rezoning of the site to B4 will allow the existing business activity to operate as a permitted activity without the need for resource consent applications. Development of the remainder of the site according to B4 standards would provide for activities better suited to the site specific constraints and more compatible with the surrounding sensitive zones. In reflection of the characteristics of the land and the associated constraints the plan change introduces alternative, site specific standards and a development plan outlining some of the requirements and restrictions affecting future re-development of the site.
21. The main justification for the change is the fact that the current B5 zoning was never considered an acceptable zone for this site and was only the result of a lack of scope within a court reference. Comments received from various departments of the Council and commissioned reports provide grounds for the site specific provisions. These are discussed below in the Description of Issues.
22. A copy of the proposed plan change is attached.

Description of the Site

23. The Musgroves site adjoins a Living 1A zone to the south west and south east, Open Space 2 zone to the north east and Special Purpose (Wigram) zone (Areas A and B) to the north east. The areas marked 'A' are being considered for re-development for industrial/commercial and residential activities as part of the South-Western Area Plan for Christchurch urban growth with residential development being proposed across Wigram Road from the site.
24. The south-eastern part of the site is subject to the Transit New Zealand designation for the Southern Motorway extension which will separate the site from the Living zones in the Aidanfield development. The proposed Aidanfield Drive extension will separate the site from Broken Run subdivision on the south-west boundary. Eventually the site will be surrounded by residential development across the roads on three sides and an open space zone on the fourth.
25. Council records identify the Musgroves site, a former quarry back-filled with uncontrolled material, as land subject to potential geotechnical hazard risks associated with ground instability, subsidence, landfill gas, soil contamination and potential for ground water contamination. This may impose constraints on the development of the site and specific investigation of remediation options will need to be undertaken at the time of development.
26. Careful management of the development of the site and of stormwater disposal will be required in order to avoid any surface and in-situ contaminants entering the groundwater and/or the Heathcote River system. The storage and handling of hazardous substances on the site is also restricted due to the potential for groundwater contamination.

9 Cont'd

27. The site is currently not connected to sewer system. The Musgroves site is part of the Halswell contribution scheme for sewer which is designed to a capacity suitable for residential zoning. Wastewater discharge from the site is therefore limited to a volume consistent with residential development rather than "wet" industrial activities often associated with B5 zoning.
28. The existing B5 provisions contain site specific rules relating to setbacks, landscaping, wastewater and groundwater protection aimed at avoiding, mitigating or remedying adverse effects of possible B5 industrial development on the Musgroves site.

Description of Issues

29. The attached Plan Change 8 provides details of the proposed changes to the City Plan. The Section 32 assessment accompanying the plan change provides a description of the site and its environs and the full background and reasons for the proposed changes. The proposed rezoning is sought to provide for viable development options for the site and for the on-going operation of the existing business. The rules are amended in reflection of the site specific conditions and limitations thus ensuring better environmental outcomes.
30. The greater setback from roads and landscaping requirements specific to the Musgroves site are proposed to be carried over to the B4 zone rules to mitigate adverse effects of larger scale buildings and maintain a higher standard of visual amenity. An increased setback of 70m is introduced from the boundary with the proposed Southern Motorway as the final width of the constructed motorway will exceed the currently designated area. There is provision to reduce the setback to the standard 6m from the road boundary once the land required for the Southern Motorway has been purchased and the new legal boundary established.
31. The Musgroves site currently adjoins a residential subdivision along its south-western boundary. Future plans will see Aidanfield Drive extended along that boundary therefore separating the site from the Living zone with a road. The plan change increases the setback requirement along that boundary to 10m to align it with the B4 setback requirement for the road boundaries opposite a Living zone. The proposed exception of 4.5m reduced setback for residential units is also consistent with the current B4 rule.
32. The standard B4 rule requires that 10% of a site is set aside for landscaping. This Plan Change introduces an additional requirement for a 4.5m average width and a 1.5m minimum width of the landscape strip along the frontage of Wigram Road, future Aidanfield Drive extension and the Southern Motorway. This will provide an adequate buffer between the site and the surrounding sensitive zones and allow for a higher standard of amenity.
33. The existing groundwater protection and wastewater rules for Musgroves are proposed to be carried over to the B4 provisions. Trade waste disposal rate remains constrained by the available sewer capacity. It is recognised that the works to develop the site have the potential to adversely affect the quality of groundwater and the Heathcote River system through the potential to mobilise in-situ contaminants to the underlying groundwater aquifer. Investigation of remediation measures and a site management plan will be required at the time of carrying out the works. There are sufficient rules in the City Plan and regulations under the Building Act to ensure that any potential adverse effects of site development on the groundwater are avoided or mitigated.
34. The ground contamination on this former quarry site precludes the discharge of roof and impervious surfaces runoff water to the ground. Stormwater disposal on the Musgroves site shall be based on a first flush treatment and detention basin system designed in accordance with the development plan shown in Part 3, Appendix 10. This will maintain the groundwater quality, avoid discharge of any contaminated stormwater directly into the Heathcote River system and prevent downstream flooding of the river at peak times.

9 Cont'd

35. A transportation assessment carried out on behalf of the Council (refer Attachment 3) has revealed that the proposal has the potential to produce some adverse effects on the surrounding road environment which will require mitigation. The projected high number of vehicle movements generated by the B4 activities on the Musgroves site could create congestion, cause delays at the Wigram Road intersection with the internal site road and compromise the safety of the receiving road environment. To mitigate such potential adverse effects vehicle access to Wigram Road and the future Aidanfield Drive extension is limited to one access point to each. Additionally, the Wigram Road intersection design incorporates right and left turning lanes and a physical seagull island on Wigram Road so that right turning traffic from the site is not opposed by north-bound traffic on Wigram Road. A high traffic generator rule is introduced as a means of staging the development until the Southern Motorway extension is open to traffic and able to reduce the demand and traffic volume on Wigram Road. These measures will also ensure that the anticipated future arterial function of Wigram Road and its efficiency and safety are not compromised.

CONCLUSIONS

36. The lighter industrial, business or commercial activities permitted in the B4 zone are likely to be less affected by the site specific constraints and will maximise development opportunities provided by the site. Any adverse effects of the development will be avoided, remedied or mitigated through the proposed site specific provisions relating to setbacks, landscaping, roading, hazardous substances, wastewater and stormwater disposal. The proposed rezoning will provide opportunities for a development which is more suitable for the site conditions while being more compatible with the surrounding sensitive environment.
37. Section 32 of the Resource Management Act requires the Council to be satisfied that any proposed plan change is a more efficient and effective means of achieving the Plan's objectives and policies than the current provisions. The attached Section 32 report concludes that this is the case for the proposed amendments to the City Plan. Public notification of the plan change will also fulfil Council's earlier commitment to review the zoning of the Musgroves site. Should the Council resolve to publicly notify the proposed plan change then those changes will be available for the community to make submissions on. The submitters will then be able to present their submission at a public hearing following which the hearing panel will be obliged to make a recommendation to the Council on whether or not the plan change should be accepted, amended or rejected.

10. DISTRICT PLAN WORK PROGRAMME 2008-2009

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Strategy Support Manager
Author:	City Plan Team Leader

PURPOSE OF REPORT

1. The purpose of this report is to describe and recommend the adoption of the 2008-2009 District Plan Work Programme

EXECUTIVE SUMMARY

2. This report presents the annual District Plan Work Programme for adoption. This year the format of the Programme has been changed. Projects are grouped into four categories:
 - Implementing the Urban Development Strategy
 - Completing the City Plan and Banks Peninsula District Plan Reviews
 - Enhancing the plans
 - Private Plan Changes and designations
3. The programme provides details of a large number of projects including estimated completion dates. The programme is a rolling programme, updated every year, because most of the projects cannot be completed in a single year under the Resource Management Act processes.

FINANCIAL IMPLICATIONS

4. The District Plan activity is provided for in the LTCCP and Annual Plan. This Programme complies with that budget..

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

5. Yes

LEGAL CONSIDERATIONS

6. The District Plan Work Programme exists to carry out the Council's obligations under the Resource Management Act 1991 to produce and maintain a district plan. Most of the items in the programme are subject to statutory processes under the RMA.

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

7. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. The programme delivers on the LTCCP and the Activity Management Plan for District Plan.

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

9. Yes.

ALIGNMENT WITH STRATEGIES

10. Align with the Urban Development Strategy and various other strategies, including Open Space and Biodiversity Strategies, Area Plans etc.

Do the recommendations align with the Council's strategies?

11. Yes.

4. 9. 2008

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10 Cont'd

CONSULTATION FULFILMENT

12. Not required.

STAFF RECOMMENDATION

It is recommended that the Council adopt the attached District Plan Work Programme for 2008-2009.

10 Cont'd

BACKGROUND (THE ISSUES)

13. Every year the Council considers and adopts a work programme for the District Plan.
14. This year the title of the programme has been changed from the City Plan Work Programme to the District Plan Work Programme to reflect the fact that the Council has a composite District Plan under the RMA which incorporates as separate sections the City Plan for the former Christchurch City and the Banks Peninsula District Plan.
15. This year the format of the programme has also been changed. The individual projects have been divided into four categories:
 - Implementing the Urban Development Strategy
 - Completing the City Plan and Banks Peninsula District Plan Reviews
 - Enhancing the plans
 - Private Plan Changes and designations

Urban Development Strategy

16. This heading includes projects such as
 - the statutory process for the Regional Policy Statement Change 1, which will involve preparing and presenting evidence on the Council's submissions,
 - participation in the Area Plans Programme,
 - aligning the objectives, policies and rules, especially the subdivisional standards of the City Plan to the Urban Development Strategy and RPS Change,
 - major rezoning exercises such as Wigram and Awatea,
 - The intensive living zones (L3 and L4) review
 - The urban design plan change for the Central City and Business 2 zones

Completing the District Plan Review

17. This includes a small number of projects on the two plans which are still subject to appeals, including:
 - City Plan Variation 48 floodplains
 - City Plan Variation 86 retail distribution
 - City Plan Variation 93 Clearwater
 - Section 293 processes at Belfast, and Cashmere Valley/ Worsleys Spur
 - Banks Peninsula Plan landscape and ecology issues
 - Banks Peninsula financial contributions
 - Banks Peninsula designations
 - Banks Peninsula Variation 6 Helicopter landings

It is expected that most of these projects will be completed in the current financial year.

Enhancing the Plans

18. This is the bulk of the programme and includes long-standing projects such as Tree Protection, Special Amenity Areas, the Heritage review, New Brighton zoning and height controls, Business 4 Height and setbacks, Elderly Persons Housing, and Non-Family accommodation. A new project in this category includes implementing the recent National Policy Statement on Electricity Distribution. It is a requirement of the RMA to change the district plan to reflect any National Policy Statement.

Private Plan Changes and Designations

19. There are 16 private plan changes and four designation processes in various stages at present (pre-application, pre-notification, notification, submissions, hearings etc). This number will fluctuate as projects are completed and new applications are received.

10 Cont'd

Capacity Issues

20. In the 2007-08 year, the breakdown of staff time over the four categories above was as follows:

	Hours	% total	Value
Implementing the UDS	516	2%	\$38,088
Completing the Plans	3,891	18%	\$276,927
Enhancing the Plans	5,766	26%	\$345,580
Private Plan Changes and Designations	2,107	10%	\$345,580
Administration & Leadership	9,512	44%	\$623,240
	21,792	100%	\$1,282,835

Consultants fees over the same period were (to be provided on the day).

21. The bulk of the consultant expenditure has been on preparing and presenting evidence for the Environment Court cases for Variation 86 Retail Distribution and Variation 2 Banks Peninsula Rural issues. These were among the biggest cases the Council has been involved in at the Environment Court. No Environment Court cases of anything like this magnitude are expected in the current year.
22. This analysis demonstrates that the largest part of the staff time and consultant spend has been directed to completing and enhancing the district plans. Three major Environment Court cases were heard in this time and preparations made for two others, which were heard early in the current year. In the 2008-09 year it is expected that this category will diminish substantially with the completion of most of the cases, and there will be a corresponding increase in Implementing the UDS and Enhancing the Plans. Private Plan Changes and Designations have been significant and will continue at about that level as some significant cases have been received, such as the Southern Motorway designation and major private plan changes. Because of the strategic importance of some of these cases, their complexity and the range of Council departments involved, it is considered necessary to retain some private plan changes in-house, but a significant number have been referred to external consultants for processing and reporting.
23. Although the Council provided budget for additional staff in the 2007-08 year, recruitment and retention of staff has been particularly difficult and at no time has the team had a full complement of staff. Shortage of experienced staff also impinges on the ability to put work out to consultants, as use of consultants requires in-house case managers to work with. However recent appointments have enabled substantial progress to be made.
24. A number of the projects in the programme are relatively long-standing, and have not reached the point hoped for last year. Examples include Tree Protection, Special Amenity Areas, non-family accommodation and Elderly Persons' Housing. Others, such as Variation 86 and the Banks Peninsula landscape issue have made excellent progress, and other significant projects such as the Living 3 and 4 review, the commercial design and appearance projects and the Wigram Plan Change have made good progress and will be reported to the Council in the near future. Substantial completion of the formal district plans process will enable better progress to be made on the enhancement projects.
25. The RMA provides that the plan shall be due for review 10 years from the date when the first parts of it became operative. That date will be November 2015. As soon as some of the major enhancement projects and the UDS-related projects have been substantially advanced, the Council should give consideration to setting up a programme to review the plans and how it wishes to undertake this. At that time the Banks Peninsula District Plan and the City Plan may be able to be combined in one plan. It is intended to begin this programme in 2010.

10 Cont'd

26. It is anticipated that a number of draft plan changes will be presented to the Council for consideration either late in 2008 or early in 2009. These include Elderly Persons' Housing, Non-Family Accommodation, the L3/L4 Review and the Awatea Re-zoning. Progress on Special Amenity Areas has been held up pending work relating to Strategic Intensification under the UDS process and pending investigations on Residential Conservation Areas. The Tree Protection Review has been held up by staff movements.

THE OBJECTIVES

27. The objectives of the District Plan Work Programme are:
- to enable the Council to meet its statutory responsibilities under the RMA to prepare and maintain the District Plan.
 - to set priorities and provide resources enabling the Council to enhance and improve the District Plan, which includes the City Plan and Banks Peninsula District Plan, to achieve desirable environmental and community outcomes.

THE OPTIONS

28. The options for the Council are to:
- (a) Adopt the programme
 - (b) Modify the programme

THE PREFERRED OPTION

29. The preferred option is (a).