

## 5. PLAN CHANGES 17 AND 19 TO THE WAIMAKARIRI DISTRICT PLAN



<b>General Manager responsible:</b>	Michael Theelen General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Strategy Support Manager
<b>Author:</b>	David Mountfort

### PURPOSE OF REPORT

1. The purpose of this report is to inform the Council of the outcome of submissions on the Waimakariri District Council District Plan Changes 17 and 19 and recommend that no appeal be lodged against the decision of the Waimakariri District Council.

### EXECUTIVE SUMMARY

2. The Waimakariri District Council (WDC) has issued its decisions on District Plan Changes 17 and 19. The Christchurch City Council (the Council) had lodged submissions against these two plan changes following their notification in August 2006.
3. Plan Changes 17 and 19 rezoned two areas of land at Kaiapoi for urban growth. The changes were opposed by the Council on the grounds of traffic impacts on the northern access routes into Christchurch, especially at Belfast, and because they infringed, in part, on the existing and proposed new 50 dBA airport noise contours. The Council sought the deferral of the plan changes until the construction of the Northern Arterial, and the deletion of those parts of the sites subject to greater than 50 dBA of aircraft noise.
4. Opposing submissions were also lodged by Transit NZ, Environment Canterbury and Christchurch International Airport Ltd.
5. After the public notification of the changes, but before the hearings, Environment Canterbury publicly notified Change 1 to the Regional Policy Statement (RPS). This deals with urban growth and provided for further growth at Kaiapoi. The RPS Change, which the Council has supported, is inconsistent with the position taken by the Council on Changes 17 and 19.
6. The WDC has accepted the argument about noise contours and modified the areas to be rezoned accordingly. However, it has rejected the traffic arguments.
7. The issue for the Council to now determine is whether or not to appeal the decision to the Environment Court. This report recommends that no appeal be lodged, to avoid compromising the RPS Change process.

### FINANCIAL IMPLICATIONS

8. If no appeal is lodged, no direct financial implications would result. However, the need for improvements to the northern accesses into Christchurch will become more pressing as a result of the additional development. Should the Council decide to appeal this decision to the Environment Court, costs in the range of \$100,000—\$150,000 could be expected.

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

9. Yes.

### LEGAL CONSIDERATIONS

10. The Council has the opportunity to appeal this decision to the Environment Court using the well-established Environment Court process.

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

11. An appeal would have the potential to complicate and confuse the RPS Change 1 process as it proceeds through Environment Canterbury hearings and then the Environment Court.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Aligns with Greater Christchurch Urban Development Strategy and related activities.

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

13. Yes. Supports the Greater Christchurch Urban Development Strategy project and the City Plan Activity.

#### **ALIGNMENT WITH STRATEGIES**

14. Aligns with the Greater Christchurch Urban Development Strategy.

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

15. Yes.

#### **CONSULTATION FULFILMENT**

16. Not required.

#### **STAFF RECOMMENDATION**

That the Regulatory and Planning Committee recommend to Council that it not appeal to the Environment Court against the decisions of the Waimakariri District Council in regard to Plan Changes 17 and 19 to the Waimakariri District Plan.

## BACKGROUND (THE ISSUES)

17. Changes 17 and 19 to the Waimakariri District Plan were notified in August 2006, prior to Change 1 to the Canterbury Regional Policy Statement (RPS), which provides for urban growth in Greater Christchurch. The two district plan changes provide significant areas of rezoning for urban growth purpose in Kaiapoi. The RPS Change and its predecessor, the Greater Christchurch Urban Development Strategy (UDS) allows for urban growth at Kaiapoi. Seven-hundred households are provided for between 2007-2016, 700 between 2017-2026 and 900 between 2027-2041. Change 1 to the RPS, in its original form, did not allocate this growth to any particular site but subsequently Variation 2 has nominated areas for this growth that correspond to Changes 17 and 19. The Christchurch City Council (the Council) submitted in support of the RPS Change so, to an extent, its submissions against the Kaiapoi plan changes are not consistent with its support for the RPS. The submission was lodged prior to the adoption of the RPS change by the partner organisations.
18. Plan Change 17 for an area to the north of Kaiapoi has been approved in a modified form. However Change 19, for an area to the west of Kaiapoi, has not been approved. Instead, a deferred zoning has been maintained, with further assessment and solutions required on a number of issues before the zoning can be confirmed. The most significant of these are flooding issues, and the need to relocate the Island Road arterial route to Rangiora which bisects the Change 19 area. These are local issues of no particular concern to the Council.
19. The overall growth strategy of the UDS/RPS allocated growth to the WDC and Selwyn District in the earlier years because of the need for major infrastructure upgrades in Christchurch before any significant amounts of Greenfield growth could be supported. In particular, major sewer upgrades and roading projects are being carried out to support growth in the south-west and north of the City which will not be available until about 2014-2016. However, the UDS process did not resolve the issue of the short-term traffic congestion that would arise from this immediate allocation to Kaiapoi.
20. In its decisions on the plan changes, the WDC has accepted the recommendations of its Commissioners that the issue of airport noise contours is a regional issue that should be resolved through the RPS process. It has therefore excluded land within the 50 dBA contour from the land to be rezoned.
21. The Commissioners have rejected the traffic arguments put forward by the Council and Transit NZ. The Commissioners found that any traffic congestion arising would be a relatively small part of a problem which already exists and for which solutions are possible and under discussion, such as the Northern Arterial extension, the Western Belfast Bypass and the Cranford Street and Hills Road upgrades. These conclusions are debateable. It is possible to calculate quite precisely the impact of development of this scale on the traffic network. The Council is well aware of the state of this network from its own studies on the Belfast section 293 appeals and the Belfast Area Plan. Further developments anywhere to the north of the City from Belfast to Pegasus, will inevitably result in lower levels of service on the northern roading network.
22. The Northern Arterial will not be constructed before 2016 at the earliest. The interim Western Belfast Bypass may also be constructed around this time if the section 293 appeals are finally resolved.
23. To lodge an appeal would be inconsistent with the Council's support for the UDS and RPS Change. The Commissioners found this aspect particularly difficult to understand, and the Environment Court would probably have similar difficulties.
24. Although it is an unsatisfactory situation, the recommendation of this report is that there should be no appeal; that the declining level of service should be tolerated; and that the Council should instead rely on actions to get the road upgrades carried out as soon as possible. The benefits of maintaining a clean RPS process and providing some opportunity for urban growth to meet anticipated demand are considered to outweigh the short-term traffic congestion that could result.

## **THE OPTIONS**

25. Staff have identified the following options:

- (a) Appeal the decisions to the Environment Court on the grounds of impact on safe and efficient operation of the roading network in the northern part of Christchurch City.
- (b) Do not appeal.

## **THE PREFERRED OPTION**

26. The preferred option is (b).