

10. PROGRESS REPORT ON CITY PLAN PROGRAMME 2006/07 AND PROPOSED PROGRAMME FOR 2007/08



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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 27 June 2006 and to present the proposed programme for 2007-2008 for adoption by the Council.

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. Two additional projects have been identified that should be commenced in the 2006/07 year.
3. The report also presents a proposed work programme for 2007-2008. It will be noted that this builds on the previous programmes and places heavy emphasis on projects arising out of the Urban Development Strategy.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The 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 RECOMMENDATIONS

It is recommended that the Council:

- (a) Receive this report.
- (b) Agree to add the following additional items to the approved work programme as Priority 1 matters.
 - Preparation of a Change to the City Plan to provide for land between the primary and proposed secondary stopbanks on the Waimakariri River.
 - Amendments to the Central City Edge zone to enable better resource management outcomes.
- (c) Adopt the programme for the 2007-08 year.

BACKGROUND

5. In June 2006 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 second such programme since the Council adopted this arrangement.
6. A copy of the schedule presented in 2006 is attached (Appendix 1). This has been modified to include comments on progress on each project during 2006-7. The most significant items on the programme are briefly outlined below.
7. A proposed work programme for the 2007-2008 year is also attached (Appendix 2).

MAIN FEATURES OF 2006-2007 PROGRESS

Urban Development Strategy

8. There has been significant involvement by three City Plan staff in the UDS, with the Management Team, the Inquiry by Design Workshops, strategy drafting, RPS Change drafting and reporting on submissions. Adoption of the UDS and the RPS change will lead to City Plan changes commencing in late 2007.

Area Plans

9. 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. Plan Change 12, rezoning part of the Wigram Airfield allows for a small amount of development (100 lots) which is calculated as the maximum available capacity in the sewer network.

Masham Urban Growth Case

10. This longstanding case was finally resolved in late 2006. It provides for a major new urban growth point, essential to meet UDS targets. A special complication of this site is its location over the relatively unconfined groundwater aquifer, with special stormwater management techniques required to protect the aquifer from contamination. The block will accommodate approximately 1,100 households and a small commercial area. There are an entirely new set of zoning provisions, designed to achieve a higher overall density while providing a high standard of urban design. Traditional zoning rules have not been achieving the City Plan objectives and policies in this regard. This example will serve as a model for future urban growth rezoning under the UDS.

Belfast Urban Growth case

11. This is a very similar sized site as Masham and is proposed to be developed in a similar way. The major complication at Belfast is the effect on the traffic network, with Main North Road and Johns Road already severely congested. The first round of Environment Court hearings was held in late 2006, concentrating on urban design aspects. The hearing was then adjourned to enable the parties to attempt to negotiate a resolution to traffic issues. A second round of hearings is commencing in March 2007 regarding the traffic issues if not settled before then.

Floodplains Variation 48 & City Plan references on floodplains

12. The Council decision has been issued, appeals received and Environment Court mediation will commence shortly. Useful discussions with Environment Canterbury have resulted in some of the ECan appeals being withdrawn. At the Council hearings, staff advised that the computer modelling by the Council of flooding in Hendersons Basin needed to be reviewed because of recent work. It has now been extensively reviewed and refined by consultants. Any alterations made necessary by the new work will need to be incorporated in any settlement of appeals or be subject to a further variation. In its submission and appeal ECan seek the imposition of land use restrictions over the land between the existing main and proposed new secondary stopbank system. As this was not dealt with in Variation 48, the Council's position is that the request is outside the scope of the variation & appeal. However the Hearings Panel was not opposed in principle to the proposal and staff have agreed with ECan staff that a possible way to resolve this would be for the Council to introduce a further plan change. ECan is prepared to contribute 50% of the costs of a consultant to prepare this variation and it is suggested that the Council add this to the work programme and agree to fund the other half.

Retail Distribution Variation 86

13. This is now at the appeal stage, with 11 appeals having been lodged with the Environment Court. A preliminary hearing has been held on the validity of one crucial policy and a decision issued. The policy is to require the objectives and policies for business development to be settled before considering individual requests for rezoning. The Court held that it was a reasonable approach but that it was not possible under the RMA to include a policy to that effect. However the Court suggested other ways of achieving the same result.

Heritage protection – Review of City Plan provisions

14. A consultant is assisting staff with the preparation of this plan change for Council consideration in mid 2007.

Higher Density Living zones (Living 3 and 4) – Review development controls

15. Following the Council seminar a public consultation document is about to be released.

Review of Elderly Person's Housing Provisions

16. A proposal to amend the City Plan provisions to provide a higher standard of amenity for EPH developments has been out for public consultation. Following analysis of consultation outcomes, a recommendation will be made to the Council on a way forward with this issue in about three months.

Motor Racing

17. Staff have been involved with a joint Council team investigating options for the relocation of the Carrs Road Raceway at Awatea and for resolving noise issues at the Ruapuna Raceway.

Review Special Amenity Areas

18. Investigations and discussions with interested parties have been carried out and it is likely a Council seminar will be conducted in mid 2007.

Banks Peninsula Landscape and Ecological Studies

19. These studies have been completed. The outcomes are to be considered by the parties at Environment Court mediation sessions in May and June 2007. If settlements in principle are reached then it will be necessary to prepare detailed plan provisions for submission to the Court as consent orders. If agreements cannot be reached then Court hearings will occur late in 2007.

Banks Peninsula Port Noise

20. The package of proposals agreed to by the parties including Council at mediation has been publicly notified under section 293 of the RMA. A number of submissions have been received. Discussions with submitters are to commence.

Awatea

21. Steady progress continues to be made towards preparing a plan change to rezone the Awatea area. A separate report has been presented to the Council on this.

Variation 89 Recession Planes

22. This Variation modified provisions relating to recession planes in Living zones. An appeal by Avon Hotel Ltd has recently been dismissed by the Environment Court, so the Variation can be made operative.

PRIVATE PLAN CHANGES

23. Two private plan changes have been completed and made operative. These were minor rezonings, at Moorhouse Avenue and St Albans Street. These had minimal impact on staff resources. Three more significant applications have been received and are being reported to the Council. These are not likely to be significant enough to trigger the Council's policy on rejecting private plan changes within two years of the City Plan becoming operative. Other potential applications for relatively minor rezonings have been discussed with the parties involved. A number of significant rezoning requests are known to be in preparation. Some of these will not be formally applied for until after November 2007, when the two year period in which the Council may reject such plan changes will have lapsed. Other applications are likely to be received before November. The parties concerned are understandably paying a great deal of attention to the Urban Development Strategy and will also be interested in the forthcoming change to Environment Canterbury's Regional Policy Statement. The City Plan Team and other specialist teams within the Council are reaching the point where these cannot be processed without adversely affecting priority work and further applications may have to be referred to consultants to investigate and report on behalf of the Council. The costs of this can be recovered from the applicants. A list of private plan changes known to Council at this time is attached as Appendix 3.

COUNCIL PLAN CHANGES

24. Two plan changes have been publicly notified during the current financial year, Changes 12 and 13, which rezone a part of Wigram Airfield and reduce the air-noise contours surrounding Wigram. The City Plan Activity Management Plan calls for 10 changes to be publicly notified. Other plan changes are in preparation and will be reported to Council separately

MISCELLANEOUS MINOR CHANGES

25. 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.

NEW PROJECTS ARISING

26. As discussed in paragraph 12 above, it is recommended that a new project be added to the City Plan Work Programme, a Plan Change to control land use in the area between the primary and secondary stopbanks on the Waimakariri River. The secondary bank is intended to contain water in the event of the primary banks being overtopped or washed out and redirect the water to the river in the vicinity of Belfast. Depending on the depth and velocity of the flows, it is proposed to either require elevated floor levels or prohibit houses being constructed in the affected areas. Environment Canterbury has offered to meet 50% of the costs of preparing this variation.
27. A further project has arisen in relation to the Central City Edge Zone. This zone was created in 2003 to enable the redevelopment of the Turners and Growers site in Madras Street. Discussions with the developer have revealed that there may be some controls which are unnecessarily restrictive and may hinder the best development of the site. This can be tested through a plan change, initially being led by the developer but which the Council may consider adopting as its own later in the process.

SUMMARY OF PROGRESS ON THE CITY PLAN PROGRAMME 2006-2007

Items	Completed	Substantial progress	Commenced	Not progressed	Total
Priority 1	7	31	17	1	56
Priority 2	0	7	13	4	24
Priority 3	0	1	5		6
Total	7	39	34	5	85
New Projects	2		1		86

MAIN FEATURES OF 2007-2008 PROGRAMME

Urban Development Strategy

28. A number of projects are listed to implement the Urban Development Strategy. These include participating in the Regional Policy Statement process, aligning the City Plan objectives and policies for urban growth, various rezoning and rule changes such as commencing a long-delayed project to enable better urban design outcomes in greenfields subdivisions. Also related to the UDS is the review of provisions affecting design and appearance in Living 3 and 4 higher density zones.

Existing Environment Court references on the City Plan

29. The four remaining appeals against the City Plan, which are the Cashmere (McVicars) and Belfast rezoning cases should be heard and resolved during the 2007/08 year.

Existing Variations on the City Plan

30. Remaining variations should be completed or substantially progressed including Variations 48 – Floodplains, 86 Retail Distribution, 93 – Clearwater and 95, Living 1A zone provisions.

Banks Peninsula District Plan Variation 2 and other matters inherited from BPDC

31. The first task is to carry out and complete mediation in the Environment Court with the parties to appeals about landscape and ecology issues. If agreements are reached and confirmed by the Council, then detailed consent orders will be prepared. If agreements are not reached then it will be necessary for the matters to be heard and decided by the Environment Court. There are various other matters inherited from the Banks Peninsula District Council, as set out in the schedule.

Elderly Persons Housing

32. It is proposed to complete an analysis of the public consultation, prepare and report on options to the Council, and draft, report to Council and public notify any plan change the Council decides to make.

Non-Family accommodation

33. Resources are now available in-house to prepare a plan change and publicly notify and process it if the Council decides to do so. The first task is to report on issues and options to the Council.

Heritage

34. A draft Plan Change is being prepared and will be reported to the Council. This will be able to be publicly notified and processed during the 2007/08 year.

New Brighton

35. A Plan Change is being prepared and will be able to be reported to the Council and publicly notified mid 2007.

Development and Financial Contributions

36. A further Plan Change may be required to implement the development contributions policy, in view of recent case-law.

Quarry Zones

37. Review adequacy of Rural Quarry Zone provision to control environmental effects and to check whether enough land is zoned to meet the needs of the industry. Necessary in view of recent Environment Court decision and concerns from industry. This should be carried out in close consultation with Environment Canterbury and the Selwyn District Council.