

24. 4. 2008

**REGULATORY AND PLANNING COMMITTEE
3 APRIL 2008**

**A meeting of the Regulatory and Planning Committee
was held on Thursday 3 April 2008 at 9.30am**

- PRESENT:** Councillor Sue Wells (Chairperson),
Councillors Helen Broughton, Sally Buck (from 9.40am),
Yani Johanson, Claudia Reid (to 12.10pm)
and Chrissie Williams (to 12.10pm).
- IN ATTENDANCE:** Councillors Bob Shearing (to 11.40pm) and Norm Withers (to 12 noon).
- APOLOGIES:** An apology for absence was received and accepted from
Councillor Ngaire Button.
- An apology for lateness was received from Councillor Sally Buck.
- Councillor Sally Buck arrived at 9.40am and was absent for part of
clause 1.
- Councillors Claudia Reid and Chrissie Williams departed at 12.10pm
and were absent for part of clause 5.

The Committee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

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

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

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

3. Variation 6 aims to strengthen provisions protecting the quality of Christchurch groundwater, while still allowing for urban development when the effects on groundwater can be avoided or mitigated. In areas where groundwater is vulnerable to contamination, discharges of stormwater to the ground are restricted to roof runoff and discharges from stormwater treatment systems designed to avoid contamination of groundwater. Sewerage systems are required to be designed, constructed and maintained in accordance with best management practices.
4. The Variation establishes three Groundwater Zones: Zone 1 (high vulnerability); Zone 2 (transitional); and Zone 3 (low vulnerability). Four Sub-Zones are established within Zone 1 (Sub-Zones 1A, 1B, 1C and 1D) which recognise areas of existing activities on the shallow soils and stony gravels of the unconfined aquifer to the west of the city.

1 Cont'd

5. The Council's original submission (October 2007) supported the intention of the Variation which is consistent with a need to protect Christchurch groundwater resources and maintain its high quality into the future. The Council's concerns were that the provisions should be targeted appropriately to achieve the overall objective and that in protecting the resource ECan does not excessively constrain the ability for well designed development to continue.
6. A Summary of Decisions Requested on Variation 6 was notified on 23 February 2008 and the period for making further submissions closed on 28 March 2008. The further submissions process provides the Council with an opportunity to support or oppose submissions made by other individuals and organisations.
7. The majority of submitters on Variation 6 are industry groups, developers, residents and landowners, with particular interests in the city's urban-rural boundary, or the rural area beyond it within both the City and Selwyn District. The major focus of submissions were restrictions on the development of Zone 1 and Sub-Zones 1A, 1B, 1C and 1D, and the affect this new zoning regime would have on present and further development. There are concerns that the status of some activities, particularly those relating to stormwater, are too restrictive. Other areas of concern include the policies and rules relating to the management of hazardous chemicals, landfills and quarrying.
8. In summary the main points of the Christchurch City Council further submissions:
 - Oppose requests for amendments that would allow for additional development beyond that already provided for (with an associated increase of risk to groundwater quality).
 - Oppose requests for amendments that would allow increases in the scale and type of lawfully established industries with regard to their use of hazardous substances through Policy WQL14 and Policy WQL15 and Policy WQL19 within Christchurch Groundwater Protection Zone 1, or Sub Zones 1A, 1B, 1C and 1D.
 - Oppose requests to amend Policy WQL14 to allow for the establishment of new municipal or hazardous landfills within Christchurch Groundwater Protection Zone 1, or Sub Zones 1A, 1B, 1C and 1D.
 - Oppose changes to Rule WQL5 (Stormwater onto land) which seek to amend conditions of discharge, from a specified roof area to a gross impermeable area for any site, and to amend the activity status so that discretionary activities are removed.
 - Oppose submissions on Rule WQL7 (Stormwater onto land or into a river) to delete Sub-zones 1A and 1B from the conditions which trigger the requirement for a discretionary activity.
 - Oppose submissions on Rule WQL55 (Use of Land for Mineral Extraction, Use of Specified Hazardous Substances, or the Discharge of Stormwater in Sub-Zones 1A, 1B, 1C and 1D) where submitters have requested to have the rule deleted, or to have Activity (3) (2) (a) and (c) deleted in relation to the non-complying status of the use of land for the storage of hazardous substances and mineral extraction.
 - Support submissions that request clarity on terms used in the Variation, and changes that would better allow for strategic transport infrastructure consistent with implementation of the Greater Christchurch Urban Development Strategy.

FINANCIAL IMPLICATIONS

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

1 Cont'd

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

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

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

LEGAL CONSIDERATIONS

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

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

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

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

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

ALIGNMENT WITH STRATEGIES

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

Do the recommendations align with the Council's strategies?

16. As above.

CONSULTATION FULFILMENT

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

1 Cont'd**STAFF RECOMMENDATION**

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

COMMITTEE RECOMMENDATION

It is recommended that the Council:

1. Endorse the proposed further submissions (as attached to this report as Attachment 1) on Variation 6 (Christchurch Groundwater Protection Zones) to the PNRRP Chapter 4: Water Quality.
2. Request that staff provide further information to Councillors, prior to the ECan hearings, on the issues identified during the committee discussion as follows:
 - With respect to Policy WQL14 regarding hazardous landfills on transitional zones, are the transitional zones adequately covered in the original Council submission or other submissions?
 - With respect to Rule WQL19(5) – if this policy is deleted as submitted, is the issue covered elsewhere in the Variation?
 - With respect to Rule WQL16 – will the Agrichemicals to Surface Water or Land best management practices be sufficient to meet Council objectives in this area?

2. TERMS OF REFERENCE FOR COMMITTEE

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

PURPOSE OF REPORT

1. The purpose of this report was to provide a basis for the Committee to review its Terms of Reference as established at the Council meeting of 13 December 2007 (Attachment 2 to the Committee report) in light of its experience to date. It is appropriate that this consideration is done in conjunction with the Review of Delegations to the District Plan Appeals Subcommittee and the Resource Management Officers Subcommittee, the subject of a separate report.

BACKGROUND

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

FINANCIAL IMPLICATIONS

3. There are no direct financial considerations.

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

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

2 Cont'd

LEGAL CONSIDERATIONS

5. Not applicable.

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

6. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

8. Not applicable.

ALIGNMENT WITH STRATEGIES

9. Not applicable.

Do the recommendations align with the Council's strategies?

10. Not applicable.

CONSULTATION FULFILMENT

11. There is no statutory requirement for public consultation.

STAFF RECOMMENDATION

It is recommended that the attached Terms of Reference form the basis of discussion for formulating more defined Terms of Reference.

COMMITTEE RECOMMENDATION

It is recommended that the Council:

1. Request staff to report back to a future meeting of the Regulatory and Planning Committee to discuss the current Council decision-making process for Private Plan Changes.
2. Note that the Chair of the Regulatory and Planning Committee will work with the Planning Administration Manager to develop a draft programme for an elected members workshop that explains all aspects of the resource consent process, including officers' delegations, criteria for notification, the role of elected members, appointment of commissioners and the statutory framework.

3. CITY PLAN WORK PROGRAMME

The Committee considered a Part C report provided to update members on progress on the approved City Plan Work Programme. The Committee decided during the discussion to make a recommendation to Council as a Part A item, with the Chairperson to provide background information for Councillors at the Council meeting.

COMMITTEE RECOMMENDATION

It is recommended that the Council request that the Chief Executive report to the June 2008 meeting of the Regulatory and Planning Committee on the overall City Plan area, to include the following issues:

- An overview of the current planning situation in Christchurch and the Council's capacity to meet its objectives in this area;
- Which Council units are affected and to what extent;
- Where budgets are spent and potential for efficiencies;
- Statutory timelines for private plan changes;
- More frequent reporting to the Committee on major planning issues;
- Regular reporting of Environment Court decisions back to the Committee;
- The potential for prioritisation of public plan changes over private plan changes; and
- Budget provision for progressing the Council's goals in plan changes over private plan changes.

PART B - REPORTS FOR INFORMATION

4. REVIEW OF BYLAWS PROCESS

Alan Bywater, Programme Manager, Strong Communities, provided the Committee with a verbal update on the Review of Bylaws process.

The Committee **resolved** to:

1. Receive the report.
2. Confirm that the hearings for the Traffic and Parking Bylaw Review be rescheduled to the week of 19 to 23 May 2008.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE COMMITTEE

5. CITY PLAN WORK PROGRAMME

The Committee considered a report provided to update members on progress on the approved City Plan Work Programme. During the discussion the Committee agreed to make a recommendation to the Council, which is detailed in Part A of this Committee report.

The Committee **decided**:

1. That the report be received.
2. To request that the City Plan Team Leader report back to the June meeting of the Committee on progress against the 2007/08 City Plan work programme.

Councillor Williams declared an interest in City Plan Change 9 and 27 and took no part in discussions on these matters.

Councillor Broughton declared an interest in Banks Peninsula Variation 2 and took no part in the discussion on this matter.

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6. WORK PROGRAMME FOR COMMITTEE/WORKSHOP TIMETABLE

It was agreed that this report be held over for further consideration at a later meeting of the Committee.

7. PLAN CHANGES: - ROLE OF COMMUNITY BOARDS AND HEARING PANEL MAKEUP

Consideration of this item was covered in the discussion under clauses 3 and 5 above.

The meeting concluded at 12.30pm.

CONSIDERED THIS 24TH DAY OF APRIL 2008

MAYOR