

28. 8. 2008

**REGULATORY AND PLANNING COMMITTEE
7 AUGUST 2008**

**A meeting of the Regulatory and Planning Committee
was held on Thursday 7 August 2008 at 9.30am**

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

APOLOGIES: An apology for absence was received and accepted from Councillor
Mike Wall.

Councillor Chrissie Williams departed at 10.15am and was not
present for clauses 3, 5 to 8, and part of clause 4.

Councillor Sally Buck departed at 12.22pm and was absent for part
of clause 7 and 8.

Councillor Bob Shearing departed at 12.30pm and was absent for
part of clause 7 and 8.

The Committee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. BETTER LEGIONELLA CONTROL MEASURES

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Environment Policy & Approvals Manager
Author:	John Buchan, Building Control Manager

PURPOSE OF REPORT

1. The purpose of this report is to report on the findings of a Coroner's report on a Legionella outbreak that occurred in Christchurch in 2005. The incident affected 19 people all of whom were hospitalised and three died. The report also seeks approval from the Regulatory and Planning Committee to send a letter of support for the Coroner's recommendations, to the Department of Building and Housing and to the Department of Health, supporting an amended Compliance Schedule regime for industrial cooling towers, which are not presently covered by the Building Warrant of Fitness system (BWOF).

EXECUTIVE SUMMARY

2. In 2005 a Legionella outbreak in Christchurch affected 19 people, all of whom were hospitalised. Three of the patients subsequently died.
3. At the time of the outbreak the Regional Public Health Officers and Christchurch City Council Building and Health Officers participated in seeking to find the source of the outbreak. One of the likely source of the outbreak was industrial water cooling towers, which are not controlled under the BWOF regime administered by Council. Subsequently, the Coroner's inquest into the death of the three people concluded that based on probabilities there was a common source for the outbreak and it was likely to be an industrial cooling tower (of a type not controlled under the Building Warrant of Fitness system).
4. The Coroner made a number of recommendations which would alter the compliance regime around such towers and these recommendations are being considered by the Department of Building and Housing and the Department of Health.

1 Cont'd

5. The Christchurch City Council would seek to support the proposed initiatives and be involved in the future control of industrial water cooling towers, so as to further protect the citizens of Christchurch from the potential for this to occur again.

FINANCIAL IMPLICATIONS

6. The Building Warrant of Fitness system works on a user-pays basis. There is provision in the Building Act for fees to be charged. It is likely therefore that the proposed compliance changes to the Building Act would come at no cost to the Council.

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

7. Yes.

LEGAL CONSIDERATIONS

8. The amendments to the Building Act and Public Health Act proposed by the Coroner would be enacted by the Government and accordingly there are no legal considerations from a Council point of view.

STAFF RECOMMENDATION

It is recommended that the Council agree to the preparation of a letter of support addressed to the Department of Building and Housing and the Department of Health, supporting the Coroner's recommendations around changes to the Building Act and Public Health Act.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

9. Legionellosis, commonly referred to as Legionnaires' Disease, is a serious and sometimes fatal form of pneumonia. In 2005 there were 19 cases of Legionella contracted between April and August and in three cases the disease proved fatal, hence the Coroner's investigation. People most susceptible are adults over the age of 50, smokers, people prone to lung disease and other people with low immunity.
10. Cooling towers used in heating and ventilating systems are part of the building and are required to be inspected as part of a BWOF regime, which requires the owner to arrange for maintenance and inspection to be done and to certify that the work has been carried out correctly. At the time of the outbreak investigations concluded that cooling towers (including industrial cooling towers) might be part of the source of the contamination. Industrial water cooling towers which are part of an industrial process are not part of the BWOF system provided for under the Building Act. This meant that the Christchurch City Council did not have a single register which included these industrial water cooling towers and was therefore not able to immediately help in the investigation, in that regard.
11. Subsequent to the investigation, the Christchurch City Council initiated a number of process changes in the way it maintains registers, so that we could more immediately assist with a single list of ventilation and cooling towers. The industrial cooling towers are also being voluntarily treated by owners, as recommended by the authorities. The Coroner heard of these changes and has included them in the list of recommendations.
12. Accordingly, the Coroner has made recommendations around producing a single register of ventilation and cooling towers. It was also proposed to make regular testing and maintenance of those types of cooling towers part of the requirements of the Building Warrant of Fitness system. Another concern that the Coroner would like to have addressed is the concern that currently it is not compulsory to notify adverse results of tests for Legionella bacteria to the Health authorities.

1 Cont'd

13. In his decision the Coroner has proposed to the Government that it give consideration to changes to legislation and other regulatory amendments to achieve the following outcomes:
- (a) That the owners and/or operators of all cooling towers be required to register the towers with their Territorial Authorities.
 - (b) That territorial authorities create and maintain a single database for cooling towers for heating and ventilating systems and cooling towers for industrial processes.
 - (c) That all cooling towers whether commercial or industrial, be brought within the Compliance Schedule/Building Warrant of Fitness regime administered by territorial authorities.
 - (d) That cooling towers be classified as a separate class of specified system for the Compliance Schedule/Building Warrant of Fitness regime.
 - (e) That it be mandatory for all new and existing cooling towers to comply with AS/NZS 3666 or other comparable standard and that NZS 4303 no longer be optional for any towers, with pre 2004 towers that do not now comply being required to upgrade within a specified period.
 - (f) That testing for Legionella be undertaken at least monthly to AS/NZS 3896 and AS 4276.3.1 by an IANZ biologically accredited laboratory.
 - (g) That it be mandatory for the laboratories to notify Legionella test results greater than, or equal to, 100 cfu/ml with 48 hours to the local Medical Officer of Health, and the required control strategy from Table 3.1 of AS/NZS 3666.3 be implemented by the owner or operator.
 - (h) That territorial authorities and Medical Officers of Health be given powers to audit testing and test results and to ensure that appropriate corrective action is taken following results that do not meet the standard.

2. ADOPTION OF REPORT ON DOG CONTROL POLICY AND PRACTICES

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Inspections & Enforcement Unit Manager
Author:	Mark Vincent, Animal Control Team Leader

PURPOSE OF REPORT

1. The Dog Control Act 1996 ("the Act") requires all territorial authorities to report annually. Once the Council has adopted the report, public notice must be given of the report and a copy sent to the Secretary for Local Government. This provision in the Act was introduced by the Dog Control Amendment Act 2003. The Act lists the information required in the report.
2. The 2006/2007 report was not submitted to the Council in the 2006/07 financial year due to an administrative error. Process changes are now in place to ensure that this does not reoccur. Both the 2006/07 and the 2007/08 reports are attached for the Council's consideration.

EXECUTIVE SUMMARY

3. The Dog Control Act 1996 was amended by the Dog Control Amendment Act 2003 with a focus on increasing public safety. As part of the amendments Central Government has introduced the requirement for territorial authorities to report annually with certain information.

2 Cont'd

4. The annual report requires territorial authorities to provide details in relation to such matters as: dog exercise and leash control; dog prohibited areas; impounded animals; education programmes and initiatives and a range of specific annual statistics including aggressive/dangerous dogs, number of dogs classified as dangerous or menacing dog, the number of registered dogs, number of infringement notices issued, and the number of prosecutions etc.
5. It is recommended that Council adopt both the 2006/07 and 2007/08 reports pursuant to Section 10A of the Dog Control Act 1996.
6. Within the calendar year an Inspections and Enforcement Unit Annual Report will be brought to the Regulatory and Planning Committee and the Council to detail the Inspections and Enforcement Unit's approach, outputs and trend data across the full range of enforcement activities. This is a new initiative to provide Council with better information and understanding of the various enforcement activities and team outputs. This additional report will expand on the information provided in the attached reports, providing additional information in regards to such matters as complaint trends, dog owner numbers, micro chipping etc.

FINANCIAL IMPLICATIONS

7. There are no direct financial implications in relation to the preparation of the annual report or the recommendation Council adopt the report. Covered by existing unit budgets.

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

8. Yes.

LEGAL CONSIDERATIONS

9. Section 10A of the Dog Control Act requires that a Territorial Authority must report on Dog Control Policy and Practices –
 - (1) In respect of each financial year, report on the administration of –
 - (a) Its Dog Control Policy adopted under section 10; and
 - (b) Its Dog Control Practices
 - (2) The report must include, information relating to –
 - (a) The number of registered dogs
 - (b) The number of probationary and disqualified owners
 - (c) The number of dogs classified as dangerous and the relevant provision under which the classification was made.
 - (d) The number of dogs classified as menacing under section 33A
 - (e) The number of dogs classified as menacing under section 33C
 - (f) The number of infringement notices issued
 - (g) The number of prosecutions taken
 - (3) The territorial authority must give public notice of the report –
 - (a) by publishing the report in –
 - (i) One or more daily newspapers circulating in the district
 - (ii) One or more other newspapers that have at least an equivalent circulation in the district to the daily newspapers circulating in that district.
 - (b) by any means that the territorial authority thinks desirable in the circumstances.
 - (4) The territorial authority must also, within one month after adopting the report, send a copy of it to the Secretary for Local Government.

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

10. As per above.

2 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. The annual report and recommendation contained in this report aligns with the LTCCP level of services for Animal Control as the KPIs detailed in the LTCCP require the initiation and resolution of all dog control complaints within stipulated timeframes, namely:

Priority 1 complaints (wandering stock and aggressive behaviour by dogs) responded to within 2 hours.

Priority 2 complaints (other complaints about dogs) commenced within 24 hours.

(Page 147 of the LTCCP, level of service under regulatory services).

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. There is no requirement for consultation in relation to the preparation of the annual report. There is a statutory requirement (section 10A of the Dog Control Act 1996) for the report to be publicly notified once adopted by Council.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the attached Christchurch City Council Report on Dog Control Policy and Practice for 2006/2007, pursuant to Section 10A of the Dog Control Act 1996.
- (b) Adopt the attached Christchurch City Council Report on Dog Control Policy and Practice for 2007/2008, pursuant to Section 10A of the Dog Control Act 1996.

COMMITTEE RECOMMENDATION

That the staff recommendations be adopted.

3. SALE OF LIQUOR (OBJECTIONS AND APPLICATIONS) AMENDMENT BILL SUBMISSIONS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Inspections and Enforcement Manager
Author:	Team Leader Liquor Licensing

PURPOSE OF REPORT

1. The Social Services Committee has invited submissions on the Sale of Liquor (Objections to Applications) Amendment Bill. Submissions on the Bill close on 15 August 2008.
2. Council staff have reviewed the Bill and taken direction from the Alcohol Policy and Liquor Control Bylaw Subcommittee, and staff advice is attached in the approved submission format for consideration by the Regulatory and Planning Committee.

3 Cont'd

EXECUTIVE SUMMARY

3. Manurewa MP George Hawkins has succeeded in introducing a Bill into Parliament aimed at restricting the number of liquor outlets. The Bill, titled Sale of Liquor (Objections to Applications) Amendment Bill, proposes amendments to the Sale of Liquor Act 1989. Since the Bill was introduced, the Government has also announced an intention to amend the Sale Of Liquor Act. The proposed Government changes are expected to be much wider in scope than the Hawkins Bill.

COVERAGE OF THE BILL

4. In summary, the Bill proposes to:
 - provide for more community input into liquor licensing decisions by widening the objection provisions for both on- and off-licences to include neighbours, businesses and community organisations as affected parties;
 - require applicants to undertake a social/economic impact evaluation which would be subject to public notice requirements;
 - allow the Liquor Licensing Authority to take additional matters into account when an application is opposed.
5. The Bill does not cover or address:
 - club or special licenses; it only applies to on- and off-licenses;
 - renewals; it only applies to new applications;
 - wider issues covered by the Sale of Liquor Act, e.g. drinking age.

CURRENT LICENSING PROCESSES

6. Operationally, the Bill, as proposed, would have a significant impact on the functions of the Christchurch District Licensing Agency (DLA). Council's Liquor Licensing Team, on behalf of the DLA, receives and deals with applications for licences and certificates under the Sale of Liquor Act 1989, along with monitoring compliance with the terms and conditions of licences granted and with the Act generally.
7. The Liquor Licensing Team receive and process all new and renewal applications relating to on/off/club licenses, special licences, temporary authorities and managers certificates.
8. In relation to on/off/club license applications, providing no objections are received, the DLA will grant the application. However, if an objection is received, the application will be forwarded to the Liquor Licensing Authority (LLA) in Wellington for determination.
9. The Secretary of the DLA is the CEO of the Christchurch City Council.
10. Power for DLAs to grant licences is shared in Christchurch by the Sale of Liquor Officer Subcommittee (acting on behalf of the Secretary of the DLA) and the DLA Councillor Hearings Panel.
11. All unopposed applications, where no objections are received, are granted by the Sale of Liquor Officer Subcommittee. The Subcommittee meets weekly to consider all unopposed applications. Only one application was required to be heard before the full DLA Councillor Hearings Panel in 2007.
12. Temporary Authority and Special licence applications which are opposed are referred to the DLA Councillor Hearings Panel for determination (normally by way of a public hearing).
13. Last year, three opposed on/off/club licenses were referred to the LLA for determination. Referral to the LLA is a resource intensive, timely and costly exercise. On average, approximately 20 plus hours of Inspector time is taken up in briefing and preparing a case along with approximately four hours of hearing time to present the case to the Authority.

3 Cont'd

14. As the Bill expands the objection criteria, and as a result, the likely volume of objections, this may have significant resource implications for the Council.

SUBMISSION CONTENT SUMMARY

15. The proposed submission put forward to the Regulatory and Planning Committee recommends that the Council:
- supports the initiative in the Bill to provide for greater community involvement, but expresses some concern about how the Bill proposes to do this;
 - supports the widening of objection criteria, but expresses reservations over the definition of "affected parties" contained in the Bill;
 - expresses concern in regards to expanding the objection criteria too widely, as this may lead to increased costs to Council and loss of local control;
 - expresses concern over the Bill's proposed mandatory requirement for social and economic impact evaluations, but offers some support for impact evaluations as a tool;
 - suggests criteria where social and economic impact evaluations may be of more value and seeks clarification of factors that would be included in evaluations;
 - is supportive of the potential for local alcohol/liquor licensing policies to provide a means for greater community involvement in licensing decisions generally;
 - supports the extension of the notification period from 10 working days to 20 working days;
 - suggests that consideration be given to whether to make subsequent changes to those parts of the Act that deal with renewal applications;
 - expresses general support for the expected scope of the recently announced Government initiatives to amend the Sale of Liquor Act more widely.

FINANCIAL IMPLICATIONS

16. The submissions as recommended have no significant financial implications for the Council.

LEGAL CONSIDERATIONS

17. There are no legal implications arising from the Council making submissions on the Amendment Bill.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. The submission detailed supports 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

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

CONSULTATION FULFILMENT

20. No external consultation has been carried out, but internal consultation between the Inspections and Enforcement Unit, Strategy and Planning Unit, Legal Services and the Alcohol Policy and Liquor Control Bylaw Subcommittee, has taken place.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) That it approve the draft submission on the Sale of Liquor (Objections to Applications) Amendment Bill (refer Appendix B);

3 Cont'd

- (b) That the Council decide whether or not it wants to appear in support of its submission, and if so, appoint a representative.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

4. SOUTH-WEST CHRISTCHURCH AREA PLAN – DRAFT FOR CONSULTATION

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager Liveable Cities
Authors:	Sarah Oliver, Senior Policy Planner

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval of the draft South-West Christchurch Area Plan for public consultation. The South-West Christchurch Area Plan (the Area Plan) provides the framework for land use planning and Council expenditure, reflects how the city wants the area to develop, and ensures that growth is integrated and collaborative.
2. Following consultation, the Council will be presented with a final Area Plan. If adopted by the Council, the Area Plan will lead to changes in future LTCCPs, capital programmes, budgets, development contributions, and changes to the Christchurch City Plan to implement the Area Plan. The development of the SWAP Area Plan is Christchurch's key greenfields development area.

EXECUTIVE SUMMARY

3. The Council is required to consult with affected and interested parties on issues, plans and strategies that may directly or indirectly affect them. In August 2007 the public were consulted on a series of draft concept plans. Overall, the draft concept plans were supported by respondents, and have since been developed into the draft Area Plan. Greater detail and direction as to how the area will be managed over the next 35+ years is provided in the draft Area Plan. The purpose of this next phase of consultation is to gain community feedback on this detail. While the draft Area Plan does not bind the Council in any way, given its potential implications for future LTCCPs, and other statutory plans and processes, Council approval to commence consultation on the draft Area Plan is sought.
4. The draft Area Plan promotes new centres, high quality business environments and employment opportunities. New neighbourhoods will be developed around an extensive open space network built on the existing natural values, providing recreation opportunities and facilitating ease of movement between centres and public open space. The uniqueness of the area will be celebrated through restored habitats and tangata whenua values, and incorporate landscape features and European heritage into urban development and public open space. Neighbourhoods will be supported by a range of services and facilities and people will have a genuine travel choices. Infrastructure and services will be designed, constructed and managed to be resilient and adaptable to the unpredictability of factors such as climate change, the global economy, and energy supply. The attachments represent the vision for the South-West as at 2041 and includes the draft text of the Area Plan.
5. The Area Plan will be accompanied by an Implementation Plan which provides a detailed programme of the actions and key tasks to achieve the Area Plan objectives and policies; prioritisation of actions; timeframes for delivery; required resources; and performance measures.

4 Cont'd

FINANCIAL IMPLICATIONS

6. The Area Plan has no financial implications, its implementation will be addressed through changes to the City Plan, and if approved through the 2009/19 LTCCP capital infrastructure programme.

LEGAL CONSIDERATIONS

7. The Area Plan will assist the Council in carrying out its functions under both the Resource Management Act 1991 (RMA) and Local Government Act, by:
- ensuring sustainable management of the area's natural and physical resources;
 - facilitating the integrated planning of Council-managed services;
 - identifying opportunities for land development;
 - providing direction for Council's acquisition of strategic land areas; and
 - providing a framework for the collection of development contributions.

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?

8. Yes. The draft Area Plan will assist in achieving a number of community and Council outcomes under the LTCCP, in particular planning for the future growth of the city.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

9. The relevant Council strategies are as follows:
- Greater Christchurch Urban Development Strategy – South-West Christchurch has been confirmed as a major Greenfield urban growth area under this strategy. The draft Area Plan demonstrates how the level of urban growth projected under the Urban Development Strategy (UDS) will be managed and accommodated.
 - Regional Policy Statement (RPS) and Proposed Plan Change 1 – The draft Area Plan takes into account the wider regional objectives of the RPS and Proposed Plan Change 1, in particular those relating to settlement and the built environment, the urban limit, transport, matters of regional significance to tangata whenua, landscape, ecology, heritage, and rivers.
 - Christchurch City Plan – The objectives and policies of the draft Area Plan have been influenced by the relevant objectives and policies of the City Plan, in particular those relating to urban growth, flood risk, open space and recreation, tangata whenua, European heritage, and natural values. The Area Plan will also provide a basis for any new objectives, policies and rezoning introduced through changes to the City Plan.
 - Heathcote River Floodplain Management Strategy - Objective 1 contained in the draft Area Plan represents the Integrated Catchment Management Plan, as adopted by the Council on 26 June 2008. Objective 1 provides details of how peak flows in the Heathcote River can be better managed, a reduction in flows achieved, and the effects of future urban development mitigated so as not to adversely affect the current functioning and health of the river.
 - Waterways and Wetlands Asset Management Strategy – Objectives 1 to 6 of the draft Area Plan provides further grounding to the initiatives promoted in this strategy, namely achieving a value-based approach to land development and the restoration of waterways and wetlands.
 - Christchurch City Biodiversity Strategy – Objective 2 of the draft Area Plan endorses Henderson's Basin as a core ecological and open space area.

4 Cont'd

- Proposed Natural Resources Regional Plan and the Surface Water Management Protocol – Objective 1 contained in the draft Area Plan represents the Integrated Catchment Management Plan, is considered to meet the objectives of the proposed Natural Resources Regional Plan and Surface Water Management Protocol.
- Canterbury Regional Land Transport Strategy (CRLTS, 2005-15) and Christchurch Rolleston and Environs Transportation Study (CRETS) – Objective 11 of the draft Area Plan is considered to meet the objectives and policies of the CRLTS. Plan 11.1 supporting Objective 11 is generally consistent with the future main road network proposed under CRETS.

CONSULTATION FULFILMENT

10. The engagement of key stakeholders (i.e. affected and/or interested parties) at this stage of the Area Plan process, is fundamental to the Council meeting its duty under the first schedule of the RMA and sections 78 and 82 of the LGA. In August/September of 2007 the public were consulted on a series of draft concept plans. This involved obtaining community comments on locational and other aspects of a series of draft concept plans. The concept plans were supported by respondents, although concern was raised by some in regard to the potential impacts of medium density housing, loss of character, and the location of new neighbourhood centres (refer also Building a Brighter South-West: Community Views Report). The draft Area Plan is considered to address the concerns raised.
11. A consultation plan has been prepared for this final phase of the consultation process, and sets out a programme (over September) and methods of consultation. Key steps will include:
 - A newsletter informing key stakeholders about the draft Area Plan and how to provide feedback. Accompanying the newsletter will be a summary brochure of the draft Area Plan.
 - Open days, community meetings, launch functions, and media releases.
 - Hui with local hapu and runanga. This will conclude the Ngai Tahu and Council staff working party established to draft the Area Plan and supporting reports.
 - Presentations to Environment Canterbury, Transit New Zealand, Selwyn District Council, and the Urban Development Strategy Implementation Committee. These organisations and the Committee have been kept informed throughout the Area Plan process and involved on relevant matters.
 - An update to the SWAP Website.
12. Stakeholders can provide feedback on the draft Area Plan and can be heard in support of their response by the Regulatory and Planning Committee. The Regulatory and Planning Committee will provide direction as to any amendments required to the Area Plan document. It is intended that the final draft of the Area Plan will be presented to Council for adoption in early December 2008.

STAFF RECOMMENDATION

It is recommended that the Council approve the draft Area Plan for consultation with key stakeholders, including directly affected landowners; land developers; and community, government and environmental organisations.

A report from the Chairperson of the Riccarton/Wigram Community Board was tabled, detailing the Board's consideration of the South-West Christchurch Area Plan at its meeting on 5 August 2008.

4 Cont'd

RICCARTON/WIGRAM COMMUNITY BOARD RECOMMENDATION

That the staff recommendation be adopted.

(NOTE: At the request of a Board member, staff agreed to include references in the consultation documents to the fact that the identified urban limits have been derived from the greater Christchurch Urban Development Strategy, as adopted by Council).

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

NOTE: An additional map was to be supplied covering the main linkages and trunk lines, existing and new pump stations of the water supply and waste water supply systems.

BACKGROUND (THE ISSUES)

13. South-West Christchurch is identified in both the Greater Christchurch Urban Development Strategy, and the Christchurch City Plan, as a major urban growth area. Over the next 35 years the area is expected to accommodate over 12,000 new houses, and approximately 200 hectares of industrial development. The sequencing of land development will be broadly as follows (in accordance with the Greater Christchurch Urban Development Strategy):
 - Wigram and Awatea areas developed in the 2007–2016 (short term) period.
 - The suburb of Halswell is extended towards Hoon Hay (referred to as Hendersons on the plan) and southwards from Glovers Road and Sabys Road over the 2017-2026 (medium term) period. The eastern edge of Hendersons Basin is also developed during this period.
 - The land areas located between Halswell Junction Road and Quaifes Road, and Kennedy's Bush and Sutherlands Road is developed over the 2027-2041 (long term) period.
 - Land development on the Port Hills is expected to occur gradually over the 35 years, predominantly within existing zoned areas in Cashmere Valley/Worsleys Spur, Westmorland, the westside of Hoon Hay Valley and Kennedys Bush.
14. A number of other statutory and non-statutory documents guide, and will be guided by, the Area Plan (refer Attachment C). The Area Plan brings together the key aspects of all the documents in the diagram and applies them to South-West area.
15. The Area Plan establishes a vision for the area, and objectives based on sustainable development and management principles. Page 11 of the draft Area Plan establishes a vision for the area and sets out the main goals and objectives to achieve the vision. A series of plans support the objectives and policies, representing the proposed stormwater management scheme (forming part of the Integrated Catchment Management Plan), public open space network, land-use pattern (including residential neighbourhoods; activity, neighbourhood and local centres; business land; and community facilities), roading hierarchy, and the public transport network.

5. CHRISTCHURCH CENTRAL CITY BUSINESS ZONES AND BUSINESS 2 ZONES URBAN DESIGN ISSUES AND OPTIONS

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager Liveable Cities
Author:	Hugh Nicholson, Principal Adviser Urban Design

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval of the Christchurch Central City Business Zones and Business 2 Zones Urban Design Draft Issues and Options (attached) for consultation with Councillors, relevant community boards and the community.

EXECUTIVE SUMMARY

2. Central Christchurch contains a large and distinctive stock of buildings, a strong grid layout and a series of primary public open spaces. The public greatly value the urban fabric of central Christchurch and are concerned about unsympathetic development. The surrounding network of smaller district commercial centres is also changing with a number accommodating large shopping malls.
3. The aim of this study is to establish the elements of good urban design at different scales, to record how these give local expression in Christchurch, to identify the current threats to good urban outcomes and to suggest planning tools to improve local urban design practice.
4. The study presents findings from site visits, historical documents, Ministry for the Environment and Christchurch City Council planning documents, and relevant case precedents from other New Zealand cities. These are then related and analysed using categories and methodologies similar to the approach adopted in the Urban Design Compendium, an internationally recognised good practice document prepared for the English partnerships and the Housing Corporation by Llewelyn Davies (www.urbandesigncompendium.co.uk).
5. A range of possible urban design initiatives is suggested for each issue identified, and these will form the possible basis of a plan change to enhance urban design in Christchurch. The consultation will also enable staff to test how some of these elements may be given effect to through the provisions of the City Plan.
6. Following feedback, analysis and assessment under Section 32 of the Resource Management Act (RMA) will be prepared to guide the Council in deciding whether, and in what form, changes to the urban design purposes of the Central City Business Zones (within the four avenues) and wider city Business 2 Zones may occur. Section 32 of the RMA requires Councils to consider the costs and benefits and the most efficient and effective means within the objectives of the RMA.

URBAN DESIGN PANEL

7. The Urban Design Panel has considered the draft report at its meeting on 17 July 2008 and a copy of the recommendations is attached. If the Committee agrees, the recommendations of the Panel will be incorporated into the report prior to community consultation.
8. Officers support recommendations 1 to 8 from the Urban Design Panel. With regard to recommendation 9, officers agree with the Panel that billboards and non-site related advertising are a design issue. However, they note that this issue is common to a number of other zones as well as the Central City business zones and Business 2. Officers recommend that the Committee does not adopt recommendation 9 of the Urban Design Panel's recommendations on the basis that billboards need to be addressed on a more comprehensive basis across all affected zones.

FINANCIAL IMPLICATIONS

9. There are no financial implications in adopting the issues and options document for consultation.

5 Cont'd

LEGAL CONSIDERATIONS

10. There are no direct legal implications involved.

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?

11. These plan changes this work will lead to are identified as Priority 1 plan changes in the City Plan Work Programme.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. The relevant Council strategies are as follows:
- Greater Christchurch Urban Development Strategy – the Central City and key activity centres have been confirmed as an urban intensification area under this strategy. This strategy sets out the importance of urban design in creating attractive urban environments.
 - Central City Revitalisation Strategy – relevant objectives of the strategy to this work include: strengthening the central city as a vibrant and prosperous business centre; and developing a safe and attractive urban environment that is expressed through high quality design and amenity.
 - Regional Policy Statement (RPS) and Proposed Plan Change 1 – Policy 7 of the RPS, Development Form and Design, seeks to achieve high quality urban design outcomes.
 - Christchurch City Plan – the work is identified on the City Plan Work Programme as a Priority 1 plan change.
 - New Zealand Urban Design Protocol – this work is entirely consistent with the Urban Design Protocol. Christchurch City Council is a signatory to the protocol (March 2005).

CONSULTATION FULFILMENT

13. The engagement of key stakeholders (i.e. affected and/or interested parties) at this stage of the planning process, is fundamental to the Council meeting its duty under the first schedule of the RMA and sections 78 and 82 of the LGA. The consultation process is proposed to include:
- Joint Council and Community Board Workshop – August/September 2008
 - Council Report – Draft Issues and Options paper – September 2008
 - Community consultation – Issues and Options paper – October/November 2008
 - Council Seminar – Outcomes of consultation – December/January 2008/09
 - Preparation of Section 32 Report and draft Plan Change if required – first half of 2009
 - Council report and notification of Plan Change if required – mid 2009
 - Public submissions and hearings on notified Plan Change if required

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve amendments to the draft Issues and Options incorporating the recommendations 1 to 8 of the Urban Design Panel dated 17 July 2008.
- (b) Thank the Urban Design Panel for its recommendations.

5 Cont'd

- (c) Approve the amended Issues and Options for consultation with Council and Community Board via a workshop and for consultation with the community.

COMMITTEE RECOMMENDATION

That the staff recommendations be adopted.

6. PROPOSED PLAN CHANGE 25 – SCHOOL ZONING

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

PURPOSE OF REPORT

- 1. The purpose of this report is to recommend that the Council notify Plan Change 25 to the City Plan.

EXECUTIVE SUMMARY

- 2. Plan Change 25 seeks to change the zoning of 11 school sites across Christchurch to Cultural 3 zone (CU3) .
- 3. The schools in question have a range of zones covering their sites instead of the more appropriate zoning of CU3 which caters specifically to educational activities. The anomaly of school zoning in the City Plan has occurred primarily because the schools have either expanded into sites which do not have a CU3 zoning or because they were established after the City Plan was notified in 1995.
- 4. The Plan Change will bring about a consistency in the way that schools are treated within the City Plan. This will achieve two things: firstly, it will enable schools to carry out their activities under the banner of the Cultural 3 zone which has rules specifically catering to educational activities. Secondly, the change will enable the City Plan to more appropriately achieve the objectives of the City Plan by supporting the schools with their activities.
- 5. The Council has taken the approach of providing an appropriate zone for schools which enables development to occur provided the zone performance standards are met. The Cultural 3 zone provides for educational activities as a permitted activity providing they meet certain development, community and critical standards. Instead of going through a costly and time consuming resource consent process because they are outside the appropriate zone, the schools can more efficiently carry out their activities.

FINANCIAL IMPLICATIONS

- 6. The cost of carrying out the Plan Change is included within the City Plan budget.

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

- 7. Covered by existing unit budgets.

LEGAL CONSIDERATIONS

- 8. No particular legal issues arise other than the standard RMA process for Plan Changes.

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

- 9. As above.

6 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligned with City Plan Activity management plan. Supports the LTCCP City Plan measure that 10 Variations of Plan Changes be prepared and notified annually.

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

11. As above.

ALIGNMENT WITH STRATEGIES

12. Yes.

Do the recommendations align with the Council's strategies?

13. Yes.

CONSULTATION FULFILMENT

14. Consultation has been carried out with the schools identified in the Plan Change, the Ministry of Education property managers, the neighbour owners and occupiers and to the local Residents Associations. Fifteen responses were received which are referred to in the section 32 document.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the attached Proposed Plan Change 25 – School Zoning for notification.
- (b) Adopt the attached assessment under Section 32 of the Resource Management Act 1991.
- (c) Agree to publicly notify Proposed Plan Change 25 pursuant to Clause 16a of the 1st Schedule to the Resource Management Act 1991.

COMMITTEE RECOMMENDATION

That the staff recommendations be adopted.

Councillor Button declared a conflict of interest in respect to this item and took no part in discussion or voting thereon.

7. PLAN CHANGE 31 – DRAFT COUNCIL SUBMISSION – APPLICATION FOR CHANGE TO CITY PLAN TO AMEND L3 PROVISIONS, AND INTRODUCE A B1 ZONED AREA AND OUTLINE DEVELOPMENT PLAN FOR THE CITY BLOCK BOUNDED BY PACKE STREET, PURCHAS STREET, MADRAS STREET AND CANON STREET

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	City Plan Team Leader
Author:	Matt Bonis, Consultant Planner

PURPOSE OF REPORT

1. The purpose of this report is to seek a resolution on the lodgement of a Council Submission on a private plan change application relating to residential and commercial zoning at the former Orion site at Packe Street, St Albans.

7 Cont'd

2. This follows the resolution of the Planning and Regulatory Committee (dated 5 June 2008), and subsequent Council resolution (dated 26 June 2008):
 - (a) *“That the staff recommendation [for public notification of Plan Change 31] be adopted;*
 - (b) *A Council submission be prepared on the private plan change and it be referred to the Committee in sufficient time for it to be lodged within the statutory timeframe for the receipt of such submissions.” (Closing date of Submissions will be 15 September 2008.)*

EXECUTIVE SUMMARY

3. As provided in the report to the Planning and Regulatory Committee on 5 June, Plan Change 31 seeks to amend a number of provisions within the City Plan as these relate to the Orion Block, to: provide for higher density residential development; introduce a Business 1 zoned area on the south western quadrant of the block; and provide linkages throughout the site through the application of an Outline Development Plan (ODP). The documentation attached to the Plan Change request refers to this as introducing a 'Traditional Neighbourhood Development'.
4. The purpose of this report is to put forward a Council submission with respect to the above.
5. It is noted that there are issues of concern with the merits of this application. A number of such issues have been resolved by agreement but the applicant is unwilling to make further changes at this stage. The Council can, as recommended, make a submission pursuant to Clause 6 of the First Schedule of the Resource Management Act ('the Act') on the Plan Change.
6. In terms of process, it is noted that the Council is not obliged to lodge a submission, however, in not doing so, this may constrain the ability for the decision maker to make modifications to the final extent of the Plan Change as recommended through decision. Council would have to rely on submissions received to be able to amend the Plan Change. If issues of concern for Council are not addressed by these submissions the Council can either reject the Plan Change in its entirety, or accept it without amendments.

FINANCIAL IMPLICATIONS

7. The financial considerations in terms of lodging a submission comprise the costs of staff and consultants preparing the submission and then reporting on it to a Hearings Panel and the Environment Court if necessary.

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

8. The recommendation to Council will have no additional cost to the Council and therefore will not impose on the LTCCP budget.

LEGAL CONSIDERATIONS

9. There is a legal process set out in the RMA which must be followed. The Council resolution dated 26 June 2008, incorporates the initial consideration of what process to follow as well as notification.
10. This recommendation is solely with regard to this submission. Subsequent process steps will include reporting, the hearing, a decision and possible appeals.

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

11. The process mentioned above is very familiar to Council and should create no particular risks or liabilities if followed correctly.

7 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Regulatory Services ongoing programme of improvements (pages 145 and 146 of the LTCCP) to enhance the City Plan includes plan changes, as part of planning and providing for the sustainable management, development and protection of natural and physical resources of the City, as required by section 5 of the Resource Management Act 1991. Also Economic Development (pages 117 and 118 of the LTCCP) seeks to promote and manage regional economic development.

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

13. Yes.

ALIGNMENT WITH STRATEGIES

14. The Plan Change is generally aligned with the Greater Christchurch Urban Development Strategy (UDS) that seeks to manage metropolitan urban growth through consolidation and intensification.
15. The submission, as currently drafted, seeks a finer grain of management to assure that the amenity and business aspects of the proposed Change are more consistent with the UDS.

Do the recommendations align with the Council's strategies?

16. Yes.

CONSULTATION FULFILMENT

17. Under the RMA, there is no mandatory requirement for the Council as a submitter to consult with any parties affected by a private plan change.

STAFF RECOMMENDATION

It is recommended that the Council agree to accept a Council submission (as attached), pursuant to Clause 6 of the 1st Schedule to the Resource Management Act 1991, and lodge it accordingly.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

It was noted that the submission on the publicly notified variation document be amended to incorporate the Committee's rewording in respect of the summary.

Councillor Wells abstention from voting was recorded.

BACKGROUND AND DISCUSSION

The Application

18. A copy of the Plan Change was attached to the previous Committee Papers (dated 5 June). The purpose of the Plan Change is to provide for residential development of greater height than permitted and an associated Business area for that block bounded by Packe Street, Madras Street, Purchase Street and Canon Street. The imposition of an Outline Development Plan, and the mixed zoning proposed, is suggested by the applicant's consultants to represent a Traditional Neighbourhood Development (TND), which it is suggested, forms a more sustainable and integrated land use for the area than its current Living 3 zoning.

7 Cont'd

19. The Committee resolved that:

A Council submission be prepared on the private plan change and it be referred to the Committee in sufficient time for it to be lodged within the statutory timeframe, for the receipt of such submissions."

20. The Committee discussed a number of issues with respect to the merits of the proposal. These, in conjunction with issues identified by Council Officers can be grouped as follows, and form the basis of the attached submission (Attachment 1):

21. Effects

(a) Urban Design

- (i) Issues of continuous façade and design, height and dominance breaches and effects on both adjoining and external property occupiers, and the need for some Council discretion with regard to matters of design and appearance.
- (ii) Issues related to ensuring the ODP and permeability throughout the site provides certainty in relation to future development.
- (iii) Ensuring that the outcomes for the proposed Area C (Recreation) can both be relied on, and can occur within the underlying L3 zone rules.

(b) Recreation

- (i) The wider St Albans area is seen as being deficient in relation to the provision of accessible and usable community open space. There is the issue as to whether the Plan Change and ODP can be amended to incorporate an area zoned as Open Space 1 (Neighbourhood Recreation) to integrate into the wider reserve network.

(c) Retail Distribution

- (i) Issues of retail distributional effects from having a 'full service supermarket' on the site in terms of impacts on adjacent commercial areas such as at Shirley, Richmond and Edgeware.

(d) Traffic and Transport

- (i) Issues of ensuring permeability throughout the site to enable a high level of walking and cycling.
- (ii) Issues in relation to ensuring the amended visitor parking provisions will not result in overflow car-parking onto the surrounding local network.
- (iii) Issues in relation to whether the wider transport network can adequately accommodate the growth in traffic generation, and access to the site, in an efficient and safe manner.

22. Benefits of the Proposal

- (a) The prospect of a comprehensive redevelopment through the ODP process, given the extent to which disjointed Living 3 development could occur currently on the site as of right.
- (b) That higher levels of residential development, subject to issues related to design and appearance, would be appropriate within an urban block of this size.
- (c) The provision of wider public open space, tennis courts and swimming facilities. Provided that these outcomes can be relied on, and that their ongoing management and maintenance would not fall back on the Council should these areas in future be available for wider public use.
- (d) That a limited B1/ community footprint would be appropriate, although issues of scale and activities have the potential to give rise to distributional effects on adjoining centres.
- (e) The facilitation of the redevelopment of a large 'brownfield' site for medium density housing and small scale mixed-use, in line with strategic goals of managing urban growth through consolidation.

7 Cont'd

Resource Management Act Timeframes

23. Pursuant to Clause 7(1)(c) of the First Schedule, the Council has 20 working days to lodge a submission after the date of notification.
24. Pursuant to Clause 8 of that Schedule, any party, including the Council, can then make a further submission) within a further 20 working days in support or opposition) in relation to any initial submission lodged on the Plan Change.

THE OPTIONS

25. The Options with regard to this Plan Change are:
 - (a) To not lodge a submission
 - (b) To lodge a submission, based on the wording provided in Attachment 1.

THE PREFERRED OPTION

26. The recommended option is Option (b); there appear to be valid reasons for the Council to ensure that there is sufficient grounds by which a Commissioner could amend the plan change based on material presented at the Hearing.

PART B - REPORTS FOR INFORMATION

8. REPORT OF THE CHAIRPERSON, RICCARTON/WIGRAM COMMUNITY BOARD SOUTH-WEST AREA PLAN (SWAP) – DRAFT FOR CONSULTATION

The report of the Chairperson, Riccarton/Wigram Community Board, was considered in conjunction with Item 4.

The report was **received**.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY SUBCOMMITTEE

9. PLAN CHANGE 22 - CHRISTCHURCH CITY COUNCIL SUBMISSION ON PRIVATELY REQUESTED PLAN CHANGE

The report from the Planning Officer was in response to the Council's resolution of 26 June 2008, that it accept the requested Plan Change by Calco Investments Limited to rezone 9.21 ha of land at the corner of Radcliffe Road and Main North Road from Rural 3 to Business 2.

In conjunction with this report, a memorandum from the General Manager Regulation and Democracy Services Group was tabled.

The view expressed by the General Manager was that if the Council resolves to file a submission like that attached to the report, there is a conflict of interest and the Council should as an organisation not be involved in hearing while deliberating upon Plan Change 22.

COMMITTEE RECOMMENDATION

That a decision on Plan Change 22 be deferred until the matters identified by the Committee during the course of the report's consideration have been further investigated and clarified.

The meeting concluded at 12.57pm.

CONFIRMED THIS 28TH DAY OF AUGUST 2008

MAYOR