

31. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 1 JULY 2010

(Note: the following items, were deferred from the 23 July Council meeting with all attachments separately circulated.)

PART A – MATTERS REQUIRING A COUNCIL DECISION

3. PLAN CHANGE 6 – LOCATION OF A RESIDENTIAL UNIT

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| General Manager responsible: | General Manager Strategy and Planning DDI 941 8281 |
| Officer responsible: | Programme Manager District Planning |
| Author: | Peter Lovell, Planner |



PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council make its decision on Plan Change 6, Location of a Residential Unit, and take steps to make the change operative.

EXECUTIVE SUMMARY

2. At its meeting on 23 April 2009 the Council resolved to notify publicly Plan Change 6 (PC 6). This Council initiated change seeks to extend the provisions that were introduced to Rural zones by Variation 90 to the low density Living Zones.
3. Variation 90, which was made operative in 2006, closed a loophole in the rules for Rural zones that had allowed the creation of house lots on a separate site detached from the balance of the land. This loophole had enabled the creation of clusters of dwellings in rural zones in a manner more like an urban area with the balance of the allotment being held elsewhere. Variation 90 altered this situation by changing the status of such an activity from permitted to one requiring a resource consent for a non-complying activity.
4. Variation 90 was limited in its scope in that it only amended the rules for Rural Zones. Plan Change 6 seeks to extend the changes introduced by Variation 90 to the low density Living 1A, RS, HA and HB zones. A copy of the plan change and the Section 32 assessment are attached to this report (**Attachments 1 and 2**).
5. Public notification of PC 6 attracted three submissions which have now all been withdrawn.

FINANCIAL IMPLICATIONS

6. There are no financial implications.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

7. The recommendations will not impact on the 2009-19 LTCCP budgets.

LEGAL CONSIDERATIONS

8. Clause 10(1) of Schedule 1 to the Resource Management Act 1991 requires the Council to make a decision on a plan change notwithstanding that there are no live submissions and there has been no hearing. As all submissions have been withdrawn the Council's decision, when made, will be beyond challenge as no party has status to appeal and the decision can be approved under Clause 17(2).

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

9. Making a decision on a plan change, approving the change and making the change operative are steps required by the Resource Management Act 1991.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with City Plan Activity Management Plan.

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Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

11. Yes. Supports the LTCCP project of preparing maintaining and reviewing the Christchurch City District Plan.

ALIGNMENT WITH STRATEGIES

12. Not applicable.

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. The Resource Management Act 1991 sets out a process for consulting with parties affected by changes to District Plans. This process has been followed.

STAFF RECOMMENDATION

That the Council:

- (a) Confirm the Section 32 assessment adopted by the Council on 23 April 2009.
- (b) Decide, pursuant to clause 10(1) of the First Schedule to the Resource Management Act 1991, to adopt the amendments to the City Plan introduced by Plan Change 6, Location of a Residential Unit, for the reasons set out in the explanation to the change.
- (c) Approve Plan Change 6, Location of a Residential Unit, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991.
- (d) Delegate to the General Manager, Strategy and Planning, the authority to determine the date on which the provision becomes operative.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

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4. STRATEGY AND PLANNING 2010/2011 WORK PROGRAMME



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| General Manager responsible: | General Manager Strategy and Planning, DDI 941-8281 |
| Officer responsible: | Strategy Support Manager |
| Author: | Richard Ball, Strategy Support Manager |

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval for the Strategy and Planning Group's 2010-2011 work programme in accordance with the Activity levels of service within the 2009-2019 Long Term Council and Community Plan (LTCCP).

EXECUTIVE SUMMARY

2. The 2009-2019 LTCCP levels of service for both the Community Long Term Policy and Planning (CCLTPP) and District Plan Activities include a target of "the Council approves a work programme by 30 June for the following financial year". This report presents the work programme for the 2010/2011 year.
3. There is a close relationship in the work undertaken between the CCLTPP and District Plan Activities. The proposed work programmes have been developed by looking at priorities across both activities with a view to delivering the optimal work programme. Much of the preliminary land use planning undertaken with the CCLTPP project requires subsequent changes to the District Plan to implement.
4. The CCLTPP activity covers a diverse range of projects undertaken by the Strategy and Planning Group. The underlying drivers for each component are outlined in detail within the attachments, however implementation of core Council policy documents, such as the Greater Christchurch Urban Development Strategy (UDS), underpin much of the proposed programme of work. The programme includes work on the central city revitalisation, suburban regeneration, greenfields planning and Proposed Change 1 to the Canterbury Regional Policy Statement (PC1).
5. The District Plan work programme is focused on completing existing plan changes and preparation for the District Plan review. The current emphasis is on completing existing plan changes to allow resources to be allocated to the review process. Allowance is also made for processing privately requested plan changes, in accordance with Resource Management Act (RMA) requirements.
6. The details of the proposed work programmes for the CCLTPP and District Plan Activities are outlined in **Attachments 1 and 2** respectively. This includes descriptions, key directions and budgets for all the programmes (clusters of similar and related projects) in these activities. For each cluster, cross reference is also made to the relevant LTCCP levels of service. The clusters within each activity are listed below.

Council and Community Long Term Policy and Planning:

Cross Programme Planning
 Economic Policy
 External submissions and advocacy
 Environmental Policy
 Regulatory Policy
 Regional Planning
 Social Policy
 Transport Policy and Advice
 Central City Development
 Development Advice and Policy
 Greenfields and Smaller Centres
 Urban Development Strategy;
 Urban Regeneration (formerly Strategic Intensification Review or SIR)
 Monitoring and Research.

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Council Plan Changes
 Plan Monitoring and Evaluation
 Private Plan Changes and Notices of Requirement.

7. It should be noted that there is considerable uncertainty on aspects of the proposed work programme. Examples include: private plan changes being submitted; Environment Court and other legal appeals being made or resolved; and the Council itself seeking further advice on topics that arise. This will result in some of the proposed programme being delayed or displaced by other unanticipated work as the year progresses.

Financial Implications

8. The proposed programmes align with the available budgets within these Activities. There may be projects that have not been able to be accommodated within these budgets, however, any additional projects require corresponding cuts to other parts of the programme. Moreover, staff capacity for more work is an additional constraint in the short term.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. The recommendations align to the 2009-19 LTCCP budgets and other subsequent funding allocations by the Council (such as additional funding for implementation of the City for People project).

Legal Considerations

10. The proposed work programme has taken account of legislative requirements relevant to each Activity, such as the requirement to process private plan changes (RMA), the proposed review of Community Outcomes (Local Government Act) and appeals on Proposed Change 1 to the Canterbury Regional Policy Statement.
11. The proposed programme has also been impacted by recent legislative changes for Environment Canterbury. For example, the removal of rights of appeal on Environment Canterbury's plan changes places greater importance on our input being early and robust. Similarly, the new Act gives the Canterbury Water Management Strategy legislative recognition.

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

12. Yes, as above.

Alignment With LTCCP And Activity Management Plans

13. The recommendations directly align with the LTCCP and Activity Management Plan levels of service.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

14. Yes, as outlined above.

Alignment With Strategies

15. The programme aligns and supports key Council policy documents such as the UDS.

Do the recommendations align with the Council's strategies?

16. Yes.

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Consultation Fulfilment

17. The budgets and levels of service are consistent with those consulted on through the Annual Plan. There is no requirement for further consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the 2010-2011 work programme outlined in this report for the District Plan and City and Community Long Term Policy and Planning Activities.

COMMITTEE RECOMMENDATION

The Committee requests:

- (a) That staff prepare a report to the September Regulatory and Planning meeting with a timetable for District Plan Review to commence in the next term of the Council.
- (b) That staff to report back on a comprehensive communication plan on the City and Community Long Term Policy and Planning activity to the Committee.
- (c) The project details on a potential plan change for non-family accommodation be amended to read "that a report on a potential plan change be presented to the Regulatory and Planning Committee".
- (d) Staff to report back on how the Banks Peninsula District Plan provisions are to be monitored prior to District Plan Review.
- (e) That the request from the Hagley/Ferrymead Community Board be considered as part of the District Plan Review.
- (f) Changes to the paragraph Direction and key projects as follows:

Direction and key projects:

The Council's work programme in relation to intensification and regeneration is another core delivery mechanism for the Greater Christchurch Urban Development Strategy. The work is in the early stages of development – investigating, testing ideas and working with the Council to create a long-term delivery programme. Projects fall into two areas. Firstly projects which continue to investigate and build understanding of urban regeneration and renewal, including what tools and methods have been applied with success elsewhere and how those can be applied in Christchurch. *Secondly projects which focus on key regeneration opportunities will be identified in consultation with Community Boards and using Council-owned sites to catalyse regeneration where these create an opportunity for more comprehensive neighbourhood planning.*

- (g) Any editorial changes or points of clarification be carried out by staff.

The Committee recommends that the Council:

- (h) Adopt the 2010-2011 work programme outlined in this report for the District Plan and City and Community Long Term Policy and Planning Activities (subject to recommendations a to g).

A letter from Bob Todd, Chairperson of the Hagley/Ferrymead Community Board in relation to Probation Centres and the District Plan Work Programme was tabled.

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PART B - REPORTS FOR INFORMATION

2. REPORT TO THE REGULATORY AND PLANNING COMMITTEE FROM THE ALCOHOL POLICY AND LIQUOR CONTROL BYLAW SUBCOMMITTEE ON ALCOHOL-RELATED ISSUES IN THE ILAM AREA

This item now considered under Part B – Reports for Information.

COMMITTEE RECOMMENDATION

That the item lie on the table until the August Committee meeting.

5. STRUCTURES ON ROADS POLICY 2010

This item now considered under Part B – Reports for Information.

COMMITTEE RECOMMENDATION

That the item lie on the table until the August Committee meeting.

6. DEPUTATIONS BY APPOINTMENT

1. New Zealand Metropolitan Trotting Club represented by Shane Gloury, Chief Executive Officer, David Rankin, Chairman and Alastair Sherriff, Legal Representative presented a deputation to the Committee in regard to item 1.

Mr Gloury presented a petition and letters of support numbering 1,935 to the Committee (item 7 refers).

2. Canterbury Branch of the Harness Racing Trainers and Drivers Association represented by Anthony Butt, Chairman, Mark Jones and Catherine Butt, presented a deputation to the Committee in regard to item 1.
3. Problem Gambling Foundation represented by Bruce Telford Practice and Ron Tustin from Pacific Island Evaluation, presented a deputation to the Committee in regard to item 1.

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7. PETITIONS

The New Zealand Metropolitan Trotting Club Chief Executive Officer Mr Shane Gloury presented a petition to the Committee with 1,935 signatures in support of the former's application to the Council to be granted a Class 4 Venue Licence to allow gaming machines to be located on site at Addington Raceway.

The Committee **resolved** to accept the petition and letters and report them to the Council alongside its report on this item (refer item 1).

8. BYLAWS: ANNUAL PERFORMANCE AND DATA ANALYSIS REPORT 2009

The Committee received a report providing information regarding bylaw performance and data analysis for 2009. Information was provided for the following bylaws:

- Dog Control Bylaw 2008
- Public Places Bylaw 2008
- Traffic and Parking Bylaw 2008
- Alcohol Restrictions in Public Places Bylaw 2009.

The Committee **decided** to:

- (a) Receive the report for information.
- (b) Request staff report back regarding the progress of dog signage and bins.
- (c) Request that staff provide information into dog control issues in relation to the development and consultation of Council Management Plans.
- (d) Request staff to write to the Minister of Transport and local Members of Parliament regarding current problems associated with parking on berms and verges.