

#### 4. PROGRESS ON CITY PLAN PROJECTS

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Corporate Plan Output: City Plan	

The purpose of this report is to report on progress with City Plan projects.

#### REFERENCES

A significant breakthrough has been achieved subsequent to the earlier draft consent order between the Canterbury Regional Council and the Christchurch City Council relating to the objectives and policies on versatile soils and urban growth. Following protracted negotiations, agreement has also now been reached with the Section 271A/274 parties, comprising the “developers”. This agreement avoids the need for a three-week hearing before the Environment Court which was to begin on 21 August. The details of the consent order were reported to both the Resource Management Subcommittee and the Environment Court on Thursday 13 July.

Although there will still be vigorous debate before the Court on the application of these objectives and policies to particular rezonings, the issues will now be confined within a framework of agreed policy provisions.

Following this consent order, an immediate issue is how the subsequent rezoning hearings are to be conducted. This will entail discussions relating to the order in which particular references are to be heard, as well as the way in which Environment Court decisions are to be released. The Council's view is that any general city-wide issues, such as those relating to soils or transport, should be dealt with at the beginning of the first rezoning reference hearing. There should then be no need for repetition of general city-wide evidence at later hearings, and decisions could be released by the Court in sequence following individual rezoning hearings. Matters which may arise early in the hearings process include the Flanagan reference (Lansdowne Valley), Apple Fields (horticultural subzones), Enterprise Homes at Masham, and Muir Park at Sabys Road, Halswell. The first two matters concern rural rules, while Enterprise Homes was zoned by the Council in 1995 and is subject to a current resource consent application. Muir Park was the subject of a privately requested plan change to the Transitional District Plan in 1995.

There have also been negotiations involving references by the New Zealand Institute of Surveyors and Housing New Zealand. Both of these references challenged aspects of the density provisions of the Living 1 zone, where the Council in its decisions has clearly signalled a desire to control the rapid densification of lower density suburbs. The New Zealand Institute of Surveyors has decided not to proceed with its reference. In the case of Housing New Zealand, this referrer sought more liberal provision for infill development of land in the L1 zone, or alternatively within its housing estates throughout the city. The Council appreciated the situation of Housing New Zealand, but was anxious to avoid amending the Plan such that general infill development was once again deemed to be acceptable throughout the Living 1 Zone. A position has now been reached whereby the concerns of both Housing New Zealand and the Council can be accommodated. This will involve specific areas being identified for housing improvement, with any future such areas only being able to be established by way of variation or plan change. Conditions will include that normal zone rules will apply on

the external boundaries of any development, land must be aggregated in common ownership, and a non-notified resource consent application will still be required.

There has also been on-going progress with resolving other references by consent. At the time of preparing this report, of the 369 references a total of 31 had been resolved by consent orders (approved by the Resource Management Subcommittee), while another 16 have been withdrawn. Greater progress would have been made but for staff losses during this time.

Negotiations have begun in respect to references on the objectives and policies relating to the location of retail activities throughout the city. This raises difficult issues and involves a number of referrers holding opposing viewpoints. A probable outcome is a moderate policy shift back towards a “centres based” urban retailing strategy.

To facilitate further progress with resolving references, a series of “dossiers” is being prepared to assist planners with work on a number of references which up until now, have not been dealt with. Depending on workload, it is intended to explore the possibility of resolving a number of references concerning transport and parking rules, detailed business rezonings, and rules relating to development in the central city area.

Discussions are also to be initiated in respect to the possibility of resolving references concerning urban development on Moncks Spur.

Significant progress has been made in reaching consent orders in respect to rezoning issues and rules in the living zones. On-going discussions are also taking place with a number of private secondary schools in respect to provision for education activities in living zones, and with the Rastrick Area Association in respect to height control matters in their area. Some, but not all of these are expected to be resolved by consent. It has become clear that some matters, such as a reference on the residential coherence rules and the Avonmore Tertiary College rezoning in Cowlshaw Street, are likely to proceed to a hearing.

While the proposed variation on airport noise matters (refer Variations) will overtake a number of the airport related zoning references, there are a number of other references associated with the airport that are likely to be resolved by consent order.

There are four matters arising from the City Plan hearing process which have yet to be resolved.

The first of these is the proposed rezoning sought for Montgomery Spur. The Council issued its decision refusing the rezoning on 26 June, and subsequently three references have been lodged with the Environment Court. These will now be incorporated into the general list of matters relating to zonings on the Port Hills to be heard by the Court.

The second matter concerns the renotification of submissions seeking rezonings in the Worsley’s Valley area. Although the Court has directed the Council to renotify these submissions, it appears to have made an error in respect to two submissions upon which the Council has already issued decisions. Upon resolution of this matter with the Court, renotification will take place and a hearing date will be set down.

The third matter is the proposed rezoning sought by Healthlink South relating to land at Templeton Hospital. Following the Court declaration on renotification of this submission, the Council has readvertised for further submissions. Five have been received, and at this stage it is likely that a hearing will be set down in September.

The hearing of submissions on the Southern Arterial will be held in mid-August.

## **VARIATIONS**

The Commissioner's recommendation on submissions on Variation 37, concerning the Special Purpose (Ferrymead) Zone has been received, and will be released as a Council decision in the near future.

Variation 51, relating to overhead lines, has been notified and submissions closed on 4 July. Further submissions close on the 14 August, after which a hearing will be set down. Discussions have been held with the Wellington City Council and with a landscape architect in respect to likely Council evidence needed for hearings on this matter.

Work is underway on a proposed cellphone sites variation, dealing specifically with the visual effects of cellphone sites. A landscape assessment is awaited in respect to this issue.

(Note; both of the above variations will have a significant impact on existing references on the utility rules. Negotiations are on-going with a number of these referrers, having regard to the content of the proposed variations)

The proposed airport noise variation (Variation 52) is to go before Council on 27 July and it will be notified on 2 August. This is a major variation that has three purposes:

- to confirm the 50dBA contour as the outer limit for urban growth in the direction of the airport
- to impose a requirement that the Airport Company conduct its operations in a manner which requires that they comply with the noise limits set by the noise contours
- to clarify the range of noise sensitive activities subject to airport noise restrictions and insulation requirements

It is likely that the Council will have to engage independent expert evidence to support the provisions of this variation.

Progress has been made towards finalising a draft variation to deal with minimum floor levels and, in some cases, subdivision, in areas subject to potential flooding hazard. This will impact on flood plains adjacent to the Avon and Heathcote Rivers, as well as land in the Celia Street (Redcliffs) and Bexley areas. The draft is currently being circulated internally within the Council and to the Regional Council, before being taken to the Resource Management and Environment Committees. Because of the potentially contentious nature of the draft variation, the committee's approval will not be sought for public notification at this stage, but rather for approval in principle, and that the draft be released for further consultation with affected members of the public.

This variation deals with matters that have long been recognised as needing attention, following the withdrawal of provisions originally notified with the City Plan in 1995.

A substantial amount of work has been undertaken on a proposed variation to deal with outdoor advertising. This variation does not arise from concerns expressed by Hearing Panels during the City Plan hearings process, but rather staff concerns about the proliferation of signage, a weak policy framework, and in particular the increasing extent of billboard advertising. This variation would obviously overtake a significant number of references that have already been received on the existing city plan provisions upon which the Council has already issued its decisions. Care will be needed to ensure that the variation, which redrafts virtually the entire outdoor advertising provisions of the City Plan, is targeted to deal with the primary issues of concern, and that it does not have the effect of resulting in a major increase in administration and compliance costs through a greatly increased level of applications.

For some time now, a variation has been recognised as being necessary to deal with the status of the new parks acquired by the Council within the City. These are normally subject to an Open Space or Conservation zoning. A minor variation had earlier attempted to grapple with the legal issues of how to recognise the status of the new parks within an effects based planning structure. Until now, this has been achieved through a "deeming" rule that now appears legally questionable. There have been over 90 parks acquired by the Council since the City Plan was notified in 1995. Accordingly, Variation 53 will provide a schedule and maps of these parks to provide an appropriate zoning, as well as a new rule which will simply state that any parks which do not include significant buildings will be a permitted activity within the various zones of the City Plan.

Proposed Variation 54 concerns the rezoning of a small area of land at Scarborough. It arises as the result of a subdivision consent being granted on Scarborough Spur, some of which was in the Rural Hills zone. This error arose as the result of the Living Hills/Rural Hills zone boundary being inadequately defined in that particular area. The variation is designed to clarify and regularise the zoning position. It will rezone approximately one hectare of land from Rural to Living, and approximately half a hectare from Living to Rural. The variation is planned to go before the Resource Management Committee on 4 August.

Because of staff shortages, little progress has been made in dealing with a number of detailed issues arising from the administration of the living zone rules. These include residential inconsistencies, rules relating to minimum building length, and a clarification of residential site density rules. In addition, staff have yet to report back to the Committee on matters relating to the application of vegetation removal rules upon subdivision development.

#### **DESIGNATIONS**

Gradual progress continues to be made on issuing recommendations to requiring authorities in respect to their designations in the City Plan.

The Council recommended to New Zealand Police that a number of conditions be attached to the designation of their properties in the city. This has been rejected by the Minister and the Council has resolved to lodge references against his decision to the Environment Court. This will join an existing Council reference against the decision of the Minister of Education in respect to the designation of school sites.

The hearing of submissions against the Southern Arterial designation is to take place on 15 August. The alignment of the proposed arterial now appears to be a less controversial issue than was previously the case.

#### **THE RESOURCE MANAGEMENT AMENDMENT BILL**

Councillor Charles Manning and three staff members made a presentation to the Select Committee sitting in Christchurch on 12 July. The Council's primary concerns related to Commissioner hearings, the proposed removal of the non-complying activity category, the definition of "environment", applicant selection of consent processors, direct referral of applications to the Environment Court, and matters to consider when making decisions under Section 104 of the Act.

The Bill had been prepared under the previous government, and a number of its provisions were designed to weaken Council involvement in the resource consent process. The government has already signalled that it does not support extension of Commissioner hearings, the use of consent processors, and direct referral of matters to the Environment Court.

In respect to the removal of non-complying activities, it was explained to the Select Committee that although a simplification of the plan drafting provisions in the Act was certainly desirable, its adoption retrospectively to existing plans would have severe consequences for the proposed plans of councils such as Christchurch. It was pointed out that the effect of the amendment would be to require the complete redrafting of the rules provisions of the City Plan, taking it back to the position of June 1995. This would entail major additional costs to the Council, as well as considerable uncertainty for the community and developers.

Subsequent indications from the Ministry for the Environment were that the Council's submissions were well received.

#### **Chairman's**

**Recommendation:** That the information be received.