

4. PROPOSED VARIATION TO THE CHRISTCHURCH CITY COUNCIL PROPOSED CITY PLAN – DISPLAY OF OUTDOOR ADVERTISEMENTS

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Corporate Plan Output: City Plan	

The purpose of this report is to recommend to the Resource Management Committee that a Variation to the Plan be notified regarding the display of outdoor advertisements.

BACKGROUND

It has become apparent through the processing of resource consent applications and more recently Environment Court decision RMA 680/99 the question of consistent administration of the Plan, the transparency of decision making and a lack of policy guidance for assessing resource consents for outdoor advertisements. In particular, it has been identified that a significant discrepancy exists between the restrictive nature of rules and the liberal nature of the policy framework. In effect, the Plan's framework is inherently flawed as it lacks clear linkages between the issues, objective, policies, rules and environmental results anticipated.

Concern has also been expressed by a number of plan users as to the current ambiguity of key definitions and explanations which brings to question the issue of plan clarity and understanding. Although there are currently a number of references to this section of the Plan before the Environment Court, it is acknowledged that the scope of these references are such that concerns identified above can not be directly or adequately addressed through this process.

To address these concerns, it is proposed that Council initiate a variation specific to the display of outdoor advertising provisions essentially consisting of four key areas: a review of the policy framework with regard to the display of outdoor advertisements, clarification to key rules, terms and definitions, correction of errors and omissions, and additions to address concerns raised by referrers to the Plan.

NEED FOR VARIATION

- Recent Environment Court decision *Phantom Outdoor Advertising Ltd v CCC (RMA 680/99)* highlighted administrative difficulties which could be construed as unfair and bias treatment of parties on applications for resource consents. Further, this decision highlighted the practical difficulties or discrepancy between the restrictive nature of rules and the liberal nature of objective and policies currently in the Plan.
- Current administrative difficulties resulting in poor environmental outcomes not anticipated by Plan.
- In decisions to the Plan, Council identified that many issues are best dealt with by way of a future variation rather than ad hoc rule or word placement/tinkering.
- Council have been advising the Environment Court with regards to references to the Display of Outdoor Advertisement section consistently that a variation will be initiated.
- Have opportunity to address some concern of referrers.
- Have opportunity to fix up omissions/errors.
- Have opportunity to provide further certainty and clarity with regards to definitions, rules, objectives and policies.
- Have opportunity to develop a more standardised approach with regard to managing the adverse effects of outdoor advertising.

CONCLUSION

A targeted and specific variation based on addressing four key areas identified above will achieve the following outcomes:

- focussed variation likely to attract less submissions than a full review.
- processing timeframes likely to be reduced given the limited scale of variation.
- variation will address immediate 'short-term' administrative difficulties as well as errors/omissions/discrepancies.
- variation will not result in additional compliance costs as rules generally remain unchanged.
- Council will be acting in accordance with advice to the Environment Court with respect to references.

A full version of the proposed variation is attached.

Recommendation: That the Resource Management Committee recommend that the Council initiate Variation 55 pursuant to Clause 16A of the First Schedule of the Resource Management Act 1991.

Chairman's

- Recommendation:**
1. That the Section 32 report be received.
 2. That Variation 55 be for discussion.