

#### 4. DISTRICT PLAN WORK PROGRAMME 2008-2009



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#### PURPOSE OF REPORT

1. The purpose of this report is to describe and recommend the adoption of the 2009-2010 District Plan Work Programme (**Attachment 1**).

#### EXECUTIVE SUMMARY

2. This report presents the annual District Plan Work Programme for adoption. Projects are grouped into 4 categories:
  - Implementing the Urban Development Strategy
  - Completing the City Plan and Banks Peninsula District Plan Reviews
  - Enhancing the plans, and
  - Private Plan Changes and designations.
3. The programme provides details of a large number of projects including estimated completion dates. The programme is a rolling programme, updated every year, because most of the projects cannot be completed in a single year under the Resource Management Act 1991 (RMA) processes.

#### FINANCIAL IMPLICATIONS

4. The District Plan activity is provided for in the LTCCP and Annual Plan. This Programme complies with that budget.

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

5. Yes.

#### LEGAL CONSIDERATIONS

6. The District Plan Work Programme exists to carry out the Council's obligations under the RMA to produce and maintain a district plan. Most of the items in the programme are subject to statutory processes under the RMA.

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

7. See above.

#### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. The programme delivers on the LTCCP and the Activity Management Plan for District Plan.

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

9. Yes.

#### ALIGNMENT WITH STRATEGIES

10. Align with the Urban Development Strategy and various other strategies, including Open Space and Biodiversity Strategies, Area Plans etc.

#### Do the recommendations align with the Council's strategies?

11. Yes.

## **CONSULTATION FULFILMENT**

12. Not required.

## **STAFF RECOMMENDATION**

That the Regulatory and Planning Committee:

- (a) Receive the current proposed work programme for information
- (b) Ask staff to review the programme in light of organisational capacity and strategic fit.

## **BACKGROUND (THE ISSUES)**

13. Every year the Council considers and adopts a work programme for the District Plan. The proposed programme for 2009-2010 is attached. It should be noted that this is a rolling programme and it is not expected that each project will be finished, or in some cases even commenced in the following year.
14. The individual projects have been divided into four categories:
  - Implementing the Urban Development Strategy
  - Completing the City Plan and Banks Peninsula District Plan Reviews
  - Enhancing the plans, and
  - Private Plan Changes and designations.

### **Urban Development Strategy**

15. This heading includes projects such as:
  - The statutory process for the Regional Policy Statement Change 1, which will involve preparing and presenting evidence on the Council's submissions, consideration of the commissioners decisions, and liaison with other territorial authorities.
  - Participation in the Area Plans Programme.
  - Aligning the objectives, policies and rules, especially the subdivisional standards of the City Plan to the Urban Development Strategy and RPS Change.
  - Major rezoning exercises such as Wigram and Awatea.
  - The intensive living zones (L3 and L4) review.
  - The urban design plan change for the Central City and Business 2 zones.
  - Airport noise contours.

### **Completing the District Plan Review**

16. This includes a small number of projects on the two plans which are still subject to appeals, including:
  - City Plan Variation 48 floodplains
  - City Plan Variation 93 Clearwater
  - Section 293 processes at Belfast
  - Banks Peninsula Plan landscape issues
  - Banks Peninsula financial contributions
  - Banks Peninsula designations, and
  - Banks Peninsula Variation 6 Helicopter landings.

It is expected that most of these projects will be completed in the 2009/10 financial year.

### **Enhancing the plans**

17. This is the bulk of the Programme and includes long-standing projects such as Tree Protection, Special Amenity Areas, the Heritage review, New Brighton zoning and height controls, Business 4 Height and setbacks, Elderly Persons Housing, and Non-Family accommodation.

## **Private Plan Changes and Designations**

18. There are 23 private plan changes and five designation processes in various stages (pre-application, pre-notification, notification, submissions, hearings etc). This number will fluctuate as projects are completed and new applications are received.

## **Capacity Issues**

19. The programme has been designed to reflect current staffing and budget resources.
20. A number of the projects in the programme are relatively long-standing, and have not reached the point hoped for last year. Examples include Tree Protection, Special Amenity Areas, non-family accommodation and Elderly People's Housing. Others, such as the Living 3 and 4 review, the commercial design and appearance plan change, the Wigram and Awatea plan changes, Variation 48, Elderly Persons' Housing and the Banks Peninsula landscape issue have made excellent progress, and will be reported to the Council in the near future. Substantial completion of the formal district plans process will enable better progress to be made on the enhancement projects.

## **Variation 48**

21. Variation 48, which concerns floodplains went to the Environment Court in 2008, on appeal from Environment Canterbury, some landowners in Henderson's Basin and the Cashmere Stream floodplain and from Ms Helen Thacker. ECAN sought greater restrictions including prohibited activities in the two Flood Ponding Areas Henderson's Basin and Lower Styx. Landowners sought more liberal provisions for their activities. Ms Thacker sought Living zoning for an area of land in Sparks Road within the Henderson's Basin Ponding Area. The Court recently released its decisions. It confirmed the Council's position and declined the appeals but requires a further mediation process to attempt to finalise the exemptions to the rules applying to the Ponding Areas which provide for normal farming operations as permitted activities. It confirmed the Rural zoning of the Thacker land. There are also a number of other issues remaining to be resolved for Variation 48. These include:
  - The mapping of the Flood Management Areas. Flood Management Areas are those in which minimum floor levels are required. New modelling since the original preparation of the variation shows that the Flood Management Areas need to be adjusted, with some areas deleted and others added. Further plan variations or plan changes will be required to rectify this.
  - The issue of land use restrictions between the primary and secondary stopbanks on the Waimakariri River. This issue is part of the ECAN appeal but has not been heard, as ECAN and the City Council agreed to pursue this through a variation/plan change to the City Plan, which is being prepared.
22. The RMA provides that the plan shall be due for review 10 years from the date when the first parts of it became operative. That date will be November 2015. As soon as some of the major enhancement projects and the UDS-related projects have been substantially advanced, the Council should give consideration to setting up a programme to review the plans and how it wishes to undertake this. At that time the Banks Peninsula District Plan and the City Plan may be able to be combined in one plan. The programme includes provision for a scoping report and initial Council discussion of the review process but this should wait for passage of the Resource Management Amendment Bill as in its current form this would abolish the requirement to review the plan every 10 years and open up more flexible options such as rolling reviews.
23. It is anticipated that a number of Council-initiated plan changes will be presented for consideration in the 2009–2010 year. These include the Awatea and Wigram re-zonings, a review of urban growth provisions, the L3/L4 Review, Elderly Persons' Housing, Non-Family Accommodation, Ferrymead Special Purpose zone replacement, Heritage, Central City and Business 2 Urban Design, Banks Peninsula and City Plan Development Contributions, follow up variations to Variation 48, Riccarton Bush, and the change to implement the Bridle Path Area Plan. Private plan change applications and designations will continue to be received and processed. Those known at this stage are described in the programme.

## **THE OBJECTIVES**

24. The objectives of the District Plan Work Programme are to:

- Enable the Council to meet its statutory responsibilities under the RMA to prepare and maintain the District Plan, and
- Set priorities and provide resources enabling the Council to enhance and improve the District Plan, which includes the City Plan and Banks Peninsula District Plan, to achieve desirable environmental and community outcomes.

## **THE OPTIONS**

25. The options for the Council are to:

**OPTION A** - Adopt the programme, or

**OPTION B** - Modify the programme.

## **THE PREFERRED OPTION**

26. The preferred option is **OPTION A**.