

Greater Christchurch Urban Development Strategy

Report To: UDS Implementation Committee
Meeting Date: 30 August 2010
Subject: Update on Plan Changes within the UDS sub-region
Report Author: Keith Tallentire (on behalf of IMG planning sub-group)

1. PURPOSE OF REPORT

This report presents, for information purposes only, an updated overview of the proposed Plan Changes being processed by UDS Partner authorities, both those lodged by private organisations and those promulgated by the Councils themselves.

2. OVERVIEW OF PLAN CHANGES

An update report to this Committee was received in September of last year which gave an overview of proposed Plan Changes within the UDS sub-region. The Committee requested that periodic updates be provided to maintain an awareness of the progress of such Plan changes and the lodging of any new requests.

Proposed changes to City and District Plans are able to be initiated by the respective Councils themselves and also by a third party, most likely a private developer.

The attached table and map give an overview of the proposed Plan Changes currently being processed by UDS Partner authorities. This includes both those lodged by private organisations and those promulgated by the Councils themselves. For the purposes of this report, Plan changes are identified as those which are largely residential (but may contain some commercial), those aimed solely at business development (industrial/office), and those outside the urban limit that propose a rural-residential housing type.

Information in the table includes the stage in the RMA process for each proposed plan change (i.e. from being lodged and then (where accepted) notification, hearings, decisions and to any appeals), a brief factual description of the proposal, together with how this relates to the proposed settlement pattern as outlined in the Environment Canterbury Decisions on Submissions (Dec 2009) for Change No.1 to the RPS (including Variations 1-4).

Across the UDS area there are also nine 'prospective' private plan changes known of, whereby pre-application discussions may have been held with a Council but a plan change proposal has yet to be lodged.

Note:

Legal advice in relation to this report suggests that as information in this report is extracted from publicly documented material and is for information purposes only it does not give rise to any pre-determination issues for member of the Committee. However, further discussion whereby any member expresses a view about the merits of all or any of the plan changes could effectively disbar that person from being on any associated hearing panel(s).

3. ENVIRONMENT COURT APPEALS ON PLAN CHANGES

There are currently a number of private plan changes within the UDS area which are subject to appeal to the Environment Court. A recent procedural matter is of considerable importance in relation to how and when such appeals may be heard.

A Notice of Motion, filed by Environment Canterbury and Christchurch City Council in relation to an appeal on Christchurch Golf Resort (PC45), sought to ensure that the plan change appeal was heard after or at least at the same time as a related appeal on Change 1 to the RPS. The Notice argued that hearing the appeal on PC45 prior to the related appeals on Change 1 could pre-empt the outcome of appeals on Change 1, and render Change 1 ineffective. It would also set an undesirable precedent for the significant number of private plan change requests that are currently being processed as highlighted in this report.

Nevertheless, the Procedural Decision of the Court in this matter (issued 29th July) has held that the "scale and timing issues" in relation to the PC45 appeal make it "more desirable and appropriate to hear the PC45 appeals sooner, than it is to hear them as Stage 2 (or later) of the Change 1 appeals at some considerable time in the future". Judge Jackson notes that any further applications to hear future appeals before Change 1 can be considered on a case-by-case basis.

4. RECOMMENDATIONS

That the information on plan change matters within the UDS sub-region be received.