

REGULATORY AND PLANNING COMMITTEE AGENDA

THURSDAY 2 SEPTEMBER 2010

AT 9AM

IN COMMITTEE ROOM 2, NEW CIVIC OFFICES, 53 HEREFORD STREET

Committee: Councillor Sue Wells (Chairperson),
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- PART A - MATTERS REQUIRING A COUNCIL DECISION
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- 1. APOLOGIES**
- 2. DEPUTATIONS BY APPOINTMENT**

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3. FREEDOM CAMPING MANAGEMENT PLAN

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PURPOSE OF REPORT

1. This paper outlines the issues around freedom camping in the Christchurch district, the options to address those issues, and recommends the adoption of a freedom camping management plan (**Attachment 3**).

EXECUTIVE SUMMARY

2. Freedom camping is a issue that has had a high media profile on a national level. Tourism figures show freedom camping is on the increase among both international and domestic tourists and is projected to rise further in the coming years.
3. Currently there is a lack of a clear central government directive to address the issue on a nationwide level; the message has been that each local authority must determine its own course of action for the issues particular to its region. In Christchurch, the issue has presented itself in certain areas over the past few years and has been mainly around the perceived impacts on public amenity rather than offensive human waste or litter, which is the issue in many other regions.
4. Christchurch City Council is one of the few local authorities in the main centres throughout New Zealand that does not have a city-wide position on freedom camping. In the absence of any bylaw or policy, there may have been an increase in numbers of freedom campers throughout the district over the past few years.
5. At its meeting of 11 February 2010, the Council resolved "that staff develop a city wide strategy to deal with the issue of freedom camping, for consideration by the Council" to effectively address the issue at a metropolitan level. The Council asked staff to note that this would need to cover any relevant bylaws.
6. The scope and objectives to achieve this were determined as follows:
 - To determine the nature and level of issues related to freedom camping through sound research including surveying tourists who freedom camp.
 - To determine options to best address the issues associated with freedom camping.
 - To develop a Freedom Camping Management Plan that will include enforcement and monitoring of freedom camping throughout the Christchurch city region for the next three to five years, including the anticipated campers expected for the Rugby World Cup in 2011.
7. Regulatory approaches are already used in set areas where freedom camping has been an issue. In Cranmer Square, the area was declared a Special Use Area prohibiting camping under the Public Places Bylaw 2008. Camping is prohibited in all parks and reserves under the Parks and Reserves Bylaw 2008.
8. Research was conducted to determine the issues that the Freedom Camping Management Plan would need to address. A key theme that emerged is the number of vans, mainly privately owned converted vans with no on-board toilet or water containment (non-self-contained) congregating in seaside areas near public toilets that some residents objected to. No environmental damage was observed during the research study. However there are anecdotal reports of toileting waste and littering occurring in some areas along the sand dunes in New Brighton and around the Akaroa Harbour bays.
9. Other issues have come to light through the investigations into the freedom camping situation. There are areas along the foreshore where freedom camping is occurring that are Crown land. The Council therefore does not have jurisdiction to manage issues on this land. Additionally,

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some people residing in vehicles along the seaside areas during the winter months are not tourists, but are homeless or marginalised Christchurch residents. These people fall outside of the scope of any management plan for freedom camping.

10. In considering options to address freedom camping, key issues are balancing the needs of tourists (in line with the Christchurch Visitors Strategy) with the needs of residents. It is important to acknowledge that there are cultural differences and different levels of acceptance about freedom camping amongst the international community, and consideration needs to be given to the issues around enforcement for the Council.
11. Key stakeholders were consulted throughout the process to help determine suitable options for the Council to consider in the management plan. These included the New Zealand Police, Department of Conservation, Canterbury and Christchurch Tourism, backpacker accommodation providers, campervan hire and sales companies, residents' associations and community groups from affected areas in the district, and the community boards through a combined workshop. There is some disparity between individuals in the different groups consulted in their views of the extent and degree of the problems in various areas and their perceptions about the level of regulation the Council should take. Of particular note is the view expressed by Police that tourist safety is a significant issue. A summary of the key findings can be found in **Attachment 2**.
12. The timing of the upcoming elections makes the opportunity to institute any bylaw changes before the upcoming tourist season difficult to achieve. Therefore the preferred option for managing the freedom camping within the district is to adopt a three-staged approach over the next three years (Option Six). A full options analysis is presented in **Attachment 1**.
13. Stage One includes a social marketing¹ campaign aimed at tourists to the region that commences in the upcoming 2010/11 tourist season and reinforces the Freedom Camping Forum national campaign. This will need to take a positive approach towards freedom campers which should include messages on personal safety, being sensitive to the concerns of local residents and key environmental best practice. Social marketing has the full support of all consulted, including resident and community groups and those present at the combined community board workshop. The consulted representatives from the tourism industry have indicated their support in helping to deliver the social marketing campaign through their respective organisations. Resourcing for ongoing monitoring during the evening hours will be needed long-term. Careful monitoring is an essential component of social marketing to measure the effectiveness of the campaign.
14. Stage Two of the management plan is to evaluate the effectiveness of Stage One in 2011 and to commence a review of the Public Places Bylaw 2008 with a view to prohibiting freedom camping throughout the district for non-self-contained vehicles, but to allow self-contained campervans in appropriate areas. The prohibition could be implemented through the addition of a clause to the Public Places Bylaw 2008 that prohibits temporarily residing or sleeping in vehicles including cars, trucks, vans, motor homes, caravans and tents in public places unless the public place has been specified for that purpose. The social marketing from Stage One would need to be adapted to include the new regulations and ongoing for the 2011/12 tourist season (including the 2011 Rugby World Cup).
15. The final stage of the management plan is Stage Three: evaluation of Stage Two in 2012 and if necessary, to review the prohibitions on freedom camping. Council could either increase them by resolving to invoke a complete ban on all types of freedom camping throughout the district, or to consider increasing the provision of services and facilities to accommodate freedom campers in suitable places (for instance, specific locations on the Banks Peninsula).

¹ Social marketing seeks to influence social behaviours, not to benefit the marketer, but to benefit the target audience and the general society. Examples include asking people not to smoke in public places, encouraging seat belt use and prompting to make them follow speed limits (Philip Kotler and Gerald Zaltman; *Social Marketing*, 1970)

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While the timeframes associated with putting together a bylaw makes the campaign proposed the most appropriate short-term intervention, the Council, based on its evaluation of that approach, may decide next year to go directly to Stage Three in terms of either an outright ban, or the specific provision of sites in identified localities.

FINANCIAL IMPLICATIONS

16. The financial implication for the implementation of Stage One for the 2010/11 summer season will be met from within existing budgets. It is anticipated that for a annual social marketing and monitoring programme an additional \$30,000 per annum is required. This is currently not budgeted.
17. For Stage Two when the Council adopts regulatory mechanisms through reviewing any bylaws, \$50,000 resourcing will be required for the signage and contracting evening enforcement as these are not currently provided for in any levels of service or LTCCP. The bylaw review costs themselves (including the Special Consultation Procedure) can be funded through the City and Community Long-Term Policy and Planning Activity work programme for 2011/12. The enforcement aspect is of significance as this activity mainly occurs at night-time, and the Council has not endorsed providing evening enforcement in the current levels of service.
18. If the Council opts to provide additional facilities and/or services such as toilets, showers, or dump stations as part of the Stage Three implementation, then there will be a need for resourcing to be allocated for these as they are not currently provided for in the LTCCP. However, as stated previously, the timing of Stage Three is aligned to the review of the 2012-22 LTP so resourcing can be addressed for this phase. The resourcing needed will either be an additional \$50,000 for more signage and enforcement (if a complete ban is adopted) or up to another \$150,000 if services such as toilets, showers or dump stations are installed in areas in the Banks Peninsula. A dump station for grey water waste from self-contained vehicles costs approximately \$8,000, whereas single toilets cost from \$80,000 to build.

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

19. There is no provision for either a social marketing campaign or for the necessary signage or enforcement/monitoring costs within the existing LTCCP. For the upcoming 2010/11 tourist season, costs of an initial social marketing campaign will be shared between various units within the Council, but long-term there will be a need for resourcing allocated through the Annual Plan reviews. Implementing the other stages of the management plan will also require additional resourcing through future Annual Plan reviews and the 2012 LTCCP.

LEGAL CONSIDERATIONS

Local Government Act 2002 Bylaws and Enforcement Options

Public Places Bylaw 2008

20. The Public Places Bylaw 2008 is made under section 145 of the LGA02. There is no blanket regulation around freedom camping in public places in the bylaw. Council did not enact the provision banning staying overnight in public places that was proposed in the draft bylaw. The Council considered that clause 13 of the bylaw was a mechanism that could be used instead, to address any concerns in specific places if needed. Clause 13 gives Council the power to declare certain public places to be Special Use Areas where certain activities are either prohibited or allowed. This was the option chosen for Cranmer Square in February 2010; camping was prohibited and the appropriate signage and contracted evening enforcement was instituted successfully. However, this action served to move the campers to other areas, including the Botanic Gardens car parks, rather than stopping freedom camping in the area altogether.

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Parks and Reserves Bylaw 2008

21. This bylaw is made under s145 of the LGA02 and the Reserves Act 1977. Any camping on parks or reserves is prohibited as the Parks and Reserves Bylaw 2008 states that “no person shall camp in any reserve except with the prior permission in writing from a Council-authorised officer, or in areas set aside specifically for the purpose of camping”. If permission has been granted for people to camp on reserves, they will be issued a letter signed by a Council-authorised officer granting permission.

Traffic and Parking Bylaw 2008

22. This bylaw is made under the LGA02 and the Transport Act 1962, which states the Council may impose parking restrictions on any Council-controlled legal roads. This potentially could be used where freedom camping occurs, thereby allowing parking enforcement options to be utilised. However, parking regulatory tools should only be used where the activity of parking is the issue, not other issues arising from freedom camping. In addition, there are problems with night-time enforcement because parking wardens do not work after hours and ADT Security officers are not warranted to issue infringement notices.
23. Enforcement consists of issuing infringement notices for any breach and orders the person to pay the fees as set out in Schedule 2 of the Transport Act 1962, or on summary conviction to a fine not exceeding \$500.
24. For Akaroa, the Traffic and Parking Bylaw 2008 retains the clause and schedules from the Banks Peninsula District Council Traffic and Parking Bylaw 1998 that prohibits campervans and caravans from parking in Akaroa on the east side of Beach Road from Rue Benoit to Smith Street, and from Rue Jolie to Bruce Terrace.

Enforcement Options

25. Enforcement is an issue for all bylaws. General bylaw enforcement approaches start with people’s attention being drawn to the offence being committed and then being requested (often in writing) to stop committing the offence. Enforcement tools for bylaws made under the Local Government Act 2002 (Public Places, Parks and Reserves) are injunctions, prosecution and/or the seizure of property not on private land. All of these tools are costly, time-consuming and may require Police involvement to enforce, which makes the use of them somewhat prohibitive in nature. At a practical level, as those involved in freedom camping are often overseas tourists in the country for a relatively short period of time, there are difficulties in being able to apply these enforcement tools rapidly enough.

Other Legal Considerations

26. Potential options to address activities associated with freedom camping must also take into consideration the Camping Ground Regulations 1985 (administered by the Council under the Health Act 1956). If the Council chooses to charge for campervan parking the regulations would apply; however, if a certain area is identified as a place to temporarily park a campervan overnight until suitable accommodation is found the next day, then they would not.

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

27. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

28. This report is broadly consistent with the Enforcement and Inspections 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?

29. The recommendations support Level of Service 9.0.6 in the Enforcement and Inspections Activity Management Plan:

"Upon confirmation by Council staff of non-compliance, at least one written advice regarding corrective action (warning) be given for breaches to the City Plan, Resource Management Act 1991, Building Act 2004 and Bylaws within 30 days."

ALIGNMENT WITH STRATEGIES

30. The following Council strategies are consistent with the draft freedom camping management plan recommended:

- Safer Christchurch Strategy
- Parking Strategy
- Surface Water Strategy
- Christchurch Visitor Strategy 2007-2017
- Strengthening Communities Strategy
- Draft Open Space Strategy.

Do the recommendations align with the Council's strategies?

31. As above.

CONSULTATION FULFILMENT

32. Key stakeholders have been consulted in a targeted manner in order to ascertain their views on the issues presented from freedom camping throughout the district and to gauge their preferences on ways to deal with these issues. These included the New Zealand Police, Department of Conservation, Canterbury and Christchurch Tourism, backpacker accommodation providers, campervan hire and sales companies, residents' associations and community groups from affected areas in the district, and the community boards via a combined workshop. All parties consulted have supported the main recommendation of adopting a social marketing campaign targeting tourists to the region to encourage best practice and acceptable behaviour. A summary of the key findings can be found in **Attachment 2**.

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee recommends to the Council that it:

- (a) Adopts the Freedom Camping Management Plan (Attachment 3)
- (b) the council agrees to implement Stage One/Social marketing to be implemented ahead off the 2010/11 summer season.
- (c) that the council review the effectiveness of Stage One by May 2011 and determine at that time whether to proceed with Stage 2 and or Stage 3 of the plan, depending on the feedback and analysis received.
- (d) Considers the funding required to fully implement an ongoing Social Marketing and enforcement campaign as part of the 2011/12 Annual Plan.

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BACKGROUND (THE ISSUES)

Christchurch Situation

33. The issue of freedom camping within Christchurch City is complex and there has been a high media profile in recent months about freedom camping nationally. In Christchurch, media interest peaked in early December when freedom camping in Cranmer Square hit the headlines. Local residents put forth a deputation to the Hagley/Ferrymead Community Board regarding concerns around issues associated with the number of people freedom camping in Cranmer Square. In addressing the Hagley/Ferrymead Community Board's recommendations, Council resolved at the 11 February 2010 meeting "that staff develop a city-wide strategy to deal with the issue of freedom camping, for consideration by the Council" to effectively address the issue at a metropolitan level as there were media reports of the issues in Sumner as well. The Council asked staff to note that this would need to cover any relevant bylaws.
34. The scope and objectives to achieve this were determined as follows:
 - To determine the nature and level of issues related to freedom camping through sound research including surveying tourists who freedom camp;
 - To determine options to best address the issues associated with freedom camping; and
 - To develop an implementation plan that will include enforcement and monitoring of freedom camping throughout the Christchurch city region for the next three to five years, including the anticipated campers expected for the Rugby World Cup in 2011.
35. The Council has used regulatory measures in Cranmer Square and Sumner car park reserve area adjacent to the public toilets where freedom camping has been an issue for local residents. These measures were to declare a Special Use Area in Cranmer Square prohibiting camping under the Public Places Bylaw 2008 and to enforce the camping prohibitions already stated in the Parks and Reserves Bylaw 2008 for the Sumner car park.
36. To clarify the issues that needed to be addressed, a research study was conducted in Christchurch to determine the nature and extent of the issues associated with freedom camping in the district. This research included conducting surveys of people freedom camping and assessments of sites to investigate issues. Over 450 freedom campers were identified in various sites over a 25-day period in March 2010.
37. The research study showed no environmental evidence of damage and over two-thirds of the vehicles were non-self-contained privately owned vans (with no on-board toilet or water containment) that congregated in large numbers along the waterfront in New Brighton, Sumner and Akaroa near public toilets.
38. A sample population of freedom campers was also surveyed to determine the decision making processes and motivations for freedom camping. The research survey showed the majority of freedom campers were young Europeans, with a high proportion being young Germans, in non-self-contained privately owned vehicles who chose to freedom camp to save money so they could extend their visit and spend it on other things aside from accommodation. This was followed by having the choice to stay where they wanted (usually by the sea) and to be close to nature.
39. Campers usually find information about freedom camping from guide books, visitor centres and by word of mouth. About half used the internet for information, usually to research guidelines and regulations. They did not tend to use local authorities websites. They usually chose where to stay by driving around to find a spot, followed by talking to other tourists in backpacker hostels who tell them where to stay. The campers interviewed expressed concerns for ensuring they maintained high environmental standards and often requested information about recycling etc. It is likely social marketing would be most successful with this target group.

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40. The main issues presented relate to the large numbers of vehicles in particular areas that may adversely impact on the Council's levels of service to clean and maintain public toilets and the inappropriate use of these facilities to wash clothes and dishes. Additionally, some residents object to the density of the 'cheap, smelly vans' in public areas and have complained about the impact of having up to thirty vans in one car park, which creates a 'free camping subculture' in those areas. However, not all residents who have participated in the consultation process agree with this view.
41. An impending issue for the Council is the anticipated increase in the number of these vehicles and of freedom campers projected for the next few years. Whilst some residents do not object to a few vans staying one or two nights, all have stated they would not like to see large increases of campervans staying for longer periods in public places.
42. Surveys of camping grounds and holiday parks showed there was a self-reported occupancy rate of about 70 per cent during the peak 2009/10 visitor season, which indicates there is no lack of capacity for camping tourists now and for the projected increases over the next five years.
43. The issue of homelessness in Christchurch has become evident through this research study, as some identified as 'freedom campers' in the tourist off-season are in fact disadvantaged locals living in vehicles in public places. It is beyond the scope of a freedom camping strategy or plan to deal with the homeless situation and the Council may need to further consider the issue of homelessness.

National Situation

44. Freedom camping is a national issue and not just unique to particular regions. The Freedom Camping Forum has been established by the Tourism Industry Association, and has taken the lead in getting cross-sectoral collaboration with local authorities, central agencies, hire van companies and stakeholder organisations. Some of the outcomes from the two forums held to date include establishing key messages for tourists, a national "Camping Our Way" website to promote best practice, agreed actions for all sectors to take to address the issues at a nationwide level, and providing advice and information to groups such as local councils to effectively lobby national government for some solutions. The 2010/11 marketing campaign is aimed at clearly defining acceptable freedom camping guidelines for self-contained versus non-self-contained vehicles and can be found in **Attachment 4**.
45. It is important to note that the issues do vary for different regions – in some areas the issue of nuisance from toileting and/or litter is extreme, with media reports of the desecration of Maori pa sites in some regions like Kaikoura and of high levels of human waste present in areas like Lake Hawea. The Department of Conservation has not reported high levels of nuisance issues within its parks, but is looking at installing more public toilets in some rest areas and parks as a possible precautionary measure. In the urban centres, where public toilets are more widely available, the issues can be more about visual amenity and over-crowding in car parks.
46. A common issue is self-contained versus non-self-contained vehicles. For a vehicle to be considered self-contained, it needs to have a three- day supply of water, plus on-board facilities for toileting and showering. Many regions report that the self-contained vehicles tend to use campgrounds or motor parks and are not causing the issue; it is the non-self-contained vehicles that are perceived to cause the most problems. Non-self-contained vehicles tend to be converted vans (i.e. people movers or service vans) that have been converted into a sleeping facility through placing a mattress in the back. They contain no equipment for toileting, water storage or showering. More of these vehicles are evident on the road as many backpackers purchase these cheaply when they arrive in the country and then use these to travel around New Zealand; often selling them on before they leave for close to what they purchased them for.

Other Regions' Freedom Camping Initiatives

47. Other territorial authorities have attempted to address the issue of freedom camping through a variety of regulatory tactics and methods to varying degrees of success. These vary from regulating freedom camping in certain areas or having bylaws in place and issuing infringement

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notices (where the prohibitions are in place through traffic bylaws or legislation that can be enforced by using infringement notices) or by impounding vehicles. Other territorial authorities also face similar issues as Christchurch with limited enforcement options that are difficult to apply in regards to freedom camping. See **Attachment 5** for the summary of options other regions have adopted.

National Tourism Information

48. National tourism statistics show the bulk of international tourists come from Australia, but they tend to stay the least amount of time as many come for weekend getaways and/or to visit friends and family. The tourist market that stays the longest and spends the most money during their stay is German tourists; they also tend to travel the largest distances across New Zealand by road, and participate in the most activities. However, German tourists spend the least amount on accommodation per night.
49. Other tourism statistics show that tourists who choose to camp, for instance in camping grounds or holiday parks, contribute significantly to the local economy with purchases on food, activity fees, transport and other costs. Logically, freedom campers would also contribute in a similar fashion. International tourists spend more than domestic tourists, with UK and German tourists being the two largest European markets. Christchurch data shows tourists spend more money here than in Queenstown or Rotorua on snacks/groceries and daily spends per person; however, they spend less on cafés/restaurants and admission fees to attractions (given there are less tourist attractions here than in Queenstown or Rotorua).

International Situation

50. Internationally, different countries have various regulations and/or standards for freedom camping. In some parts of Europe, particularly France, Switzerland, Austria and Germany, freedom camping is a social and cultural norm. These countries provide facilities such as the "aires de service" or "Stellplätze" (overnight parking bays with toilets and fresh water supplies) to accommodate freedom camping. Other countries such as United Kingdom, Spain and Portugal have more limited services available. North American countries consider "boondocking" allowable in all federal public and national forests. Australia has guidebooks to indicate where travellers can freedom camp, although generally no services are provided by local authorities to mitigate vandalism and costs of maintaining services such as water supply, dump stations, toilets and/or showers.

THE KEY ISSUES

51. The key issues the freedom camping management plan needs to address are as follows:
 - The lack of a clear position statement for the Christchurch district to inform tourists and key stakeholders that is in line with other regions and/or Freedom Camping Forum.
 - The number of vehicles in high-density freedom camping areas near the foreshore within the district.
 - The impact of campervans on the amenity for local residents.
 - The personal safety of tourists to the district.
 - The potential for adverse environmental impacts with increased projected numbers of freedom campers in future seasons.

THE OBJECTIVES

52. The purpose of the Freedom Camping Management Plan is to use a mix of regulatory and non-regulatory measures to minimise the issues associated with freedom camping to residents in a way that:
 - Is enforceable – in terms of the enforcement powers and available resources.
 - Is cost-efficient for the Council.
 - Does not unnecessarily penalise responsible freedom camping in fully self-contained campervans.

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THE OPTIONS

53. A number of options have been considered and discussed with key stakeholders.
54. **Option One: Business As Usual (Maintain the Status Quo).** Declare Special Use Areas prohibiting camping under the existing Public Places Bylaw 2008 on an as-needs reactive basis where and when the issue of freedom camping becomes a problem.
55. **Option Two: Endorse a social marketing plan.** Address the issue in the upcoming 2010/11 tourist season through a social marketing plan which reinforces the Freedom Camping Forum campaign, encouraging people to use commercial accommodation with guidelines for self-contained vehicles in remote locations (see attached). This will include monitoring of the situation to measure the effectiveness of this approach.
56. **Option Three: Prohibit all freedom camping in all public places.** Amend the Public Places Bylaw 2008 to include the clause that was proposed in the draft Public Places Bylaw 2008 prohibiting temporarily residing or sleeping in cars, vans, motor homes, caravans or tents in public places unless the Council has set that area aside for that purpose.
57. **Option Four: Prohibit Freedom Camping on Specified Types of Vehicles or in Specified Areas.** Amend the Public Places Bylaw 2008 to include the clause that was proposed in the draft Public Places Bylaw 2008 prohibiting temporarily residing or sleeping in public places, but with some conditions on the areas and/or the types of vehicles (i.e. self-contained versus non-self-contained) and time allowed (e.g. self-contained vehicles allowed to freedom camp for two days in appropriate areas but no non-self-contained in the district).
58. **Option Five: Allow Freedom Camping in Designated 'Freedom Camping' Areas.** Declare by resolution areas designated as freedom camping areas – either through the Parks and Reserves Bylaw 2008 or through the Public Places Bylaw 2008 as Special Use Areas for freedom camping, along with an increased level of service/provision of facilities to support the designation
59. **Option Six: Adopt the three-stage Freedom Camping Management Plan.** This is a combination of options described above implemented in stages: commencing with a social marketing campaign and monitoring (option 2), followed by a review of the Public Places Bylaw 2008 banning non-self contained vehicles camping in public places (option 4) and investigate the feasibility of designating set areas within the City as Special Use Areas for freedom camping (option 5). Following this could be a subsequent review of the Public Places Bylaw 2008 to either ban all freedom camping in all areas (option 3) or to establish set areas with facilities for the purposes of freedom camping (option 5). These options are to be implemented over a three-year period, taking into account the evidence of issues and effectiveness of earlier interventions provided by the monitoring of freedom camping within the district and enabling the Council to respond appropriately to the issues as they arise.

THE PREFERRED OPTION

60. **Option Six:** Adopt the three-stage Freedom Camping Management Plan with an ongoing monitoring programme to address the issues within the district. **Attachment 3** outlines the following three-stage approach:
- i. Stage One – Social Marketing/Monitoring to be implemented from 2010/11 onwards
 - ii. Stage Two – Review Public Places Bylaw 2008 banning non-self-contained vehicles camping in public places and investigating the feasibility of designating set areas for freedom camping in 2011.
 - iii. Stage Three – Review Public Places Bylaw 2008 to either ban all freedom camping or to establish set areas with facilities provided.

There is scope to consider accelerating or slowing down the implementation of these options or a combination of these and the other options above. The plan provides for a review of the effectiveness of Stage One in 2011, at which time the Council may choose to adopt Stage Two or Stage Three, or consider some further variation incorporating parts of the other options above.

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4. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 31 – WAKEFIELD MEWS – FINAL APPROVAL

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| General Manager responsible: | General Manager, Strategy and Planning DDI 941-8281 |
| Officer responsible: | Programme Manager District Planning |
| Author: | David Punselie, Assistant Planner |

PURPOSE OF REPORT

1. This report seeks a recommendation from the Committee that the Council approve changes to the City Plan introduced by its decision, and a subsequent consent order, on Plan Change 31 to the District Plan.

EXECUTIVE SUMMARY

2. Plan Change 31 is a privately requested change initiated by Wakefield Mews Ltd that sought to amend the Living 3 provisions as they apply to most of the area bounded by Packe, Purchas, Madras and Canon Streets in St Albans. The changes sought included an increased building height of 14 metres, an exemption from compliance with the continuous building height and ridgeline rules and the introduction of a Business 1 zoning with prescribed activity and floor area limitations. The change also proposed an Outline Development Plan (ODP) for the site, and a provision requiring any development to generally comply with the ODP.
3. Following a hearing in June 2009 Commissioner Ken Gimblett recommended to the Council that the plan change should be approved with modification. The Commissioner concluded that the total gross leasable floor area (GLFA) for commercial activity within the Business 1 zoned portion of the site should be limited to 3500m² rather than 5,000m² as requested in the plan change and with a GLFA for an individual tenancy of 450m² rather than the 1,740m² requested. The Commissioner's recommendation was adopted by the Council in October 2009.
4. The Council's decision was appealed by Wakefield Mews Limited. At the encouragement of the Environment Court the parties agreed to mediation and after several sessions an agreement was reached that would allow for one individual tenancy with a GLFA of up to 800m², with no other tenancy having a GLFA greater than 450m². The ODP for the site has also been amended to reflect the new figures.
5. The District Plan Appeals Subcommittee was kept informed throughout the mediation process and signed off on the changes. The Environment Court accepted the mediated agreement and issued a consent order. A copy of this order is attached (**Attachment 1**).

FINANCIAL IMPLICATIONS

6. There are no direct financial implications.

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

7. The recommendation will not impose on the LTCCP budgets.

LEGAL CONSIDERATIONS

8. The recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by the Council's decision on Plan Change 31 as amended by the Environment Court's consent order. The Resource Management Act 1991 requires that, following the closing of the appeal period and the resolution of any appeals, the Council must formally approve the changes to the plan under clause 17 of Schedule 1 before the plan change becomes operative on a date that is nominated in a public notice of the Council's approval. With the issue of the Court's consent order this plan change has now reached the stage where it can be made operative.

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

9. As above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with District Plan Activity Management Plan.

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

11. Yes. Supports the project of processing all privately requested plan changes in compliance with statutory processes and time frames.

ALIGNMENT WITH STRATEGIES

12. Not applicable.

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. Approval of changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 is a procedural step that does not require consultation.

STAFF RECOMMENDATION

It is recommended that the Committee recommend to the Council that it:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the Council's decision on Plan Change 31 as amended by the Environment Court's consent order on the appeal by Wakefield Mews Limited.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 31 become operative.

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5. PRIVATE PLAN CHANGE 47 – SIR JAMES WATTIE DRIVE, HORNBY

| | |
|-------------------------------------|---|
| General Manager responsible: | General Manager, Strategy and Planning DDI 941-8281 |
| Officer responsible: | Programme Manager, District Planning |
| Author: | Andrew Long, Senior Planner, District Planning |

PURPOSE OF REPORT

1. This report describes and assesses a request for a private plan change (PC47 - Sir James Wattie Drive) to the City Plan. A decision is sought from the Council pursuant to clause 25 (2) of Schedule 1 to the Resource Management Act 1991 (RMA) on whether the proposed change should be publicly notified, and with what status.

EXECUTIVE SUMMARY

2. The site of PC 47 consists of 2.93 hectares of Rural 2 (Templeton – Halswell) zoned land, as shown in **Attachment 1**. It is currently vacant, although significantly modified by a gravelled surface. The request (appended in **Attachment 2**) seeks to rezone the site to Business 5 (General Industrial), in line with adjoining Business 5 zoned land to the north and west.
3. The land immediately to the south is zoned Rural 2, with the Territorial Local Authority Boundary with Selwyn District 370 metres to the south.
4. The subject site was outside the urban limit as notified in Proposed Change 1 to the Canterbury Regional Policy Statement (PC1), but has been included within the urban limits in PC1 as amended by the decision released in December 2009. **Attachment 1** shows the subject site in relation to the urban limit as notified in PC1 and the urban limit in the Canterbury Regional Council's (ECan) decision. PC1 is now subject to appeal, including appeals by this Council, and the owner of the subject site is a Section 274 party to these appeals.
5. Some weight should be afforded to PC1 as amended by the decisions. As discussed in paragraphs 25-27 of this report, the appeals process should not preclude PC 47 from being tested on its merits. Two site specific issues have also been identified which are relevant to this private plan change. These are the proposed route for the Southern Motorway Stage 2 and the lack of reticulated sewerage to the site. Neither of these two issues was found to be significant (see paragraphs 21 and 22 of this report for further discussion of these matters).
6. In order for the committee to decide whether to notify the private plan change and with what status the committee is directed to Schedule 1, Clause 25, subclauses (2), (3) and (4) of the Resource Management Act 1991 as set out below:

25. Local authority to consider request

(...)

(2) *The local authority may either—*

- (a) *adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, or*
- (b) *accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.*

...

(3) *The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.*

(4) *The local authority may reject the request in whole or in part, but only on the grounds that—*

- (a) *the request or part of the request is frivolous or vexatious; or*
- (b) *the substance of the request or part of the request has been considered and given effect to or rejected by the local authority or Environment Court within the last 2 years; or*
- (c) *the request or part of the request is not in accordance with sound resource management practice; or*
- (d) *the request or part of the request would make the policy statement or plan inconsistent with Part 5; or*
- (e) *in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.*

(...)

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7. A full analysis of the options listed under subclauses (2) and (3) can be found in paragraphs 31-45 of this report. The officer recommendation based on the analysis in the aforementioned sections is to accept PC47- Sir James Wattie Drive, Hornby, for notification.

CONSULTATION

8. PC47 has been presented to the Riccarton/Wigram Community Board, who expressed some concerns regarding the implications of the Southern Motorway Stage 2 alignment.

FINANCIAL IMPLICATIONS

9. Should the Council resolve to notify the plan change there are legal processes which must be followed in accordance with the First Schedule of Resource Management Act 1991 (the "Act") . This is a standard process that all plan changes must follow and if the processes are correctly followed, no particular financial risks are foreseen.
10. There would be costs arising at various stages of the plan change process relating to the preparation of officer reports and a hearing in response to submissions. The scale of costs would depend on the level and complexity of the submissions received. As this is a private plan change, these costs are largely recoverable from the proponent. Costs associated with responding to any Environment Court appeals received are not recoverable, except in instances where the court may award costs.

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

11. Yes. The 2010/11 budget for the District Planning work programme, adopted by the Council and provided for in the LTCCP, includes funding for processing the change. As a private plan change request, these costs are largely recoverable.

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

12. Yes.

LEGAL CONSIDERATIONS

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

13. The process set out in the Act must be followed. It includes public notification, submissions, reporting, hearings, decisions and possible appeals. Provided the process is followed correctly, there are no particular legal risks associated with this proposed plan change.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

14. The proposal is part of the district planning levels of service in the LTCCP.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

15. The proposal falls outside the urban area in the City Plan. The request is consistent with PC1 as amended by the decision on submissions.
16. The site is within the South-West Area Plan (SWAP) area. SWAP does not identify the site as future business or residential land.

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STAFF RECOMMENDATION

That the Committee recommend to the Council that it:

- (a) Accept Plan Change 47 – Sir James Wattie Drive, Hornby (PC47) pursuant to Schedule 1 Clause 25(2)(b).
- (b) Accept the section 32 for PC 47 – Sir James Wattie Drive, Hornby.
- (c) Publically notify PC 47 – Sir James Wattie Drive, Hornby and the section 32 assessment, pursuant to Schedule 1, clause 5 of the Resource Management Act 1991.
- (d) Note that all associated costs will be borne by the applicant.

BACKGROUND AND DISCUSSION

17. Proposed Plan Change 47 (PC47) seeks to rezone 2.93 hectares of Rural 2 (Templeton – Halswell) zoned land to Business 5 (General Industrial). The site, identified in **Attachment 1**, is legally described as Lot 3 DP 49632. Lots 2 and 9 DP 49632 are on the same Certificate of Title but would retain their existing zoning (R2 and B5 respectively) and use. The request advises that Lot 2 may be used for custodial management of the plan change site in the medium term. Subdivision of the plan change site from Lots 2 and 9 would result in non-complying rural lots unless amalgamated with other lots. This is more a technical issue that would be addressed at the time of any subdivision application than at this stage of the plan change process. There are no real practical issues as Lots 2 and 9 would function post-subdivision as they do now.
18. It is bordered by the Shands Road Industrial Park (Business 5 zoning) to the north and west, and Rural 2 land to the south and east, including a dwelling nearby to the east over the Hornby Industrial Rail Line which adjoins the site. The site is currently vacant other than for some minor outdoor storage. It is significantly modified in terms of its surface being graded hard-fill. The site has about 100m of frontage to Sir James Wattie Drive, which is an existing cul-de-sac off Shands Road.
19. The Plan Change proposes to amend the City Plan as follows:
 - (a) Amend the relevant City Plan maps to show the site as B5.
 - (b) Include a rule requiring the retention of existing shelter belt planting.
 - (c) Include a rule restricting development of the site to dry industry only.
20. These amendments are highlighted in Part 1 of the request and are in addition to existing B5 provisions.
21. The Business 5 zone (B5) would allow development consistent with that to the north of the site. The zone allows for heavy industry; however it is unlikely to occur at this site because of the dry industry restriction and current lack of access to services. Dry industry is that which produces levels of wastewater approximately equivalent to that generated by residential activity.
22. The site is not currently able to be serviced adequately in terms of sewer. An upgrade to the western interceptor is scheduled in the LTCCP for completion in 2014 and the site could connect to that without affecting capacity of the Western Interceptor significantly. In the interim, ECan has issued a discharge consent for an on-site system. ECan also issued a discharge consent for on-site stormwater disposal, via septic tank and this method has been accepted as an interim measure by Council officers. The discharge consents expire in 2044 but it is expected that connection to the western interceptor would be made well before this time.
23. The proposed Southern Motorway Stage 2 is likely to pass close to or over the subject site. NZTA has identified two preferred options (**Attachment 3**), one of which is also preferred by this Council (shown in green). This option passes through the centre of the site, and likely width of the road and road reserve would take up the bulk of the site. No final decision is likely prior to 2012, when the designation process is scheduled to commence and submissions are sought. The request details several meetings between the applicant's consultant and New Zealand Transport Authority (NZTA) on this and other transport matters, indicating an awareness of this issue during preparation of the request.

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24. Although the applicant has responded to the Council's Request for Further Information, there is not total agreement as to the effects, and significance of these effects, on the transport network. In particular, the safety of the Sir James Wattie Drive/Shands Road intersection is at issue. Based on advice from Council's traffic consultant to date, it is anticipated that additional provisions would need to be included in the proposed plan change to mitigate these concerns. It is considered however that this matter is best resolved through the hearings process.

Proposed Change 1 and the South-West Area Plan

25. The site is inside the urban limit as indicated on Map 1 to Proposed Change 1 to the Canterbury Regional Policy Statement as amended by decision. Some weight should be afforded to PC1 (as amended by the decision of 19 December 2009).
26. On 4 March 2010, the Council lodged two appeals against ECan's decision on PC1 which was released in December 2009. Both the joint appeal with Waimakariri District Council and Christchurch City Council's own sole appeal in particular, have been the subject of mediation. On 12 May 2010 an extraordinary meeting of the CCC was held to determine the outcome of the mediation and a modified position on the matter of appeal was put to the Environment Court on 18 June 2010. The modified position has been accepted by all members of the UDS Partnership, including ECan.
27. The relevance of the modified appeal position is that the PC47 land is now included in the modified appeal as a Stage 2 business greenfield area for release from 2021-41. The appeals will not be resolved before a decision on whether to notify this request is required to be made. However, if the decision is to accept or adopt the request for notification, there is the option for the staging issue to be raised by ECan or other UDS partners through submissions. The Council's appeal should, therefore, not preclude the request from being tested on its merits.
28. Another consideration in this instance is the small amount of land involved within the overall context of PC1. The site is 2.93ha and is inset into an existing Business 5 zone.
29. The South-West Area Plan (SWAP) shows an urban boundary (Figure 5 Land-use Scenario at 2041, included at Attachment 1). In the Sir James Wattie Drive area, the location of the urban boundary at Sir James Wattie Drive is consistent with the existing zoning pattern and provides a buffer is provided between business activities and the nearby Territorial Local Authority (TLA) boundary. The PC47 site is outside the urban boundary as identified by SWAP.
30. The request may still be able to achieve an adequate buffer to the TLA boundary. This issue is to be considered through the submissions and hearing processes.
31. For the above reasons, it is not considered that the option to reject the request on sound resource management grounds or on Part 5 matters is appropriate in this instance.

THE OPTIONS

32. The Council could have, within 30 working days of the receipt of the plan change request, as a result of further or additional information, commissioned reports, or other relevant matters, with the agreement of the person who made the request, modify the request. In this case the 30 working days have expired and it is no longer an option open to the Council. No modification was sought.

Option 1 - Resolve to reject PC47 (Sir James Wattie Drive) pursuant to Clause 25(4) of the First Schedule of the Resource Management Act 1991.

33. There are very limited grounds in the Act for rejecting an application. A Plan change can be rejected if:
- (a) It is frivolous or vexatious.
 - (b) The substance of the change has been dealt with by the Council or the Environment Court in the last two years.
 - (c) The change is not in accordance with sound resource management practice.

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- (d) The change would make the District Plan inconsistent with Part 5 of the Act (other policies or plans, such as Regional Policies or Plans).
 - (e) The District Plan has not been operative for more than two years.
34. PC47 cannot be said to be frivolous or vexatious. The applicants have invested significant time and financial resources in preparing the plan change and have made a case for the plan change that warrants consideration in the plan change process.
 35. The substance of the plan change has been considered in the last two years as a consequence of the Council's involvement in the PC1 process and the Greater Christchurch Urban Development Strategy
 36. The UDS and PC1 represent Council's most recent consideration of the provision of business land and identify the subject site and other land at Hornby for future business use. The Council has an appeal lodged on PC1 in relation to the inclusion of additional greenfield business land, including this site. The appeal has been formally modified and the change is consistent with the appeal other than with regard to sequencing of land release. It is not considered that this is grounds exist to reject the request under (b) above.
 37. The substance of the plan change has also been considered through the development of SWAP, but not through the District Plan process.
 38. Whether the proposed change is not sound resource management practice is another relevant consideration. Firstly, the proposed Southern Motorway Stage 2 is likely to pass close to or partly over the subject site. The two options preferred by New Zealand Transport Authority (NZTA) would pass over the site, and the Council has signalled to NZTA that of these two options, it prefers the option shown in green on the map in Attachment 3 (the subject site is identified by NZTA on the map as property '43'). As the final location of Stage 2 will not be known before the decision whether to notify this request is required, and there are no designations in place, this issue is not considered sufficient grounds to reject the request.
 39. Secondly, reticulated sewerage is at capacity in this location and no further connections are permitted. The Council has, in its LTCCP, included funding for the 'Western Interceptor', scheduled for completion in 2014, to which the subject site could connect. ECan has issued a discharge consent for an on-site system and also a discharge consent for on-site stormwater disposal. A number of the Council staff have been involved in assessing various aspects of the proposal and no significant or fundamental issues have been raised that would suggest that the proposed change is so inappropriate such that it could be considered not sound resource management practice.

Option 2 - Resolve to deal with PC47 (Sir James Wattie Drive) as if it were an application for resource consent pursuant to Clause 25(3) of the first schedule of the Resource Management Act 1991.

40. Under this option the Plan Change is converted to a resource consent application and is processed by the Council as such. The applicant bears all of the associated costs.
41. The applicant has lodged a concurrent resource consent application for a steel fabrication plant including ancillary warehouse and office. The plan change request has not been withdrawn and there is nothing to preclude these two processes running concurrently. A change of zone to more closely reflect current and likely future use may assist the Council in meeting its obligations to promote integrated management of effects of activities under s31 of the Act. It is considered that it remains appropriate for Council to continue processing the plan change request, rather than place reliance on the resource consent process.

Option 3 - Resolve to adopt PC47 (Sir James Wattie Drive) and publicly notifying it as though it were the Council's own plan change pursuant to Clause 25(2)(a) of the first schedule of the Resource Management Act 1991.

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42. Under this option PC47 becomes a Council plan change. It would be notified, heard and decided the same way as a plan change prepared by the Council, that is, the Council bear all of the associated costs. Adopting the private plan change would mean:
- (a) Council is indicating the plan change has merit and generally supports the proposal; and
 - (b) The Council bears the costs of managing and processing the plan change.
 - (c) The proposed plan change must be taken into consideration in the processing of any resource consents, i.e. the objectives and policies have some legal weight from time of notification.
43. Adoption of a private plan change application would generally only occur where there is a wider public good flowing from the plan change. A plan change addressing public good would normally be one that addressed an existing city wide or multiple zone-wide adverse environmental effect, for example, a change to a bulk and location control that had lead to unexpected adverse outcomes. This private plan change application is a spot zone that facilitates a private development with most economic benefit flowing to the resource users and land owners within the development area. While there would be some public good flowing from the plan change in terms of employment opportunity, this is not considered by officers to be of sufficient public good to the wider community to warrant the adoption of the plan change by the Council.
44. Further, in order to recommend adoption of the request, the Council should have no reservations about the content of the plan change. In this case officers are concerned about aspects of the proposal including transport and servicing matters and hold the opinion that adopting the plan change would not be an appropriate option.
45. The request is not consistent with the sequencing aspect of the Council's appeal on PC1. Although the issue could be covered through the Officer's Section 42A Report or raised through submissions, it is not considered appropriate for Council to adopt the request.

Option 4 - Resolve to accept PC47 (Sir James Wattie Drive) and section 32 assessment for public notification pursuant to Clause 25(2)(b) of the first schedule of the Resource Management Act 1991.

46. Under this option PC47 would be notified in its current form as prepared by John Jones Steel Ltd. Accepting PC47 proposal means:
- (a) John Jones Steel Ltd determines the nature of the plan change that is notified;
 - (b) The Council takes on a neutral position on the proposal but is satisfied that PC47 includes sufficient information to be publicly notified; and
 - (c) John Jones Steel Ltd bears the cost of the complete plan change process.
 - (d) Note that all associated costs will be borne by the applicant.
47. The only matter that could be an issue in terms of a decision under clause 25(4) is the inconsistencies with the sequencing aspect of the Council's appeal on PC1. However, any concerns ECan or any other UDS partner may have regarding sequencing can be raised through the submissions process or the Officer's Section 42A Report.
48. Having considered all the relevant matters, it is recommended that Council accept the request in whole and proceed to notification.

THE PREFERRED OPTION

Option 4 - to accept PC47 (Sir James Wattie Drive) for notification pursuant to Schedule 1, Clause 25(2)(b) of the Resource Management Act 1991- is the preferred option.

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6. TRADING AND EVENTS IN PUBLIC PLACES DRAFT POLICY FOR APPROVAL REPORT OF THE TRADING AND EVENTS IN PUBLIC PLACES POLICY HEARINGS PANEL

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager, City Environment Group, DDI: 941-8608 |
| Officer responsible: | Asset and Network Planning Manager |
| Author: | Project Manager; Asset and Network Planning; Tina von Pein |

PURPOSE OF REPORT

1. This report of the Trading and Events in Public Places Policy Hearings Panel aims to seek the Regulatory and Planning Committees' endorsement for the proposed Draft Trading and Events in Public Places Policy (**Attachment B**) to be adopted by the Council

EXECUTIVE SUMMARY

2. With the adoption of the Public Places Bylaw 2008, the policies related to trading and other commercial or organised activities in public places were identified as needing review to ensure they appropriately give effect to the Public Places Bylaw. The Public Places Policies Working Party has worked with staff on the review of this and the other operational policies that relate to matters covered by the Public Places Bylaw 2008.
3. With the amalgamation of Banks Peninsula District Council (BPDC) and Christchurch City Council (the Council) in 2006, some operational policies specific to Banks Peninsula or specific to areas in Christchurch stayed in existence in their respective areas. This has caused some confusion and inconsistency across the communities; this draft policy endeavours to address both the issues of clarity and consistency.
4. The draft Christchurch City Council Trading and Events in Public Places Policy incorporates:
 - (a) Previous Council or BPDC policies:
 - (i) Street Trading Policy.
 - (ii) Stalls in Cathedral Square and City Mall.
 - (iii) Stall Site Licensing Policy.
 - (iv) Victoria Square and Victoria Square Amphitheatre (use of).
 - (v) Busking conditions.
 - (vi) Banks Peninsula District Council Stalls/Market Policy.
 - (b) Associated Matters:
 - (i) Mobile traders, travelling shops, hawkers.
5. The key changes with the draft Trading and Events in Public Places policy include:
 - (a) Inclusion of mobile and travelling shops.
 - (b) Inclusion of hawkers and pedlars.
 - (c) Inclusion of street performers.
 - (d) Removal of outdated clauses and clauses no longer valid due to the development of communities and specific areas.
6. Street performances, including pavement art, are becoming increasingly popular in some areas and are currently managed through the set of busking conditions, and some nominated areas in the central city where no permit is required. The draft policy incorporates the Banks Peninsula settlements into the policy and proposes an area in Lyttelton where no permit is required for street performances. The current nominated no permit areas in the central city have been maintained. A permit is required for street performing outside of the nominated areas.
7. Mobile or travelling shops and hawkers or pedlars are currently successfully managed through internal practices and this policy endeavours to bring these practices together within the context of the policy on trading and other commercial activities in public places.

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6 Cont'd

8. The clauses in the current policies on markets and stalls have been reviewed to remove the clauses that are no longer considered relevant, due in particular to the development of communities and specific areas, or because they are historical clauses and are no longer valid.
9. In response to submissions, the Hearing Panel have made some changes to the draft policy.

The key changes include:

- (a) Clarification of the definition of 'event'
- (b) Clarification of which activities under the policy require a permit or which require a licence
- (c) Clarification of booking space in a public park or other public place where dedicated space is required by the group
- (d) Clause permitting exemption of fees to be charged under this policy for voluntary organisation, school or community groups where any profits from trading are retained wholly for charitable or community purposes
- (e) Listing of all permanent mobile food stall areas within the policy
- (f) Inclusion of new sites (position yet to be determined) in City Mall (1-3 sites) and Akaroa (two sites)
- (g) Inclusion of a clause enabling the Council to nominate additional permanent mobile food stall sites if suggested in relation to specific applications or the development of a specific area.
- (h) The potential for licences for permanent mobile food stalls to be for up to a five year licence term
- (i) Clarification and updating of restricted areas to Hawkers and Mobile / travelling shops in Christchurch central and inclusion of Akaroa restricted areas
- (j) Inclusion of a clause relating to Booking a Public Place
- (k) Permitting low volume background sound to be used in association with street performances
- (l) Inclusion of general conditions for street performers within the policy
- (m) Extension of street performance nominated areas in Cathedral Square and Worcester Boulevard
- (n) Removal of the requirement for street performers to have a Christchurch City Council identification card
- (o) Inclusion of a clause limiting street performance permits to a two year term (unless otherwise stated)
- (p) Clarification of the internal delegations section
- (q) General review of language and formatting of the policy to assist with clarity and transparency

FINANCIAL IMPLICATIONS

10. Current policy enforcement is undertaken on a 'response to a complaint' basis. It is not anticipated that the Council's approach will change with the adoption of the reviewed policy.

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

11. Yes.

LEGAL CONSIDERATIONS

12. The Public Places Bylaw 2008 came into force on 1 July 2008. Clause 8 of that bylaw provides for operational policies to be formulated, relating to matters regulated by the bylaw. Such policies must be adopted by Council resolution, and may include information on application procedures, administrative arrangements, terms and conditions related to activities in public places, definition of terms and other guidance information.

The consideration and adoption of such policies must be done in accordance with the Council's usual decision-making processes under the Local Government Act 2002 (LGA02). Sections 83 and 87 of the LGA02 also apply, as it is recommended that the special consultative procedure be used in this instance, even though the Council is not required to use that procedure. Section 87 provides that the statement of proposal in such instances is a draft of the proposed policy.

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6 Cont'd

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

13. Initial analysis and review of this policy has applied the LGA02 decision-making requirements, including assessment in terms of the CCC Policy on Determining Significance (see report to Council on 24 September 2009, and the assessment of options section of this report).

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. 5.3 City Promotions – 5.3.2 Promoting the City as an attractive place to live, learn and work.
7.0 Events and Festivals – 7.2.7 Manage Cathedral Square as an event venue.
9.0 Enforcement and Inspections – Protect public health and safety; enforce compliance.

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

15. As above.

ALIGNMENT WITH STRATEGIES

16. This policy gives effect to the Public Places Bylaw 2008 and should be read in conjunction with the Council's General Bylaw 2008, Traffic and Parking Bylaw 2008, Parks and Reserves Bylaw 2008 and the relevant rules, policies and objectives in the District Plan/City Plan.
17. The Trading and Events in Public Places Policy is aligned to the following Christchurch City Council strategies, plans and policies:
- (a) Central City Revitalisation Strategy.
 - (b) Safer Christchurch Strategy.
 - (c) Pedestrian Strategy.
 - (d) Parking Strategy.
 - (e) Equity and Access for People with Disabilities Policy.
 - (f) Long Term Council Community Plan.
 - (g) City for People Action Plan.

Do the recommendations align with the Council's strategies?

18. Yes.

CONSULTATION FULFILMENT

19. During the drafting of this policy some initial discussion was undertaken with some key stakeholders including Community Boards, and potentially affected external parties (ie. Market and stall licence holders, business associations in Lyttelton, Akaroa and Central City; and some business owners).
20. The draft Trading and Events Policy went out for public consultation through a special consultative procedure in March 2010.
21. Eighteen submissions were received and 8 submitters addressed their submissions with the hearing panel (7 on 27 April and 1 on 1 July). The Hearing Panel considered the submissions on 27 April, 11 June and 1 July 2010.
22. The key issues raised by Submitters related to the following clauses in the Draft Trading and Events in Public Places Policy:
- Clause 4 General Approach
 - Booking a park
 - Clause 5 Principles of this policy
 - Mitigating effects on local businesses

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Clause 6 Definitions

Clarification of the definition of "Event"

Clause 8 Permits

Requirement for a permit at all for street trading
 Informal circulation of applications to Community Boards
 Site visit for all applications
 Appeal Process for declined applications

Clause 9 Obtaining a permit

Clarification of what needs a permit when

Clause 10 Fees

Fee structure reflecting community or charitable nature of an activity

Clause 12.2 Open air markets and food stalls

Stall sites in Cashel Mall / Donut Hut
 Cathedral Square – site locations, access
 Stalls remaining on site overnight
 Application consideration by relevant Community Board
 Cathedral Square stalls working well

Clause 12.4 Hawkers

Restricted areas for Hawkers in Akaroa

Clause 12.5 Mobile or Travelling Shops

Restricted areas for Mobile and Travelling Shops in Akaroa
 Appendix A Restricted Roads
 Access to sites in Akaroa

Clause 13.3 Street Performances

Extending the nominated performance areas (Cathedral Square / Worcester Boulevard)
 Need for an identification card
 Amplification
 Noise nuisance
 Including general conditions in the policy
 Sale of merchandise by street performers

23. **Attachment A** contains a summary of the points raised by submitters and the Hearing Panel response to each of these points.

Attached documents

The following documents are attached to this report:

Attachment A - Hearing Panel response to submission points

Attachment B - Trading and Events in Public Places Policy incorporating policy changes post consultation

Attachment C - Tracked changes version of Draft Trading and Events in Public Places Policy identifying changes as a result of the submissions.

HEARING PANEL RECOMMENDATIONS

That the Regulatory and Planning Committee recommends to the Council that it:

- (a) Approve for adoption the Christchurch City Council Trading and Events in Public Places Policy 2010 with the changes shown as tracked changes in the draft policy in Attachment C and incorporated in the final version of the policy in Attachment 'B'.
- (b) Request staff report back to the Regulation and Planning Committee identifying one to three site locations for permanent mobile stall sites in City Mall.

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6 Cont'd

- (c) Request Akaroa/Wairewa Community Board to identify two sites in Akaroa business area for permanent mobile stall sites.
- (d) Revoke the following Christchurch City Council/Banks Peninsula District Council policies:
 - (i) Street Trading Policy
 - (ii) Stalls in Cathedral Square and City Mall
 - (iii) Stall Site Licensing Policy
 - (iv) Victoria Square and Victoria Ampitheatre (use of)
 - (v) Busking conditions
 - (vi) Banks Peninsula District Council Stalls/Market Policy

BACKGROUND (THE ISSUES)

- 24. In July 2008, the Christchurch City Council Public Places Bylaw 2008 became operative.
- 25. The Public Places Bylaw 2008 enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.
- 26. At the completion of the process a new operational policy is to be developed from a review of 12 existing policies and associated matters. The policies all relate to the clauses in the Bylaw that regulate commercial activities and obstructions in public places (clauses 6 and 7)
- 27. The policies were developed before the amalgamation of Banks Peninsula District Council and the Christchurch City Council, and all were developed before the adoption of the new Bylaw. The policies need to be reviewed to ensure that they are still necessary, that they are appropriate and that they are fit for purpose. The review of the policies will:
 - (a) Rationalise the current policies, where needed.
 - (b) Establish whether current practice and needs align with the policies.
 - (c) Assess whether any new matters need to be included.
 - (d) Establish whether the policies align with the bylaw.
 - (e) Take account of internal (Council) needs and external (stakeholder) needs.
 - (f) Result in redrafted policies that are coherent, stand-alone documents.
- 28. In addition to these 12 policies, related operational issues have been identified that would benefit from being included in or adopted into the new operational policy, resulting in some new areas of consideration.
- 29. On 2 February 2009, the Regulatory and Planning Committee agreed to appoint a working party to work with staff to discuss the review of operational policies that relate to matters covered by the Public Places Bylaw 2008. The members of the Public Places Policies Working Party are Councillors Wells, Wall, Shearing, Reid (joined in mid 2009) and Johanson.
- 30. At the request of the Working Party, a staged timetable including restructuring the grouping of the reviews, was developed for consideration by Council at its meeting on 24 September 2009. The new timetable, which worked around the current Council term and the next Council term (post October 2010) was adopted. It was not possible to complete all policy review aspects within the current Council term.
- 31. The Structures on Streets policy was presented to the August 2010 Regulatory and Planning Committee Meeting.

2. 9. 2010

6 Cont'd

Trading and Events in Public Places draft policy

32. This policy only covers trading and events in public places. It does not cover activity on private land (this is covered in the City Plan).
33. Street appeals and soliciting for membership will be covered in a separate policy.
34. The current policies were all adopted in the 1990's and have not been reviewed since that time.
35. Currently trading and events in public places are managed through a mix of council policy and existing practice.
36. The current practices (eg. mobile and travelling shops, hawkers) are guidelines developed by staff over the past 15 years to enable the management of issues around these activities.
37. At the working party meeting on 4 December 2009, the working party decided that the signs policy component for Banks Peninsula needed to be considered with a city wide signs policy and so the Banks Peninsula component will be on hold until the next Council term, post October 2010.

THE OBJECTIVES

38. The key objectives of this public places policy review are to:
 - (a) Review and update, as appropriate, the policy clauses and to enable a working policy that is supported by the Council and the community.
 - (b) Bring together the current policies and practices for both the former BPDC and the Council.
 - (c) Align the policy with current Council plans and strategies.
39. The key objectives of this policy are to:
 - (a) Manage trading and events in public places.
 - (b) Develop a single policy on trading and other commercial or organised activities in public places to assist the public in identifying what can happen where and under what conditions.
 - (c) Foster and encourage activities in areas/communities as appropriate rather than having a blanket rule for all areas/communities.

2. 9. 2010

7. ADOPTION OF REPORT ON DOG CONTROL POLICY AND PRACTICES 2009/10

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager Regulatory & Democracy Group, DDI-941 8462 |
| Officer responsible: | Inspections & Enforcement Unit Manager |
| Author: | Mark Vincent, Animal Control Team Leader |

PURPOSE OF REPORT

1. The Dog Control Act 1996 ("the Act") requires the Council to report annually on the administration of its dog control policy and dog control practices. Once the Council has adopted the report, public notice must be given of the report and a copy sent to the Secretary for Local Government. This provision in the Act was introduced by the Dog Control Amendment Act 2003. The Act lists the information required in the report.

EXECUTIVE SUMMARY

2. The Dog Control Act 1996 was amended by the Dog Control Amendment Act 2003 with a focus on increasing public safety. As part of the amendments Central Government has introduced the requirement for Territorial Authorities to report annually with certain information.
3. The annual report includes details in relation to such matters as: dog exercise and leash control; dog prohibited areas; impounded animals; education programmes and initiatives and a range of specific annual statistics including aggressive/dangerous dogs, number of dogs classified as dangerous or menacing dog, the number of registered dogs, number of infringement notices issued, and the number of prosecutions etc.
4. The Inspections and Enforcement Unit Annual Performance Report 2009/10 will be brought to the Regulatory and Planning Committee which will detail the Inspections and Enforcement Unit's approach, outputs and trend data across the full range of enforcement activities. This additional report will expand on the information provided in the attached report (**Attachment 1**) on the Administration of the Council's Policy and Practices in relation to the Control of Dogs, and will provide additional information in regards to such matters as complaint trends, dog owner numbers, micro chipping, impounding of dogs etc.

FINANCIAL IMPLICATIONS

5. There are no direct financial implications in relation to the preparation of the annual report nor any financial implications should Council adopt the recommendation contained in the report.

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

6. Yes, covered by existing unit budgets.

LEGAL CONSIDERATIONS

7. Section 10A Dog Control Act 1996 requires that a Territorial Authority must report on the administration of its Dog Control Policy and Practices. The section requires a territorial authority to:
 - (a) In respect of each financial year, report on the administration of –
 - (i) Its Dog Control Policy adopted under section 10; and
 - (ii) Its Dog Control Practices
 - (b) In respect of each financial year, provide information relating to –
 - (i) The number of registered dogs
 - (ii) The number of probationary and disqualified owners
 - (iii) The number of dogs classified as dangerous and the relevant provision under which the classification was made.
 - (iv) The number of dogs classified as menacing under section 33A
 - (v) The number of dogs classified as menacing under section 33C
 - (vi) The number of infringement notices issued
 - (vii) The number of dog related complaints received
 - (viii) The number of prosecutions taken

2. 9. 2010

7 Cont'd

- (c) The Territorial Authority must give public notice of the report –
 - (i) by publishing the report in –
 - (1) One or more daily newspapers circulating in the district, or
 - (2) One or more other newspapers that have at least an equivalent circulation in the district to the daily newspapers circulating in that district, and
 - (ii) by any means that the territorial authority thinks desirable in the circumstances.
- (d) The territorial authority must also, within one month after adopting the report, send a copy of it to the Secretary for Local Government.

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

- 8. As per above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

- 9. The annual report and recommendation contained in this report aligns with the LTCCP level of services for Animal Control as the levels of service detailed in the LTCCP require complaints in regards to aggressive behaviour by dogs to be responded to within stipulated timeframes (page 90 of the 2009-19 LTCCP, under "Regulatory Services".

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

- 10. Not applicable.

CONSULTATION FULFILMENT

- 11. There is no requirement for consultation in relation to the preparation of the annual report. There is a statutory requirement (section 10A of the Dog Control Act 1996) for the report to be publicly notified once adopted by Council.

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee recommend to the Council to adopt the attached Christchurch City Council Report on Dog Control Policy and Practice for 2009/10, pursuant to Section 10A of the Dog Control Act 1996.

2. 9. 2010

8. **ADOPTION OF ANNUAL REPORT TO THE LIQUOR LICENSING AUTHORITY FOR THE PERIOD ENDING 30 JUNE 2010**

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager Regulatory & Democracy Group, DDI 941-8462 |
| Officer responsible: | Inspections & Enforcement Unit Manager |
| Author: | Paul Rogers, Liquor Licensing Team Leader |

PURPOSE OF REPORT

1. The Sale of Liquor Act 1989 ("the Act"), section 105, requires every District Licensing Agency (DLA) to prepare and send to the Liquor Licensing Authority (LLA) a report of the District Licensing Agency's proceedings and operations during the year no later than three months after the end of every financial year.
2. The LLA advises the DLA of the annual report format and the information required in the report. The annual report attached and marked **Appendix 1** has followed the required report format.

EXECUTIVE SUMMARY

3. This report is required to be submitted to cover the year July 2009 to June 2010. This has proved to be a year in which the community and the media have focused a great deal of attention on alcohol both from a licensing perspective and from a liquor abuse perspective.

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

4. There are no financial implications arising out of this report.

LEGAL CONSIDERATIONS**Have you considered the legal implications of the issue under consideration?**

5. Yes. Pursuant to the Sale of Liquor Act 1989 ("the Act"), section 105 (1), requires every District Licensing Agency (DLA) to prepare and send to the Liquor Licensing Authority (LLA) a report of the District Licensing Agency's proceedings and operations during the year no later than three months after the end of every financial year.
6. Subsection (2) of section 105 requires the DLA to supply a copy of each such report to any person who requests it on payment of such reasonable fee as the Authority or Agency may prescribe.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

7. Yes. The Annual Report supports Council's Regulatory Services activities, which includes the protection of public health and safety (page 94 of the LTCCP, level of service under Regulatory Services).

ALIGNMENT WITH STRATEGIES**Do the recommendations align with the Council's strategies?**

8. Yes the recommendations links to the Council's Safer Christchurch Strategy's aim of alcohol becoming a less significant cause of crime and injury.

CONSULTATION FULFILMENT

9. No external consultation has been carried out, but internal consultation between the Inspections and Enforcement Unit, Strategy and Planning Unit, Legal Services and the Alcohol Policy and Liquor Control Bylaw Sub-Committee, has taken place.

2. 9. 2010

8 Cont'd

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee recommend to the Council that it adopt the attached 2009/10 Annual Report to the Liquor Licensing Authority pursuant to Section 105 of the Sale of Liquor Act 1989.

2. 9. 2010

9. INSPECTIONS AND ENFORCEMENT UNIT ANNUAL PERFORMANCE REPORT 2009/10

| | |
|-------------------------------------|---|
| General Manager responsible: | General Manager Regulation & Democracy Services, DDI 941-8462 |
| Officer responsible: | Inspections & Enforcement Unit Manager |
| Author: | Gary Lennan, Inspections & Enforcement Unit Manager |

PURPOSE OF REPORT

1. Inspections and Enforcement Unit staff have recognised the need to provide the Council through the Regulatory and Planning Committee with better information in regards to the service outputs and operational issues as they relate to the Council's inspections and enforcement functions.
2. To better inform the Council, staff have developed an annual performance report that will be submitted to the Regulatory and Planning Committee for the Committee's information. A copy of the report is attached (**Attachment 1**).

EXECUTIVE SUMMARY

3. The Inspections and Enforcement Unit of the Regulation and Democracy Group was established as a separate business unit within Council at the end of the 2005/06 financial year. The purpose of the restructure was to bring all enforcement and inspections functions undertaken by Council under the control of one business unit.
4. As the Inspections and Enforcement Unit has moved to introduce best practise across the range of inspection and enforcement functions, it was identified that no single document existed to explain the Council's enforcement approach, outputs and operational issues of the teams that deliver the Council's inspections and enforcement services. As a consequence it was also recognised that the Council received little information to assist the Council to remain informed about the delivery of it's enforcement and inspections functions.
5. To better inform the Council, staff have developed an Inspections and Enforcement Unit Annual Performance Report that will be submitted to the Regulatory and Planning Committee for the Committee's information.

FINANCIAL IMPLICATIONS

6. The cost of producing the annual performance report has been met out of the Inspections and Enforcement Unit's operational budget.
7. Due to the pending local body elections and the limited number of Council meetings post August 2010, this year's annual performance report is submitted in a "word document" format and will be formally published after Council formally acknowledges receipt of the report.

LEGAL CONSIDERATIONS

8. There are no legal implications arising from the creation of the Inspections and Enforcement Unit Annual Performance Report.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The creation of the annual performance report helps to support the Council's Regulatory Services activities, detailed on pages 88-91 of the 2009-19 LTCCP.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

CONSULTATION FULFILMENT

11. Not applicable.

2. 9. 2010

9 Cont'd

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee note and acknowledge receipt of the 2009/10 Inspections and Enforcement Unit Annual Performance Report.

2. 9. 2010

10. DISTRICT PLAN REVIEW PROPOSED TIMELINE

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager, Strategy and Planning DDI 941-8281 |
| Officer responsible: | Programme Manager District Planning |
| Author: | Brigitte de Ronde, Programme Manager District Planning |

PURPOSE OF REPORT

1. The purpose of this report is to present a proposed timeline to committee for its consideration for the District Plan Review project, as requested at the July 2010 Regulatory and Planning committee.

EXECUTIVE SUMMARY

2. The recommendations indicate that there is a will to review the City's District Plan. The current Activity Management Plan for Activity 1.3 :District Plan, under performance standard 1.3.5 also states that the Christchurch City District Plan is to be reviewed and notified according to statutory timeframe by November 2015. This report includes a proposed timeline within which such a review could occur once the resolution to formally undertake a review has been made. A Scoping paper outlining the Review, resources required, and priority actions and management structures will be work-shopped in February 2011 with the new Council. A report with the resolution to undertake the Review will be presented to the March 2011 Regulatory and Planning committee.
3. The review of the District Plan has been signalled on the District Plan Work Programme, and in the LTCCP. There are a number of significant drivers that have highlighted the need to commence this review. These include:
 - (a) the opportunity to integrate and standardize the approaches between the Christchurch City Section and the Banks Peninsula Section.
 - (b) the opportunity to incorporate the policy directions that Council has adopted as part of the UDS, and PC1 in order to align the Plans policy and regulatory environment to the intention of the UDS.
 - (c) the opportunity to review the structure, and philosophy of the plan to provide a stronger and more directive plan, that is clearer in its expectations and outcomes than the current plan has proven to be.
 - (d) the opportunity to introduce substantive changes to reduce the ongoing volume of private plan changes which are reshaping the plan in a de facto manner.
 - (e) the opportunity to comprehensively review the structure and format of the plan, and to introduce a comprehensive modern mapping and electronic plan format.

The report in March 2011 will address the outcome of the Section 35 monitoring report, which will flesh out in greater detail the specific areas Council should be looking at.

4. The timeline below indicates that within two terms of Council (six years) it should be possible to complete all community and Community Board consultation, drafting of the new chapters with their accompanying section 32, hearings and major Decisions released, subject to sufficient resources of both Council staff and funding being allocated.
5. Minor Decisions (on chapters with less significance) and the resolution of appeals would occur outside of the 6 year timeframe. Also, some minor chapters may also have their Decisions released just outside of the 6 year timeframe.

FINANCIAL IMPLICATIONS

6. The review of the City Plan will be resource hungry, particularly through the long drafting and hearings phases. The scale of the project will depend on the scope of the review (to be considered by Council in March 2011), and the speed at which Council wishes to progress the

2. 9. 2010

10 Cont'd

review. There will also be the need to balance other work programmes with the demands of the review, particularly as much of this work is interrelated. Funding requirements will be addressed as part of the 2011/12 Annual Plan review.

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

7. See above.

LEGAL CONSIDERATIONS

8. Under s79 of the Resource Management Act (RMA) a local authority must commence a review of provisions of its District Plan if there has been no review or changes undertaken within the previous 10 years. Under s79(4) a local authority may also commence a full review of its District Plan at any time. In carrying out a review under subsection 4 (which is the case in this District Plan Review) the authority must review all of the sections in the Plan regardless of when each section became operative. As a consequence legal advice is that it is not possible to notify discrete parts of the Plan i.e. chapter by chapter. Legal advice also indicates that it is possible to hear submissions over two terms of Council if the need arises. It is noted however that there is a time limit on how quickly the hearing the Decision process must occur. Clause 10(4) of the First Schedule of the RMA states that the Council must make and notify its Decisions no later than 2 years after notifying the Plan. However legal advice is that there is nothing which prevents Council from exercising s37 and 37A to extend time limits potentially out to 4 years, subject to application of the criteria given under 37A.

There is a need for the Council to formally resolve that the Review will take place and under which provision of the RMA.

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

9. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Yes this project sits within the LTCCP and Activity Management Plan 1.3: District Plan

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

11. Yes, the level of service stated in the above LTCCP is that the Christchurch City District Plan review is notified according to statutory timeframe by November 2015.

ALIGNMENT WITH STRATEGIES

12. There are numerous strategies the City has adopted since the current was adopted that are not reflected in the Christchurch District Plan/s currently. For example the Sustainability Strategy, the Biodiversity Strategy, the South West Area Plan, the Belfast Area Plan, the Central City Revitalisation etc. The purpose of the Review is to align the District Plan with the rest of Council's current strategy and policy positions, including Proposed Change 1 to the Regional Policy Statement.

Do the recommendations align with the Council's strategies?

13. Yes.

CONSULTATION FULFILMENT

14. None at this stage.

2. 9. 2010

10 Cont'd

STAFF RECOMMENDATION

It is recommended that the Committee recommend to the Council that it:

- (a) Resolve pursuant to Section 79 (4) to undertake the review of its City Plan (Christchurch City and Banks Peninsula), noting that the Scoping Report for the review will be presented to Council at its March 2011 meeting.
- (b) Receive and adopt the attached timeline for the review of the Christchurch City Plan.
- (c) Recommend to the new Council that it establish a working party or committee (as the Council considers appropriate) to work with staff on the review, and its consultation.
- (d) Acknowledge that the funding and resource requirements to complete the review will be addressed in the March 2011 Scoping Report, and considered as part of the 2011/12 Annual Plan.

BACKGROUND (THE ISSUES)

15. The RMA requires and provides for the regular review of a District Plan. The Council has signalled its intention to do so. The 2010/11 Work Programme Report indicated that the intention for Council was to, in the short term, to complete a number of existing plan change processes, and commence work on a review of the City Plan. The review of the City Plan provides Council to address a number of significant issues with the current City Plan. These include:

The review of the District Plan has been signalled on the District Plan Work Programme, and in the LTCCP. There are a number of significant drivers that have highlighted the need to commence this review. These include:

- (a) The opportunity to integrate and standardize the approaches between the Christchurch City Section and the Banks Peninsula Section,
- (b) The opportunity to incorporate the policy directions that Council has adopted as part of the UDS, and PC1 in order to align the Plans policy and regulatory environment to the intention of the UDS,
- (c) The opportunity to review the structure, and philosophy of the plan to provide a stronger and more directive plan, that is clearer in its expectations and outcomes than the current plan has proven to be,
- (d) The opportunity to introduce substantive changes to reduce the ongoing volume of private plan changes which are reshaping the plan in a de facto manner,
- (e) The opportunity to comprehensively review the structure and format of the plan, to introduce a comprehensive modern mapping and electronic plan format.

The advice received is that Council needs to formally resolve the review of the City Plan.

16. During the discussion on the District Plan work programme officers were requested to table a report to this committee stating a proposed timeline for the District Plan Review and if possible for that project to be undertaken within two terms of Council i.e. 6 years. The timeline below proposes that the developmental and public notification stages of the review could be undertaken within the 6 year timeframe, however the resolution of any appeals would fall outside that timeframe.
17. Critical matters in terms of preparing for the district plan review are outlined in following paragraphs. One of these is the decision to stop commencing new work on the current plan (i.e. new Council initiated plan changes) and to reallocate staff resources and funding to the

2. 9. 2010

10 Cont'd

district plan review. It was recommended and resolved in the report on the District Plan work programme report, that the Council complete plan changes that have already been notified and any outstanding variations/ appeals on both the City Plan and the Banks Peninsula Plan, and that no new council initiated plan changes are initiated after the 2010 - 2011 financial year.

18. Private Plan Changes however can be lodged at any time and must be assessed once lodged. It was therefore indicated in the District Plan work programme (reported to this committee in July) that some staff resources would still be required to assess any new private plan changes lodged and to complete ongoing private plan changes. However, it is expected that few if any private plan changes are likely to be lodged once the Review is underway. The reason being that officers would be trying to persuade developers to work with the Council through the review process instead of submitting a private plan change. There are benefits to the developer in that the costs of any plan change would be borne by the Council. The benefit for the Council in this approach is that the Council retains control of the process and the outcome and therefore is more proactive in ensuring development in the City occurs where and when it wants it. In particular in Greenfield areas, it is seen to be beneficial if the Council takes responsibility for developing the zoning of these areas. This matter will be discussed in more detail in the scoping report.
19. Planning staff will also be required to continue to service appeals and any evidence required if an appeal proceeds to an Environment Court Hearing. Currently there are 14 plan changes (including private and Council led) which either require Decisions or have had appeals received against the Decision. It is unknown how many of the plan changes yet to be decided upon may result in appeals. It is also unknown how many appeals may require Hearings to the Environment Court and therefore will require evidence. To date, appeals with respect to any actions underway include Private Plan Change (PPC) 22 – Styx Centre, PPC 45 – Christchurch Golf Resort and the Belfast 293 case. Other Strategy and Planning staff and projects will also be affected by the workload the District Plan Review requires. The scoping report will address what resources are required for the review, both directly on the District Planning teams and throughout the remainder of the Strategy and Planning Group, and the wider Council. Any additional funding requirement will be addressed as part of the 2011/12 Annual Plan.
20. Resourcing constraints from other Groups within Council may also affect the proposed timeline. Officers have already engaged with IT and GIS to discuss the implications of the impending workload the District Plan Review would entail (improved maps etc). Other Groups to be affected would include Public Affairs, and City Environment. Again, further detail on this matter will be included in the scoping report. Further, progress against the timeline is also dependent on time allocated to workshops, committee meetings, hearings and deliberations by Councillors. This matter should be considered during the induction of the new Council.
21. Detail on the scope of the District Plan Review will be discussed at a Regulatory and Planning committee workshop in February 2011 followed by a report will in March 2011. The scope of this project will determine what amount of work is necessary and the resources required undertaking the scope of works. If the proposed timeline below is to remain viable given that the scoping paper is not completed (and neither is the S35 efficiency and effectiveness of District Plan rules work due November 2010) then it is highly likely that additional resources will be required in order to achieve the workload within the proposed timeframe. Lastly it is emphasised that the proposed timeline outlined below is the quickest timeframe that could be expected subject of course to discussions on the scoping report and what the purpose and content of the Review will be.
22. Major Tasks Proposed Timeline – District Plan Review

The potential timeline for the review is outlined below. Note that the tasks column includes work to be done by the Councillor Working Party in conjunction with Staff. This timeline has included the statutory steps outlined in Schedule 1 of the RMA and the key tasks that are normally part of plan making:

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| Year(s) (Council financial year) | Tasks (Staff and Councillor Working Party) | Other influences |
|--|--|--|
| 2010 – 2011 (now until June next year) | <p><u>COUNCIL FIRST TERM</u></p> <p>INITIATION PHASE</p> <ul style="list-style-type: none"> • Proposed timeline presented to Sept Reg and Planning committee • Scoping report to workshop in February 2011 and then in March to Committee for approval. Establishes content and work programme for the Review. • Special Committee set up for District Review to be nominated after elections • Begin initial consultation with Community Boards • Assign teams to various chapters/issues • Prioritise chapters for major content change vs. simple reformatting and prepare schedule of order of chapters to go to councillor workshops • Finalise format for new plan chapters • Ensure have all necessary staff /consultants required on board e.g. project manager and technical advisor, project Control Group, GIS etc – contracts in place | <p>2010 Local govt elections Phase 2 of RMA reforms Ongoing RPS review and PC1 appeal evidence work</p> <p>Release of Natural Resources Regional Plan Decisions (ECan)</p> |
| July 2011-2012 2012-2013 | <p><u>CONSULTATION AND DEVELOPMENT PHASE</u></p> <ul style="list-style-type: none"> • Undertake stock take of issues (from Community Boards, SPG register, other consultation, EPA , and s35 report) and undertake public consultation – key stakeholders, Community Boards, iwi, others • Research and drafting of chapters and section 32s • Advise designating authorities and get any changes to be made to designations or new designations • Mapping completed | <p>2011 Central Govt elections</p> <p>Ongoing RPS review and PC1 appeals</p> <p>2012-2022 LTP preparation</p> <p>Release of Decisions on Proposed Change 1 (PC1) to the Regional Policy Statement (RPS), chapter 12 A</p> <p>*2013 Local govt elections</p> |
| –Early 2014 | <p><u>COUNCIL SECOND TERM</u></p> <p>NOTIFICATION PHASE</p> <ul style="list-style-type: none"> • Prepare hearings schedule and panels • Notify entire District Plan • Submissions and Furthers submissions | <p>Continued release of Decisions on PC1 to the RPS</p> <p>2015-2025 LTP preparation</p> |
| Mid 2014 -2016 | <p><u>HEARINGS AND DECISIONS</u></p> <ul style="list-style-type: none"> • All Hearings • Deliberations/ release Decisions (major chapters) | <p>*2016 Local govt elections</p> |

2. 9. 2010

10 Cont'd

| | | |
|----------------|--|--|
| 2017-2018 | <ul style="list-style-type: none"> • Release any smaller Decisions (minor chapters) • Receive appeals • Prepare Replies to appeals | |
| Post 2017-2018 | <ul style="list-style-type: none"> • Proceed with appeal negotiations • Potential settlements • Hearings before Environment Court • District Plan Operative when appeals settled | |

2. 9. 2010

11. SUBMISSIONS ON SELWYN DISTRICT PLAN CHANGE 23

| | |
|-------------------------------------|---|
| General Manager responsible: | General Manager Strategy and Planning, DDI 941-8281 |
| Officer responsible: | Programme Manager District Planning |
| Author: | Julia Forsyth |

PURPOSE OF REPORT

1. The purpose of this report is to:
 - Inform the Council of the officer submission made on a Selwyn District Council plan change which is related to the implementation of Regional Policy Statement Proposed Change 1. (**Attachment 1**)
 - Seek a decision from the Council to either retrospectively endorse the submission or to withdraw the submission.

EXECUTIVE SUMMARY

2. Selwyn District Council (SDC) has notified two plan changes as part of their implementation of Regional Policy Statement Proposed Change 1 (PC1), one of which is of interest to the Council.
4. SDC Plan Change 23 replaces the 50 dBA and 55 dBA airport noise contours in Selwyn District with the revised contours modelled in 2007, and subsequently included in PC1. The existing policy framework supporting the contours is not being amended. Plan Change 23 is consistent with the Council's appeal on PC1, which seeks to maintain a strong policy approach by avoiding residential development within the 50 dBA contour.
5. The successful outcome of this plan change will be important for SDC in achieving the growth pattern as set out in PC1. Officers consider it is important for the Council to be involved in supporting Plan Change 23 and monitoring its progress, as any adverse outcomes in the decision on the airport noise contours in Selwyn District may affect the City's ability to implement PC1. However, should the Council not wish to participate in the hearing of Plan Change 23, the submission can be withdrawn,

FINANCIAL IMPLICATIONS

6. None.

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

7. Yes.

LEGAL CONSIDERATIONS

8. Legal advice supports the desirability of making a submission on Plan Change 23 in order to promote integrated management on the key issue of airport noise contours across territorial authority boundaries and between UDS partners.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Yes.

Performance Standard 1.0.2

Development of policy and plans to implement the Council's components of the Greater Christchurch Urban Development Strategy (UDS) Action Plan.

The focus of work for 2009/10 to 2011/12 will be on:

- *Supporting regional policy and planning processes...*

2. 9. 2010

11 Cont'd

ALIGNMENT WITH STRATEGIES

10. Aligned with the Urban Development Strategy, and in particular with agreed processes for ongoing collaboration with UDS partners.

CONSULTATION FULFILMENT

11. Not required

STAFF RECOMMENDATION

It is recommended that the Committee recommend to the Council that it:

- (a) Endorse the submission on Selwyn District Council Plan Changes 23 as shown in Attachment 1.
- (b) Direct staff to represent the Council at any hearing in relation to this submission.