

**GREATER CHRISTCHURCH URBAN DEVELOPMENT
STRATEGY IMPLEMENTATION COMMITTEE**

MONDAY 31 OCTOBER 2011

AT 1.30PM

**IN THE SUDIMA HOTEL
CORNER MEMORIAL AVENUE AND ORCHARD ROAD, CHRISTCHURCH**

Committee:

UDS Independent Chair
Bill Wasley.

Christchurch City Council
Mayor Bob Parker, Councillors Sue Wells and Claudia Reid.

Environment Canterbury
Commissioners Tom Lambie, Peter Skelton and Rex Williams.

Selwyn District Council
Mayor Kelvin Coe, Councillors Lindsay Philps and Malcolm Lyall.

Waimakariri District Council
Mayor David Ayers, Councillors Jim Gerard and Dan Gordon.

Te Rūnanga o Ngāi Tahu
Mike Sang.

Interim Implementation Manager
Jill Atkinson

Committee Adviser
Warren Brixton
Telephone: 941-5575

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CATERING

A light lunch will be available at 1pm

31.10.2011

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1. APOLOGIES

Nil.

2. CONFIRMATION OF PREVIOUS MINUTES: MEETING OF 22 AUGUST 2011

Attached.

3. MATTERS ARISING

31.10. 2011

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CHRISTCHURCH CITY COUNCIL

**MINUTES OF A MEETING OF THE
GREATER CHRISTCHURCH URBAN DEVELOPMENT STRATEGY
IMPLEMENTATION COMMITTEE**

**Held in the Copthorne Commodore Hotel,
449 Memorial Avenue, Christchurch
on Monday, 22 August 2011 at 2pm.**

PRESENT: Bill Wasley (Chairperson), Mayors David Ayers and Kelvin Coe, Commissioners Peter Skelton and Rex Williams, Councillors Dan Gordon, Malcolm Lyall, Lindsay Philips, Sue Wells and Chrissie Williams.

IN ATTENDANCE: Margo Perpick (Legal Counsel).

1. APOLOGIES

Apologies were received and accepted from Mayor Bob Parker, Commissioner Tom Lambie and Councillor Jim Gerard.

2. CONFIRMATION OF PREVIOUS MINUTES

It was **resolved** that the Minutes of the previous meeting of 30 May 2011, as circulated, be taken as read and confirmed.

3. WELCOME

Bill Bayfield, the newly appointed Chief Executive of Environment Canterbury, was welcomed to the meeting.

4. UDS BI-MONTHLY IMPLEMENTATION REPORT

It was **resolved** that:

1. The Bi-Monthly report of the Independent Chair and Chair IMG be received.
2. The next meeting of the UDSIC be held on the 17 October 2011, at a venue to be advised.

5. RESOLUTION TO EXCLUDE THE PUBLIC

It was resolved on the motion of Councillor Chrissie Williams, seconded by Mayor Kelvin Coe, that the resolution to exclude the public set out on page 5 of the agenda be confirmed, and that Margo Perpick (Legal Counsel) Roger Sutton (CERA) and Bernise Smith be permitted to remain.

4. UDS BI-MONTHLY IMPLEMENTATION REPORT - INDEPENDENT CHAIR AND IMPLEMENTATION MANAGER

Report To: UDS Implementation Committee (UDSIC)
Subject: UDS Bi-Monthly Implementation Report
Report Author(s): Independent Chair & Acting IMG Chair
Report Date: 31 October 2011
Reference to UDS: Effective Governance and Leadership

1. PURPOSE OF REPORT

This report provides an update to the Committee on UDS implementation and in particular activities since the August UDSIC meeting.

2. IMPLEMENTATION

2.1 UDS Implementation Manager

Keith Tallentire has been appointed to the Implementation Manager position. He is currently employed by Ecan and has been on secondment to CERA. He also fulfilled the Implementation Manager in an interim manner prior to his undertaking the CERA secondment. Keith will commence in the role in January 2012.

In the intervening period Tim Harris, Planning Manager with Selwyn District Council will undertake various implementation management tasks with support from the Acting IMG Chair (Jill Atkinson) and the Independent Chair.

2.2 UDS Implementation Management Group (UDSIMG)

Currently UDSIMG meet on bi-weekly basis. Topics of discussion have included Change 1 appeals and earthquake response and recovery. The CEAG have confirmed that Jill Atkinson continue in the role of Acting IMG Chair. The matter is likely to be reviewed in mid 2012.

2.3 Making Change 1 to the RPS Operative

This matter is considered in a more detailed agenda report. The making operative of however of PC1 will allow greater focus and resource allocation on earthquake recovery related matters.

2.4 CERA

Ms Diane Turner General Manager Strategy and Plans has been invited to attend the meeting to outline her role, various observations and matters related to an effective UDS/CERA relationship and working arrangements. Diane was the former Chief Executive of Whakatane District Council in the eastern Bay of Plenty.

4. Cont'd

2.5 Risk profile

There are several key risks which affect the implementation of the UDS:

Nature of Risk	Probability ¹	Impact	Comment
Adequate and consistent resourcing in a timely manner. This covers both purely budgetary and staff resourcing. (CEAG to address risk in the first instance)	2(2)	5	Appointment of Implementation Manager is a key resource matter, and interim arrangements have been put in place.
Failing to successfully implement, in a form intended by the UDS partners, the growth management strategy through the Regional Policy Statement.	1 (5)	10	PC1 made operative through use of earthquake recovery legislation. No further High Court or Environment Court action.
Private Plan changes undermining RPS and UDS	3(5)	3-9	Having operative RPS reduces the significant threat to establishing the land form sought through the UDS
Inconsistent communications/ Lack of alignment	3(3)	3	.
Lack of Government Engagement and alignment	2(2)	5	Relationship with CERA evolving in a positive manner.

2.6 Administration Authority Arrangement

CEAG has confirmed that CCC will continue as administration authority for the UDS partnership through to December 2014.

¹ Rankings for both Probability and Impact are between 1 = low and 10 = high; Bracketed is previous

4. Cont'd

2.7 Future Agenda Items

The following items are likely to be on the UDSIC agenda in November. Whilst a date is not currently in diaries, a date is being sought.

- UDS Bi-monthly Implementation Report
- Role of UDSIC in respect of recovery plans

2.8 UDSIC Meeting Schedule for 2012

The following meeting dates are being worked through with the partners for inclusion into diaries and are as follows;

20 February	21 May
19 March	18 June
16 April	16 July
20 August	17 September
15 October	19 November

The meetings are to be held bi-monthly and generally on the third Monday of the month. However meetings are also scheduled in the intervening month so are available if needed. If not they can be cancelled.

2.9 Acknowledgment - Former UDSIC Member- Chrissie Williams

It is appropriate to acknowledge the input and contribution of former UDSIC member, Chrissie Williams. Chrissie had been a UDSIC member for several years and provided well considered input and thinking during that time, an example being part of the working group that undertook the UDS action review in 2009 and 2010.

3. RECOMMENDATIONS

- 3.1** *That the bi-monthly report of the Independent Chair and Acting IMG Chair be received.*
- 3.2** *That the meeting schedule and arrangements be confirmed in principle*
- 3.3** *That the Implementation Committee acknowledge and thanks Chrissie Williams for her contribution to the UDS, and that the Independent Chair formally convey this on behalf of the UDSIC*

Bill Wasley - Independent Chair

Jill Atkinson-Acting IMG Chair

5. MAKING CHANGE 1 OPERATIVE: REPORT

Report To: UDS Implementation Committee
Date: 31 October 2011
Subject: Making Change 1 Operative
Report Author: Laurie McCallum, Programme Manager - UDS

4. PURPOSE OF REPORT

This report informs UDSIC of the actions of the Minister for Canterbury Earthquake Recovery, the Hon. Gerry Brownlee, in relation to proposed Change 1 to the RPS and the consequential actions of the UDS Partners in response.

5. CHANGE 1 TO THE RPS

Following the public notification of the draft Canterbury Earthquake Recovery Strategy, the UDS Partners had sought an adjournment of the Environment Court proceedings. This was rejected by the court and the UDS Partners filed proceedings in the High Court seeking that the adjournment be upheld.

These proceedings have now been overtaken by the actions of the Minister for Canterbury Earthquake Recovery who announced on Friday, 14 October 2011, that he would use his powers under section 27 of the Canterbury Earthquake Recovery Act 2011 to give effect to Change 1 (PC1). This occurred on Monday, 17 October by way of public notice in The Press informing that the Minister had inserted Chapter 12A, including Map 1 (based on PC1 but updated to take into account the Canterbury earthquakes) into the operative Canterbury Regional Policy Statement and that PC1 was revoked.

Prior to this on 8 October, the Minister had similarly using section 27 of the CERA provisions, inserted Chapter 22 into the operative RPS. Chapter 22 contains provisions for an exception (due to the earthquakes and urban form) to use land at Kaiapoi for residential purposes (noise sensitive activities) under the noise contour for Christchurch International Airport and an objective and policies for the 50 dBA Ldn noise contour which preclude noise sensitive activities (apart from permitted housing on rural land) elsewhere within the contour.

So Change 1, in the form of Chapters 12A and 22, now forms part of the operative RPS, where the test within the RMA is "shall give effect to".

With Change 1 having been revoked, the appeals on it in the Environment Court now fall away as the RMA document to which they relate has been revoked.

The Minister has taken these steps as part of earthquake recovery, particularly to facilitate the efficient and effective provision of land for housing and for that land development to occur in a well designed, appropriate manner, supported by urban infrastructure.

6. HIGH COURT

Upon being informed of the actions of the Minister, the UDS Partners informed the High Court and sought that proceedings be discontinued. The High Court has confirmed that action with the issue of a minute from Justice Chisholm.

5. Cont'd

7. ENVIRONMENT COURT

Upon being informed of the actions of the Minister, the UDS Partners informed the Environment Court, however Progressive Enterprises Ltd, (an appellant seeking land at Marshlands come within the Urban Limit in Change 1) filed a memorandum seeking costs and the discovery of communications between the UDS Partners and CERA and the Minister over the September/October period prior to 17 October.

The making of the orders sought in the Progressive memorandum is opposed by the Canterbury Regional Council and the other UDS Partners involved in these proceedings, on the grounds that:

- a. the Court does not have jurisdiction to make the orders sought; and
- b. even if such jurisdiction did exist, it would not be justified, reasonable or appropriate to make the orders sought.

The UDS Partners have informed the Environment Court that no determination should be made on the orders sought by Progressive without a prior hearing before the court. To date there has been no response from the Environment Court.

8. GIVING EFFECT TO CHAPTERS 12A AND 22

The UDS Partners have already been working to implement Change 1, to the extent that that was possible in light of appeals within their various district plans and other planning documents. There is also a Plan Sub Group of officers reporting to UDSIMG which monitors and co-ordinates actions on all plan changes and resource consents and their alignment with Change 1. This work will continue, with a workshop for officers proposed on 'giving effect' to Chapters 12A and 22.

It is critical now that Chapters 12A and 22 be implemented effectively in order to assist in earthquake recovery by providing for greenfields housing land in locations which align with where the territorial local authorities and NZTA have been planning, funding and providing urban infrastructure. Part of 'giving effect' to Chapters 12A and 22 is recognising that there are inefficiencies and a needless dispersal of scarce recovery resources by permitting urban development beyond the 35 – 40 years of land supply provided by those provisions.

It is also critical that UDS Partner monitoring occur of vacant urban land supply and other key variables for both understanding and being able to inform the Minister on, the implementation of Chapters 12A and 22.

Some appellants on Change 1 have contacted the UDS partners post the Ministers announcement, enquiring about the prospects for their land, now that the appeals process in the Environment Court has come to an end. A sub- group of UDS IMG officers representing each partner is to meet and consider each enquiry, so that any response continues as a UDS Partner one. The group will report back via UDS IMG and CEAG.

9. RECOMMENDATION

That the report be received

7. RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 6, 7 and 8.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
8. MEETING MINUTES CONFIRMATION: MEETING OF 22 AUGUST 2011) GOOD REASON TO	SECTION 48(1)(a)
9. CERA ACTIVITIES AND UDS PARTNERS) WITHHOLD EXISTS	
) UNDER SECTION 7	

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 8	Prevent damage to the public interest	(Section 7(2)(c)(ii))
Item 9	Prevent damage to the public interest	(Section 7(2)(c)(ii))

Chairman's

Recommendation: That the foregoing motion be adopted.

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”