

11. **REPORT FROM REGULATORY AND PLANNING MEETING OF 20 APRIL 2012:
PLAN CHANGE 66 – TEMPLETON SPECIAL RURAL ZONE**

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



PURPOSE OF REPORT

1. This report seeks a Council decision on whether or not to proceed to notification of proposed Plan Change 66 – Templeton Special Rural Zone (PC66). The recommendation is for the Council to notify the proposed plan change and Section 32 assessment (**Attachment 1**). The attachments for this report have been separately circulated.

EXECUTIVE SUMMARY

2. The plan change site is located one kilometre north of Templeton and is the bulk of the former Templeton Hospital site. The site is currently zoned Special Purpose (Hospital) (SP(H)) except that for uses not health-care related Rural 2 (Templeton – Halswell) zone provisions apply. Of the 66 hectare site, 60 hectares is proposed to be rezoned Templeton Special Rural Zone. The remaining 6 hectares would remain as Special Purpose (Hospital) zone. A location map is provided in **Attachment 2**. The site contains a significant number of buildings and internal roads related to the former hospital, and also the Westmount School and buildings.
3. Prior to the Council initiating this plan change, private Plan Change 23 (PC23), lodged by (the landowner) Rookwood Holdings Ltd (RHL) , sought to rezone the site to a new Business 4M (Maddison Park) zone, based largely on the Business 4T (Suburban Industrial - Technology Park) zone provisions. PC23 was declined because it was not the most appropriate way to achieve relevant objectives and policies of the City Plan, particularly those at Volume 2 Section 6 (Urban Growth). RHL appealed against the decision on PC23. The appeal is outstanding but RHL have agreed to withdraw it upon notification of an alternative plan change.
4. The Council resolved on 14 June 2011 to initiate a plan change to enable development of the site in a manner consistent with the rural character of the site and which would enable the re-use and remediation of the site. Staff have prepared PC66 in consultation with Rookwood Holdings Ltd, and in accordance with the Regional Policy Statement (RPS), particularly Chapters 12A (Development of Greater Christchurch) and 22 (Response to Canterbury Earthquakes). PC66 will facilitate development on 60 hectares of the former Templeton Hospital site through a proposed 'Templeton Special Rural Zone' (TSRZ).

FINANCIAL IMPLICATIONS

5. Should the Council resolve to proceed with notifying the plan change there are legal processes which must be followed in accordance with the First Schedule of the Resource Management Act (RMA) 1991. This is a standard process that all plan changes must follow and there are no particular issues or risks that would be incurred if the processes are correctly followed. 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. There is the potential for costs associated with responding to any Environment Court appeals received. Funding is provided from existing budget as part of the District Planning work programme agreed by the Council.
6. The costs of preparing the plan change are shared between the Council and RHL, up to and including the decision on submissions. A formal agreement has been entered into by the parties. This agreement also requires RHL to withdraw their appeal on PC23 when PC66 is notified.

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

7. The recommendations and costs incurred align with the District Planning budget and work programme as provided for under the 2009-2019 LTCCP budget.

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LEGAL CONSIDERATIONS

8. There is a legal process which must be followed for plan changes in accordance with the First Schedule of the RMA. Proceeding in accordance with these procedures should create no particular risks.

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

9. The legal process to be followed in accordance with the First Schedule of the RMA is familiar to the Council through both the private plan change process and in respect of Council initiated plan changes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. The process of Council initiated plan changes is provided for under the LTCCP and Activity Management Plans. This proposed plan change is specifically identified as a project within the Council's District Planning Work Programme.

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

11. The LTCCP identifies an ongoing programme of maintaining and reviewing the City Plan improvements in respect of enhancements to ensure an attractive built environment and to minimise adverse effects on the environment.

ALIGNMENT WITH STRATEGIES

12. The plan change aligns with: Greater Christchurch Urban Development Strategy (UDS) and the Regional Policy Statement (RPS). Specifically, the Regional Policy Statement at Chapter 12A defines rural activity and PC66 has been prepared to be consistent with this definition.

CONSULTATION FULFILMENT

13. PC66 has been developed in conjunction with RHL, with input from technical experts as necessary. Council staff have discussed the plan change with the Council, Regulatory and Planning Committee, and the Riccarton-Wigram Community Board. Staff have also met with ECan, the Christchurch International Airport Limited (CIAL) and two adjoining landowners who made submissions in opposition to the previous plan change (PC23).
14. Some amendments were made to PC66 to address concerns, particularly from ECan and CIAL in relation to noise sensitive activities (education and residential), and it is considered that no party has any significant outstanding concerns. Should the plan change be notified, a submissions and hearings process will follow, enabling interested and affected parties to comment formally on the proposal.

STAFF RECOMMENDATION

That the Council adopts proposed Plan Change 66 (Templeton Special Rural Zone) and assessment under section 32 of the Resource Management Act 1991 and proceed to publicly notify it in accordance with clause 5 of Schedule 1 of Act.

COMMITTEE RECOMMENDATION

The Regulatory and Planning Committee considered this report at its meeting of 20 April 2012. The recommendation from the Committee will be forwarded to the Council.

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BACKGROUND

15. The former Templeton Hospital is located one kilometre north of Templeton and is 66 hectares in size. It is located near the intersection of Kirk and Maddisons Roads, between State Highways 1 and 73, as shown on the location map (**Attachment 2**). The main trunk rail line adjoins State Highway 1 at Templeton. The site is surrounded by both rural and institutional uses, including the Christchurch Men's and Women's Prisons, Nova Trust Drug and Alcohol Rehabilitation Centre, Waitaha Learning Centre, Templeton Chapel, and the Brackenridge Residential Estate (full-time residential care for disabled people).
16. The site is currently zoned Special Purpose (Hospital) except that for uses not health-care related, the provisions for the Rural 2 (Templeton – Halswell) Zone apply. It contains a significant number of buildings and internal roads related to the former hospital, including the Westmount School buildings.
17. Prior to this plan change, PC23 sought to rezone the site to a new Business 4M (Maddison Park) zone, based largely on the Business 4T (Suburban Industrial - Technology Park) zone provisions. PC23 was declined because it was not consistent with relevant objectives and policies of the City Plan, particularly those at Volume 2 Section 6 (Urban Growth). The site is also outside the urban limit as delineated in what was then Proposed Change 1 (PC1) to the Regional Policy Statement (RPS), and is now the operative Chapter 12A of the RPS.
18. RHL appealed against the decisions on both PC23 and PC1. The appeal on PC1 is now void following the deletion of PC1 and insertion of Chapters 12A and 22 into the Regional Policy Statement. RHL have agreed to withdraw its appeal on PC23 upon notification of PC66.
19. Following discussions with RHL, officers have developed a framework for re-zoning the site which is considered appropriate for the site and surrounds and which gives effect to the RPS. The Council resolved on 14 June 2011 to initiate a plan change and PC66 has been prepared on that basis.
20. PC66 will facilitate development of 60 hectares of the former Templeton Hospital site through a proposed 'Templeton Special Rural Zone' (TSRZ). The remaining 6 hectares in the south of the site and adjacent to Brackenridge Residential Estate will retain the SP(H) zoning. Activities will be limited to small-scale rural land-uses, those that support rural land-uses, and those associated with strategic infrastructure.
21. The zone is split into three precincts to ensure the outcomes sought can be achieved. In general terms, the zone seeks to achieve a low density rural development with a large amount of landscaping, and the retention of the rural character of the area. The Rural Business 1 precinct covers the bulk of the site. It provides a balance between building footprint and open space, to enable retention of the rural character of the site and create viable business opportunities. Anticipated land uses in this precinct might include plant for processing agricultural or horticultural produce, farm machinery sales or hire, rural contracting business, warehousing of rural produce or supplies, strategic infrastructure and depots, light engineering and mechanical repairs, and similar uses.
22. The Rural Business 2 Precinct provides for activities which require larger ratio of open space to building footprint. Uses might include vet clinic, small scale horticulture or agriculture, landscape supplies, sand and gravel sales, depots for strategic infrastructure, and similar uses.
23. The Community Facilities Precinct caters for the existing, pool/gym, and hall. Other facilities might include a small diary or café servicing the zone. The rest of the precinct is likely to develop similarly to the Rural Business 2 precinct.

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24. The following table provides an overview of the bulk and location provisions for each precinct.

	Site coverage (community std)	Site coverage (critical std)	Outdoor storage	Landscape	Front setback	Side and rear setback	Height
RB1 (west boundary)	20%	30%	20%	20% or 2000m2 (the lesser)	10m	5m	9m
RB2 (north end)	10%	20%	30%	20% or 2000m2 (the lesser)	15m	10m	9m
CF (Kirk Rd boundary)	20%	30%	15%	20% or 2000m2 (the lesser)	15m	10m	9m

SUMMARY OF ISSUES

Existing Buildings

25. The site currently contains a large number of former hospital buildings and associated infrastructure (i.e. water, sewer, roads). Most of the buildings are in reasonable condition. The existing infrastructure is old and the bulk of it is unlikely to meet current Council standards. It is unlikely that the buildings and infrastructure would be re-used under the current zoning regime and their gradual decline in condition can be anticipated. This issue was specifically identified in the Commissioners' decision on PC1 in relation to this site (and two former freezing works sites at Islington and Belfast). Allowing development of the site as proposed by PC66 would fund and encourage rehabilitation of the site, thereby avoiding potential adverse visual effects and the risk of failure of private infrastructure on the site.
26. Some of the former hospital buildings are used by the Westmount School, and the site is also used for a driver training course. The site is useful for driver training largely because there is no traffic, and it is likely that the driver training would relocate if the site was developed. The plan change does not specifically promote or protect the driver training activity.
27. The Westmount School has been advised that it will need to relocate, because education activities are considered noise sensitive under both the City Plan and the RPS, as discussed below. The School has a temporary resource consent until April 2016.

Chapter 12A of the Regional Policy Statement

28. Chapter 12A to the RPS (essentially the former PC1), includes an urban limit. The site is outside the limit and therefore is restricted in use to rural activities as defined in Ch12A (below). PC66 takes this into account and seeks to promote activities which fit this definition. The City Plan and changes to it (including PC66) must give effect to the RPS and staff have discussed PC66 with Canterbury Regional Council (ECan) officers to ensure that it does so.

Rural Activities: means

- Rural land use activities such as agriculture, aquaculture, horticulture and forestry
- Businesses that support rural land use activities
- Large-footprint parks, reserves, conservation parks and recreation facilities
- Residential activity on lots of 4 ha or more
- Quarrying and associated activities
- Strategic Infrastructure outside the urban limits.

29. Volume 2 Section 6 (Urban Growth) of the City Plan seeks similar outcomes as Chapter 12A. The effects of large scale development outside the urban area on transport, services, and urban form are a significant driver in the preparation of PC66 and the rationale for a low density development. The rules seek to control density, bulk and location in order to achieve these outcomes.

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30. The rules also seek to retain the bulk of existing trees and shelterbelts, a significant landscaping component, and large building setbacks. These rules to help retain the character of the area.

Chapter 22 of the Regional Policy Statement

31. The site is within the air noise contours shown in the City Plan and Chapter 22 of the RPS. ECan and Christchurch International Airport Ltd (CIAL) are concerned to ensure that land-uses within the contours are not noise-sensitive. They consider that creating residential units within the air noise contour would be inconsistent with the RPS.
32. PC66 proposes 15 custodial units over the 60 hectares site, at an average of 1 per 4 hectares. This is commensurate with Rural 2 provisions in the City Plan where 4hectares rural-residential allotments (each with a dwelling) are permitted. It is also considered by Council staff not to be inconsistent with the definition of rural activities in Chapter 12A which provides for residential activity on lots 4hectares or more.
33. ECan and CIAL have indicated that this level of residential activity is not a significant issue for them. Acoustic insulation would be required for residential activities at the plan change site through amendments proposed by PC66 to Rule 2.5.7 (Volume 3 Part 4).
34. PC66 proposes a Facilities precinct within which the existing school would be located. The plan change does not actively promote education facilities because a school is considered to be a noise sensitive activity and the site is within the Christchurch International Airport air noise contour.
35. The school has consent to remain at the site until April 2016.

Stormwater

36. A Report from Barnett and MacMurray Ltd (reviewed for the Council by e2 Environmental Engineers Ltd and Mr Roy Eastman, Council's stormwater engineer) indicates that the site is considered to be suitable for on-site stormwater disposal. A rule addressing stormwater provision is proposed by PC66, and the ODP provides guidance on this matter also.

Water and Wastewater

37. Reports from Eliot Sinclair Ltd (reviewed by Mr Eoghan O'Neill, Council's Water and Wastewater Engineer) finds that some upgrade would be required. Mr O'Neill also noted that the site is located on the periphery of the Council's system. Existing subdivision rules will ensure this occurs in a timely and appropriate manner.

Transport

38. A report was received in relation to the previous PC23 from Traffic Design Group Ltd (TDG), and was reviewed by Abley Transport Engineers Ltd. A subsequent report from TDG reviews their findings in light of the significant differences in density of development and the range of anticipated activities provided by PC66. TDG found that because of the density reduction, activity range, and identified road upgrade projects (Christchurch Southern Motorway and the Barbers Road / SH1 intersection), there are no significant road safety or road network issues. TDG find that Levels of Service at these intersections will be acceptable, and generally in accordance with what is anticipated under the Christchurch Transport Model.
39. It is noted that the upgrade to the Barbers Road / SH1 intersection is not yet part of any work programme, and the Stage 2 of the Christchurch Southern Motorway ('CSM2') is not designated and the route has yet to be formally selected. The CSM2 is the major upgrade in the area and it is likely its construction (scheduled to commence in 2015) will coincide with development of the plan change site, mitigating concerns with Levels of Service at intersections near the plan change site.

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Open Space

40. The site currently includes large areas of open space, including recreation facilities such as a cricket oval, swimming pool, gym, and hall. Advice from Council's reserves planners is that the Council does not need additional facilities in the Templeton area, but that at least 3000 metre square of passive open space should be provided at the plan change site. PC66 provides 1.7 hectare of open space, encompassing the existing sports oval.

Environmental Health Considerations

41. Two land contamination reports have been provided by Pattle Delamore and Partners Ltd (PDP). The first was desk-top only and identified a number of sources of 'potential human health and environmental issues' including fuel storage tanks, landfill and waste disposal stockpiles, and areas previously used for cropping. The second report includes on-site investigation and found minor contamination, such as can be readily remediated.
42. The issue of spray drift from adjoining farming properties was raised during the Hearing for the preceding private Plan Change 23 and again in discussions with the adjoining landowner to the west of the site. Although control of spraying activities is not within the ambit of the City Plan, PC66 proposes a 20 metre buffer area around the perimeter of the site and a rule requiring the retention and improvement of existing shelterbelts within the buffer. These requirements are proposed in order to address a number of issues, including spray drift. Discussions with the owners of the farmland adjoining the site indicate that these measures are sufficient to allay their concerns.

Geotechnical Considerations

43. Subsequent to the significant seismic activity from late 2010, the Council's requirements in terms of geotechnical advice have become more stringent. To avoid rezoning land which is not suitable for the anticipated outcomes, a geotechnical report was commissioned for PC66. A significant number of test pits were excavated and assessed across the site and bore logs kept. The report, from Eliot Sinclair, found that the site contains some minor uncontrolled fill, and that soils in the upper layers have variable bearing strengths. New buildings will require specific design but overall Eliot Sinclair conclude that the site is suited to the proposed zone. The report is attached to the s32 report and is compliant with the requirements of the recent Department of Building and Housing guidelines.

THE OPTIONS

44. A range of options were considered during the preparation of this proposed plan change. This includes options of doing nothing, the 'status quo', as well as various specific methods of amending the Plan provisions. The Section 32 assessment should be referred to for more detail in this regard.

PROCESSING OF COUNCIL INITIATED PLAN CHANGES

45. This is a Council initiated plan change and is subject to the provisions of the First Schedule of the RMA. If the Council decides to notify the plan change then it would be notified in accordance with the provisions of this Schedule. The proposed plan change and Section 32 would be made available for submissions and further submissions. Submitters would then have the right to present their submission at a public hearing. The Council decision must then be notified. A right of appeal to the Environment Court would be available, for any person who made a submission on the proposed plan change.

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SUMMARY

46. Overall, the proposed change is considered to be the most appropriate in terms of efficiency and effectiveness in achieving the Plan's objectives. PC66 makes efficient use of the existing resources at the site and achieves a balance between economically viable land use and retaining rural character in the area. Officers consider the plan change to be adequately researched and addresses the relevant issues to the extent necessary prior to public notification. This does not preclude the possibility of other matters being raised during the submissions process. It is recommended that the proposed plan change is accepted in its entirety for public notification.

12. REPORT FROM REGULATORY AND PLANNING MEETING OF 20 APRIL 2012:
PRIVATE PLAN CHANGE 67 – HIGHFIELD

General Manager responsible:	General Manager Strategy and Planning DDI 941-8281
Officer responsible:	Programme Manager District Planning
Author:	Fiona Eunson, Senior Planner, District Planning

PURPOSE OF REPORT

1. The purpose of this report is to provide the information needed for the Committee to make a recommendation to the Council for a decision required by the Resource Management Act 1991 (RMA) under clause 25 of Schedule 1, on whether to accept, adopt or reject the plan change request lodged by Highfield Park Ltd, and then seek approval for notification of the plan change.

EXECUTIVE SUMMARY

2. The plan change request proposes the rezoning of approximately 260 hectares of land between the Styx River and Queen Elizabeth II Drive, to the east of the suburb of Redwood and Northcote, from Rural 3 (Styx - Marshland) to Living G (Highfield). The Living G (Highfield) zone includes a mix of residential densities and other activities together with two discreet areas of Business 1 zone (refer to **Attachment 1** for the plan change locality and **Attachment 2** for the Outline Development Plan (CODP) of proposed land uses). The attachments for this report have been separately circulated.
3. The plan change request was lodged on 23 September 2011. Since this time the request has undergone review and analysis, with the applicant being asked to provide further information on two occasions and to make modifications to the request (cl 23 - 24 of Schedule 1 to the RMA).
4. The plan change request and supporting information now contains sufficient information to enable the Council to continue the processing of the request as required under clause 25 of Schedule 1 to the RMA. This clause gives the Council the option of:
 - (a) accepting the request in whole or in part, then proceeding to publicly notify it for public submissions and hearing at the cost of the applicant; or
 - (b) adopting the request in whole or in part as its own, then proceeding to public notify it for public submissions and a hearing at the cost of the Council; the objectives and policies of the request would have legal effect once publicly notified; or
 - (c) rejecting the request in whole or in part although this can only be done on limited grounds; or
 - (d) dealing with the request as if it were an application for resource consent.
5. At this stage the detailed merits of the plan change request are generally not relevant. In reviewing the request consideration of the merits of the proposal at a high level or coarse scale has been undertaken as part of determining whether sufficient information has been provided. If the Committee decides to accept or adopt the request for public notification the merits of the plan change can be considered in detail if a hearing of submissions is held.
6. The applicant proposes a range of measures to address potential issues associated with development of the site and the proposed Living G (Highfield) zoning.
7. This report concludes with the following recommendation:

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

 - (a) accepts the request for Plan Change 67 (rezoning of Rural 3 (Styx – Marshland) to Living G (Highfield) and Business 1 (Local Centre/District Centre Fringe)) in whole in accordance with clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991 and proceed to publicly notify it.

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FINANCIAL IMPLICATIONS

8. Should the Council decide to accept or adopt the plan change request and then notify the plan change for public submissions there are legal processes which must be followed in accordance with Schedule 1 to the RMA. These are standard processes that all plan changes must follow and if these processes are correctly followed, no particular financial risks are foreseen.
9. Costs arise at the various stages of the plan change process. Following public notification and assuming the plan change attracts public submissions, there will be costs associated with the reporting by staff (and consultant experts) to assist the hearings panel in responding to submissions. The scale of these costs will depend on the number and the level of complexity of the submissions received. As this is a privately initiated plan change request these costs are largely recoverable from the applicant if the request is accepted by the Council. If the Council resolved to adopt the plan change as its own, it will need to absorb all the processing costs.
10. Looking ahead to the completion of a hearing and the notification of the decisions, should the applicant or submitters appeal the decision to the Environment Court then costs incurred by the Council would not be recoverable, except in instances where the Court may award costs.

ALIGNMENT OF REPORT WITH 2009-2019 LTCCP BUDGETS

11. The 2010/11 budget for the District Planning work programme, adopted by the Council and provided for in the Long Term Council Community Plan (LTCCP), includes funding for processing of this plan change request. As this is a private plan change request these costs are largely recoverable.

LEGAL IMPLICATIONS

12. The RMA outlines the legal process which must be followed when processing a plan change request. At this stage were the Council to decide to reject the request or turn it into a resource consent the Council's decision can be appealed by the applicant to the Environment Court.
13. Assuming the Council decides to accept or adopt the request, subsequent stages of the process include the public notification of the plan change followed by the submission and further submission phases, the preparation of a report and the evidence of experts to assist the hearings panel or commissioner, the hearing of submissions, the release of decisions and finally possible appeals to the Environment Court.
14. If this process is followed there is generally no particular legal risk associated with processing a plan change request however there are potential legal implications if the Council's hearings panel does not have the scope it needs to amend the plan change to address matters which the Council may wish to have considered.
15. During the process of evaluating whether sufficient information was supplied with the plan change request there were issues of merit identified. The applicant made amendments to address many of these matters. For those matters for which agreement could not be reached the Council has the opportunity to lodge a submission on the plan change request and the matters will be raised in the officers report to the hearings panel should it decide to accept or adopt the request for public notification.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Processing of the plan change request is a statutory requirement of the Council and is consistent with the LTCCP and Activity Management Plans. The allocation of funding and timing of infrastructure programmes such as those involving the Northern Relief Sewer and roading network improvements such as the Northern Arterial and roading intersections in the vicinity of the plan change site have the potential to impact on development of plan change site.

SUPPORT FOR A LEVEL OF SERVICE OR PROJECT IN THE 2009-2019 LTCCP

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

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ALIGNMENT WITH STRATEGIES

18. The Council has developed a number of the strategies which the City Plan assists with implementing. The potential for alignment of the plan change request with key strategies is summarised below.
19. The plan change request aligns with the *Greater Christchurch Urban Development Strategy and Action Plan 2007* (UDS) to which the Council is a party. A key priority of this strategy is now reflected in Chapter 12A of the Regional Policy Statement which establishes an urban limit for Christchurch and achieving a density target of 15 households per hectare. The site of the plan change request is located within the urban limit and provides for 2200 households as required by Policies 1 and 6 of Chapter 12A. The request includes an Outline Development Plan and makes some provision for the staging of site development with respect to upgrading of the roading network infrastructure as required under Policy 8.
20. The *Greater Christchurch Travel Demand Management Strategy and Action Plan* (GC TDMS) is a key approach in the UDS that establishes travel demand management policy direction, targets and actions to achieve a more sustainable transport system. The plan change request appears to promote measures that reflect some of the aims of the Strategy by locating the proposal adjacent to existing residential areas, providing for high density residential areas within close proximity to trip generating activities and planned future public transport routes and by providing a permeable movement network within the proposed urban form to decrease trip distances and enhancing opportunities to walk and cycle within the area.
21. The *Climate Smart Strategy 2010-2025* provides a vision for Christchurch that is resilient to the impacts of climate change. The plan change request appears to contribute to achieving objectives 4-5, 8-10 of the *Strategy* which aim to grow community capacity and foster partnerships that respond to climate change, encourage sustainable households and communities, encourage green and healthy places and spaces, enhance the resilience of habitats and ecosystems and promoting energy conservation and renewable energy.
22. The Council *Public Open Space Strategy 2010-2040* addresses the provision and maintenance of public open space for Christchurch over the next 30 years. The Strategy's primary focus is public parks, roads, waterways and coastline managed by the Council. The *Strategy* divides public open space into green, blue and grey spaces where green space is largely covered in vegetation, including parks and margins of water bodies; blue space is the surface water bodies or waterways; and grey spaces primarily refers to the street network which also provides for passive recreation, amenity and elements of the green space, such as grass berms and plantings.
23. The Public Open Space Strategy's *Priority Initiatives to 2040* includes as a priority the enhancement of recreation opportunities and active transport around the Styx River where linkages to the coast and to Queen Elizabeth II Drive are proposed. The plan change request appears to recognise this priority through the proposed open space reserve status of land adjoining the Styx River, the connection between the Styx River and Queen Elizabeth II Drive by the Central Boulevard, realigned Horners Drain and three neighbourhood parks.

CONSULTATION FULFILMENT

24. The plan change request covers land owned by approximately 45 individuals or groups including the Crown and the Council. The applicant indicates it holds land purchase options with up to 80% of the privately owned land and through these negotiations there has been on-going liaison with these landowners. Little contact has been made with the other landowners.
25. Approximately 50 hectares of land along the western boundary of the site is owned by NZTA and designated for the Northern Arterial road corridor. A site of around 11 hectares adjoining Queen Elizabeth II Drive is owned by the Council for the purpose of stormwater and flooding management. Consultation has been undertaken with NZTA and the Council.

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26. Ngai Tahu is the tangata whenua with ancestral and traditional relationships with the land and waters within the area of the Christchurch City Council. The applicant reports being unsuccessful in consulting with Ngai Tahu. A request by Council staff for consideration of tangata whenua issues was sought from Mahaanui Kurataiao Limited (MKT) which acts for Ngai Tahu. This request was directed to the applicant and a response has since been received to the satisfaction of Council staff.
27. A memorandum to the Mayor and Councillors from the Programme Manager District Planning dated 10 February 2012 provided information on the status of processing the plan change request.
28. The Council's Regulatory and Planning Committee will consider the plan change request before referring their recommendation to the Council meeting in April 2012.

STAFF RECOMMENDATION

That the Council accepts the request for Plan Change 67 and Section 32 evaluation (rezoning of Rural 3 (Styx – Marshland) to Living G (Highfield) and Business 1 (Local Centre/District Centre Fringe)) in whole in accordance with clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991 and proceed to publicly notify it.

COMMITTEE RECOMMENDATION

The Regulatory and Planning Committee considered this report at its meeting of 20 April 2012. The recommendation from the Committee will be forwarded to the Council.

BACKGROUND

THE PLAN CHANGE REQUEST

29. The request for Plan Change 67 (Highfield) proposes rezoning approximately 260 hectares of land adjoining the eastern boundary of the suburbs of Redwood and Northcote in northern Christchurch from Rural 3 (Styx – Marshland) to a new Living G (Highfield) zone, which includes two Business 1 zoned areas. This location is within the urban limits for Christchurch City as identified in Chapter 12A of the Canterbury Regional Council's Regional Policy Statement (RPS) which became operative in 2011.
30. The northern, eastern, southern and western boundaries of the plan change site are formed respectively by the Styx River, Hawkins and Hills roads, Queen Elizabeth II Drive and land designated for the proposed Northern Arterial road corridor. Much of the site is presently in pasture with rural residential properties adjoining parts of the eastern boundary which aligns with Hawkins and Hills roads.
31. The proposed Living G (Highfield) zone is a mixed use, multiple residential density zone modelled on other Living G zones within Christchurch (i.e. Awatea, East Belfast, Halswell West, Prestons, Wigram and Yaldhurst). This zoning proposes 2200 residential allotments across approximately 50% of the plan change site. The four residential densities proposed are similar to those used for Living G (Prestons).
32. Within the Living G (Highfield) zone are two areas of Business 1 (Local Centre/District Centre Fringe) zone covering approximately 6000m² in Gross Floor Area. These Business zones are located in two discreet areas within the northern and southern portions of the site that lie north and south of Prestons Road.
33. The proposed Northern Arterial road corridor designation occupies approximately 50 hectares along the western boundary and south-western corner of the plan change site with a large portion of the west and south of the site dedicated as to future stormwater management. Development of approximately one third of the allotments located in the southern portion of the plan change site adjoining Queen Elizabeth II Drive is deferred until stormwater management issues for this area are resolved.

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34. The plan change request proposes realigning Horners Drain to become a central feature of a linear park that adjoins the Central Boulevard which runs north to south through the site linking Business 1 zone areas. Three neighbourhood parks are located across the site.

RELEVANT RMA PROVISIONS

35. The processing of plan change requests is covered by clauses 21 - 29 of Schedule 1 to the RMA. Those aspects of these clauses relevant to this request are:
- who may request a change to a district plan (clause (cl) 21);
 - that the request be in writing, explain its purpose and reasons, include an evaluation under s32 of the RMA and an assessment of potential environmental effects under Schedule 4 (cl 22);
 - further information may be required to better understand the potential environmental effects of the plan change (and may include the commissioning of reports); ways in which effects may be mitigated; the benefits and costs, efficiency and effectiveness, possible alternatives; and the consultation undertaken or required; timeframes applying; applicant's ability to decline to provide the further information and the Council ability to reject the request or not to approve it if there is insufficient information (cl 23);
 - with the agreement of the applicant the Council may modify the proposal (cl 24);
 - the Council must make a decision to either "adopt" the plan change request as if it were its own proposal and proceed to publicly notify it; "accept" it and proceed to public notification; reject the plan or treat it as if it were a resource consent (cl 25);
 - where the Council "accepts" the plan change it must publicly notify it within four months (cl 26);
 - the applicant may appeal the Council's decision made under clause 25 (cl 27).
 - applications may be withdrawn (cl 28).
 - unless rejected, the application is put through the standard process of public notification, submission, hearing, decision, and appeal (cl 29).

STATUTORY TIMEFRAMES

36. The plan change request was lodged by Highfield Park Ltd on 23 September 2011. Analysis of the plan change request was undertaken to determine whether sufficient information had been provided to enable the Council to make its decision required under clause 25 of Schedule 1 to the RMA, i.e. to adopt, accept or reject the request. Where there was an absence of expertise or insufficient staff capacity consultants were engaged to undertake the assessments.
37. After completing the initial assessment a request for further information (RFI) was made under clause 23 of the RMA on 25 November 2011. The time constraint imposed under section 37A for making a RFI was exceeded and approval was gained to extend the processing time. The applicant's response to the RFI was received on 14 December 2011.
38. Analysis of the information supplied by the applicant was undertaken and a second RFI was prepared together with a request made to modify aspects of the plan change request under clause 24 of the RMA on 10 February 2012. The time constraint imposed under section 37A for making a RFI was exceeded and approval was gained to extend the processing time. A response to the second RFI was received on 8 March 2012.
39. Following a meeting with the applicant on 14 March 2012 to discuss stormwater and open space matters additional information and a modified version of the plan change request was supplied. Another meeting with the applicant was held on 20 March to discuss sewerage related issues and a modified version of the ODP was received on 23 March.

THE OPTIONS

40. The Council is required to consider the plan change request under the processes outlined under clause 25 of Schedule 1 to the RMA. This clause gives the Council the option of accepting, adopting or rejecting the request or of processing the request as an application for resource consent. The four options are now evaluated in respect of the plan change request.

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ACCEPT THE PLAN CHANGE

41. The option of accepting the plan change request means that the Council approves the request for public notification after which time the public may make submissions in opposition or support. Under this option the applicant would continue to bear the cost of managing and processing the plan change. In accepting the request for notification the Council would:
 - (i) be taking a neutral position by neither supporting or opposing the request; and
 - (ii) retain the ability to make a submission if it opposes any aspect of the request and wishes to alter the request.
42. The Council may determine it has reasons for making submissions in opposition to the plan change. If a submission is not received seeking an amendment to the plan change, it is unlikely there will be the scope needed by the hearings panel or commissioner to amend the plan change.
43. The assessments undertaken by the Council's staff have determined that there is sufficient information supplied to enable the plan change request to be publicly notified for public submissions. Further analysis of the accuracy and reasonableness of the proposal may raise concerns that the Council determines warrant the making of submissions on the plan change request. Accepting the request enables the Council to maintain its ability to remain neutral and to make a submission.

ADOPT THE PLAN CHANGE

44. The Council may adopt the plan change request and process it as if it were its own. The request is publicly notified and a hearing is held to enable any submitters to present their concerns to the Hearings Panel. By adopting the plan change request the Council:
 - (i) indicates that it supports the plan change request;
 - (ii) can control the request as if it were its own;
 - (iii) may alter parts of the request that it does not support prior to public notification;
 - (iv) takes over the costs associated with managing and processing the request.
45. Were the Council to adopt this plan change request it should have some rationale to justify this approach that has a public benefit, and is a better method for promoting the purpose of the Act or carrying out the Council's functions under section 31 (integrated resource management). Potentially the Council could use a similar justification to that used by the applicant of addressing the housing need created as a result of the 2010 - 2011 earthquakes.
46. Whilst it could be argued that there is justification in terms of earthquake recovery, the remaining parts of the resource management process are unlikely to be any quicker or easier if the Council adopted the Plan Change. Also, the proponent has responded positively to the majority of modifications sought by the Council, so there would be little to gain in terms of securing better outcomes.

REJECT THE PLAN CHANGE

47. Limited opportunities exist under the RMA for rejecting a plan change request. In addition to the grounds under clause 23(6) where the Council may reject or decide not to approve the request if the applicant has declined to provide the further information requested, a plan change may also be rejected if:
 - (i) it is frivolous or vexatious;
 - (ii) the substance of the request has been dealt with by the Council or the Environment Court in the last two years;
 - (iii) it is not in accordance with sound resource management practice;
 - (iv) it would make the District Plan inconsistent with Part 5 of the RMA (other policies or plans, such as Regional Policies or Plans); or
 - (v) the District Plan has not been operative for more than two years.

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48. The plan change request is not considered to contravene the requirements in (i)-(v) above. The applicant has provided a comprehensive proposal that is modelled on other Living G zones which have been approved by the Council. The analysis undertaken to date does not suggest that the plan change request is not in accordance with sound resource management practice therefore rejection of the plan change request at this stage cannot be supported.

TREAT AS A RESOURCE CONSENT

49. The plan change request may be converted to an application for resource consent. With this option the applicant bears all of the associated costs. It is suggested that the nature and scale of this proposal counts against it being processed as a resource consent. The plan change site covers an area of approximately 260 hectares and is currently zoned Rural 3.
50. The land use and subdivision consent applications for the scale of urban residential and commercial development proposed by the request would be a Non-complying Activity under the Rural 3 zoning contrary to the objectives and policies of the City Plan and highly unlikely to gain approval. It is therefore concluded that this rezoning proposal for such a large area of Rural zoned land is more appropriately tested through the plan change process.

ISSUES

51. The principal issues associated with the plan change request are summarised below. These and other issues, including those of potential interest to Ngai Tahu, and the means by which the applicant proposes addressing all issues, will be considered by the Council's hearings commissioner or panel should the request be accepted or adopted by the Council for public notification.

GEOTECHNICAL

52. The *Preliminary Geotechnical Assessment Report Highfield Park* (Sept 2011) concludes that the site is geotechnically viable for residential development expected under the New Zealand's Department of Building and Housing (DBH) design criteria on liquefaction susceptible soils subject to engineering preparatory works. As the DBH *Guidelines for the geotechnical investigation and assessment of subdivisions in the Canterbury region* (Nov 2011) was finalised two months after the *Report* was completed, the applicant has since provided confirmation that the *Report* complies with the *Guidelines*. This confirmation is sufficient to enable the Plan Change to be notified.

STORMWATER AND FLOODING

53. The *Three Water Servicing* report indicates that the stormwater management system proposed for the site is based on discharging stormwater into Horners Drain and then into the Styx River while flood management involves realigning and increasing the capacity of Horners Drain. As this re-configuration is unlikely to completely address the extent of flooding in the south of the site, the applicant proposes deferring development in the southern part of the site until a full investigation is undertaken. The Council's stormwater engineers are comfortable with the mitigation concepts in terms of area and treatment for the part of the development north of the proposed deferment area, and there are safeguards in the Plan Change to enable the Council to address mitigation issues for the deferred area at the subdivision stage.
54. Approval of the stormwater management system proposed for the site is dependent in part on the Council obtaining resource consent approval from Environment Canterbury (ECan) to discharge stormwater to the Styx River (this is required under the Waimakariri River Regional Plan). The anticipated discharge is addressed in the draft Stormwater Management Plan (SMP) for the Styx River which is to be finalised in May 2012 for lodgement as part of the Council's application for resource consent approval from ECan. The Styx catchment is currently covered by the Waimakariri River Regional Plan (ECan has requested that CERA transfer the Styx catchment to coverage under the Natural Resources Regional Plan. This would enable Council to treat the Styx SMP consent as operative once it's been lodged as a

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complete application, thereby creating greater certainty over the outcomes and timing for the applicant and Council.)

WASTEWATER AND WATER SUPPLY

55. The report *Three Water Servicing for Proposed Plan Change for Highfield Park* (Dec 2011) submitted in support of the plan change request proposes to either rely on a combination of the existing water supply system and new bore or to establish a completely new bore to service the site. Resource consent approval would be needed from ECan to take water.
56. The site is located in an area serviced by the Northern Relief Sewer. This Sewer was fragile prior to the 2010-2011 earthquakes but damage sustained due to these events has exacerbated infiltration and sewage overflow issues. The Council is working with Stronger Christchurch Infrastructure Rebuild Team (SCIRT) to determine repair concepts for the sewer and appropriate upgrades. Repairs and upgrades to this sewer are currently programmed in the LTCCP between 2012/13 and 2015/16.
57. Some sewage overflows are permitted under resource consents held by the Council with ECan but these have been exceeded due to earthquake damage. Options to address this non-compliance are being explored with ECan who have indicated their preference that a new resource consent be obtained by the Council to accommodate any additional non-compliances associated with the plan change site. Obtaining resource consent approval could take up to two years to complete (and longer to resolve appeals). In the interim, there is a risk of a minor increase in wastewater discharging into the Avon River in periods of heavy rain, but advice from the Team Leader Network Planning is that this is not of such a concern to warrant the Plan Change not being notified.

TRANSPORT

58. The plan change request is supported by an *Integrated Transport Assessment* (ITA) (Dec 2011) that assesses the effects of traffic generated by the proposed development on the receiving transport environment including key intersections in the vicinity of the site. This area of the City has been affected by changes in traffic movements following the 2010 and 2011 earthquakes. The Council's transport consultants have expressed concerns at the level of development that could occur prior to completion of improvement works in northern Christchurch, and the construction of the Northern Arterial. These effects have not been quantified and it would be unreasonable to expect the proponent to have done this in the absence of detailed traffic modelling. The UDS partners are currently completing a modelling exercise which will help identify effects of this and other developments on the road network. It is anticipated that the results will be available to be used by the Council's hearing commissioner or panel.

LANDSCAPE

59. The key issues for landscape are those concerning the interface between the proposed development and the proposed Northern Arterial, and implications for the eastern end of Styx River corridor, western link of the Source to Sea walkway to Redwood Springs subdivision, and the celebration of Styx River Reserve. The *Preliminary Landscape Assessment* (Sept, 2011) assists in the understanding of the landscape and visual values associated with the site and the potential effects on these values from development under the proposed plan change. The Assessment suggests there will be environmental benefits for native plant communities, enhanced amenities and recreational opportunities. The Council's Senior Landscape Architect, after receiving additional information relating to the assessment, is satisfied that the assessment has adequately addressed the key issues.

OPEN SPACE AND ECOLOGY

60. The *Preliminary Landscape Assessment* (Sept 2011) and the *Outline Development Plan Background Report* (Mar 2012) both inform the provision of open space shown on the ODP. The major structuring element proposed for the site is the realigned Horners Drain within the centralised linear park adjacent to the Central Boulevard. The applicant promotes this corridor as providing identity and legibility, an attractive outlook to adjoining higher density housing and an area of public open space. Advice from the Council's Senior Park's Planner is that the Plan

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Change more than adequately provides for open space requirements, with the amount proposed to be invested exceeding what the development contribution requires. This additional land will be gifted to the Council, with only a relatively minor increase in associated operational costs.

61. The *Ecology Assessment* (Sept, 2011) evaluates the existing aquatic ecological values at the plan change site, discusses potential effects of the construction phase and resultant effects of urbanisation on streams. Recommendations are made on how to enhance the ecology of the site. The Assessment concludes that the ecological values of Horners Drain and tributaries are generally poor although a number of fish taxa are present with good habitat and a healthy fish community in the reach between the development site and the confluence with the Styx River. Council. The Council's Waterways Planner Ecologist is satisfied with the overall assessment and, although the information is pitched at a high level, she considers that the proposed enhancements will have a positive effect on the overall local surface water environment.

URBAN DESIGN

62. The urban design component of the plan change request is largely considered in the *Outline Development Plan Background Report* (Mar 2012). The *Report* describes the context of the site, at the sub-regional, city and local scales, and includes analysis of the site and provides a platform for the ODP and its underlying design principles. The proposal has also been assessed against the criteria of the Urban Design Protocol and advice from the Council's urban design consultant is that the general principles of the Protocol have been applied.
63. The *Retail /Commercial Assessment and Recommendations* (Sept 2011) addresses activities within the proposed Business 1 zone and details the design philosophy and possible concepts for the neighbourhood centres. The conceptual urban design components of the request are largely represented in the ODP and in the rules in the Plan Change. Advice was sought from Property Economics Limited regarding distributional effects on other centres, and their advice is that there are unlikely to be any.

PLANNING

64. The plan change request is modelled on other Living G zones within the Christchurch City Plan. All have a slightly different approach. Much of the text of the request reflects aspects of Living G (Halswell West) but its location, scale and the constraints to site development in this area make it also similar to Living G (Prestons). It is considered that the Plan Change gives effect to Chapter 12A of the RPS including its key objectives and policies.
65. After processing the plan change request under clauses 23 and 24 of Schedule 1 to the RMA it is now concluded that there is sufficient information for the Council to make its decision under Clause 25 of Schedule 1 to the RMA on how it should continue to process the plan change request. It is not appropriate to consider the detailed merits of the request at this stage. If there are issues of merit that the Council considers important to address these can be raised in a submission by the Council to the plan change once it is publicly notified.

SUMMARY

66. In order for the Committee to decide on how to continue with processing the plan change request the Committee is directed to clauses 25(2), (3) and (4) of Schedule 1 to the RMA. The options provided under these clauses were discussed in detail in earlier sections of this report. In summary these options are:

Option 1: accept Plan Change 67 request for public notification (and supporting Section 32 evaluation) in accordance with clause 25(2)(b) of Schedule 1 to the Resource Management Act 1991;

Option 2: adopt Plan Change 67 request and publicly notify it as if it were the Council's own plan change in accordance with clause 25(2)(a) of Schedule 1 to the Resource Management Act 1991;

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Option 3: deal with Plan Change 67 request as if it were an application for resource consent in accordance with clause 25(3) of Schedule 1 to the Resource Management Act 1991; or

Option 4: reject Plan Change 67 request in accordance with Clause 25(4) of Schedule 1 to the Resource Management Act 1991.

THE PREFERRED OPTION

67. The preferred option is **Option 1**, i.e. accept the request for Plan Change 67 and supporting Section 32 evaluation (rezoning of Rural 3 (Styx – Marshland) to Living G (Highfield) and Business 1 (Local Centre/District Centre Fringe) in whole in accordance with clause 25(2)(b) of Schedule 1 of the Resource Management Act 1991 and proceed to publicly notify it.