



COUNCIL 25. 10. 2012

**PLANNING COMMITTEE  
3 OCTOBER 2012**

**A meeting of the Planning Committee  
was held in the No. 1 Committee Room  
on Wednesday 3 October 2012 at 9.15am.**

- PRESENT:** Councillor Sue Wells (Chairperson),  
Councillors Peter Beck, Sally Buck, Jimmy Chen, and Glenn Livingstone.
- IN ATTENDANCE:** Councillors Helen Broughton and Yani Johanson.
- APOLOGIES:** Councillors Aaron Keown and Claudia Reid.  
Councillor Sally Buck left the meeting at 12.20pm and took no part in items 5, 6, 9 and 10.

The Committee reports that:

**PART A - MATTERS REQUIRING A COUNCIL DECISION**

**1. CENTRAL CITY LIVING ZONE REVIEW REQUIRED BY CERA STATUTORY DIRECTION**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Carolyn Ingles, Unit Manager Urban Design and Regeneration
<b>Author:</b>	Adam Fort, Senior Planner

**PURPOSE OF REPORT**

1. To recommend to the Council the scope of the review of the Living zones and Special Amenity Areas within the Central City, and for the Council to approve the attached Terms of Reference (refer **Attachment 1**).

**EXECUTIVE SUMMARY**

2. The Christchurch Central Recovery Plan sets out two Statutory Directions. The first one has already been complied with – that is to amend the Operative District Plan in accordance with the changes set out in Appendix 1 of the Recovery Plan. The second Statutory Direction uses powers under section 24 of the CER Act to require the Council to propose further changes to its Operative District Plan for the Living Zones within the Central City as necessary in order to give effect to the Recovery Plan. The review is currently being undertaken by staff, and is required to be delivered to the Minister for Canterbury Earthquake Recovery by 1 March 2013.
3. The background discussion below supports a staff recommendation that the review is completed in accordance with the attached terms of reference, with an opportunity for Council input prior to delivery of the final document to the Minister. This is discussed as option (a) below. The review will investigate the regulatory planning framework across the Living 4 and 5 zones within the Central City to ensure that it is still appropriate in order to achieve the aspirations of the Recovery Plan for a high-quality inner city living environment that will complement the regenerated business areas.
4. An alternative option (b) is to seek deletion or an amendment to the Statutory Declaration. The Council considered the issue of residential development within the four avenues as part of the Central City Plan. At that stage there was significant interest by a number of communities within the four avenues to review their residential future, and to create more distinctive outcomes. The Council at that stage considered that the matters raised were relevant but not matters of urgency, that needed to be rushed through. The Council at that stage indicated that

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it wished to have an extended conversation with its residential communities, possibly through the more extensive process of the District Plan Review. The timeframe contained in the Statutory Direction, and the expectations of such a review from discussions with CERA staff suggest that it is unlikely to resolve the differing objectives that exist, or provide the type of space for a dialogue that would result in a credible outcome. There is also ongoing concern that these communities have been badly impacted by the earthquake, and that further discussion at this stage would be unproductive for them. Given that the Statutory Direction is contained in the Recovery Plan and uses Section 24 powers under the CER Act 2011, only the Minister can cancel or amend it through an amendment pursuant to section 22 of the Act. If this option were adopted Council would need to be clear about whether it was seeking a deferral of the Statutory Direction (based on the matters raised above), or whether it was seeking a withdrawal of the direction by the Minister.

**FINANCIAL IMPLICATIONS**

5. See below.

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

6. The project has commenced under urgency and is being covered by existing budgets.

**LEGAL CONSIDERATIONS**

7. The review is required by a Statutory Direction from the Christchurch Central Recovery Plan, pursuant to section 24 of the CER Act 2011.

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

8. There are no legal implications of approving the attached Terms of Reference. If alternative option (b) is pursued, then until such time as the Minister removes it from the Recovery Plan by way of an amendment Council action would be inconsistent with the Christchurch Central Recovery Plan.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. See below.

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

10. The requirement for a review of Central City Living Zones was not anticipated by the LTCCP, being an outcome of the Christchurch Central Recovery Plan.

**ALIGNMENT WITH STRATEGIES**

11. In undertaking the review, regard will be had to the Recovery Strategy, the Christchurch Central Recovery Plan, the Greater Christchurch Urban Development Strategy, and the Healthy Environment Strategies.

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

12. See above.

**CONSULTATION FULFILMENT**

13. Public Consultation is not required by the Statutory Direction. Given the compressed timeframe available to complete the review, proposed targeted stakeholder consultation is discussed in

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the attached Terms of Reference. This will have regard to the outcomes of the extensive consultation undertaken by Council during the preparation of the Draft Central City Plan in 2011 and by the Minister in early 2012, following receipt of the draft Central City Recovery Plan.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Approve the attached Terms of Reference, or,
- (b) Urgently approach the Minister of Earthquake Recovery to seek a deferral of the Statutory Direction, and its amendment to direct the Council to discuss future residential options with the community within the four avenues, as part of the upcoming review of the City Plan.

**COMMITTEE CONSIDERATION**

During the course of the meeting, staff met with those in attendance from the residents' groups and went through the Terms of Reference in detail. Staff then presented back to the Committee amended Terms of Reference (as attached). The Committee **notes** it has the unanimous agreement of the seven groups represented for the Terms of Reference as amended.

**COMMITTEE RECOMMENDATION**

That the Council approve the *amended* Terms of Reference.

**BACKGROUND (THE ISSUES)**

14. The review is currently being undertaken by staff, and is required to be delivered to the Minister for Canterbury Earthquake Recovery by 1 March 2013. The review will investigate the regulatory planning framework across the Living 4 and 5 zones within the Central City to ensure that it is still appropriate in order to achieve the aspirations of the Recovery Plan for a high-quality inner city living environment that will complement the regenerated business areas.
15. A map of the relevant zones and the Special Amenity Areas overlays is attached (refer **Attachment 2**). Currently there is a Living 5 zone in two specific locations, a Living 4 zoning that is split into three sub-zones of 4A, 4B and 4C, as well as 11 Special Amenity Areas.
16. The direction from the Recovery Plan has no expectation that changes will or will not be recommended by Council to the residential zone, and given the timeframe provided it is doubtful whether a comprehensive series of changes could be worked through. In considering the Draft Central City Plan the City Council decided not to pursue any "tinkering" with the residential zones pending a comprehensive review of them. In giving effect to the "direction" offered by the Recovery Plan Council will need to consider the need for, extent of and wisdom of trying to make such changes through a very short window, in a part of the city that remains largely functional and effective. It is also relevant to consider that a comprehensive review of the District Plan is due to commence in 2014. The Terms of Reference (attached) reflect this.
17. In discussions with CERA advisers their focus was on using the exercise to potentially reduce what they saw as complexity in the zoning provisions, which may be at odds with the local community aspirations. It is intended that any changes recommended by Council would be enacted by way of a Ministerial direction to amend the plan.
18. In directing this review to be undertaken, CERA recognises that a vibrant city centre requires a larger resident population to sustain a diverse range of activity. Separate from this review, a residential demonstration project is planned to showcase the opportunities for high-quality, medium density residential development.

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19. Prior to the meeting of the Planning Committee, the proposed Terms of Reference will have been discussed with the Hagley-Ferrymead Community Board, and at a Council Workshop. It is anticipated that the draft recommendations of the review will be presented back to Council in early 2013 in order to meet the timeframe for delivery to the Minister for Canterbury Earthquake Recovery by 1 March 2013.

**2. NOBLE SUBDIVISION – JUDICIAL REVIEW OF DECISION MAKING PROCESS**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Chris Gilbert Manager Legal Services Unit
<b>Author:</b>	Brent Pizzey, Solicitor

**PURPOSE OF REPORT**

1. For the Council to decide whether to revisit or revoke a previous resolution that it not seek judicial review of decisions granting resource consent to Noble Investments Ltd.

**EXECUTIVE SUMMARY**

2. Mr Colin Stokes wants the Council to seek a judicial review of its decisions granting resource consent to Noble Investments Ltd. The Council has previously resolved to not do so. The Council relied in that resolution on advice from Simpson Grierson. Mr Stokes has, in various emails, raised concerns that Simpson Grierson did not possess the relevant Council files when Simpson Grierson assessed the merits of judicial review.
3. Mr Stokes made a deputation to the Council's Planning Committee on 25 July 2012. He presented to the Committee documents (**Attachment 1**) and a letter to him from Duncan Cotterill (**Attachment 2**).
4. The Duncan Cotterill letter states the following conclusions:
- (a) That as the application was not decided in 10 working days there is "*jurisdiction for the Court to consider a judicial review on the ground of a failure to comply with the statutory time limit. Whether this would be successful would come down to the Court's assessment of the circumstances of the case*" (paragraph 4).
  - (b) That the Council requested further information from the applicant and set a timetable within which the information was to be provided. The information was not provided within that time, and the Act provides that an application must be publicly notified in those circumstances. The Duncan Cotterill letter states that this is ground for judicial review (paragraph 11).
  - (c) That the Simpson Grierson letter of 15 March shows that Simpson Grierson did not possess or review the file relating to the "*December 2009 variation*".
5. The Committee resolved:
- The Committee recommend to the Council that in response to the deputation from Mr Stokes, it review the documents provided to Simpson Grierson for the Noble Subdivision judicial review, particularly with regard to whether Simpson Grierson was in possession of all relevant information and reviewed it (refer attached 2009 December variation application).
6. Simpson Grierson have responded to those matters (**Attachment 3**). Simpson Grierson confirm:
- (a) They did possess and did review the information that Mr Stokes calls the "*2009 Variation*" when they provided their earlier advice to the Council (paragraphs 5-12).



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- (b) A judicial review based on the ground of not deciding the application within 10 working days would have little prospect of success (paragraphs 14-17).
  - (c) The contentions on the Duncan Cotterill letter concerning requests for further information provide no basis for a successful judicial review, particularly as the matter was considered by the Independent Commissioner in his second notification decision (paragraphs 18-20).
7. Simpson Grierson conclude that none of the information provided by Mr Stokes to the Planning Committee change their legal advice or conclusions of 15 March 2012.

**FINANCIAL IMPLICATIONS**

8. None.

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

9. Yes.

**LEGAL CONSIDERATIONS**

10. The legal considerations are set out in the Simpson Grierson advice.

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

11. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. Yes.

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

13. Yes.

**ALIGNMENT WITH STRATEGIES**

14. Yes.

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

15. Yes.

**CONSULTATION FULFILMENT**

16. No consultation is required.

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**STAFF AND COMMITTEE RECOMMENDATION**

That the Council confirm its previous resolution to not seek judicial review of its own decision on resource consents for Noble Investments Limited.

When put to the meeting, the motion was declared **carried** by division 1 as follows:

**For (2):** Councillors Beck and Wells.  
**Against (1):** Councillor Livingstone.

Councillors Buck and Chen abstained.

The meeting adjourned at 11.28am and resumed at 11.35am.

**3. ADOPTION OF REPORT ON DOG CONTROL POLICY AND PRACTICES 2011/12**

<b>General Manager responsible:</b>	General Manager Regulatory and Democracy Group, DDI 941 8462
<b>Officer responsible:</b>	Inspections and Enforcement Unit Manager
<b>Author:</b>	Mark Vincent, Animal Control Team Leader

**PURPOSE OF REPORT**

1. The Dog Control Act 1996 ("the Act"), section 10A requires all territorial authorities to report on the administration of its dog control policy and practices annually. Once the Council has adopted the report, a 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 requires Territorial Authorities to provide 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.

**FINANCIAL IMPLICATIONS**

4. 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.
5. Covered by existing unit budgets.

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

6. Yes.

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**LEGAL CONSIDERATIONS**

7. Section 10A of the Dog Control Act requires that a Territorial Authority must report on Dog Control Policy and Practices:
- (1) In respect of each financial year, report on the administration of:
    - (a) Its Dog Control Policy adopted under section 10; and
    - (b) Its Dog Control Practices.
  - (2) The report must include, information relating to:
    - (a) The number of registered dogs
    - (b) The number of probationary and disqualified owners
    - (c) The number of dogs classified as dangerous and the relevant provision under which the classification was made.
    - (d) The number of dogs classified as menacing under section 33A
    - (e) The number of dogs classified as menacing under section 33C
    - (f) The number of infringement notices issued
    - (g) The number of prosecutions taken.
  - (3) The Territorial Authority must give public notice of the report:
    - (a) by publishing the report in:
      - (i) One or more daily newspapers circulating in the district
      - (ii) One or more other newspapers that have at least an equivalent circulation in the district to the daily newspapers circulating in that district.
    - (b) by any means that the territorial authority thinks desirable in the circumstances.
  - (4) 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.

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**STAFF AND COMMITTEE RECOMMENDATION**

That the Council adopt the Christchurch City Council Report on Dog Control Policy and Practice for 2011/12, pursuant to Section 10A of the Dog Control Act 1996.

**4. ADOPTION OF ANNUAL REPORT TO THE LIQUOR LICENSING AUTHORITY FOR THE PERIOD ENDING 30 JUNE 2012**

<b>General Manager responsible:</b>	General Manager Regulatory and Democracy Group, DDI 941-8462
<b>Officer responsible:</b>	Inspections and Enforcement Unit Manager
<b>Author:</b>	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 2011 to June 2012. This year has of course been dominated by the earthquakes and while a large number of Central Business District licensed premises have been lost or closed due to being in the red zone the public are still looking for entertainment and hospitality.

**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 the 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).

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**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.

**STAFF AND COMMITTEE RECOMMENDATION**

That the Council adopt the 2011/12 Annual Report to the Liquor Licensing Authority pursuant to Section 105 of the Sale of Liquor Act 1989.

The meeting adjourned at 12.30pm and resumed at 12.39pm.

**5. URBAN DESIGN PANEL REVIEW**

<b>General Manager responsible:</b>	Mike Theelen, General Manager, Strategy and Planning DDI 941-8281
<b>Officer responsible:</b>	Carolyn Ingles, Urban Design & Regeneration Unit Manager
<b>Author:</b>	Josie Schroder, Principal Advisor Urban Design

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) Provide a summary of the recent review of the Christchurch Urban Design Panel (the Panel);
  - (b) Recommend that the Council they continue the operation and funding of the Panel and
  - (c) Recommend that the Council approve the revised Terms of Reference (**Attachment 1**);
  - (d) Outline the options that have been considered for greater community involvement in urban design review and recommend to the Committee they recommend that the Council approve the preferred option.

**EXECUTIVE SUMMARY**

2. The Panel was established in 2008, formed from nominated representatives from the New Zealand Institute of Architects, New Zealand Institute of Landscape Architects, New Zealand Planning Institute and the Property Council of New Zealand. The Panel is funded by the Council and its advice is provided free of charge to applicants. Now at the end of its three year trial period, the Panel has been a positive influence in promoting high quality urban design outcomes in Christchurch, particularly for pre-application proposals. To date the Panel has met more than 100 times and reviewed over 150 proposals, including both Council and Developer-led proposals.
3. With experience operating the Panel since 2008 and given the scale of the rebuilding following the earthquakes, it is timely to review the scope, criteria, and budget of the Panel to ensure this supports the recovery and operates efficiently and effectively.

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4. With the Christchurch recovery underway there have been calls to review the breadth of expertise of panellists to meet the anticipated increase in number and complexity of proposals for review. Furthermore, in response to requests from the Community Boards and through the Suburban Centres Master Plan Programme, consideration has also been given to the ways in which community involvement could be facilitated to influence urban design outcomes.

**THE CURRENT CONTEXT OF THE PANEL**

5. Two years on from the first of the earthquakes there is a greater community realisation of the importance of re-establishing a high quality environment for the City's residents, visitors and as a place to do business. This message was articulated throughout the development of the Central City Plan, and also recognised in the government's Christchurch Central Recovery Plan.
6. In the 2011/2012 financial year, the Panel reviewed in total 57 proposals. Of these 39 were located within the 4 Avenues, and of these 39, 11 were located in what is now defined as the Central City core. The remaining 18 proposals were for rebuilds across the city. The number of redevelopment proposals for earthquake affected sites within both the Central City and beyond is expected to increase as the Christchurch recovery gathers momentum. It is anticipated that in excess of 1000 new buildings will be developed over the next decade in the Central City alone. In addition many of the suburban centres have sustained significant amounts of earthquake damage. As such it is important that any Panel going forward, has sufficient resources to be able to react to the number of likely applications in a timely manner.
7. In addition, through the Suburban Centres Programme and the draft Central City Plan consultation process, there were calls for community representation in the redevelopment process with respect to urban design.

**REVIEW OF PANEL EFFECTIVENESS**

8. The Panel was due to be fully reviewed in 2010; however, the process was started but interrupted by the earthquakes and has only recently been completed. This review included: discussions with the Panel stakeholders including staff managing and providing assistance to the Panel, panellists, applicant representatives and the applicants themselves; a desktop review of development schemes that have gone to the Panel, both pre and post land use consent application, and the degree to which the comments of the Panel had been taken into account in any amendments to the schemes.
9. The outcomes of this review are summarised in the Background of this report.
10. Overall the Panel is seen as a valuable tool in increasing the quality of urban design in Christchurch, in conjunction with a range of other tools including District Plan urban design assessment matters, guidelines and Council staff advice. There is a notable and visible improvement in the urban design quality of the proposals that have addressed the advice of the Panel, particularly when the proposals were presented to the Panel for pre-application advice.

**FUTURE ROLE OF THE PANEL**

11. As the Regional, City and District Plans are amended to better reflect the importance of high quality urban design in our towns and cities, and given the impact of the earthquakes on the urban environment, it is appropriate to assess how the Panel could further influence and improve the design process to achieve good design outcomes.
12. **Urban Growth Areas** - Chapter 12A of the Canterbury Regional Policy Statement recognises the importance of Outline Development Plans in the delivery of high quality urban design, particularly in urban growth areas. Ensuring that the Outline Development Plans incorporate good urban design practice is essential to the delivery of good future urban form. In addition,

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Chapter 12A increases the required development yields across greenfields areas, culminating in medium density residential development proposals, equivalent to the Living 3 zone residential densities. In order to ensure the success of the Greenfield medium density areas, as with the Living 3 zones, the addition of the Panel expertise, particularly pre application, would be beneficial to the overall success of the development.

13. **Central City** - Given the unprecedented number of new buildings and the adverse circumstances, such as time pressure and insurance, the risk of poorly designed post-earthquake developments is considered to be significant. The Central City Recovery Plan has been adopted and incorporates urban design assessment matters. The Plan also establishes a Joint Design Approvals Board (JDAB) for the Central City core to make resource consent decisions on urban design matters within a 5 day timeframe. However the Panel still has a valuable role to play in the pre-application process and for proposals outside of the core. In discussions with Christchurch Central Development Unit (CCDU) officials, the role of the Council's Urban Design Panel is recognised as continuing to play a significant role. The JDAB is subject to very strict timeframes, and it is anticipated that applicants may still use any Urban Design Panel to explore design options and outcomes before proceeding to the JDAB approval process. Pre-application advice will support quick decision making by the Board as many of the urban design matters will have been raised and addressed.
14. **Suburban Centres** - Proposed Plan Change 56, an urban design plan change for suburban Business zones (Business 1 and 2 and Business 2 Parking) is currently being drafted. The intent of the draft Plan Change is to facilitate a higher standard of urban design in these zones. The sheer number of rebuilds in the suburban centres has the potential to significantly impact on the look, feel and function of the centres. Currently Business 2 proposals are reviewed by the Panel, but given the extent of earthquake damage and its impacts, the Panel could also consider applications within Business 1 zones. The proposed plan change (PC 56) would provide the framework for assessment and robustness to the process, in conjunction with urban design guidance.

## CRITERIA

15. During the three years of the Panel trial period the scope of proposals for assessment, which is provided in the *Urban Design Panel Terms of Reference* (Appendix 1 to this report), was limited to ensure that the Panel's effectiveness was able to be measured at the end of the trial period. The Panel review and consideration of the future role of the Panel culminates in the recommendation to expand the criteria that trigger the requirement for a proposal to be assessed. These proposed changes to the criteria, in bold, are incorporated into Attachment 1.

## PANEL MEMBERSHIP

16. The Panel currently comprises urban designers, architects, landscape architects and a member of the New Zealand Property Council. Requests have been received for additional areas of expertise on the Panel including transport, heritage, arts, Ngai Tahu and Crime Prevention through Environmental Design (CPTED). The requirement for additional areas of expertise has been measured against the contribution that would be made specifically to the urban design review, given that the focus of the Panel is on urban design. It is considered that the additional requests can be met by a combination of staff expertise, consultant advice to the Panel and the specialist expertise of existing Panel members.
17. Currently the panellists have no set length of tenure. However it is recognised that there should be some ability to ensure that the panellists remain fresh in their views and role with the Panel, notwithstanding the importance of experience and expertise of the panellist, and that the balance of professions remain appropriate. Panellist tenure is proposed to be two years, but with the option to extend this to a maximum of four years with the approval of the Mayor and the Chief Executive. It should be noted that new panellists are currently appointed by the Mayor and Chief Executive, on recommendation from staff. Panellists are nominated to the Council from their respective professional bodies, to ensure that only respected professional individuals are recommended.

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**OPTIONS FOR COMMUNITY PANELS**

18. Requests have been made by a number of Community Boards and from the community, resulting from consultation and discussion on the Suburban Centres Master Plans, for a greater degree of community involvement in the design process for commercial centres to ensure that local area design matters are taken into account. More specifically, in September 2011 the Spreydon/Heathcote Community Board resolved to “request the Council to approve one member to attend the Urban Design Panel meetings in response to earthquake rebuild design applications in the ward, and in particular, that the member present the view of the local community and the Board.”
19. Furthermore in December 2011 the Lyttelton/Mt Herbert Community Board resolved “to proceed with establishing the Lyttelton Urban Design Advisory Committee as soon as practicable, and to then review its value and operations at the time of the report to the Council on the review of the number, scope and need for urban design panels, which is expected in June 2012”. The Board further resolved to seek registrations of interest for the community and consultant members of the Lyttelton Urban Design Advisory Committee. This latter action was not completed as the Board requested further clarification from Council as to the required process to establish an urban design committee for Lyttelton. The Board was advised that this matter would be discussed further in this report.
20. The proposal for the Lyttelton Design Advisory Board was modelled on the Akaroa Design and Appearance Advisory Committee. This is a sub committee of the Akaroa/Wairewa Community Board, subject to LGOIMA requirements, including notification of meetings, which are public. The need for Committee involvement in a proposal is triggered by a rule in the Banks Peninsula District Plan, applicable to Akaroa only. In addition to the lack of such a rule for Lyttelton, the structure of the subcommittee and associated legal requirements would place a severe time burden on the resource consent process that is unlikely to meet the needs of the applicant both pre and post application. Alternatives to the Committee approach are outlined below.
21. There are four options proposed for discussion regarding community input:
22. Option 1 – Status quo plus design guidance  
A high level of community involvement in the development of design guidance for the key commercial centres, as well as continuing to use the established Panel to provide review. The design guidance would establish the design parameters and expectations of the community for their centre(s) in a holistic way, rather than site by site, and provide a tool for assessment by the Panel.
23. Option 2 – Community Board response  
This option focuses on the provision of a brief by the Community Board to the Panel, in much the same way that other design advice is provided, to highlight local area urban design considerations. It would require resourcing and the provision of the brief in a very short timeframe to ensure that the Panel timeframes are met.
24. Option 3 – Community input through representation  
The addition of a community representative to the current Panel for each ward. The representative and alternate would be nominated from each Community Board ward area, based on the following criteria: have required urban design expertise as per current panellists; require ward expertise and knowledge; are approved by Council.
25. Option 4 – Community-based Panel.  
The Community Panel would be administered by the Council in the same way as the current Panel is or by the Community Board. Design representatives would be nominated by the Community Board and/or Council.



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26. The cost of community involvement could be up to \$95,000 per annum per ward depending on the scale of rebuild, and the payment and funding structure for the panel. The RMA and Council levels of service regarding consent processing set out strict timeframes. Including a community process within the timeframe would require significant management and non-negotiable timeframes.
27. The addition of a Community Board member, and/or other non professional members, has the benefit of adding greater local input, but also fundamentally changes the dynamics and role of any panel. At present an applicant may use the panel, in confidence, to obtain feedback on a design, based on technical expertise, and the panel's professional advice is available to consent officers, and where necessary Hearings Panels. The addition of community representatives begins to blur the lines between professional urban design outcomes and community opinion, which is not the purpose of the process.
28. In that regard Option 1 provides a mechanism for Community Boards to develop expressions of outcomes they would like to see for local development. Such design guidance (which would have no statutory purpose) could be provided to panels as a context document to inform their evaluation. This is a positive way in which the Panel could develop an awareness and have regard to Community aspirations in their deliberation and discussion with applicants. Option 1, status quo plus design guidance is the preferred option.

**Figure 1: Community Panel options pros and cons**

<b>Option</b>	<b>Pros</b>	<b>Cons</b>
1: Status Quo Plus	<ul style="list-style-type: none"> <li>• No addition \$\$ or admin.</li> <li>• Sound debate of design elements</li> <li>• Inclusive of community objectives</li> </ul>	<ul style="list-style-type: none"> <li>• May not meet desired level of involvement</li> <li>• No ongoing involvement in applications</li> </ul>
2: Community Board Response	<ul style="list-style-type: none"> <li>• Highlights community design issues</li> <li>• Fits with existing Panel structure</li> </ul>	<ul style="list-style-type: none"> <li>• May not fully meet Community Board desires</li> <li>• Requires timely brief to be provided</li> <li>• Requires resource to prepare brief</li> </ul>
3: Community Representation	<ul style="list-style-type: none"> <li>• Provides some community representation</li> <li>• Representation of local voice</li> </ul>	<ul style="list-style-type: none"> <li>• May not fully meet community desires</li> <li>• Potential additional \$\$</li> <li>• Identification of representatives</li> </ul>
4: Community-based Panel	<ul style="list-style-type: none"> <li>• Provides desired level of community representation</li> <li>• Potentially greater interest in good community outcome</li> <li>• Continuity in design</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to obtain level of design expertise</li> <li>• Conflicts of interest (small communities) &amp; creates conflict</li> <li>• Additional \$\$ and admin</li> </ul>

**FINANCIAL IMPLICATIONS**

29. The annual budget allocated for the Panel for the three year trial period was as follows. Administration costs covered panellist attendance fees, catering and travel for members who attended from outside Christchurch. Urban Design staff costs were not itemised as part of the Panel costs.

Annual Costs 2008/09	\$ 102,101.30
Annual Costs 2009/10	\$ 111,853.20
Annual Costs 2010/11	\$ 92,127.00
Annual Costs 2011/12	\$190, 737.00

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30. Between July 2008 and July 2011, the Panel on average reviewed 29 applications per annum. Following the February 22<sup>nd</sup> 2011 earthquake Panel reviews were more intermittent, however in comparison to the first three years of the Panel, just for the period from July 2011 to June 2012 there were a total of 57 applications reviewed.
31. Provision has been made in the annual plan for funding at a higher rate than previously, recognising the impact of earthquakes and the estimated 1000 or more commercial rebuilds in the Central City alone. In addition, the proposed expansion to the Terms of Reference criteria for proposals will increase the number of applications going to the Panel. Panellists are paid only for their time sitting on the Panel, for formal seminars and training, with the exception of out-of-town panellists who are paid for travel time. The panellists consider that part of their role is a community service and as such preparation time and site visits are at their own expense. Following the earthquakes and the associated increased travel time and costs, the panellists' hourly rate was increased to \$180/hr, as agreed by Council last year.
32. Therefore, continuing with the current Panel approach, with amended criteria and anticipating a significant increase in the number of applications as a result of the rebuild, the cost of the Panel is anticipated to increase from previous annual costs. This increased cost has been anticipated in the Annual Plan 2012/13 and will inform budgeting for the Long Term Plan.

**OPTIONS FOR CONTINUING THE PANEL**

33. Option 1 - Status Quo.  
The UDP continues to operate, but with changed scope and increased frequency of meetings. It is still fully funded by Council, with increased budget. It is suggested that this situation would be reviewed in the 2015 LTCCP review.  
**Total approximate based 180 applications** **\$ 404k**
34. Option 2 – Part User Pays.  
The Panel continues to operate, with changed scope and increased frequency of meetings, but as a part 'user pays' service. This would consist of the Resource Consents Team charging their time related to the Panel to the applicants, with the rest of the costs being funded by Council. The likely level of applications that would be resolved from a design perspective pre application would be reduced, which would impact upon effective consent processing and good design outcomes.  
**Total approximate based 180 applications** **\$ 373k**
35. Option 3 – Discontinue panel.  
The significant role that the Panel plays in providing independent advice to the Council and the development community would no longer be available. Given the extent of the rebuild the community's expectations in regard to achieving good urban design outcomes may not be met to the same extent.
36. The budget for funding the Urban Design Panel would be included as part of the 2013-2022 LTP funding.

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

37. Yes. Additional funding has been allocated to meet the needs of the Panel in the basis of the number of applications per annum stated above.

**LEGAL CONSIDERATIONS**

38. No legal considerations have arisen in connection with the Panel since the review undertaken in 2010.

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

39. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

40. As discussed in previous reports to Council, the Panel aligns with a number of community outcomes including:
- An attractive and well designed city
  - A safe city
  - A prosperous city
  - A healthy city
  - A city for recreation, fun and creativity and
  - A well governed city.

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

41. Yes. The proposal is part of the district planning levels of service in the LTCCP (pages 94 and 200).

**ALIGNMENT WITH STRATEGIES**

42. Established in 2008 in response to public concern over the quality of design in new developments, the Panel aligns with:
- Greater Christchurch Urban Development Strategy
  - Christchurch City Plan
  - Central City Recovery Plan
  - Suburban Centres Masterplans
  - And from a national perspective the New Zealand Urban Design Protocol

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

43. See above.

**CONSULTATION FULFILMENT**

44. Consultation has been undertaken with the Panel panellists, Resource Consents Team, Urban Design Team, Central City Plan Team, Strategy and Planning, property owners, developers, design professionals and planners.

**STAFF AND COMMITTEE RECOMMENDATION**

That the Council:

- (a) Approve the permanent establishment of the Urban Design Panel.
- (b) Approve the amended Urban Design Panel Terms of Reference (attachment 1) dated October 2012.
- (c) Approve that local community input into the urban design panel process will be provided via commercial centres design guides.
- (d) Decline to support the establishment of a Lyttelton Urban Design Panel.
- (e) Approve fully funding the Panel for the next three years, subject to deliberations for the 2012-2022 Long Term Plan.

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- (f) Retain the current breadth of Panel expertise.

**BACKGROUND - URBAN DESIGN PANEL REVIEW**

45. The outcomes of the Panel review are summarised as follows:

- Applicants were generally very positive about the Panel and found it productive because it turned the discussion from two-way (council-applicant) into three-way discussion, with the benefit of the third party being a panel of independent experts.
- The Panel recommendations provided Council staff with a clear outline of matters requiring further design discussion and resolution with the applicant, and negated the situation where applicants considered Council staff were simply being dogmatic towards their proposal.
- Generally applicants who were not in favour of the Panel did not want any advice or interference and presented proposals which had a predetermined outcome, having come to the Panel under duress following the lodgement of an application. These applications were largely multi-unit residential development in the Living 3 and 4 zones where the designer had a formula for development that they had been undertaking for some time and were not fully cognisant of the implications of Plan Change 53. With Plan Change 53 and the associated urban design, appearance an amenity assessment matters, we have seen a gradual change in approach.
- In a few cases the applicants have failed to front up to the Panel. This is very rare, normally when applications are referred to the Panel the applicant is happy to appear or be represented by an agent. However even when applicants have not shown up recommendations were still provided by the Panel to the Council and the applicant, informing further discussion between Council staff and the applicant and informing staff reporting.
- The Panel has been well supported by the relevant professional bodies, and the desire to be on the Panel reinforces the high regard in which the Panel is held. The Panel has an educational and support role with respect to the panellists' professional peers, both by raising the bar and through the dissemination of information provided through Council updates to the Panel on design matters.
- Consistency in advice has been very important, particularly when a proposal was bought back to the Panel after amendment. To ensure consistency every attempt has and is made to have the same panellists assess a development pre and post application, or when a modified design is returned to the Panel. In conjunction with this, every attempt is also made to ensure that it is the same Council planner and urban designer handling each stage of the application process.
- In addition to the high quality of advice to development applications provided by the Panel, they also provide Council with an independent resource when assessing the implications of Council policy and plan changes relating to urban design. This has provided Council officers with a 'sounding board' for issues that they may not have considered or that require additional input to resolve.
- Generally suggested changes are incorporated into proposals. However the Panel does not guarantee a better outcome in all cases, particularly if the regulatory tools are not provided, such as urban design assessment matters, which assist in establishing the design standard and give the Panel teeth to support their review. Where the Panel does not have this assistance, their opinions may be in conflict with the resolution of the Council officer or Hearings Panel on the basis that the Panel review recommendations sit outside the scope of matters which the officers are able to be considered as part of the legislative framework in processing the application.
- One of the main advantages of the Panel is to signal to the community, particularly to private developers, that the Council on the mandate of its constituents has a clear commitment to achieving high quality urban outcomes.
- The composition of each panel is decided by Council staff on the basis of the type of application and the areas of expertise or specialism required to properly review it, while recognising the value of a multidisciplinary design approach.

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- The Panel is by far the most effective when the proposal is received pre application and the designs are still relatively conceptual. It is considered that it would be highly beneficial to more widely promote the advantages of the pre-application Panel process and potentially provide incentives to encourage this, particularly as we move into rebuilding Christchurch.

6. NORTH WEST REVIEW AREA

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	City Planning Unit Manager
<b>Author:</b>	Mark Stevenson, Senior Planner

**PURPOSE OF REPORT**

1. This report seeks the adoption of recommendations which propose that the North West Review Area, defined in **Attachment 1**, is rezoned as part of the District Plan review to a special 'Rural-Urban Fringe' zone or similar. The intention is to provide for the ongoing use of the area for rural activities and to maintain the natural and physical resources of the NWRA while enabling certain compatible activities to establish. The recommendations also propose that staff be directed to prepare a plan change for rezoning specific areas for industrial business activities within the NWRA to enable development to proceed ahead of the rezoning of the balance of the North West Review Area. It is also recommended that a separate parallel plan change is prepared to provide a framework of objectives and policies for the Special Purpose (Airport) zone (SPAZ) in the City Plan and a review is undertaken of the rules including activities permitted within the SPAZ. In doing so, consideration will be given to the appropriateness of enabling a wider range of industrial activities in Dakota Park, which forms part of the airport zone.

**EXECUTIVE SUMMARY**

2. The North West Review Area (NWRA) is an area of approximately 860 ha situated between the airport and the City's western urban edge as shown on Attachment 1. The area currently provides for rural activities and acts as a buffer between the airport and residential areas. The NWRA comprises natural and physical resources of significance to the City including groundwater aquifers that provide water supply to the City, and high quality soils.
3. A review of the area's function and future land uses arose from the Commissioners recommendations and the Regional Council's decisions on Proposed Change 1 (PC1) to the Regional Policy Statement, which concluded that it was not an "*appropriate resource management treatment to leave this (defined in Attachment 1) land exclusively as rural land over the next 35 years*". The decisions on PC1 were on the basis that the economic use of the soils in the NWRA is compromised. The area was therefore identified as a 'Special Treatment Area' ('STA1') within the urban limits in PC1 with a requirement for specific analysis to be undertaken to determine the appropriate land uses for the area. The Council lodged an appeal on this aspect of PC1 and sought that it be identified outside the urban limits, with provision for up to 100ha of business land. The area was subsequently described as the 'North West Review Area' and defined outside the urban limits in Chapter 12A of the Regional Policy Statement, made operative the Minister of Earthquake Recovery in October 2011. Chapter 12A also identified scope for up to 100 ha to be identified for business use in the NWRA, following a review of the area. Under Chapter 12A, the 100 ha would be deemed to be within urban limits upon the completion of a review of the area without a change to the Regional Policy Statement.
4. While the outcomes of the appeals to the Environment Court on PC1 and Court of Appeal on Chapter 12A will determine whether the NWRA is within or outside the urban limits, both documents require a review of the area to be undertaken. It is considered necessary to review the area's function and appropriate land uses given its strategic location between the airport and urban area, the natural and physical resources in the area, and the need for business land in this part of the City.

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5. The majority of the NWRA is currently zoned Rural 5 (Airport Influences Zone) and Rural 3 (Styx-Marshland Rural zone) in the City Plan. These zones provide for productive uses such as intensive horticulture that utilises the highly productive soils in the area. The PC1 decision signalled that the current zoning provisions may no longer be appropriate.
6. Having regard to the natural resources and the location of the NWRA, its role is considered to be as an 'Rural-Urban Fringe', which the rezoning should reflect. An 'Rural-Urban Fringe' zone is usually regarded as the transition zone between urban and rural areas that provides for activities typically associated with an peri-urban area while retaining open space and trees. Activities that are considered appropriate within the NWRA include non noise-sensitive "urban" activities e.g. industrial business activities, formal and informal open spaces, sporting and recreational facilities, in addition to the ongoing use of the area for rural activities and associated dwellings. Residential subdivision, education and health facilities (noise sensitive activities) are not considered to be appropriate in the NWRA, which is within the 50 dBA Ldn airport noise contour that noise sensitive activities are to be avoided in.
7. A report (**Attachment 3**) on the NWRA that considers the appropriateness of different land uses concludes that 100 hectares of industrial business land should be identified in the area. This is based on a review of the supply of industrial land and take up of land across the City, which highlights a potential shortfall in supply in the north west of Christchurch. There are also indications of increased demand for industrial land as businesses relocate from other parts of the City, as well as demand for land associated with the rebuild. The location of the NWRA in close proximity to Christchurch International Airport also makes the NWRA attractive for businesses that use air freight and/or have clients/ staff who frequently travel by air. The airport is a significant node of economic activity that will also generate demand for business land in the surrounding area including the NWRA.
8. The NWRA study has identified areas within the NWRA to meet future demand for industrial land including land between Russley Road and Hawthornden Road, north of Avonhead Park; land north of Wairakei Road between Woolridge Road and Russley Road and north of Waimakariri Road (see **Attachment 2**). The identification of these areas is on the basis of a number of criteria, which are consistent with promoting sustainable management including urban form, accessibility, the availability of infrastructure, continuity with existing business areas and environmental values amongst other matters. Since a workshop with the Planning Committee held on 21 August, two additional areas have been identified north of Wairakei Road and north of Waimakariri Road, between Harewood Road and Sawyers Arms Road. There has been demand for industrial land associated with the rebuild and relocation of businesses since the earthquakes; and it is necessary to provide sufficient capacity for growth over the next 25 years with certainty.
9. Given the physical proximity of the NWRA to the airport, the assessment of business land issues, and some identified deficiencies with the existing Special Purposes (Airport) zone framework, it is appropriate to consider possible changes to the Special Purposes (Airport) zone in parallel so as to ensure an integrated resource management approach. The review of the NWRA and airport need to be dealt with in a comprehensive way given the potential for each area to support similar business activities in the future and the issues that need to be considered in planning each area, for example, groundwater and noise. The airport is part of the same geographic context as the NWRA, with a road being the only boundary between the two areas, and is part of the same local economy. The airport is a significant hub of economic activity that generates demand for land in the North West. The potential for Dakota Park (**Attachment 4**), an existing 'Cargo and Freight' zone within the Special Purpose (Airport) zone, to provide for a wider range of industrial business activities has also been considered as part of the report (Attachment 3).
10. Rules in the City Plan currently restrict activities permitted within the Special Purpose (Airport) Zone to those that are airport related. Since 2009, there have been a number of resource consents granted for non-airport related development within Dakota Park. The Commissioner

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in the most recent decision on a non-airport related activity in the Special Purpose (Airport) zone has recommended that Council gives some consideration to the cumulative effects of non-airport development on the integrity of the City Plan. In the decisions to date, it has also been highlighted that there are no specific objectives and policies for the Special Purpose (Airport) zone to support the anticipated outcomes for the zone. A letter from CIAL dated 18 September 2012 (**Attachment 5**) highlights the issues that have emerged and the uncertainty created for CIAL due to the absence of a clear policy framework for the SPAZ.

11. Having regard to the decisions on resource consents for development in Dakota Park, the precedent these have set and the inappropriateness of an ad-hoc approach to further non-airport related development within the airport zone, staff consider that a plan change is necessary to provide a clear policy framework for managing development in the Special Purpose (Airport) zone. The purpose of the plan change would be to clarify the objectives and policies to ensure that CIAL is not put through consent processes with unnecessary cost and uncertainty.
12. A plan change would also consider the need to amend the rules prescribing the activities permitted within the SPAZ. Particular consideration would be given to the activities permitted within Dakota Park having regard to decisions on resource consents in this area amongst other matters. As a part of the plan change process, there is a need to consider alternatives and the costs/ benefits of each option. For example, enabling a wide range of non-airport uses in the wider Special Purpose (Airport) zone could significantly reduce capacity in the long term for airport activities that may put development pressure on surrounding rural areas, compromising their productive potential. In the opinion of officers, it would not be sound resource management practice for this matter not to be considered given the investigations into business land and the proximity of the airport to the NWRA.

**FINANCIAL IMPLICATIONS**

13. Provision has been made in the 2012/13 Annual Plan (District Plan Activity) for funding that will enable the Council to implement the recommendations of the report on the North West Review Area.

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

14. The recommendations align with the 2009-19 LTCCP budgets and other subsequent funding allocations by the Council.

**LEGAL CONSIDERATIONS**

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

15. The North West Area Review is necessary in light of decisions and appeals on Proposed Change 1 and therefore it is appropriate that the Council consider the appropriate use of the NWRA for the next 35 years. While the review is a precursor to a statutory process under the Resource Management Act, the recommendations are consistent with achieving the sustainable management of natural and physical resources while providing for the social and economic wellbeing of people and communities (purpose of the Resource Management Act).
16. The review of the area has included consideration to promoting the social, economic, environmental, and cultural well-being of communities and applying consultation principles in accordance with the Local Government Act and purpose of the Resource Management Act.

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**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?**

17. The recommendations directly align with the LTCCP and Activity Management Plan levels of service. The relevant performance standard in the Activity Management Plan is the development of policy and plans to implement the Council's component of the Greater Christchurch Urban Development Strategy Action Plan. The relevant priority actions of the UDS Action Plan are to "*Undertake strategic land use studies to clarify the potential for business land use in identified parts of Greater Christchurch*" and "*Make Operative and then give effect to RPS PC1*".

**ALIGNMENT WITH STRATEGIES**

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

18. The review of the NWRA gives effect to Policy 12 in Proposed Change 1 of the Regional Policy Statement, which identifies the area as a Special Treatment Area that necessitates specific analysis and planning to achieve the sustainable management of natural and physical resources. The recommendations are consistent with the City Plan objectives and policies and other Council strategies and plans by seeking to retain the rural amenity of the NWRA, protect groundwater recharge areas and versatile soils and manage urban growth to avoid adverse effects on these natural resources while ensuring sufficient business land is provided to enable the economic recovery of the City.

**CONSULTATION FULFILMENT**

19. The Council undertook consultation with land owners, occupiers and interest groups in the North West Review Area at an initial stage in 2011. Views were sought on the future development potential and types of land use activities sought in this rural-urban fringe location, which have informed the recommendations in the report. There have also been meetings and discussions with stakeholders including the CIAL, New Zealand Transport Agency and landowners.
20. Landowners, whose properties are identified as being appropriate for industrial business use have recently been consulted and are generally supportive of the proposal. At the time of preparing a plan change, further consultation will be undertaken with landowners and other affected parties in the surrounding area.
21. The land identified for industrial business use between Hawthornden Road and Russley Road includes an area identified by Council's Greenspace team for future extension of the Avonhead Cemetery. The Team Leader Asset Network Planning Greenspace has advised that funding has been allocated for future purchase of the land, which will be subject to negotiations with the landowner in the future. At the time of staff preparing a plan change, consideration will be given to the future use of land and it may be necessary for Council to purchase the land to safeguard its potential for use as a cemetery.
22. Land at 711 Johns Road, north of Waimakariri Road, is currently owned by Council as a reserve for gravel extraction. Part of this site is proposed for an electrical substation under an exchange agreement with Orion. The balance of approximately 14 hectares is to be returned to the Crown in the future, reflecting a previous Council decision. The Property unit has been consulted on the proposed identification of the land for business, which does not affect the exchange processes currently in progress under the Reserves Act.
23. In respect of the Special Purpose (Airport) zone, CIAL support a plan change being prepared to provide a clearer policy framework for the zone. A letter from CIAL dated 18 September 2012 (Attachment 5) describes the reasons for this position including the uncertainty created by the current provisions for the SPAZ.



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24. There has also been a workshop with the Planning Committee, held on the 21<sup>st</sup> August, to brief Councillors on the review and the work undertaken to date. Since the workshop, additional areas have been identified for industrial business activities to the north of Wairakei Road and north of Waimakariri Road, between Harewood Road and Sawyers Arms Road. There has been demand for industrial land associated with the rebuild and relocation of businesses since the earthquakes; and it is necessary to provide sufficient capacity for growth over the next 25 years with certainty.
25. Workshops with the Fendalton Waimairi Community Board and Shirley Papanui Community Board were also held on 18 and 19 September respectively. Both Community Boards have indicated their general support to the review of the NWRA. Further input will be sought from the Boards at the time of preparing a plan change for the areas identified for business and as part of the District Plan Review.

**STAFF AND COMMITTEE RECOMMENDATION**

That the Council resolve to:

- (a) Adopt the 'North West Review Area Report' dated September 2012 (Attachment 3) and the recommendations in the report.
- (b) Direct staff to rezone the North West Review Area to a special 'Rural-Urban Fringe' zone as a part of the District Plan review, with the exception of the those areas subject to recommendation (c).
- (c) Direct staff to prepare a Council led plan change to rezone 100 ha for industrial business purposes in the following areas (refer to Attachment 3):
- approximately 15 ha for industrial business purposes at 711 Johns Road, north of Waimakariri Road (Area 1);
  - approximately 50 ha for industrial business purposes, north of Wairakei Road between Woolridge Road and Russley Road (Area 2) and
  - approximately 35 ha for industrial business purposes, between Hawthornden Road and Russley Road (Area 3).
- (d) Prepare individual Outline Development Plans for the whole of each area identified for business in Recommendation (c) as a plan change. The Outline Development Plans shall be prepared in accordance with the decisions version of Proposed Change 1 (or Chapter 12A should it be reinstated).
- (e) Direct staff to prepare a Council led plan change to provide a clearer policy framework in the City Plan for the Special Purpose (Airport) zone and to review the rules prescribing activities permitted within the SPAZ with consideration given to enabling a wider range of business activities in Dakota Park (80 ha) (Attachment 4).

**Note:** Councillor Wells is a Director on CCHL and as such was concerned she may have a conflict of interest and took no part in this item.

**BACKGROUND (THE ISSUES)**

**Overview of North West Review Area**

26. The North West Review Area is located on the north-west edge of Christchurch City. Extending for approximately 10 km along State Highway 1 between Yaldhurst Road in the south and Johns Road adjacent to the Groynes/ Clearwater Resort in the north. The area is a long and relatively narrow strip of land of approximately 860 hectares (See Attachment 1). The location of the NWRA parallel to State Highway 1 and adjacent to Christchurch International Airport contributes to the area's role as a strategic corridor and gateway to the City.

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27. The NWRA is currently used for agriculture, intensive horticulture and rural lifestyle living, an outcome sought for the area in the City Plan, which zones the majority of the NWRA as Rural 5 (Airport Influences Zone) and Rural 3 (Styx-Marshland Rural zone). These zones provide for productive uses such as intensive horticulture that utilise the highly productive soils in the area. There are also community facilities including a church and school, and clusters of residential properties (approx. 1,000 m<sup>2</sup> sections) established through historical subdivision. The City Plan establishes a minimum lot size for subdivision of 4 ha in the Rural 3 and Rural 5 zones, which prevents the creation of additional residential sections in the NWRA.
28. The NWRA contains highly versatile soils, which have inherently high productive values. The majority of the NWRA has well drained soils and gravels/ hard soils tend to be at a deep level (45 cm or deeper), enabling digging and ploughing for agricultural/ horticultural activities. Some parts of the NWRA continue to support rural activities that utilise the high quality soils, while other areas have reduced capacity given the subdivision that has occurred. The pattern of subdivision has a strong influence on the ability for the natural resource of soils to be utilised and as allotment sizes have reduced, the range of options for productive use of the soils has also reduced.
29. The natural resources of the area are significant in a strategic context. The groundwater resource beneath the NWRA comprise the most vulnerable parts of the groundwater system due to the unconfined nature of the aquifers. The groundwater resource is the principal source of drinking water for Christchurch City and therefore objectives and policies in the Natural Resources Regional Plan emphasise the importance of protecting this resource. The area also has a number of surface waterways including the Styx River, Smacks Creek and Waimairi Stream, which are vulnerable to contamination from land use changes.
30. The area also provides a buffer between residential areas and Christchurch International Airport. The area is within the 50 dBA Ldn airport noise contour as defined by Proposed Change 1 to the Regional Policy Statement, within which noise sensitive activities including residential, education and health facilities are to be avoided. This minimises the potential for curfews or other restrictions on the operation and development of the airport while protecting residents from a noisy environment.
31. There has been a history of pressure for rural subdivision and the development of urban activities in the NWRA. The zoning of the NWRA for urban activities has historically been resisted in planning documents, reflecting the natural and physical resources in the area, proximity to Christchurch International Airport, which is identified in PC1 as "Strategic Infrastructure", and policies directed towards urban containment and consolidation.

**Policy Framework**

32. Proposed Change 1 (PC1) of the Regional Policy Statement as recommended by Commissioners and adopted by the Council in December 2009, provides strategic direction for managing long term growth across Greater Christchurch. It identifies the area now known as the North West Review Area as Special Treatment Area 1, an area requiring investigation and planning to determine its medium to long term role in meeting the Objectives of Proposed Change 1.
33. Decisions on Proposed Change 1 (PC1) concluded that it was not appropriate to leave the area in exclusively rural use in the long term. This was in recognition of the limitations to economic rural activity in the area including:
  - the pattern of subdivision being too small to provide a productive base for farming;
  - closure of the produce markets and the inability for rural production in the NWRA to meet significant demands of supermarkets for example;
  - inability to move heavy farm vehicles and machinery on roads with high traffic volumes; and
  - Reverse sensitivity impacts arising from proximity between rural and urban activities.

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34. It was determined that 'specific analysis and testing should be undertaken to determine the medium and long-term sustainable future of the area'. The long term future of the area was considered to be in some form of urban activity and was therefore included within the urban limits.
35. Proposed Change 1 was subject to appeals to the Environment Court. An appeal by the Council related specifically to the NWRA and sought that it be identified outside urban limits with provision for up to 100 ha of business land. The 100 ha would be deemed to be within urban limits following a review. The Regional Council accepted this relief and formally changed its position on this matter from what was set out in the decisions version of PC1. This position continued until the Minister of Earthquake Recovery revoked PC1 and inserted Chapters 12A and 22 into the Operative Regional Policy Statement in October 2011. In Chapter 12A, STA1 was renamed the North West Review Area and was annotated on Map 1 as a Policy 15(f) area. Unlike PC1, the NWRA was outside the urban limits in Chapter 12A, which also identified scope for up to 100 ha to be identified in the NWRA for business use, dependent on the outcome of a review (this Review). A note below Table 3 of Policy 6 in Chapter 12A stated that the area identified for business in the NWRA as a part of the review would be deemed to be within the urban limits.
36. An application for judicial review of the Minister's decision to revoke PC1 and insert Chapters 12A and 22 into the RPS was lodged and subsequently granted on 24 July 2012. The effect of this ruling was for the Minister's decision to be set aside and PC1 to be reinstated in the Environment Court meaning all appeals on PC1 continue at this stage.
37. While the High Court's decision has subsequently been appealed to the Court of Appeal and there is therefore the possibility of Chapters 12A and 22 being reinstated, the current policy document for managing the future growth of Greater Christchurch and of relevance to the NWRA at the time of preparing this report is the decisions version of Proposed Change 1 December 2009 (It is noted however that this is not the version supported by Environment Canterbury and the UDS Partners as part of the Environment Court proceedings on PC1). This effectively means that the area known as the NWRA is a Special Treatment Area and inside the urban limits. Further, a request to develop a Land Use Recovery Plan has been sent on behalf of all of the UDS Partners to the Minister of Earthquake Recovery. Aspects of that Recovery Plan may involve the NWRA and its implementation, however this is yet to be confirmed.
38. The outcomes of the Courts' decisions on PC1 and Chapter 12A will determine whether the NWRA area is within or outside the urban limits and whether the area is a 'Special Treatment Area'. Regardless, there is a need to review the area's function and appropriate land uses given its location between the airport and urban area, and the strategically important natural and physical resources in the area including the groundwater aquifers and soils.
39. In establishing the appropriate function of the NWRA and land use activities to be provided for, an assessment has been undertaken of the existing policy framework. The key points emerging from the review of plans and strategies are as follows:
  - Development should support the objective of urban consolidation by being contiguous with existing or proposed residential and business areas
  - Groundwater and surface water quality is to be maintained or enhanced by avoiding adverse effects of land use changes
  - The natural character of rivers and their margins is to be maintained and enhanced through the identification and acquisition of land
  - Versatile soils are retained for their productive potential where appropriate
  - Development does not compromise the safe, efficient and effective operation of the strategic road network
  - Land use activities do not have an adverse effect on the operation and development of Christchurch International Airport.

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**Consultation**

40. The Council undertook consultation with land owners, occupiers and interest groups in the North West Review Area at an initial stage in the review to inform the analysis of issues and planning of the area's long term future. Views were sought on the future development potential and types of land use activities sought in this rural-urban fringe location.
41. The key findings from community and stakeholder feedback indicated a desire to retain the areas' rural character and amenity, respondents valuing the sense of openness and spaciousness. There was also support for the retention of a buffer between rural/urban activities and residential areas/airport.
42. There was also support for change over the next 30 years with an increase in development including business activities. The locations considered most appropriate for business were alongside or as an extension of existing business/commercial areas on Wairakei Road or to compliment the existing developments on the Airport land near Russley and Johns Road.
43. While there was recognition of the airport noise contour acting as a constraint to residential activities, submitters sought a change from the 50 dBA Ldn airport noise contour to a reduced 55 dBA Ldn contour to enable residential development. If the airport noise contour were to change in the future, the appropriateness of the NWRA for residential activities would need to be revisited. However, there is considered to be sufficient land identified in PC1/ Chapter 12A to accommodate long term residential growth.
44. Landowners, whose properties are identified as being appropriate for industrial business use have recently been consulted and are generally supportive of the proposal. Two properties have been excluded from consideration for this purpose, as the landowners were opposed to the identification of their properties for industrial business use. The two owners are also concerned about the effects on amenity of a business development adjacent to their properties. At the time of preparing a plan change to rezone the surrounding land, there will be further consultation with these landowners. There will also be a need to consider the potential effects of business development on residents and how these effects will be mitigated. This may include requirements for development to be set back a suitable distance from adjoining properties and landscaping.
45. Land identified for industrial business use between Hawthornden Road and Russley Road includes land to the immediate west of Avonhead Cemetery, which has been identified as a future extension of the cemetery. The Team Leader Asset Network Planning - Greenspace has advised that funding has been allocated for future purchase of the land, which will be subject to negotiations with the landowner in the future. At the time of staff preparing a plan change, consideration will be given to the future use of land and it may be necessary for Council to purchase the land to safeguard its potential for use as a cemetery.
46. Consultation is proposed with affected persons in the surrounding area at an early stage in preparation of a plan change in accordance with the Resource Management Act.
47. It is also considered appropriate to review the existing Special Purposes (Airport) zone framework given the investigations into business land and the proximity of the airport to the NWRA. It is apparent from a number of resource consent decisions in this zone that the current plan provisions are deficient and do not enable the zone to achieve its intended purpose. In respect of the Special Purpose (Airport) zone, CIAL has indicated support to a plan change to provide a policy framework for the zone.

**Function in the NWRA**

48. In recognition of the NWRA's location between residential areas and the airport, the area continues to act as a buffer within which noise sensitive activities are to be avoided. This limits the potential for urban activities in the area. Its position between the urban area and airport also makes the NWRA unique relative to other areas on the fringe of the City.

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49. As discussed, the NWRA has natural and physical resources of strategic importance including the groundwater resource, soils and natural features such as the Styx River that originate in the area. The historical use of the area for agricultural and horticultural activities has also given the NWRA a different character to other parts of the City. These values need to be recognised in the development of the NWRA.
50. Having regard to the values of the area and the conclusions on Proposed Change 1, the function of the NWRA is considered to be as a 'Rural Urban Fringe', which should be reflected in the zoning of the NWRA. A rural-urban fringe location is often characterised by certain land uses which have either purposely moved away from the urban area, or require much larger tracts of land for example:
  - Utilities and public facilities e.g. waste transfer stations and recycling facilities
  - recreation and tourism facilities and activities,
  - industries associated with rural produce
  - lifestyle blocks.
51. Despite the presence of these land uses, a rural-urban fringe location remains largely open with the majority of the land in agricultural or other rural use. The proposed zoning would enable activities typically found in a peri-urban area including passive and active open space, and sport and recreational facilities while supporting its ongoing use for rural activities and retaining its openness. Except in locations where business land is proposed, it is not expected that the area will undergo significant change. While the Commissioners on PC1 concluded that its long term use was not exclusively in rural use, there are parts of the NWRA that continue to support rural activities that utilise the high quality soils and continuation of these activities should be provided for. This is reflected in submissions from landowners who sought the continuation of agricultural and horticultural activities in the area.

**Assessment of industrial business land to determine the quantum required in the NWRA**

52. An assessment has been undertaken of the need for industrial business land in the NWRA. Chapter 12A as inserted into the Regional Policy Statement by the Minister of Earthquake Recovery identified scope for up to 100 hectares to be identified in the NWRA for business use, which provides a starting point. A review has therefore been undertaken of industrial land supply and demand across the City to determine whether there is a need for additional industrial land.
53. In terms of supply, there was 271 ha of 'vacant' (defined as unoccupied by buildings or designated as road or reserve) zoned land in industrial business zones as at June 2011 (including greenfield areas identified in Chapter 12A that had been rezoned). An additional 164 ha has been rezoned for industrial business purposes since then (Total 435 ha of vacant zone land including areas rezoned up to August 2012).
54. Further analysis of the data indicates that a proportion of vacant land is occupied for storage and other activities, the actual amount of unutilised land being closer to 300 ha. An additional 285 hectares is identified in chapter 12A of for greenfield business activities in Christchurch City to 2041 including the 'MAIL' site at the corner of Russley Road and Memorial Ave (19 ha), which is outside the NWRA. While this indicates a significant supply of industrial business land, there is potential for a shortfall in supply in some parts of the City including the Business 4 zone, a suburban industrial zone intended for light industrial and servicing activities (not heavy industry), and higher amenity Business 4T zone, the technology park off Sir William Pickering Drive, Russley.
55. It is also evident from an assessment of existing and future industrial land supply that some industrial areas are not suitable for industrial activities that discharge large volumes of wastewater, particularly the south west of Christchurch. There are limitations on the discharge of wastewater in the South West due to the presence of the unconfined aquifer, the need to maintain surface waterways and the distance and associated cost of transporting wastewater to the treatment plant at Bromley, which are also applicable to the NWRA. Demand for land in

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areas such as the eastern suburbs that enables large volumes of wastewater to be discharged may result in increased costs for land, forcing dry industries that currently occupy these areas to relocate to areas such as the North West Review Area.

56. There is anecdotal evidence of increased demand for land in the west of the City as businesses relocate due to earthquake damage. There is also displaced demand expected from the inner suburbs as they reach capacity and undergo change to a mix of uses envisaged in the Central City Plan. It is expected that the rebuild of Christchurch will result in increased demand for land and in the long term, growth is anticipated in the machinery and equipment manufacturing sector. This is demonstrated by Tait Electronics, who already have a strong presence on the edge of the NWRA at Wairakei Road and who propose a plan change to rezone land within the North West Review Area for industrial business purposes. Having regard to the limited quantum of vacant industrial land in the north west and potential demand, there is considered to be a need for additional industrial business land, particularly in the short term. In the longer term, the amount of land provided for needs to be considered within the context of the recovery of the Central City, and the eastern suburbs.
57. A technical report on business land identifies a number of strengths that make the NWRA attractive for industrial business activities including its location adjacent to and accessible to the strategic road network (SH1 and SH73) and in close proximity to the airport for international markets and airport related business. The airport in particular is a significant node of economic activity that will generate demand for business land in the surrounding area including the NWRA.
58. Other strengths of the NWRA for industrial business activities include:
  - A number of east west routes providing access to the Central City, suburban centres and other parts of the City;
  - Existing industrial areas and a Technology Park on Wairakei Road, which could be extended;
  - Proximity to rural areas with potential demand from industries that depend on rural activities;
  - Bus routes that can be extended;
  - High levels of amenity for business; and
  - Ability to operate within the airport noise contour which constrains a number of other activities.

**Identified areas to accommodate future demand for industrial business land**

59. To address the need for additional industrial land, three areas that total 100 ha are identified within the NWRA as being appropriate for industrial business purposes (see Attachment 1):
  - Land at 711 Johns Road, north of Waimakariri Road (15 ha);
  - Land north of Wairakei Road between Woolridge Road and Russley Road (50 ha); and
  - Land between Russley Road and Hawthornden Road, north of Avonhead Park (35 ha).
60. The types of activities that are considered to be appropriate in these areas are light industrial activities providing for high value manufacturing companies (such as Tait Electronics) while retaining open space and trees. This can be achieved through rezoning the identified areas with provisions that retain a sense of openness.
61. There is also a need to avoid activities that may have an adverse effect on groundwater, such as heavy industrial activities that may use and store a large volume of hazardous substances, while also ensuring adverse effects on the surrounding environment are avoided.

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62. The identification of the three areas is on the basis of a number of criteria, which are consistent with the purpose of sustainable management including urban form, accessibility, the availability of infrastructure, continuity with existing business areas and environmental values amongst other matters.
63. There are changes occurring within and in the vicinity of the NWRA that have also been considered in assessment of parts of the NWRA. In particular, the New Zealand Transport Agency's Western Corridor proposals involving the 4 laning of Masham Road, Russley Road and Johns Road will affect access to the NWRA.
64. There are also changes in the policy context at a strategic level. At the time of writing, Proposed Change 1 to the Regional Policy Statement as decided by the Canterbury Regional Council is the relevant document guiding the future management of growth in Greater Christchurch, notwithstanding the appeals on PC1 in the Environment Court. Should the airport noise contour change as a result of appeals, there would be a need to review the appropriateness of the NWRA for residential activities. However, there is considered to be sufficient land identified in PC1/ Chapter 12A to accommodate long term household growth.

**Consideration of effectiveness of Special Purposes (Airport) zone**

65. Given the physical proximity of the NWRA to the airport, the assessment of business land issues, and some identified deficiencies with the existing Special Purposes (Airport) zone framework (described below), it is also appropriate to consider possible changes to the Special Purposes (Airport) zone in parallel so as to ensure an integrated resource management approach. The review of the NWRA and airport need to be dealt with in a comprehensive way given the potential for each area to support similar business activities in the future and the issues that need to be considered in planning each area, for example, groundwater and noise. The airport is part of the same geographic context as the NWRA, with a road being the only boundary between the two areas, and is part of the same local economy. The airport is a significant hub of economic activity that generates demand for land in the North West.
66. The airport land is currently zoned Special Purpose (Airport) Zone (SP zone), which provides for airport related activities, the zone's purpose being for "*activities clearly associated with operations and associated functions of the airport and aviation*" (Section 1.3, Part 8 City Plan). Reasons for rules limiting the scope of activities is to avoid the potential for pressure on the limited land resources available for airport activities within the zone and resultant pressure for expansion of the zone into the surrounding rural area.
67. In the Christchurch International Airport Master Plan 2006 (which is an external document, not incorporated into the City Plan), two areas are identified in the SP zone for cargo and freight handling related activities (114 ha). One of these areas, Dakota Park (80 ha), south of Avonhead Road, and to the immediate north and west of the NWRA, is undergoing development as a 'Cargo and Freight zone' (Attachment 4) intended for airport related activities including freight and logistics activities.
68. Since 2009, four applications for non-airport related activities have been granted in Dakota Park. A Commissioner's decision on the first of these applications stated that the zone's purpose was not supported by '*any clear objectives and policies for the zone*' and '*if the Council wishes to ... prevent a wide range of activities ... having little or no relationship to the airport, becoming established*' ... (and) it needs to amend its plan to include such a policy and to more clearly set out the objectives for the zone". Similar conclusions have been reached in subsequent decisions on resource consent applications in the "Cargo and Freight zone" at Dakota Park, which have all highlighted "the absence of a policy framework to justify the activities approach adopted for the airport".
69. A letter from CIAL dated 18 September 2012 (Attachment 5) emphasises the uncertainty created for CIAL due to the absence of a clear policy framework for the SPAZ. CIAL indicate in the letter that legal advice has been received to suggest that "*most applications for resource*

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*consent for any activity should continue to be granted until a point is reached sometime in the future where the amount of land used for development begins to raise the possibility that there may be insufficient land available for core aeronautical activities".* As highlighted by Commissioners in resource consent decisions for non-airport related uses, a precedent has been established by the RECALL development (subject of the first resource consent granted for a non-airport related use within Dakota Park), notwithstanding further applications for non-airport related activities at the airport needing to be assessed on their own particular merits.

70. While there is a significant quantum of land zoned for airport purposes, there is a need to ensure certainty in the policy framework. Otherwise, further development unrelated to the airport will continue to take place and the supply of land for aeronautical purposes will potentially become an issue.
71. Having regard to the consents granted for non-airport related development within the Special Purpose (Airport) zone, the absence of a policy framework to support the purpose of the zone, and the need to avoid an ad-hoc approach to non-airport related development, staff consider that a plan change is necessary to provide a clear policy framework for managing development in the Special Purpose (Airport) zone. . It would be artificial not to consider this in parallel to the NWRA work, given the relationships described earlier.
72. There is also the need for a plan change to review the rules prescribing activities permitted within the SPAZ with particular consideration given to the range of activities provided for in Dakota Park having regard to decisions on resource consents in this area amongst other matters. As a part of the plan change process, there is a need to consider alternatives and the costs/ benefits of each option. For example, enabling a range of non-airport uses in the wider Special Purpose (Airport) zone could significantly reduce capacity in the long term for airport activities that may put pressure on rural areas, compromising their productive potential.

**PART B - REPORTS FOR INFORMATION**

**7. DEPUTATIONS BY APPOINTMENT**

7.1 Mr Colin Stokes and Mr Mike Mora

The Committee received a deputation from Mr Colin Stokes and Mr Mike Mora on the Noble Subdivision – judicial review of decision making process item.

Mr Stokes raised a concern that not all relevant material was taken into account when the report in the agenda was written. Mr Mora raised a concern of the Riccarton/Wigram Community Board regarding cycle lanes in this area and noted that he has an interest to meet with both cycle and pedestrian advocates regarding road standards.

Both Mr Stokes and Mr Mora requested that the Committee recommend to the Council that it undertake a judicial review on the Nobel Subdivision issue.

Refer to item 2 for the Committee's recommendation on this matter.

7.2 Ms Di Lucas and Mr Peter Dyhrberg, representatives of the Combined Inner City Residents' Group

The Committee received a deputation from Ms Di Lucas and Mr Peter Dyhrberg on the central city living zone review required by CERA statutory direction item.



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Ms Lucas and Mr Dyhrberg represented seven interested parties:

- Avon Loop Planning Association Incorporated Society (ALPA)
- Chester Street East Residents Association (CSERA)
- Inner City East Neighbourhood Group Incorporated Society (ICENG)
- Inner City West Neighbourhood Association (ICON)
- MOA Neighbourhood Group
- Victoria Neighbourhood Association (VNA)
- Peterborough Village Incorporated Society (Pita Kaik)

The representatives stated the importance of residents' groups in the recovery of the central city and the need to protect and support these communities. The representatives voiced their support for Staff Recommendation (a) in item 1 of the agenda and requested that they be meaningfully engaged during the review process.

Refer to item 1 for the Committee's recommendation on this matter.

**8. INSPECTIONS AND ENFORCEMENT UNIT ANNUAL PERFORMANCE REPORT 2011/12**

The Committee received the 2011/12 Inspections and Enforcement Unit Annual Performance Report and **decided** to note and acknowledge this report.

The Committee requested, for a future meeting, more general information on dog control issues and the potential cost associated with providing all new registered dog owners with the Dog Smart DVD.

**9. CONSENTING REBUILD MONTHLY REPORT**

The Committee **decided** to receive the Consenting Rebuild Monthly Report.

**10. CENTRAL CITY RECOVERY PLAN QUARTERLY REPORT – OCTOBER 2012**

The Committee **decided** to receive this report.

**PART C – DELEGATED DECISIONS**

**11. APOLOGIES**

It was **resolved** that apologies from Councillors Aaron Keown and Claudia Reid be accepted.

The meeting concluded at 1.23pm.

**CONSIDERED THIS 25TH DAY OF OCTOBER 2012**

**MAYOR**

## **Terms of Reference for Review of Living Zones within the Central City**

### **Purpose of Project:**

To deliver a robust review with clear recommendations for the Living Zones and Special Amenity Area overlays **within the Central City** as defined by the CER Act. The project is directed to be delivered in accordance with the timeframe (1 March 2013) and scope described in the Statutory Direction from CERA on page 108 of the Central City Recovery Plan, and the statements in the Recovery Plan seeking high quality inner city living (e.g. page 107).

### **Specific Issues within Scope:**

#### **District Plan Objectives and Policies**

Covers the wording of objectives and policies in Volume 2 of the Operative District Plan, but only insofar as they relate to the Living 4 and 5 zones within the Central City. With regard to the high-level objectives and policies that apply city-wide, it is noted that a review of the whole District Plan is due to commence in the 2014-2015 financial year.

#### **Split zoning into Living 4A, 4B and 4C sub-zones**

Appendix 1 of the Recovery Plan strengthened the rules that control non-residential activities in the Living 4 zones. As a result, the differences between the planning frameworks of the A, B and C sub-zones have lessened. A review of the need for three different sub-zones within Living 4 is required.

#### **Built Form and Amenity Standards**

These include Development Standards 4.2.1 – 4.2.14 and their assessment matters, plus Critical Standards 4.4.1, 4.4.3 and 4.4.4. These include the controls on:

- Building Height limits, including the allowance for additional height for roofs as provided in the definition of 'height' for Living 4 zones.
- Density
- Sunlight and Outlook
- Street Scene
- Separation from Neighbours
- Continuous Building Length
- Building Overhangs
- Outdoor Living Space
- Urban Design Appearance and Amenity
- Fences and Screening Structures
- Minimum Unit Size
- Ground Floor Habitable Room
- Service and Storage Spaces
- Landscaping and Tree Planting
- Screening of Parking
- Open Space rule for Living 4C (Avon Loop) zone

The Review may identify the need for additional standards.

#### **Special Amenity Areas**

There are 11 Special Amenity Areas (SAs) within the Central City, all of which are zoned Living 4 or 5 except for some sites within a Cultural zone. The review must investigate whether these planning overlays are still an effective and appropriate method to deliver the outcomes sought by the aspirations of the Recovery Plan, given changes in context throughout the Living 4 zones since 1998 when the Council determined the final locations and rules pertaining to the SAs. Given that there are also 35 SAs outside of the Central City, any recommended changes must allow for the continuation of those SAs, recognising that they have different underlying zonings that provide for a lower density of residential development.

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### Living 5 zones

Consideration of whether the use of a special Living 5 zone 'spot' zone is still an appropriate method to apply to its two locations within the Central City known as Peterborough and Avon.

### Consequential Changes

Consequential changes may be required throughout Volume 3 of the Operative District Plan in the event of, for example, a change in the exact name of a Living zone within the Central City.

### Out of Scope:

- In the Introduction to Appendix 1, the legal advice states that "Section 24 (of the CER Act) does not entitle a Recovery Plan to direct amendments of descriptions, explanatory guidance and statements, reasons, anticipated outcomes, implementation and/or monitoring provisions." As such these specific parts of the operative District Plan are considered out of scope.
- Recommendations for non-statutory methods and actions. However staff working on this Living Zone review will need to be cognisant of other work programmes under CCC or CERA. For example, those projects that are investigating barriers to residential intensification throughout the Central City and the use of incentives.
- Changes to the Recovery Plan (i.e. other than the scope explicitly provided by the statutory direction), however it is noted that CERA retain the option to prepare an addendum to the Recovery Plan.
- Transport – Those Development, Community and Critical Standards which have been specifically amended through Appendix 1 changes and those matters currently being reviewed by CERA as part of the transport review. ~~all Development, Community and Critical Standards relating to Parking, Loading and Access for the living zones, plus parking space dimensions. These matters have been specifically amended through Appendix 1 changes and further changes to the District Plan transport provisions are currently being worked on by CERA.~~

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### Recently amended by CCDU through the Recovery Plan, and therefore unlikely to be reviewed in detail:

- **Zone Boundaries** - In creating the Planning Maps for Appendix 1 to the Recovery Plan, CCDU made many changes to living zone boundaries, such as Living 4A rezoned to Mixed Use, Cultural 1 rezoned to Living 4C, Living 4C rezoned to Cultural 3, Business 3B rezoned to Living 4C, Living 4C rezoned

to Business 1, and others. Given that this comprehensive review of zone boundaries has just taken place, it is unlikely that any further material changes to locations of living zones will be recommended through this review.

- **Non-residential Activities** - The Recovery Plan contained several specific changes to the Community Standards that control non-residential activities in the Living 4 zones, which were based on the recommendations in the Draft Central City Plan. On this basis, it is unlikely that further analysis of these provisions will be undertaken.
- **Acoustic attenuation** - The Recovery Plan confirmed the Noise and Entertainment Provisions for all zones in the Central City. They include specific acoustic attenuation standards for noise sensitive activities within the Living 4 and 5 zones, based on the proximity of buildings to certain classifications of roads. Whilst the overall Noise and Entertainment framework will not be investigated again, the road classifications may change following the outcome of further transport studies by CCDU, and hence some consequential changes may be needed in due course.

### **Resourcing**

Council will work in conjunction with CERA staff as needed, but will undertake all the written and graphics work. CERA staff will only be available in an advisory and review role during the course of the project, and also to assist with targeted stakeholder discussions.

### **Consultation**

Public Consultation is not required by the Statutory Direction, however there is a need for some targeted stakeholder input and this is acknowledged by CERA. A Consultation Plan is being prepared in conjunction with Consultation Team staff from the Communications Unit and the relevant Strengthening Community Advisers for the Central City.

Following discussions with there is recommended to be:

- Confirmation of the scope of the review through a briefing to the Hagley-Ferrymead Community Board, a workshop with Council, and a report to a Planning Committee meeting.
- Input sought from external parties such as a mix of residents groups, architects/designers, residential developers, and planning consultants that lodge applications for residential developers. In selecting stakeholders, there is a need to take particular account of submitters to the August and December 2011 versions of the Draft Central City Plan.
- Advice sought from staff across the Strategy and Planning Group, particularly those previously involved with the preparation of Plan Change 53 and investigations into the effectiveness of the Special Amenity Area provisions.
- Advice sought from Council staff in the Resource Consents and Building Policy Unit involved in the assessment of Central City development proposals against the planning framework before and after the Plan Change 53 changes.

Significant changes may require public notification by CERA following their receipt of the recommendations from Council. That process sits with the Minister pursuant to

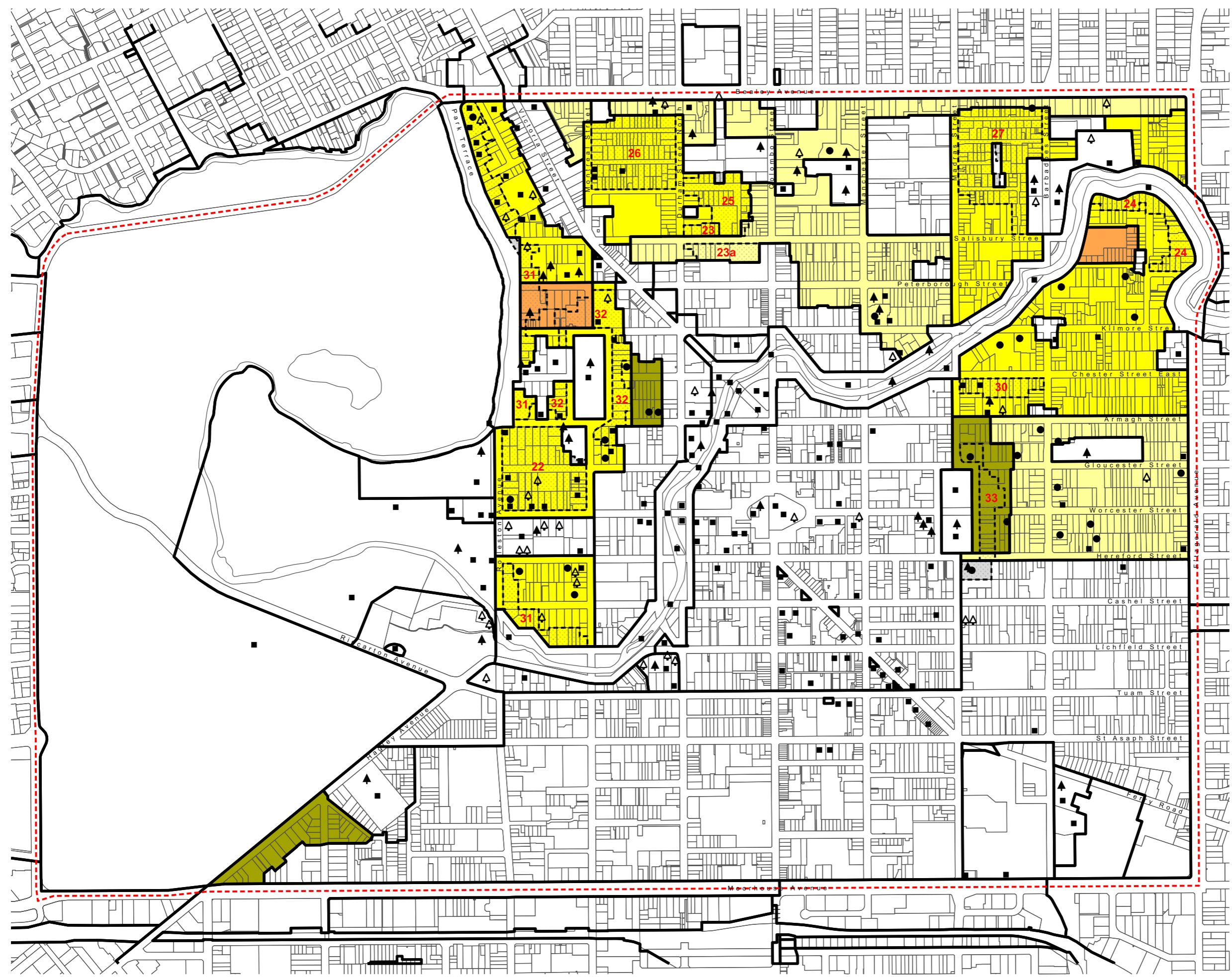
s.22 of the CER Act which deals with amendments to Recovery Plans that constitute more than corrections of minor errors.



# Central City Planning Maps and SAMS

Scale 1:10,000 Date 14/09/2012  
0 100 200 300 400

- Key**
- Central City Boundary
  - Zone Boundary
  - Scheduled Activity
  - Protected Object, Place or Building
  - Protected Tree
  - Group of Protected Trees
  - Living 4A Zone
  - Living 4B Zone
  - Living 4C Zone
  - Living 5 Zone
  - Special Amenity Area







ATTACHMENT 3 TO CLAUSE 1  
PLANNING COMMITTEE 3. 10. 2012



Information provided by CCC staff  
 to Simpson Grierson to review

APPLICATIONS

PROVIDED  
 BY CCC  
 STAFF

COUNCIL FILE  
 PROVIDED  
 BY CCC STAFF

**ORIGINAL APPLICATION**

COMPLYING ROADS  
 median, cycle lanes, safety buildouts

YES

YES  
 "ENTIRE  
 COUNCIL FILE"

**2009 "1st" VARIATION APPLICATION**

a typo correction Aug 2009  
 IDENTICAL TO THE ORIGINAL ABOVE

YES

YES  
 "ENTIRE  
 COUNCIL FILE"

**2009 Dec VARIATION APPLICATION**

Non-complying Narrow Roads  
 median eliminated, cycle lanes eliminated,  
 safety buildouts eliminated  
 cyclists merge into traffic lane  
 sites reduced min 250m<sup>2</sup> down to 85m<sup>2</sup>

NO

NO

after 17 months, & CCC staff permitting illegal,  
 unconsented and non-complying roads and  
 subdivision works, (pre-earthquakes)  
 further information was provided late

**2011 May FURTHER INFORMATION**

referred as 2nd VARIATION APPLICATION  
 identical to above with further information  
 median eliminated, cycle lanes eliminated,  
 safety buildouts eliminated  
 cyclists merge into traffic lane  
 sites reduced min 250m<sup>2</sup> down to 85m<sup>2</sup>

YES

NO



- 40 For the council to commission a report (they commissioned two) all the above needed to apply in (a),(b)&(c). Therefore, as per (a), the council had to have the "***opinion the activity for which the resource consent was sought may, have a significant adverse environmental effect;***" (traffic experts both prior and post the decision confirm it does).
- 41 As the council had this opinion that the activity may have a ***significant adverse affect***, they must certainly have considered that the activity is "***likely to have***" "***more than minor***" adverse effects. "***More than minor***" is the threshold under *section 95A* whereby the council ***must publicly notify the application***. The council therefore should have publicly notified the application.
- 42 The threshold for ***limited notification*** is an even lower bar to cross, whereby the council ***must*** give limited notification if the adverse effects on the person are "***minor***". Locals who have to use these roads would certainly be affected in at least a "***minor***" way, whether by congestion in cars or buses, or by being "squeezed" if cycling (them or their children).
- 43 The *Simpson Grierson legal review* at 72 (e) agrees with the above as to the requirement of ***public notification when further information has not been provided as requested;*** and I would also suggest *92(2)(a)* adds considerable weight in relation to the commissioned reports for ***grounds for Judicial Review***.

⊗ Simpson Grierson

72. In summary, public notification is required when:

- (e) further information has been requested or the applicant has been advised that the consent authority wishes to commission a report, and the applicant does not respond before the deadline or refuses to provide the information or agree to the commissioning of a report (section 95C(1)).

⊗ Simpson Grierson

- 44 Effectively, council staff agreed behind doors to permit the developer to "***radically***" depart from the provisions of the City Plan and to start and continue the illegal construction of it without a consent and engineering approval ("at the developers risk") with the mindset of retrospectively consenting it when the developer was ready in his own time to provide the radical final design of it (It took 17 months for the developer to belatedly produce the further information for it).
- 45 It is essential that the retrospective "***not an orthodox process***" [*"55. of the legal review"*] conjured by the council staff and legal unit is judicially reviewed to prevent this abuse of power escalating.

46 **Grounds for Judicial Review based on "unreasonableness":**

⊗ Simpson Grierson

***Test for unreasonableness***

22. The well accepted test for judicial review of local authority decisions on the basis of unreasonableness was set out by the Court of Appeal in *Wellington City Council v Woolworths New Zealand Limited (No 2)* [1996] 2 NZLR 537, at 545:


***Even though the decision maker has seemingly considered all of the relevant factors and closed its mind to the irrelevant, if the outcome of the exercise of the discretion is irrational or such that no reasonable body of persons could have arrived at the decision, the only proper inference is that the power itself has been misused.***

⊗ Simpson Grierson

- 47 **Applying the test for unreasonableness as per Simpson Grierson 22. above:-**



- 48 **Could** a “reasonable body of persons have arrived at the decision” to narrow a main collector status road by 6.2m, plus a main secondary road, that forms part of and integrates an entire community within a new Living G zone **that**:-
- does NOT safely integrate existing roads (dangerous bottlenecks, dead end cycle lanes),
  - does NOT provide required cycle lanes for “safe & efficient” sustainable travel modes,
  - does NOT comply with the requirement to “ensure efficient bus movement with minimal impact on traffic and cyclist flows”,
  - does NOT comply with New Zealand Standards (NZS4404) for road design,
  - does NOT comply with New Zealand LTSA (Land Transport Safety Authority) Guidelines,
  - does NOT comply with Austroads Standards,
  - does NOT comply with the Statutory City Plan zone rules or lesser general rules,
  - does NOT comply with the Council’s own Infrastructure Design Standards (IDS),
  - eliminates the central median required for cars to wait safely on the busy road prior to turning right, and to provide planting;
  - has insufficient width requiring “yielding/squeezing” as accepted by supporting evidence;
  - requires remediation to improve safety after the decision would be made,
  - has no future proofing ability for future generations and growth,
  - encumbers future ratepayers with remedying the traffic environment,
  - will put the safety and welfare of the public at risk,
  - will cause liability risks to Council due to **preventable** injury and death,
  - will cause costs to public, business, due to congestion, delays, fuel, pollution, accidents,
- over road designs that DO comply with all of these standards, provides all of these things, and provides them all to the Council and to the ratepayers at no cost???**
- 49 **Surely** the answer is **NO!** “No reasonable body of persons could have arrived at the decision” for congested non-complying unsafe roads as above over complying roads. This **would** be completely “irrational” and “defy logic”. Why would they? **Surely** the “test” for “unreasonableness” has been met.
- 50 The “notification” decision “unreasonableness” test: would have a lower bar to cross. “No reasonable body of persons could have arrived at the decision” to not at least allow those affected by roads that don’t meet safety standards their legal right to make submissions against them. There is no “just” or “rational” reason not to.

 Simpson Grierson

**Test for unreasonableness**

23. That test has been adopted in the context of notification in *Fullers Group Ltd v Auckland Regional Council* [1999] NZRMA 439 (CA).
24. The Court in *Woolworths* further accepted that to prove a case of unreasonableness requires “something overwhelming” (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* [1948] 1 KB 223, 230 per Lord Greene MR). For an ultimate decision to be invalidated as “unreasonable”, the Court held that it must be so “perverse”, “absurd” or “outrageous in defiance of logic” that Parliament could not have contemplated such decisions being made by an elected council.

 Simpson Grierson

- 51 **Applying the test’s for unreasonableness as per Simpson Grierson 24. above:-**

- “something overwhelming” :-

- 52 To decide upon a busy collector road that is to accommodate buses, trucks, vehicles and cyclists that is so grossly non-complying and that it will require, as per the “accepted supporting traffic evidence”, that “...it is **expected that at least one direction of traffic / cycle movement will yield to oncoming traffic as required rather than be squeezed**”, IS “overwhelming”:- this is dangerous! Why would someone chose this?
- 53 The accepted “material of fact” to “yield” to “oncoming traffic” is explained elsewhere in the evidence that would be before an “elected council” in completing this test; in that cars and buses need to “cross the centreline” of the collector road and secondary loop road to pass cyclists when cyclists are passing parked cars.



**Colin Stokes**

---

**From:** Camilla Owen [C.Owen@DuncanCotterill.com]  
**Sent:** Tuesday, 24 July 2012 4:57 p.m.  
**To:** Colin Stokes (stokesy@xtra.co.nz)  
**Subject:** Can Council's judicially review themselves?

Hello Colin,

Our apologies, we put this heading in the letter but did not address it. I can advise that the case cited by Simpson Grierson was one where I was counsel for the Department of Corrections. We did not wish the council to review its grant of consent to the Department of Corrections but the Council went ahead and filed for judicial review. The review was abandoned because we agreed to seek a declaratory judgment from the Environment Court, which later was appealed to the High Court. The best we can say is that as Councils have a variety of 'hats' that they wear it is far more likely that the court would accept it was not an abuse of process for a council to review itself than if it were a body other than a council. The correct analogy we consider is with the Council being able to prosecute itself under the RMA – again, unusual, but allowed because it is in the public interest to have the Council hold itself accountable. Thus we consider the analogy would hold for review as well. However we accept here is no case law on it. As far as the argument that there is no two sides and the Council would have to face off against itself we do not consider that is correct. Like the Department of Corrections case there would be a party defending the decision to grant consent – in this case it would be Noble Investments Limited. Also note that on appeals of a consent the Council can alter its opinion eg to no longer defend its grant of consent, so that this also points to the ability of a council in rare cases to have the freedom to alter its position regarding the grant of a resource consent.

Regards,

Camilla

**Camilla C M Owen**  
Partner

**DuncanCotterill**  
LAWYERS

Ph +64 3 546 6223  
Mobile +64 21 248 6103, Fax +64 3 546 6033  
[www.DuncanCotterill.com](http://www.DuncanCotterill.com)

197 Bridge Street, Nelson 7010,  
PO Box 827, Nelson 7040, New Zealand

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24/07/2012

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DuncanCotterill  
LAWYERS

24 July 2012

Mr C P Stokes  
475C Yaldhurst Road  
RD 6  
Christchurch 7676

Nelson  
197 Bridge Street  
PO Box 827  
Nelson 7040  
Telephone +64 3 546 6223  
Facsimile +64 3 546 6033  
New Zealand  
www.DuncanCotterill.com

Via e-mail: stokes@xtra.co.nz

Dear Mr Stokes

**Judicial Review of subdivision and land use consents RMA92009135**

1. You have advised that you are appearing before the Christchurch City Council on Wednesday 25<sup>th</sup> July 2012 in respect of the non-notification of applications/variations of resource consents by Noble Investments Limited in respect of a subdivision at 473 Yaldhurst Road. You have provided us with a copy of the Simpson Grierson opinion dated 15 March 2012 and a copy of your review dated 16 April 2012. Whilst we have examined some of the background documentation supporting these two reviews we have not had time to exhaustively peruse all relevant documentation. We therefore confine our comments below to major points.

**Allegation that failure to decide the application in 10 working days is a ground of review**

2. The RMA does not expressly provide that a failure to comply with the time limit to determine an application can be the basis for judicial review. Nor does it expressly provide that if a decision is not made within the timeframe an application must be notified.
3. There is however case law which has held that a breach of the statutory time frame for notification can be judicially reviewed: *North Holdings Ltd v Rodney DC* [2004] NZRMA 76 (HC). We note that since this decision the RMA has been amended so that the default provision has been reversed – the presumption now is that notification is not required. However the case is important in indicating that judicial review can arise due to non-compliance with the Council's statutory time frame for deciding whether or not to notify.
4. Based on this case we consider there would be jurisdiction for the Court to consider a judicial review on the ground of a failure to comply with the statutory time limit. Whether this would be successful would come down to the Court's assessment of the circumstances of the case.

**Allegation that failure to comply with the RFI in the timeframe is a ground of judicial review**

5. Section 95A provides (in summary) that a consent authority must publicly notify an application for a resource consent if:
  - (a) It has not already decided whether to give public or limited notification of the application; and

(b) It requests further information on an application under section 92(1), but the applicant does not provide the information before the deadline (or refuses to supply the information).

6. Therefore for this section to apply it must be established that:

6.1 There was one or more Requests for Further Information (RFI's) issued to the applicant; and

6.2 The applicant did not respond by the statutory deadline/s.

7. The required timeframe is set out in section 92A of the RMA which provides that:

*(1) An applicant who receives a request under section 92(1) must, within 15 working days of the date of the request, take 1 of the following options:*

*(a) Provide the information; or*

*(b) Tell the consent authority in a written notice that the applicant agrees to provide the information; or*

*(c) Tell the consent authority in a written notice that the applicant refuses to provide the information.*

*(2) A consent authority that receives a written notice under subsection (1)(b) must –*

*(a) Set a reasonable time within which the applicant must provide the information; and*

*(b) Tell the applicant in a written notice the date by which the applicant must provide the information.*

(emphasis added)

8. Based on the information supplied to us we understand that there were RFIs made. For example the Cardno letter encloses further information; and in addition an email from Sean Ward (Christchurch City Council) refers to:

*... long running requests for changes and plan information to make clear how the proposal will work. As I noted I still don't have all the information that has been asked for ...*

9. In addition in your email to us you refer to further information being provided late around 27 May 2011. You advise that you had been asking for this "further information" regarding the combined land use breaches as evidenced in your email to CCC's Sean Ward since 13 September 2010. You have advised that this has been due since December 2009 and was requested by Graham Taylor in processing the December 2009 variation as seen in the invoice (dated May 2011).

10. We specifically note that although the time limit of 15 working days in section 92A(1) is precise, the section then descends into a more fluid timeline, with the concept being that the applicant will have time to provide certain information, as long as the Council knows when that information is to be provided. In fact, it is the Council's statutory duty to specify the time by which the information must be provided. Questions of what is a reasonable time given the size and complexity of the application will arise, as will whether the Council ever gave written notice of a time or times by which the information was to be provided. We understand it did, and that the deadlines were not met over a period of some 17 months.

11. We consider this is a ground for judicial review.

*The Simpson Grierson opinion of 15 March 2012*

12. Simpson Grierson states that:

*We note that we have only taken the Council's 2009 file into consideration in our review of the first notification, original and first variation decisions.*

13. The first notification and the original decision are in relation to the application dated 2007, and the first variation is in relation to an application to amend condition 26 of the original consent. That variation was dated August 2009. We pause to note that the Simpson Grierson opinion is respectfully not as clear as it might be regarding the dates of the various applications and how they relate to the descriptors (eg 'first variation') used in its opinion.

14. What Simpson Grierson describe as the 'second variation' is:

*"... the substantive decisions (second variation decision) on Noble Investments application for a variation of land use and subdivision consents in 2011."*

15. However chronologically this was not the second variation, and the true second variation, dated December 2009, appears to have been omitted in the review that Simpson Grierson undertook. The second variation application was dated December 2009, and sought a change to the subdivision consent, particularly with regard to the spine and loop road construction standards. Simpson Grierson has apparently not received this file and thus its review does not assess the procedure followed by the Council in respect of this variation.

16. We have considered whether this apparent omission has been 'solved' by Simpson Grierson having seen the May 2011 application/variation. Ie: could this be seen as a replacement for the earlier December 2009 variation? We have concluded it quite clearly cannot be considered to be a duplicate or outdated variation later replaced by the May 2011 application. Whereas the May 2011 variation seeks changes to the land use consent, the December 2009 variation sought changes to the subdivision consent. The 2009 December contains relevant assessment of effects which was not contained in the May 2011 application. Most relevantly the 2009 application contains a section on 'road layout amendments' which details the specific amendments proposed, and a section on traffic effects which assesses the proposed reduction in the width of the spine road. These sections are not contained in the later 2011 application. In addition the 2011 application (Appendix D) assesses the relevant residential standards in the Plan (contained in part 2 of the Plan). In comparison the 2009 application assesses the rules relating to subdivisions in part 14 of the Plan, including traffic.

17. We are supported in this conclusion by the Council staff, who have clearly treated the December 2009 and May 2011 variations as two separate documents that stand side by side. See for example the notification decision, which lists the "Application dated December 2009" and the "Amended application dated May 2011" as being documents received and perused.

18. See further the section 42A report, which stated:

*The application for change of conditions of the subdivision consent was lodged in December 2009. Since then it has been subject to a number of amendments relating to the proposed lot sizes and layout and spine road width. The latest subdivision plans on which this application has been assessed were received on 27 May 2011.*

*A separate application for change of conditions for the land use consent was applied for on 27 May 2011.*

...



*The application to change the subdivision consent condition was lodged in December 2009 ... It was subsequently deemed that these lot layout and area amendments would necessitate further changes to the approved land use which had not been sought. A separate application to change the land use consent was lodged on 27 May 2011, along with further amended subdivision scheme plans. (emphasis added)*

19. The fact that Simpson Grierson was not provided with any information relating to the December 2009 variation is a matter of concern. Their advice appears to be based solely on a review of expert evidence before the Commissioner, but does not appear to consider the processing of the December 2009 variation, which we understand to be of critical concern to you.
20. As Simpson Grierson did not review the file relating to the December 2009 variation, they would not be aware of any breach/es of the timeframes for responding to Requests for Further Information which should have triggered mandatory notification. Their advice in respect of the risk of judicial review has therefore not addressed this issue.

Yours sincerely

*Camilla b.m. Owen. Shoshona Goodall*

Camilla Owen/Shoshona Goodall  
Partner/Associate

s.goodall@duncancotterill.com



15 August 2012

**Partner Reference**  
James Winchester - Wellington

Christchurch City Council  
PO Box 73013  
CHRISTCHURCH 8154

**Writer's Details**  
Direct Dial: +64-9-977 5162  
Email: sarah.scott@simpsongrierson.com

SENT BY EMAIL

For: Brent Pizzey

### **Judicial Review of Decision Making Processes - Noble Investments Limited**

1. Mr Colin Stokes made a deputation to the Council's Planning Committee on 25 July 2012, in relation to the non-notification of applications for, and variations of resource consents sought by Noble Investments Limited. Documents were presented to the Committee by Mr Stokes, including a letter by Duncan Cotterill Lawyers dated 24 July 2012.
2. The Committee resolved:  
  

*The Committee recommend to the Council that in response to the deputation from Mr Stokes, it review the documents provided to Simpson Grierson for the Noble Subdivision judicial review, particularly with regard to whether or not Simpson Grierson was in possession of all relevant information and reviewed it (refer attached 2009 December variation application).*
3. The reference in the resolution to Simpson Grierson's review, is to our advice dated 15 March 2012.
4. You have asked us to respond to the Committee's resolution, and also the points raised in Duncan Cotterill's letter.

### **Information considered by Simpson Grierson**

5. The Committee's resolution raises concerns about the material which was provided to and considered by us in the context of our advice on possible judicial review of the applications made by Noble Investments Limited under section 127 of the Resource Management Act 1991 (**RMA**).
6. In particular, the Committee's resolution suggests, based on our advice dated 15 March 2012, that we had not been provided with nor reviewed all of the relevant information relating to a section 127 application made in December 2009.
7. We have reconsidered our advice and also checked the information that was provided to us. In paragraph 4 of our 15 March 2012 advice, we list the information that we were provided with before we:
  - (a) reviewed the decision making process for, and the notification (**first notification decision**), original (**original decision**) and variation (**first variation decision**) decisions on Noble Investment Limited's original land use



and subdivision consents, which were granted by the Council on a non-notified basis in 2009; and

- (b) reviewed the decision making process for, and the notification (**second notification decision**) and substantive (**second variation decision**) decisions on Noble Investment Limited's December 2009 application (subsequently amended in May 2011) for a variation of land use and subdivision consents, which were made by an Independent Commissioner in July 2011.
8. It appears that confusion has resulted from our reference at paragraph 4(b) of our advice to the "*section 127 variation application by Noble Investments Limited, dated May 2011*" (our emphasis). In fact, this application is an amendment to the second variation application dated December 2009 and therefore involves the same application. It was this application, originally lodged in December 2009 and amended in May 2011, which was considered by an Independent Commissioner appointed by the Council.
9. Accordingly, the absence of an explicit reference in paragraph 4(b) of our 15 March 2012 advice to the December 2009 section 127 application should not be read as meaning that we did not consider it, nor that we were not provided with all relevant information relating to that application. No substantive decision nor a decision on notification as such was made on the section 127 application lodged in December 2009, which is why that application was not given a specific "decision" name or reference in our 15 March 2012 advice.
10. Indeed, the information provided to us should be clear from reading other parts of our advice. Paragraph 4(g) of our letter states that we have been provided with "*the Independent Commissioner's entire file*". We confirm that this file included both the second variation application dated December 2009 and the amended second variation application dated May 2011, as well as all of the information that was before the Independent Commissioner when he made his decisions.
11. For completeness, we note that the Independent Commissioner's decisions provide a summary of the evidence that he had before him, and that both the process and relevant information relating to the second notification and variation decisions are clearly outlined in the section 42A officer's report which was relied upon and referred to by the Commissioner. It also included the information that the Commissioner was presented with at a meeting involving the interested parties, as referred to at paragraphs 54 -56 of our advice.
12. All of this information and evidence was provided to and reviewed by us before we reached the conclusions recorded in our 15 March 2012 advice.

#### **Duncan Cotterill's letter**

13. Duncan Cotterill's letter raises three points in relation to potential judicial review of the various decisions made by the Council on Noble Investment's various land use and subdivision consent and section 127 applications.

#### *Allegation that failure to decide the application in 10 working days is a ground of review*

14. The letter states that based on *North Holdings Limited v Rodney District Council* [2004] NZRMA 76 (HC):

*[T]here would be jurisdiction for the Court to consider a judicial review on the ground of a failure to comply with the statutory time limit. Whether this would be successful would come down to the Court's assessment of the circumstances of the case.*

15. We agree that a breach of the statutory time frame for notification is amenable to judicial review, based on the *North Holdings Limited* case. However, we note that the High Court in *North Holdings Ltd* then concluded that the breach was *not* such as to invalidate the decision to require notification, having regard to the statutory framework of the Act, the public interest in achieving sound resource management decisions, and the default provision that notification is required.
16. The latter factor may no longer be relevant in light of the 2009 amendments to the notification provisions and the change in presumption away from notification.
17. In our view, a review based on this ground would have little prospect of success.

*Allegation that failure to comply with the RFI in the timeframe is a ground of judicial review*

18. Duncan Cotterill's second point is that a failure of the Council to comply with timeframes relating to a request for further information (RFI) is a ground for judicial review.
19. We note that the second notification decision, at page 9, addresses the alleged failure of the Council to comply with timeframes for RFIs, and subsequent mandatory notification in terms of section 95C(1) of the RMA, stating:

*Section 95C provides for notification where a request for further information has not been met or where an applicant has not responded to a proposal by the consent authority to commission a report. Neither of those circumstances [are] applicable here and so I do not need to consider s95C.*

20. Our understanding is that the applicant never *refused* to provide the further information requested, and although it appears that the timeframes for receiving the requested information continued to be extended, we do not consider that such a procedure would provide a basis for a successful review. We therefore do not change our legal advice nor conclusions based on the allegation that the applicant failed to comply with the RFI in the stipulated timeframe and, more importantly, the relevance of section 95C was recognised and addressed by the Independent Commissioner in his second notification decision.

*The Simpson Grierson opinion of 15 March 2012*

21. This point relates to the information that we were provided and then considered as part of our advice provided on 15 March 2012 advice. Paragraphs 5 to 12 above explain what information we considered as part of our review, and we consider that it is clear from this explanation that Duncan Cotterill has made an incorrect assumption that we did not review the file relating to the December 2009 variation.

## **Summary**

22. We confirm that none of the additional information provided by Mr Stokes to the Committee changes our legal advice nor conclusions of 15 March 2012. We also consider it necessary to repeat our earlier advice that *even if* an error could be shown in any of the decisions made, in our view it would not be practical nor appropriate for

the Council to seek a judicial review of its own decision for the various reasons set out in our 15 March 2012 advice at paragraphs 124 to 143.

Yours faithfully  
SIMPSON GRIERSON



James Winchester/Sarah Scott  
Partner/Associate

Report on the Administration of  
Christchurch City Council's  
Policy and Practices  
in relation to the Control of Dogs  
for the year  
1 July 2011 to 30 June 2012  
(Section 10A of the Dog Control Act 1996)

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	<p>Mark Vincent Team Leader Animal Control Inspections &amp; Enforcement Unit Christchurch City Council</p>
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Report on the administration of Christchurch City Council's Policy and Practices in relation to the control of dogs for the year 1 July 2011 to 30 June 2012 (Section 10A of the Dog Control Act 1996)

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## BACKGROUND

Council adopted the "Control of Dogs" Policy ("the policy") in September 2008. The Policy has provisions relating to the control of dogs in public places, which are enforceable under the Christchurch City Council Dog Control Bylaw 2008.

The objectives of the policy are to:

- Set the framework for Dog Registration Fees and Classification of Owners;
- Identify mechanisms for promoting responsible dog ownership and interaction with dogs;
- Set the framework for Issuing of Infringement notices and Impounding of Dogs;
- Specify the requirement for neutering of dogs classified as dangerous or menacing; (sections 32 (1)(c) and 33E (b));
- Provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners;
- Set the framework for categories of Dog Control;
- Notify areas where specific dog control status has been designated for reasons such as public health, safety and hygiene and protection of wildlife, animals and stock;
- Identify the matters to be covered by bylaws.

In adopting a policy under section 10A Dog Control Act 1996, the territorial authority must have regard to:

- (a) the need to minimise danger, distress and nuisance to the community generally; and
- (b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- (c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- (d) the exercise and recreational needs of dogs and their owners.

## **DOG REGISTRATION FEES**

- Dog registration fees are set by Council resolution.
- Dog registration fees have been held at current levels for the last six years, however, a slight increase in this years fee reflects the increase in the GST component of the fee.
- Dog registration fees, infringement fines and dog impound fees are used to fund dog control.

A contribution of 8% funding from rates (as recognition the service provides “community good”) is provided as per the funding policy.

- Discounted dog registration fees are offered to owners who register their dogs before 1 August.

### ***Comment***

Over this period, dog registration numbers have increased from 33,741 to 33,951 an increase of 210 dogs. This is partly due to field officers identifying previously unknown unregistered dogs and enforcing dog registration compliance.

## **CLASSIFICATION OF OWNERS - RESPONSIBLE DOG OWNERSHIP**

- Responsible Dog Owner classification was set by Council resolution in the Dog Control Policy 2008.
- The Council continues to promote responsible dog ownership to the wider community.
- Currently the Council has 15,737 dog owners who are registered as holding the ‘Responsible Dog Owner’ classification. There 19,352 dogs registered to those 15,737 owners with some owners having more than one dog.
- Currently the Council has 13,235 dog owners who are registered as standard dog ownership. There are 14,599 dogs registered to those 13,235 dog owners .

### ***Comment***

Responsible Dog Owners receive a reduced registration fee annually (for prompt registration) as reward for continued compliance of the Responsible Dog Owner status criteria.

Owners who don't hold this status pay a higher dog registration fee. These fees are set out in the standard fee schedule.

## **CLASSIFICATION OF OWNERS - DANGEROUS AND MENACING DOGS**

- Prior to this period, the Council had 56 dogs classified as dangerous, 20 dogs have been classified in the period, making the total number of dogs classified as dangerous, at 76.
- The Council currently has 831 dogs classified as menacing with 133 classified as menacing over this period. 504 dogs in total have been classified based on the breed of the dog, and 327 dogs have been classified based on the actual “deed” or offending committed by the dog.

### ***Comment***

All dogs classified as menacing or dangerous are required to be neutered, in accordance with section 33E of the Dog Control Act 1996. Council assist dog owners to comply with these requirements by providing a free muzzle, microchip and neutering discount voucher.

All dog owners properties are checked annually to ensure compliance of the legislation is met.

## EDUCATION PROGRAMME

This programme was designed to make owners more aware of the potential behaviours of their dogs and assist dog owners to reduce or prevent nuisance situations occurring.

The education programme includes:

- A comprehensive dog education programme delivered to school children, focusing on the “bite prevention and safety awareness” campaign as well as responsible dog ownership, pet care and welfare.
- The team’s mascot “Angus” continues to be popular at dog promotions, Santa Parades, “Dogs day out” and many more events.
- The Council produced a DVD, promoting responsible dog ownership and the “bite prevention” programme in schools. The material illustrates safe dog practises which is supported by a catchy jingle “If a dogs on its own – leave it alone” which sends a positive message to young people.
- The team has delivered this programme to 20 schools this year, in addition to 11 adults presentations to Court bailiffs’ and New Zealand postal workers groups.



## FEAR OF ATTACK AND INTIMIDATION

- The Council investigated 1141 complaints (compared with 1031 last year) relating to dogs attacking, or acting aggressive or demonstrating aggressive behaviour.
- The Council investigated 5172 complaints (compared with 6151 last year) about dogs barking, dogs wandering and fouling in public places, dogs in prohibited areas and other bylaw offences.

### ***Comment***

Figures show an increase (110) in the number of dog’s attacks, or dogs acting or demonstrating aggressive behaviour. This mainly appears to be due to an increase in rental accommodation due to earthquake displacement, with some rental properties not being securely fenced to contain dogs. Council is working closely with landlords and dog owners to ensure compliance is met.

Officers conduct other investigations relating to dog permit applications, patrols of beaches etc.

The LTCCP Levels of Service requires complaints involving serious injury to be referred to Police within 10 minutes and aggressive behaviour by dogs or stray stock on roads, requiring officers to be dispatched within 30 minutes (urban) and 1 hour (rural).

Officers thoroughly investigate complaints about dog attacks on people, stock, poultry, domestic animals and protected wildlife and where necessary take prosecution action.

## OFFENCES AND PENALTIES

- Over the period, Council took 7 summary prosecutions against dog owners for offences against section 57 of the Dog Control Act 1996. All 7 prosecutions resulted in convictions, and in 5 cases, reparation was ordered to be paid to victims.
- 5 of these convictions resulted in the dog owners being disqualified from owning dogs (in accordance with section 25 of the Act); these owners were disqualified for periods of 2-3 years.
- 1062 Infringement notices were issued in respect of breaches against the Council's Dog Control bylaw or the Dog Control Act. Compared with 1103 issued last year.

## DOG EXERCISE AND LEASH CONTROL AREAS

As previously reported the Christchurch City Council established a number of dog parks and dog exercise areas within the city. Presently there are seven designated dog parks situated at:

- Groynes reserve Dog Park, at the Groynes, Belfast
- Styx Mill reserve dog park, off Husseys Road, Northwood
- Horseshoe Lake reserve Dog Park, off Horseshoe Lake Road, Shirley
- Victoria Park reserve dog park, within the Elizabeth Park reserve, Cashmere
- Radley reserve dog park, at Cumnor Terrace, Woolston
- Bexley reserve dog park, on Pages Road, Bexley
- Rawhiti dog park, within the Rawhiti Domain, New Brighton.

### *Comment*

All of these areas above (with the exception of Radley Park) are fully fenced to contain the dogs, allowing dogs to run freely off leash in a controlled environment.

The development of dog parks have proven to be extremely popular throughout the city, these parks appear to be a focal point for owners.

Earthquake damage has been minor and affected Horseshoe Lake, Bexley and Rawhiti reserve dog parks. These parks are still being used by dog owners, which are now fully operational.

The Christchurch City Council Dog Control Bylaw 2008 requires all dogs to be leashed while exercised on roads.

## DOG PROHIBITED AREAS

Dogs are prohibited from certain specified areas within the city. The following criteria was used in assessing dog-prohibited areas:

- Children's playgrounds – safety and hygiene
- Areas of intense public use – sports grounds
- Areas of ecological sensitivity - wildlife significance
- Any other areas as resolved by Council as specified in the dog control policy.

### *Comment*

The dog population in the city is currently 33,951. Considering the large number of dogs, the Council receives very few complaints about dogs wandering uncontrolled on city streets, or dogs causing annoyance at local beaches. There is however, always a small group who will not comply with Council's Bylaw and the Animal Control team continues to use enforcement action to seek compliance.



Regular patrols are programmed to coincide with peak seasonal times at high profile prohibited dog areas. These areas are prohibited primarily due to health, hygiene and child safety concerns including some wildlife and environmental reasons.

## **IMPOUNDMENT OF DOGS**

- Over the period a total of 1815 (1966) dogs were impounded. The Council disposed of 335 (370) dogs, there were 299 (293) dogs adopted back into the community, 1181 (1302) dogs were returned home to their owners. (figures in brackets refer to the previous years)

### ***Comment***

Figures show a decrease in the number of dogs impounded, this is a direct result of more dogs being returned back to their owners where the dog is micro-chipped..

Dogs that are found with a micro-chip implant or a registration tag are generally returned home, as opposed to being impounded, this action is consistent with the teams approach to managing stray and roaming dogs, which is:

*“To return the dog back to its owner, as quickly as possible, without penalty”*

This approach provides a “win – win” situation for the dog, the dog owner, the Council in terms of reduced cost and the wider community.

## **STATISTICS**

Total number of registered dogs	33,951
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Total number of probationary owners	0
-------------------------------------	---

Total number of disqualified owners	5
-------------------------------------	---

Total number of dogs classified as dangerous (live records only)	
▪ S.31 (1)(a) Section 57A conviction	7
▪ S.31 (1)(b) Sworn evidence	10
▪ S.31 (1)(c) Owner admits in writing	3

Total number of dogs classified as menacing (live records only)	
▪ S.33A Observed or reported behaviour	60
▪ S.33A Characteristics associated with breed	34
▪ S.33C Dogs listed in schedule four	39

Number of infringement notices issued (not waived or cancelled)	1062
Number of dog related complaints	
▪ Dog attacks on people	245
▪ Dog attacks on domestic animals	424
▪ Dog rushed at people	472
▪ Dog barking	2266

▪ Dogs roaming (covers bylaw, roaming and miscellaneous)	2906
Number of prosecutions	7

Send to: Secretary for Local Government  
Department of Internal Affairs  
PO Box 805  
Wellington

28 August 2012

Liquor Licensing Authority  
Private Bag 32-001  
Panama Street  
Wellington 6146

**Attention: Mr. B Holmes**

## **Christchurch City Council District Licensing Agency Annual Report to the Liquor Licensing Authority for Period Ending 30 June 2011**

Report prepared by **Paul Rogers**, Team Leader Liquor Licensing  
Christchurch City Council District Licensing Agency

### **1. Christchurch City Council District Licensing Agency Overview**

#### *Agency Structure and Personnel Changes*

The Liquor Licensing team consists of the names below, there having been no changes in the last 12 months:

Paul Rogers	Team Leader	Ph: 03 941 8909
Martin Ferguson	Senior Inspector	Ph: 03 941 8956
Paul Spang	Inspector	Ph: 03 941 8826
Fiona Proudfoot	Inspector	Ph: 03 941 5064
Natashia Lafituanai	Technical Assistant	Ph: 03 941 8827
Maria White	Technical Assistant	Ph: 03 941 8821
Michele Vincent	Technical Assistant	Ph: 03 941 8068

Fiona Proudfoot is currently on long term leave and due to return mid December 2012, during her absence her position is has been filled by the following person who has been warranted as an Inspector:

Jenn Davison	Inspector	Ph: 03 941 2504
--------------	-----------	-----------------

Fax number: 03 941 5033.

Email: [liquor.licensing@ccc.govt.nz](mailto:liquor.licensing@ccc.govt.nz)

Web Site: [www.ccc.govt.nz/liquor](http://www.ccc.govt.nz/liquor)

### *Sale of Liquor Act 1989 Staff Training*

The Inspectors and the Liquor Licensing Team Leader attended the New Zealand Institute of Liquor Licensing Inspectors Conference in August 2011.

Martin Ferguson and Fiona Proudfoot have almost completed the new course for Liquor Licensing Inspectors provided by Learning State. When qualified, this will mean all three of the permanent inspectors will have formal qualification in Liquor Licensing. Previously Paul Spang was the only inspector in the country to hold the qualification.

### *Agency Business Increases or Decreases*

The series of earthquakes that have hit Christchurch since September 2010 have had an effect on the licensing industry in Christchurch.

### *Application Trends*

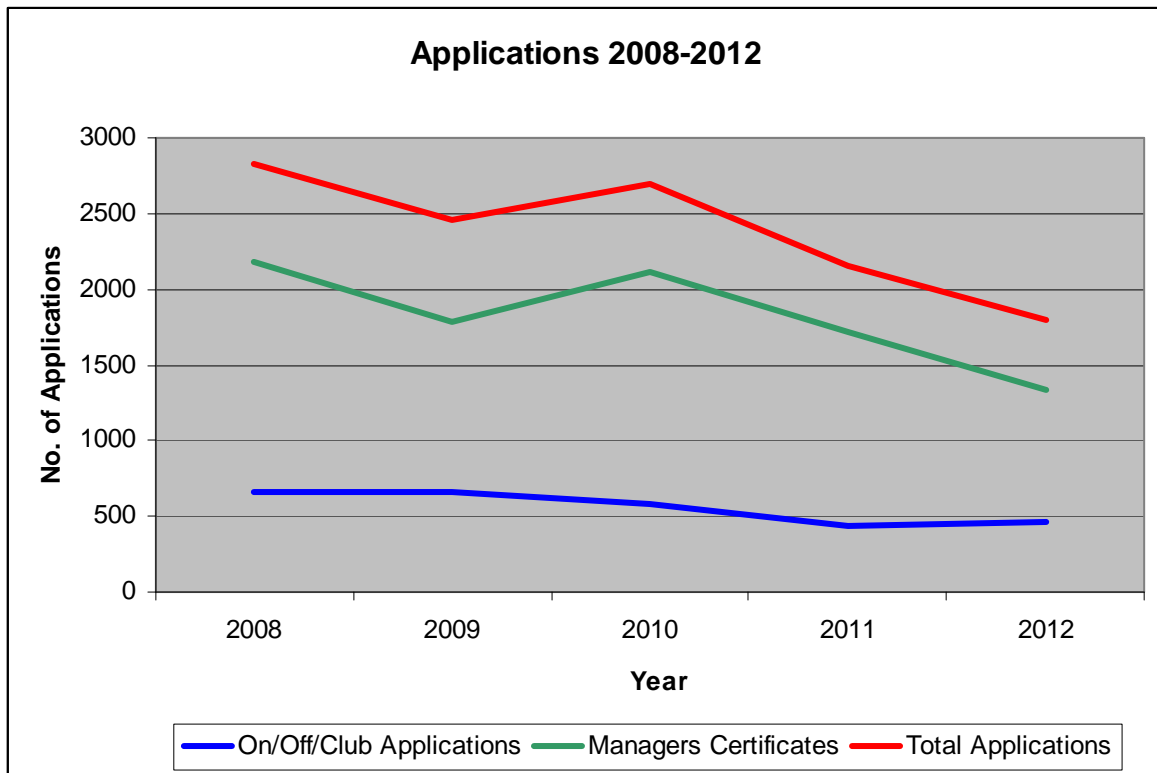
Table 1 and Figure 1 below shows the total number of applications received over the last 3 years with a marked decrease in 2009-10 from 2700 total applications to 2156 total applications in 2010-11 (20% decrease), and then a continuing trend of less applications through to 2011-12 with a total of 1798 (17%).

<b>Category</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
On/Off/Club Licences	580	438	460
Managers Certificate	2120	1718	1338
<b>Total</b>	<b>2700</b>	<b>2156</b>	<b>1798</b>

**Table 1:** Christchurch District Licensing Agency Annual Return Application Totals 2008-2012

Earthquake reasons are behind the 29% decrease in applications for Manager's Certificates down from 1718 in 2010-11 to 1338 applications this year – purely through less premises operating providing employment opportunities.

On/Off/Club applications have marginally increased up approximately 5% on figures from 2010-11, moving from 438 applications to 460. It must be noted though, that on/off/club licenses have been in slow decline since 2008 as can be seen in Figure 1 showing these licences decreasing from 600 per annum to below 500 per annum.



**Figure 1:** Christchurch District Licensing Agency Annual Return Application Totals 2008-2012

However, there has been a 19% increase in the number of Special License applications over the past year - up from 828 applications in 2010-11 to 1022 this year. This reflects an increase in a number of events being held in premises other than On-licence premises. This increase can also be attributed to the loss of licensed premises due to earthquake damage.

Whilst an increase in the number of applications for licensed premises and Managers certificates could be expected in the future as the Central City Rebuild – the effect of the new proposed Sale and Supply of Alcohol Act will have some bearing on business decisions related to licensing fees and/or market space availability to re-establish certain types of licensed premises within the CBD. It may well be that this encourages more restaurant/café-type premises to return to the CBD area as opposed to late night economy venues.

#### *Licensed Premise trends*

The location of licensed premises is still very fluid as building owners receive more detailed engineering evaluations (DEE's) leading to decisions to close premises due structural concerns/issues – including those that had since re-opened following the major seismic events.

The loss of some premises due to damage or closure, has meant a proportion of those licensed premises have chosen to apply for a Section 228 transfer under the Sale of Liquor Act 1989. Others have chosen to apply for a new licence at a different location.

Prior to the September earthquake there were approximately 1120 licensed premises throughout the Council's territorial area at any one time. Figures to 2012 year-end indicate that there are now approximately 1010 licensed

premises. The 110 premise difference is explainable due to some premises letting their licence expire.

Prior to the Canterbury Earthquakes there were 335 licensed premises operating within the CBD area. In the suburban areas 30 premises have been affected by damage or closure with 685 suburban licensed premises currently able to operate.

#### *Agency Meetings and Hearings*

The Agency Officer Panel appointed under delegated authority meets every Wednesday to consider all unopposed applications. In the 2011/12 financial year the Agency Officer Panel met 50 times. The DLA Hearing Panel convened on two occasions (see attached annual return for details).

#### *Agency Trends or Issues*

There has been a noticeable increase in licenses being issued for businesses that have not previously been licensed. The Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011 provided some leniency around City Plan rules for displaced earthquake businesses to facilitate recovery. In effect a displaced business is able to locate out of usual planning zones for a maximum of five years without the need for a resource consent if it meets criteria established by the Council. In some instances under a Temporary Accommodation Permit, premises have appeared in locations where the residents never imagined there would be licensed premises.

In addition, the demolition or removal of a large commercial buildings has removed the barrier to noise and general disorder in/around residential areas, for example, Victoria Street, and Lincoln Road, Addington – both areas have morphed into late night entertainment destinations when previously these areas had more of a suburban/restaurant feel. General disorder of urination in public places, side-loading, yelling and swearing, and sex/drug taking in public places has caused significant concern for nearby business and residents in both areas.

The Christchurch City Plan has restrictions for On-licence hours in the suburbs. There has been a noticeable trend in such premises attempting to lengthen their hours to support the lack of late night entertainment venues in Christchurch generally. However, the requirements for obtaining a resource consent have meant business owners have not pursued this avenue.

## **2. Agency Initiatives**

There were six Controlled Purchase Operations (CPO) carried out during the year resulting in 73 premises being visited. Three premises sold to a minor in breach of the Act resulting in those premises being referred to the Authority where they typically received penalties of a 1 day's closure of their On-licence premises and 6 weeks suspension of the Manager's Certificate. The typical penalty for Off-licence premises has been 2 days of operational suspension and 30 days suspension for duty managers.

The successful litigation taken by the Christchurch DLA in 2010-11 against Party Buses has seen a dramatic improvement in the way in which these buses operate. These charter buses still continue to operate under the provisions of a special licence but they are not operating as licensed pub crawls. As a general rule the special is only provided for the sale and supply of alcohol for the outward journey only.

### **3. Sale of Liquor Policy**

The Christchurch City Council has a current Alcohol Policy, which was last reviewed in 2004. A working Party has been formed to work on an Alcohol Strategy and part of that work will be to have an Alcohol Policy in place that will comply with the provisions of the Alcohol Reform Bill to be known as the Sale and Supply of Alcohol Act.

### **4. Enforcement & Inspection**

#### *Alcohol-related Bylaws*

As reported last year, the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 came into force on the 1 July 2009. A temporary ban for a week was instigated covering the University Orientation week in February 2012.

A permanent 24/7 ban has been established in the Riccarton/Ilam area due to patron migration patterns to suburban areas as a result of the earthquake/s. Another permanent ban has been established at the holiday spot of Okains Bay but only over New Years Eve.

There is now a permanent alcohol ban in place in the Papanui and Merivale areas.

#### *Summary of Inspections Undertaken of Licensed Premises*

Inspection notes are now recorded by all the members of the Tri-Agency Group within the shared website. As reported below there are now over 1800 monitoring/inspections notes on the shared website.

### **5. Liaison with Other Agency Groups**

The Christchurch DLA, NZ Police, and Community and Public Health have maintained a close working relationship as the Tri-Agency Group. This includes weekly meetings and interagency monitoring teams.

The Tri-Agency Group continues to use the Licensed Premises Risk Matrix. This is maintained by the Liquor Licensing Team and is shared electronically with the other agency groups, via a shared workspace. It is kept up-to-date in a collaborative manner. All licensed premises are now on the website and there are over 1,800 monitoring notes. The Police are using this as their database to

store their visits to licensed premises. The relationship and co-operation between the three agencies is strong.

The Christchurch DLA has also had regular contact with the Department of Internal Affairs, Alcohol Advisor Council of NZ, Hospitality Standard Institute, and Hotel Association of NZ.

## **6. Other Matters**

The Liquor Licensing Team identified an inconsistency in the transitory process in the new Bill at clause 389. In bringing this to the attention of the Ministry of Justice a Supplementary Order Paper (SOP) was introduced to resolve this issue. On acceptance of this SOP the effect will be six months from Royal Assent, Inspectors, DLA's and the LLA will have to consider an application in light of the newly established criteria under section 100. This will require a higher level of decision making around the granting of any licence particularly around 'the amenity and good order of the locality'. Initially DLA's will have to be guided by the definition in the Bill and their interpretation as to how to apply these criteria.

Concern exists over the likely impact of the proposed new legislation in terms of licensing fee amounts for both applications and licenses to facilitate licensing functions in a full cost recovery environment. The impact on Territorial Authorities budgets is unknown as these provisions do not come into force until twelve months from Royal Assent .

There will also be unknown costs to Territorial Authorities associated with IT systems to handle the new procedures under the new Act. It is also unclear at this juncture the level of staff resources required to administer and monitor the proposed new legislative requirements, although Christchurch City Council have approved two additional Liquor Licensing staff to support the new legislation through the 2012-22 Long Term Plan.

## **7. Statistical Information**

Please see attached.

### **Paul Rogers**

Team Leader Liquor Licensing  
Inspections & Enforcement

**On behalf of the Christchurch City Council District Licensing Agency**



**CHRISTCHURCH CITY COUNCIL DISTRICT LICENSING AGENCIES**  
**ANNUAL RETURN FOR YEAR ENDING 30 JUNE 2012**

Category	Number of applications received	Number of applications determined	Number of new licensed premises	DLA revenue (gross)
On-licence new/renew/variation	279	257*	42	\$207,446.10
Off-licence new/renew/variation	114	105*	5	\$83,285.00
Club licence new/renew/variation	67	61		\$52,351.20
GM certificate new/renew	1278	1902		\$171933.39
CM certificate new/renew	60	86		\$8094.00
<b>Subtotal to LLA</b>				<b>\$523,109.69</b>
Special Licence	1022	983	n/a	\$65,107.00
Temporary Authority	77	73	n/a	\$6475.20
<b>Total</b>				<b>\$594,691.89</b>

**DLA HEARINGS PANEL YEAR ENDING 30 JUNE 2012**

Date	Premises	Reason and Result
19/08/2011	For Seasons Korean Restaurant	Temporary Authority application – Granted with conditions.
15/03/2012	Carlton Country Club	Special Licence objection to hours – application granted with reduced hours.

“\*” Notes: The difference between applications received and those determined is caused by some applications being received which have yet to be determined having been received close to the end of the reporting period. The other reason is there are a number of mainly inner city premises which has chosen to pay a “holding renewal” to keep the licence live will the await the opening of the city centre and outcomes relating to the rebuild/damage to their building. This means their licence is unable to determine until we are in a position to inspect their rebuilt/repared building.

# URBAN DESIGN PANEL – Terms of Reference

Updated October 2012

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## 1 Background

International experience has demonstrated that the use of Urban Design Panels to review and advise on proposed developments is a valuable tool to promote the development of a high-quality urban environment.

The **Christchurch Urban Design Panel was established in 2008 as a result of public concern** ~~proposal to establish an urban design panel was discussed at a Council seminar on 22 August 2006, and approved at a Council meeting on 4 October 2007 for a three year trial period. The establishment of a Panel reflects growing public concerns over the quality of the design of new developments in Christchurch and their effects on the urban environment.~~

The Urban Design Panel must retain the confidence of developers and designers working in the city, while demonstrating better urban design outcomes to Council and the wider community. To this end a pool of ~~twelve potential~~ thirty Panel members will be drawn from nominations from professional institutes including the Property Council of New Zealand. ~~The views of both the panellists and the professional institutes will be canvassed as part of the review of the panel's operations after three years.~~

*'Making Christchurch a world class boutique city'* is the vision of the Christchurch City Council. The Council is a **foundation** signatory of the *New Zealand Urban Design Protocol* launched in 2005 by the Ministry for the Environment. As a signatory the Council is committed to making Christchurch 'more successful through quality urban design'.

The importance of high quality urban design has been reinforced by the Greater Christchurch Urban Development Strategy (UDS) which includes the following strategic directions:

- a. Promoting good urban design to make our communities more liveable and attractive with good connectivity
- b. Recognising and protecting cultural identity and sense of place
- c. Ensuring the connection between homes, jobs, recreation and environment through mixed land uses and integrated transportation modes

In addition to an Urban Design Panel a range of other initiatives are being undertaken to promote higher quality urban development in the City including urban design plan changes, design guidelines. ~~central city revitalisation and capital projects such as the upgrade of City Mall and the development of a new bus exchange.~~

This Terms of Reference outlines the role, membership, and process for the Urban Design Panel, and identifies the scope of their activities.

## 2 Role of the Urban Design Panel

The function of Christchurch's Urban Design Panel is to:

- Provide independent urban design advice to promote good design and a quality urban environment
- Provide pre-application advice to developers on significant developments in the Central City (within the four avenues), **Lyttelton Town Centre zone**, Living 3 **zone**, ~~and~~ Business 1 and 2 zones **and Living G- Density A zones**
- Provide urban design advice to the Council on significant resource consent applications in the Central City (within the four avenues), **Lyttelton Town Centre zone**, Living 3 **zone**, Business 1 and 2 zones **and Living G- Density A zones**
- Provide urban design advice to the Council on appropriate urban design controls, and on both Council and privately initiated plan changes, **or outline development plans**
- **Provide urban design advice to developers and the Council on large scale Greenfield development in areas of sensitivity**
- Provide urban design advice to the Council on significant Council projects

The Urban Design Panel has an advisory role to the Council rather than statutory decision making powers. The Panel's recommendations will be incorporated into officers' planning reports and referred to the appropriate decision making body. While the Council officers are required to pay heed to the Panel's advice, the requirements of the City **or District** Plan or established Council policy should take precedence over the Panel's recommendations where there are any differences.

It is anticipated that the Council urban designers and landscape architects will advise the urban design panel of relevant issues that the Panel might wish to consider. The Panel does not have a mandate to represent the public, or to represent the Council, and it should have cognisance of the provisions of the Christchurch City Plan.

## 3 Membership of Urban Design Panel

The membership of the Panel is made up of professionals with specialist skills in the fields of urban design, architecture, landscape architecture, development and property.

A pool of ~~twelve~~ **thirty** panellists will be drawn from nominations by the New Zealand Institute of Architects, New Zealand Property Council, NZ Institute of Landscape Architects, Lincoln University and New Zealand Planning Institute and appointed by the Council as members of the Panel. Additional members may be recruited and appointed by the Council through the respective professional institutes as required to ensure a sufficient pool of skills as noted above and to provide a quorum for all meetings. Individuals recognised as being skilled in urban design from outside these professional institutions may also be appointed members of the Panel.

The Council will appoint a Panel convenor (and an alternate) from the pool of panellists to chair Panel meetings. Each Panel will include at least one expert in each of urban design, architecture and development. A quorum of ~~four~~ **three** members is required for a Panel meeting. For some applications, additional specialists with expertise in ~~landscape architecture~~ heritage, iwi issues, **surveying**, ecology or the arts may be co-opted to sit on the Panel as required.

It is anticipated that a core of panel members will hear most applications, but it may be necessary to substitute members from the wider pool of members for some applications. This "pool" process will ensure that there is no conflict of interest between members of the Panel and the application being considered, and also that the skill mix of panellists is appropriate for the application and its context. Every endeavour will also be made to ensure that there is continuity of panellists when an application is being re-presented to the panel.

Council officers will also attend meetings of the Panel, providing secretariat support, advice on regulatory matters and a communication channel to those involved in the subsequent decision making process.

Panellists will be appointed ~~for a trial period of three years~~ for two years, **with the option to extend this period if approved by the Mayor and Chief Executive, to maximum of four years** and panellists are:

- Required to declare if they have a conflict of interest and may not take part in any Panel meeting for which they have declared a conflict of interest
- Subject to confidentiality requirements, in the same manner as Council staff and consultants
- Required to agree to these terms of reference as part of their contract with Council for specific services and terms

Panel members will be paid a fee of ~~\$150~~ **\$180** per hour for attendance at meetings for an agreed number of hours depending on the complexity of the application (minimum 1 hour payment). Time spent on additional site visits and research will not be reimbursed. ~~These costs will not be recovered through the resource consent process for the three year trial period.~~

## 4 Urban Design Panel Reviews

The Panel will focus on how the building or development relates to the surrounding public space and will be especially concerned with how the proposal fits into and improves the existing environment.

Design assessment criteria and / or design guidelines in the City Plan, **or developed in conjunction with the community**, will form the basis for an Urban Design Panel review. ~~where these are expressed in the Plan.~~ In the absence of criteria or design guidelines the Panel may look at the following matters:

- a. Quality of the architecture and its relationship to Christchurch
- b. General design principles including scale and composition, architectural details, articulation of facades and the treatment of rooftops
- c. The relationship of the building to the street, public spaces and adjacent buildings, and to the character of surrounding areas
- d. The location of activities and their relationship with the street and public spaces particularly on the ground floor
- e. The design of pedestrian and vehicle entrances, and access to and around buildings
- f. The relationship with existing heritage buildings and significant open spaces in the vicinity
- g. The amenity and quality of outdoor spaces associated with the development
- h. The integration of artworks into the development
- i. Circulation and servicing
- j. Safety for users and passers-by
- k. The level of amenity for residential accommodation including outlook, sunlight access, visual and acoustic privacy, ventilation, size and design
- l. The design of buildings to maximise sustainability, for example in water heating, lighting, heating, natural ventilation, and stormwater reduction, treatment or re-use
- m. To minimise energy use both within the buildings and in relation to the entire development.
- n. Ensure protection of listed heritage buildings and sites.

The Panel shall consider only those proposals that meet the following criteria:

- (i) Proposals that require a resource consent from the Christchurch City Council under the City or **Banks Peninsula District** Plan and which are located within any site within the **following zones and locations:** ~~four Avenues (all zones) and or any land zoned L3 or Business 2 (suburban Malls) in the City Plan. The trigger points for review by the panel within these areas/zones are:~~
  - Four Avenues (all zones), and/or
  - any land zoned L3, L4, or
  - Business 2 (District Centre Core),
  - **Business 1 (District Centre Fringe/Local Centres),**
  - **Lyttelton Town Centre Zone,**

and fall into one or more of the following criteria:

- Multi unit residential development of 5 units or more.
- Multi unit commercial development of 3 units or more.

- **Mixed use commercial/residential development of more than 3 units combined.**
  - Any building with a gross floor area (GFA) of ~~4500m<sup>2</sup>~~-750m<sup>2</sup> or greater.
  - Any building adjoining any item contained in the 'List of Protected Buildings, Places and Objects' in the District or City Plan.
  - Any building adjoining a Conservation or Open Space Zoned land in the District or City Plan.
  - **Any new building or external modification to an existing building in the Lyttelton Town Centre Zone which requires resource consent for external appearance.**
- (ii) Any Christchurch City Council capital project with a value of ~~\$5million~~ **\$2.5 million** or greater, and/or any major infrastructure project which is intended for public use, or to which the public have regular access.
- (iii) **Any proposal within the Living G - Density A Zone.**
- (iv) **Subdivision or land use consent for 50 or more allotments where areas of sensitivity are identified by the Planning Team Leader, Principal Urban Design Advisor or Subdivisions Manager.**
- (v) **Any proposal, including draft plan change or outline development plan, on the advice of a Principal Advisor Urban Design or the Planning Team Leader based upon one or more of the following:**
- **Scale of the proposal**
  - **Profile and visibility within the context**
  - **Sensitivity of the location and/or activity.**

Where significant buildings or developments fall outside these criteria they may be submitted to the panel voluntarily by the owner/developer. The Panel shall have the right to refuse to consider any proposal if it considers that the proposal will have a minor urban design impact.

Council projects and resource consents will be reviewed by the Panel to ensure Christchurch City Council demonstrates best practice in its own development projects. The Panel's advice will also be sought on policy and strategy work such as plan changes, design guides or structure plans, to ensure the professional opinions of the design and development communities are taken into account.

## 5 Process

The Panel process provides the added value of peer review and advice to the applicants and their consultants, while promoting the best outcome for the urban environment. In order to maintain the confidence of developers, meetings of the Panel will be closed to all but the applicant's nominated representatives, the Panel and Council representatives.

It is proposed that when a developer makes an initial approach to Council to discuss an application, a pre-application meeting with the Urban Design Panel should be offered. To encourage developers to consult the Urban Design Panel early in the process, ~~it is proposed that~~ the Council meets the costs of the Panel. This process minimises delays to applications and provides the benefit to applicants of "no surprises" once the proposal reaches the formal hearing and decision-making stage.

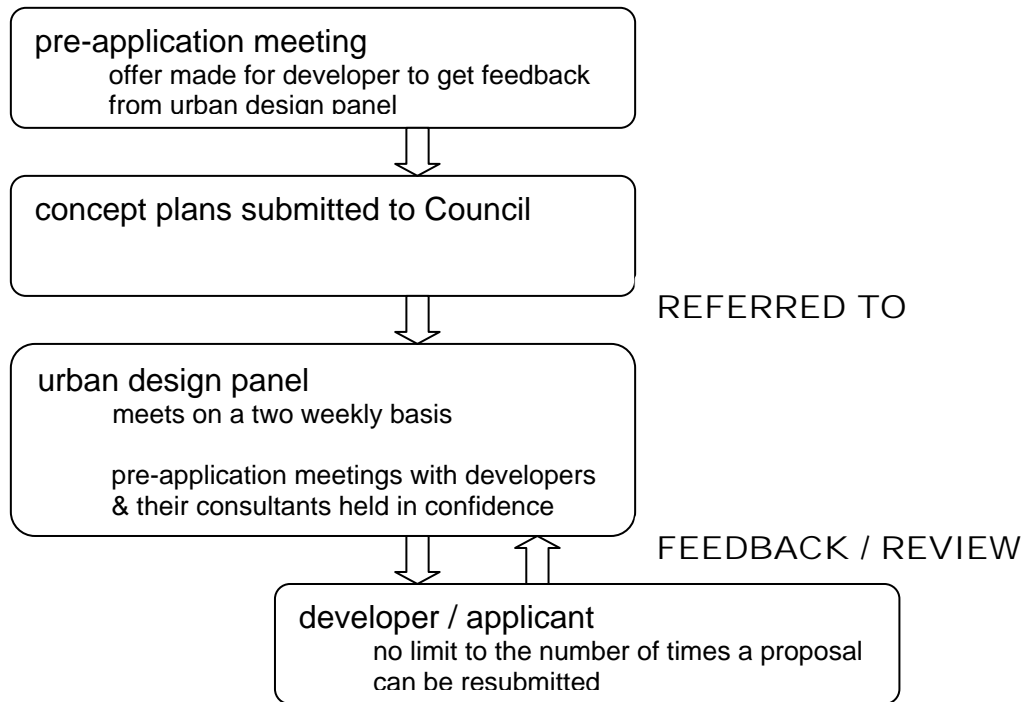
The advice of the Panel, as a team of experts advising their peers in the design and development industry, may ~~need to~~ be supplemented by an urban design assessment as part of the processing of resource consents.

With a proposed schedule of two weekly meetings, the applicant and Council can agree the most suitable upcoming meeting, in order for the applicant to prepare an appropriate level of material for the printed agenda. Applicant's teams are invited to present to the Panel and answer questions on their proposal. The Panel will compose its recommendations in committee.

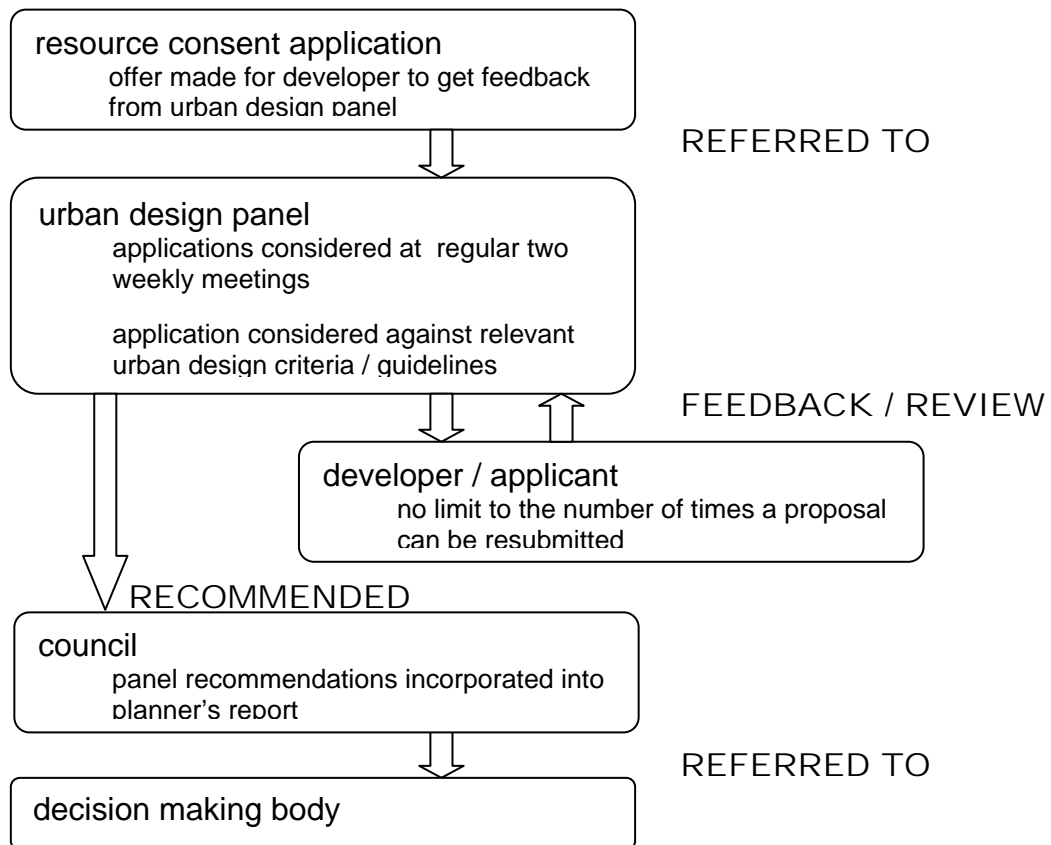
Once an application has been formally lodged, the final development proposal may be re-considered by the full Panel at an agreed meeting. Recommendations from the Urban Design Panel will be incorporated into the planners' reports to the delegated decision-making authority.

The diagrams below outline the process for pre-application and post-application advice from the Panel:

**Pre-Application Review:**



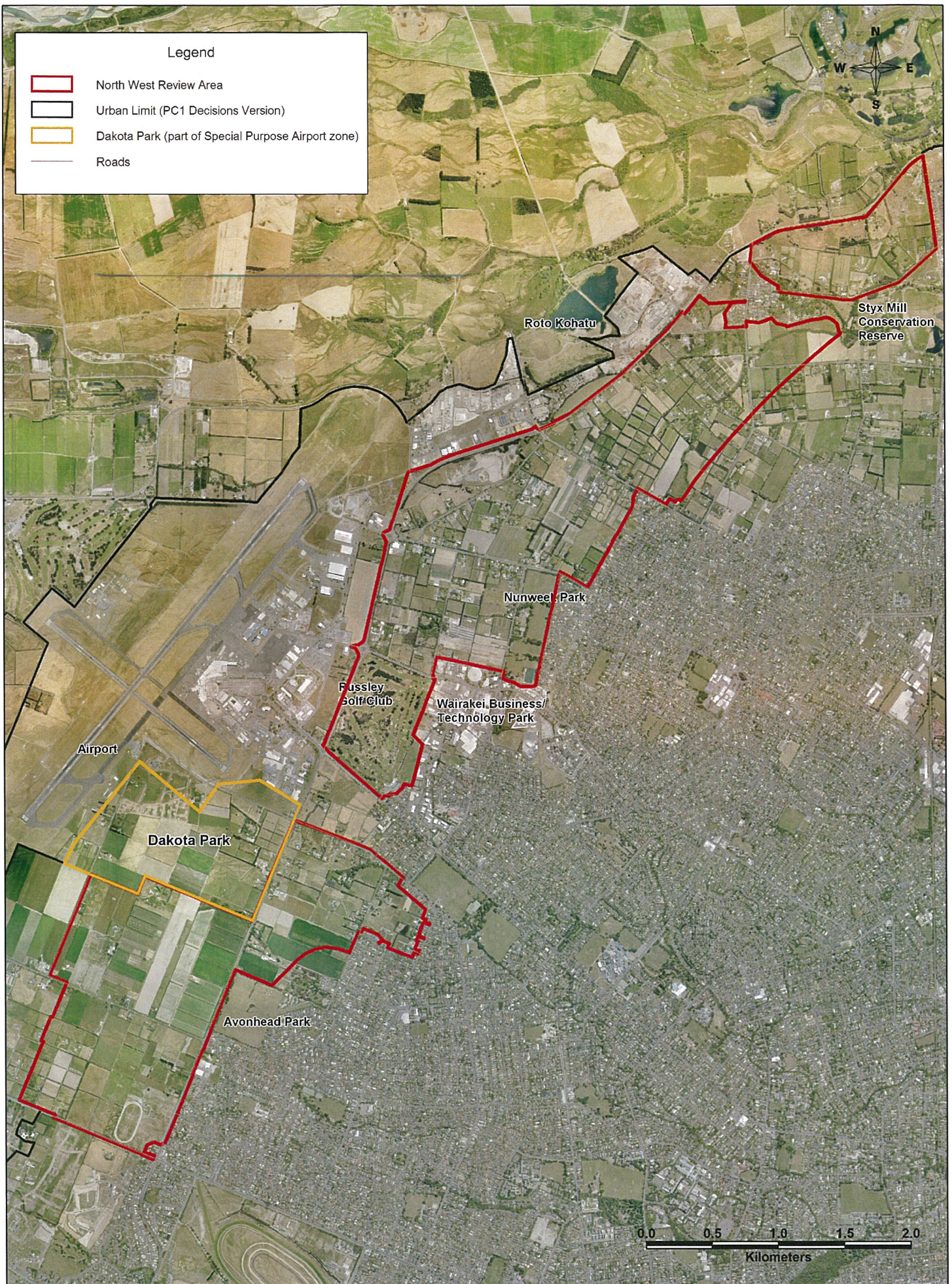
**Post-Application Review:**



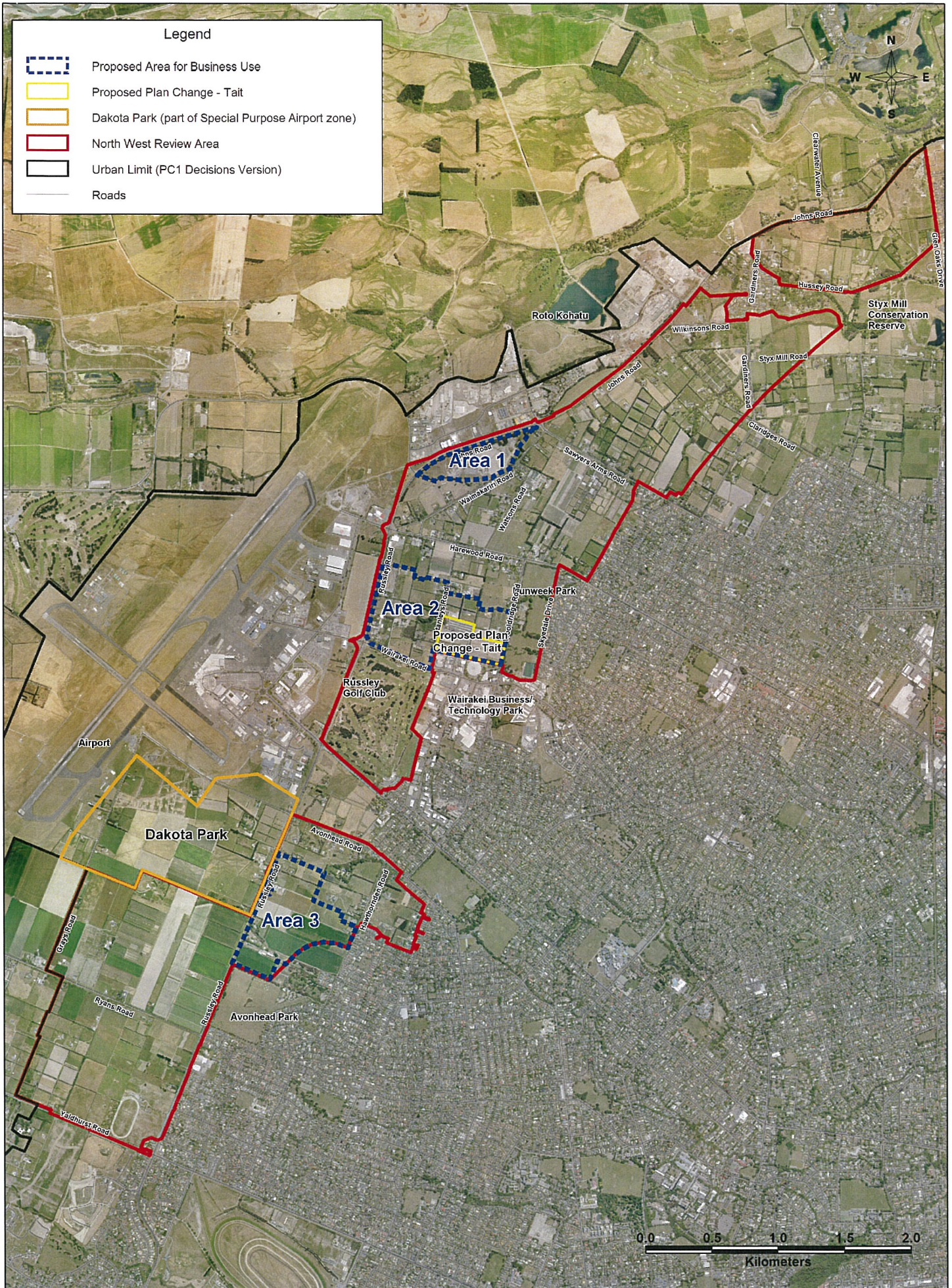
## 6 Administration

- Democracy Services will manage the two weekly schedule of meetings for the Urban Design Panel and the appropriate officers. In order to minimise delays to applicants, meetings will take place with a minimum of ~~four~~ **three** panellists as a quorum or be rescheduled within three working days.
- Meetings will not be publicly advertised or held in public, but will occur on a regular schedule (subject to the availability of the Panel). The applicant or their nominated person (e.g. the manager or designer of the project) is expected to attend to present necessary information.
- Reports for the meetings will be submitted to Democracy Services by the reporting planner and agendas, including copies of the development application(s), will be circulated to Panel members as early as possible before a meeting.
- Meetings will be scheduled for a minimum of one hour per applicant. Panel members will be reimbursed for the one-hour minimum meeting, plus additional hours spent at scheduled meetings. ~~It is not proposed to reimburse~~ Members **are not reimbursed** for any preparation time outside of scheduled meetings.
- Decisions (in terms of what recommendations the Panel will make to the Council) will be made by panellist consensus, whereby discussion will result in a set of recommendations and reasons for them which all Panel members are in general agreement with.
- Members of the Panel will bound by the Council's Code of Conduct for elected members, specifically in relation to Part 1: General Principles of Public Life, and Part 2: Disclosure of Pecuniary and Other Interests, Contact with the Media regarding Council and Committee Decisions, and Confidential Information.
- Minutes will be prepared by the Democracy Services officers present and reviewed by the Convenor to ensure a true and correct record of appropriate recommendations made at the meeting. The Panel's recommendations will be circulated to the applicant and reporting planner within a week of the meeting.
- Urgent or special meetings of the Urban Design Panel may be called with three working days notice, with agendas and reports circulated prior to the meeting as above.
- If any applicant requests confidentiality for their proposal this should be supported by the planning officer, and the reasons for public exclusion given.
- Applicants will be advised that they cannot make any reference to the Panel or its recommendations in any media without the express permission of Council.











**North West Review Area (NWRA)  
Report**

**Final**

**September 2012**

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## Executive Summary

The North West Review Area (NWRA) comprises an area of approximately 860 hectares situated broadly between the airport/ State Highway 1 (SH1) and the City's urban edge. Its location, adjacent to residential and business areas, and accessibility have led to on-going pressure for rural subdivision and the development of urban activities including residential and business uses. These activities have been resisted in planning documents, which have provided for agricultural and horticultural activities to act as a buffer between residential areas and Christchurch International Airport. This is due to the area's location within the 50 dBA Ldn airport noise contour extending from the airport, which noise sensitive activities (residential, education and health facilities) are to be avoided within.

The planning framework has also sought the protection of natural resources in the NWRA, which are significant in a strategic context. The groundwater resource beneath the NWRA is a source of drinking water for Christchurch and the area has highly versatile and productive soils, which continue to be utilised for small scale agricultural and horticultural activities.

In decisions on Proposed Change 1 (PC1) to the Regional Policy Statement (RPS), it was concluded that it was inappropriate to leave the area in exclusively rural use in the long term and a review was required to determine its medium to long term use. The area was therefore referred to in PC1 as a 'Special Treatment Area'. The long term future of the area was determined by the Regional Council to be in some form of urban activity and it was therefore included within the urban limits. The area was subsequently referred to as the 'North West Review Area' in Chapter 12A, made operative by the Minister of Earthquake Recovery in October 2011 and was defined outside the urban limits.

Uncertainty surrounds the policy context at a strategic level with PC1 and Chapter 12a being the subject of appeals to Environment Court and Court of Appeal. However, there is a need for review of the NWRA regardless of the Courts decisions. It is an important area in the context of Greater Christchurch due to its location and the natural and physical resources in the area that requires a strategic approach to planning its future use.

Having regard to the resource values and the location of the NWRA, its role is considered to be as an 'Rural-Urban Fringe' that provides for activities typically associated with a peri-urban area while retaining the openness and vegetation as a transition between urban and rural areas. Activities identified as appropriate within the NWRA include rural activities such as horticulture, agriculture and associated dwellings; non noise sensitive 'urban' activities for example industrial business activities; formal and informal open spaces; and sporting and recreational, and community facilities. It is therefore being recommended that the area is rezoned to a special 'Rural-Urban Fringe' zone or similar to reflect this.

The report also recommends the identification of areas for industrial business development within the NWRA on the basis that a need exists for an additional 100 hectares of industrial land in this part of the City. While an assessment of industrial land supply<sup>1</sup> at a City wide level indicates there is currently sufficient land (approximately 600 hectares) to accommodate demand for the next 30 years to 2041, (based on take up rates from 2004 – 2011), there is a potential shortage of industrial land over the next 5 years in some parts of the City including the north-west. There are also indications of increased demand in this area for industrial land including businesses seeking to relocate from the east due to earthquake damage and growth generated by the rebuild. The location of the NWRA in close proximity to the Airport also makes the NWRA attractive for business, the airport being a significant node of economic activity that will also generate demand for business land. It is therefore necessary to provide sufficient capacity for growth over the long term.

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<sup>1</sup> North West Review Area Business Land Report September 2012

Three areas are identified within the NWRA to accommodate anticipated industrial business demand, including (refer to Map 1 which shows these areas)

- Approximately 15 ha at 711 Johns Road, north of Waimakariri Road (Area 1)
- Approximately 50 ha north of Wairakei Road between Wooldridge Road and Russley Road (Area 2)
- Approximately 35 ha between Russley Road and Hawthornden Road, north of Avonhead Park (Area 3)

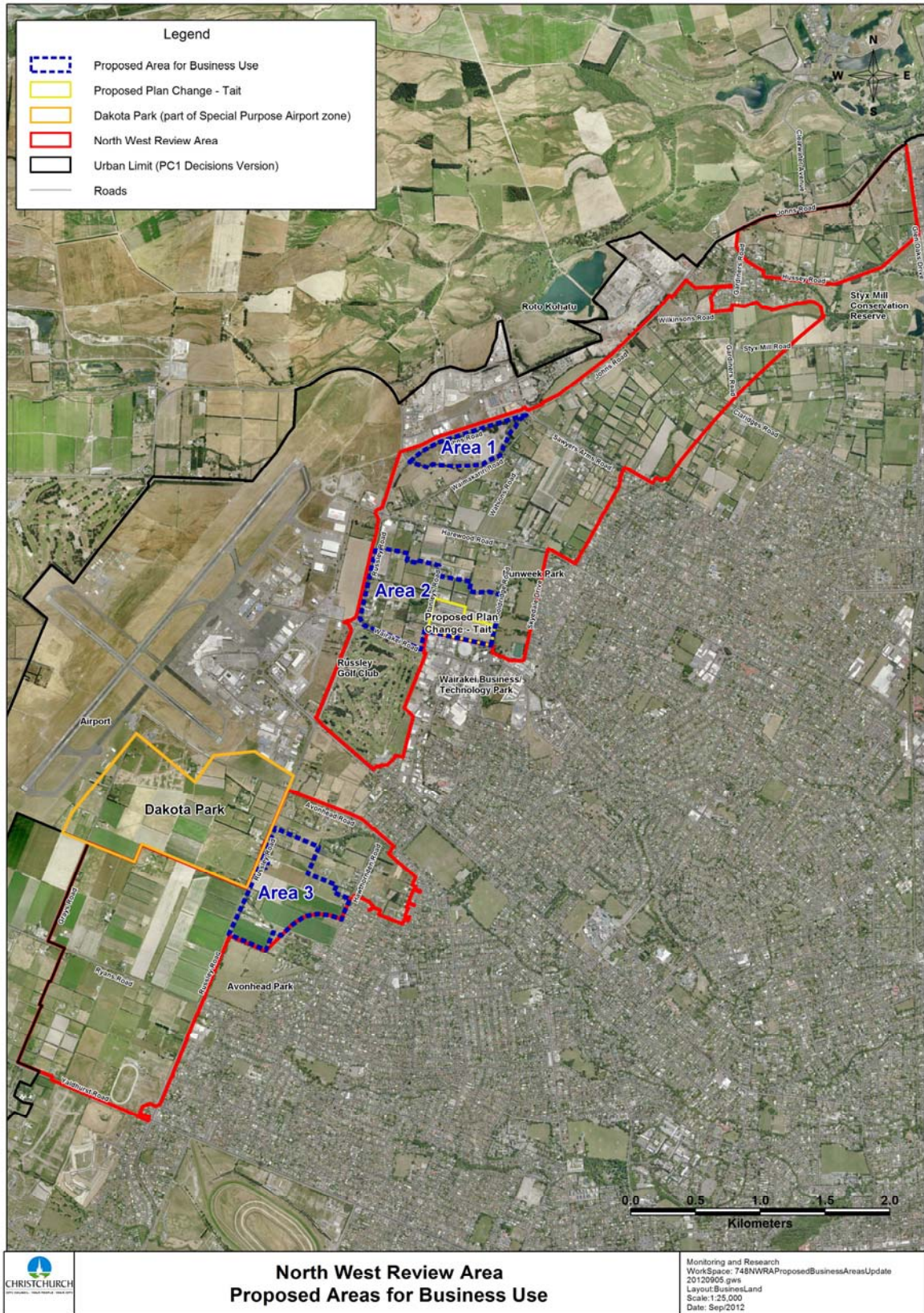
The identification of these areas is on the basis of a number of criteria, which are consistent sustainable management, including urban form, accessibility, the availability of infrastructure, continuity with existing business areas and environmental values, amongst other matters. There are changes occurring within and in the vicinity of the NWRA that have also been considered in the assessment including the New Zealand Transport Agency's Western Corridor proposals involving the 4 laning of Masham Road, Russley Road and Johns Road.

Given the physical proximity of the NWRA to the airport, the assessment of business land issues, and identified deficiencies within the existing Special Purpose (Airport) zone (SPAZ), it has also been appropriate to consider possible changes to the SPAZ in parallel so as to ensure an integrated approach. The review of the NWRA and airport need to be dealt with in a comprehensive way given the potential for each area to support similar business activities in the future and the issues that need to be considered in planning each area, for example, groundwater and noise. The airport is part of the same geographic context as the NWRA, with a road being the only boundary between the two areas, and is part of the same local economy.

Rules in the City Plan currently restrict activities permitted within SPAZ to those that are airport related. There have been four resource consents granted for non-airport activities in Dakota Park (80 ha), which has set a precedent for similar activities in the future. In the absence of a clear policy framework to support the zone's purpose, there is potential for an ad-hoc approach to further non-airport related development. Having regard to this, it is recommended that a Council led Plan Change is prepared to provide a clear policy framework for managing development in the SPAZ and a review is undertaken of the rules prescribing the activities permitted within the SPAZ, with consideration given to a wider range of activities in Dakota Park.

In summary, it is recommended that Council staff rezone the NWRA to a special 'Rural Urban Fringe' zone or similar as a part of the next District Plan Review in recognition of the location of the area and its natural and physical resources. It is also recommended that the areas identified on Map 1 are subject to a Council led plan change for rezoning for industrial purposes, and a separate plan change is prepared in parallel to review the policy framework for the SPAZ.

Map 1 Recommended areas for business in the NWRA



## 1.0 Introduction

### 1.1 Location

The North West Review Area (NWRA) is located on the north-west edge of Christchurch City. Extending for approximately 10 km along State Highway 1 (SH1) between Yaldhurst Road in the south and Johns Road adjacent to the Groynes/ Clearwater Resort in the north (See Map 2), the area is a long and relatively narrow strip of land of approximately 860 hectares. The land is primarily zoned Rural 5 in the Christchurch City Plan, with a smaller area in the north zoned Rural 3. The purpose of these zones is for the continuation of primary production while managing land use activities to avoid compromising airport operations and development.

Its location parallel to SH1 and adjacent to Christchurch International Airport contributes to the area's role as a strategic corridor and gateway to the City. The review of the area and assessment of future land uses therefore needs to consider, amongst other things, how the area is perceived by those travelling through or adjacent to the NWRA.

There has been a history of pressure for the development of urban activities and rural subdivision. The zoning of the NWRA for urban activities has historically been resisted in planning documents, reflecting the environmental constraints and values associated with the area.

### 1.2 Purpose

The purpose of this report is to evaluate the NWRA to determine its long term role, and the suitability of a range of potential land uses. Given its proximity to the NWRA and the focus of investigations on business land, it is also appropriate to consider the effectiveness of the existing Special Purpose (Airport) zone (SPAZ) framework and the scope of activities provided for in Dakota Park, a cargo and freight zone (marked on Maps 1 and 2) within the SPAZ, having regard to recent decisions on development in this area.

The need for a review of the NWRA arose in part from decisions on Proposed Change 1 (PC1) to the Regional Policy Statement (RPS) that stated it was not an appropriate 'resource management treatment to leave the area exclusively as rural land over the next 35 years'. The Regional Council's decisions on PC1 identified the area as 'Special Treatment Area 1' (STA) that required analysis and planning to consider the suitability of the area for different land uses.

The area was subsequently referred to as the 'North West Review Area' in Chapter 12A of the Operative RPS, as determined by the Minister of Earthquake Recovery in October 2011, and was shown outside the urban limits. Chapter 12A as made operative by the Minister of Earthquake Recovery replaced PC1 until the High Court's ruling in July 2012 that determined that the Minister had acted unlawfully. While PC1 and Chapter 12A are the subject of appeals to Environment Court and Court of Appeal, there is a need for review of the NWRA regardless of the Courts decisions. It is an important area in the context of Greater Christchurch due to its location and the natural and physical resources in the area that requires a strategic approach to planning its future use.

The review of the area's future role and potential land uses that the NWRA should provide for was also considered appropriate for the following reasons –

- Work on three area plans<sup>2</sup> covering different parts of the NWRA highlighted the need for a comprehensive approach to how these areas develop
- Pressure for subdivision and development in the NWRA
- Need for a managed approach given the role of the area as a gateway to the City and strategic corridor

<sup>2</sup> Belfast Area Plan, adopted by Council 2010; Memorial/Russley/Hawthornden Area Plan (Deferred 2005); Upper Styx Harewood Area Plan (Deferred 2005)



- Demand for industrial business land

This report draws on information and analysis from a number of background reports and makes several recommendations on both the appropriate function of the NWRA, and potential land uses within the study area including business activities. It takes particular account of the impacts of development on natural and physical resources including the groundwater resources, highly versatile/ productive soils and the influence of the 50 dBA airport noise contour, which limits noise sensitive activities.

Map 2 Boundaries of the NWRA and Dakota Park (within Special Purpose Airport zone)



## 2.0 Overview of the North West Review Area

### 2.1 Description of the North West Review Area

The NWRA is situated between SH1 (Russley Road/ Johns Road) and existing residential and business areas to the east with the exception of an area west of Russley Road and north of Yaldhurst Road. The location of the NWRA parallel with the State Highway contributes to its role as a corridor while also acting as a gateway to the City. A number of arterial roads dissect the NWRA and provide strategic routes between the Central Business District, suburban centres, the International airport and the State highway network.

The NWRA is currently used for agriculture, intensive horticulture and other related activities, an outcome sought for the area in the City Plan, which zones the majority of the NWRA as Rural 5 and Rural 3. Reflecting the subdivision that has occurred in the area, there are a large number of small land parcels in the NWRA divided by shelter belts and interspersed with prominent trees or groups of trees. These features, together with the current land use activities, contribute to the NWRA's semi-rural character.

The proximity of the NWRA to the existing urban area and its semi rural character has attracted people to reside in the area on small rural lots for lifestyle or as hobby farms. There are also activities in the NWRA typically found in the urban area including function venues, community activities (including a primary school, church), and recreational facilities e.g. Nunweek Park

Christchurch International Airport and SH1 to the immediate west of the NWRA provide a clearly defined boundary to the NWRA. The airport is designated for Airport purposes and is zoned Special Purpose (Airport) within the City Plan. The zone provides for the future development of the airport and related business activities necessary or related to the airport's operation.

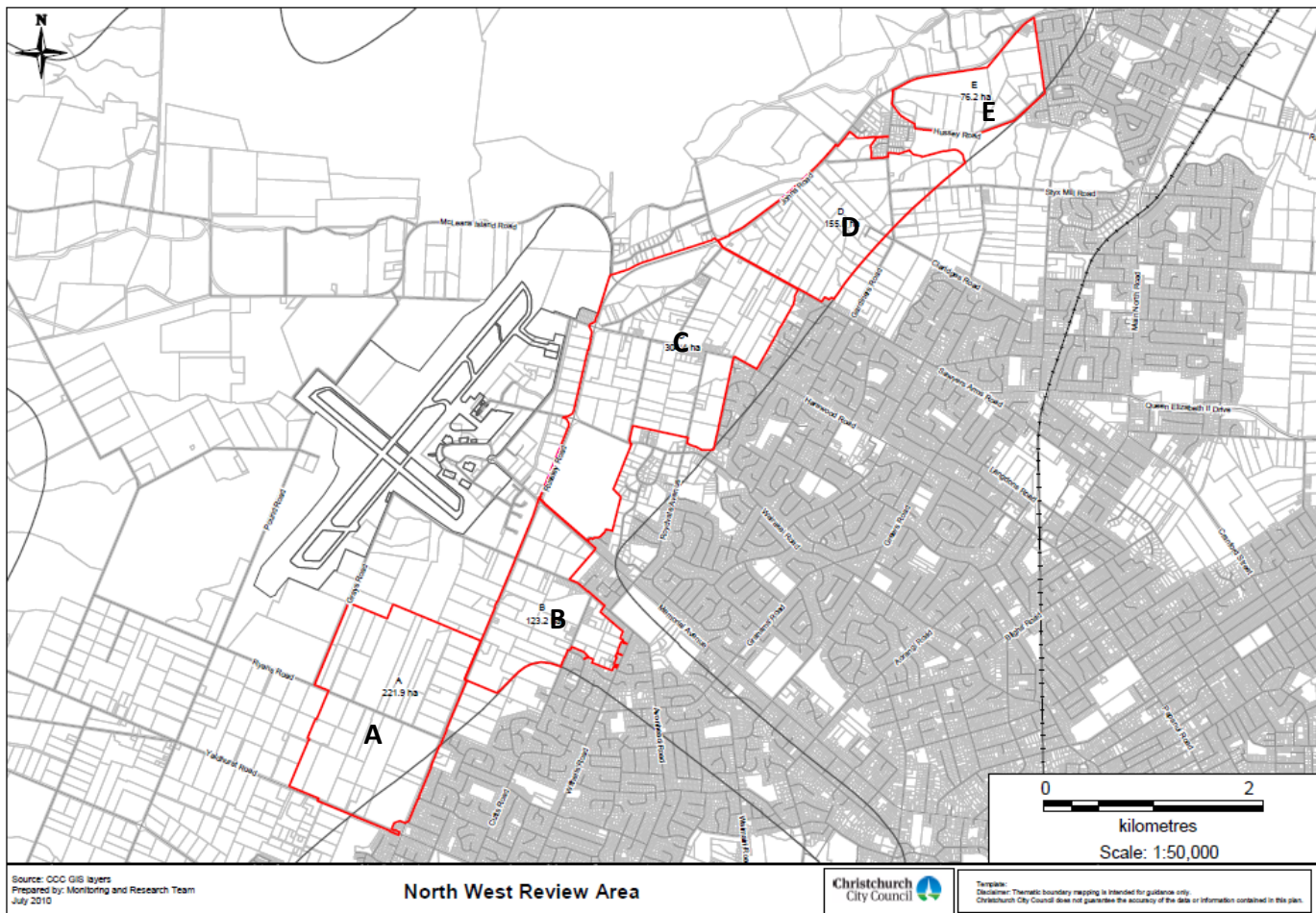
To enable more localised evaluation of the NWRA, the area has been divided into five sub areas (blocks) as shown on Map 3. A description of each block and its size is presented in Table 1 below

**Table 1 Subareas of the NWRA**

Block	Sub Areas of the NWRA	Description	Area (ha)
A	Yaldhurst Road	Land west of Russley Road to Grays Road, and between Yaldhurst Road and the SPAZ	221.9
B	Avonhead Road	Land between Russley Road and Hawthornden Road, south of Avonhead Road to Avonhead Park, and land east of Hawthornden Road adjacent to the existing residential area	104.2
C	Harewood	Land east of Russley/ Johns Road between Memorial Avenue and Sawyers Arms Road,	304.4
D	Johns Road	Land east of Johns Road between Sawyers Arms Road and residential area to the north of Wilkinsons Road	155
E	Hussey Road	Land east of Gardiners Road between Johns Road and Hussey Road	76.2
<b>Total</b>	<b>NWRA</b>		<b>861.7</b>



Map 3 Subareas of the NWRA



The reasons for defining each block as is shown in Map 3 are as follows –

- Block A is distinct from the rest of the NWRA as it is the only area on the west side of Russley Road. The block and land to the west is zoned Rural 5 with a dominance of agricultural/ horticultural activities. This contributes to its open character.
- Block B is to the east of Russley Road and physically separated from the NWRA to the north by an area identified for business in PC1/ Chapter 12A as CB8 (Memorial Avenue). Area B exhibits a different character to Area A in that it is more enclosed by existing urban activities, which will be strengthened with the development of a residential greenfield area to the immediate south east (CW1 Russley). The area comprises a mix of rural lifestyle blocks and agricultural activities, which also distinguishes it from Area A.
- Block C between Memorial Ave and Sawyers Arms Road is bounded to the west by Russley Road/ Johns Road and urban activities to the east including residential subdivisions, business development and recreational space.
- Block D has a different character to Area C reflecting Area D's interface with current rural activities to the east as opposed to urban activities. The area to the east of Area D is however identified as a residential greenfield area (CN3 Upper Styx) in PC1/ Chapter 12A (refer to Map 12), for which a plan change and preparation of an Outline Development Plan are at an early stage in the process. Given the change in land uses proposed for this area, there is a need to consider the effects of development in the NWRA on CN3 and the reverse, and it is therefore appropriate that Area D is treated separately

- Block E is physically separated from the rest of the NWRA and is surrounded to the immediate south west and east by residential activities, unlike Areas C and D which are bordered to the west by the airport.

The next section describes each block in more detail including the land use activities within and surrounding each block, and the zoning.

## 2.2 Description of the subareas within the NWRA

### Block A Yaldhurst Road

Block A borders Yaldhurst Road to the south, Russley Road to the east, Grays Road to the west and Christchurch international Airport to the north as shown on Map 4. The area continues to support agricultural and horticultural activities including vegetable crops reflecting the high quality soils. The open character of Block A reflects the land use activities and limited tree cover relative to other blocks in the NWRA. The openness of the area provides views west to the Southern Alps and south east to the Port Hills.

Block A has generally larger allotments than the rest of the NWRA, with lots up to 24 hectares and an average lot size of 4.7 ha. The larger size of allotments in this block supports the ongoing use of land for productive rural activities. Around the periphery of Block A there are a number of 4 hectare lots, which reflects the minimum lots size for the Rural 5 zone.

To the south west of Block A, across Yaldhurst Road is a residential greenfield area known as Masham, identified in PC1/ Chapter 12A which is subject to subdivision and development with potential for up to 1,100 sections. There is a primary school on the south side of Yaldhurst Road (McKenzie Residential School) to the immediate west of the Masham subdivision.

As shown on Map 5, Block A is zoned Rural 5. The area to the east of Block A across Russley Road is primarily zoned Living 1 with an small area zoned Business 4 south east of the intersection of Russley Road and Ryans Road. The Business 4 zone is a suburban industrial zone, the area fronting Russley Road comprising a mix of office and warehouse activities. To the north of Block A is land designated for Airport purposes, which is also zoned Special Purpose (Airport). The area of the Special Purpose zone adjoining Block A is under development as a business park known as Dakota Park (80 ha) (Refer to Map 2 showing the location of Dakota Park and Map 15 for a subdivision plan of Dakota Park). While it is intended as a Cargo and Freight zone for airport related activities, resource consents have been granted for a number of non-airport related developments. This is described further in Section 6.

The area to the west of Block is zoned Rural 5. Further west of Block A, an area extending south west to the intersection of Ryans Road and Pound Road is zoned Special Purpose (Airport), as a narrow extension into the Rural 5 zone. Block A acts as a gateway to rural areas west of the airport, the zoning of this area continuing west to the wider plains. This is distinct from the rest of the NWRA which is bordered to the west by SH1 and the airport.

Other points to note are

- The majority of Block A lies within the 50dBA  $L_{dn}$  airport noise contour, defined through Variation 4 to PC1/ Chapter 22. An exception is the south east corner of Block A.
- A waterway passes through the northern part of this block continuing beneath Russley Road into Block B of the NWRA.
- Overhead 66kv transmission power lines cross the south eastern part of Block A, south of Ryans Road, continuing east through Avonhead Park on the opposite side of Russley Road to Block B, east of Hawthornden Road.



The ongoing use of Block A for agriculture/ horticultural activities is supported by the large lot sizes in and the separation from urban activities to the south and east. The location of the block, west of the State Highway, contributes to a more rural character and open landscape that extends westward to the wider Canterbury Plains. To retain these values and to support rural production on the fringe of the City, the most appropriate use of Block A in the future may be a continuation of existing rural activities. This is considered further in Section 7.

**Map 4 Block A of NWRA**



Map 5 Zoning map of Blocks A and B



### Block B Avonhead Road

Block B is located on the east side of Russley Road and is divided by Hawthornden Road. Block B is bound to the north by Avonhead Road and to the south and south east by Avonhead Park, Avonhead Cemetery and 50dBA  $L_{dn}$  airport noise contour as shown on Map 6.

The land use activities in Block B comprise a mix of agriculture, residential and rural lifestyle living, reflecting the variation in lot sizes. The average lot size across all of Block B is 1.4 ha with section sizes ranging from 1,000 m<sup>2</sup> on Avonhead Road to 8 ha in the lower part of the block bound by Hawthornden Road and Russley Road.

The northern part of the block between Hawthornden Road and Russley Road, comprises residential properties and lifestyle blocks with well established trees. Several properties have large homes that are positioned in the centre or towards the rear boundary. Also notable is Hawthornden House at 2 Hawthornden Road that is listed as a heritage item in the City Plan. The southern part of this block comprises larger parcels used for agricultural activities.

To the immediate south east of Block B, fronting Hawthornden Road is a small greenfield residential (CW1 Russley), identified in PC1/ Chapter 12A, which is yet to be rezoned. To the north of Avonhead Road is a Greenfield business area (CB8 Memorial Ave) known as the MAIL site, which separates Block B from Block C of the NWR. The area is subject to a plan change for rezoning for business activities.

The land within this block is zoned Rural 5 as shown on Map 5. East of Hawthornden Road, the area within the NWR is surrounded on three sides by residential properties zoned Living 1. At any point within this area all land is less than 200 metres from the boundaries of residential properties fronting Avonhead Road, Hawthornden Road, Withells Road or Westgrove Avenue. There are also a number of residential properties (1,000 m<sup>2</sup> sections) fronting the east and west sides of Hawthornden Road.



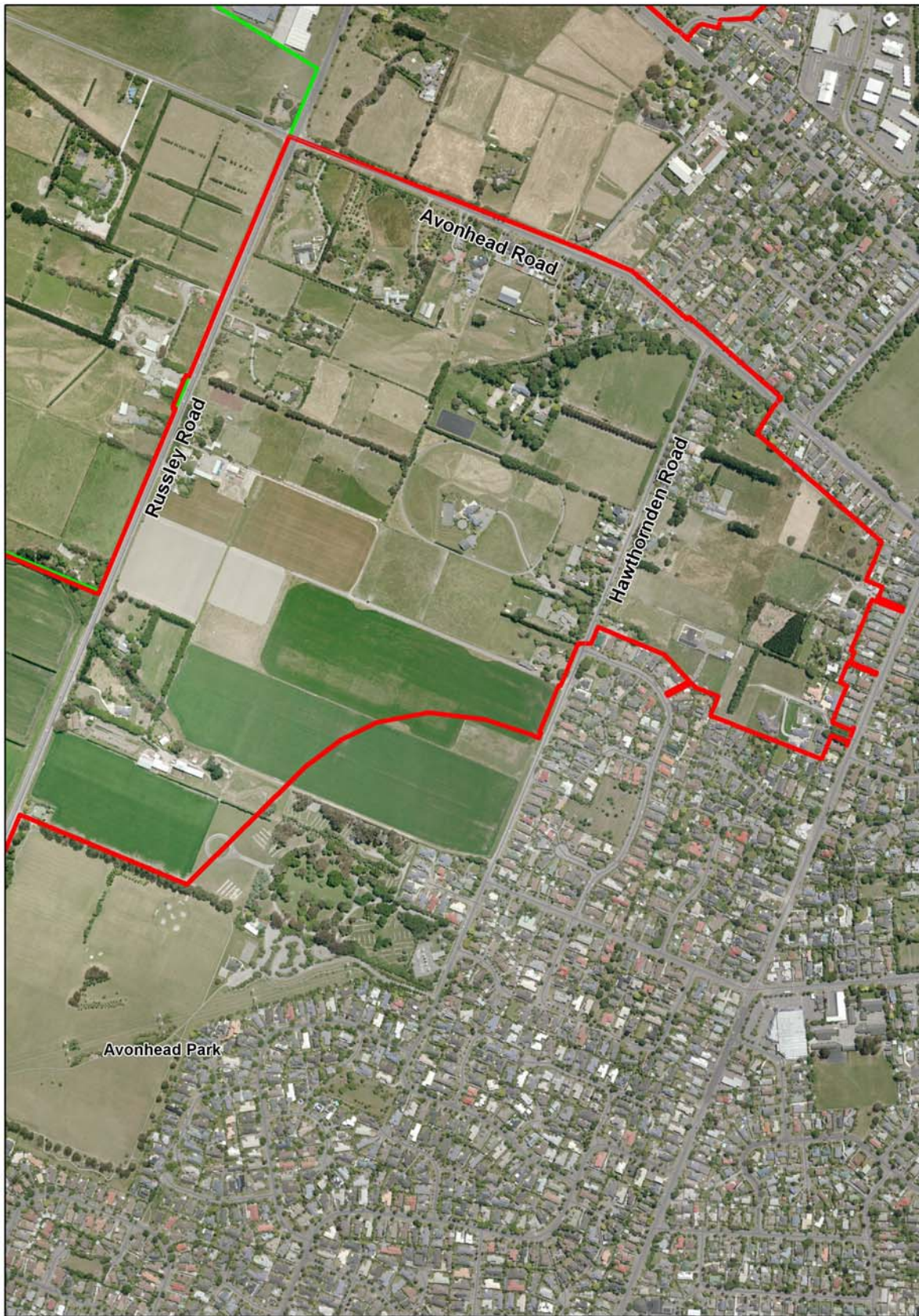
The area within the NWRA to the west of Hawthornden Road is zoned Rural 5, which adjoins a Living 1 zone to the immediate south east and north east as shown on Map 5. Avonhead Park to the south of Block B is zoned Open Space 2 and Avonhead Cemetery adjoining the Park and NWRA is zoned Conservation 4. To the west of Block B on the west side of Russley Road is zoned Special Purpose (Airport) in the City Plan. As described in the previous section, the area is subject to development as a business area known as Dakota Park. Access to Dakota Park is proposed directly from Russley Road (SH1) for north and south bound traffic. The New Zealand Transport Agency (NZTA) propose a grade separated intersection that will connect Capital A and B roads (roads within Dakota Park) with Russley Road via an underpass beneath Russley Road. This requires land on the east side of Russley Road within Block B, which is subject to further investigations and planning processes under the Resource Management Act.

The entire block lies within the 50dBA  $L_{dn}$  airport noise contour, defined through Variation 4 to PC1 and in Chapter 22. The north eastern part of Block B straddling east and west of Hawthornden Road is located within the 55 dBA  $L_{dn}$  airport noise contour, and the northern part of the land between Russley and Hawthornden is also within the horizontal protection surface identified in the City Plan.

A waterway passes through the south western corner of this block although it stops short of Avonhead Cemetery. 66kv transmission lines also cross through Avonhead Park from Block A and continue through the eastern part of Block B.

In summary, the characteristics of Block B vary east and west of Hawthornden Road. The land to the east of Hawthornden Road is surrounded by residential properties in close proximity, which makes it less suitable for some land uses due to potential reverse sensitivity effects. The land west of Hawthornden Road close to Avonhead Road is characterised by residential properties, and a heritage building at 2 Hawthornden Road. This limits the potential for further development in the northern part of the block without potential effects on residential amenity and character. The southern part of the block between Hawthornden Road and Russley Road is different again with a more open character and fewer buildings that provides greater opportunities for development. Given its location between SH1 and Hawthornden Road, the ongoing rural use of this block is questionable and there is a need for consideration of other land uses.

Map 6 Block B of NWRA





### **Block C Harewood**

Block C extends north from Memorial Avenue to Sawyers Arms Road, and is bound to the west by Russley Road and Johns Road. This area is intersected in an east west direction by Wairakei and Harewood Roads and is the largest of the five blocks making up the NWRA at just over 300 hectares. This block has the greatest variety of activities relative to other blocks in the NWRA and comprises agriculture, viticulture, recreation, landfill and community facilities.

#### *Between Memorial Ave and Wairakei Road*

The southern part of Block C between Memorial Ave and Wairakei Road is occupied by Russley Golf Course, a private recreational facility. With frontage to Russley Road and Memorial Ave, the site is prominent as a gateway to the City. Refer to Map 7 for an aerial photo of the site. Its zoning as Rural 5 is consistent with the surrounding area within the NWRA as shown on Map 8. Russley Golf Course is currently bordered by shelterbelts on three of its boundaries and is interspersed with a large number of exotic coniferous tree species. To the immediate east of the golf course and outside the NWRA is the Wairakei Business Park accessed off Sir William Pickering Drive and Sheffield Crescent. The business park is zoned Business 4T (Suburban Industrial Technology Park) in the City Plan providing for a high level of amenity. To the north of the Technology Park is an area zoned Business 4 in the City Plan, which fronts Sheffield Crescent and Wairakei Road.

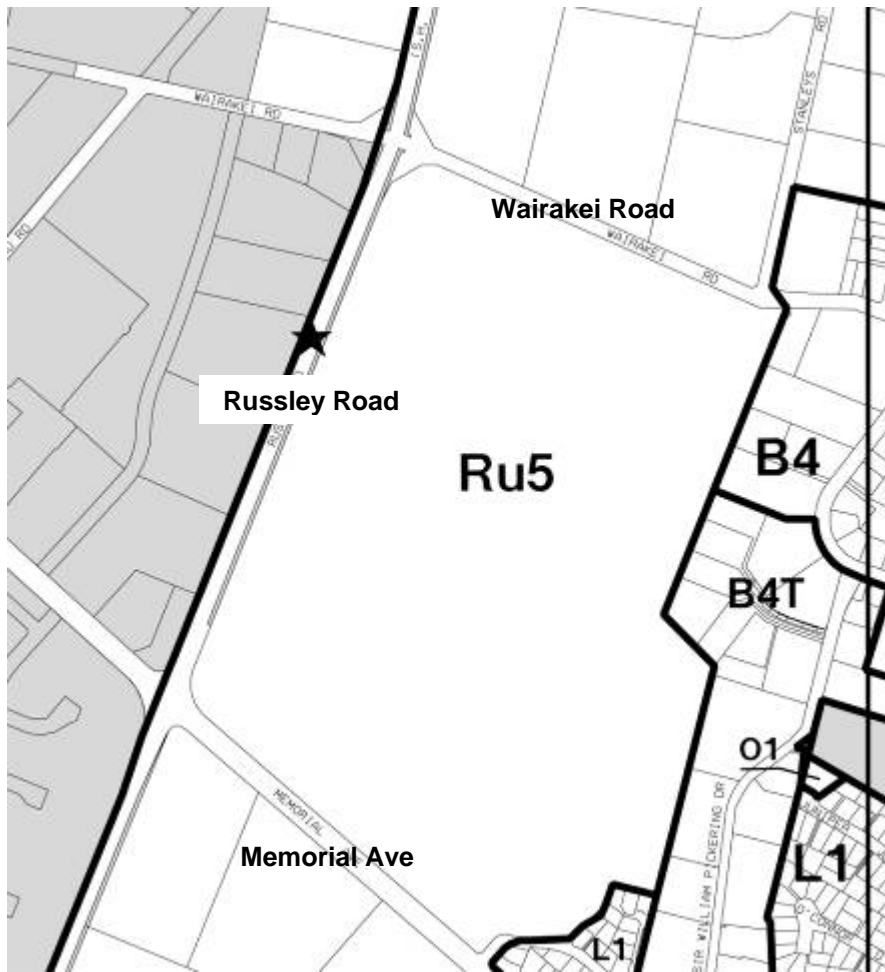
To the west of Russley Golf Course across Russley Road is the airport, which is designated and within the SPAZ.

The upgrade of the Memorial Ave/ Russley Road intersection and Russley Road as a part of NZTA's Western Corridor project will necessitate the acquisition and development of a portion of the golf course. From discussions with NZTA, it is understood that their plans will not compromise the current use of the site as a golf course.

The ongoing use of the land as a golf course limits its potential for other land uses and it is unlikely that the site will become available for development in the short to medium term given the proposed reconfiguration of the golf course.

#### **Map 7 Aerial photograph of Block C between Memorial Ave and Wairakei Road**



**Map 8 Zoning map of Block C between Memorial Ave and Wairakei Road**

#### *Wairakei Road to Harewood Road*

The area between Wairakei Road and Harewood Road is divided by Stanleys Road and Wooldridge Road (See Map 9). Between Wairakei Road and Harewood Road, the predominant land uses include market gardening, nurseries and rural lifestyle activities. There is also a function centre/ venue fronting Wairakei Road, adjacent to the intersection of Russley Road and a group of residential properties to the immediate west of the intersection of Harewood Road and Wooldridge Road.

The area is zoned Rural 5 with the exception of Nunweek Park, which is zoned Open Space 2 and Harewood Primary School on Harewood Road, which is Zoned Cultural 3 (See Map 10).

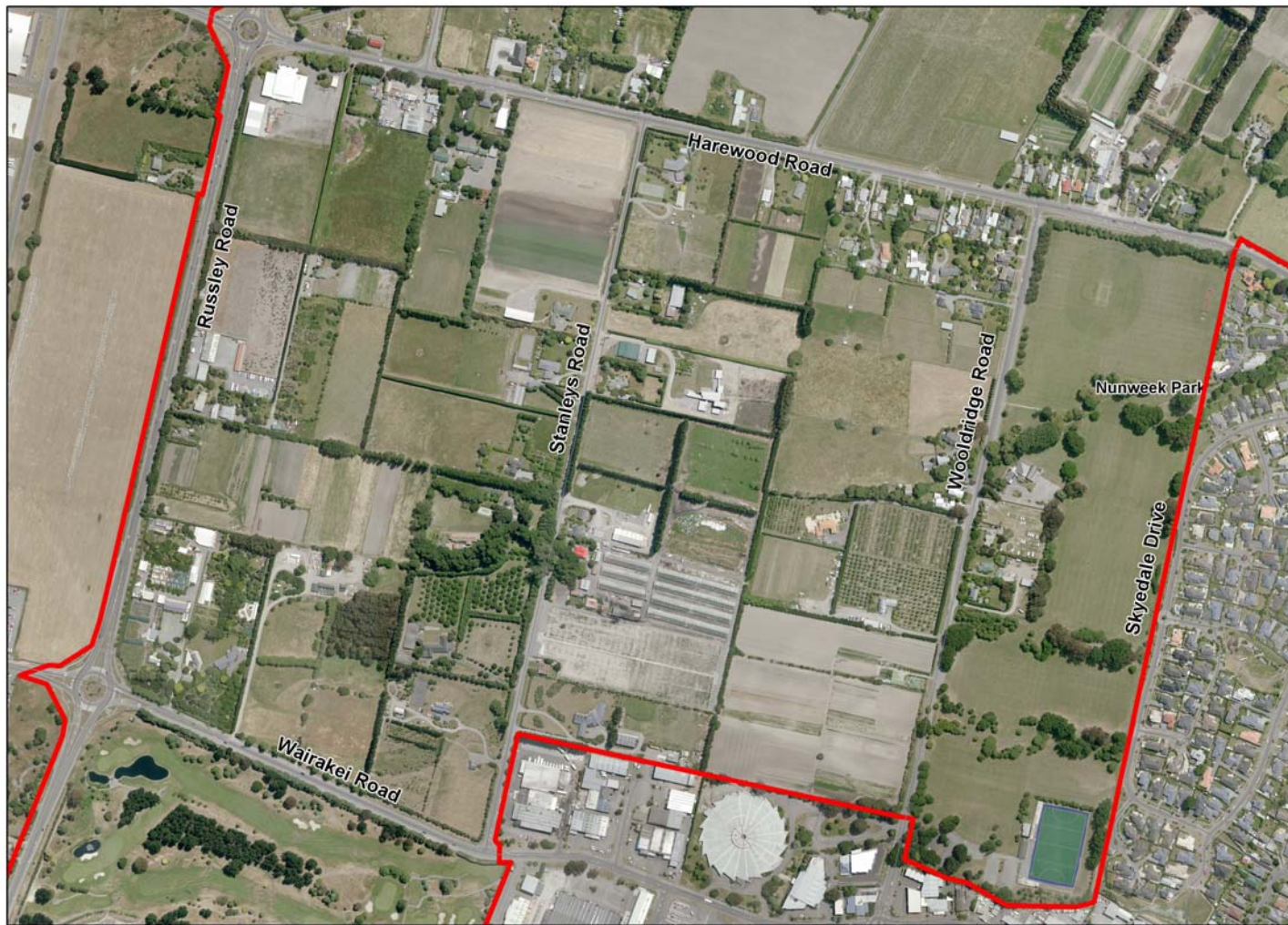
Nunweek park provides for community, sport and recreation activities, the southern part of Nunweek Park being occupied by two hockey turfs, which meet the strategic needs of Canterbury Hockey. To the immediate east of Nunweek Park is a residential area zoned Living 1A in the City Plan.

To the south of this part of the NWRA is a Business 4 zone, which fronts Wairakei Road. Tait Electronics's a prominent company in the manufacturing sector occupies sites within this zone and have lodged a draft plan change for rezoning approximately 10 ha within the NWRA between Wooldridge and Stanleys Roads to Business 4T. This indicates demand for business land in the area.

The origin of the Styx River is between Wooldridge and Stanleys Road, the former riverbed running east through Nunweek Park. This is a prominent natural feature in this area that should be recognised in any development.

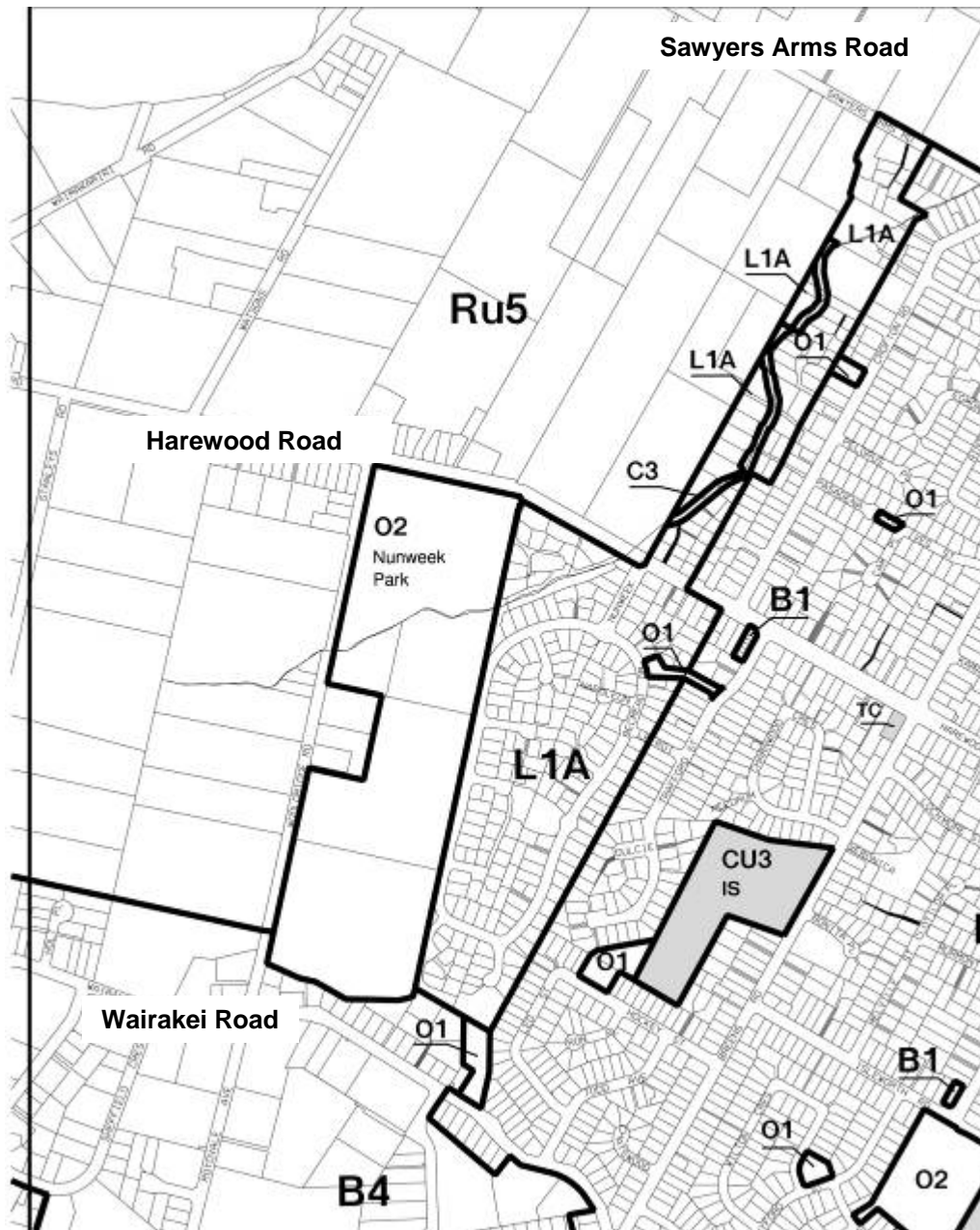
Having regard to the current use of Nunweek Park, it is not considered suitable for other activities and should continue to provide a green space for sport and recreation. Land between Wooldridge Road and Stanleys Road is immediately adjacent to the Business 4 zone on Wairakei Road and the area could therefore provide a logical extension of the business area, reflected in Tait’s proposal for rezoning approximately 10 ha. The extent of any development for urban activities in this area would be dependent on land becoming available while managing effects on residential properties to the north at the junction of Harewood Road/ Wooldridge Road. There is also the need to avoid effects on the natural and physical resources in this area including the origins of the Styx River, which is reflected by a swale between Wooldridge Road and Stanleys Road.

**Map 9 Block C (between Wairakei Road and Harewood Road) of NWRA**





Map 10 Zoning map of Block C between Wairakei Road and Sawyers Arms Road



#### *Harewood Road to Sawyers Arms Road*

The area of Block C between Harewood Road and Sawyers Arms Road is divided by Waimakariri Road and Watsons Road as shown on Map 11. Like the area to the immediate south, the predominant land uses include market gardening, nurseries and rural lifestyle activities. There is also a viticultural activity known as 'Omarino Wine Park' fronting Harewood Road and a group of residential properties at the intersection of Waimakariri Road and Watsons Road.

Waimairi Pit, a former gravel extraction pit which has largely been filled occupies a site between Waimakariri Road and Johns Road. The site is gazetted as reserve for gravel extraction. The land is to be returned to the Crown, following which the reserve status will be reviewed.

The block is zoned Rural 5 as shown on Map 10 with land to the immediate east zoned Living 1A. To the north across Johns Road is a Business 6 zone, which is intended for "dry" industries and to the west is the airport, zoned SPAZ in the City Plan.

The land between Harewood Road and Sawyers Arms Road comprises a mix of activities, particularly rural lifestyle sections and horticultural activities. The land use activities and subdivision pattern makes this part of block C less suitable for development. The exception is a large block of land on the western edge of Johns Road that has historically been used as a gravel pit but is no longer required for this purpose. It may be suitable for development and could provide a link with the Business 6 zone to the immediate north of Johns Road.

**Map 11 Block C (between Harewood Road and Sawyers Arms Road) of NWRA**



**Block D Johns Road**

Block D is bound by Johns Road to the north west and Sawyers Arms Road to the south (See map 12). The eastern boundary reflects the 50 dBA Ldn airport noise contour, while the northern boundary runs along cadastral boundaries adjacent to a residential area. The area is divided by Gardiners Road, Styx Mill Road and Wilkinsons Road.

Block D is dominated by larger lifestyle blocks and horticultural activities. Other activities include a Christchurch City Council nursery that occupies approximately 11 ha between Gardiners Road Wilkinsons Road (Zoned Open Space 2), and a crematorium to the immediate north of Wilkinsons Road (Zoned Conservation 4).

To the east of Block D is currently semi-rural with lifestyle blocks and small rural landholdings and is identified in PC1/ Chapter 12A as a residential greenfield area, which could accommodate up to 2,000



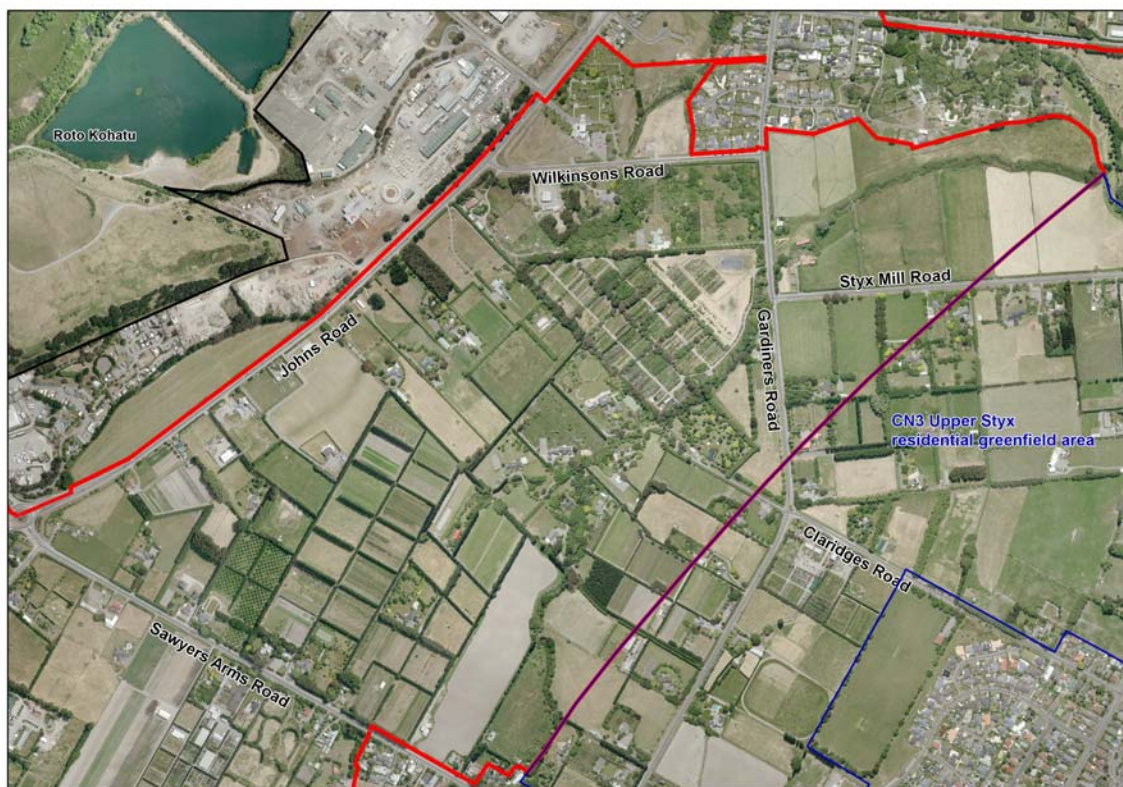
households. The Council is currently preparing an Outline Development Plan for this area and a number of landowners are proposing to lodge a request for rezoning their land.

To the north of the area, across Wilkinsons Road is a small residential area which fronts Wilkinsons, Gardiners and Hussey Roads that is zoned Living 1E (See Map 13).

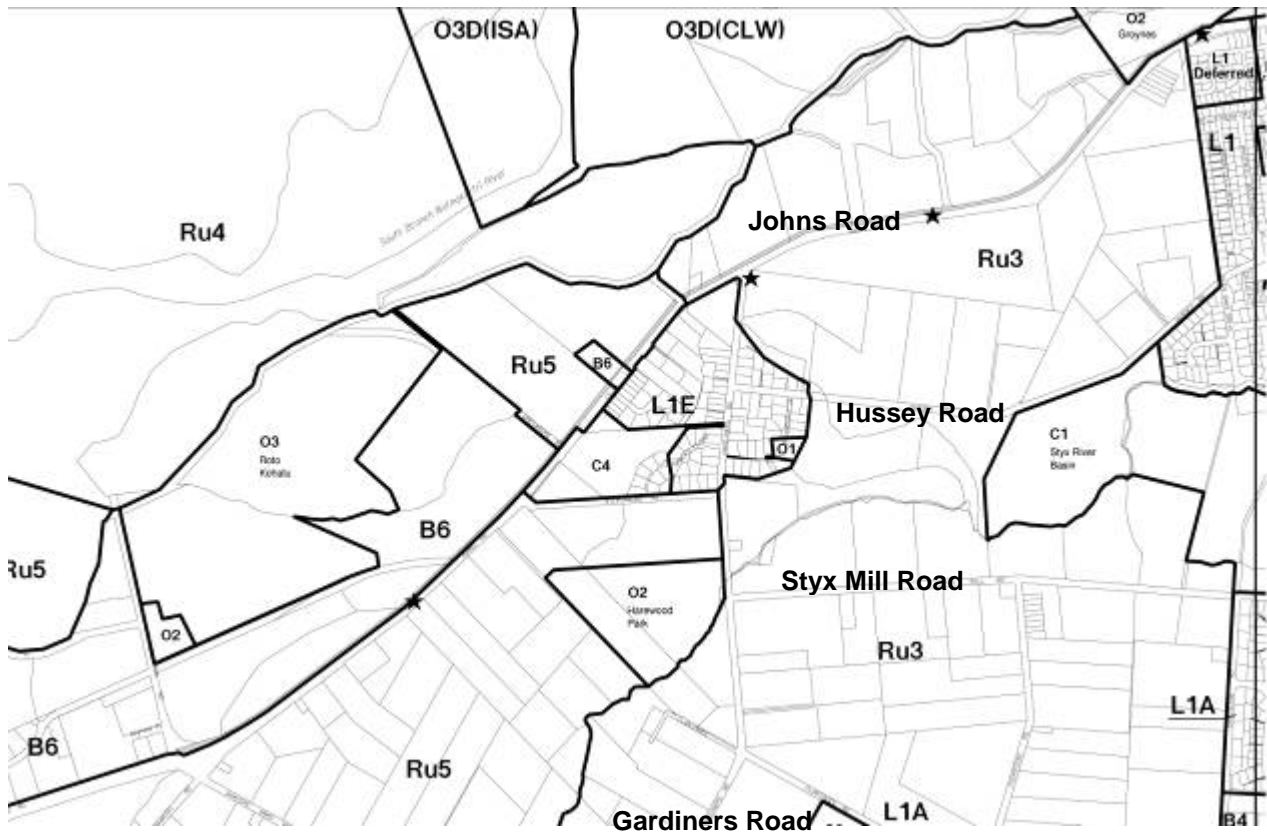
The Styx River runs in a north east direction through Block D before continuing east through Styx Conservation Reserve (outside the NWRA). The Styx River also forms a boundary between the Rural 3 and 5 zones to the east and west of the waterway respectively. The purpose of both zones is to provide for rural production. Smacks Creek, a tributary of the Styx River originates in Block D south of Wilkinsons Road and runs north east across Wilkinsons Road and Gardiners Road.

The use of the northern part of Block D for residential activities, a crematorium and Council nursery restricts the potential for development of some land uses that may have reverse sensitivity effects. Like the area south of Sawyers Arms Road, the land in this block is used for a mix of activities, particularly rural lifestyle sections and agricultural/ horticultural activities. The existing land use activities and subdivision pattern constrains its potential for urban development.

### Map 12 Block D of NWRA



Map 13 Zoning map of Blocks D and E



### Block E Hussey Road

Block E is bound by Hussey Road in the south, Gardiners Road and Smacks Creek in the west, Johns Road in the north and the residential area of Northwood in the east (See Map 14). The area is characterised by rural lifestyle blocks with small scale paddocks contained in managed shelter belts. Unlike the rest of the NWRA, this block has a more undulating topography. Property sizes range from 3-15 hectares, with the majority over 4 hectares. The larger lots are used for activities such as horse grazing, but there is also a motel and a holiday park. A gun club and former saw mill are known to have existed within the western portion of the block.

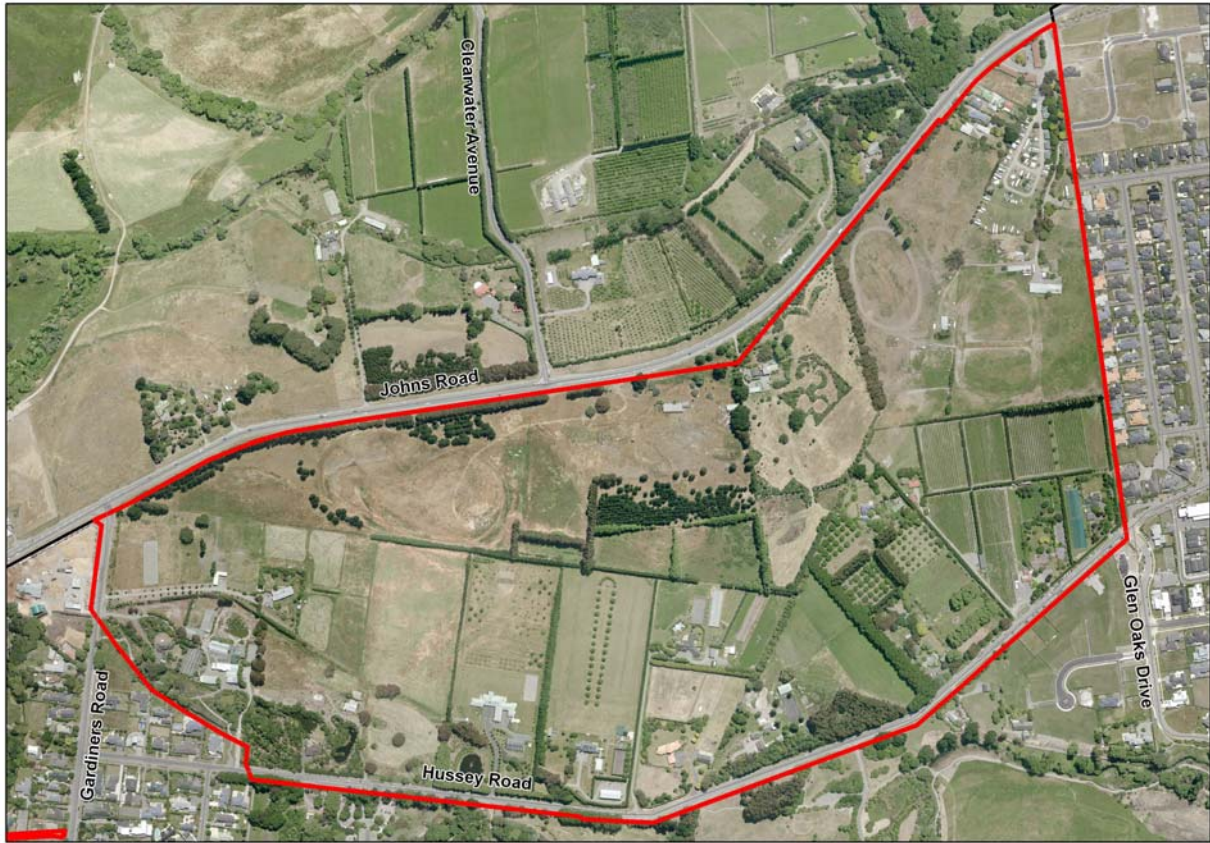
All of Block E is zoned Rural 3 in the Christchurch City Plan (see Map 13). The Block borders residential areas zoned Living 1 (Northwood) and Living 1 (Deferred) on the eastern boundary and Living 1E in the vicinity of Hussey and Gardiners on the south west boundary. To the north across Johns Road is the entrance to Clearwater Resort and to the east of this is the Groyne, zoned Open Space 2.

South of Hussey Road and outside of Block E is the Styx Mill Reserve (zoned Conservation 1) and the Willowbank Wildlife Park, zoned Rural 3. These two areas of open space comprise approximately 60ha between the Living 1 Zone at Northwood and the Living 1E zone around Gardiners Road.

Block E was identified in the notified version of PC1 as a residential greenfield area CN2. This was subsequently removed as a future growth area in variation 4 to PC1, which proposed a revised airport noise contour. In the subsequent decisions on PC1 it was shown within Special Treatment Area 1, while in Chapter 12A it formed part of the Policy 15F area identified for review.

Access to the area is through a residential subdivision at either end of Hussey Road. Reduced access from Gardiners Road and Wilkinsons Road to the State Highway further reduces the accessibility between this block and the surrounding area and which constrains its potential for urban activities. This is considered further in Section 7.

Map 14 Block E of NWRA





## 3.0 Policy Context

### 3.1 Introduction

The review of the NWRA is required by Policy 12 (Special Treatment Areas) of PC1, which states *“specific analysis and planning shall be undertaken to achieve the sustainable management of the natural and physical resources of ... (a) Northwest Christchurch (STA1) to determine the medium and long-term sustainable future of the area affected by airport noise.”* This reflects the decision on PC1 that *“to leave this land unable to be developed for any urban purposes over the next 35 years is illogical, and not an appropriately long-term resource management planning approach to the use of the land.”*

The statutory framework at a national, regional and local level provides direction for planning the future role of the NWRA and land uses appropriate in the area. Before consideration of the current policy framework, an overview is provided of the historical planning context that has informed the zoning and land use activities in the area.

The consideration of specific land uses and the appropriateness of those land use activities in the context of current policy is considered in Section 6.

### 3.2 Historical Policy Context to NWRA

#### Regional Context

The NWRA has historically been identified as a rural area in Regional Planning Schemes prepared by the Christchurch Regional Planning Authority, and subsequently the Canterbury United Council. Provisions sought to restrict urban development to avoid the loss of rural resources, the key issue being the potential for urban sprawl. The 2<sup>nd</sup> review of the Regional Planning Scheme prepared under the Town and Country Planning Act 1977 referred to a ‘green belt’ that had provisions limiting the potential for subdivision, residential and non-rural activities.

While the reference to a ‘green belt’ has disappeared, the Regional Policy Statement (1998) prepared under the Resource Management Act continues to have objectives focussed around urban consolidation, the protection of versatile soils and groundwater resources.

PC1 to the Operative Regional Policy Statement as notified in 2007 identified the majority of the area known as the NWRA outside the urban limits, the exception being Block E which was identified as a residential greenfield area. Decisions on PC1 subsequently identified the subject land as a Special Treatment Area within the City’s urban limits/boundary with an assessment required to determine its long term use.

#### - Local context

The majority of the North West Review Area was within the jurisdiction of Waimairi County Council, the exception being land west of Russley Road (Block A) that was in Paparua County up until amalgamation in 1989. The first Waimairi District Scheme (operative 1965) and Paparua District Scheme (operative 1974), prepared under the Town and Country Planning Act 1953 zoned the NWRA as Rural, which provided for farming and associated rural activities. This was carried forward in the first review of the Waimairi District Scheme (Operative 1974). The first review of the Paparua District Scheme (Operative 1985) zoned the area west of Russley Road (within the NWRA) as Rural 3, which continued to provide for farming and other rural activities.

The first Waimairi District Scheme introduced the concept of an ‘Economic unit’ which enabled subdivision less than 5 acres (or 2 ha) if it could be demonstrated that an allotment could be used as an “independent economic farming unit”. This has contributed to the current subdivision pattern in the majority of the NWRA with a large number of small allotments.

The 2<sup>nd</sup> review of the Waimairi District Scheme (made Operative in 1989), prepared under the Town and Country Planning Act 1977, identified the area as largely within a Rural Horticultural (H) zone the purpose of which was to promote land use activities that utilise the Class I and II soils for sustained and

intensive food production. It also identified the majority of the Rural H zone within a Noise Exposure Line. The controls associated with the noise exposure line were intended to protect residents living in the vicinity of the airport from airport related noise and to protect the airport from reverse sensitivity effects.

The historical zoning of the NWRA for rural activities has been carried through into the Christchurch City Plan (2005), which zones the majority of the NWRA as Rural 5 (Airport Influences Zone) and Rural 3 (Styx-Marshland zone).

The purpose of the Rural 5 zone is primarily intended for the continuation of primary production while managing land use activities to avoid compromising Airport operations and development. Collectively, the policies in the Plan support the retention of rural activities and a level of amenity that does not impinge on the Airport's operation and reinforces the consolidation of growth within existing living and business areas. Provisions in the City Plan abandoned the 'economic unit' criteria in favour of a 4 ha minimum lot size for subdivision.

### 3.3 Current Policy Context to NWRA

The current policy context comprises legislation, strategies and plans that inform the future role of the NWRA and appropriate land uses in the area. A background document has been prepared on the policy framework. Those documents of particular significance include -

#### National

- Resource Management Act
- National policy and standards
- Local Government Act

#### Regional

- Operative and Proposed Regional Policy Statement
- PC1, Chapters 12A and 22 of the RPS
- Canterbury Natural Resources Regional Plan (Operative)
- Recovery Strategy for Greater Christchurch

#### Local

- Christchurch City Plan
- Belfast Area Plan

Each of these documents is considered in more detail below

#### National

##### - Resource Management Act (RMA)

In review of the NWRA there is a need to ensure consistency with the RMA's purpose of promoting the sustainable of natural and physical resources and enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In promoting the sustainable management of the NWRA, the function of the area and land uses identified should support people's social and economic wellbeing while sustaining the potential of natural and physical resources. This includes the groundwater resource and versatile/ productive soils to meet the reasonably foreseeable needs of future generations.

The land uses identified as appropriate through the review should also support the health and safety of the population by avoiding the development of activities in the NWRA that are sensitive to noise. The 50

dBA Ldn airport noise contour defines the boundary within which noise sensitive activities including residential should be avoided.

The other elements to consider in ensuring the sustainable management of the NWRA include the need to

- preserve the natural character of rivers and their margins, which should be reflected in the planning of development adjacent to waterways such as the Styx River.
- protect historic heritage, including buildings that reflect the history of the area as is evident in Blocks B and C
- Recognise the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu (sacred places) and taonga (cultural treasures)

#### **- Local Government Act**

The Local Government Act provides for local authorities to play a role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach. In providing for the social and economic wellbeing of the community, Council will provide essential services to enable further development.

The existing and future provision of infrastructure needs to be considered in review of the NWRA, having regard to the efficiencies of servicing areas, the timing of infrastructure upgrades and the funding implications.

Council also has a responsibility to apply consultation principles under the Local Government Act and in doing so, it needs to ensure it understands the views of the community, consider these views and decides how the matters raised can be addressed. Consultation with the public on the NWRA has provided a range of views, which are being considered in determining the appropriate land use activities in the NWRA.

#### **- National Policy and Standards**

National Policy Statements (NPS) and National Environmental Standards (NES) provide direction at a national level on a range of environmental matters. The following are of relevance to the NWRA -

- **Freshwater management (NPS)**  
The recommendations on the NWRA should be consistent with the NPS's objectives of maintaining or improving the overall quality of water and safeguarding the life-supporting capacity of freshwater. In achieving this, adverse effects on surface waterways and groundwater resources beneath the NWRA should be avoided or otherwise mitigated. Effects of development within the NWRA can have downstream effects if not appropriately managed through the use of buffers and treatment of stormwater as part of a catchment wide approach.
- **Electricity transmission (NPS and NES)**  
The NPS on Electricity Transmission requires the Council to manage adverse effects caused by development near high-voltage transmission lines. Transmission lines run across Blocks A and B and therefore development in these blocks would need to be set back an appropriate distance to avoid effects on the operation, maintenance and upgrade of the lines.
- **Assessing and Managing Contaminants in Soil (NES)**  
The NES requires the identification and assessment of contaminated land to ensure remediation and management is undertaken before development. There are a number of known or potentially contaminated sites in the NWRA. Any area identified for development will require further investigation and if appropriate remediation to enable its development.

- **Sources of Human Drinking Water (NES)**

The NES requires consideration of the effects of land use activities on drinking water supplies and the risk of contamination, which is particularly important in the NWRA. Beneath the NWRA are groundwater resources that provide drinking water to Christchurch residents. There is a need to avoid activities that may compromise groundwater quality including the storage and use of hazardous substances.

## **Regional**

### **- Operative and Proposed Regional Policy Statements (RPS)**

The Canterbury Regional Policy Statement (RPS) was made operative in June 1998. The RPS provides an overview of the resource management issues of the Canterbury region and sets out the objectives, policies and methods to address those issues. The Proposed Regional Policy Statement has been subject to hearings with decisions released on the 21<sup>st</sup> July 2012. With appeals limited to points of law, significant weight can be given to the Proposed RPS.

The following objectives from the decisions version of the Proposed RPS are particularly relevant to the NWRA

- Development is to be located and designed to achieve a consolidated, well designed and sustainable growth in and around existing urban areas (Objective 5.3.1). In the context of the NWRA, development should be adjacent to the existing or proposed urban activities, encouraging consolidation
- Development is to be compatible with and result in the continued safe, efficient and effective use of regionally significant infrastructure while also avoiding, or otherwise remedying or mitigating effects (Objective 5.3.1). It is therefore necessary for development in the NWRA to not compromise the function and operation of SH1 and Christchurch International Airport.
- Development should also avoid adverse effects on natural and physical resources, or where avoidance is impracticable, remedy or mitigate effects. The explanation describes such effects as a change from rural to urban activities leading to the loss of a resource. In the context of the NWRA, the loss of highly versatile/ productive soils as a result of development is an issue and there is a need to consider alternative locations that urban activities could occur in the NWRA to avoid adverse effects.
- The region's freshwater resources are to be sustainably managed to enable people and communities to provide for their economic and social well-being while ensuring the life-supporting capacity of freshwater is safeguarded (Objective 7.2.1). In the context of the NWRA, there is a need to ensure adverse effects on the groundwater aquifers are avoided through controlling the activities that are provided for in the area.
- The natural character values of rivers and their margins are to be preserved and these areas protected from inappropriate subdivision, use and development and restored or enhanced where appropriate (Objective 7.2.1). As discussed earlier, a number of waterways including the Styx River run through the NWRA and there is a need to protect and where possible, restore the riparian areas

### **- Proposed Change 1 and Chapter 12A of the RPS**

On 28 July 2007, PC1 to the RPS was publicly notified. PC1 gives effect to the Greater Christchurch Urban Development Strategy and provides a strategic approach to managing growth across Greater Christchurch. PC1 defines urban limits for Christchurch City and surrounding townships and within the



urban limits identifies areas for future residential and business growth. In respect of the area referred to as the NWRA, the notified version of PC1 identified

- all of Block A outside the urban limits;
- most of Block B outside the urban limits, except for a small area in the south of the block which was included in the residential greenfield area CW1 Russley. CW1 had a total household allocation of 360;
- Block C outside the urban limits;
- a part of the eastern area of Block D within the residential greenfield area CN3 Upper Styx (CN3 had a total household allocation of 2470 under Policy 6);
- all of Block E of the NWRA within the residential greenfield area CN2 West Belfast.

Subsequently, Variation 4 to PC1 was notified, which proposed a revised airport noise contour, removal of the residential greenfield area, CN2 (Block E) and a change to the Urban Limit, putting the majority of the NWRA outside the urban limits.

In December 2009, after hearings on submissions, the decisions on PC1 were notified. Those decisions identify the NWRA as a Special Treatment Area 1 (STA1) within the urban limits. The Council had lodged an appeal on this aspect of PC1 and sought that it be identified outside the urban limits with provision for 100 ha of business land. The 100 ha would be deemed to be within the urban limits upon the completion of this review.

Land between Memorial Ave and Avonhead Road (Known as the MAIL site) was excluded from the STA1 and identified as a greenfield area for business (CB8 comprising 19 hectares).

STA's are subject to Policy 12: Special Treatment Areas in PC1, which requires the Christchurch City Council to undertake specific analysis and planning of the STA1 area to determine the medium and long-term sustainable future of the area affected by airport noise and then to provide appropriate zoning or other provisions for the area.

PC1 was subject to appeals to the Environment Court up til October 2011 when PC1 was revoked and Chapter 12A and Chapter 22 were inserted into the Operative RPS by the Minister of Earthquake Recovery under Section 27 of the Canterbury Earthquake Recovery Act.

Chapter 12A closely resembled the decisions (December 2009) version of PC1. In respect of the NWRA, STA1 was renamed the 'North West Review Area' and was annotated on Map 1 of Chapter 12A as a Policy 15(f) area.

The geographic boundary of the NWRA reflected the boundary of STA1 but unlike the STA, the NWRA was outside the urban limits. Chapter 12A also included the NWRA in Table 3: *Business Land Areas for Greater Christchurch 2007-2041*, with a total maximum area of 100 hectares for business, dependent on the outcome of a review (this Review). A note below Table 3 of Policy 6 in Chapter 12A stated that the area identified for business in the NWRA as a part of the review would be deemed to be within the urban limits.

An application for judicial review of the Minister's decision to revoke PC1 and insert Chapters 12A and 22 into the RPS was lodged and subsequently granted on 24 July 2012. The effect of this ruling was for the Minister's decision to be set aside and for outstanding appeals on PC1 to the Environment Court to be reinstated.

While the High Court's decision has subsequently been appealed to the Court of Appeal and there is therefore the possibility of Chapters 12A and 22 being reinstated, the current policy document for managing the future growth of Greater Christchurch and of relevance to the NWRA at the time of preparing this report is the decisions version of PC1 December 2009. This effectively means that the area known as the NWRA is a Special Treatment Area and lies inside the urban limits.

While PC1 and Chapter 12A are the subject of appeals to Environment Court and Court of Appeal respectively, there is considered to be a need to review the NWRA regardless of the Courts decisions. It

is an important area in the context of Greater Christchurch due to its location and the natural and physical resources in the area that requires a strategic approach to planning its future use.

## Chapter 22

As stated above, the Minister of Earthquake Recovery inserted Chapter 22 into the RPS in October 2011. Policy 2 of that chapter sought to avoid noise sensitive activities within the 50 dBA Ldn airport noise contour to avoid effects on the operation of Christchurch International Airport. Noise sensitive activities were defined as:

- *Residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008;*
- *Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan or on other land used or available for business activities;*
- *Travellers accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants;*
- *Hospitals, healthcare facilities and any elderly persons housing or complex.*

The same definition is in PC1. In the wider context of a review of land for development (Policy 16(e) of PC1), "Noise Sensitive Activities" within the 50 dBA Ldn noise contour should be managed so as to not compromise the operation of Christchurch International Airport.

## Canterbury Natural Resources Regional Plan

The Canterbury Natural Resources Regional Plan (NRRP) became operative in June 2011. The Water Quality and Water Quantity chapters of the NRRP are of particular relevance to the NWRA as the area is underlain by unconfined and semi-confined aquifers. The objectives and policies in the NRRP emphasise the importance of ensuring the continued supply of water to the aquifers as well as protection of Canterbury's groundwater and surface water resources.

The principle objective guiding the management of groundwater is WQL4(1), which states '*the quality of Christchurch groundwater is maintained or enhanced as far as practicable in its overall high quality state in the long term*'. The explanation to this objective describes the potential for intensification of land use activities over the recharge area to give rise to adverse effects if not appropriately managed.

The NRRP identifies 'Christchurch Groundwater Protection Zones', the most vulnerable parts of the groundwater system which are a principal source of drinking water for Christchurch City. The explanation to policies on the Groundwater Protection Zone describe Zone 1, which the majority of the NWRA is within, as being particularly vulnerable to potential adverse effects arising from land use activities.

The explanation notes that uncontrolled land use intensification *may* increase the likelihood of adverse effects from contaminants entering groundwater. The types of land use activities that are noted as having potential to adversely effect groundwater include inappropriate waste disposal practices, accidental spillage and increased amounts of wastes such as sewage and stormwater. The explanation does not state that urban growth not involving hazardous substances etc. is to be avoided, rather that it should be properly managed.

Territorial authorities are directed to prevent, avoid or mitigate adverse effects on groundwater quality as appropriate to the circumstances, managing any potential adverse effects from land uses that may be established.

The most challenging rule for urban development in the NWRA is Rule WQL36, which limits the amount of excavation that can occur if excavation is over 5 metres in depth or goes into groundwater in Protection Zones 1, 1A, 1C, 1D or 2. However urban development in the NWRA is only likely to contravene this rule if deep excavation involving volumes in excess of 100m<sup>3</sup> were necessary. These depths and volumes are considered unlikely through much of the study area for a wide range of activities under consideration.

A further issue for consideration is the potential for increased urbanisation of the NWRA to reduce the amount of recharge percolating to the aquifers through an increase in impermeable site coverage. However, no assessment has been made on the contribution of the NWRA to recharge quantities. Best practice stormwater management would have a large influence on the amount of stormwater able to be returned to the aquifer as a result of any specific development in the NWRA.

As part of a plan change, there is scope for further consideration of an impermeable surfaces rule in the City Plan in conjunction with rules in the NRRP which already adequately address stormwater management specifically for this area.

### **Recovery Strategy for Greater Christchurch**

The Recovery Strategy, prepared under the Canterbury Earthquake Recovery Act 2011, came into effect on 1 June 2012. The Recovery Strategy has statutory effect and sits alongside other statutory documents such as the City Plan. There is a need to ensure consistency with the Recovery Strategy. The review of the NWRA while not directly related to recovery, will support the achievement of goals in the strategy including –

- *Revitalise greater Christchurch as the heart of a prosperous region for business, work, education and increased investment (Economic Recovery)*

While the review of the NWRA commenced before the earthquakes, the identification of areas for industrial business development will assist with the recovery of Christchurch. There are indications of demand for land in the western part of the City as businesses look to relocate due to damage to land and/or buildings in the east. There is also potential demand for land associated with the rebuild of Christchurch, particularly from the construction and manufacturing sectors. The identification of land for business will assist in meeting this demand, providing capacity for growth and investment.

- *Develop resilient, cost effective, accessible and integrated infrastructure, building, housing and transport networks (Built Environment Recovery)*

The goals of this programme include zoning sufficient land for recovery needs and coordinating and prioritising infrastructure investment.

The review of the NWRA will provide the opportunity for the identification of land for business development including companies displaced due to the earthquake and other activities, while protecting natural and physical resources for future generations.

## **Christchurch**

### **Christchurch City Plan**

The Christchurch City Plan's (2005) overall objective is the sustainable management of natural and physical resources of the Christchurch environment. The relevant outcomes sought by the City Plan include

- Adequate provision of a quality water supply
- Protection and enhancement of the diversity and integrity of ecosystems, and important heritage buildings, places and objects

- Avoiding, remedying and mitigating adverse environment effects of resource use and activities upon valuable resources
- Enabling opportunities for environmentally sound growth and development
- Fostering and promoting amenity values which contribute to the City's pleasantness and aesthetic coherence
- Encouraging diversified economic activity to reduce economic vulnerability
- Encouraging more efficient use of resources, notably land and existing structures in the City.

Objectives in the City Plan seek a form of development that maintains and enhances natural and physical features and characteristics. The relationship between the natural and physical features is described as creating the form of the City, which is to be achieved through encouraging diversity and maintaining the form, character and coherence of each area.

In ensuring consistency with objectives and policies in the City Plan, there is a need to retain the rural amenity of the NWRA, protect groundwater recharge areas and versatile soils and manage urban growth to avoid adverse effects on these natural resources. Growth is to be managed through consolidation of urban areas, which in the context of the NWRA is a pattern of development that avoids isolated and dispersed patterns of urban growth. There is also a need to ensure the airport's operation is not impeded by development in the NWRA.

While the area is subject to review, the current zoning of the NWRA is a starting point for planning the area. The majority of the NWRA is zoned Rural 5 (Airport Influences) or Rural 3, the latter extending over the eastern part of Block D and all of Block E. The purpose of the Rural 3 and Rural 5 Zones is to provide for the continuation of primary production, reflecting its historical use. The Rural 5 zone is also intended as a buffer where land use activities are to be managed to avoid compromising Airport operations and development.

The zone standards for the NWRA generally permit residential dwellings on sites no less than 4ha in area, which constrains the number of dwellings that can locate in the NWRA, thereby minimising potential for reverse sensitivity effects on the airport's operation and protecting the amenity of residents.

The standards restrict site coverage and require large setbacks from allotment boundaries to encourage the sense of spaciousness and visual amenity levels that are consistent with promoting the maintenance and enhancement of rural amenity and character. These standards also support the objectives and policies of the City Plan in regards to protecting versatile soils and the groundwater recharge area.

### **Belfast Area Plan**

The Belfast Area Plan, adopted by Council in 2010 provides direction for managing growth in the Belfast area while maintaining and enhancing natural and physical resources. The area plan covers the entirety of Block E and a part of Block D of the NWRA, and refers to the status of both Blocks as a Special Treatment Area consistent with PC1. The Area Plan identifies the need for a buffer along the Styx River, consistent with other plans and strategies.

### **Styx River – relevant policies**

#### **- Styx Vision 2000 - 2040**

The Styx Vision 2000 – 2040, adopted by Christchurch City Council in July 2001, provides visions for the future management of the Styx catchment, which a large area of the NWRA is within. A vision is for a 'Source to Sea experience' of reserves, which can be supported through the identification of land as esplanade reserve to protect riparian areas, and subject to funding, enhance the ecological, landscape and Tangata Whenua values.

### - Styx River Stormwater Management Plan

A Stormwater Management Plan has been prepared to enable an integrated approach to the management and treatment of stormwater from the Styx catchment. The plan forms part of an application for resource consent to be submitted to the Regional Council in September 2012 to enable the discharge of stormwater from the NWRA to be approved under Council's application, pursuant to Rule WQL7 of the Natural Resources Regional Plan.

### 3.4 Summary

This section has provided an overview of the policy framework to inform recommendations on the function of the NWRA and land uses appropriate in the NWRA. Key points emerging from the policy framework include -

- Development should support the objective of urban consolidation by being contiguous with existing or proposed residential and business areas
- Groundwater and surface water quality is to be maintained or enhanced by avoiding adverse effects of land use changes
- The natural character of rivers and their margins is to be maintained and enhanced through the identification and acquisition of land
- Versatile soils are to be protected where appropriate for future generations
- Development should not compromise the safe, efficient and effective operation of the strategic road network
- Adequate provision is to be made for sewage disposal from new development while maintaining public health and minimising adverse effects on the environment
- There is a need for the adequate provision of a water supply to new developments that is reliable and safe for human consumption
- Land use activities do not have an adverse effect on the operation and development of Christchurch International Airport

Further analysis of the policy framework is provided in Section 6, which considers the appropriate of different land use activities.



## 4.0 Consultation

### 4.1 Introduction

The Council is to undertake “specific planning investigations in relation to the three Special Treatment Areas (including the NWRA) in conjunction with landowners within the areas and other stakeholders” (Policy 12, PC1).

The Christchurch City Council undertook consultation with land owners, occupiers and interest groups in the NWRA at an initial stage in the review. Views were sought on the future development potential and types of land use activities sought in this fringe location.

The following section describes the process and key findings from the consultation.

### 4.2 Consultation Process

The community had the opportunity to provide their feedback and input by attending drop-in sessions, sending in feedback and contacting project staff directly.

Consultation with the community comprised the following:

- Presentations to Community Board(s) and meetings with other stakeholders including NZTA, Christchurch International Airport Limited (CIAL) and Tait Electronics from early 2011.
- An information pamphlet was sent to landowners and key stakeholders for input/submissions on the 4th July 2011.
- A ‘Drop In’ session was held at the Harewood Community Hall on the 13th July 2011.
- Input/submissions on the NWRA closed on the 5th August 2011.

There were three aspects of the “review” that the public were asked for their feedback on including

- What would people like to see retained or changed in the North-West Review Area over the next 30 years?
- What level of development should take place?
- Where should development be located?

### 4.3 Summary of Key Findings

#### General findings

A total of 87 submissions were received within the submission period. Of the 87 submissions, 64 submissions came from individuals or couples. This was followed by Corporations and Organisations with 8 and 5 responses respectively. Of those who responded, 71 out of the 87 submitters (82%) were residents in the area.

Feedback from the consultation is summarised below

#### What to Retain?

The key findings from community and stakeholder feedback indicate a desire to retain the areas’ rural character and amenity, respondents valuing the sense of openness and spaciousness. There was also support for the retention of a buffer between rural/urban and residential/airport.

## **Change**

There was also support for change over the next 30 years with an increase in development. While there was recognition of the airport noise contour acting as a constraint to residential activities, submitters sought a change from the 50 dBA Ldn airport noise contour to the 55 dBA Ldn noise contour to enable residential development . There was also a desire for the minimum net area for a residential unit to be reduced. However, there was little consensus on what the minimum lot size should be.

There was support for land to be identified for business. It was suggested that business development was most appropriate alongside or as an extension of existing business/commercial areas on Wairakei Road or to compliment the existing developments on the Airport land near Russley and Johns Road.

There was also support for the intersection of Memorial Ave/ Russley Road to be a prominent gateway, reflecting the 'Garden City' theme. Improvements were also sought to the Johns Road /Russley Road corridor with planting on the roadside to enhance the visual amenity and to provide a visual buffer between the City and the airport. Other points raised included the need for traffic effects to be managed and support for pedestrian and cycle facilities.

## **4.4 Summary**

The results from Council's consultation process indicate that the community want to protect and retain the rural character of the area and for it to act as a buffer between residential areas and the airport. There was also support for change and development within the area. While the airport noise contour was recognised as a constraint to development, there was support for a reduction in section sizes to enable residential development. Business development was also supported as an extension of existing areas.

## 5.0 Function of the North West Review Area

The majority of the NWRA currently serves a purpose of providing for ongoing primary production while ensuring land use activities are managed to avoid compromising airport operations and development. The long term role of the NWRA for rural activities was questioned in hearings on PC1, the commissioners recommendations (and Regional Council's decisions) stating that it was not an "appropriate resource management treatment to leave this land exclusively as rural land over the next 35 years". Having regard to this decision, which has necessitated a review, it is not appropriate for the current zoning to be retained.

The NWRA continues to be an area where activities need to be managed to avoid compromising airport operations and development, reflecting PC1 and Chapter 12A that identify the area within the airport noise contour. In this context, the NWRA will continue to serve as a buffer to support the long term operation and development of the airport while protecting people from adverse effects.

Its location on the fringe of the City and surrounded to the west by the airport warrants a different approach relative to other areas on the edge of Christchurch. Its location parallel with SH1 the NWRA a role as a part of a strategic corridor while also being a gateway to and from Christchurch, whether it be for travellers bypassing Christchurch or those arriving or departing Christchurch from the International Airport.

As an area on the fringe of Christchurch, the NWRA also benefits from close proximity to established residential and business areas and could serve a function of providing for land use activities that serve these areas i.e. open space, community facilities.

The natural resources in the NWRA are also a factor in determining its function. While the decisions on PC1 stated that it is not appropriate to leave the land exclusively in rural use, it remains an area of highly versatile and productive soils beneath of which is the groundwater resource serving the water supply needs of Christchurch and land uses above.

The historical use of the area for agricultural and horticultural activities has given the NWRA a different character relative to other parts of the City with open areas interspersed with shelterbelts and trees that provide prominent features on the landscape. These values need to be recognised in the development of the NWRA.

Having regard to the values of the area, its location and the conclusions on PC1, the function of the NWRA is considered to be as a 'Rural Urban Fringe'. An rural-urban fringe location is regarded as the transition between urban and rural areas that provides for activities typically associated with an peri-urban area while retaining its openness and vegetation. A rural-urban fringe area is characterised by certain land uses, which have either purposely moved away from the urban area, or require much larger tracts of land for example:

- Utilities and public facilities e.g. waste transfer stations and recycling facilities
- Recreation and tourism facilities and activities,
- Industries associated with rural produce
- Lifestyle blocks

The types of activities that are considered most appropriate in the NWRA are assessed in the next section. However, it is not expected that the area will undergo significant change with the exception of areas identified for industrial business use. While the Commissioners on PC1 concluded that its long term use was not exclusively in rural use, there are parts of the NWRA that continue to support rural activities that utilise the high quality soils and continuation of these activities should be provided for. This is reflected in submissions from landowners who sought the continuation of agricultural and horticultural activities in the area.

## 6.0 Land Use options for the North West Review Area

The decisions on PC1 state that “*the area (NWRA) has been included in the Urban Limits to enable a consideration of the future of the area for urban-related, predominantly non-noise sensitive activities” (Para. 10). The decision goes on to state in paragraph 401 “*That might range from the type of rural-residential or large lot activity envisaged in the Robinsons Bay Trust decision as not affecting the ongoing protection of the Airport because of its relatively low level of residential households, through to large recreational sportsfields or the more business-related type of activities which have increased over recent years in that area between the airport and the urban fringe area*”.*

The following section considers the range of land uses including

- Business (including industrial, retail, offices)
- Noise sensitive activities including Residential, Education, Health facilities
- Travellers/ visitor accommodation
- Rural residential
- Community facility/ meeting venue Open Space
- Sport/Recreation
  - Aquatic facility
- Gravel Extraction

### 6.1 Business

PC1/ Chapter 12A of the RPS identifies greenfield areas for business to meet future long term needs across the City and Greater Christchurch. Chapter 12A as inserted into the RPS by the Minister of Earthquake Recovery identified a maxima of 100 ha for the NWRA, which provided a starting point to the review of business land.

In terms of the types of business uses appropriate in the NWRA, the Commissioners in their recommendations (and the Regional Council’s decisions) on PC1 determined that there was not sufficient information for conclusions to be reached on the preferable long-term uses of the NWRA and it was the Council’s role. However, suggestions were made in PC1 decisions of what types of industries may be appropriate –

*We anticipate there will be parts of the area, probably more particularly to the north, where heavier industries have developed adjacent, which may be considered suitable for dry heavier industries, limited to those which do not pose a risk to the aquifers in the area. There will be other parts closer to the airport itself which may be suitable for some light industries including storage.*

Chapter 12A/ PC1 defined ‘Business’ or ‘Business activities’ as “Retail, office, industrial and other commercial and any ancillary activity”. A range of potential business activities have therefore been identified for the purpose of this assessment, which are considered below -

- Industrial
- Retail
- Office
- Rural business activities

## Industrial

The City Plan currently has an objective for a wide range of industrial areas across the City, accommodating “a diversity of appropriate business activities, where adverse effects are avoided, remedied or mitigated”.

The industrial business zones (Business 3 to Business 8) enable the establishment of industrial activities across the City, with provisions for each zone recognising the constraints specific to each area, for example, the use and storage of hazardous substances in the Business 8 zone. There are also limitations on offices and retailing in some industrial zones for a number of reasons including -

- The primary role of industrial zones is to provide for industrial businesses, some of which are only appropriate in industrial areas due to the actual or potential effects on other land uses and the amenity sought in other areas
- The location of industrial zones in areas that are less accessible by public transport makes them less appropriate for activities generating a significant number of trips
- The Central City and other suburban centres are focal points for activities and where retail and office activities are encouraged

A technical paper has been prepared by the Council<sup>3</sup>, which concludes that the appropriate quantum of land that should be provided for industrial business activities is 100 ha. The findings are based on an assessment of vacant industrial land (unoccupied by buildings) across the City, which identified 271 ha of vacant zoned land in the industrial business zones as at June 2011 (including greenfield areas identified in Chapter 12A that have been rezoned in the City Plan). An additional 164 ha has been rezoned for industrial business purposes up to August 2012. This indicates a significant quantum of supply across Christchurch City.

Further analysis of the data indicates that a proportion of vacant land is occupied for storage and other activities, the actual amount of unutilised land being closer to 300 ha. An additional 285 hectares is identified in PC1/ Chapter 12A of for greenfield business activities in Christchurch City to 2041. However, damage to land as a result of the earthquakes, particularly in the eastern suburbs may mean that some vacant business zoned land is unsuitable to build on in the future, necessitating additional land to be provided for industrial activities.

A reconciliation of supply with take up rates by zone and geographic area identifies the potential for a shortfall in supply in some parts of the City including the Business 4 and higher amenity Business 4T zone at Russley. A summary of the supply in years is presented in Table 2 below.

**Table 2 Number of years supply of industrial land by zone and geographic area**

	- Vacant Utilised <sup>4</sup>	- Vacant Un-utilised	Take up per year	Years supply - Vacant Utilised	Year supply - Vacant Un-utilised
<b>Business 3</b>	<b>4.57</b>	<b>1.43</b>	<b>0.08</b>	<b>57</b>	<b>18</b>
<b>Business 3B</b>	<b>2.33</b>	<b>1.04</b>	<b>0.11</b>	<b>21</b>	<b>9</b>
<b>Business 4</b>					
East	2.23	0.25	0.09	25	3
South East	23.33	17.07	1.82	13	9
South West	16.76	4.15	1.03	16	4

<sup>3</sup> North West Review Area Business Land Report August 2012

<sup>4</sup> “**Vacant – utilised**” is land that is unoccupied by buildings or designated as road or reserve, and may be developed in the future. It may currently be used for storage or other purposes., and may be developed in the future. It may currently be used for storage or other purposes. “**Vacant Un-utilised**” is land that is not used for any purpose.



North	4.78	3.72	0.62	8	6
North west	2.18	2.18	1.32	2	2
West	51.6	47.89	2.11	24	23
Inner suburbs	0.31	0	0.12	3	0
<b>B4 Subtotal</b>	<b>101.19</b>	<b>75.27</b>	<b>7.12</b>	<b>14</b>	<b>11</b>
<b>Business 4P</b>	<b>5.33</b>	<b>3.76</b>	<b>0.14</b>	<b>38</b>	<b>27</b>
<b>Business 4T</b>	<b>0.76</b>	<b>0.76</b>	<b>0.49</b>	<b>2</b>	<b>2</b>
<b>Business 5</b>					
East	13.88	4.88	1.08	13	5
South East	10.18	4.8	0.6	17	8
South West	102.12	58.98	3.87	26	15
South	4.56	4.56			
North	6.86	6.86	0.47	15	15
West	17.97	9.96	3.17	6	3
<b>Inner suburbs</b>	0.25	0.07			
<b>B5 Subtotal</b>	<b>155.8</b>	<b>90.1</b>	<b>9.71</b>	<b>16</b>	<b>9</b>
<b>Business 6</b>	<b>57.45</b>	<b>53.18</b>	<b>2.16</b>	<b>27</b>	<b>25</b>
<b>Business 7</b>	<b>28.24</b>	<b>7.12</b>	<b>0.64</b>	<b>44</b>	<b>11</b>
<b>Business 8*</b>	<b>80</b>	<b>80</b>			
<b>Total (ha)</b>	<b>435.67</b>	<b>312.64</b>			

\* Historical take up rates for Business 8 zoned land are not available as it is a new zone

As discussed above, areas identified as vacant may not be suitable for development; attractive to business; or available to the market. This may be for a number of reasons including but not limited to –

- the availability of allotments of a suitable size
- the availability of infrastructure
- current activities on zoned land or in the vicinity
- land banking of properties by a single or multiple landowners

The availability of infrastructure is a key constraint to industrial activities in some zones including the Business 6 zoned areas at Chaney's and north of Johns Road, between Sawyers Arms Road and Greywacke Road, and Business 7 zone at Wilmers Road all of which have no reticulated wastewater infrastructure. This limits the types of activities provided for in these areas to dry industry that has no discharge of wastewater (or trade waste).

It is also evident from an assessment of industrial land supply that some areas are not suitable for industrial activities that discharge large volumes of wastewater, particularly the south west of Christchurch. There are limitations on the discharge of wastewater from areas rezoned in Islington (80 ha) and South Hornby (42 ha) due to the presence of the unconfined aquifer, the need to maintain and enhance surface waterways, and the distance and associated cost of transporting wastewater to the treatment plant at Bromley. These factors are also applicable to areas identified for future business growth in the south west that are yet to be rezoned and the NWRA.

Demand for land in areas such as the eastern suburbs that enables large volumes of wastewater to be discharged may result in increased costs for land, forcing dry industries that currently occupy these areas to relocate to areas such as the NWRA.

There is anecdotal evidence of increased demand for land in the west of the City as businesses need to relocate from eastern areas due to earthquake damage to land and/or buildings. There is also displaced demand expected from the inner suburbs as they reach capacity and undergo change to a mix of uses envisaged in the Central City Plan.

It is expected that the rebuild of Christchurch will result in demand from construction and manufacturing sectors for land. In the longer term growth is also anticipated in the machinery and equipment manufacturing sector, with specialised manufacturing firms such as Tait Electronics already exhibiting a strong presence on the edge of the NWRA at Wairakei Road. The greatest potential for growth can be achieved through the integration of agriculture, specialised engineering and ICT sectors according to a recent report on *'Employment Opportunities in Canterbury'* (2011).

The airport is a significant node of economic activity directly adjacent to the NWRA that will generate demand for business land in the surrounding area including the NWRA, which is discussed below.

Having regard to the shortage of vacant industrial land in some areas and potential demand for industrial land, it is considered necessary to provide sufficient capacity for business growth in the North West.

The background report on business land identifies a number of strengths that make the NWRA appropriate for industrial business activities including its location adjacent to and accessible to the strategic road network (SH1 and SH73) and in close proximity to the airport for international markets and airport related business. This is reflected in the strong presence of transport, postal and warehousing, manufacturing, administrative and support services, and rental, hiring and real estate services in the surrounding area.

Other strengths of the NWRA for industrial business activities include -

- A number of east west routes providing access to the Central City, suburban centres and other parts of the City
- Existing industrial areas and a Technology Park on Wairakei Road, which could be extended and provide for efficiencies
- Proximity to rural areas with potential demand from industries that depend on rural activities;
- Bus routes that can be extended;
- High levels of amenity for business
- Ability to operate within the airport noise contour which constrains a number of other activities.

The suitability of different parts of the NWRA for industrial business activities is considered in Section 7.0.

#### **- Christchurch International Airport**

Christchurch International Airport is a significant node of economic activity. Future growth in passenger numbers and freight volumes, both domestic and international, will inevitably result in increased demand for land in the airport and in the surrounding area for airport related activities including cargo and freight, airline and airport related services e.g. car rental.

There will also be secondary benefits of growth in passenger and freight volumes for other industries that makes a location in close proximity to the airport attractive. Likewise, business development in close proximity to the airport will result in increased growth of the airport e.g. companies whose staff and/or customers are frequent travellers will contribute to growth in passenger numbers that has spin-off effects for airport related activities.

The following provides an overview of the zoning of the airport as a Special Purpose zone and the role of Dakota Park in accommodating demand from airport and non-airport related businesses.

- *Special Purpose (Airport) zone*

The airport land (approximately 720 ha) is currently zoned Special Purpose (Airport) Zone (SPAZ), which provides for airport related activities, the zone's purpose being for "*activities clearly associated with operations and associated functions of the airport and aviation*" (Section 1.3, Part 8 City Plan). There is a large quantum of vacant land in the Special Purpose Zone, which supports cargo and freight companies that would otherwise locate in industrial business areas of the City.

Reasons for rules limiting the scope of activities is to avoid the potential for pressure on the limited land resources available for airport activities within the zone and resultant pressure for expansion of the zone into the surrounding rural area.

In the *Christchurch International Airport Master Plan 2006* (which is an external document, not incorporated into the City Plan), two areas are identified in the SPAZ for cargo and freight handling related activities (114 ha). One of these areas, Dakota Park (80 ha or 11% of the total area within the SPAZ), is undergoing development as a 'Cargo and Freight zone' (refer to Map 15). Access to Dakota Park is proposed direct from Russley Road (SH1), reflecting an agreement between Christchurch International Airport Limited and the NZTA.

Since July 2009, four applications for non-airport related development in the SPAZ at Dakota Park have been granted, which reflects the demand from non-airport related companies for a location close to the airport.

The most recent decision issued in August 2012 for a data storage facility in the SPAZ highlights the issue that has emerged of a range of business activities being sought within the airport that are not consistent with the purpose of the airport zone. The Commissioner stated that

*"I note that almost all businesses probably make some use of the airport from time to time and this is not enough to bring them within the purpose and meaning of this zone. I have approved this application only because the area known as Dakota Park is such a small part of the airport itself, and an even smaller part of the business areas of Christchurch that it cannot possibly have a significant effect upon the integrity of the City Plan's Business Objectives and Policies"*

The Commissioner's decision on the first application for two warehouses and ancillary offices (for RECALL) reached similar conclusions in stating that

*"Effects on the environment will be minor... the proposal is not contrary to the objectives and policies of the plan viewed overall, the proposal has some synergy with (a) location near an airport and... involves only a small part of the overall zone"*

The Commissioner noted that the zone's purpose was not supported by 'any clear objectives and policies for the zone' and "if the Council wishes to "... **prevent** a wide range of activities ... having little or no relationship to the airport, becoming established" in the SPAZ then it needs to amend its plan to include such a policy and to more clearly set out the objectives for the zone. It is not sufficient to rely on non zone policies to achieve that outcome". Similar conclusions have been reached in subsequent decisions on resource consent applications in the "Cargo and Freight zone" at Dakota Park, which have all stated "*The absence of a policy framework to justify the activities approach adopted for the airport provides no legal framework which would lead me (the Commissioner) to consider that it will undermine the integrity of the City Plan*".

Decisions have also indicated that a precedent has been established by the RECALL development, notwithstanding further applications for non-airport related activities at the airport needing to be assessed on their own particular merits.

The most recent decision on an non-airport activity in the SPAZ included an addendum from the Commissioner, which stated as follows -

*"...At some point cumulative effects are going to become apparent. In my judgement that point has not been reached yet. It may well start to occur if CIAL starts to develop more of its site for business activities. I recommend that Council gives some consideration to this issue, and that these comments be forwarded to the Strategy and Planning Department of Council."*

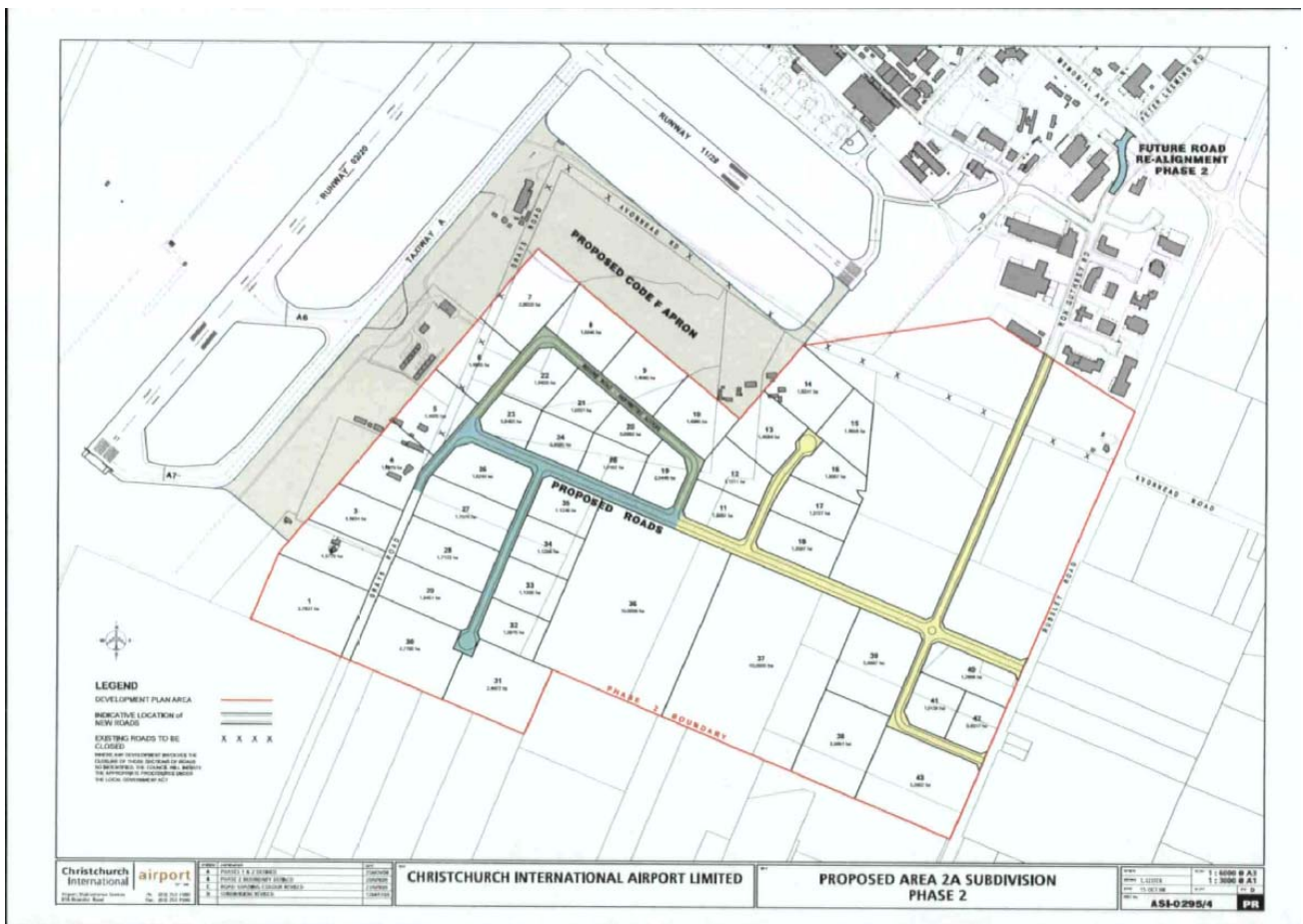
There is a need for a planned approach to the development of activities in the airport zone and need to avoid an ad-hoc approach to non-airport related development, particularly given the consents granted to date. These factors and the absence of a policy framework to support the purpose of the zone demonstrates that need for Council led plan change, particularly in light of the parallel NWRA investigations. A plan change could enable a clearer policy framework to be provided for the SPAZ, which could also include a review of the rules prescribing activities permitted within the SPAZ.

The review of the NWRA and airport need to be dealt with in a comprehensive way given the potential for each area to support similar business activities in the future and the issues that need to be considered in planning each area, for example, groundwater and noise. The airport is part of the same geographic context as the NWRA, with a road being the only boundary between the two areas, and is part of the same local economy.

The assessment of industrial land highlights demand for industrial land associated with the rebuild and relocation of businesses since the earthquakes; and it is necessary to provide sufficient capacity for growth over the next 25 years with certainty. Consideration should therefore be given to the role of Dakota Park in providing for a wider range of industrial activities including airport related activities, the logistics sector and other activities seeking a location in proximity to the airport.

The NWRA to the immediate east of the airport could provide capacity to accommodate some of the development growth generated by the airport. The location of the NWRA a short distance from airport facilities including cargo and freight areas as well as other airport related businesses gives the area a distinctive role relative to other parts of the City.

**Map 15 Subdivision Plan of Dakota Park within the SPAZ**



## Retail

The policy context of PC1 to the RPS (and Chapter 12A) and the City Plan provide a clear direction on the location of retail activities. PC1 identifies Key Activity Centres as the focal point for economic investment, business activities and the intensification of residential activities. Policy 5 of PC1 states that Council is to “ensure that commercial activity outside of the Key Activity Centres, other than local service activities, including local retailing, does not adversely affect the function, vitality or amenity of the Key Activity Centres ...”.

A goal of the Recovery Strategy is to revitalise Greater Christchurch ...by “planning for a well-functioning Christchurch central City, thriving suburban centres ...”, which is consistent with PC1/ Chapter 12A. The goal for economic recovery is supported by the vision of the Christchurch Central Recovery Plan that “Central Christchurch will become the thriving heart of an international city...”

The Central City is given primacy in the City Plan as the “principal focus for a diversity of business, accommodation, community and cultural activities” (Objective 12.2 Role of Central City). This is to encourage the consolidation of CBD activities including retail uses in the Central City to support its recovery.

The policy framework in the City Plan supports a centres based approach, objectives and policies encouraging consolidation in existing commercial centres while ensuring that the vitality and amenity of existing centres is not adversely affected by new retail activities in other locations (Objective 12.1 and policy 12.1.2 Distribution of Commercial Activity). The explanation to Policy 12.1.2 indicates that commercial activity outside of identified commercial centres has the potential to create adverse effects of both local and strategic (or wider) significance.

Objectives and policies on urban form (Section 4, Part 2) also support a pattern of land use that ‘promote and reinforce a close proximity and good accessibility between living, business and other employment areas’ through promoting the central city as a principal focus and larger district centres as a focal point for the consolidation of activities serving the needs of their surrounding communities.

There are a number of large centres serving the north west Christchurch including Riccarton, Papanui (Northlands) and Belfast (Northwood Supacentre). Due to the proximity of these centres, there is unlikely to be a need for a large quantum of retail activity in the NWRA. This is supported by an assessment of retail and commercial needs in Northern Christchurch for Plan Change 71 (Upper Styx residential greenfield area), which concludes that “*Any new centre is most likely to serve a local/ neighbourhood centre function*” (Market Economics 2012).

There are also a number of smaller centres including Avonhead Mall, Church Corner, Fendalton Mall; Ilam/Clyde shops; Wairakei Road shops and Bishopdale Mall. The background report on business land provides indicative catchments for these centres (See Map 16 on next page), which shows there is a sufficient distribution of retail centres across the north west.

The explanation to Objective 12.1 of the City Plan states “*The function and amenity of the central city and district centres can be put at risk through the establishment of new retail activity which is similar in nature to that of the central city and district centres, and/or of significant individual or cumulative scale*”. Using the Council’s retail gravity model, an assessment has concluded that a retail development<sup>5</sup> in the NWRA would have an adverse effect on existing centres and therefore puts at risk the amenity of existing centres.

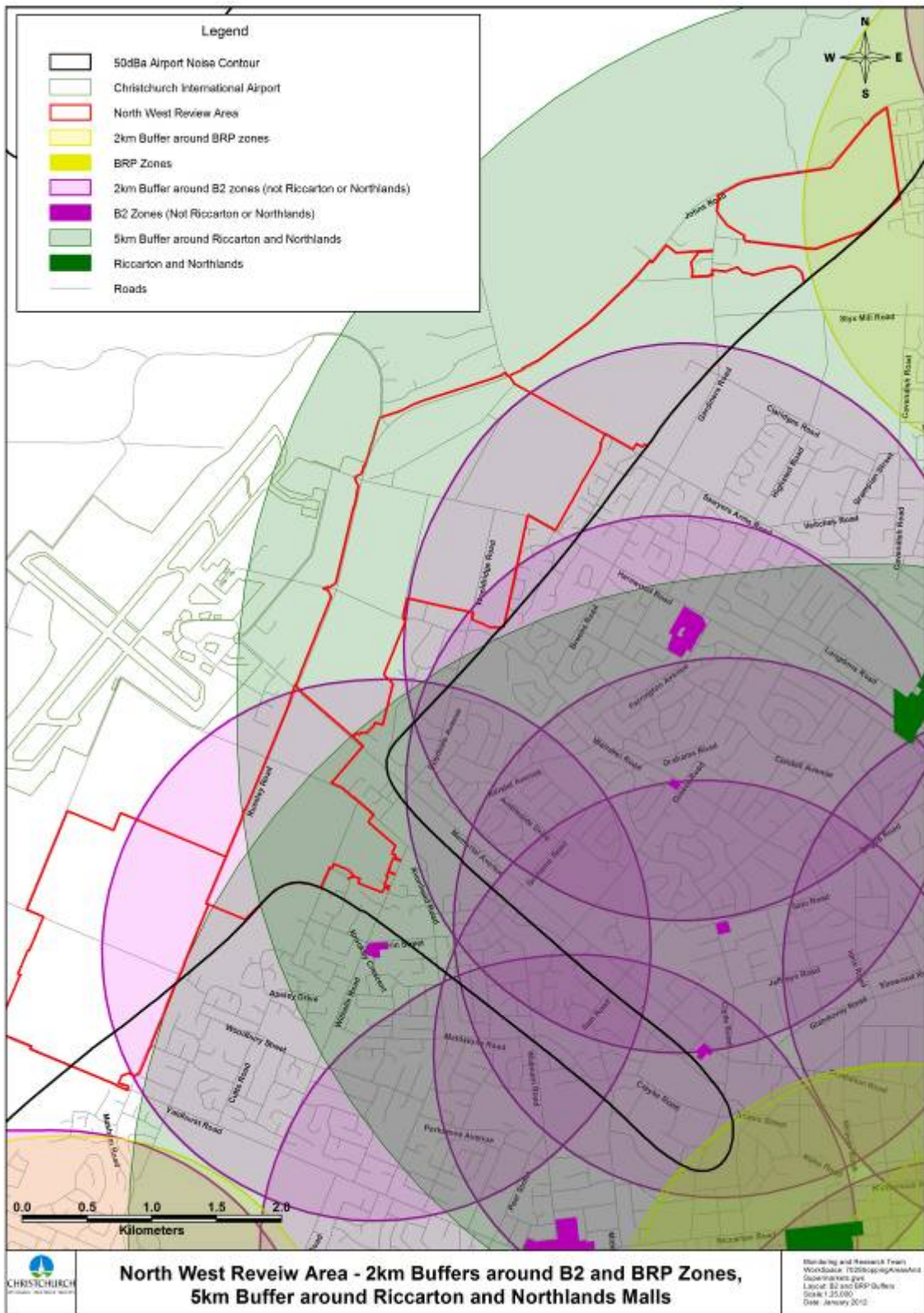
While growth areas are identified in the north west including Upper Styx and Masham areas, there is provision made or proposed for a local centre serving the needs of residents in these areas.

Therefore, it is not proposed to allow for retail activities in the NWRA or Dakota Park, unless it is ancillary to another activity e.g. café for workers in an industrial area.

<sup>5</sup> Large format retail store of 2,000 m<sup>2</sup> or supermarket and retail units of 2,800 m<sup>2</sup>



Map 16 Large retail centres and indicative catchments across the north west of Christchurch



Source: DCC GIS Layers, ECAN GIS Layers

## Office

The policy framework of PC1/ Chapter 12A and the City Plan identifies Key Activity Centres as the focus of 'business and service activity' and investment (Objective 5, PC1). A goal of the Recovery Strategy is to revitalise Greater Christchurch ...by "planning for a well-functioning Christchurch central City, thriving suburban centres ...", which is consistent with PC1/ Chapter 12A. The goal for economic recovery is supported by the vision of the Christchurch Central Recovery Plan that "Central Christchurch will become the thriving heart of an international city..."

The Central City is given primacy in the City Plan as the "principal focus for a diversity of business, accommodation, community and cultural activities" (Objective 12.2 Role of Central City) and it is envisaged that the Central City will be the principal area for employment in Greater Christchurch in the future.

Rules provide for offices in the Central City Business zone and place limitations on the scale of office development in the surrounding Mixed Use zone (City Plan as amended by the Christchurch Central Recovery Plan). This is to encourage the consolidation of CBD activities including offices in the Central City Business zone.

The City Plan also seeks the consolidation of commercial activities in existing commercial centres, 'Commercial activity' in this context including offices (Policy 12.1.2). Larger district centres also provide for a range of activities including offices, consistent with the centres based policy framework at a regional level.

While some industrial zones provide for a range of activities including offices, regard is to be had to the "impacts on the continuing ability of the Central City and District centres to provide for the community's social and economic well being" (City Plan, Section 12, Policy 12.10.1). In giving effect to this, the scale of offices is restricted in the heavier industrial zones i.e. offices are limited to an ancillary role in all industrial zones with the exception of the Business 3B, 4 and 4T zones.

There has been an increase in the use of industrial business areas for office space since the Christchurch earthquakes. Under the provisions of the Canterbury Earthquake (Resource Management Act Permitted Activities) Order 2011, offices can be established in industrial business zones until 2016. However, a number of office based companies will continue to locate in the Business 3B, 4 and 4T zones. A review of the policy framework for offices in the post-earthquake environment may be appropriate, particularly given the potential for a shortage of supply in industrial zones. This may be due in part to a significant amount of land being occupied by offices.

In summary, it is not considered appropriate for offices to be located within the NWRA or Dakota Park in recognition of the role of the Central City and suburban centres as the focus of business development and investment. The development of offices in the NWRA could otherwise compromise the recovery of these centres.

## Rural business activities

The City Plan does not currently distinguish between businesses that benefit from a rural location (but are not defined as a 'rural activity' in the City Plan) and business activities in an urban context.

The NWRA could provide for business activities in the rural zones of the NWRA that support agricultural and horticultural activities in a similar manner to the notified version of Proposed Plan Change 66, which includes the following definition of 'rural activity' -

*"...businesses, research facilities and laboratories that support agriculture and horticulture activities through processing, producing, or providing goods or services directly necessary to agriculture and horticulture"*

This could lead to unplanned and potentially fragmented development across the NWRA, a much larger area than the Templeton Special Purpose zone. It is considered more appropriate that 'rural business activities' are directed to areas identified for business in the NWRA. This supports the consolidation of

business activities as well as providing benefits in terms of servicing and may lead to economies of agglomeration.

## 6.2 Noise sensitive activities

Policy 12 of PC1 in making reference to STA1 refers to the 'area affected by airport noise'. In the wider context of a review of land for development (Policy 16(e) of PC1), noise sensitive activities within the 50 dBA L<sub>dn</sub> noise contour are to be managed so as to not compromise the operation of Christchurch International Airport. PC1 defines noise sensitive activities as

- Residential activities other than those in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008;
- Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities located within the Special Purpose (Airport) Zone in the Christchurch District Plan or on other land used or available for business activities;
- Travellers accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants;
- Hospitals, healthcare facilities and any elderly persons housing or complex.

The definition was carried through into Chapter 22 inserted into the Operative RPS by the Minister of Earthquake Recovery. Policy 2 of that document sought "to avoid noise sensitive activities within the 50 dBA L<sub>dn</sub> air noise contour around Christchurch International Airport except as provided for by Policy 1: Kaiapoi".

The City Plan seeks to 'discourage noise-sensitive activities within the 50 dBA L<sub>dn</sub> noise contour around Christchurch International Airport' (Policy 6.3A.7). The explanation to the policy states that 'in general, the 50 dBA L<sub>dn</sub> contour should mark the limit of noise sensitive activities in the direction of Christchurch International Airport. Between 50 dBA L<sub>dn</sub> and the Air Noise Boundary the establishment of residential activities and the establishment and/or extension of other noise-sensitive activities will be discouraged'. The explanation goes on to note that 'In the Christchurch context it is not necessary to permit urban residential development to occur on land within the 50 dBA L<sub>dn</sub> contour as sufficient land for residential expansion can be provided at other locations'.

To support this policy, the minimum allotment size for subdivision and residential density purposes is 4 ha, which effectively limits residential development to a scale typical of the current environment.

Having regard to the policy context, residential, education and health facilities are not considered to be appropriate in the NWRA. If there was a change to the airport noise contour, there would be a need to review the appropriateness of the NWRA for residential activities. However, there is considered to be sufficient land identified in PC1/ Chapter 12A to accommodate long term household growth.

### 6.3 Travellers/ visitor accommodation

As stated earlier, travellers accommodation falls within the definition of a 'Noise Sensitive Activities' in PC1, which are to be avoided in the area referred to as the North West Review Area. An exception is made if Travellers accommodation is "*designed, constructed and operated to a standard that mitigates the effects of noise on occupant*". In the absence of a definition in PC1, the City Plan defines 'Travellers Accommodation' as "*transient residential accommodation offered for a daily tariff (and) ... includes motels, holiday flats, motor and tourist lodges and hostels*".

The Recovery Strategy seeks to revitalise Greater Christchurch ...by "planning for a well-functioning Christchurch central City (and) thriving suburban centres ...". This goal for economic recovery is supported by the vision of the Christchurch Central Recovery Plan that "Central Christchurch will become the thriving heart of an international city...". To support these goals, the Central City is considered to be the "principal focus for a diversity of business, accommodation, community and cultural activities" (Objective 12.2 Role of Central City, City Plan). The scale of activities envisaged through the Central City Plan and the development potential of larger sites makes the central city more suitable for hotels.

While the Central City is the focal point for visitor accommodation, the City Plan also enables travellers accommodation in specific locations adjacent to arterial or collector roads that are accessible to the Central City or sites where travellers accommodation has previously been established.

Although the NWRA is adjacent to a number of arterial roads and there is currently travellers accommodation in the vicinity of NWRA, it is not considered to be an appropriate location having regard to the policy context which encourages visitor accommodation in the City Centre or in locations easily accessible to the City. To allow travellers/ visitors accommodation in the NWRA could potentially compromise the recovery of the Central City and suburban centres. Notwithstanding the current policy framework, the airport may be suitable for small scale visitor accommodation that needs to be on airport land. However, this requires further consideration in conjunction with review of the SPAZ.

### 6.4 Rural residential

PC1/ Chapter 12A of the RPS provides for rural residential development to a limited extent in Selwyn and Waimakariri Districts with no provision for Christchurch City. The same approach was taken in Chapter 12A as inserted into the Operative RPS by the Minister of Earthquake Recovery.

'Rural Residential' is defined as "*Residential units outside the Urban Limits at an average density of no less than one per hectare*" (PC1/ Chapter 12A). The NWRA is within the urban limits in PC1 and outside the urban limits in Chapter 12A should the latter be reinstated.

Irrespective of the outcome of appeals, the development of residential activities at a higher density could compromise the operation of the airport having regard to the 50 dBA Ldn airport noise contour.

Rural residential activities are required to be serviced by reticulated infrastructure in accordance with PC1. The potential cost of servicing large areas of the NWRA and efficiency of servicing this form of development over a large area means it is not considered appropriate to enable rural residential development.

Notwithstanding the points above, the NWRA currently provides for rural lifestyle development with a range of lots sizes, from less than 1 ha up to 20 ha. This enables people to live in a rural environment while being in close proximity to the City and achieves a more appropriate outcome, consistent with the RMA's purpose of managing natural and physical resources. For these reasons, rural residential is not considered appropriate in the NWRA.

## 6.5 Community facility/ meeting venue

There are a number of community facilities in the NWRA serving the population in the wider north west of the City. This includes a primary school and church on Harewood Road close to the intersection with Johns Road.

Chapter 12A seeks to ensure community facilities are accessible, both to areas of residential intensification and Greenfield development. Blocks B and D of the NWRA adjoin areas identified for greenfield residential development, and intensification may occur in areas adjoining other parts of the NWRA. Consequently the provision of community facilities and open space in the NWRA to serve these populations may be appropriate.

## 6.6 Open Space

There is a variety of existing open spaces within or in close proximity to the NWRA, the majority of which is in neighbouring residential areas to the east. The existing open spaces are typical of metropolitan Christchurch with numerous small neighbourhood parks for recreation, access, aesthetic values, and stormwater management.

Within the NWRA there are three large areas of open space held by the Council as reserve, being Nunweek Park (Block C, 19.6ha), Harewood Park (Council nursery, Block D, 11.2ha) and Smacks Creek Riverbank Reserve (Block D, 1.1ha). Waimairi Pit is also currently gazetted as Christchurch City Council reserve, but is to be returned to the Crown and its future use is not known.

The Council is currently undertaking a review of sports land or playing fields. The draft Outdoor Sports Land Plan proposes the creation of additional large parks around the city for sport and recreation. The plan notes Burnside Park as an existing large hub park serving the west of the city and may identify the need for an additional large hub park in the north west of the city. Areas within the NWRA could assist in meeting these open space requirements.

Outline development plans for new development areas should also identify opportunities for new open space in accordance with the Council's Public Open Space Strategy, which should link where possible with riparian areas, particularly adjacent to the Styx River. The Public Open Space Strategy (POSS) identifies an area of open space deficiency between Avonhead Road, Memorial Ave and Wairakei Roads, which could benefit from open space provision in conjunction with development.

The POSS also identifies Russley/ Johns Road, Memorial Ave, Harewood Road and Sawyers Arms Road as road corridors for possible streetscape enhancement and planting. This would be appropriate in maintaining the character of the NWRA while also enhancing the area as viewed from the road. The role of the NWRA as a gateway is also recognised in the POSS, which identifies the intersection of Russley Road and Memorial Ave as having the potential to be designed to provide greater prominence to one of the City's entry points.

## 6.7 Sport/Recreation

The current sport and recreational facilities in or in proximity to the NWRA include Nunweek Park, which currently serves as a hub for hockey, Avonhead Park, Burnside Park and Tullet Park.

A 'Spaces and Places Plan for Sport and Recreation in Greater Christchurch' (2012) has been prepared for Greater Christchurch that identifies the need for sport and recreational facilities and provides strategic direction for Christchurch City Council and other local authorities by identifying strategic hubs for sport and projects for the short, medium and long term.



The projects identified in the plan include an all-weather athletics track and a Class 2 athletics venue in the north west Christchurch. The report also indicates that a replacement Christchurch School of Gymnastics gym sports Centre could be located in the north west.

### **Aquatic facilities**

An Aquatic Facilities Plan aims to provide a strategic direction for the maintenance, management and enhancement of Aquatic Facilities within Christchurch. This is currently subject to review in recognition of the changes to demographics and infrastructure since the earthquakes. It will identify facilities that need to be upgraded and where new facilities are required to meet future needs.

While subject to a review, the NWRA may be an appropriate location for aquatic facilities to serve the future needs of North West Christchurch.

## **6.8 Gravel Extraction**

The NRRP seeks to avoid adverse effects on groundwater resources by limiting the amount of excavation that can occur if excavation is over 5 metres in depth or goes into groundwater in Protection Zones 1, 1A, 1C, 1D or 2. Given that Groundwater Protection Zones 1 and 2 extend over the majority of the NWRA, gravel extraction is not considered appropriate in the NWRA. Furthermore, provision is made for extraction in a specific area zoned for quarrying outside the NWRA.

## **6.9 Summary**

Having regard to the preceding evaluation of land uses, the NWRA is considered most appropriate for peri-urban activities including active and passive open space, sport and recreational, and community facilities that serve the urban area.

There is considered to be a need to identify up to 100 ha for industrial business purposes in the NWRA, which the most appropriate locations for are considered in the next section. Given the physical proximity of the NWRA to the airport and the consideration of business land issues, it is also appropriate to consider possible changes to the Special Purposes (Airport) zone in parallel so as to ensure an integrated resource management approach.

In assessment of a range of land use activities, regard has been given the policy context, particularly for offices and retail, neither of which suitable in this location. Residential development would also not be compatible with the environment as the NWRA is within the 50 dBA Ldn airport noise contour within which noise sensitive activities are to be avoided. To allow residential activities could compromise the operation and development of the airport and may not support the retention of the character and amenity of the NWRA.

## 7.0 Evaluation of the North West Review Area for Industrial Business activities

### 7.1 Introduction

This section considers the appropriateness of areas within the NWRA for industrial business activities having assessed the suitability of a range of land uses in the NWRA. For the purposes of evaluating the areas that make up the NWRA, 17 criteria have been identified, which are consistent with achieving a sustainable outcome for the NWRA.

### 7.2 Evaluation scores

Table 3 provide an assessment of each block and specific areas within each block against the criteria. Scoring is limited to a scale of 1 to 3,

- 0 indicating that an area does not meet the criteria,
- 1 indicating that an area meets the criteria in part, or a part of an area meets the criteria
- 2 indicating that an area meets the criteria

The second table (Table 4) that follows Table 3 assigns weighting to each score to reflect the relative importance of each criteria. A qualitative assessment of the different parts within the NWRA then follows, which provides the reasons for the scoring.

The weighting assigned to the criteria reflects the relative importance of one criterion to another, with 3 being the highest and 1 the lowest. It should be noted that a criterion with a weighting of 1 does not mean it is not important in itself but relative to other criteria it is of lesser importance.

The criteria given the highest weighting of 3 include the following, which reflects the strategic importance of the NWRA and the natural and physical resources in the area.

- *Contributes to consolidated urban form*  
This reflects a key objective of the City Plan and in the context of the NWRA, there is a need to avoid sporadic development that could otherwise lead to inefficiencies in terms of servicing.
- *Compatible with maintaining the efficient operation of CIAL*  
The location of the NWRA between the airport and urban area makes it strategically important in providing a buffer. It is important that the area facilitates the ongoing operation of the airport while protecting residents to the east.
- *Consistent with achieving protection of groundwater quality*  
The groundwater resource is of strategic importance as it provides Christchurch with its drinking water. The protection of the aquifers is therefore of high importance in planning of the NWRA.
- *Ability to be serviced – wastewater/ water, and ability to manage stormwater*  
The appropriateness of development in different parts of the NWRA is dependent on the feasibility of servicing that area, having regard to the potential constraints to infrastructure being extended. It is also important in the context of the NWRA as the ability to manage wastewater and stormwater enables protection of the groundwater resource.

While not considered to be of highest importance, a number of criteria are given a weighting of 2 or 1.5 to reflect their importance relative to other criteria. These include (weighting in brackets)

- *Absence of versatile soils/ limited potential for productive uses (2)*  
The soils in the NWRA are highly versatile and productive, which are a significant resource in the context of Christchurch City. In considering areas for development, it is considered appropriate to retain soils where practicable. However, decisions on PC1 concluded it was not appropriate to

leave the area exclusively in rural use having regard to constraints in the area and the criteria is therefore not given a higher weighting.

- *Location unlikely to give rise to reverse sensitivity effects (2)*  
While business development in close proximity to residential areas enables walking and cycling, it can also give rise to reverse sensitivity effects if there is not separation or other appropriate treatment. Likewise, the same applies between rural and urban activities. In planning the future of the NWRA, there is a need to avoid locations that may otherwise compromise a business activity.
- *Absence of geotechnical constraints or other hazards including soil contamination, flooding (2)*  
Having regard to hazards including liquefaction and flooding, there is a need to avoid development in areas that may otherwise be subject to adverse effects, ahead of mitigating any effects. The earthquakes of 2010 and 2011 have demonstrated the importance of considering hazards in the planning of development and that needs to be considered in the NWRA.
- *Ease of access to the strategic road network/ impact on the local road network (2)*  
SH1 forms a boundary to the NWRA and the area is traversed by a number of radial routes that provides the NWRA with good access to the road network. This is beneficial for some businesses and is therefore a consideration in identifying the appropriate locations for developments.
- *Consistency with landscape, character and amenity values (1.5), ecological values (1.5), Tangata Whenua values (1.5) and heritage values (1.5)*  
The natural and physical resources including the Styx River and character/ amenity of the area are important in the context of Christchurch City. The values (ecological, Tangata Whenua and amenity) of the Styx River and other waterways should therefore be retained. This is reflected in the weighting of these criteria that also recognises the area is not an 'Outstanding Natural Landscape' and does not have 'Ecological Heritage Sites'.

The remaining criteria are factors to consider in assessing different areas but are not significant in determining the appropriateness of an area for industrial business activities. They include –

- *Close proximity to existing/ proposed residential areas* – This enables walking and cycling due to close proximity between home and work.
- *Continuity with existing business zone(s)* – Continuity with existing business areas is beneficial for business and the planning of infrastructure by supporting efficiencies.
- *Public Transport accessibility/ encourages walking and cycling* – This is important to encouraging sustainable travel.

The qualitative assessment against each criteria that follows the Tables below provides more detail on how each area has been scored and considers the matters discussed above.

**Table 3 Evaluation of areas for industrial business activities in the NWRA**

Criteria	Block A South of Ryans	Block A North of Ryans	Block B West of Hawthornden	Block B East of Hawthornden	Block C Russley Golf Course	Block C Wairakei to Harewood	Block C Harewood to Sawyers Arms	Block D North of Sawyers Arms	Block E North of Hussey
<b>Planning</b>									
Contributes to consolidated urban form	1	1	2	2	2	2	2	2	2
Compatible with maintaining the efficient operation of CIAL	2	2	2	2	2	2	2	2	2
Close proximity to existing/ proposed residential areas	1	0	2	2	2	2	2	2	2
Location is unlikely to give rise to reverse sensitivity effects	1	1	1	0	1	1	1	1	1
Continuity with an existing business zone(s)	0	2	1	0	2	2	1	0	0
<b>Environmental</b>									
Consistent with achieving protection of groundwater quality	1	1	1	1	0	1	1	1	1
Absence of versatile soils/ Limited potential for productive uses	0	0	1	1	2	1	1	1	1
Consistency with landscape, character and amenity values;	0	0	1	1	1	1	1	1	1
Consistency with ecological values	2	2	2	2	2	2	2	1	1
Absence of geotechnical constraints or other hazards, including soil contamination, flooding	2	2	2	2	1	1	1	1	1
<b>Cultural</b>									
Consistency with Tangata Whenua values;	2	2	2	2	2	2	2	2	2
Consistency with heritage values	2	2	1	2	2	2	1	2	2
<b>Infrastructure</b>									
Ease of access to the strategic road network/ impact on the local road network	2	2	1	1	2	1	2	1	0
Public Transport accessibility	1	0	1	2	2	2	1	1	1
Encourages walking and cycling	0	0	2	2	2	2	2	2	2
Ability to be adequately serviced – water/ wastewater	0	0	1	1	1	1	1	1	1
Ability to manage stormwater	1	1	1	1	1	1	1	1	1
<b>Total</b>	<b>18</b>	<b>18</b>	<b>24</b>	<b>24</b>	<b>27</b>	<b>26</b>	<b>24</b>	<b>22</b>	<b>21</b>

Table 4 Evaluation of areas for industrial business activities in the NWRA with weighting

Criteria	Weighting	Block A South of Ryans	Block A North of Ryans	Block B West of Hawthornden	Block B East of Hawthornden	Block C Russley Golf Course	Block C Wairakei to Harewood	Block C Harewood to Sawyers Arms	Block D North of Sawyers Arms Rd	Block E North of Hussey Rd
<b>Planning</b>										
Contributes to consolidated urban form	<b>3</b>	3	3	6	6	6	6	6	6	6
Compatible with maintaining the efficient operation of CIAL	<b>3</b>	6	6	6	6	6	6	6	6	6
Close proximity to existing/ proposed residential areas	<b>1</b>	1	0	2	2	2	2	2	2	2
Location is unlikely to give rise to reverse sensitivity effects	<b>2</b>	2	2	2	0	2	2	2	2	2
Continuity with an existing business zone(s)	<b>1</b>	0	2	1	0	2	2	1	0	0
<b>Environmental</b>		0	0	0	0	0	0	0	0	0
Consistent with achieving protection of groundwater quality	<b>3</b>	3	3	3	3	0	3	3	3	3
Absence of versatile soils/ Limited potential for productive uses	<b>2</b>	0	0	2	2	4	2	2	2	2
Consistency with landscape, character and amenity values;	<b>1.5</b>	0	0	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Consistency with ecological values	<b>1.5</b>	3	3	3	3	3	3	3	1.5	1.5
Absence of geotechnical constraints or other hazards, including soil contamination, flooding	<b>2</b>	4	4	4	4	2	2	2	2	2
<b>Cultural</b>		0	0	0	0	0	0	0	0	0
Consistency with Tangata Whenua values;	<b>1.5</b>	3	3	3	3	3	3	3	3	3
Consistency with heritage values	<b>1.5</b>	3	3	1.5	3	3	3	1.5	3	3
<b>Infrastructure</b>		0	0	0	0	0	0	0	0	0
Ease of access to the strategic road network/ impact on the local road network	<b>2</b>	4	4	2	2	4	2	4	2	0
Public Transport accessibility	<b>1</b>	1	0	1	2	2	2	1	1	1
Encourages walking and cycling	<b>1</b>	0	0	2	2	2	2	2	2	2
Ability to be adequately serviced – water/ wastewater	<b>3</b>	0	0	3	3	3	3	3	3	3
Ability to manage stormwater	<b>3</b>	3	3	3	3	3	3	3	3	3
<b>Total</b>		<b>36</b>	<b>36</b>	<b>46</b>	<b>45.5</b>	<b>48.5</b>	<b>47.5</b>	<b>46</b>	<b>43</b>	<b>41</b>



### 7.3 Discussion

The following section provides an assessment of the blocks that make up the NWRA by criteria presented in the evaluative tables. This informs a quantitative assessment towards the end of this section that provides an overview of each area's suitability for industrial business activities.

#### Planning

##### 1. Contributes to consolidated urban form (contiguous with existing or proposed urban activities)

Objective 6.1 in the City Plan seeks the consolidation of the urban area, the explanation stating that "consolidation does not necessarily entail containment of the City within its present urban boundaries, but does emphasise a compact pattern of development, in contrast to isolated and dispersed patterns of urban growth into what are currently rural areas".

While the NWRA is defined within the urban limit in PC1 and the NWRA is bordered by urban activities, development should not compromise the objective of a consolidated urban form, therefore maintaining the contrast between the edge of urban activities and semi-rural character of large parts of the NWRA consistent with Objective 4.1 (Form) of the City Plan. The development of activities adjacent to existing urban activities also provides for the more efficient provision of infrastructure. This is consistent with the outcome sought in the City Plan of "*a productive city that provides for a wide range of business and employment opportunities and promotes the efficient use of the City's service and infrastructure*".

Block A while bound to the north by the SPAZ and south by the residential greenfield area, Masham, is to the west of Russley Road and is primarily rural in character with a dominance of agricultural and horticultural activities. While the airport and Business 6 zone contribute to an urban character west of Russley Road, Russley Road forms the western boundary to urban activities between Yaldhurst Road and Avonhead Park, supporting the consolidation of urban activities east of the State Highway.

Blocks B to E are all east of Russley Road/ Johns Road. The NWRA's linear shape and proximity to the existing urban edge means that development in these blocks is less likely to compromise the objective of urban consolidation.

Having regard to the assessment, Block A is least preferred as an area for business or other urban activities. In other areas, development should be contiguous with existing or proposed urban activities, notwithstanding the assessment of the NWRA against other criteria.

Dakota Park, which forms part of the Special Purpose Zone, is under development as a business park and consideration should be given to a wider range of industrial activities as discussed in Section 6. Provision for non-airport related business activities would be consistent with the objective of urban consolidation being adjacent to an existing developed area. The area already provides for industrial business activities similar in scale and nature to activities in existing industrial areas of the City and can meet short term demand for industrial land.

##### 2. Compatible with maintaining the efficient operation of CIAL

Noise arising from the operation of Christchurch International Airport is a significant issue in identifying areas for future development within the NWRA. As discussed earlier, the function of the NWRA will continue to be as a buffer to avoid compromising the airport's operation and future development. This is consistent with the decisions version of PC1 which uses the 50dBA  $L_{dn}$  airport noise contour as the appropriate boundary for restricting the location of noise sensitive activities.

With the exception of a small area (17 ha) at the intersection of Russley Road and Yaldhurst Road, the NWRA is within an area that lies within the 50dBA  $L_{dn}$  airport noise contour. Having regard to this, the

subareas that make up the NWRA cannot be distinguished in terms of their compatibility with the airport's ongoing operation and development.

### **3. Close proximity to existing and proposed residential areas**

The explanation to Policy 3 (Business Land) of PC 1 states that *“Locating appropriate business land close to existing and future residential development helps to achieve a greater range of travel options as well as reducing energy usage. Greater self-sufficiency of employment within districts, suburbs and settlements is also desirable in terms of community development and social sustainability”*.

Business activities in proximity to residential areas in the NWRA are beneficial for encouraging fewer vehicle trips. However, there is a need for the interface between business and residential areas to be carefully managed to avoid adverse effects including reverse sensitivity.

The adjoining land uses and zoning in the NWRA are described for each of the blocks in Section 2 of this report. As the NWRA adjoins the edge of the Christchurch urban area, all blocks are in the vicinity of existing or proposed residential areas. While facilities for cycling and walking are limited, the distance between the NWRA and adjoining urban areas encourages walking and cycling.

Although Block A is in proximity to residential areas, namely Masham (south of Yaldhurst Road) and Avonhead (east of Russley Road), it is bordered to the east and south by State Highways 1 and 73. This limits the opportunities for walking and cycling to Block A making it the least preferred location for business and other activities relative to other blocks in the NWRA.

### **4. Location is unlikely to give rise to reverse sensitivity effects**

In considering suitable areas for business activities, there should be a sufficient area for development while providing separation from residential areas and rural activities. Although proximity to residential areas is beneficial in encouraging sustainable travel between home and work, if located too close, there can be adverse effects including reverse sensitivity. Likewise, development in close proximity to rural activities can lead to reverse sensitivity effects that compromise the ongoing operation of agricultural and horticultural land uses.

Block B east of Hawthornden Road is surrounded on three sides by residential properties and is a small area. Therefore a greater potential exists for conflict between business and residential activities.

Other areas while not constrained to the same extent, are interspersed by dwellings or clusters of residential properties (Corner of Wooldridge and Harewood Roads; Corner of Watsons Road and Waimakariri Road; Corner of Avonhead Road and Hawthornden Road). It is therefore important to carefully manage the interface between these areas. Other parts of the NWRA are in close proximity to rural activities given the predominant uses of the area at the current time are agricultural and horticultural activities. Block A, in particular, continues to support these activities given the larger lot sizes in this area.

### **5. Continuity with an existing business zone(s)**

As discussed in the previous section, continuity with an existing or proposed business area can enable the interface with a new business zone to be more easily managed than a more sensitive land use activity such as residential.

There are also other benefits of existing and new businesses clustering together including ‘economies of agglomeration’, which is where costs of production may decline as a result of efficiencies, for example the use of the same suppliers. A number of businesses in the same industry operating close together can also attract more suppliers and customers than a single business.

There are a number of existing business areas adjoining or in close proximity to the NWRA, which are considered as follows -

To the immediate north of Block A is 'Dakota Park' cargo and freight area, which is currently under development. There is the potential for a business area in the northern part of Block A to be contiguous with Dakota Park, notwithstanding the assessment of block A against other criteria.

Block B to the east of Russley Road is directly opposite Dakota Park, part of the SPAZ. There are no proposals for a road between Dakota Park and the area east of Russley Road so potential benefits are limited.

There is also a greenfield business area identified in PC1/ Chapter 12A between Avonhead Road and Memorial Ave (referred to as CB8 (Memorial Ave), which is subject to a plan change for rezoning. The Outline Development Plan submitted to the Council proposes access from Avonhead Road, which could provide benefits for a proposed business area in Block B.

Block C between Memorial Ave and Wairakei Road adjoins the Wairakei Technology Park accessed off Sir William Pickering Drive and Sheffield Crescent, which is zoned Business 4T in the City Plan. Land to the north of Wairakei Road between Wooldridge Road and Stanleys Road adjoins the existing Business 4 zone. Land adjoining these areas could therefore provide benefits for business while also supporting efficiencies in terms of servicing.

A draft plan change has been received by Council for rezoning land north of the existing Business 4 zone between Wooldridge Road and Stanleys Road to Business 4T. This is being led by Tait Electronics who propose a campus for consolidation of their business activities adjacent to their existing site at 558 Wairakei Road. This indicates a demand for additional business land in the area.

Blocks A – C are in close to Christchurch International Airport and accessible to the airport. As discussed earlier, the airport is a significant hub of economic activity, attracting businesses reliant on the Airport, that use air freight or have customers/ staff that frequently travel by air. This makes these parts of the NWRA attractive for business..

To the north west of Block C on the northern side of Johns Road is an area zoned Business 6. A business area between Harewood Road and Sawyers Arms Road within the NWRA could benefit from close proximity to this business area and the airport with access across Johns Road via Harewood Road and Sawyers Arms Road.

## **Environmental**

### **6. Consistent with achieving protection of groundwater quality**

As discussed in Section 3.3, the NRRP identifies 'Christchurch Groundwater Protection Zones', the most vulnerable parts of the groundwater system which are a principal source of drinking water for Christchurch City. The NWRA largely falls within Christchurch Groundwater Protection Zones 1 and 2. Table 5 below summarises the extent of the groundwater protection zones in each Block, which are shown on Map 17 on the next page.

Table 5 Proportion (%) of Groundwater Protection Zones in each block

Block	% of Groundwater Protection Zones in each Block
A	82% of block in Zone 1; 18% of block in Zone 2
B	76% of block in Zone 1; 24% of block in Zone 2
C	65% of block in Zone 1; 35% of block in Zone 2
D	38% of block in Zone 1; 62% of block in Zone 2
E	46% of block in Zone 1); 45% of block in Zone 2; 9% of block in Zone 3.

Map 17 Groundwater Protection Zones across the NWRA



© MBT Flood Analysis North West Review Area NWRA Groundwater.gpx Source: CCC and ECan GIS Layers

Zone 1 is an area of high intrinsic value and is particularly vulnerable due to the unconfined nature of underlying soils (permeable). Within Groundwater Protection Zone 1 a number of subzones are identified to facilitate the establishment and continuation of appropriate activities. As shown on Map 17, parts of the NWRA are within Groundwater Protection Zone 1A, which recognises that parts of Zone 1 are currently or planned to be used for urban purposes. This includes the southern part of Block B, northern part of Block D and western part of Block E.

Zone 2 is where the aquifer transitions from unconfined to confined. Confining layers are typically shallow in depth or aquifer pressure is uncertain. Groundwater Protection Zone 2 provides greater flexibility than Zone 1 if adequate protection of the aquifer is provided, as a result of permanent upward pressure and a confining layer of at least 3 metres. The NRRP therefore has 'reduced control' on development in Zone 2 relative to Zone 1.

It is noted that only a small amount of the NWRA falls within Zone 3, which is the Groundwater Protection Zone with the least vulnerability due to the presence of confining layers between 3-45 m thick.

Areas that are not within Groundwater Protection Zones 1 or 2 would be preferred locations for development. However, a small proportion of the NWRA falls within the less sensitive Groundwater Protection Zone 3.

Given the variation within individual blocks and the nature of the boundaries between one protection zone and another, it is difficult to suggest that one area is more favourable than another. It is on this basis that all areas are given the same score with the exception of Russley Golf Course, which is entirely within Groundwater Protection Zone 1.

It is clear that the Groundwater Protection Zones/recharge areas are an important consideration for proposed future development in the NWRA and that some types of activities (hazardous substance use and storage) will be inappropriate unless restrictions are imposed through the plan change process.

In summary the policy framework does not provide a significant constraint on development provided appropriate mitigation/avoidance of adverse effects and best practice management is implemented for any proposed development.

## **7. Versatile soils and potential for productive uses**

The NWRA contains highly versatile soils, which have inherently high productive values. The majority of the NWRA has well drained soils and gravels/ hard soils tend to be at a deep level (45 cm or deeper), enabling digging and ploughing for agricultural/ horticultural activities. As shown on Map 18, the majority (86%) of the NWRA including all of Blocks A and B have moderate to highly versatile and productive soils.

Those areas with low versatility and productivity (approximately 120 ha) include

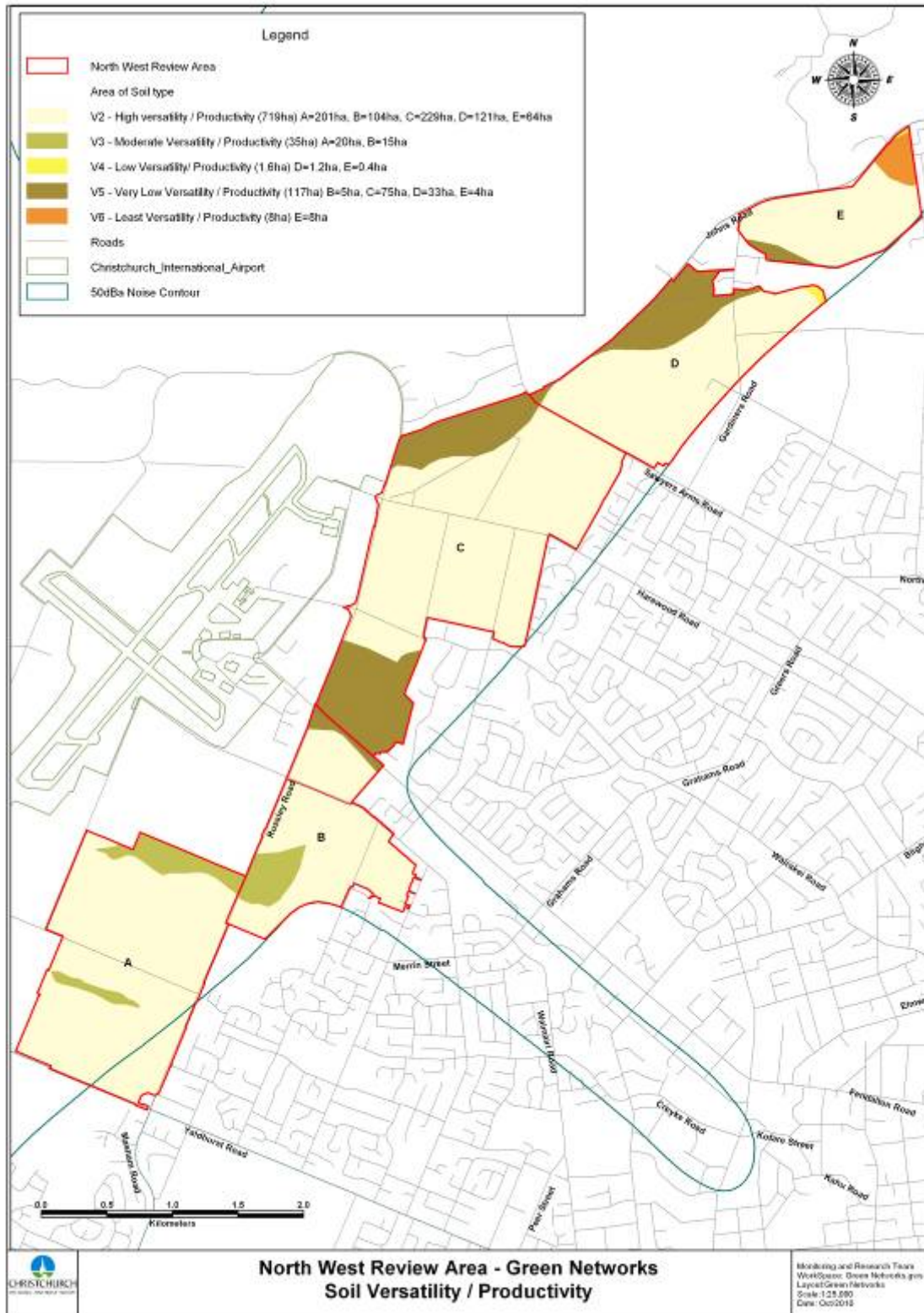
- Block C (75ha)
  - Land between Memorial Ave and Wairakei Road (Russley Golf course)
  - Site of a former gravel pit north of Waimakariri Road
- Block D (Johns Road) (34ha) – north and south west of Waimakariri Road

While recognising that the long term use of the NWRA for ongoing rural activities is not an 'appropriate resource management treatment' (Decision on PC1), the soils in the NWRA are a natural resource that are to be sustainably managed in accordance with the Resource Management Act. As stated earlier, an objective of the Proposed Regional Policy Statement (Objective 5.2.1) is for development to avoid adverse effects on significant natural and physical resources, the supporting explanation recognising the significance of primary production to the economic and social well being of people and communities and the need to maintain the primary production resource.



Some parts of the NWRA continue to support rural activities, particularly Block A while other areas have reduced capacity to support primary production given the subdivision that has occurred. The pattern of subdivision has a strong influence on the ability for the natural resource of soils to be utilised and as allotment sizes have reduced, the range of options for productive use of the soils has also reduced.

**Map 18 Soil versatility/ productivity across the NWRA**



Source: CCC GIS Layers, EGAN GIS Layers, Landcare Research - Manaaki Whenua; Canterbury Plains and Downs Soil Database

An assessment of the different areas across the NWRA in terms of soil versatility would suggest that the areas identified above with low versatility/ productivity would be most appropriate for development. While this is a factor to consider in comparing different areas, it is appropriate to also determine which areas are not appropriate for development having regard to the high versatility/ productivity of soils and that continue to provide large allotments for primary production. On this basis, Block A would be least appropriate as a location for development given its role in continuing to support rural activities, reflecting the soil quality and large allotments up to 24 ha with an average lot size of 4.7 ha.

Block E also continues to support rural activities and has larger lots up to 15 ha. While this is relatively small in the context of farms across the Canterbury Plains, these areas continue to support rural activities.

In respect of the other blocks within the NWRA, Block B comprises high quality soils, which support some agricultural activities between Russley Road and Hawthornden Road. However, its ongoing use for rural based activities is constrained by its location between the SH and Hawthornden Road. As discussed, increased urban activities in close proximity (CB8 greenfield business area north of Avonhead Road and CW1 Russley greenfield residential area west of Hawthornden Road) will limit the potential options for rural activities within this block in the long term.

Block D also has soils of high versatility/ productivity. However, the subdivision that has occurred within this block constrains the potential options for rural use, notwithstanding the current activities continuing in the future. The same comments apply to Area C with the exception of Russley Golf Course and Waimairi Pit north of Waimakariri Road, which comprise low quality soils.

## **8. Consistency with landscape, character and amenity values**

The landscape of the NWRA reflects the land uses in the area with smaller allotments bordered by linear shelterbelts in areas used for agricultural and horticultural activities, and small random woodlots and groupings of exotic trees within the golf course and rural lifestyle blocks. However, some parts of the NWRA are more distinct from others as described below.

Block A has large open paddocks supporting pasture and crops. The tree cover in this area is less than other areas giving the area a more open character, which links well to the pastoral character of the Canterbury Plains landscape towards the west. While overhead transmission lines that cross Block A create an intrusion in the landscape, there are distant views across to the Southern Alps to the west and the Port Hills to the south west, which contributes to the landscape values of Block A. In recognition of this, it is considered less appropriate for business or other development than other areas.

Block B varies in terms of its character reflecting the land use activities and surroundings. Land to the east of Hawthornden Road is surrounded by residential properties which creates an enclosed area that presents a constraint to non-residential activities. The overhead transmission lines also cross through the eastern part of Block B, which creates a physical corridor through this area.

Land to the south of Avonhead Road between Russley Road and Hawthornden Road comprises lifestyle blocks up to 8 ha in size, with large homes positioned in the centre or towards the rear of sites. In contrast, the southern part of this block between Russley Road and Hawthornden Road has larger rectangular paddocks used for grazing which is reflected in a more rural character.

In Block C between Memorial Ave and Wairakei Road the tree cover reflects the layout of the golf course, which is surrounded by shelterbelts along three boundaries which effectively creates a green corridor along Russley Road and east along Memorial Ave.

North of Wairakei Road to Gardiners Road (Blocks C and D), small scale horticultural activities and lifestyle properties are heavily vegetated with shelter belts/ hedgerows creating a patchwork. Block E comprises a mix of activities including small rural lots and lifestyle blocks but unlike the majority of the NWRA, the topography of Block E is undulating.

While the landscape of the NWRA is not outstanding, it has an open semi-rural character with a dominance of trees and shelterbelts in the landscape. This character should be recognised in the development of the NWRA for urban activities.

The tree cover contributes to the character of the NWRA. There are a number of options available for protecting significant trees or groups of trees in the City Plan including scheduling, their identification on an Outline Development Plan with rules specific to an area, or a policy that recognises the importance of trees and shelterbelts to the area's character. A combination of these methods may be appropriate.

The Styx River and a tributary, Smacks Creek, originate in the NWRA and flow through Blocks D and E respectively. To the south Ilam Stream and an unnamed waterway flow from Block A, the latter stopping in Block B close to Avonhead Cemetery. These waterways are important landscape features within the NWRA, which should be protected through the identification and acquisition of land as esplanade reserve and/or as included on Outline development plans with rules to support their retention in order to maintain the character of the NWRA.

### **9. Consistency with ecological values**

The Styx river has in-stream ecological values as well as botanical values in riparian areas. The upper reaches of the Styx in particular has high aquatic invertebrate values compared to other waterways in Christchurch. This is generally an indicator of good water quality.

The presence of the Styx River and other waterways does not remove the ability for areas to be developed but there is a need to ensure that land use changes in the NWRA do not have adverse effects on the ecological values of these waterways. This can be achieved by avoiding the discharge of contaminants and sediment into these waterways. The methods required to support this include the management and treatment of stormwater, and the identification and acquisition of land as esplanade reserve through the plan change and subdivision process. This would also support implementation of the Styx Vision 2000 – 2040 which seeks the provision of a green corridor adjacent to the Styx.

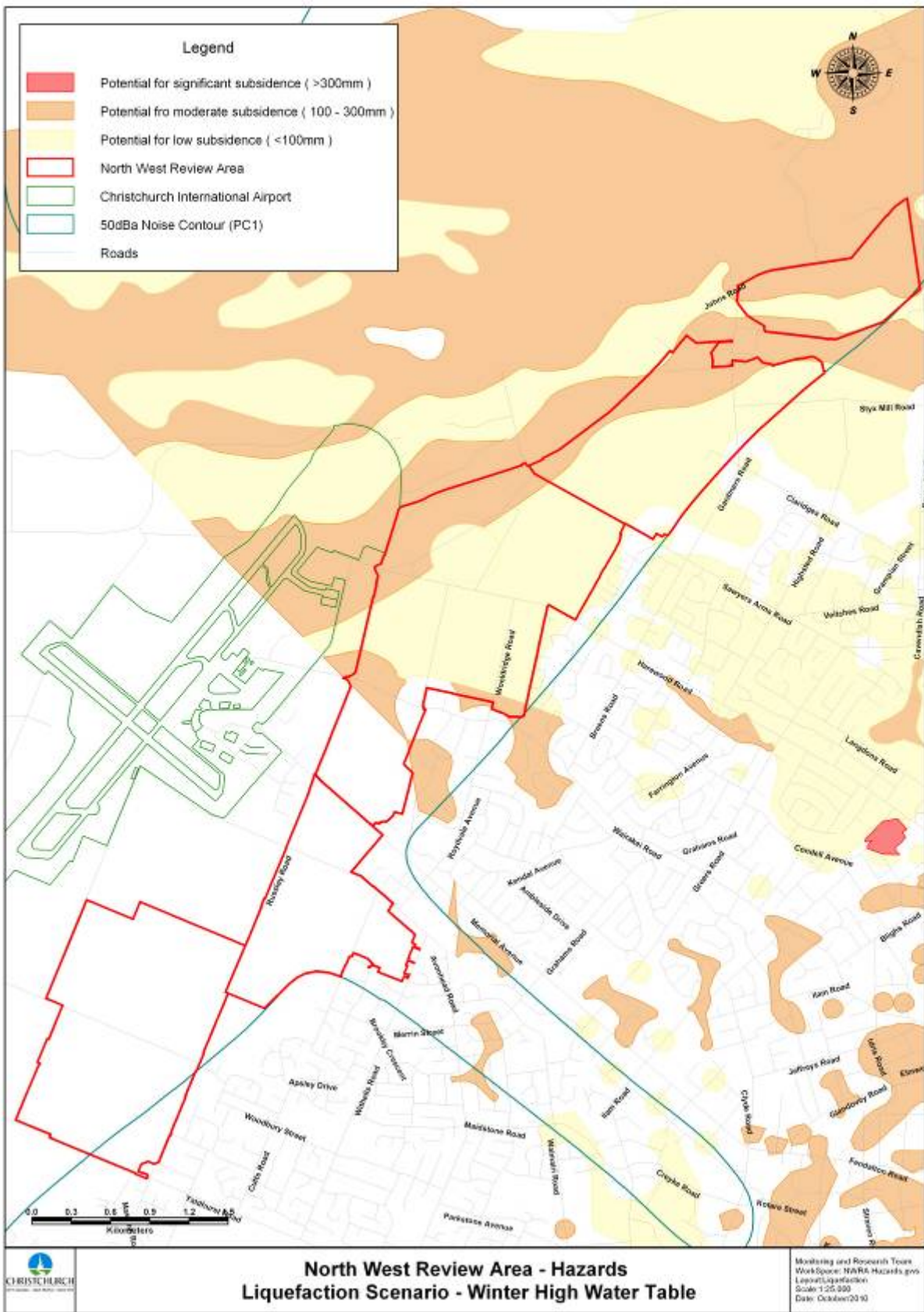
Some areas particularly to the east of Gardiners Road provide existing habitats for birds. While the creation of new habitats can also benefit ecology in the NWRA, there is a need to consider how they are designed to avoid birds being attracted that can increase the risk of bird strike at the airport.

### **10. Geotechnical Constraints and other Hazards including Contamination**

#### **- Geotechnical**

There are currently no known active faults through or close to this area. The known risk of earthquake hazards in the NWRA are lower than the eastern parts of Christchurch and while liquefaction is possible, it is likely to be localised. Map 19 shows the risk of liquefaction across the NWRA, which has informed the scoring of each area. However, further investigations are required to better understand the subsurface geology in this area and how soils will behave during earthquakes. At the plan change and subdivision stage, more detailed assessments would be required in accordance with DBH guidelines.

Map 19 Potential risk of Liquefaction in the NWRA



Source: CCC GIS Layers, ECAN GIS Layers

**- Flooding**

The main source of potential flooding is the Waimakariri River. Existing flood mitigation works provide for protection up to a 1:2,000 year event. Secondary stop banks are being completed which will provide protection up to about a 1:10,000 year event. Consequently, it is considered that any risk of flooding, while an important consideration, is small in respect to development within the NWRA.

**- Contaminated Sites**

Information on contamination or potential contamination within the NWRA is limited. However, map 20 identifies the location of a number of existing or former activities, which are potentially contaminated sites. Activities that are known to have existed or continue in the NWRA include -

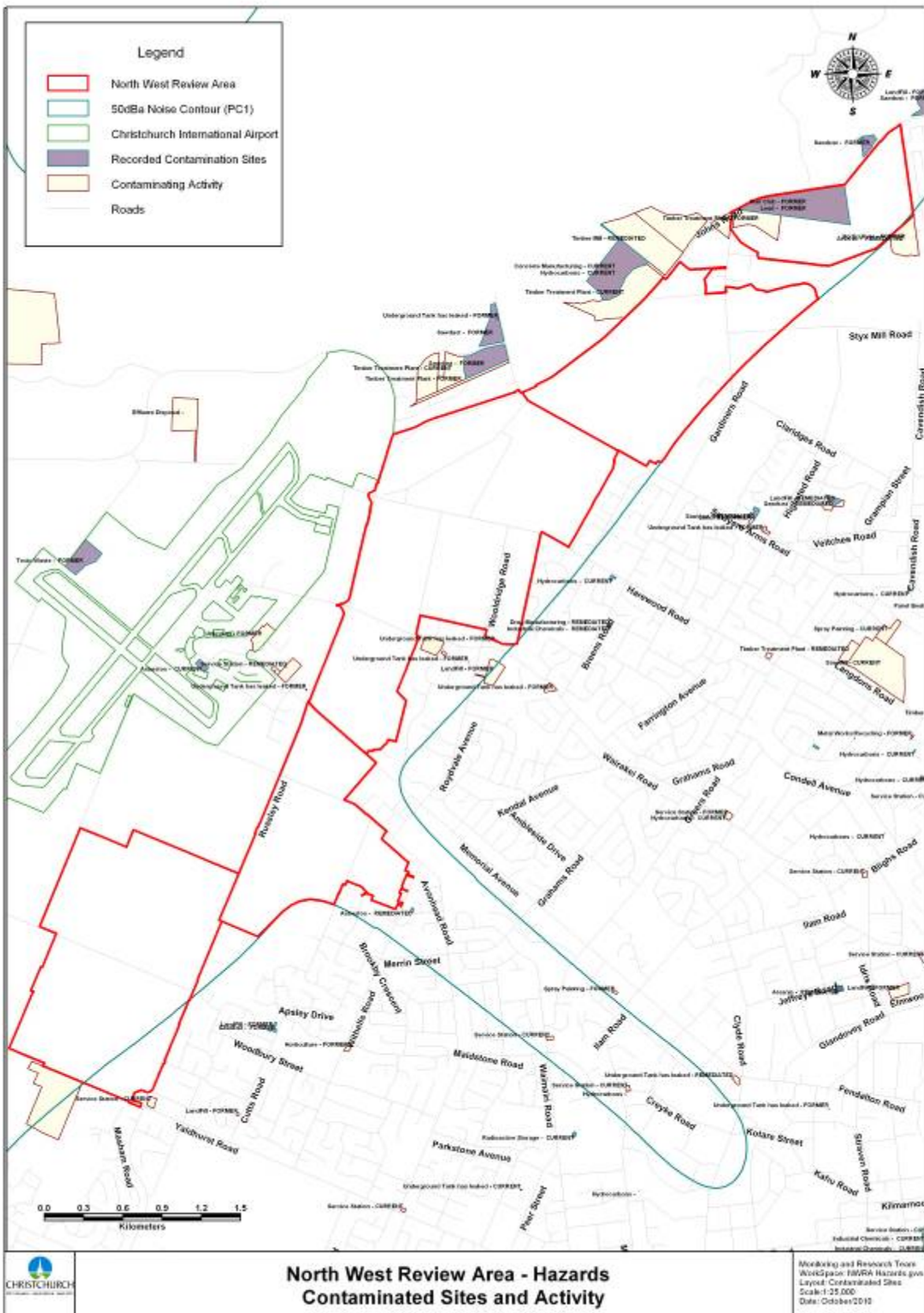
- petrol and diesel tanks (Block C);
- hard fill areas (Block C);
- gravel deposits (Block D, though unlikely to be a source of contamination);
- former gun club (Block E, potential lead contamination);
- former timber treatment plant (Block E, organochlorine, arsenic salts, boron etc.);
- septic tanks (all Blocks).

In addition, the following activities are or have been undertaken within or near the NWRA.

- horticulture;
- sawdust deposits;
- remediated timber mill site;
- concrete manufacturing plant.



Map 20 Contaminated sites and activities in the NWRA



Source: CCC GIS Layers, ECAN GIS Layers.



All of the above listed activities, with the exception of septic tanks are on the Regional Council's Hazardous Activities and Industries List (HAIL). Under the NES for Assessing and Managing Contaminants in Soils to Protect Human Health (2011), all of these sites (other than septic tanks) will require at least a preliminary investigation before any change of land use or subdivision can occur.

It should be noted that any site that has been, or could have been, subject to the migration of hazardous substances present in soil or water, is also considered a HAIL site. Contaminated sites adjacent to the NWRA are therefore a relevant consideration for future development.

Detailed investigations will need to be carried out at the plan change stage to determine the level of contamination on sites identified for development and the remediation/ management required.

## Cultural

### 11. Consistency with Tangata Whenua values

There are no Ngāi Tahu statutory acknowledgement areas. There are also no known silent files in the NWRA nor any archaeological sites based on Te Whakatau Kaupapa (1990). Similarly, the City Plan does not identify any archaeological sites or waahi tapu in the NWRA. However, there may be an archaeological site at the edge of the study area, near Gardiners Road (site M35/649) (ArchSite, New Zealand Archaeological Association database website).

While there are not known to be any specific sites of significant cultural value Ngāi Tahu may still have a historical or cultural relationship with the area. Key waterways including the Styx River may have been a source of mahinga kai, flax cultivation and harvest. Upstream wetlands of the Styx may have also been important for embalming.

The importance of maintaining and enhancing freshwater quality, the mauri and spiritual values of water and the maintenance and enhancement of wetlands need to be recognised in planning the future of the NWRA, and through the plan change process these values can be given recognition.

### 12. Consistency with heritage values

The City Plan identifies a number of buildings/sites of heritage value in the NWRA including

#### *Block B*

- a large working barn off Russley Road (Group 3 protection status)
- Hawthornden House at 2 Hawthornden Road (Group 3 protection status)

#### *Block C*

- St James Church and graveyard at the intersection of Harewood and Waimakariri Roads (Group 3 protection status).

The City Plan provides protection for these buildings/ sites by requiring resource consent for any alterations, removal or demolition. The erection of a building on the site of a Group 3 heritage building also requires resource consent. Having regard to the potential effects that development may have on the setting of a site/ building, it is appropriate that areas identified for business are a sufficient distance from buildings/ sites of heritage value.

## Infrastructure

### 13. Ease of access to the strategic road network and impact on the local road network

SH1 (Masham Road/ Russley Road/ Johns Road) forms the western boundary of the NWRA with the exception of Block A, which is to the west of the State Highway. SH1 is dissected by a series of radial

roads that run in an east west direction towards the City Centre, suburban centres and the wider road network (including Memorial Avenue, Wairakei Road, Harewood Road and Sawyers Arms Road).

Other roads in the NWRA serve a local function and provide access to properties and access between arterial and collector roads. They include Ryans Road, Hawthornden Road, Stanleys Road, Wooldridge Road, Wilsons Road, Waimakariri Road, Wilkinsons Road and Hussey Road. All of these roads are sealed, but some are not formed to urban standards, which limits their ability to accommodate significant volumes of traffic unless they are upgraded.

The Western Corridor is one of a number of projects forming part of NZTA's Roads of National Significant Programme, which involves the 4 laning of Masham Road/ Russley Road/ Johns Road and changes to intersections along Russley/ Johns Roads. Construction is in progress on upgrading the southern part of Russley Road, adjacent to Block A, and Masham Road. The upgrade of Russley Road between Harewood Road and Avonhead Park will be subject to a planning process under the Resource Management Act, which is expected to start in 2013. NZTA estimates that it may take 2 years to work through the process before construction, which would take a further 2 – 3 years.

Having regard to the closure or reduction in access between the State Highway and Avonhead Road, Wairakei Road, Gardiners Road and Wilkinsons Road, the RONS project influences the suitability of different parts of the NWRA for business. Existing access to properties directly from the State Highway or arterial roads may not be suitable if intensification or land use changes are proposed that increases the volume of traffic using that access. Access to local roads as an alternative to access from the State Highway or an arterial road may therefore be appropriate.

The constraints in terms of accessibility and potential impacts on the local road network of additional trips arising from a new business area are considered below but would be subject to modelling at the plan change stage to determine the effects of development and the upgrades required to the road network. In assessing the effects, there is recognition of the increased traffic volumes in the north west of Christchurch associated with business activities that have relocated since the earthquakes and the impact of the RoNS proposals that result in increased volumes of traffic on local roads.

#### *Block A (West of Russley Road)*

This area has frontage to Russley Road (SH1) and Yaldhurst Road (SH73), both of which are Limited Access Roads. Consequently the most viable access to land within this block is from Ryans Road or via Grays Road.

As a part of the Western Corridor upgrade, access from Ryans Road will be reduced, removing the ability to turn right from Ryans Road onto Russley Road, southbound. For traffic wishing to travel south, there will be a need to use Pound Road via Ryans Road. State Highway 73 is also accessible via Pound Road to the west of Block A. Improvements to Pound Road will enable bypass traffic to more easily use this route between SH1 north of the airport and Templeton.

Grays Road, to the west of Block A is proposed to be connected to roads through Dakota Park, the airport's business park to the immediate north of this block. This will enable vehicles to access SH1 via a proposed intersection. The NZTA propose a grade separated intersection that will connect Capital A and B roads (roads within Dakota Park) with Russley Road (SH1) via an underpass beneath Russley Road. This is subject to further investigations and planning processes under the Resource Management Act.

Having regard to these matters, Block A benefits from good access to the strategic road network at the current time and in the future, notwithstanding some access constraints.

#### *Block B (South of Memorial Ave)*

The area has frontage to Russley Road (SH1) and access is currently available from Block B to the State Highway via Avonhead Road. Avonhead Road is proposed to be closed as a part of the Western Corridor project, which will require vehicles from properties accessed off Hawthornden Road to travel via

Avonhead Road and Roydvale Avenue onto Memorial Avenue or alternatively travel south on Withells or Avonhead Roads to access the State Highway network.

Dakota Park, the airport's business park, is directly to the west of Block B. Access to Dakota Park is proposed directly from Russley Road (SH1) for north and south bound traffic. The NZTA propose a grade separated intersection that will connect Capital A and B roads (roads within Dakota Park) with Russley Road via an underpass beneath Russley Road. This requires land on the east side of Russley Road within Block B, which is subject to further investigations and planning processes under the Resource Management Act.

There is potential for access from a business area (in Block B) to the State Highway via the proposed intersection of Capital A and B roads and Russley Road. However, this would be subject to discussions with the NZTA.

To the north of Block B, the greenfield business area CB1 between Avonhead Road and Memorial Ave is subject to a plan change for rezoning. An Outline Development Plan indicates access through this block, which could also provide access to Block B as an alternative to travel via Roydvale Ave.

Having regard to the reduced access between Avonhead Road and SH1, a limited quantum of development may be appropriate ahead of upgrades to the local road network and intersections, necessitating a staged approach to development within this block. This could be dealt with through the plan change process.

#### *Block C (Memorial Ave to Sawyers Arms Road)*

Russley Golf Course between Memorial Ave and Wairakei Road currently has access from Memorial Ave via Stableford Green. This could continue to be the main entry to a future business area, subject to a more detailed assessment of the effects on properties fronting Stableford Green as part of a plan change. Alternative access could be provided to the site from Wairakei Road or a new connection to Sir William Pickering Drive in the adjoining Business 4T zone. Any proposal for the development of Russley Golf Course is likely to require upgrades to the local road network and intersections.

The area north of Wairakei Road has access to the State Highway via Wairakei Road and Harewood Road at the current time. Stanleys Road and Wooldridge Road both provide local access from Block C to Wairakei Road/ Harewood Road, which a new business area could gain access to.

Access is to be reduced from Wairakei Road to Russley Road. However, it will still provide good access between Block C and the State Highway in proximity to the Memorial Ave/ Russley Road interchange and airport. Harewood Road could also provide a suitable alternative for northbound access to the State Highway.

Reduced access at the intersection of Wairakei Road and Russley is likely to result in more vehicles using local roads between Memorial, Wairakei and Harewood Roads including Roydvale Ave and Wooldridge Road and/ or Stanleys Road. This is additional to increases in traffic volumes experienced since the earthquake with a number of businesses relocating to the north west around Wairakei Road, putting pressure on road capacity and car parking.

Local road improvements will be required to address changes in traffic movements, including the intersection of Wooldridge Road/ Harewood Road. The identification of an area for business north of Wairakei Road is likely to necessitate this and other improvements to the road network including Wooldridge and Stanleys Roads, subject to modelling of traffic effects at the plan change stage.

Between Harewood Road and Sawyers Arms, an area for business would be accessible to SH1 via either of these arterial routes as a part of current proposals for the Western Corridor. The Draft Christchurch Transport Plan proposes a new roading hierarchy, which identifies Sawyers Arms Road as a strategic route (known as 'District Arterial Routes').

Waimakariri Road, which runs through this area, will have reduced access onto Sawyers Arms Road (left in/ left out) to minimise safety issues. However, access will continue to be available to the State Highway via Harewood or Sawyers Arms Road.

In summary, Block C currently has good access to the strategic road network. With the upgrade of the Western Corridor this will affect access between parts of this area and the State Highway. The effects of business development within this area would need to be modelled at the plan change stage to determine the improvements required to the road network and local intersections.

#### *Block D (North of Sawyers Arms Road)*

Block D has access to Gardiners Road, Sawyers Arms Road and Wilkinsons Road. Changes proposed as part of the Western Corridor upgrade will result in reduced access at the intersections of Johns Road/ Gardiners Road (limited to left entry into Gardiners from SH1, and left exit from Gardiners Road onto a lane parallel with SH1 to Wilkinsons Road) and Johns Road/Wilkinsons Road (Left entry out of Wilkinsons onto Johns Road). This will lead to increased vehicle movements on Gardiners Road additional to traffic generated by the residential development of CN3, which is currently subject to a draft plan change for rezoning.

Having regard to the changes and subsequent effects on Gardiners Road in particular, the most appropriate location for business activities would be off Sawyers Arms Road. However, its elevation in the hierarchy may result in limitations on access including increased separation distances between access points.

#### *Block E (Hussey Road)*

Block E is accessed off Hussey Road and Gardiners Road. Reduced access at Gardiners Road/ SH1 and Wilkinsons Road/ SH1 will require traffic generated by development within this area to travel south via Gardiners Road and west along Sawyers Arms Road, or alternatively to take a route through the residential area of Northwood in order to travel north. Neither route is short or direct, and therefore any intensification of land use activities in this area will result in some adverse effects on the local road network and surrounding environment, unless appropriately mitigated. This would necessitate upgrades to intersections including the junctions of Hussey/Gardiners Roads and the upgrade of Hussey Road.

A roundabout or grade separation is proposed at the junction of Clearwater Drive and Johns Road, however no new access is proposed immediately south through Block E. Having regard to proposed changes to the Western Corridor, this area is less accessible to the strategic road network.

#### *Summary*

The changes to the road network, particularly the RONS projects, will have significant implications for traffic movements and accessibility in the NWRA. Therefore, the upgrade of roads and intersections and planning of these improvements in conjunction with development in the north west is an important. Transport modelling at the plan change stage will enable the identification of works required to provide sufficient transport infrastructure capacity and ensure that the adverse effects of traffic can be mitigated, remedied or avoided.

#### **14. Public Transport accessibility**

A number of bus routes serve parts of the NWRA. Map 21 below shows the existing routes with buffers of 400 metres and 800 metres around each bus stop to indicate the areas that are within 5 – 10 minutes walking distance of a bus stop.

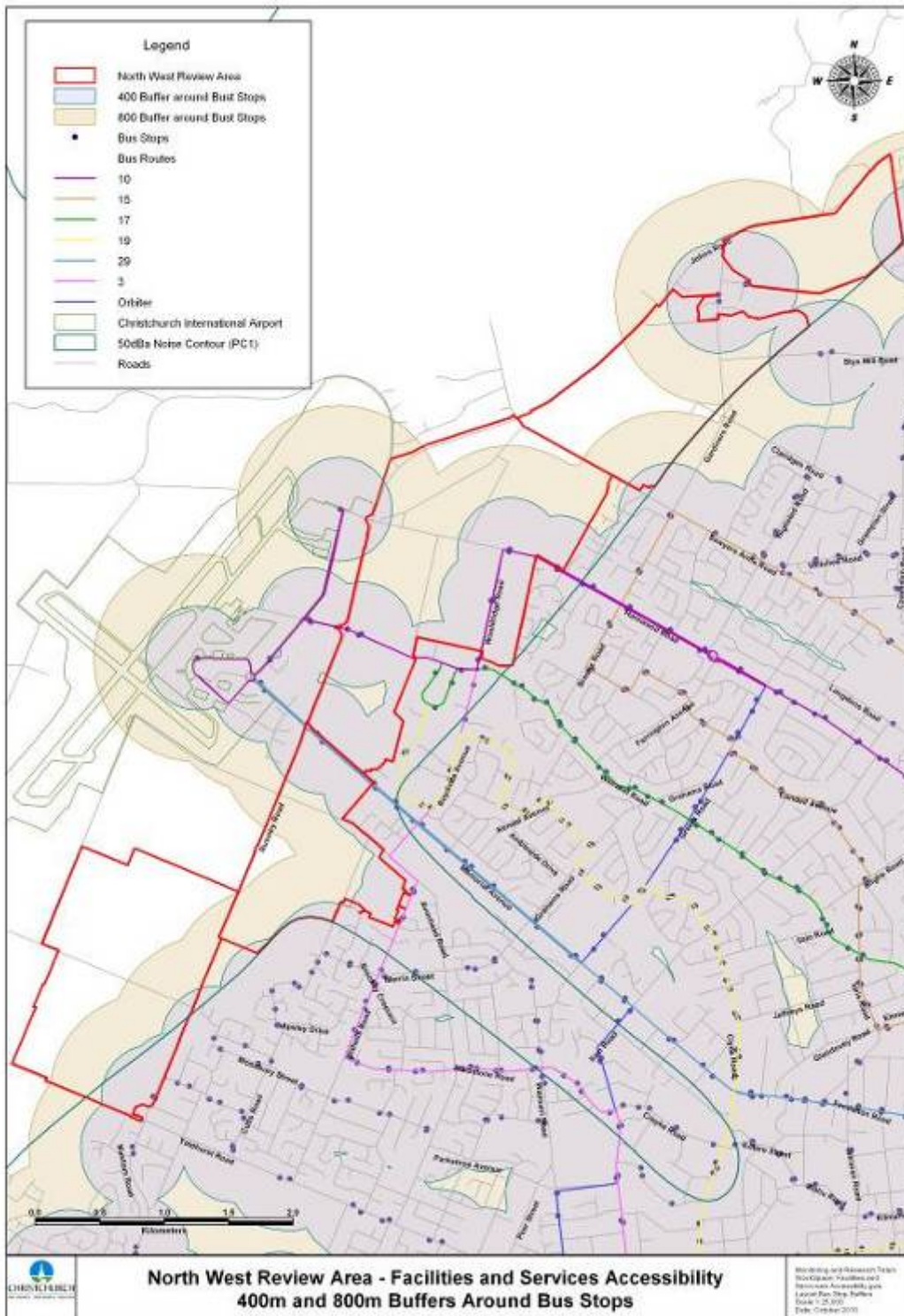
The Council's 'Bus Stop Location Policy' states *"people will only walk around 400 metres or 5 minutes to a bus stop and that the distance they will walk depends on factors such as carrying bags, age, weather, topography, etc. The key is to try to have most households within 5 minutes walk of a bus stop"*.

Most areas of the NWRA are not within walking distance of a bus stop with the exception of the block between Memorial and Wairakei Roads, and an area to the immediate north of Wairakei and either side of Wooldridge Road. These locations are therefore more favourable for business activities as alternative transport options are available from residential areas.

Changes to the public transport network are proposed by ECAN as published in the Draft Regional Public Transport Plan. This proposes a 'hub and spoke' network that will provide improved connections to suburban centres while also maintaining access to the central city. The effect of these changes on the assessment of areas for business is not significant.



Map 21 Public Transport accessibility within the NWRA – Buffers of 400 m and 800 m around bus stops



**15. Walking/ cycling**

There are currently limited opportunities for walking and cycling routes within the NWRA and between the area and the surrounding environment. This reflects the severance of land to the west by SH1, and the limited provision made for pedestrians and cyclists given the semi-rural environment and formation of roads in the area.

The planning of areas for development provides an opportunity for the identification and development of routes for walking and cycling, enabling the greater use of these modes in the longer term. This can be achieved through the identification of walking and cycling routes on Outline Development Plans for areas identified for business.

The Draft Christchurch Transport Plan also proposes a cycle network for Christchurch, which identifies a major cycle route to the airport and local routes in the north west to encourage cycling. A walking network is also proposed that will encourage walking to/ from and within commercial centres and other areas of the City. The implementation of the plan will provide improved opportunities for these modes.

SH1 acts as barrier to cycling and walking between the NWRA and areas west of the State Highway. The NZTA is investigating cycle and pedestrian connections as part of the Western corridor project which may address this. However, decisions on these plans are yet to be made and therefore cannot inform the assessment of the suitability of areas in the NWRA for business activities.

Having regard to the severance of Block A on the west side of Russley Road it is given a lower score than other areas within the NWRA. Access to other areas can be enhanced as a part of development and due to the proximity of Blocks B, C, D and E to adjoining residential areas, people will be more willing to walk or cycle.

**16. Ability to be adequately serviced****- Water Supply**

The NWRA is located along the northern fringe of CCC's north west water supply zone. There are currently issues in maintaining water supply pressure in some parts of the NWRA.

The infrastructure required to service a business development within the NWRA will depend on the nature of development and its location. Industrial business activities potentially have greater demands for water, which together with fire fighting requirements is likely to necessitate upgrades and new pump stations/ wells.

Having regard to the existing infrastructure provision, Block A to the north of Ryans Road is dependent on the extension of the water supply network from the area east of Russley Road. There are significant costs associated with this work and further investigation is required to determine the viability of extending the network. While the area of Block A south of Ryans Road has an existing connection to the network east of Russley Road, this would need to be upgraded at a significant cost.

If an area was identified within Block A as an extension of Dakota Park, which was led by Christchurch International Airport Limited, then there may be the potential for an extension of the airport's water supply. However, this is not appropriate unless there was limited capacity for development within the airport's land.

Block A is therefore not considered an appropriate area for business development having regard to these constraints. Other areas are more easily serviced given their proximity to the existing water supply network and the associated cost of extending the network. However, upgrades to the local network may still be required.

**- Wastewater**

The wastewater catchments east of the NWRA areas are gravity catchments that flow east to Pump Station 1 (PS1) on Woodham Rd, from where the flows are pumped to the Bromley Wastewater Treatment Plant (WWTP). There are a number of trunk catchments and associated sub-catchments that flow to PS1 and the relationship of these catchments to the NWRA areas are detailed in Table 6 below.

**Table 6 Wastewater catchments for each Block**

NWRA Block	Trunk Catchment	Sub-Catchment
A	Southern Relief	<ul style="list-style-type: none"> <li>• Yaldhurst Rd Sewer</li> <li>• Maidstone Sewer (Riccarton Interceptor)</li> </ul>
B	Southern Relief	<ul style="list-style-type: none"> <li>• Riccarton Interceptor</li> </ul>
C	Northern Relief	<ul style="list-style-type: none"> <li>• Wairakei Collector</li> <li>• Sawyers Arms Collector</li> </ul>
D	Northern Relief	<ul style="list-style-type: none"> <li>• Sawyers Arms Collector</li> </ul>
E	Northern Relief	<ul style="list-style-type: none"> <li>• Northcote Collector</li> </ul>
	Eastern Trunk System	<ul style="list-style-type: none"> <li>• Belfast Sewer System</li> </ul>

A Major Sewer Upgrade Programme is currently underway to reduce the number of overflows from the wastewater system into surface-water bodies and to provide for future growth in greenfield areas. The Major Sewer Upgrade Programme incorporates a number of projects that influence the timing and ability for development to proceed in the NWRA.

*Block A*

This area is adjacent to the greater Southern Relief trunk sewer catchment and can be split into two sub-catchments. The lower third of the area generally drains towards the sewer on Yaldhurst Road, which discharges directly into the upper Southern Relief trunk sewer. The upper two thirds of Block A generally drains towards Maidstone Road, part of the Riccarton Interceptor sub-catchment, which in turn connects to the Southern Relief sewer at the Division Street/Blenheim Road junction.

Any development within the lower third of this block is dependent on the completion of the Western Interceptor trunk sewer. Once this is complete, developments in the lower third of Block A could connect into the Yaldhurst Rd sewer. The Yaldhurst sewer itself has available local capacity to convey flows from approximately 80 hectares of "dry industry" or 1000 new residential lots to the Southern Relief. Development of the upper two thirds of the site is reliant on the completion of the Maidstone project in order to create sufficient capacity in the Riccarton Interceptor to convey flow through to the Southern Relief. However, access to the sewer on Maidstone Road from Block A is a significant issue as third party agreement is required.

*Block B*

This area is entirely dependent on the Riccarton Interceptor to convey flows through to the Southern Relief sewer. Additional capacity in the main trunk system is dependent on completion of the Western Interceptor in 2012 and the Maidstone Project due for completion in 2017. The two local sewers that will convey flows from Block B are Merrin Street and Avonhead Road. Once the Maidstone project is complete, there is sufficient local capacity in these sewers to convey significant flows from Block B to the Riccarton Interceptor.

*Block C*

This area feeds into the Northern Relief trunk sewer catchment and is generally split in two sub-catchments, with the lower half of Block C contributing to the Wairakei Collector sewer and the upper half of Block C contributing to the Sawyers Arms Collector sewer.

The Northern Relief trunk sewer is undergoing a significant upgrade as part of the Major Sewer Upgrade Programme. This upgrade is still in the planning stage, and there still exists the possibility to take flows from the NWRA areas into account during design.

There is not sufficient capacity in the Wairakei Collector sewer to take significant additional flow from the NWRA block. A project known as the Wairakei Diversion will divert flows from the Northern Relief Trunk sewer catchment into the Western Interceptor. This will provide some additional capacity, but further work is required to establish what upgrades would be required.

There is no capacity available in the upper half of Block C on the assumption that the existing capacity in the Sawyers Arms Collector is taken up by connection of the "Upper Styx CN3". Therefore additional upgrades would be required in order to convey flows from development in the upper half of Block C.

#### *Block D*

Block D is also served by the Sawyers Arms Collector and therefore any development in Area D would require upgrades to convey flows from this part of the NWRA.

#### *Block E*

Of all of the blocks, Block E is least able to be easily serviced and this is reflected in the scoring. Some of the eastern portion of the area may be able to be serviced via the Belfast wastewater system, but capacity is very limited due to the proposed residential development in the Belfast area. The balance of Block E could potentially be served by the Sawyers Arms Collector, but again this will also require upgrades to enable any development in this area.

#### *Summary*

Block B can be most readily serviced for wastewater discharge, but modelling will be required to determine the impacts of development on wastewater infrastructure at the plan change stage. Blocks C and D could be incorporated into the upgrades to the Northern Relief and further upgrades would need to be carried out to the local sewers in order to convey the wastewater flows from the development. Block E is the most challenging of the blocks to service from a wastewater perspective.

The scores for infrastructure serviceability in the evaluative tables largely reflect the extent to which the various blocks in the NWRA can be easily serviced with essential wastewater infrastructure upgrades.

### **17. Stormwater management**

Soils in the bulk of the NWRA are suitable for stormwater soakage. However, as a large portion of the NWRA is located above the unconfined aquifer and the aquifer recharge area, extreme care must be taken to ensure that stormwater runoff is treated before infiltrating into the soil.

The NWRA is bordered in part to the west by Christchurch International Airport and the design of stormwater facilities therefore needs to recognise the potential attractiveness to birds, which could increase the risk of bird strike.

Under the Natural Resources Regional Plan (NRRP) (Rule WQL8) a resource consent is required for the discharge of stormwater onto or into land or into a river, lake or artificial watercourse under a Stormwater Management Plan (SMP). The purpose of SMPs is to state how a surface water catchment will be managed, protected, and if possible enhanced in the face of land use change. At the time of writing, Council was finalising an application to Canterbury Regional Council for resource consent for the discharge of stormwater from the Styx catchment. The Stormwater Management Plan forming part of this application has the objective of managing stormwater run-off from rural and urban areas within the catchment by providing facilities to trap sediment and contaminants, and control the release of all stormwater into the river.

If a site(s) are identified in the Styx catchment for development, the stormwater from this may be accepted under Council's application for resource consent to discharge stormwater from the Styx catchment or a new application to discharge stormwater will be required.

In the future, an application will also be prepared for the discharge of stormwater from the Avon catchment. Therefore, any development within this catchment would require the approval of Council under an interim consent or a new consent would be required.

#### **7.4 Appropriateness of areas within North West Review Area for Industrial business activities**

The evaluation above has identified a number of areas that are more favourable for industrial business activities. The following provides a summary of each area, bringing together the preceding assessment against all criteria.

##### *Block A Yaldhurst*

The location of Block A west of Russley Road makes it less suitable in achieving the objective of urban consolidation. While north of Block A is the SPAZ and south is the Masham subdivision, Russley Road provides a clearly defined edge to the City.

The character of the area is unlike the rest of the NWRA with an open flat landscape and less tree cover, therefore providing views to the Southern Alps and Port Hills. The maintenance of character and amenity was a key message that came through in the consultation and therefore the openness of this block should be retained if there are more suitable locations elsewhere for business activities.

The area supports agricultural and horticultural activities on larger lots, the size and number of larger lots in Block A making it distinct from other areas. The decisions on Propose Change 1 concluded that subdivision had eroded the potential options for utilising the highly versatile soils, which is not considered to be applicable to this area.

In assessing the areas for business activities, the continuity with existing business areas was identified as a significant benefit in terms of infrastructure, urban form, and efficiency for business. To the north of Block A is an area under development as a business park, known as Dakota Park. A possibility would be an extension of the business area into Block A. However, there is considered to be a significant quantum of land available within the SPAZ to support future growth in airport related activities.

A constraint to the development of business in Block A is the need to extend water supply infrastructure from the east side of Russley Road and/or to undertake a major upgrade to an existing pipe serving the lower part of Block A. There would be a significant cost associated with this, making it less attractive as a location for development. The ability for a connection between Block A and the Maidstone sewer is also an issue given the need for third party agreement, which may constrain the potential development of this block.

Reflecting PC1, proximity to residential areas can be benefit in encouraging sustainable travel between home and the workplace. While there is a residential area to the south, Block A fronts two State Highways, therefore being less favourable in encouraging walking or cycling. However, its separation means there is less likelihood of reverse sensitivity effects.

Having regard to the matters above, Block A is not considered appropriate for industrial business activities. Its location west of the State Highway and as a gateway to the Canterbury Plains suggests that its ongoing use for rural activities is appropriate.

*Block B Hawthornden*

Block B east of Russley and either side of Hawthornden benefits from a location adjacent to the existing urban area. The development of business activities within this block would therefore be consistent with achieving a consolidated urban form.

While largely within the 55 dBA Ldn noise contour, the land to the east of Hawthornden Road is less suitable for business activities as it is surrounded by residential properties on three sides which may give rise to reverse sensitivity effects. The area of land available is small and is in multiple titles, so while a small area could be identified for business, it is limited and buffers/landscaping required would constrain the quantum of land available.

The land to the west of Hawthornden Road can be separated into two parts. The north, closest to Avonhead Road comprises residential and lifestyle properties fronting Avonhead Road up to 8 hectares in size. Several properties have large homes positioned either in the centre or towards the rear limiting opportunities for subdivision and that may give rise to reverse sensitivity effects. There is also a heritage item, Hawthornden House at 2 Hawthornden Road.

The pattern of existing development differs in the central and southern portion of Block B west of Hawthornden Road. It comprises larger lots, which provides greater potential for development relative to the multiple ownership of an area with a large number of small lots. However, unlike Block A, options for ongoing rural production are constrained by its location.

The south western part of Block B is within Groundwater Protection Zone 2, which provides greater flexibility than Zone 1. However, the southern part of Block B is within Zone 1A which recognises a part of Zone 1 is currently or planned to be used for urban purposes. Having regard to this and the factors above, the lower half of Block B is considered appropriate for business development.

While access from Avonhead Road to Russley Road is to be closed as a part of NZTA's plans for 4 laning Russley Road, there is existing access from Block B to Memorial Ave via Avonhead Road and Roydvale Ave. There is also potential for access in the future from Avonhead Road to Memorial Ave through the MAIL site (Corner Russley Road and Memorial Ave) identified for business activities in PC1, which could provide alternative access to Memorial Ave from this block. However, modelling results at the plan change stage will identify the upgrades required to the local road network and intersections and the quantum of business development that could occur ahead of these upgrades.

As discussed earlier, access is proposed to Dakota Park directly from Russley Road (SH1) for north and south bound traffic via a grade separated intersection This requires land on the east side of Russley Road within Block B, which is subject to further investigations and planning processes under the Resource Management Act. There is potential for access from a business area (in Block B) to the State Highway via the proposed intersection of Capital A and B roads and Russley Road. However, this would be subject to discussions with the NZTA.

The area west of Hawthornden Road is in close proximity to a residential area, supporting opportunities for walking and cycling between home and work, while also being adjacent to a greenfield business area between Avonhead Road and Memorial Ave. The size of the area is considered to be sufficient to provide a buffer and enable the mitigation of effects on adjoining residential areas.

In summary, Block B is considered to be a suitable location for industrial development. An area north of Avonhead Cemetery between Hawthornden Road and Russley Road is considered most suitable. It could enable links to open space (Avonhead Park) for amenity and recreation, and the land concerned is largely open pasture and there are therefore few buildings that act as a constraint to business development in this area.

The northern part of the block between Russley and Hawthornden Road has not been identified for business use on the basis that it includes number of residential properties that front Avonhead Road. The northern part of the block, closest to Avonhead Road is also within the air noise boundary, defined as the in the City Plan where noise levels are expected to be most intrusive. The area is within an area defined as an 'Airport Protection Surface' within which a height limit on buildings applies, and is to the



immediate south west of the Runway End Protection Area (REPA). While these factors do not remove the potential for business development, it makes this area less favourable for development than the land further to the south.

#### *Block C – Russley Golf Course*

The land between Memorial Ave and Wairakei Road has the highest score amongst the areas evaluated for industrial business activities. This reflects its location contiguous with the existing urban area, therefore supporting a consolidated urban form.

It adjoins the existing Business 4T zone, which has been identified through the review of supply as having a shortage of vacant land. This site could provide a natural extension of the zone and contribute towards addressing the need for additional land. The benefits associated with extending an existing business zone were discussed earlier but include potential 'economies of agglomeration', efficiencies in terms of servicing, and the interface between business zones being easier to manage than the boundary with a residential environment.

The land between Wairakei Road and Memorial Ave also benefits from proximity to residential areas, supporting opportunities for walking and cycling. In terms of access, there are a number of options including existing access to Memorial Ave or alternative access via the existing Business 4T zone or off Wairakei Road. The area also benefits from good access to public transport routes making it more favourable as a location for development.

In terms of natural and physical resources, the area has lower quality soils relative to the rest of the NWRA. However, it continues to be used as a golf course and is therefore unavailable for the foreseeable future. It is not considered to be a suitable location for development unless its current use as a golf course ceased.

#### *Block C – Wairakei to Harewood Road*

The land north of Wairakei Road is split by Stanleys Road and Wooldridge Road. The land east of Wooldridge Road, Nunweek Park, is not considered appropriate for development, given its current use and the need for open space in the area (having regard to the deficiency of open space to the south of Wairakei Road).

The land between Wairakei Road and Harewood Road is partly within Groundwater Protection Zones 1 and 2. The Styx River also originates in the block west of Wooldridge Road, between Wairakei and Harewood Roads. Therefore adverse effects from development should be avoided to maintain the water quality of these natural resources and land identified as esplanade reserve adjacent to the Styx River, as appropriate, to retain/ enhance the natural character of the waterway.

The area benefits from access to the SH1 via Wairakei Road and Harewood Road. While access is to be reduced from Wairakei Road to Russley Road, it will still provide good access to the State Highway in proximity to the Memorial Ave/ Russley Road interchange and airport. Harewood Road could also provide a suitable alternative for northbound access to the State Highway. Traffic volumes have increased in the area with the relocation of businesses since the earthquakes. Modelling at the plan change stage will enable the identification of upgrades required to the local road network and intersections to enable additional business development in this area.

The land north of Wairakei Road is in proximity to residential areas, therefore supporting walking and cycling as well as having good public transport access relative to other areas in the NWRA with two bus routes along Wairakei Road.

This block is also in the immediate proximity of the airport, attracting business that has air freight requirements and staff/ customers who travel by air, notwithstanding the reduced access from Wairakei Road to SH1. There is also demand for business land north of Wairakei Road from Tait Electronics who are seeking to consolidate their business on a single site between Wooldridge Road and Stanleys Road

to the north of their existing building while also providing for future growth. This is consistent with forecasts of significant growth in the electronic engineering sector.

The area identified by Tait is approximately 10 ha. Having regard to the potential demand for additional land as businesses in the supply chain or same industry as Tait seek a location in proximity, it is recommended that a larger area of approximately 50 ha is identified, extending north of the land proposed by Tait for rezoning and west to Russley Road. The appropriate boundary to development is considered to be the swale between Wooldridge Road and Stanleys Road that the Styx River originates from. This provides a natural boundary to the area in an otherwise modified environment. It also provides a buffer with residential units within the block and at the intersection of Wooldridge Road and Harewood Road. The extent of the area defined west of Stanleys is based on cadastral boundaries while aligning where possible with the former channel of the Styx River.

#### *Block C – Harewood to Sawyers Arms Road*

The land comprises a large number of small properties used for market gardening, nurseries and rural lifestyle activities. The multitude of property owners constrains the development of an area for business as does proximity to residential properties. While this is possibly true of land south of Harewood Road, there is an active party pursuing the development of business activities (Tait) in that area and landowners who have sought the identification of their land for business activities.

The block between Harewood and Sawyers Arms Road scored highly for similar reasons to the land between Wairakei Road and Harewood Road.

The western part of the block, north of Waimakariri Road has soils of very low versatility/ productivity, which reflects the former use of this land as a gravel pit, currently gazetted for this purpose. Part of this site is proposed for an electrical substation under an exchange agreement between Christchurch City Council and Orion. The balance some 13.9 hectares is to be returned to the Crown in the future, reflecting a previous Council decision. The size of the block and its access to Sawyers Arms Road and Harewood Road via Waimakariri Road would support a comprehensive business development. It is also adjacent to a Business 6 zone on the north side of Johns Road, which is accessible via Sawyers Arms Road.

With regard to the balance of the land between Harewood Road and Sawyers Arms Road, the subdivision pattern and activities including lifestyle sections makes this area less suitable and it is therefore not recommended as a business location.

#### *Block D Johns Road*

Block D north of Sawyers Arms Road is bordered to the east by rural properties, which in time will be developed as part of a wider greenfield residential area identified in PC1/ Chapter 12A. However, the identification of land for business activities in Block D would not support the objective of urban consolidation until such time that land to the east is developed.

While the area to the immediate north and south of Wilkinsons Road has soils of low versatility/ productivity and the area north of Wilkinsons Road is within Groundwater Protection Zone 1A (which provides for existing or proposed urban activities), the development of business activities in the northern part of Block D is constrained by existing land uses including Harewood Park, Christchurch City Council's nursery, which takes up a large portion of the land to the immediate south of Wilkinsons Road and Harewood Crematorium

Like the area between Harewood Road and Sawyers Arms Road, there is a mix of horticultural activities and lifestyle blocks in the southern and western parts of Block D. The multitude of owners potentially constrains the ability for a comprehensive business development and there is potential for reverse sensitivity effects due to lifestyle properties in the area.

The Styx River flows through Block D to the north east across Gardiners Road. Any land use changes or development in proximity of the Styx would need to be carefully managed to avoid adverse effects on water quality, the natural character of this area, ecological and Tangata Whenua values.

The western and southern parts of the Block are within Groundwater Protection Zone 1, the balance being in Zone 2. Like other areas in the NWRA, development would need to be managed to avoid adverse effects on the groundwater resource.

As a part of the upgrade of the Western Corridor, access will be reduced at the intersections of Gardiners Road and Wilkinsons Road, which makes the northern part of the block less favourable. In addition, it is expected that Styx Mill Road and Gardiners Road will come under increased pressure from traffic associated with the greenfield residential area to the east of Gardiners Road.

The area does not adjoin an existing business zone and is also not served as well as other areas by public transport. While the development of other areas requires upgrades to the local sewer network, additional capacity is required to service Block D, which diminishes the potential for development until the medium term. Having regard to these factors, it is not recommended for business.

#### *Block E Hussey Road*

Block E is occupied by rural lifestyle blocks and is surrounded to the east and south west by residential properties. While there is sufficient separation from residential properties, the potential for reverse sensitivity effects exists.

Access from Block E to the strategic road network via Gardiners Road and Wilkinsons Road is to be reduced, which will necessitate travel south via Gardiners Road/ Sawyers Arms Road to SH1 or alternatively through Northwood.

While the area has lower quality soils to the north east and an area in Groundwater Protection Zone 3, there is a higher risk of liquefaction in Block E than other areas. Block E is also the most difficult to service in terms of wastewater infrastructure and is not in proximity to a business zone. It is therefore not a favourable location relative to other Blocks.

### **Summary**

From the assessment, it is recommended that three areas are identified for the development of business activities

- Land at 711 Johns Road, north of Waimakariri Road (Area 1) comprising approximately 15 ha;
- Land north of Wairakei Road, between Wooldridge Road and Russley Road (Area 2), comprising approximately 50 ha;
- Land between Hawthornden Road and Russley Road (Area 3), comprising approximately 35 ha.

These areas are shown on Map 1.

## **7.5 Types of business activity**

The evaluation indicates a number of areas suitable for business, which could support a range of industries. The area north of Wairakei Road has been identified in part because it adjoins an existing Business 4 and 4T zones and could provide an extension to these areas.

The Business 4 (Suburban Industrial) provides principally for light industry, warehousing and service industries and some commercial activities such as offices and limited retailing. The Business 4T zone provides for a similar range of activities although its intended purpose is as a technology park with an emphasis on maintaining a higher standard of amenity than in other business zones.

Given the residential environment in close proximity to Block B, the types of industrial activities anticipated in the Business 4 or 4T zone would be most appropriate in this location as well.

Having regard to the natural resources of the NWRA including the majority of the NWRA being within Groundwater Protection Zone 1, only "dry" industrial activities are considered to be suitable, being those that do not involve the use or storage of large volumes of hazardous substances or generate large volumes of trade waste. This would be consistent with the purpose of the Business 4/ 4T zones, notwithstanding the need for specific standards to control the use or storage of hazardous substances and discharges.

## 8.0 Conclusions

The purpose of this report has been to determine the appropriate function of the NWRA and land use activities that would be consistent with this function. In doing so, consideration has been given to the policy context including the RMA's purpose of the sustainable management of natural and physical resources while providing for the social and economic wellbeing of people and communities.

The objectives of statutory documents including the Regional Policy Statement, Natural Resources Regional Plan and City Plan recognise the importance of protecting natural and physical resources including the versatile soils, groundwater resource, surface waterways and airport as a strategic resource. This is to be achieved through urban consolidation, avoiding noise sensitive activities in the NWRA, retaining areas of highly versatile and productive soils, avoiding or mitigating the effects of activities on groundwater (e.g. use and storage of hazardous substances), and managing and treating stormwater before discharge to surface waterways such as the Styx amongst a range of methods.

In recognition of the natural and physical resources of the area, it's location bordered to the immediate west by the airport and east by the urban area, and as a strategic corridor and gateway to the City, it's function is considered to be as a 'Rural-Urban Fringe' that provides for activities typically associated with a peri-urban area while retaining openness and vegetation.

This is consistent with feedback received through the consultation on the NWRA, key messages including the desire to retain the area's rural character and amenity, and for its' role as a buffer between urban activities and the airport to be recognised. There was also a call for change with opportunities sought for development in the NWRA. This has been reflected in the identification of areas for industrial business activities.

In assessment of a range of land use activities, regard has been given the policy context, particularly for offices and retail, neither of which suitable in this location. Other land uses including community activities, open space and sport and recreation have also been considered with the conclusion that any need for these activities in the north west could be met in the NWRA.

Residential development would not be compatible with the environment as the NWRA is within the 50 dBA Ldn airport noise contour within which noise sensitive activities are to be avoided. To allow residential activities could compromise the operation and development of the airport and may not support the retention of the character and amenity of the NWRA. Should the airport noise contour change as a result of appeals, there would be a need to review the appropriateness of the NWRA for residential activities. However, there is considered to be sufficient land identified in PC1/ Chapter 12A to accommodate long term household growth.

Notwithstanding the points above, the NWRA currently provides for rural lifestyle development with a range of lots sizes, from less than 1 ha up to 20 ha. This enables people to live in a rural environment while being in close proximity to the City and achieves a more appropriate outcome, consistent with the RMA's purpose of managing natural and physical resources.

With regard to industrial business land, a review has been undertaken of the supply of industrial vacant land, which has identified a potential shortage of land in some areas, particularly the north west. There has also been consideration given to the potential demand for land including the take up of land associated with the rebuild, displacement of companies from the eastern suburbs due to earthquake damage, demand from businesses relocating from areas such as the inner suburbs, and forecast growth in the long term. The location of the NWRA immediately adjacent to the airport also makes the NWRA attractive as a location for business, with the need for a sufficient supply of land to accommodate economic activity associated with the airport. On this basis 100 ha is considered an appropriate quantum of land to identify in the NWRA for industrial business purposes.

The areas that make up the NWRA have been assessed against a number of criteria, which recognise the natural and physical resources as well as having regard to future changes in the area. Criteria includes (but is not limited to) the contribution an area makes to good urban form; continuity with an existing

business area; consistency with environmental values; infrastructure availability and access. A significant change is the proposed Western Corridor upgrade, which will affect access to/ from different parts of the NWRA. This has therefore been considered in the assessment.

As a result of the evaluation, the most appropriate locations to accommodate development are considered to be

- Land north of Wairakei Road between Wooldridge Road and Russley Road
- Land between Hawthornden Road and Russley Road
- Land at 711 Johns Road, north of Waimakariri Road

A review of industrial land supply has identified the need for additional land to be identified to meet demand, which could be met in these areas.

The implementation of the recommendations will necessitate changes to the City Plan. For each greenfield area, Outline Development Plans should be prepared for the whole of each area identified for business that addresses the values of the area and to provide a comprehensive approach to the development of each area.

The recommendations are based on the decisions version of PC1/ Chapter 12A, which identifies the NWRA within the 50 dBA Ldn airport noise contour, within which noise sensitive activities are to be avoided. Should the airport noise contour change as a result of appeals, there would be a need to review the appropriateness of the NWRA for residential activities. However, there is considered to be sufficient land identified in PC1/ Chapter 12A to accommodate long term household growth.

As discussed in the report, it is necessary and appropriate to consider the need for changes to the SPAZ in parallel with the NWRA work, given the relationship between both the land and issues being considered and potential for each area to support similar business activities in the future. The airport is part of the same geographic context as the NWRA, with a road being the only boundary between the two areas, and is part of the same local economy.

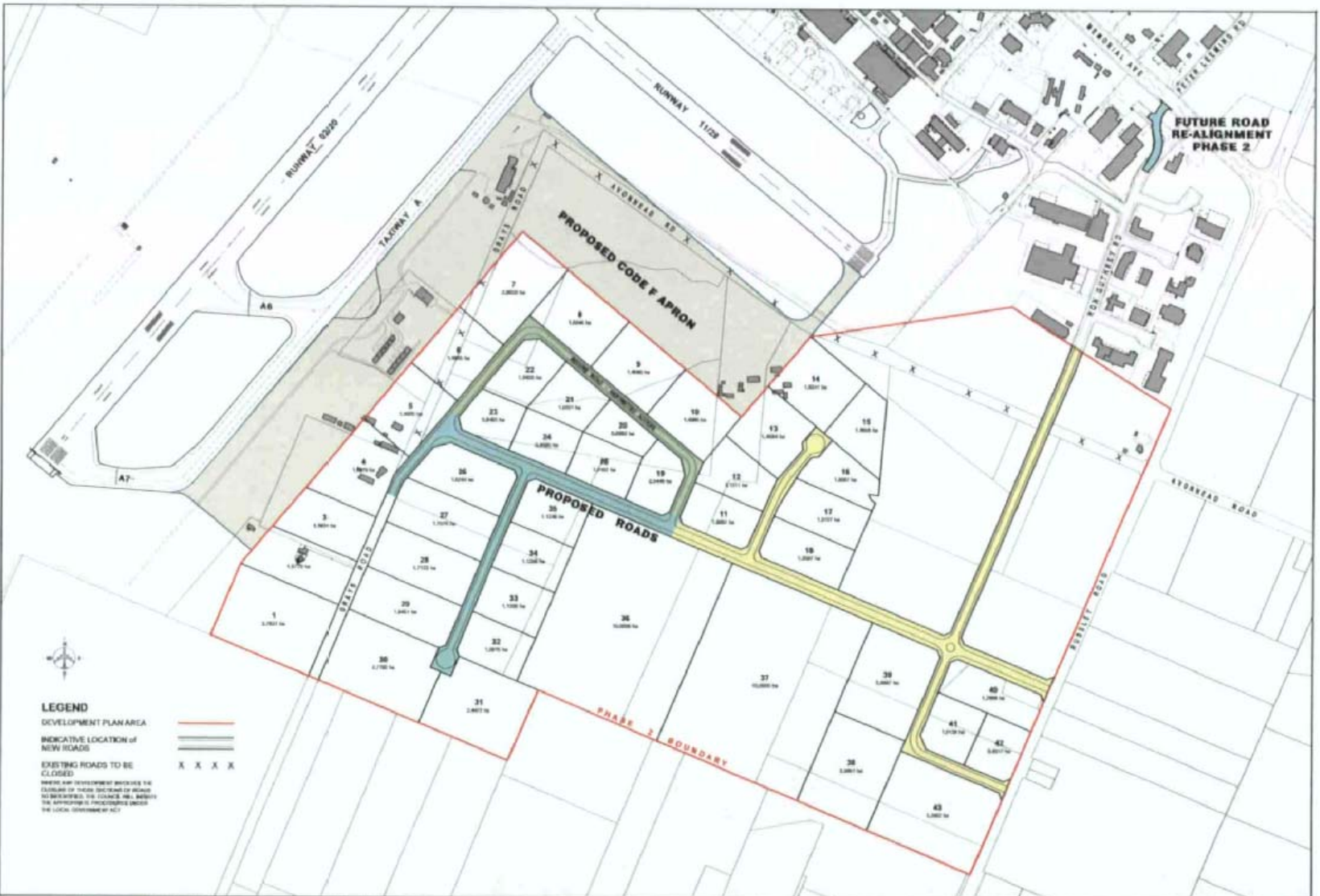
Having regard to the decisions on resource consents for development in Dakota Park, the precedent these have set and the inappropriateness of an ad-hoc approach to further non-airport related development within the airport zone, a plan change is considered necessary to provide a clearer policy framework for managing development in the SPAZ. There is also a need for the plan change to review the rules that prescribe the permitted activities in the SPAZ and for consideration to be given to the scope of activities allowed within Dakota Park, having regard to decisions in this area and the contribution that it would make to the supply of industrial land.



## 9.0 Recommendations

Based on the preceding evaluation, the following recommendations are made to Council -

- (a) To adopt the 'North West Review Area Report' dated October 2012 (This report)
- (b) To direct staff to rezone the North West Review Area to a special 'Rural-Urban Fringe' zone as a part of the District Plan review, with the exception of the those areas subject to recommendation (c)
- (c) To direct staff to prepare a Council led plan change to rezone 100 ha for industrial business purposes in the following areas (refer to Attachment 3)
  - approximately 15 ha for industrial purpose purposes at 711 Johns Road, north of Waimakariri Road (Area 1)
  - approximately 50 ha for industrial business purposes, north of Wairakei Road between Woolridge Road and Russley Road (Area 2), and
  - approximately 35 ha for industrial business purposes, between Hawthornden Road and Russley Road (Area 3)
- (d) That individual Outline Development Plans shall be prepared for the whole of each area identified for business in Recommendation (c) as a plan change. The Outline Development Plans shall be prepared in accordance with the decisions version of Proposed Change 1 (or Chapter 12A should it be reinstated)
- (e) To direct staff to prepare a Council led plan change to provide a clearer policy framework in the City Plan for the Special Purpose (Airport) zone and for consideration to be given to enabling a wider range of industrial business activities in Dakota Park



Christchurch International Airport <small>Christchurch International Airport Ltd</small>	PROJECT NO. 11/01/001	DATE: 11/01/11
	PROJECT & PROPERTY NO.	11/01/001
	RDPD: SUPPLEMENT 1 LOCAL RULES	11/01/001
	CONVEYANCE NO.	11/01/001

**CHRISTCHURCH INTERNATIONAL AIRPORT LIMITED**

**PROPOSED AREA 2A SUBDIVISION  
 PHASE 2**

SCALE: 1:5000 @ A3 DATE: 11/01/11 DRAWN: 11/01/11 CHECKED: 11/01/11 APPROVED: 11/01/11	11/01/001
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18 September 2012

Christchurch City Council  
Planning Department/Legal Section  
Christchurch City Council  
PO Box 73013  
Christchurch 8154

PO Box 14 001  
Christchurch 8544, New Zealand  
Telephone (+64 3) 358 5029  
Facsimile (+64 3) 353 7730  
christchurchairport.co.nz

For: Brigitte de Ronde

Dear Brigitte

## Potential plan change – special purpose (airport) zone

- 1 As discussed on 24 August 2102 circumstances have recently arisen which indicate that it is timely for Christchurch City Council (CCC) to consider a review of the current provisions of the Special Purpose (Airport) zone (*the SPAZ*).
- 2 As you are aware the City Plan currently provides for the SPAZ to enable the continued operation of Christchurch International Airport Limited (*CIAL*). We consider the concept of a special zone relating to activities which can occur on the airport and the outcomes that are anticipated from that special zoning is appropriate.
- 3 The practical difficulty is that the SPAZ as currently drafted is uncertain. There are no stated objectives, policies or environmental outcomes set out and there is simply a list of activities provided which do not reflect the activities which are carried out at a modern airport. Because of this *CIAL* can make an application for any non-complying activity, which has exactly the same effects as any of the matters set out in the list of activities and can expect to have that application granted non-notified.
- 4 At one level it is in *CIAL*'s interest to allow the situation to continue as our legal and planning advice is that most applications for resource consent for any activity should continue to be granted until a point is reached sometime in the future where the amount of land used for development begins to raise the possibility that there may be insufficient land available for core aeronautical activities. In the context of *CIAL*'s total landholdings of **996** hectares that point is obviously well into the future (833Ha freehold, 163Ha leasehold).
- 5 The flipside, however, is that *CIAL* is currently faced with the uncertainty of not knowing the point at which that threshold will be reached, it is difficult to engage in discussions with prospective tenants when the planning framework is uncertain and there are inefficiencies and delays in successive applications for resource consent applications.
- 6 In the most recent resource consent decision relating to a data storage facility Commissioner Mountfort noted in an addendum:



"It is becoming apparent to me that CIAL is treating the part of the Special Purpose Airport Zone as just another Business Zone and is prepared to allow a range of business activities to locate there which have no particular relationship with the airport greater than similar activities located elsewhere. In doing this it is ignoring the clearly expressed description of what the zone is for, as set out in provisions such as the rules, the zone description and reasons for rules. I note that almost all businesses probably make some use of the airport from time to time and this is not enough to bring them within the purpose and meaning of this zone. I have approved this application only because the area known as Dakota Park is such a small part of the airport itself, and an even smaller part of the business areas of Christchurch that it cannot possibly have a significant effect upon the integrity of the City Plan's Business Objectives and Policies. It is also relevant that there are no objectives and policies that directly relate to expectations for the zone. However at some point cumulative effects are going to become apparent. In my judgement that point has not been reached yet. It may well start to occur if CIAL starts to develop more of its site for business activities. I recommend that Council gives some consideration to this issue, and that these comments be forwarded to the Strategy and Planning Department of Council."

- 7 We therefore consider that the time has come for the issue to be squarely addressed and the SPAZ provisions to be redrafted to reflect a proper objective and policy framework and rules reflecting the range of activities which are enabled by a modern airport, so that there is certainty around activities that can and cannot take place on CIAL land and acknowledgment of the airport's critical role in the regional economy (particularly post earthquake) and its role in providing a part of the region's strategic transport infrastructure.
- 8 In parallel with the above CIAL is aware that CCC is progressing with its northwest area review. We understand that approximately 50 hectares of the 100 hectares which is subject to the Commissioner's PC1 decision is likely to be land zoned for business uses in the future and is shortly to be the subject of CCC initiated plan changes.
- 9 CIAL is naturally concerned that whilst it is in a situation where its own zoning is unsatisfactory in terms of its drafting CCC is promulgating a plan change to allow business activities to locate on or close to the airport boundary in Christchurch's northwest.
- 10 CIAL does not have any difficulty with business zoning in northwest Christchurch but it would be concerned if at the same time it is left with a quasi business zone, with uncertain provisions where any particular development needs to go through a non-complying resource consent process. This would create an unlevel playing field.
- 11 CIAL does not consider that CCC could, or should, proceed with zoning new business land in the northwest without at the same time properly considering a tidy up of the provisions of the existing SPAZ which is also a business zone in the northwest of Christchurch.
- 12 Accordingly we consider that prior to, or at the same time, as progressing the zoning of business land in the northwest area review process that it is appropriate for CCC to consider a review of the current provisions of the SPAZ to ensure that they are properly reflective of enabling the airport (in the modern sense of activities carried



out by other modern airports around the world), to function, grow and assist in the economic recovery of Canterbury.

- 13 As discussed if the CCC is prepared to consider this process ahead of, or in parallel with, the northwest area review CIAL is happy to assist the initial phases of this process by providing a first draft of updated SPAZ provisions for consideration by CCC officers.
- 14 We would welcome the opportunity to discuss further.

Yours sincerely



Rhys Boswell

**GENERAL MANAGER PLANNING & ENVIROMENT**