

25. 2. 2010

**REGULATORY AND PLANNING COMMITTEE  
4 FEBRUARY 2010**

**A meeting of the Regulatory and Planning Committee  
was held on Thursday 4 February 2010 at 9am**

**PRESENT:** Councillors Sue Wells (Chairperson), Helen Broughton, Sally Buck, Ngaire Button (retired at 10.50am and took no part in discussions or voting on items 4-9), Yani Johanson, Claudia Reid, Bob Shearing, Mike Wall and Chrissie Williams.

**IN ATTENDANCE:** Councillor Norm Withers

**APOLOGIES:** Nil.

The Committee reports that:

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

**1. PLAN CHANGE 5 LIVING G (AWATEA) AND PLAN CHANGE 61 GENERAL LIVING G**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI: 941-8281
<b>Officer responsible:</b>	Programme Manager, District Planning
<b>Author:</b>	Scott Blair

**PURPOSE OF REPORT**

1. This report discusses the Council initiated Plan Change 5 Living G (Awatea) and Plan Change 61 General Living G Objectives and Policies and seeks that they, and the associated Section 32 assessment, be accepted by the Council for public notification in March of 2010.

**EXECUTIVE SUMMARY**

2. Plan Change 5 seeks the rezoning of approximately 148 ha from Special Purpose (Awatea) to Living G Awatea and Business 7. The plan change also introduces additional urban design and amenity rules to the existing Business 7 zone in the Awatea block. Plan Change 61 introduces General Living G wide Objectives and Policies which reflect the Policy directives of Change 1 to the Regional Policy Statement (RPS) in regard to outline development plans as defined by commissioners decisions on Change 1 to the RPS.
3. The Council has the option of:
  - (a) Not resolving to notify both Plan Changes 5 or 61.
  - (b) Resolving to notify a modified Plan Change 5 and not Plan Change 61.
  - (c) Resolving to notify Plan Change 61 and not Plan Change 5 or
  - (d) Resolving to notify both Plan Change 5 and Plan Change 61.
4. The subject land is the land bounded by Wigram Airfield (Special Purpose (Wigram) Zone), Awatea Road, Wigram Road, Halswell Junction Road and Wilmers Road. The land is currently used for a wide spectrum of rural and business related activities including grazing, recycling (the "Owaka Pit"), chicken farming, the Royal New Zealand Society for the Prevention of Cruelty to Animals (RNZSPCA) facility on Wilmers Road, light industrial activity including a recently consented warehouse development on Wilmer's Road, the Meadow Mushrooms factory on Wilmers Road, a greyhound racing track, and the Carrs Road Kart Club. The proposed Plan Change and the Section 32 assessment are provided in **Attachment 1** (separately circulated), and the area of the plan change is shown as **Attachment 2** (separately circulated).

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5. The current zoning of the land is Special Purpose (Awatea) Zone, Rural 2, Open Space 3 and Business 7 as follows:
  - Special Purpose (Awatea) Zone covers the largest portion of the land. It stretches east from Wilmer's Road and south from Awatea Road to Wigram Road and Halswell Junction Road. This land is mostly in rural activity such as grazing.
  - The Rural 2 land is 'wedged' between Awatea Road Wigram Road and the Special Purpose (Wigram) zone. This land is mostly in grazing. The Heathcote River traverses the site. Some land on either side of the Heathcote River will be zoned Conservation 3.
  - The Open Space 3 land is the land on which the Carrs Road Kart Club and the greyhound track is located – it is completely surrounded by the Special Purpose (Awatea) Zone. This land will remain Open Space 3.
  - The Business 7 zone is land adjacent to Wilmers and Halswell Junction Road west and south of the Special Purpose (Awatea) Zone. This land contains the Meadow Mushrooms facility and the Owaka recycling facility. This land will remain in Business 7 zoning, however additional rules will be added to ensure a high amenity built outcome. Some additional land will be zoned Business 7. However the extent of this area depends upon whether the Kart Club remains or is relocated from the Open Space 3 zone.
  - The whole site is bisected by the designation for the Christchurch Southern Motorway. Construction of the motorway is to begin in 2010.
6. When the then Proposed City Plan was publicly notified in 1994 the Council received submissions from the Awatea Residents Association and other landowners seeking that the block be rezoned for urban development. However the Council determined that because of constraints on the site it could not be immediately rezoned and instead determined that the area should be zoned Special Purpose (Awatea) and that the Council would investigate and undertake a plan change that would allow the development of the land and the mitigation of the constraints preventing immediate development. The Special Purpose (Awatea) Zone is effectively a 'holding zone' in the City Plan that signals that the Council intends to rezone the land, subject to specific investigation and resolution of site specific issues. While the Special Purpose (Awatea) zone remains the Rural 2 zone rules apply to the land.
7. The Awatea Residents Association has been anxious to see progress with the rezoning of the land and recently applied to the Environment Court for an enforcement order to force the Council to rezone the land. While the Court declined the application it criticised the Council for not progressing the rezoning.
8. The Kart Club, while currently operating within City Plan parameters, creates a significant noise effect during practice and race days and has been subject to complaints from nearby residential development. The proposed plan change to be notified has been developed on the basis of the Kart Club being relocated. If the Kart Club cannot be relocated this plan change can be withdrawn or varied on the basis of the Kart Club remaining.
9. The proposed plan change will provide for 1300–1500 residential units in a range of densities. If the Kart Club remains, the number of units would reduce to 1000–1200. This generally equates with targets for residential development in the Urban Development Strategy and Change 1 to the Regional Policy statement of 1210 houses. The proposed plan change introduces:
  - An outline development plan for both the extended Business 7 and new Living G zones.
  - Transportation, open space, and stormwater network layer diagrams.
  - A new set of objectives and polices relating to the Living G zone and the urban design requirements.
  - A new set of rules requiring compliance with the outline development plan and layer diagrams.

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- A new set of rules introducing bulk and location controls, urban design requirements, and subdivision layout requirements.
10. The Living G (residential) component of the plan change introduces a new requirement in Living G for new building in the higher density area (Density Area A) to be subject to a restricted discretionary activity consent on urban design matters. This is very similar to the provisions of the recent Living 3/Living 4 plan change which is about to be publicly notified. New objectives and policies to support the outline development plan, layer diagrams and alignment with Change 1 to the Regional Policy Statement are introduced.
  11. Development within the Business 7 zone will be subject to new rules that require compliance with the corresponding outline development plan and layer diagrams and basic urban design requirements. These are to ensure a high standard of built outcome to match the built outcomes promoted by the South West Area Plan.
  12. Plan Change 61 has a number of General Living G objectives and policies in regard to the structure of Outline Development Plans in peripheral greenfield areas. There is a new objective in the peripheral urban growth objectives (6.3(b) that aligns the City Plan with Change 1 to the RPS as amended by the Commissioners decisions on Change 1. There is also a new Living Zone Objective 11.7 Comprehensive Greenfields Development and a number of supporting policies that relate to the structure of Outline Development Plans and the supporting layer diagrams that should accompany the outline development plan. These policies refer specifically to the structure of Living G as it has evolved in the City Plan to date and also reflect the Outline Development Plan policies 7 and 8 in Change 1 to the Regional Policy Statement. The proposed Plan Change is provided in **Attachment 1** ((separately circulated).
  13. These objectives and policies have been reviewed by District Planning Team members who are considering the Council's position in regard to appeals on the Commissioners decision on Change 1 to the RPS. There is an amendment to policy 10.3.2 Innovative Design that makes specific mention of good urban design outcomes in subdivision. This amendment is in support of the general resource consent for urban design on the Living G density provisions.
  14. There are links in the Plan Change 5 Objectives and Policies and rules (that are Living G Awatea specific) and Plan Change 61 Objectives and Policies that are more general to all Living G. In that sense the two plan changes are not mutually exclusive and Plan Change 5 in its current format could be not be publicly notified without Plan Change 61 as some of the assessment matters in Plan Change 5 are informed by Plan Change 61.
  15. Should the Council decide that they are not prepared to notify Plan Change 61 then the objectives and policies can be reformatted to be Living G Awatea specific - thus confining the scope to Awatea.
  16. The Section 32 report attached to this report is a combined Section 32 for Plan Change 5 and Plan Change 61. It also includes an analysis of evaluative environments for both the Kart Club relocated and Kart Club remaining.

**FINANCIAL IMPLICATIONS**

17. This plan change has a budget of \$107,000 in the current financial year to progress this plan change. As this is a Council initiated plan change the costs cannot be recovered from the benefiting landowners as they would be if this were a Private Plan Change application.
18. Should the Council elect to publicly notify Plan Change 5, which has been drafted on the basis of the Kart Club being relocated there are likely implications for future operational and capital expenditure in the Long Term Council Community Plan in terms of both relocating the Kart Club and redeveloping the Carrs Road reserve.

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

19. Refer to the preceding paragraph on Financial Implications.

**LEGAL CONSIDERATIONS**

20. There is a legal process of notification, submissions, reporting, hearings, decisions and possible appeals which must be followed set out in the RMA.
21. The process, mentioned above, is very familiar to the Council and should create no particular risks or liabilities if followed correctly.
22. Plan Change 61 refers and takes direction from Proposed Change 1 (PC1) to the RPS. PC1 is currently open to appeal and any appeals lodged are unlikely to be heard until September 2010 at the earliest.
23. It is therefore unlikely that PC1 will become operative until late 2011 (at the earliest). If any significant changes are made to policies 7 and 8 of PC1 through decisions of the Environment Court on appeals, then this will not necessarily make Plan Change 61 inconsistent with, or prevent it from giving effect to PC1. Policies 7 and 8 deal with issues of detail implementation rather than significant policy directions.
24. The reason Plan Change 61 is included at this point is to align with several current judicial processes and it appropriately has regard to PC1 in its current form. It is therefore not considered a legal or planning risk to include reference to and take direction from PC1 at this stage.
25. This matter has been discussed in detail with Mr. James Winchester, Legal Counsel, Simpson Grierson.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

26. Aligns with Activity Management Plan for 2009 – 2019 LTCCP – Activity 1.3 District Plan: Prioritised programme of plan changes is prepared and approved by the Council on an annual basis.

**ALIGNMENT WITH STRATEGIES**

27. Aligns with the South West Area Plan, Greater Christchurch Urban Development Strategy (UDS) and Proposed Change 1 to the Regional Policy Statement. The Awatea block is shown as an urban growth area in all of these strategies.

**CONSULTATION FULFILMENT**

28. Council has held two open days inviting landowners and surrounding landowners to discuss the Plan Change. There have also been two mail-outs to landowners and surrounding landowners detailing the proposed plan change as it has developed.
29. Andrea Lobb of Mahaanui Kurataiao Ltd (MKT) has been contacted for comments on the Plan Change. At the time of drafting no response had been received from MKT.
30. The Ministry for the Environment was provided a copy of the draft plan change by Council. At the time of drafting this report no response has been received.

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**STAFF RECOMMENDATION**

That the Council:

- (a) Adopt the Section 32 Assessment for Plan Changes 5 and Plan Change 61 General Living G Objectives and Policies.
- (b) Agree to notify Plan Change 5 Living G (Awatea) and Business 7 'Kart Club Relocated Option' and Plan Change 61 pursuant to the first schedule of the Resource Management Act 1991.

**COMMITTEE RECOMMENDATION**

That the Council:

- (a) Adopt the Section 32 Assessment for Plan Change 5.
- (b) Agree to publicly notify Plan Change 5 Living G (Awatea), Business 1 and 7 zones.
- (c) Note that Plan Change 61 will be considered by the Committee at its March meeting.
- (d) Note that staff will amend all relevant documentation where necessary to read "Carrs Road Kart Club".
- (e) Insert additional rule similar to Rule 18A.14(f) into matters for assessment for land use activities.

**BACKGROUND**

31. The zone description in the City Plan describes the Special Purpose (Awatea) zone as follows:

*The Council, in consultation with the affected land owners within and adjoining the zone, will work towards the notification of a Variation to give effect to a final zoning pattern, development plan and zoning pattern for the area.*

*The land within the zone contains a variety of rural land uses, the Carrs Road Raceway, several old quarry sites used for landfilling and some industrial activities. The zone straddles the watershed between the upper portions of the Heathcote and Halswell River Catchments. The Special Purpose (Awatea) Zone was created following the determination of submissions on the City Plan. It is an interim zoning pending the Variation, and in the meantime, the provisions of the Rural 2 zone rules shall continue to apply to most of the area. The Carrs Road speedway will remain zoned Open Space 3 with its zoning reviewed at the time of a future Variation. The final environmental outcomes for the Special Purpose zone will be determined as part of the Council's progress towards the Variation, which should be notified by 1 October 2001. While the Council has accepted that the area will be urbanised in principle, the details will be resolved through the variation.*

32. The zone description also lists a number of matters to be taken into account in determining environmental outcomes for the zone. These include:

- (a) The relocation of the Carrs Road Kart Club away from Awatea.
- (b) An acceptable means of addressing the volume and quality of stormwater discharges likely upon development of the zone and effects on the Halswell and Heathcote River catchments.
- (c) Impacts on the unconfined groundwater aquifers.
- (d) The identification of important natural values.
- (e) The identification of sites of significance to Tangata Whenua.
- (f) The identification and rehabilitation of any contaminated sites or former landfills.
- (g) The development of suitable rules and other methods to ensure that particular areas achieve a high standard of amenity.

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33. The variation was not developed within the specified time and the City Plan has now become operative. Any change to the City Plan to give effect to the Council's undertaking to produce a change to the plan must now be by way of plan change rather than variation. The delay in developing the plan change has been of considerable concern to landowners within the Awatea Block who have been waiting sometime for the plan change to proceed.
34. In the intervening period a number of other matters have arisen that shape the form and timing of the plan change, many of which address the issues identified in Special Purpose (Awatea) zone description:
- (a) The New Zealand Transport Agency (NZTA) has secured a designation and construction funding for the Christchurch Southern Motorway (CSM). The CSM bisects the site from North East to South West. Construction is expected to start in mid 2010.
  - (b) The South West Area Plan (SWAP) has been finalised. The SWAP shows the area as being used for urban purposes in the near future.
  - (c) Proposed Change 1 (PC1) to the Regional Policy Statement (RPS) has been publicly notified by Environment Canterbury and commissioners decisions were released in early December 2009. In the change the Awatea Block is expected to yield 870 residential units by 2016 and an additional 340 residential units by 2026 (for a total of 1210 residential units). PC1 has also introduced a requirement for larger growth areas to be controlled by an outline development plan within the applicable district plan.
  - (d) Environment Canterbury has publicly notified the Natural Resources Regional Plan. The subject site is in ground water recharge area 1A.
  - (e) An investigation has started into the viability of and resources needed to relocate the Carrs Road Kart Club to a rural setting more conducive to activities like karting.
  - (f) Following on from the SWAP, the Council has applied for resource consents from Environment Canterbury for the Integrated Catchment Management Plan to comprehensively manage stormwater in the southwest of the City. The application has been publicly notified and Council officers are mediating with Environment Canterbury officers in a bid to resolve issues between the Council's in relation to conditions to be placed on the consent. However, it is expected that the consent process will be resolved before development under this plan change can commence (currently expected to be 2016/17). The Council has a land acquisition program in the LTCCP to acquire land needed for the stormwater system.
  - (g) The Council has programmed sanitary sewer capital works in the LTCCP that will provide capacity in the sewer system for discharges from the block. However, that sewer capacity is not expected to be available until 2016.

Consultation

35. Extensive consultation was undertaken as part of the SWAP programme. Phase 1 consultation for SWAP identified a number of 'landowner groups' comprising of landowners within a sub-project area. The Awatea block was identified as being a specific 'landowner group' area. To date the Council consulted this landowner group at each key step in the development of the SWAP. This informed the Plan Change.
36. In addition, the Council specifically consulted on this Plan Change. The Council consulted with members of the Awatea Residents' Association which also assisted in the co-ordination and distribution of information about the Plan Change. On a number of occasions feedback and comment was sought from the Awatea 'landowners group' and the Awatea Residents' Association on a range of land use proposals for the Awatea block. This information formed the basis for the development of a final zoning proposal. In addition, a 'drop in' public day was held

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with Council staff available to answer questions. As a result of feedback and responses received, further refinements were made to the zoning pattern and layout and location of key infrastructure components. This further refined zoning proposal was sent to the Awatea residents in August 2008 for further feedback and an additional 'drop in' public day was held on 11 September 2009 to answer questions.

37. As a 66 kilovolt overhead transmission line runs through the block, feedback from Orion New Zealand Limited was also sought. While neither supporting nor opposing the proposed zoning pattern, they point out the need for suitable clearances from the overhead line be incorporated in any plan change for this area.
38. Council has had ongoing discussions with representatives of Ngāi Tahu/TRONT in the promulgation of the Plan Change. Te Ngāi Tuahuriri Resource Management Committee considered the proposal and report that they have no concerns with the Plan Change provided stormwater issues are satisfactorily addressed. Council staff continue to liaise with Ngāi Tahu through Mahaanui Kurataiao Limited (MKT) seeking their comment on all stages of zoning pattern development. MKT acknowledged receipt of the latest material on 22 September 2009.
39. The Canterbury Regional Council was also directly consulted. While acknowledging a high degree of consistency with PC1 to the RPS, the Canterbury Regional Council sought that:
  - (a) Due consideration is given to the zoning pattern for Carrs Reserve.
  - (b) Provision is made for passenger transport and cycling/walking.
  - (c) Consideration is given to urban consolidation issues.
  - (d) Reverse sensitivity issues are suitably addressed and the Council develop an integrated catchment management plan for the South West area of Christchurch.
40. The New Zealand Transport Authority was also consulted. It did not express any immediate concerns with the Plan Change provided reverse sensitivity issues pertaining to noise and the southern motorway were suitably addressed and adequate provision made to ensure connectivity routes are provided for cycle and pedestrian access along and across the Christchurch southern motorway.
41. A copy of the proposed zoning pattern and draft provisions has been sent to the Ministry for the Environment for comment in October 2009. At the time of drafting this report no response had been received from the Ministry.

#### Proposed Natural Resources Regional Plan

42. The Awatea block is located on an unconfined aquifer providing high quality drinking water to the people of Christchurch. In recognition of the importance and value of high quality drinking water to the City, the impact of any likely land uses on unconfined aquifers is identified in the City Plan as an important matter for consideration at time of rezoning.
43. Through the Proposed Natural Resources Regional Plan (PNRRP), the Canterbury Regional Council also recognises the importance and significance of managing land uses on unconfined aquifers. Variation 6 to Chapter 4 of the PNRRP introduced a new issue, objective, policies and methods, including land use rules and amendments to the existing water quality zone boundaries, relating specifically to the Christchurch Aquifer System. Of particular relevance is Policy WQL19(2) that reads as follows:

Policy WQL19(2): Control of existing and future urban development within Christchurch Groundwater Protection Sub-Zone 1A and Zone 2 reads as follows:

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- (2) *Enable the City of Christchurch to develop for urban purposes within Christchurch Groundwater Protection Sub-Zone 1A on:*
- (a) *land yet to be developed for urban purposes but which is zoned for such purposes in the City of Christchurch District Plan on 1 August 2007; or*
  - (b) *land yet to be zoned for urban purposes within City of Christchurch District Plan but which is within the urban limits identified in the Canterbury Regional Policy Statement.*

44. The policy makes provision for a limited amount of urban growth in selected areas of land with high intrinsic hydrogeological vulnerability. The Awatea block is located within the Christchurch Groundwater Protection Sub-Zone 1A. The rezoning of this block of land for urban purposes is consistent with the relevant policy in the PNRRP with regards to groundwater protection. In addition, the use and storage of hazardous substances within the Awatea block will be subject to a higher degree of control to further minimise the potential risk of ground water contamination.

Delivery of Sewer – Long Term Council Community Plan

45. 2009-2019 LTCCP shows that sewer for Awatea will not be developed until 2016 and until this infrastructure is developed there will be no capacity in the sewer network to accommodate discharges from the Awatea block.
46. Accordingly, the plan change attached to this report has development within the block prior to provision of the sewer a non-complying activity. There are supporting policies within the plan change for the non-complying activity status.

Carrs Road Go-Kart Club

47. The Carrs Road Go-Kart Club (Kart Club) has a long term lease on the Carrs Road Reserve. Investigations as part of the development of the SWAP show that there will be significant noise amenity effects on any residential development established adjacent to the Club, thus limiting the ability to establish residential units directly adjacent to the reserve. On this basis SWAP indicates that unless the Kart Club can be relocated, the surrounding land can only be developed for dry light industrial activity, for example warehousing. SWAP does however acknowledge that should the Kart Club be relocated, then residential activity can established around the Carrs Road reserve. PC1 to the RPS shows the land around the reserve as being developed for residential purposes.
48. Council staff have been investigating an opportunity to relocate the Kart Club from the Awatea block to a better permanent home away from Awatea. Relocation of the Kart Club would release the Open Space 3 land for a better long term use that is more compatible with an urban environment and open space objectives. The mechanics of relocating the Kart Club are matters that need to be worked through with the Council, the Kart Club and owners of alternative land.
49. It is recognised however that there is no certainty around the removal of the Kart Club. Accordingly residential development around the Carrs Road reserve prior to the removal of the Kart Club is a non-complying activity. There are supporting policies within the plan change for the non-complying activity status. Further, given that the development of the block prior to provision of the sewer in 2016 is limited, the Council will have until the conclusion of the 2011/12 financial year to determine viability or relocating the Kart Club. If it is found that the relocation is unviable the Council will have four years (between 2012 and 2016) to consider a further rezoning of the area around the Kart Club.

The structure of the Living G (Awatea) zone and General Living G Objectives and Policies provisions in these plan changes.



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50. Living G (Awatea) rules follow the general layout and methodology of the existing Living G (Masham) zone. There are however some further developments which are outlined here.
51. On 11 April 2008 the Environment Court released an interim decision on the Belfast Section 293 application. In that decision the Court made directions as to how the Living G rules package for the Belfast 293 were to be amended. Amongst others the Court made two significant amendments. The first, that all subdivision activity were to be a restricted discretionary activity with the Council's discretion restricted to compliance with the outline development plan and the supporting layer diagrams. The second, that the 'Aims and Principles' and 'key structural elements' written material that sat with the layer diagrams and the outline development plan would become objectives and policies within the City Plan.
52. It is considered that these directions from the Court are necessary and welcome amendments and have been brought into the attached plan change packages.
53. Further, the Commissioner's decision for Change 1 to the RPS was released in December 2009. Over the course of developing Plan Change 5 over the last two years officers have been cognisant of Policies 7 and 8 of Change 1. These refer to the matters that the Council has to ensure are addressed in Plan Changes for Greenfield areas. The new Living G policies in both plan changes are a further reflection of Policies 7 and 8 of Change 1. Commissioner's decision for Change 1 has been reviewed in the context of these Plan Change 5 and Plan Change 61 policies. Comment has been sought from Officers reviewing the commissioner's decision and drafting the Council's appeal (if any) to the Change 1 RPS decisions.
54. The two plan changes have been drafted together and there are links from Plan Change 5 to Objectives and Policies in Plan Change 61. The changes directed by the Environment Court in the interim Decision of the Belfast Section 293 in terms of Policy support for the ODP and layer diagrams have been set out between Plan Change 5 and Plan Change 61. Should the Councillors elect to not publicly notify Plan Change 5 (Awatea) it is recommended that Plan Change 61 also not be publicly notified. If the Councillors elect to publicly notify Plan Change 5 but not Plan Change 61 then the objectives and policies that are in Plan Change 61 should be brought into Plan Change 5, but redrafted so that they are specific to Living G (Awatea) and do not affect other Living G zones, existing or proposed.
55. It is however recommended that the policy format in these two plan changes given the aforementioned directions of the Environment Court and Change 1 to the RPS be pursued for all Living G in the future. Plan Change 61 is seen as an opportunity to align Living G in general with the directions of the Environment Court and Change 1 to the RPS. It is also noted that later in 2010 an officer of the Council (probably Scott Blair) will be presenting evidence to the Environment Court on format of the Objectives and Policies in the Belfast Section 293 case. Mr Blair envisages the rules package in that evidence aligning with these two plan changes.
56. The number of disparate statutory processes involving Living G either before the Environment Court, Council initiated plan changes or private plan changes is concerning as there is the potential for these processes to arrive at different outcomes leading to an unnecessarily complex District Plan. Now that Change 1 to the RPS is significantly along in its own statutory process Policies 7 and 8 of that Change can provide framework for consistency through Plan Change 61 (see earlier discussion on legal considerations).
57. Accordingly, in light of the above discussion, in the attached packages:
- (a) All subdivision activities are restricted discretionary activities to be measured against assessment criteria; previously subdivision would be a controlled activity.
  - (b) An extensive range of objectives and policies have been introduced. Some of these objectives and policies take direction from PC 1 to the RPS in relation to outline development plans. Some policies are Awatea specific and relate to the constraints to development and the desired outcomes for development within that block.

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58. The area of Living G will be 130 hectares and contain 1300–1500 residential units.
59. The attached rules package also introduces a general resource consent requirement for new buildings in the Business 7 area and Density A area of the Living G area as a restricted discretionary activity. Density A is the highest density of three densities of development south in Living G. Generally these are high, medium and low densities. There are a number of new assessment criteria on amenity urban design outcomes. The Density A assessment criteria have been developed from the concurrent Living 3 and 4 plan change shortly to be publicly notified. They have been refined and changed to be Density A Greenfield development specific. The Living 3 and Living 4 technical report on urban design has been reviewed for its relevance to Density A development in Living G. Mr Elvines of Response Planning and Council staff have found that while the Living 3 and Living 4 plan change is concerned about the urban design and amenity resulting from the retrofit of existing high density areas, many of the design outcomes sought in that plan change are equally as applicable to Density A in Greenfield areas. These are concepts such as:
- (a) Visual dominance
  - (b) Appropriate fencing on frontages and adjacent to public open space
  - (c) Visual interest
  - (d) Appropriate landscaping
  - (e) Crime Prevention Through Environmental Design (CPTED)
  - (f) Legibility and Orientation
  - (g) Outlook, and
  - (h) Car parking and accessways.
60. Living G deals well with macro urban design issues such as location of areas, densities, open space, transport modes, drainage, and connectivity. This plan change takes urban design in Greenfield areas a little further to look more comprehensively at the actual form of Density A buildings themselves. Living G to date has relied on a number of limited bulk and location controls in relating to orientation of buildings to the street and location of garages and width of garage doors.
61. Most Density A housing is expected to be duplex or terraced. Subdivision allotment layout controls and assessment matters will help to ensure that the 'sausage block' development that exemplifies the worst of the current development in Living 3 and 4 will not be easy to develop. Notwithstanding these controls in the Awatea package (including the basic urban design bulk and location controls), there is still the significant potential for individual buildings with poor urban design and layout amenity (including outdoor living and storage areas) to be built on Density A (a density that equates to Living 3 and 4).

Business 7 Zone

62. The existing Business 7 zone was a zone created by decision of the Environment Court on appeals to the City Plan. The controls on the Meadow Mushrooms site are essentially Business 5 with additions. The rest of the Business 7 area, including the Owaka pit contained the equivalent of Business 4 rules.
63. The new rules in the attached packages introduce a requirement to comply with the outline development plan and layer diagrams for the area. The new rules also introduce a restricted discretionary activity resource consent for design and appearance of buildings, fencing, parking and storage. The existing Business 4 zone rules in the City Plan produce a variable quality in design and appearance of buildings. To some degree the quality of the appearance of buildings (which will be mostly warehousing and offices in Awatea) has been at the whim of the developer. The plan change has taken it's steer from the SWAP and the SWAP Phase 1 report on urban design outcomes. Objective 9.8 of the SWAP states:

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Create high-quality industrial areas through:

- *The consideration of the core functional requirements of businesses in the layout and location of roads, accesses, cycleways, footpaths, parking, sections, public open space, and ancillary services.*
- *High-quality building design through architectural treatment of main elevations.*
- *Active rooms positioned to the street to maximise passive surveillance.*
- *Planting trees of a species, height and calibre to achieve a high quality landscape outcome and mitigate the adverse visual effects and scale of business activities.*
- *Planting complementary tree species consistently along the street and within the frontage area of private properties.*
- *Positioning security fencing to reduce the dominance on the streetscape and avoid compromising landscape areas.*
- *Landscaping features that reflect the local cultural context and area character.*
- *Landscaping in preference to sealed surfaces and solid fencing and walls along road boundaries.*
- *Providing public space for workers and visitors.*
- *The design of signage to integrate with architectural details of buildings, remain consistent with the scale of buildings, and maintain an overall design continuity.*

64. These have formed a starting point for assessment matters for the restricted discretionary activity.

The South West Area Plan

65. The South West Area Plan specifies desired goals for development of the South West. There is a high degree of correlation between the plan change and the relevant goals:

**Goal 1: Provide a high quality naturalised water environment connected across the South West.**

The plan change introduces a blue network layer diagram and objectives and policies that link to the Council's integrated catchment management plan (ICMP) for the south west. The stormwater areas shown on the blue network layer diagram have been designed and specified by Council staff responsible for delivering the ICMP.

**Goal 2: Establish a variety of indigenous forest and wetland habitats, connected by ecological corridors.**

Landscaping within the stormwater management areas will be in accordance with the ICMP for the southwest, the ICMP has a high correlation with this goal.

**Goal 3: Incorporate local landscape features into urban development and public open space to maintain landscape character.**

Given its flat topography, Awatea has very limited landscape features. However features such as the southern motorway, Heathcote River and the Waka trail have been incorporated into the ODP.

**Goal 4: Develop a diverse connected and attractive public open space network that encourages use and enjoyment.**

These will be delivered through compliance with the green, blue, and Tangata Whenua network layer diagrams and objectives and policies .

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**Goal 5: Actively protect and restore values significant to Tangata Whenua, both historic and contemporary.**

This will be delivered through the blue network layer diagram and the Tangata Whenua layer diagram. In particular the Tangata Whenua layer diagram provides for the traditional waka trail, linked with a significant habitat corridor and traditional headwaters.

**Goal 6: Conserve and protect European and other emerging cultural and heritage values.**

Consideration was given to these values during the development of the plan change. The city plan does not note any specific European heritage features.

**Goal 7: Create safe and well-designed residential neighbourhoods providing quality housing and a variety of housing choice.**

The Living G package in general is designed to deliver this. A range of housing densities are to be delivered from higher to medium to lower densities. It is noted specifically however that all new buildings are to be a restricted discretionary activity with the Council's discretion restricted to urban design and amenity criteria. The criteria have been developed and amended from the Living 3 and 4 Plan Change. While the Living 3 and 4 Plan Change is specifically for infill development, the provisions have been reviewed and amended specifically for residential housing in Greenfield areas.

**Goal 8: Support communities with a range of accessible facilities and services and encourage social interaction and healthy lifestyles.**

Some community facilities will be available in the small Business 1 area on Awatea Road. Healthy lifestyles will be encouraged and enabled through the walking, cycling and open space areas provided through the outline development plan.

**Goal 9: Provide business environments that are resource efficient, diverse and support the local economy and community.**

Provision has been made for local convenience retail and community facilities adjacent to Awatea Road through an area in which amended Business 1 rules will apply. A large area adjacent to the existing Meadow Mushrooms factory, including the Owaka recycling pit will be retained as Business 7 or rezoned as Business 7. The Business 7 zoning will be a dry industrial zoning which encourages activities such as warehousing. The activities will be 'dry' because of the ground water recharge issues and the NRRP discussed above.

New buildings in these areas will be a restricted discretionary activity with the Council's discretion restricted to assessment criteria that have been developed from the South West Area Plan – specifically Objective 9.8.

**Goal 11: Provide a transportation system that gives priority to active and energy-efficient ways of travel and minimises its effects on the environment.**

The plan change introduces transportation network layer diagrams. Provision is made for multiple modes of transportation including, walking, cycling, public transport, private car and heavy goods vehicles. The network has been designed to give equal opportunity for all modes of the transport to enable viable choice between motor vehicles, pedestrians and cycle travel within and outside the development.

1 Cont'd

**Goal 12: Co-ordinate incremental subdivision and building development with the provision of resource efficient infrastructure.**

As noted above the outline development plan and layer diagrams are structured to a degree around the blue network and the integrated catchment management plan. Further the land cannot be developed until there is sewer available. This will be achieved by making development prior to the arrival of the sewer a non complying activity. Objectives and policies have been introduced to support the non complying activity status.

**THE OBJECTIVES**

66. To publicly notify the attached Plan Change 5 for the rezoning of Special Purpose Awatea Zone (125 ha) to Living G (Awatea), and Business 7 and the rezoning of Rural 2 zoned land (25 ha) to Living G (Awatea) and Conservation 3 zone. Additional rules for urban design and appearance in the Business 7 zone are to be introduced.

**THE OPTIONS**

67. **Option 1**

Adopt the Section 32 Assessment for Plan Changes 5 and 61 and agree to notify Plan Change 5 Living G (Awatea) and Business 7 'Kart Club Relocating Option' pursuant to the first schedule of the Resource Management Act 1991.

68. **Option 2**

Decline the request to publicly notify the attached Plan Change 5 and Plan Change 61 at this stage.

69. **Option 3**

Decline the request to publicly notify the attached Plan Change 61 at this stage but direct Officers to amend the attached Plan Change 5 and section 32 by bringing the redrafted Objectives and Policies of Plan Change 61 into Plan Change 5 so that those policies are specific to the Living G (Awatea) Zone and adopt the modified Plan Change 5 for public notification

**THE PREFERRED OPTION**

70. Option 1 is the preferred option. This will enable the Council to progress a long standing undertaking to rezone the Special Purpose (Awatea) Zone and provide a framework in the City Plan for policy consistency across the Living G zones.

## 2. PLAN CHANGE 24 – WIGRAM

<b>General Manager responsible:</b>	General Manager Strategy and Planning DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	Scott Blair

**PURPOSE OF REPORT**

1. This report discusses Plan Change 24 Wigram and seeks a decision by the Council as to whether it will accept, adopt, reject or treat as a resource consent application a private plan change application, Plan Change 24, by Ngāi Tahu Property Limited (NPL). It is the intention to publicly notify the plan change, depending on Councils decision, in March 2010.

**EXECUTIVE SUMMARY**

2. The plan change seeks the rezoning of Special Purpose (Wigram) Zone (approximately 153ha) to Living G (Wigram) Zone (120.7ha), Business 4 Zone (24.9ha), Conservation 3 Zone (8.1 ha) and Business 5 Zone (0.4 ha as part of a split zone boundary adjustment at 45, 57, and 63 Pilkington Way). A copy of the plan change is attached as **Attachment 1** (separately circulated). The area of the plan change is shown on **Attachment 3** (separately circulated).
3. The process that the Council must follow in respect to private plan changes are set out in Clauses 21–29 of the First Schedule to the Resource Management Act 1991 (RMA). In particular clause 25 requires that the Council must consider the request and make a decision as to either:
  - (a) Accept the request, in whole or in part, and proceed to notify the request, or part of the request.
  - (b) Adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself.
  - (c) The local authority may reject the request in whole or in part.
  - (d) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 6 shall apply accordingly.
4. The implications of the options under Clause 25 are:

**4.1 Accept the application, proceed to publicly notify and decide the application at the expense of the applicant:**

- 4.1.1. Under this scenario the private plan change is notified in the form prepared by the applicant. The Council processes the plan change proposal but the applicant bears all of the costs of notification. Accepting the plan change proposal means:
  - (i) the applicant decides what is notified and if changes to the proposal are considered necessary it is likely the Council will need to make a submission in opposition to the plan change.
  - (ii) implies the Council is taking a neutral position in the proposal. The public should perceive that the Council neither supports or opposes the proposal
  - (iii) implies the applicants will bear the cost of the complete plan change process (including costs associated with the resolution of appeals).
- 4.1.2. Note that on 18 August 2004 the Council signed an agreement with NPL that the Council would undertake a section 32 assessment and plan change for the rezoning of the Wigram Airfield. A copy of the agreement is attached as **Attachment 2** (separately circulated). In the spirit of this agreement it has been agreed with NPL that District Planning would not charge its costs up until the point where the Council made a decision as to acceptance, adoption or rejection of the plan change.

**2 Cont'd**

4.1.3. There are potential issues the Council may wish to make a submission on given the current wording of the proposed private plan change. These issues are discussed in the background section of this report.

**4.2 Adopt the change as its own and assume the responsibility for putting it through the process outlined in the RMA including all costs.**

4.2.1. Under this scenario the plan change becomes a Council led plan change. It is notified, heard and decided the same way as plan change prepared by the Council. The Council bears all of the associated costs. Adopting the plan change proposal would mean:

- (i) The Council can control the proposal that is publicly notified
- (ii) It can be interpreted that the Council generally supports the proposal
- (iii) The Council bears the costs of managing and processing the plan change.
- (iv) The proposed plan change must be taken into consideration in the processing of any resource consent ie it holds some legal weight from time notification.

4.2.2. In regard to point 4.2.1(iii), there is the potential that more officer time and Council financial resources are spent in the plan change adoption process than in the accepted process. If the Council is concerned about significant aspects of the proposal, this would not be an appropriate course of action. Alternatively if the Council does wish to adopt the plan change further work could need to be undertaken by the Council to amend the plan change to its satisfaction. However NPL as the applicant may have problems with this approach.

4.2.3. Adoption of the plan change by the Council has some advantages to NPL. There are the obvious financial implications for NPL of the Council assuming the costs of the statutory process and the support of the Council for the plan change (now being Council's own plan change) during the statutory process.

**4.3 Reject the application.**

4.3.1. There are very limited grounds in the Act for rejecting an application. A Plan change can be rejected if:

- It is frivolous or vexatious.
- The substance of the change has been dealt with by the Council or the Environment Court in the last two years.
- The change is not in accordance with sound resource management practice.
- The change would make the District Plan inconsistent with Part V of the Act (other policies or plans, such as Regional Policies or Plans).
- The District Plan has not been operative for more than two years.

4.3.2. This privately requested plan change cannot be said to be frivolous or vexatious. Officers and representatives of Ngai Tahu Property Limited have worked co-operatively on the rules package and format for the plan change and it is considered to be in accordance with sound resource management practice. The differences or concerns set out in paragraphs 19 and 20 of this report are not considered to be sufficient reason to reject the application. The plan change is largely in accordance with the South West Area Plan and is an important growth area in the UDS and Change 1 to the RPS.

4.3.3. Decisions have been released on Change 1 to the Regional Policy Statement. If processed through to the point where it is operative the plan change will not create an inconsistency with the Regional Policy statement and other plans.

2 Cont'd

4.3.4. The City Plan has been operative for more than two years. Therefore this cannot be considered as grounds to reject the application.

**4.4 Treat the plan change as a resource consent.**

4.4.1. It would not be appropriate to treat this plan change as a resource consent as Ngai Tahu are seeking to set up a framework in which the area will be developed, and under which activities will be permitted or consents will be applied for. A resource consent is more appropriate to a specific proposal with a much finer grain of detail. In addition a resource consent can be limited in its flexibility and in this situation would require constant amendment. Given the complexity of the proposal and need for some flexibility a resource consent is not considered to be appropriate.

**FINANCIAL IMPLICATIONS**

5. This plan change has a budget of \$103,000 in the current financial year for its progression. As this is a privately initiated plan change the costs of processing the plan change can be recovered from the applicants. However, on 18 August 2004 the Council signed an agreement with NPL that the Council would undertake a section 32 assessment for the rezoning of the Wigram Airfield. A copy of the agreement is attached as **Attachment 2** (separately circulated). In the spirit of this agreement it has been agreed with NPL that District Planning would not charge its costs up until the point where the Council made a decision as to acceptance, adoption or rejection of the plan change.
6. Should the Council resolve to adopt the plan change as its own then the processing costs would lie with the Council. There is sufficient funding in this financial year to progress this option. The processing costs involve (i) public notification costs, (ii) Council administrative time, (iii) Officer report writing time (including specialist input as needed to respond to issues raised in submissions), (iv) hearing panel time, (v) decision writing time, (vi) notification of decisions. Items (iv), (v), and (vi) are unlikely to fall within this financial year. A best estimate of these costs at this stage is a total of \$50,000.00 - \$60,000.00.
7. Future amendment to the developer contributions (DCs) policy in the Long Term Council Community Plan (LTCCP) may be required to match DCs with the amount of open space shown in the master plan for the development.

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

8. Yes.

**LEGAL CONSIDERATIONS**

9. There is a legal process of notification, submissions, reporting, hearings, decisions and possible appeals which must be followed set out in the RMA.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. Aligns with Activity Management Plan for 2009 – 2019 LTCCP – Activity 1.3 District Plan: Prioritised programme of plan changes is prepared and approved by the Council on an annual basis.
11. Aligns with – A prioritised work programme, matched to staff capacity and availability, to be presented for Council approval annually by 30 June of the following financial year.



**2 Cont'd**

**ALIGNMENT WITH STRATEGIES**

12. Aligns with the South West Area Plan (SWAP) and Proposed Change 1 to the Regional Policy Statement. The Wigram block is shown as an urban growth area in both of these strategies.

**CONSULTATION FULFILMENT**

13. Extensive consultation on the rezoning of the area was undertaken as part of the SWAP programme. NPL have presented the proposed plan change to the Riccarton/Wigram Community Board twice – the most recent in November of 2009. NPL and the District Planning Team held a combined consultation afternoon at Wigram on 14 October 2009 following a mail out to approximately 850 surrounding property owners and occupiers inviting feedback on the proposed rezoning. The information afternoon was very well attended with an estimated excess of one hundred people attending. Attendees could ask questions of the NPL and District Planning representatives about the proposal. Written feedback was invited but to date District Planning has received few replies. Replies received have sought clarification and have not expressed any particular significant concerns.
14. On 12 February 2009 Mahaanui Kurataiao Limited (MKT) wrote to NPL to say that nga Rununga were satisfied with the level of consultation that NPL has undertaken with them. MKT represent Te Ngati Tuahuriri Rununga, Te Taumutu Rununga and Te Hapu o Ngati Wheke (Rapaki) Rununga. Outside of the above it is not known if NPL have consulted other parties such as the Ministry of Environment (M.F.E). It is noted however that pursuant to the third Clause of the First Schedule of the RMA the requirement to consult Ministers of the Crown and other Local Authorities is one that falls on the Territorial Authority if a plan change by a local authority is being prepared.

**STAFF RECOMMENDATION**

That the Council:

- (a) Accept the Section 32 Assessment for the Plan Change.
- (b) Accept Plan Change 24 for public notification pursuant to Clause 25(2)(b) of the First Schedule of the Resource Management Act 1991.

**COMMITTEE RECOMMENDATION**

Councillor Broughton moved, seconded by Councillor Buck:

*That the Council:*

- (a) *Accept the Section 32 Assessment for the Plan Change.*
- (b) *Accept Plan Change 24 for public notification pursuant to Clause 25(2)(b) of the First Schedule of the Resource Management Act 1991.*
- (c) *Note that all associated costs will be borne by the applicant.*

Councillor Shearing moved by way of amendment:

*That the Council:*

- (a) *Adopt the Section 32 Assessment for the Plan Change.*
- (b) *Adopt Plan Change 24 for public notification pursuant to Clause 25(2)(a) of the First Schedule of the Resource Management Act 1991.*

The amendment was seconded by Councillor Wall and when put to the meeting was declared **lost**.

The motion was then put to the meeting was declared **carried**.

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**BACKGROUND**

15. The Council has received the attached Plan Change 24 for the rezoning of Special Purpose Wigram Zone (approximately 153ha) to Living G (Wigram) Zone (120.7ha), Business 4 Zone (24.9ha), Conservation 3 Zone (8.11 ha) and Business 5 Zone (0.4 ha as part of a split zone boundary adjustment at 45, 57, and 63 Pilkington Way).
16. In August of 2004 the Council resolved a reference (appeal to the Environment Court) by NPL against decisions on submissions the Council had made on provisions in the Special Purpose Wigram Zone when it was publicly notified. The nature of those references are set out in Paragraph 2 of Attachment 2. The resolution of the reference was by consent order from the Environment Court and a 'side agreement' signed by the Council and Ngāi Tahu Property Limited. A side agreement was used because much of what NPL sought was outside the 'scope' of their submissions.
17. Paragraphs 8 and 9 of the side agreement (**Attachment 2** separately circulated)) set out the undertakings that the Council gave as their part of the agreement. The Council has not undertaken a section 32 in accordance with the undertakings because NPL have taken longer than expected to progress their master plan (see paragraph 5 of Attachment 2) and Officer resources have been directed towards completion of the South West Area Plan and Plan Change 12 which has enabled the first stage of the Wigram development to commence.
18. Having completed their master plan NPL have now elected to advance the rezoning of the Wigram block by way of a Private Plan Change application.

The structure of the zone provisions in this plan change

19. The residential component of the plan change is based on the Living G methodology and is closely aligned with the Awatea Plan change methodology. However it is considered that the plan change also needs additional controls or changes in the form of:
  - A limit on the floor area in the commercial area.
  - Changes to the height limit in the Special Building Height Area.
  - Design and appearance controls.
  - Non complying activity status for development prior to arrival of sewer.
  - Deletion of the smaller neighbourhood parks from the green network layer diagram.
20. The Business 4 component of the plan change utilises the existing Business 4 provisions in the City Plan. However it is considered that the plan change also needs additional controls in the form of:
  - More restrictive hazardous substances controls
  - Design and appearance controls.
21. The attached plan change is the current intended package for notification in early March 2010. However it is acknowledged that Officers, and consultants for NPL are continuing to review the package over the month of January – further development progress may be made on the matters set out in paragraphs 19 and 20 in this time. At the time of consideration of this report by the Committee, staff will have held a workshop with the Committee to explain the provisions (expected to be 1 February 2010). Any further refinements will be reported at this time.
22. The Conservation 3 zoning is on a portion of the land that the Council has acquired from NPL as part of the Integrated Catchment Management Plan (ICMP) for the South West. The land is being developed as part of works to give effect to the first residential subdivision of Plan Change 12. (The portion of land being developed for residential use was rezoned as a part of Plan Change 12).

## 2 Cont'd

A Limit on the Commercial Floor Area and Special Building Height Area Height

23. NPL have produced a retail assessment that indicates that the area can sustain a maximum retail floor area of about 4000 square metres. This is about the floor area that District Planning (through work by Property Economics Limited) has estimated that the area can sustain. There are however no controls on the amount of floor area achievable in the plan change area. NPL argue that the other controls within the rules package will limit the achievable floor area. Officers consider that, especially with the baseline created by a 32 metre height limit (see next paragraph), there is no certainty that the floor area would indeed be limited to a sustainable area. Officers seek a rule limiting floor area as a permitted activity to the 4000 square metres.
24. NPL propose a 32 metre height limit within the Special Building Height Area. NPL's rationale for the 32 metre height limit is that they may wish to construct one to two apartment buildings in the town centre. This will help them to achieve the density targets in Proposed Change 1 to the RPS. Officers are concerned about the extent of the Special Building Height Area being some three hectares and the height limit itself. NPL say the extent of the area is to provide flexibility in the location of the buildings. Officers are concerned about the permitted baseline that would be enabled by the current provisions which is far in excess of that needed to enable one to two apartment buildings.

Open Space Requirements – bridging the gap between design and the LTCCP.

25. Open space is an integral part of the urban design within the NPL master plan for this development. There is however a conflict between the urban design driven distribution and size of open space in the master plan and the Council's Draft Public Open Space Strategy (POSS) 2010–2040 and what is achievable under the current DCs policy of the LTCCP. The POSS for Greenfield areas advocates in terms of neighbourhood parks:
- *All residents should have access to Neighbourhood Parks within approximately 400 metres. (emphasis added)*
  - *Neighbourhood parks sited adjoining Urban Malls and in activity centres.*
  - *New parks to have not less than 50% of their perimeter as street frontage and or publicly accessible surface waterway.*
  - *All parks shall conform to Crime Prevention Through Environmental Design principles (CPTED).*

The neighbourhood parks meet nearly all of these. They do not however adjoin urban malls or activity centres. Their location has been chosen to service the areas of medium and high density housing. This conflict is not considered to be significant.

26. There is a more significant conflict between the provision of smaller parks on the master plan and the POSS (described as local parks). The POSS does not require small sized open spaces in Greenfield areas and describes them as *not applicable*. A small sized open space is also described as *of varying size generally less than 1000m<sup>2</sup>*. NPL are proposing six parks of 2000m<sup>2</sup> distributed around the development area. Generally these parks are co-located with higher density areas (although there are two located adjacent to medium density).
27. It is a generally accepted principle of good urban design that higher density areas are co-located within convenient and easy walking access to at least one of the following:
- *Open space as recreation and amenity compensation for reduced open space on site.*
  - *Convenient access to public transport.*
  - *Convenient access to shopping and other services.*

This is reflected in the POSS for the central city and urban intensification areas where densities are higher and pocket parks are encouraged. The POSS has, perhaps, not factored or allowed for a new paradigm of mixed densities, including pockets of higher density, within Greenfield growth areas. Living G will continue to have a mix of densities including higher density.

**2 Cont'd**

28. The 'walkability' standard that has previously been applied to Living G through the Masham and Belfast Environment Court cases in evidence from both Council and applicant witnesses is that for higher density areas open space be located within 200 metres as opposed to the 400 metre standard in POSS. This is the standard accepted by the Environment Court.
29. The open space design is based on what was achievable under the reserves component of the DCs policy of the 2006-2016 LTCCP. However the 2009-2019 LTCCP has reduced the reserve contribution and it is no longer possible under the new policy for the Council to purchase the smaller reserves of 2000 square metres servicing the higher density development shown in the master plan.
30. A mechanism to bridge the gap between the master plan open space design costs and the revenue from DCs in the LTCCP needs to be explored. The mechanisms available are:
  - Create a Wigram specific DC to ensure sufficient funds to purchase all of the open space land
  - Include a Wigram specific financial contribution rule in the plan change rules package to make up the shortfall in revenue from the DCs, or
  - NPL vest the additional land above that which can be purchased by DCs in the Council free of charge and make provision for their long term maintenance in future LTCCPs.
31. The use of a financial contribution rule to make up the shortfall is not favoured because it would be open to challenge or appeal every time it was applied (although probably not by NPL but there is no guarantee NPL will be the applicant in the future).
32. At this stage Officers have not agreed with Ngāi Tahu on a mechanism by which to 'bridge the gap' between the DCs and the open space areas, or that the Council wants the 2000 square metre parks in the first instance.
33. It is considered that it is not necessary to show these smaller 2000 square metre parks on the outline development plan and layer diagrams. It will take several years to progress the development into the stages in which the smaller parks are located. Leaving the parks off the ODP and layer diagrams will enable NPL and the Council to continue to discuss their provision. If agreement to include them is reached then amendments can be made to future LTCCP to accommodate the DCs required. If it is determined at a latter date that the parks are not needed there will be no conflict with the City Plan outline development plan and layer diagrams.

Design and Appearance Controls

34. One of the major innovations being introduced in the concurrent Awatea Plan change is a general resource consent as a restricted discretionary activity for design and appearance in both the residential Density A and Business Zones. Officers have alerted NPL that they think these controls should also extend to the Wigram plan change. The attached plan change has some design and appearance controls highlighted. NPL have indicated that they do not form part of their application but are there for discussion. To date they have stated that they do not wish to have these controls as they will add cost and time to consenting the development.
35. Officers take the position that the controls are necessary, that they can form a part of existing consent processes, and that changes to the RMA will ensure that processing times are within the statutory time frames. Councillors should see the discussion in the concurrent Awatea Plan Change report.

Proposed Natural Resources Regional Plan

36. The Wigram Airfield block is located on an unconfined aquifer providing high quality drinking water to the people of Christchurch. In recognition of the importance and value high quality drinking water to the City, the impact of any likely land uses on unconfined aquifers is identified in the City Plan as an important matter for consideration at time of rezoning.

2 Cont'd

37. Through the Proposed Natural Resources Regional Plan (PNRRP), the Canterbury Regional Council also recognises the importance and significance of managing land uses on unconfined aquifers. Variation 6 to Chapter 4 of the PNRRP introduced a new issue, objective, policies and methods, including land use rules and amendments to the existing water quality zone boundaries, relating specifically to the Christchurch Aquifer System. Of particular relevance is Policy WQL19(2) that reads as follows:

Policy WQL19(2): Control of existing and future urban development within Christchurch Groundwater Protection Sub-Zone 1A and Zone 2 reads as follows:

- (2) *Enable the City of Christchurch to develop for urban purposes within Christchurch Groundwater Protection Sub-Zone 1A on:*
- (a) *land yet to be developed for urban purposes but which is zoned for such purposes in the City of Christchurch District Plan on 1 August 2007; or*
  - (b) *land yet to be zoned for urban purposes within City of Christchurch District Plan but which is within the urban Limits identified in the Canterbury Regional Policy Statement.*

38. The policy makes provision for a limited amount of urban growth in selected areas of land with high intrinsic hydrogeological vulnerability. The Wigram block is located within the Christchurch Groundwater Protection Sub-Zone 1A. The rezoning of this block of land for urban purposes is consistent with the relevant policy in the PNRRP with regards to groundwater protection. In addition, the use and storage of hazardous substances within the Wigram block will be subject to a higher degree of control to further minimise the potential risk of ground water contamination. Officers are seeking a level of control on hazardous substances commensurate with the Business 7 controls in the Awatea plan change.

Delivery of Sewer – Long Term Council Community Plan

39. The 2009-19 LTCCP shows that sewer for Wigram Airfield will not be developed until 2014 and until this infrastructure is developed there will be no capacity in the sewer network to accommodate discharges from the Wigram block. As noted above officers would seek that works associated with the development be a non complying activity until such time as the sewer is available.

The South West Area Plan

40. The SWAP specifies desired goals for development of the South West. There is a high degree of correlation between the plan change and the relevant goals:

**Goal 1: Provide a high quality naturalised water environment connected across the South West.**

The plan change introduces a blue network layer diagram and objectives and policies that link to the Council's integrated catchment management plan (ICMP) for the south west. The stormwater areas shown on the blue network layer diagram have been designed and specified by Council staff responsible for delivering the ICMP.

**Goal 2: Establish a variety of indigenous forest and wetland habitats, connected by ecological corridors.**

Landscaping within the stormwater management areas will be in accordance with the ICMP for the southwest – the ICMP has a high correlation with this goal.

**Goal 3: Incorporate local landscape features into urban development and public open space to maintain landscape character.**

Given its flat topography, Wigram airfield has very limited landscape features. However features such as the runway and the control tower have been taken into account in the master plan. The

## 2 Cont'd

control tower and some of the hangers will be retained and reused. The alignment of the runway will be maintained in the through road for the development.

**Goal 4: Develop a diverse connected and attractive public open space network that encourages use and enjoyment.**

These will be delivered through compliance with the green, and blue network layer diagrams and objectives and policies .

**Goal 5: Actively protect and restore values significant to Tangata Whenua, both historic and contemporary.**

NPL have been in consultation and discussions with MKT and will continue these discussions. Officers are not aware of any conflicts or discrepancies between the development concept and values significant to Tangata Whenua.

**Goal 6: Conserve and protect European and other emerging cultural and heritage values.**

Consideration was given to these values during the development of the plan change. Refer to Goal 3.

**Goal 7: Create safe and well-designed residential neighbourhoods providing quality housing and a variety of housing choice.**

The Living G package in general is designed to deliver this. A range of housing densities are to be delivered from higher to medium to lower densities. It is noted specifically however that all new buildings are to be a restricted discretionary activity with the Council's discretion restricted to urban design and amenity criteria. The criteria have been developed and amended from the Living 3 and 4 plan change. While the Living 3 and 4 plan change is specifically for infill development the provisions have been reviewed and amended specifically for residential housing in Greenfield areas.

**Goal 8: Support communities with a range of accessible facilities and services and encourage social interaction and healthy lifestyles.**

The central commercial area will be able to provide a range of community facilities and services – the exact nature of these is yet to be determined. The open space, cycle and walking networks will encourage social interacting and activity contributing to healthy lifestyles.

**Goal 9: Provide business environments that are resource efficient, diverse and support the local economy and community.**

Provision has been made for local convenience retail and community facilities through an area in which amended Business 1 rules will apply. A large area adjacent to Hayton's Road will be retained as Business 4 zone.

The Business 4 zoning will be a dry industrial zoning which encourages activities such as warehousing. The activities will be 'dry' because of the ground water recharge issues and the NRRP discussed above.

New buildings in these areas will be a restricted discretionary activity with the Council's discretion restricted to assessment criteria that have been developed from the SWAP, specifically Objective 9.8.

2 Cont'd

**Goal 11: Provide a transportation system that gives priority to active and energy-efficient ways of travel and minimises its effects on the environment.**

The plan change introduces transportation network layer diagrams. Provision is made for multiple modes of transportation including, walking, cycling, public transport, private car and heavy goods vehicles. The network has been designed to give equal opportunity for all modes of transport to enable viable choices between motor vehicles, pedestrians and cycle travel within and outside the development.

**Goal 12: Co ordinate incremental subdivision and building development with the provision of resource efficient infrastructure.**

As noted above the outline development plan and layer diagrams are structured to a degree around the blue network and the integrated catchment management plan. Further the land cannot be developed until there is sewer available. This will be achieved by making development prior to the arrival of the sewer a non complying activity. Objectives and policies have been introduced to support the non complying activity status.

**THE OBJECTIVES**

41. The plan change seeks the rezoning of Special Purpose (Wigram) Zone (approximately 153ha) to Living G (Wigram) Zone (120.7ha), Business 4 Zone (24.9ha), Conservation 3 Zone (8.11 ha) and Business 5 Zone (0.4ha as part of a split zone boundary adjustment at 45, 57, and 63 Pilkington Way). A copy of the plan change is attached as **Attachment 1** (separately circulated).

**THE OPTIONS**

42. **Option 1**

Resolve to accept the plan change and section 32 assessment for public notification pursuant to Clause 25(2)(b) of the first schedule of the Resource Management Act 1991.

43. **Option 2**

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

44. **Option 3**

Resolve to reject the plan change pursuant to Clause 25(4) of the first schedule of the Resource Management Act 1991.

45. **Option 4**

Resolve to deal with the plan change as if it were an application for resource consent pursuant to Clause 25(3) of the first schedule of the Resource Management Act 1991.

**THE PREFERRED OPTION**

46. **Option 1** is the preferred option. This will enable the Council to progress a long standing undertaking to rezone the Special Purpose Wigram Zone.

**3. PLAN CHANGE 46 – WIGRAM AIRFIELD**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Team Leader, District Planning
<b>Author:</b>	Andrew Long, Senior Planner, District Planning

**PURPOSE OF REPORT**

1. This report describes a Council initiated proposed plan change to the City Plan (Plan Change 46), and seeks a decision from the Council to notify the change. The change seeks to amend provisions relating to the former Wigram Airfield (**Attachment 1** separately circulated), whilst providing for continued Defence Force use of their land at Wigram.

**EXECUTIVE SUMMARY**

2. This matter was deferred by the Regulatory and Planning Committee in September 2009 to allow the New Zealand Defence Force (NZDF) to formalise its requirements. These requirements relate to the provision of approach slopes for aviation activities at the NZDF land. Some aviation use will continue on the 35 hectare site containing the Air Force Museum, which is still owned by the New Zealand Defence Force, and was the original land gifted by Henry Wigram.
3. The change will amend City Plan provisions (see **Attachment 2** separately circulated) which protected the functionality of the former Wigram Airfield and sought to mitigate the adverse effects of airfield operations. The change will remove aircraft noise contours and airport approach slopes which relate to the former airfield, except the north-west approach slope which is proposed to be retained in an amended form to protect aviation activities on the museum site. One new approach slope is proposed by NZDF, running southwest from the helipad. The proposed slopes as they would appear on City Plan maps are shown at **Attachment 4** (separately circulated). More detail is available at Appendix 5 of Volume 3 Part 9 of the Plan (**Attachment 2** separately circulated).
4. The change is a necessary part of a larger project to rezone the airfield for business and residential use (Proposed Plan Change 24). The Council is promoting Change 46 independently of Change 24 for two reasons: firstly to separate the issues relating to the closure of the airfield from those relating to the redevelopment of the former airfield; and secondly, Plan Change 46 affects provisions that apply to land outside the former airfield. The Section 32 assessment (see **Attachment 3** separately circulated) prepared by the Council, finds that the proposed amendments are efficient and effective in achieving the objectives of the City Plan.
5. NZDF has removed that part of the designation which encompassed the former airfield. The museum site still owned by NZDF retains a designation.

**CONSULTATION**

6. Council staff have discussed the matter with NZDF (including the Air Force Museum) and with the owners of the former airfield area, Wigram Aerodrome Ltd (WAL). WAL have provided written advice indicating support for the proposed change. The matter has also been presented to the Riccarton/Wigram Community Board.

**FINANCIAL IMPLICATIONS**

7. Should the Council resolve to proceed with notifying the plan change there are legal processes which must be followed in accordance with the First Schedule of the Resource Management Act (RMA) 1991. This is a standard process that all plan changes must follow and there are no particular issues or risks that would be incurred if the processes are correctly followed. There would be costs arising at various stages of the plan change process relating to the preparation



**3 Cont'd**

of officer reports and a hearing in response to submissions. The scale of costs would depend on the level and complexity of the submissions received. There is the potential for costs associated with responding to any Environment Court appeals received. Funding is provided from existing budgets as part of the District Planning work programme adopted by the Council and provided for in the LTCCP.

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

8. Yes.

**LEGAL CONSIDERATIONS**

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

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

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

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

**ALIGNMENT WITH STRATEGIES**

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

11. This change will facilitate urban development on the former airfield and wider Wigram area in accordance with the South West Area Plan. The site is within the urban limits proposed by Proposed Change 1 to the Regional Policy Statement and is also identified as a greenfield urban development area, for business and residential uses.

**STAFF RECOMMENDATION**

That the Council:

- (a) Adopt the section 32 assessment for Plan Change 46.
- (b) Agree to publicly notify Plan Change 46 pursuant to Schedule 1 of the Resource Management Act 1991.

**COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.

**BACKGROUND AND DISCUSSION**

12. The New Zealand Defence Force (NZDF) and its predecessors have operated from the subject site since 1917, largely for flight training purposes. The site's military use largely ceased in 1995, and the airfield permanently closed on 1 March 2009. NZDF had already sold most of the site including the airfield, but retained the 35 hectares of land gifted by Sir Henry Wigram in 1932. The Air Force Museum and other minor defence uses are contained within the area retained by NZDF.

3 Cont'd

13. This plan change relates to the provisions in the City Plan protecting the functionality of the former Wigram Airfield and mitigating adverse effects on adjoining land. All proposed deletions and amendments are included at **Attachment 2** (separately circulated). It is noted that the replacement Appendix 5 (Volume 3 Part 9) is in draft form and is being finalised by Council's GIS staff at the time of writing. The change would not be notified until Appendix 5 was finalised.
14. The amendments in Proposed Change 46 relate specifically to airfield protection surfaces, aircraft noise, various Special Purpose (Wigram) (SP(W)) zone rules, development of the airfield, and airport services and activities as described below.
15. Airfield protection surfaces, including but not limited to approach slopes, for the former Wigram airfield will be replaced but are intended to maintain aircraft safety by limiting building height under these various surfaces and slopes. Areas under the surfaces and slopes are subject to noise insulation requirements for buildings, which would no longer be imposed.
16. A number of provisions protect or describe the operation and future development of the former airfield. These clauses require modification to reflect changing circumstances in the function of NZDF and the former airfield and the possible redevelopment of Ngāi Tahu land.
17. There are also development, community, and critical standards for the SP(W) zone. These provisions require modification to reflect changing circumstances. Provisions relate to transport, land use, engine testing, building limitations, noise, and flying restrictions.
18. Proposed Plan Change 24, which relates to the remaining area of the ex-NZDF land, is a private plan change which seeks to redevelop the former airfield for a mixture of residential and business uses, as generally detailed in the Southwest Area Plan (SWAP). A separate report requesting a decision whether to notify Proposed Plan Change 24 is on this agenda.
19. Proposed Plan Change 46 is separate from Proposed Plan Change 24 because it affects land outside the former airfield, and because it is considered appropriate to separate removal of provisions protecting the former airfield and providing for the redevelopment of the former airfield. Proposed Plan Change 46 would have been promoted by the Council even if Proposed Plan Change 24 had not arisen, although with a lower priority. Development of the land subject to Proposed Plan Change 24 would not be possible without removal/amendment to provisions the subject of Proposed Plan change 46 (this change).
20. The NZDF proposal is to modify the existing northwest approach slope (which served the grass runway at the airfield). The existing grass runway approach slopes are currently 2500 metres in length and at a gradient of 1:33. NZDF proposes the new and amended slopes would have a length of 1220 metres and a gradient of 1:8. A second, new, approach slope is proposed to extend southwest.
21. The approach slopes would be over NZDF land, Wigram Aerodrome Limited (Ngāi Tahu) land, and some of the land under the existing northwest slope. Both approach slopes would be within the area covered by the existing inner horizontal surface (45 metres above the airfield to a radius of 4 kilometres). Ngāi Tahu have provided written advice in support of the proposed amendments.
22. Modifications to the existing northwest approach slope would reduce the length of the slope and increase the gradient, meaning significantly fewer properties would be beneath the proposed approach slope, and those that remain under the slope would be less likely to be affected.
23. The B4, B5, and L1 zones lie under the proposed approach slope. The B4 zone has a maximum height (critical standard) of 20 metres and the L1 zone has a maximum height (critical standard) of 9 metres. The B5 zone has no specified height limit, relying on recession

**3 Cont'd**

plane provisions. The height limits imposed by the proposed northwest approach slope would be at least 35 metres over B4 and L1 zones, significantly greater than the maximum height limit, and between 80 metres and 152.4 metres over the B5 zone. Properties under the proposed northwest approach slope are unlikely to be adversely affected by the height restrictions imposed by the proposed slope.

24. Council staff consider that inclusion and alteration of approach slopes as proposed by NZDF are appropriate to progress as recommended. NZDF considers that the Council should not remove existing clauses which protect defence-related activities on NZDF land at Wigram unless NZDF requirements are met by the inclusion of new provisions.
25. In relation to noise control, the existing provisions essentially required buildings within the former noise contours to be insulated against noise. Otherwise, noise is limited by a restriction on the number of days a use could occur. It is proposed to reduce the number of consecutive days an activity can occur from five to three, to protect adjoining properties. A reduction of the total number of days per year from 30 to 20 days was also discussed with NZDF, but NZDF did not favour this because of existing land yachting and Kids First activities on the site. The rules in question (Vol 3, Part 8, 9.3.4, and 9.3.6) retain the 30 day limit.
26. The Section 32 assessment finds that the proposed amendments are the best way to achieve the objectives of the City Plan. The site is within the urban limit proposed by Proposed Change 1 to the Regional Policy Statement (RPS), and the former airfield site (excluding the museum area) is identified as a greenfield outline plan development area. The Greater Christchurch Urban Development Strategy (UDS) also promotes intensification, including within this area. The proposed removal of provisions relating to the former airfield will facilitate the development of these greenfield areas.

**OPTIONS**

27. Council may:
  1. a) Adopt the Section 32 Assessment for Plan Change 46.  
b) Agree to publicly notify Plan Change 46 pursuant to Clause 16a of the First Schedule to the Resource Management Act 1991.

Or

  2. Not proceed with Plan Change and retain the City Plan provisions relating to the former Wigram Airfield in the Plan.

**PREFERRED OPTION**

28. The preferred option is **Option 1**.

**4. PLAN CHANGE 8 – MUSGROVES SITE**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	David Punselie

**PURPOSE OF REPORT**

1. This report seeks the Council to approve changes to the City Plan introduced by its decision on Plan Change 8 to the District Plan.

**EXECUTIVE SUMMARY**

2. Plan Change 8 is a Council initiated change that sought the rezoning of the land at 191 – 199 Wigram Road from Business 5 to Business 4. This change originated from a compromise position reached on an appeal to the Environment Court in 2004. In 1999 the Council had rezoned the land from Rural 2 to Living 1A (Deferred). The land owner, Musgrove Brothers Limited, appealed this decision seeking either a Business 4 or Business 5 zoning for the site and staff began negotiations towards a Business 4 zoning which was considered to be a more suitable zoning in terms of satisfying the Plan's objectives and policies. However, following advice that a Business 4 zoning was beyond the scope of what had been sought in the original submission, a Business 5 zoning was agreed instead with an agreement that the Council would consider a change to a Business 4 zoning within 18 months of the City Plan becoming operative.
3. The Council resolved on 25 September 2008 to notify the plan change. Following a hearing of submissions Commissioner Ken Gimblett concluded that the plan change should be adopted subject to some modification. His recommendation was adopted by the Council as its decision in September 2009. There have been no appeals against the decision. The changes introduced by the plan change can now be made operative. The Plan change as amended is provided in **Attachment 1** (separately circulated).

**FINANCIAL IMPLICATIONS**

4. There are no direct financial implications.

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

5. Covered by existing budgets.

**LEGAL CONSIDERATIONS**

6. Before changes to the City Plan can be made operative the Resource Management Act requires the Council to take the step of formally approving the changes once those changes are beyond legal challenge. The Council's decision on this plan change was not appealed so it has reached that stage.

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

7. Yes. They are concerned with RMA processes and there are no foreseen implications arising from this report.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. Aligns with District Plan Activity Plan.

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

9. Yes. Supports the review and maintenance of the District Plan project.

**4 Cont'd**

**ALIGNMENT WITH STRATEGIES**

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

10. The Council's decision on the Plan Change does not conflict with the Greater Christchurch Urban Development Strategy and is consistent with the South West Area Plan.

**CONSULTATION FULFILMENT**

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

**STAFF RECOMMENDATION**

That the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by its decision on Plan Change 8.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 8 become operative.

**COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.

**5. PLAN CHANGE 28 – KENNAWAY PARK**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	David Punselie

**PURPOSE OF REPORT**

1. This report seeks the Council to approve changes to the City Plan introduced by its decision on Plan Change 28 to the District Plan.

**EXECUTIVE SUMMARY**

2. Private Plan Change 28 was initiated by Kennaway Park Joint Venture Partnership. It sought the rezoning of approximately 30 hectares of land bounded by Tunnel Road, the Heathcote River and the existing industrial development off Kennaway Road to enable commercial/industrial activities to be established. The site was zoned Special Purpose (Ferrymead) in 1999 as an interim measure to allow further investigation into an appropriate zoning pattern for the area. The plan change requested the site be rezoned as Business 4.
4. Commissioner David Collins conducted a hearing over five days in June 2009. His recommendation that the plan change be approved with modifications was adopted by the Council as its decision on 22 October 2009. There have been no appeals against the decision. The Council can now take the procedural step to make the plan change operative. (The Plan Change as amended is provided in **Attachment 1** separately circulated).

**FINANCIAL IMPLICATIONS**

5. There are no direct financial implications.

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

6. Covered by existing budgets.

**LEGAL CONSIDERATIONS**

7. The recommendation in this report is for the Council to take a procedural step to make operative the changes introduced by its decision on Plan Change 28. Under Clause 10 of Schedule 1 of the Resource Management Act the City Plan is amended in accordance with the Council's decision from the date public notice of the decision is given. Following the closing of the appeal period and the resolution of any appeals the Council must formally approve the plan change under clause 17 of Schedule 1. The plan change will then become operative on a date that is nominated in a public notice of the Council's approval. The Council's decision on this plan change was not appealed so the change has reached the stage where it can be made operative.

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

8. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. Aligns with District Plan Activity Plan.

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

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

5 Cont'd

**ALIGNMENT WITH STRATEGIES**

11. Yes.

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

12. The Council's decision on the Plan Change does not conflict with the Greater Christchurch Urban Development Strategy.

**CONSULTATION FULFILMENT**

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

**STAFF RECOMMENDATION**

That the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by its decision on Plan Change 28.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 28 become operative.

**COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.

(Councillor Johanson asked that his vote against the recommendation be recorded.)

**6. INFRASTRUCTURE DESIGN STANDARD**

<b>General Manager responsible:</b>	General Managers of City Environment, Capital Programme, and Regulation and Democracy Services, DDI: 941-8608, 941-8235, 941-8462
<b>Officer responsible:</b>	Resource Manager Capital Delivery
<b>Author:</b>	Mike Gillooly, Consultant Project Manager

**PURPOSE OF REPORT**

1. This report recommends the adoption of the Infrastructure Design Standard 2009 (separately circulated) as the core document to be used for the design of all Council infrastructure.

**EXECUTIVE SUMMARY**

2. The report gives a brief history of the project, including the results of internal and external consultation with stakeholders.
3. The IDS replaces the existing "Subdivision Code" used by the Council which is inadequate and obsolete. The IDS creates common standards for Council funded works (i.e. the Capital Programme) and for works that the Council will acquire from subdivisions (i.e. vested assets). (The IDS document is separately circulated).

**BACKGROUND**

4. The IDS affects those involved in the creation or enhancement of infrastructural assets. For Council staff that means our own internal designers, asset managers, and contract auditors. It will also apply to developers and their advisers designing and constructing assets created through subdivision which will pass to Council ownership as a consequence of subdividing. The IDS creates minimum standards for works that the Council will takeover through the subdivision process. The imposition of a compliance regime through conditions of consent on all subdivisions will ensure high quality assets are taken over by Council. The IDS creates a legal framework whereby the Council can insist on a certification from a professional adviser that the assets transferring have been designed, built and will operate in compliance with the IDS and approved standards, (flow rates, gradients, etc). The Council has experience of poor quality assets being transferred to Council ownership through subdivisions with the cost of remedial work being borne by the ratepayer. The IDS process will reduce these problems and create an enforceable obligation on the developer and its professional advisers.
5. The IDS is a revision of the Christchurch Metropolitan Code of Urban Subdivision (the "Code"), which was written in 1987 and approved by the Council under a separate resolution at that time. It is aligned to our organisational structure and other key Council documents. The development of a specific set of design standards is a common approach to asset management for large metropolitan Councils that tend to have the resources to develop a set of standards suited to their particular needs. Smaller local authorities tend to adopt, either wholly or with amendments, the New Zealand Standard for Land Development and Subdivision Engineering (NZS 4404). Further to that this revision is intended to apply to the former Banks Peninsula District which to now has been using NZS 4404:1981 as their Code of Urban Subdivision.
6. Consultation with the surveying profession in 2001 showed that the code of practice was still the principal document used in the design of subdivisional works. However, a large number of uncoordinated and informal amendments had started to erode the document's integrity. The code was also seen by many as failing to recognise technological advances in the construction industry. It did not relate to the many Council publications, both planning and engineering related, which were intended to directly impact on land and asset developments. It was due for revision.



6 Cont'd

7. In April 2005 the terms of reference for the IDS project were rewritten to include provision for a chapter on quality assurance. The chapter on quality assurance with its emphasis on a systems based approach to quality management is perhaps the most significant change to come out of this review. The benefits of adopting a systems based approach to managing for quality will result in fewer costs to the organisation by reducing the amount of rework and repair of built assets and will drive certainty and consistency into the contract management process by clarifying procedures and responsibilities, standardising documentation and more clearly defined processes for correcting non-conformances.
8. The purpose of the update is therefore to incorporate those structural changes in the way that Council accepts assets and to update the technical engineering aspects of the standard to current practice. The opportunity has also been taken to incorporate the application of quality assurance to ensure that Council assets are well designed and constructed and to align the Standard with Council's various planning and engineering related publications, including the Construction Standard Specifications (CSS).
9. The Standard will fulfil two functions. It details the Council's minimum requirements or expands on requirements laid out in the City Plan, which a development must meet to achieve compliance with a subdivision consent or a Capital Works project brief. It also sets out processes for designing assets to aid the designer in achieving and demonstrating compliance with those requirements.
10. A team, comprising designers from the Capital Programme Group (CPG) and asset managers from the asset groups, wrote each part of the Standard. Each of the twelve parts can therefore be aligned with the relevant asset group but is particularly related to the type of infrastructure. The parts are summarised below:
  - Part 1: Introduction introduces the major changes and includes those definitions specific to the Standard.
  - Part 2: General Requirements covers a number of regulatory details and sets out the process from design to acceptance by Council of land developments. It also sets requirements for documentation.
  - Part 3: Quality Assurance is another new part, which sets out the requirements for the application of quality assurance to the construction of all assets. This has incorporated two major shifts: each project will require the implementation of a project quality system, with documentation and certification presented to the Council at both the design and construction stages. The traditional Council role of Clerk of Work-type inspections will be replaced with a structured audit based system.
  - Part 4: Geotechnical Requirements sets out the requirement for geotechnical input in land development and what must be considered by the geotechnical engineer. It emphasises the Council's desire to work with the landforms and preserve natural features. It also details issues to be considered under erosion, sediment and dust control.
  - Part 5: Stormwater and Land Drainage builds on the Waterways and Wetlands Drainage Guide, which sits behind the Standard as a supporting document. This part provides more prescriptive design and compliance criteria than is found in the WWDG but reinforces the change of emphasis to include water quality and ecological protection. It also discusses resource consents.
  - Part 6: Wastewater incorporates both an explanation of Christchurch's reticulation system and how the Council's philosophy has changed. It provides the design and compliance criteria for wastewater systems and has been modified to include modern materials. The requirements for private drains have been tied to the New Zealand Building Code and the private pump station specifications have been included as an appendix, recognising that these particular assets fall outside the general subdivision and capital works process.

6 Cont'd

- Part 7: Water Supply covers the design and compliance criteria of the water reticulation. It references the Water Supply Wells, Pumping Station and Reservoir Design Specification for larger infrastructure and has been updated for modern materials.
- Part 8: Roading sets out both the design and compliance criteria for the street layouts e.g classification and the streets themselves e.g. footpaths, construction depths. It incorporates the fundamental changes due to the National Roads Board specifications for the design and construction of roads being replaced with Austroads specifications.
- Part 9: Utilities covers Council's compliance requirements for telephone, electricity and gas. It excludes the utility design itself, as this must be to the network operator's requirements.
- Part 10: Parks Streets and Open Spaces is a new section on landscaping and reserves, based on NZS 4404: 2004 Land development and subdivision engineering, modified to suit the Christchurch context. It sets criteria for reserves, including layout, facilities, structures and furniture. It also applies to landscaping in legal roads. It includes the establishment of landscape areas.
- Part 11: Lighting sets the Council requirements in an environment in which private companies can carry out street lighting design and construction. It builds on AS/NZS 1158: 2005 Lighting for roads and public spaces.
- Part 12: As-Builts sets Council's requirements for as-built information on completion of the development.

11. The first draft was published in August 2006. Internal consultation was carried out over a six week period to gain feedback on the technical elements of the Standard.

Internal stakeholders were identified as follows:

- Asset Managers (including business unit managers, asset planners).
- Subdivision Officers and associated staff reporting to their process.
- City Solutions (now CPG) design staff.
- City Solutions contract supervision staff.
- Legal Services Manager.

12. A Council seminar was held on the IDS in March 2007 followed by a report to Council on 7 June 2007. The resolution from that meeting was:

- (a) (i) That the Council approve the IDS for consultation with the targeted stakeholders identified in Appendix I.
- (ii) That the results and an analysis of consultation outcomes be reported back to the Council by late November 2007.
- (b) That a further report be submitted on a recommended method of addressing the issue of urban design guidelines.

13. The second draft for external consultation was published in August 2007. Responses from industry stakeholders was slow despite a high profile launch and direct engagement with industry groups and professional institutes at branch level. Ultimately feedback was obtained from early to mid 2008 through a series of targeted workshops on each chapter. This resulted in 968 submissions across the standard on a clause by clause basis.

**6 Cont'd**

14. In late 2007 and early 2008 individual community boards were given a presentation on the IDS and invited to make submissions. Particular attention was given to advising the boards on those matters over which they exercise some delegation. This related to the design of reserves, streetscapes and open spaces. No submissions were received from community boards.
15. All submissions were reviewed by a cross council panel of asset managers and capital program group designers and the decisions, with reasons for accepting or rejecting have been recorded.
16. While consideration was given to including urban design guidelines in the draft IDS it was felt that this was not the most appropriate place to give effect to the guidelines, and that the Council might be perceived negatively by approving subdivision consents and subsequently imposing further conditions on the design of new subdivisions through the IDS. The Council requested further advice on a recommended method of addressing the issue of urban design guidelines.
17. Subsequent to the June 2007 resolution a number of further actions have been taken addressing the issue of urban design guidelines including:
  - Identifying the application of good urban design principles as a priority action in the Greater Christchurch Urban Development Strategy.
  - Including urban design guidance in both the South-West and Belfast Area Plans.
  - Adopting an urban design plan change for the Living 3 and 4 Zones.
  - Completing an Issues and Options paper for urban design controls in the Central City and Business 2 Zones.
  - Establishing an Urban Design Panel to provide urban design advice for significant resource consent applications.
  - Including urban design criteria in the subdivision assessment matters for the draft Awatea and Wigram Plan Changes.
  - Completing the *Public Space Public Life Study* for central Christchurch with Gehl Architects with an associated draft Action Plan for Council approval, and
  - Developing a draft Central City Streetscape Plan and Central City Street Trees and Gardens Master Plan.
18. The IDS creates minimum standards for works that the Council will takeover through the subdivision process. The imposition of a compliance regime on all subdivisions will ensure high quality assets are taken over by Council. The challenge is to create a legal framework whereby the Council can insist on a certification from a professional adviser that the assets transferring have been designed, built and will operate in compliance with the IDS and approved standards, (flow rates, gradients, etc). The Council has experience of poor quality assets being transferred to Council ownership through subdivisions with the cost of remedial work being borne by the ratepayer. The IDS process will reduce these problems and create an enforceable obligation on the developer and its professional advisers.

**Communication and Implementation**

19. The project is now complete. The IDS is now ready for publication subject to Council resolving to adopt the document. Communication will be similar to the preceding project phases for internal and external stakeholders.

**FINANCIAL IMPLICATIONS**

20. There is no new expenditure required. This project will continue to be funded out of existing operational budgets. Implementation of the IDS is already accounted for as this replaces existing standards that are part of our standard operating procedures.
21. There is no change in expenditure therefore this project aligns with 2009-19 LTCCP budgets.

6 Cont'd

**LEGAL CONSIDERATIONS**

22. The IDS has been reviewed by an external provider and approved. The review confirmed that the standard is not a document identified under the Local Government Act 2002 as requiring consultation and accordingly there is no need to adopt the special consultative procedure under that Act.
23. However the review stated that consultation is desirable to reduce the risk of subsequent formal challenge and to produce a more robust document. The review also confirmed that formal Council approval is desirable to ensure that the document is in fact a document having formal status appropriate to be incorporated in conditions of a subdivision consent.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. The document is consistent with Activity Management Plans and LTCCP objectives and will assist with achieving the same by providing a holistic expression of Council design standards

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

25. This project will enable delivery of LTCCP projects in a consistent and transparent manner.

**ALIGNMENT WITH STRATEGIES**

26. The IDS creates and adopts as standard practice a best practice regime.

**CONSULTATION FULFILMENT**

27. Consultation is not formally required under the LGA 2002 but targeted consultation with external stakeholders was carried out to achieve acceptance and recognition by providers of Council's own capital works program and those involved in the construction of assets to be vested through subdivision.

**STAFF RECOMMENDATION**

That the Council:

- (a) Adopt the Infrastructure Design Standard 2009 as Council's design standards for both Council funded assets and assets that will be vested on subdivision.
- (b) Replace the existing 1987 Metropolitan Code of Urban Subdivision with Infrastructure Design Standard.
- (c) Replace the use of New Zealand Standard NZS 4404:2004 "*Code of Practice for Subdivision and Land Development Engineering*" (in use for the former Banks Peninsula District Council) with the Infrastructure Design Standard 2009.
- (d) Resolve that the use of the standard is effective immediately.

**COMMITTEE RECOMMENDATION**

That the report be deferred until a Committee workshop has been held on the issue.

**7. TRADING AND EVENTS IN PUBLIC PLACES DRAFT POLICY FOR CONSULTATION**

<b>General Manager responsible:</b>	General Manager, City Environment Group, DDI: 941-8608
<b>Officer responsible:</b>	Asset and Network Planning Manager and Unit Manager Marketing
<b>Author:</b>	Tina von Pein

**PURPOSE OF REPORT**

1. This report seeks the Council's endorsement and approval on the proposed Trading and Events in Public Places Policy and that public consultation for this policy will be via a special consultative procedure in March 2010.

**EXECUTIVE SUMMARY**

2. With the adoption of the Public Places Bylaw 2008, the policies related to trading and other commercial or organised activities in public places were identified as needing review to ensure they appropriately give effect to the Public Places Bylaw. The Public Places Policies Working Party has worked with staff on the review of this and the other operational policies that relate to matters covered by the Public Places Bylaw 2008.
3. With the amalgamation of Banks Peninsula District Council (BPDC and Christchurch City Council (the Council) in 2006, some operational policies specific to Banks Peninsula or specific to areas in Christchurch stayed in existence in their respective areas. This has caused some confusion and inconsistency across the communities; this draft policy endeavours to address both the issues of clarity and consistency.
4. The draft Christchurch City Council Trading and Events in Public Places Policy incorporates (1):
  - (a) Previous Council or BPDC policies:
    - (i) Street Trading Policy.
    - (ii) Stalls in Cathedral Square and City Mall.
    - (iii) Stall Site Licensing Policy.
    - (iv) Victoria Square and Victoria Square Amphitheatre (use of).
    - (v) Busking conditions.
    - (vi) Banks Peninsula District Council Stalls/Market Policy.
  - (b) Associated Matters:
    - (i) Mobile traders, travelling shops, hawkers.
5. The key changes with the draft Trading and Events in Public Places policy include:
  - (a) Inclusion of mobile and travelling shops.
  - (b) Inclusion of hawkers and pedlars.
  - (c) Inclusion of street performers.
  - (d) Removal of outdated clauses and clauses no longer valid due to the development of communities and specific areas.

## 7 Cont'd

6. Street performances, including pavement art, are becoming increasingly popular in some areas and are currently managed through the set of busking conditions, and some nominated areas in the central city where no permit is required. The draft policy incorporates the Banks Peninsula settlements into the policy and proposes an area in Lyttelton where no permit is required for street performances. The current nominated no permit areas in the central city have been maintained. A permit is required for street performing outside of the nominated areas, and all street performers must have a Council identification card.
7. Mobile or travelling shops and hawkers or pedlars are currently successfully managed through internal practices and this policy endeavours to bring these practices together within the context of the policy on trading and other commercial activities in public places.
8. The clauses in the current policies on markets and stalls have been reviewed to remove the clauses that are no longer considered relevant, due in particular to the development of communities and specific areas, or because they are historical clauses and are no longer valid.

### Process for Consultation

9. Council staff have been working with the Council working party in the development of this policy and as a result of the development discussions it is proposed that the Council engage in a full special consultative procedure to enable feedback and robust discussion on the draft policy. The consultation process will ensure that the Statement of Proposal and the Summary of Information is publicly notified in both the main and community papers and is made publicly available via the Council Service Centres, Libraries and website. Submissions on the draft policy will be invited and heard by the hearings panel, who will then make recommendations back to the Council on the final form of the policy.

### Attached documents

The following documents are attached to this report:

- **Attachment 1** - Public Places Policy Development Timeframes
- **Attachment 2** - Draft Trading and Events in Public Places Policy
- **Attachment 3** - Statement of Proposal
- **Attachment 4** - Summary of Information

### **FINANCIAL IMPLICATIONS**

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

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

11. Yes.

### **LEGAL CONSIDERATIONS**

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

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

7 Cont'd

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

13. Initial analysis and review of this policy has applied the LGA02 decision-making requirements, including assessment in terms of the CCC Policy on Determining Significance (see report to Council on 24 September 2009, and the assessment of options section of this report). The level of formal consultation that may be required has also been considered. It is recommended that this policy be released for full public consultation using the special consultative procedure.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

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

15. As above.

**ALIGNMENT WITH STRATEGIES**

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

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

18. Yes.

**CONSULTATION FULFILMENT**

19. During the drafting of this policy some initial discussion has been undertaken with some key stakeholders including Community Boards, and potentially affected external parties (ie. Market and stall licence holders, business associations in Lyttelton, Akaroa and Central City; and some business owners).
20. Engaging in a special consultative procedure will enable all current and potential stakeholders and interested parties to provide feedback on the draft policy.

7 Cont'd

**STAFF RECOMMENDATION**

That the Council:

- (a) Adopt the attached Statement of Proposal (which introduces and includes the draft Trading and Events in Public Places Policy) and the attached Summary of Information for consultation.
- (b) Determine that the Summary of Information be distributed to all current permit holders under this draft policy and appropriate stakeholders and make the Statement of Proposal and Summary of Information available for public inspection at Council Service Centres, Council libraries and on the Council's website.
- (c) Resolve that the public notice of the proposal be given in "The Press" and "Christchurch Star" newspapers and on the Council's website, with public notice also to be given in the "Akaroa Mail" and other community newspapers distributed in the Christchurch area.
- (d) Appoint a hearings panel to consider submissions on the proposed Trading and Events in Public Places Policy and make recommendations to the Council on the final form of the policy.

**COMMITTEE RECOMMENDATION**

That the Council:

- (a) Adopt the staff recommendation.
- (b) Note that staff have reviewed the draft policy to ensure clarity.

**BACKGROUND (THE ISSUES)**

21. In July 2008, the Christchurch City Council Public Places Bylaw 2008 became operative.
22. The Public Places Bylaw 2008 enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.
23. At the completion of the process a new operational policy is to be developed from a review of 12 existing policies and associated matters (refer **Attachment 1**). The policies all relate to the clauses in the Bylaw that regulate commercial activities and obstructions in public places (clauses 6 and 7).
24. The policies were developed before the amalgamation of Banks Peninsula District Council and the Christchurch City Council, and all were developed before the adoption of the new Bylaw. The policies need to be reviewed to ensure that they are still necessary, that they are appropriate and that they are fit for purpose. The review of the policies will:
  - (a) Rationalise the current policies, where needed.
  - (b) Establish whether current practice and needs align with the policies.
  - (c) Assess whether any new matters need to be included.
  - (d) Establish whether the policies align with the bylaw.
  - (e) Take account of internal (Council) needs and external (stakeholder) needs.
  - (f) Result in redrafted policies that are coherent, stand-alone documents.



**7 Cont'd**

25. In addition to these 12 policies, related operational issues have been identified that would benefit from being included in or adopted into the new operational policy, resulting in some new areas of consideration.
26. On 2 February 2009, the Regulatory and Planning Committee agreed to appoint a working party to work with staff to discuss the review of operational policies that relate to matters covered by the Public Places Bylaw 2008. The members of the Public Places Policies Working Party are Councillors Wells, Wall, Shearing, Reid (joined in mid 2009) and Johanson.
27. At the request of the Working Party, a staged timetable including restructuring the grouping of the reviews, was developed for consideration by Council at its meeting on 24 September 2009. The new timetable, which worked around the current Council term and the next Council term (post October 2010) was adopted. It was not possible to complete all policy review aspects within the current Council term.
28. The Structures on Streets policy will be presented to the 4 March 2010 Regulatory and Planning Committee Meeting.

**Trading and Events in Public Places draft policy**

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

**THE OBJECTIVES**

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

**7 Cont'd**

**THE OPTIONS**

37. Two options have been identified in relation to managing trading and events in public places:
- (a) The adoption of a new Council-wide policy that goes out for public consultation.
  - (b) Maintain the status quo with some editing to factually update of the current policies.

**THE PREFERRED OPTION**

38. The preferred option is the adoption of the Council-wide policy. A draft policy is attached to this report. It is proposed that this goes out for public consultation via the special consultative procedure.

**ASSESSMENT OF OPTIONS**

**The Preferred Option**

39. The preferred option is the adoption of the Council-wide draft policy (as tabled with this report) to be taken out for public consultation. This draft policy brings together the key elements of current policies and practices and incorporates new policy clauses which will assist with developing clarity and consistency in policy understanding and application.

## 7 Cont'd

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Clarity to community as to the policy, how to apply and how it applies. Policy provides for both the traders/commercial activity and also community members to ensure a balance between activity and non activity is achieved within the areas. Alignment of policies between the former Banks Peninsula DC policies and the CCC policies will assist clarity and ease of use and application.	Communication of policies is part of Council core business.
<b>Cultural</b>	None specific.	None specific.
<b>Environmental</b>	Policy will enable more robust and transparent management of trading and other commercial activities in public places, including protection of areas where specific trading activities are not deemed appropriate.	None specific.
<b>Economic</b>	Consolidated policy.	None specific.
<p><b>Extent to which community outcomes are achieved:</b> This policy option aligns with the following Community Outcomes:  <b>-A Safe City</b> – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated.  <b>-An Attractive and well designed City</b> – Christchurch has a vibrant centre, attractive neighbourhoods and well-designed transport networks. Our life styles and heritage are enhanced by our urban environment.  <b>-A City for recreation, fun and creativity</b> – We value leisure time and recognise that the arts, sports and other recreational activities contribute to our economy, identity, health and wellbeing.  <b>- A Prosperous City</b> – We have a strong economy that is based on a range of successful and innovative businesses. We value sustainable wealth creation, invest in ourselves and in our future.</p> <p><b>Impact on the Council's capacity and responsibilities:</b> The development of a consolidated policy will enable Council to better manage street trading through more transparent and consistent processes and procedures.</p> <p><b>Effects on Maori:</b> No specific effects noted. Consultation with Mahaanui Kurataiao (MKT) and other representative groups, will be undertaken as part of the Special Consultative Process.</p> <p><b>Consistency with existing Council policies:</b> The draft policy pulls together the key elements of the current policies and practices of the Council into a consolidated policy document. This policy gives effect to the Public Places Bylaw 2008 and should be read in conjunction with the Council's General Bylaw 2008, Traffic and Parking Bylaw 2008, Parks and Reserves Bylaw 2008 and the relevant rules, policies and objectives in the District Plan/City Plan.  The Trading and Events in Public Places Policy is aligned to the following Christchurch City Council strategies, plans and policies:  Central City Revitalisation Strategy  Safer Christchurch Strategy  Pedestrian Strategy  Parking Strategy  Equity and Access for People with Disabilities Policy  Long Term Council Community Plan  All other operational policies under the Public Places Bylaw</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b> There is a wide range of key stakeholders with differing views depending on whether they are engaged in the activity or not. Stakeholders will include local residents and businesses, current and future permit holders and specific groups such as the Cathedral Square stall and market holders, event organisers, and people wishing to participate in other trading or events in public places.</p> <p><b>Other relevant matters:</b> n/a</p>		

## 7 Cont'd

**Maintain the Status Quo with some editing (if not preferred option)**

40. The option of maintaining the status quo with some editing, would mean maintaining the series of policies and current practices that apply to the post amalgamation Council area, and some specific policies that only apply to pre amalgamation areas. Within this option it would be logical to update the policies (desk top activity) to ensure that historical and no longer relevant clauses are not included.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Communities should be aware of the current policies / practices as most have been operational since the early 1990's.	Continued segregation of the City / District Council areas as per pre-amalgamation.
<b>Cultural</b>	None specific.	None specific.
<b>Environmental</b>	Current status will continue to promote the areas of CCC and the former BPDC as two separate regions.	None specific.
<b>Economic</b>	None specific.	None specific.
<p><b>Extent to which community outcomes are achieved:</b>            This policy option aligns with the following Community Outcomes:  <b>-A Safe City</b> – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated.  <b>-An Attractive and well designed City</b> – Christchurch has a vibrant centre, attractive neighbourhoods and well-designed transport networks. Our life styles and heritage are enhanced by our urban environment.  <b>-A City for recreation, fun and creativity</b> – We value leisure time and recognise that the arts, sports and other recreational activities contribute to our economy, identity, health and wellbeing.  <b>- A Prosperous City</b> – We have a strong economy that is based on a range of successful and innovative businesses. We value sustainable wealth creation, invest in ourselves and in our future.</p> <p><b>Impact on the Council's capacity and responsibilities:</b>            Maintaining the status quo will mean business as usual for council enforcement and policy development. However it should be noted that under current status there is no policy determination regarding some activities in public places eg. Travelling or mobile shops; and there is some confusion about what policies apply to which areas of Christchurch City.</p> <p><b>Effects on Maori:</b>            No specific effects noted.</p> <p><b>Consistency with existing Council policies:</b>            The current policies broadly align with existing council strategies and plans, however the factual update is recommended, should this option be chosen, as many of the clauses are either out of date or no longer relevant.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            There is a wide range of key stakeholders with differing views depending on whether they are engaged in the activity or not. Stakeholders will include local residents and businesses, current and future permit holders and specific groups such as the Cathedral Square stall and market holders, event organisers, and people wishing to participate in other trading or events in public places.</p> <p><b>Other relevant matters:</b>            n/a</p>		

**At Least one Other Option (or an explanation of why another option has not been considered)**

41. No other option has been considered as the Council has previously adopted (24 September 2009) the recommendations to review the policies.

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**PART C – DELEGATED DECISIONS**

**8. RESOLUTION TO EXCLUDE THE PUBLIC**

The Committee **resolved** that the draft resolution to exclude the public set out on page 504 of its agenda be adopted.

The meeting concluded at 12.32pm.

**CONSIDERED THIS 25TH DAY OF FEBRUARY 2010**

**MAYOR**