



COUNCIL 24. 5. 2012

**REGULATORY AND PLANNING COMMITTEE
2 MAY 2012**

**A meeting of the Regulatory and Planning Committee
was held in the No. 2 Committee Room
on 2 May 2012 at 9.15am.**

PRESENT: Councillor Sue Wells (Chairperson)
Councillors Sally Buck, Tim Carter, Jimmy Chen, Jamie Gough, Yani Johanson,
and Glenn Livingstone.

IN ATTENDANCE: Councillor Peter Beck.

APOLOGIES: Apologies for absence were received and accepted from Councillors Helen
Broughton and Claudia Reid.

Councillor Tim Carter arrived at 9.25 am and was absent for clause 3 and part of
clause 1.

The Committee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. REPORT ON FREEDOM CAMPING MONITORING 2011 TO 2012

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8602
Officer responsible:	Programme Manager Strong Communities
Author:	Siobhan Storey Senior Policy Analyst

PURPOSE OF REPORT

1. To report on the incidences of freedom camping occurring in Christchurch and Banks Peninsula as monitored by security company ADT and Council staff during the period December 2011 to February 2012 and to advise the Council on the preferred method of managing freedom camping.

EXECUTIVE SUMMARY

2. At its meeting of 27 October 2011 the Council resolved that staff report to the Council by the end of April 2012 on the monitoring of freedom camping both in reserves and on roads and other areas, and on whether a freedom camping bylaw is needed.
3. Monitoring by ADT began on 22 December 2011 but ceased after one report as they found there was little or no activity in the areas they were checking. They undertook to report back if their general patrols saw an increase in freedom camping but no increase was ever reported. Council staff monitored sites on Banks Peninsula on a weekly basis from 4 January 2012 to 29 February 2012. The main areas where campervans were found were in Akaroa township and wharf and Wainui on the main road near French Farm. Campers were occasionally observed in Takamatua and Robinson's Bay. Staff reported the overall experience was that campers were well-behaved, respectful of the local environment (i.e. no litter or waste), and most vans were self-contained.
4. On balance, staff consider there is insufficient evidence to indicate a problem with freedom camping that would warrant further intervention (such as a bylaw). Other mechanisms are available if required: Inspections and Enforcement staff can use infringement notices under the Freedom Camping Act 2011 (the Act) if they do find people littering, leaving waste or camping in inappropriate places.

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5. Staff consider that the situation should continue to be monitored over the next two summers and the situation re-assessed each year. Staff will report back to the Council as required.

FINANCIAL IMPLICATIONS

6. The costs of ongoing monitoring will be met from within existing budgets: Enforcement and Inspections and Regional Parks.

LEGAL CONSIDERATIONS

7. The Freedom Camping Act 2011 enables the Council to make a new Freedom Camping Bylaw, under Section 11, which would define:

- (a) the areas in Christchurch and Banks Peninsula where freedom camping is restricted and the restrictions that apply there (or where it is allowed without restrictions); and
- (b) the areas in Christchurch and Banks Peninsula where freedom camping is prohibited.

8. Subsection (2) of Section 11 of the Freedom Camping Act 2011 provides the following:

A local authority may make a bylaw under subsection (1) only if it is satisfied that:

- (a) the bylaw is necessary for one or more of the following purposes:
 - (i) to protect the area
 - (ii) to protect the health and safety of people who may visit the area
 - (iii) to protect access to the area; and
- (b) the bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area; and
- (c) the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

9. Section 20 of the Act provides for the offences and penalties that can be incurred by freedom campers, while section 32 provides for the appointment of enforcement officers by local authorities to police the offences. Some of the section 20 offences apply to all local authority areas, even if there is no bylaw in effect under the Act. For example, it is an offence to interfere with or damage the area, its flora or fauna, or any structure in the area (s20(1)(b)(i)), or deposit freedom camping waste in a local authority area other than into a waste receptacle (s20(1)(b)(ii) and s20(1)(d)). It is also an offence under s20(1)(e), to fail or refuse to leave a local authority area when asked to do so by an enforcement officer (the enforcement officer must first reasonably believe an offence is being or will be committed before asking the person to leave).

10. As discussed in this report, staff consider there is insufficient evidence of a problem to justify the development of a bylaw.

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

11. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Aligns with a number of Activity Management Plans including City and Community Long Term Policy and Planning, Parking, Regional Parks, and Enforcement and Inspections.

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ALIGNMENT WITH STRATEGIES

13. The Litter Strategy. The goal of the Litter Strategy is: *“Christchurch is New Zealand’s cleanest city, with citizens who are responsible for their own litter and do not tolerate others littering”*.

CONSULTATION FULFILMENT

14. Staff in the Council’s Greenspace team, Legal Services Unit and the Inspections and Enforcement Unit have been consulted in the preparation of this report. Public consultation is not required for this report as it does not recommend a bylaw approach. However considerable consultation was undertaken with key stakeholders, including various residents’ associations and community groups, during the development of the Freedom Camping Management Plan in 2010.

STAFF RECOMMENDATION

That the Council:

- (a) Note that the monitoring of selected sites has indicated that currently there is no significant problem to be addressed with respect to freedom camping; and
- (b) Resolve that the Council direct staff to continue with the social marketing campaign on freedom camping and to continue to monitor the same sites for the next two summers, i.e. December 2012 and 2013 to March 2013 and 2014, and re-assess the situation each year.

COMMITTEE RECOMMENDATION

That the Council:

- (a) Note that the monitoring of selected sites has indicated that currently there is no significant problem to be addressed with respect to freedom camping; and
- (b) Resolve that the Council direct staff to continue with the social marketing campaign on freedom camping and to continue to monitor the same sites for the next two summers, i.e. December 2012 and 2013 to March 2013 and 2014, and re-assess the situation each year, subject to staff advising Councillors on the ongoing cost and details of the social marketing campaign and ongoing monitoring.
- (c) Note that in the event of emergent nuisance issues the local Community Board would be able to trigger an earlier review of the need for regulatory response.

BACKGROUND (THE ISSUES)

15. At its meeting on 23-24 September 2010 the Council considered a report outlining issues around freedom camping in the Christchurch district, the options to address those issues and recommending the adoption of a freedom camping management plan. Stage One of the plan was to implement a social marketing campaign and monitor various sites around the City and Banks Peninsula. Stage Two was to review the Public Places Bylaw 2008 giving consideration to banning non-self-contained vehicles and investigating the provision of specified areas for freedom camping. Stage Three was to review the Public Places Bylaw 2008 to either ban all freedom camping or to designate specific areas for freedom camping.
16. The Council resolved to:
- (a) adopt the Freedom Camping Management Plan

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- (b) implement Stage One/Social Marketing ahead of the 2010/2011 summer season
 - (c) review the effectiveness of Stage One by May 2011 and determine at that time whether to proceed with Stage Two and/or Stage Three of the plan, depending on the feedback and analysis received
 - (d) consider the funding required to fully implement an ongoing social marketing and enforcement campaign as part of the 2011/12 Annual Plan
 - (e) work with the Mobile Campers Association to consider providing additional dump sites for campervan waste in the district.
17. As a result of this decision, the Council began to implement the Stage One/Social Marketing aspect of the Plan ahead of the 2010/2011 summer season.
18. Staff worked locally and nationally with tourism agencies and campervan companies and provided them with information to give to campers asking them to camp responsibly. Particular emphasis was placed on advising campers who do not have toilet facilities in their vans to camp in caravan parks or in areas where there are public toilets.
19. Sites along the roads and beaches from North New Brighton to Scarborough, Taylors Mistake and Godley Head, Lyttelton, Corsair, Cass, and Governor's Bays, Rapaki and Banks Peninsula, including Robinson's Bay, were monitored from December 2010 on a regular basis until the 22 February 2011 earthquake. The purpose was to get an indication of the level of activity in these areas.
20. On 29 August 2011 central government passed the Freedom Camping Act 2011 (the Act), which regulates freedom camping:
- (a) On land controlled or managed by local authorities (city, district, and regional councils); and
 - (b) On land controlled or managed by the Department of Conservation (DOC).
21. The Council has the option of making a new Freedom Camping Bylaw under Section 11 of the Act which would define:
- (a) the areas in Christchurch and Banks Peninsula where freedom camping is restricted and the restrictions that apply there (or where it is allowed without restrictions); and
 - (b) the areas in Christchurch and Banks Peninsula where freedom camping is prohibited.
22. The Act does not allow for freedom camping to be prohibited on all land controlled or managed by a particular local authority or on all land controlled or managed by DOC nor does it regulate freedom camping on private land.
23. At its meeting of 27 October 2011 the Council resolved that staff report to the Council by the end of April 2012 on the monitoring of freedom camping both in reserves and on roads and other areas, and on whether a freedom camping bylaw is needed.

Outcomes of Monitoring

24. Council staff monitored sites on Banks Peninsula on a weekly basis from 4 January 2012 to 29 February 2012. The main areas where campervans were found were in Akaroa township and wharf and Wainui on the main road near French Farm. Campers were occasionally observed in Takamatua and Robinson's Bay.

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25. Staff reported the overall experience was that campers were well-behaved, respectful of the local environment (i.e. no litter or waste), and most vans were self contained.
26. Staff have received two complaints from a Sumner resident about campervans parking overnight on the Esplanade; however there have been no complaints about littering or waste from these vans.

Discussion

27. It appears from the monitoring that, although there have been issues with freedom camping in the past in various parts of the city, there is currently no substantive problem to be addressed.
28. There is a difference between campers committing offences by littering or leaving waste, and the perception by some that campers are a nuisance because they are camping. Responsible campers in the monitored areas are generally tourists who provide an economic benefit to Christchurch and Banks Peninsula.
29. On balance, staff consider there is insufficient evidence to indicate a problem that would warrant further intervention (such as a bylaw) at this time. Other mechanisms are available if required: Inspections and Enforcement staff can use infringement notices under the Act if they do find people littering, leaving waste, or camping in inappropriate places.
30. Staff consider that the situation should continue to be monitored over the next two summers and the situation re-assessed each year. Staff will report back to the Council as required.

2. REPORT ON A PROCESS FOR PREPARING OUTLINE DEVELOPMENT PLANS FOR CN3 (UPPER STYX) AND CSW3 (SPARKS ROAD)

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8602
Officer responsible:	Programme Manager, District Planning
Authors:	Glenda Dixon and Ivan Thomson

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council takes a greater leadership role in planning for the residential greenfields areas known as CN3 (Upper Styx) and CSW3 (Sparks Road), by leading the preparation of Outline Development Plans (ODPs) for these two areas.

EXECUTIVE SUMMARY

2. Since the release of decisions on Proposed Change No. 1 (PC1) to the Regional Policy Statement in late 2009, there has been an upsurge in privately initiated plan changes seeking to rezone land in greenfields development areas. This has resulted in numerous variants of Living G and Business zones in the City Plan, making the document even more complex than it originally was. It has also become more difficult to ensure that land use and network infrastructure such as transport and stormwater management systems are properly integrated throughout these greenfields areas.
3. Officers are proposing that the Council takes a more proactive role in planning the development of two of the remaining greenfields areas by leading the preparation of Outline Development Plans (ODPs). ODPs are an essential first step for ensuring that the location, sequencing, and funding of development and supporting network infrastructure are co-ordinated across blocks, particularly where there are multiple landowners involved.

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4. Chapter 12A of the Operative Regional Policy Statement (RPS) - Development of Greater Christchurch - has replaced PC1 and is now operative, and the City Plan must give effect to it. Policy 8 of Chapter 12A (see **Attachment 1**) requires development of urban activities, via rezoning, to be in accordance with an ODP, and an Area Plan where one exists. With several of the remaining greenfields areas not yet rezoned in the City Plan (see **Attachments 2 and 3**), there is an RPS requirement for ODPs for entire development areas to be inserted into the City Plan before private plan changes for rezoning can be notified, so that a framework for development is in place. This calls for a clear and consistent process for ensuring that ODPs to be inserted into the City Plan are at least notified, before plan change proposals for rezoning are submitted or processed for those greenfields areas.
5. One recent example of the need for a more proactive approach by the Council is the incremental development facilitated by private plan changes for industrial zonings in the southwest despite the overall framework provided by the South West Area Plan (SWAP). The Urban Limits in this area were expanded through decisions on the RPS after SWAP was completed.
6. This report focuses on two current residential development proposals that will require Council leadership in the planning process. The Council is currently working with landowners to prepare Outline Development Plans for two areas of greenfield land where forthcoming private plan changes cover only a portion of the wider greenfield area (that portion where the proponent owns or has an interest in the land) to be rezoned to operative urban zonings (see **Attachment 4** for locations of the blocks). These two areas are:
 - (a) CN3 (Upper Styx) in the northwest of Christchurch, lying generally between Gardiners Road and Cavendish Road, where until recently the proponent owned or had an interest in only about a quarter of the land. However the proponent has recently advised that they have acquired further land in the block, taking that proportion to closer to a third of the land.
 - (b) CSW3 (Sparks Road) located between Halswell and Sparks Road in the southwest of Christchurch, where the proponent owns or has an interest in about half of the land.
7. The Sparks Road area CSW3 has the benefit of being part of the 2009 SWAP. An ODP is being prepared, at this stage by the plan change proponents, to elaborate on and "refine" the area plan provisions for the CSW3 block. Depending on the degree of involvement of other landowners within the block, the Council may need to play a greater role in this ODP in due course, or notify it as a Council plan change.
8. There is no area plan for the Upper Styx however, because the Urban Development Strategy (UDS) and PC1 processes preceding Chapter 12A had indicated that development would not start in this area until after 2017. The operative Chapter 12A no longer includes specified sequencing of greenfields areas for residential development; rather, Policy 6(d) requires that territorial authorities develop a sequencing policy for the orderly and efficient development of greenfields residential and business land. There is now a forthcoming private plan change for rezoning part of this land, and an ODP needs to be prepared quickly for the wider Upper Styx area, if the requirements of the RPS are to be met. Due to other priorities at that time, Council officers commissioned consultants to act for the Council in collaborating with landowners in preparing and processing such an ODP, as well as processing the resultant private plan change for rezoning of part of the land when it is received as a formal request.
9. These two cases have reinforced the need for the Council to drive the preparation of ODPs independently of the plan change request for rezoning for the following reasons:
 - (a) Landowners not part of the plan change request need to be confident that they will be treated fairly through the ODP process.

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- (b) The public needs to be clear on the respective roles of the Council and the private sector in assessments and decisions affecting their neighbourhood and City.
 - (c) ODPs prepared by the Council will provide more certain outcomes across the growth areas, and will enable the Council to programme Council expenditure with greater confidence.
 - (d) Under section 31 of the RMA, Council must promote integrated management of the effects of land use change – a difficult task if it is faced with a series of potentially conflicting aspirations through potentially multiple private plan change requests over the remaining land parcels in a greenfields area.
10. The planning process for the CN3 and CSW3 growth areas will be different to that, for example, for Private Plan Change 30 (Prestons), where the area sought for rezoning was the entire greenfields development area, and the ODP and plan change areas were the same. For CN3 and CSW3 it will be necessary to notify plan changes to insert ODPs into the City Plan for these areas at least a short time ahead of the private plan changes for rezoning in each instance. This will provide an overall development context for assessment of the more detailed provisions in the following rezoning plan change. It should be noted that submissions to each of the plan changes should be heard by the same Panel or Commissioner, ideally concurrently, so that the decisions can be integrated before release (again preferably the ODP plan change should be released first). It could be argued that plan changes inserting ODPs for these areas into the City Plan should be advanced at least to the stage of decisions being notified, so that their rules have some statutory weight, prior to the private plan changes being approved for notification. However, provided the suggested process for decision making is followed, officers consider that the advantages of an expedited process should outweigh the risks of potential discrepancies between the ODP plan change and the private plan change for rezoning.
 11. At a later stage the Council could choose to propose operative zonings over the remainder of such Outline Plan areas. This would avoid uncoordinated private plan changes and promote more standardised rule packages. The remaining greenfields areas that are not immediately subject to proposals for rezoning to operative urban zones may be more appropriately left in rural zoning.
 12. However, it should be noted that officers are also currently developing a separate plan change, Plan Change 74, "Giving Effect to Chapters 12A and 22 of the RPS – Airport Noise Contours and Urban Limits", as the first stage of changes to the City Plan to give effect to Chapter 12A of the RPS. This draft plan change proposes to introduce an overlay notation on greenfields areas not currently subject to proposals for rezoning, to show them as "Future Urban Development Areas". The land in Future Urban Development Areas will continue to be zoned as Rural or Special Purpose, but this extra notation will give a clear signal that this land will be urbanised at some time in the future. For these areas, additional controls will be proposed on land use and subdivision, to avoid the possibility of rural activities or subdivision patterns being established in the interim that would compromise or preclude an efficient pattern of urban subdivision and development in the future.
 13. The Council will also need to develop a sequencing policy for the orderly and efficient development of the undeveloped greenfields residential and business land, in accordance with Policy 6(d) of Chapter 12A of the RPS. Such a sequencing policy may be included in the Land, Building and Infrastructure Recovery Programme or in the City Plan at a later date.

FINANCIAL IMPLICATIONS

14. Provision has been made in the 2012-13 Draft Annual Plan (District Plan Activity) for funding that will enable the Council to prepare plan changes introducing ODPs into the City Plan and/or for rezoning for these two areas and possibly for some of the remaining greenfields areas shown in **Attachments 2 and 3**.

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

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

LEGAL CONSIDERATIONS

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

16. There is a legal process which must be followed for plan changes under the First Schedule of the RMA. Proceeding in accordance with this process should create no particular risks. This process is familiar to the Council both in respect of Council initiated plan changes (Part 1 of the Schedule), and in respect of the private plan change process (Part 2 of the Schedule).
17. The Council is now legally obliged to give effect to operative Chapter 12A of the RPS including Policies 7 and 8 regarding Outline Development Plans.

ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS

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

18. The process of the Council initiated plan changes is provided for under the LTP and Activity Management Plans. A District Plan work programme has yet to be approved for the 2012-2013 year. This programme will indicate potential further work in the ODP area.
19. The LTP identifies an ongoing programme of preparing, maintaining and reviewing the City Plan as a Level of Service. In addition one of the measures of success is the development of policy and plans to implement the Council's components of the Greater Christchurch UDS action plan.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

20. The recommendations of this report are consistent with the Greater Christchurch Urban Development Strategy (UDS), as well as the operative chapters of the Regional Policy Statement (RPS), and the City Plan.

CONSULTATION FULFILMENT

21. For the CN3 (Upper Styx) area, consultants for the Council have begun undertaking consultation with those other landowners who have indicated either to Council or CERA that they are also keen to undertake residential development. Public consultation via information evenings is likely in May.
22. The proponents of the private plan change for the Sparks Road (CSW3) block of land are currently consulting with other landowners in the block with a view to establishing the likely geographic scope of the plan change. They will also need to consult with ECan.
23. When any plan changes are notified, submissions and hearings processes will follow, thereby enabling interested and affected parties to comment formally on proposals.

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STAFF RECOMMENDATION

That the Council:

- (a) Takes a more proactive role in planning the development and sequencing of greenfields areas, by leading the preparation of Outline Development Plans (ODPs) for CN3 and CSW3. Preparation of ODPs should be undertaken in collaboration with landowners and their representatives.
- (b) In responding to private plan change requests to rezone land from rural to urban in the CN3 and CSW3 areas, where a rezoning plan change is for only part of CN3 or part of CSW3, a plan change to introduce an ODP into the City Plan should be notified ahead of notification of such requests for rezoning, to provide an overall framework for subsequent development, and to ensure integration across the area.

COMMITTEE RECOMMENDATION

That the Council:

- (a) Takes a more proactive role in planning the development and sequencing of greenfields areas, by leading the preparation of Outline Development Plans (ODPs) for CN3 and CSW3.
- (b) In responding to private plan change requests to rezone land from rural to urban in the CN3 and CSW3 areas, where a rezoning plan change is for only part of CN3 or part of CSW3, a plan change to introduce an ODP into the City Plan should be notified ahead of notification of such requests for rezoning, to provide an overall framework for subsequent development, and to ensure integration across the area.
- (c) Notes that the Strategy and Planning work programme will be before the Committee in May.

BACKGROUND (THE ISSUES)

25. Policy 8 of Chapter 12A of the Regional Policy Statement (RPS) requires that development of urban activities (via rezoning) shall be in accordance with an Outline Development Plan (ODP) – refer to **Attachment 1**. The purpose of these plans is to provide the development frameworks for the Greenfields Residential and Business Areas identified on Map 1 of Chapter 12A of the RPS (see **Attachment 3**). ODPs aim to ensure that land use change is supported by the provision of infrastructure and community services, that required housing densities are achieved overall, and that the principles of good urban planning and design are woven into new growth areas.
26. ODPs can be seen as “mini-area plans”, often sitting between an Area Plan and a Plan Change in terms of areal coverage. They are essential for ensuring that the location, sequencing and funding of development and supporting infrastructure is coordinated, particularly where there are multiple landowners involved. They are particularly needed for good connectivity in the design and location of networks such as principal transport linkages, stormwater systems, and open space.
27. The level of detail contained in an ODP will vary depending on the circumstances. Policy 8 of Chapter 12A (see **Attachment 1**) does note that they should show proposed land uses including:
 - principal through roads and connections with the surrounding road network and relevant infrastructure and services

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- any land to be set aside for community facilities or schools
- parks and any other land for recreation
- any land to be set aside for business activities
- the distribution of different residential densities
- land required for stormwater treatment, retention and drainage paths
- land reserved or otherwise set aside from development for environmental or landscape protection or enhancement
- land reserved or otherwise set aside from development for any other reason, and the reasons for its protection and development
- pedestrian walkways, cycleways, bus routes both within and adjoining the area to be developed.

Each of the greenfields residential areas are also required to provide for a minimum density of 15 households per hectare, under Policy 11 of Chapter 12A.

28. The term ODP is used in this report to mean both the diagrammatic or pictorial element of the framework for managing future development, and the supporting analysis and documentation behind it. This may include goals and objectives and principles for development of the area, and will include information on network infrastructure availability and projected future capital works.

Current Issues

29. With the exception of Plan Change 5 (Awatea) recent greenfields growth in Christchurch has been initiated through privately requested plan changes. This has led to numerous variants of zones and ODPs as each development seeks to distinguish itself from others, and to reflect the opportunities and constraints inherent in the site. Although private plan changes for rezoning are a legitimate resource management instrument, and they have been playing an important role in providing land for the City's post earthquake recovery, the cumulative effects of these private plan changes are beginning to create difficulties for the Council in planning and funding long term infrastructure and transport. Moreover, these sequential plan changes are adding a new and extra level of complexity to the City Plan and its administration, and have made it even less user-friendly.
30. Additionally, the Council has faced several procedural and legal issues when processing private plan change requests. In general, submission of a formal request for a private plan change means that the Council must process that plan change, thereby committing staff resources to it, albeit on a cost recovery basis. It is essential for the Council to clearly identify any concerns early on in the process, and seek modifications to the proposed provisions (not always agreed to by the proponent), because there is only scope to make changes later on if such changes fall within the scope of submissions made, or are for clarification. To date the Council has largely been able to avoid being in the awkward position of needing to make its own submissions on plan changes to address concerns. However responding to developer-led plan changes means that there are fewer resources left for the Council to do its own strategic planning for the City.
31. Particular difficulties are also beginning to emerge in future development areas where there is currently no ODP in place, with several individual landowners each considering private plan changes for only a part of a wider greenfields development area. ODPs are now being prepared for two such areas of greenfield land shown in Chapter 12A of the Operative Regional Policy Statement, where the land proposed to be rezoned is only a portion of the wider ODP or Greenfields Development Area. These two areas are CN3 (Upper Styx) in the northwest of Christchurch, lying generally between Gardiners Road and Cavendish Road, and CSW3 (Sparks Road) located between Halswell and Sparks Road in the southwest of Christchurch (see **Attachment 4**).

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32. For these changes to meet the terms of the RPS and be publicly notified, they need to be prepared alongside and in conjunction with an ODP. The Council could have grounds not to accept such changes for notification. However in view of the Government's desire to "unlock residential supply" i.e. get as many sections on the market as possible at this time, officers have so far worked with landowners in these areas on a collaborative basis to prepare ODPs that meet statutory requirements, and will go some way towards enabling particular plan changes for rezoning of land within these ODPs to be tested on their merits.
33. The Sparks Road area CSW3 has the benefit of being part of the 2009 SWAP, which provides an overall development framework, although an ODP is being prepared by the plan change proponents to elaborate on and "refine" it for the CSW3 block. Depending on the degree of involvement of other landowners within the block, the Council may need to play a greater role in this ODP in due course or notify it as a Council plan change.
34. However there is no area plan in existence for the Upper Styx, nor are there currently projects in the LTP capital programme which would allow for earlier development in this area. This is because UDS and PC1 processes preceding Chapter 12A had indicated that development would not begin to occur in this CN3 area until after 2017.
35. Council staff are now discussing private plan change proposals for rezoning part of each of these areas, prior to these being submitted as formal requests for plan changes. These are likely to be known as Plan Change 69 (Sparks Road) and Plan Change 72 (Highsted Park) and will provide for approximately 1000 and 400 households respectively. In neither case is the rezoning of these blocks considered to be essential to meet immediate land needs as a result of the Canterbury Earthquakes and the Building and Infrastructure Recovery Programme. However the blocks will add to the choice of sections available in the short to medium term and could form part of an additional supply of land beyond this. If such land has already been through the ODP process, it will be much more readily able to be brought on stream when required, with major infrastructural issues having already been resolved.

Proposed Approach to Preparing ODPs and Rezoning Greenfields Land

36. Proposed plan changes in the southwest and northwest of the City have led to a re-assessment of how particular future ODPs should be processed and evaluated. Staff are now proposing a more proactive approach to ensuring that ODPs are inserted in the City Plan or at least notified, before private plan change proposals are submitted or processed in the CN3 and CSW3 Greenfields Residential areas. Such an approach will still enable privately requested plan changes to be considered expeditiously, but will enable the Council to take a more proactive role in strategic planning for greenfields residential and business areas.
37. The proposal for PC 72 (Highsted Properties) means that an ODP needs to quickly be prepared for the wider Upper Styx area. Due to other priorities in the work programme, Council officers commissioned consultants to assist the proponents for PC 71 in preparing an ODP for CN3 in parallel with their private plan change. That work has now progressed to the stage where a draft ODP has been submitted. The Council recently advised the proponents that Council officers now have capacity to work with the consultants to complete the preparation of PC 71 and notify it as a Council plan change, ahead of the private plan change for rezoning the smaller area. The proponents have agreed to hand the ODP back to the Council, to progress, should the Council resolve to accept the officers recommendations.
38. The ODP for the wider PC 69 area (CSW3) will be an update and elaboration of the SWAP work done for this area. There may also be site specific policies relating to such matters as housing affordability and providing for a spectrum of household types, as much of the land is owned by a charitable trust. Decisions have not yet been made as to when the Council would take over preparation and notification of this ODP, partly because the extent of the land to be

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rezoned via a subsequent private plan change is as yet unclear. Discussions with Council staff are ongoing, but the proponents have indicated informally that they would not be opposed in principle to the Council taking over the ODP plan change in due course.

39. In both instances the Council has taken on the responsibility for consultation with the wider community, although in the meantime the proponents are undertaking their own discussions with other landowners within the blocks. It will be necessary to notify the ODPs for these areas at least a short period ahead of the private plan changes in each instance. This will provide an overall development context for the more detailed land use pattern and rules which will be contained in the plan changes. At a later stage the Council could choose to propose operative zonings over the remainder of such Outline Plan areas. This would help to prevent uncoordinated private plan changes on remaining blocks of land which are not contiguous with each other, and promote integration with the LTP. It would also enable the Council to have greater control over what could otherwise be several varying Plan provisions in each greenfields development area.
40. As a policy issue, where an adequate ODP is not already in place, and depending on the extent to which a private plan change area coincides with an ODP area, the applicant for a private plan change should be required to contribute to the costs of preparing that ODP, as they will be benefitting in part. In some circumstances the Council may need to bear more of the cost, for example where its planning information base for an area is not up-to date because of changing circumstances.
41. A separate plan change currently being developed to give effect to Chapter 12A of the Regional Policy Statement (PC 74) is likely to introduce an overlay notation on greenfields areas not currently subject to proposals for rezoning, (e.g. because of servicing constraints or different stages of readiness of landowners to develop), to show them as "Future Urban Development Areas". The land in Future Urban Development Areas will continue to be zoned as Rural or Special Purpose, but this extra notation will give a clear signal that this land will be urbanised at some time in the future. Additional controls will also be proposed to prevent more intensive subdivision in the interim which would compromise future urban subdivision patterns. This will give effect to Policy 14 of the RPS ("subdivision and development prior to a zoning plan change, should not compromise minimum net densities or effective and efficient delivery of infrastructure in terms of Policies 7 and 8 of the RPS"). Bringing the remainder of the ODP area into operative zoning would require a subsequent plan change.
42. It should be noted that where the notification of an ODP plan change is followed shortly after by the notification of a rezoning plan change for part of the area, submissions to each should be heard together by the same Panel or Commissioner, so amendments to one document/plan change package as a result of submissions, can be reflected in amendments to the other. Again preferably the decision on the ODP plan change should be released first.
43. ODPs will have statutory weight in the City Plan through rules requiring that subdivision and development be in accordance with the ODP. In residential situations at least, the ODPs will need to include some rules, as the approximate distribution of different residential densities across the whole area will need to be indicated, in order that densities specified in Chapter 12A are achieved. There may also need to be rules to ensure integrated roading links across the area as a whole. In recent years the rules for ODPs have used the words "development shall be in accordance with" an ODP instead of "development shall be in general accordance with" an ODP, as the latter wording was proving to be problematic. However against this, it should be noted that ODP diagrams are generally indicative only, so that development layout and details may vary slightly at the subdivision consent stage. Variations may occur via resource consent assessed as a restricted discretionary activity as more detailed information becomes available during subdivision design and consent processing.

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PART B - REPORTS FOR INFORMATION

3. DEPUTATIONS BY APPOINTMENT

Nil.

The meeting concluded at 10.42 am.

CONSIDERED THIS 24TH DAY OF MAY 2012

MAYOR