

28 August 2015

Comments on the Land Use Recovery Plan Review
Environment Canterbury
PO Box 345
Christchurch 8140

Via email: LURP@ecan.govt.nz

To Whom It May Concern:

Land Use Recovery Plan Review – Christchurch City Council - Written Comment No 2

1. Introduction

Thank you for the opportunity to comment on the review of the Land Use Recovery Plan. The Christchurch City Council (Council) is a strategic partner in the development of the Land Use Recovery Plan (LURP) and supports its vision and intent. Council provided feedback on the initial round of consultation for the LURP Review that occurred earlier this year - we have not repeated that feedback in this letter, however, those comments still stand.

2. LURP Review: Draft Recommendations Consultation Pamphlet

Section 3.1 of the consultation pamphlet outlines the assessment methodology and considerations for the LURP Review. Fundamental to the LURP Review is that any amendments need to be necessary for earthquake recovery. We do not dispute this is the case, however, we note that 'recovery' has a wide ranging definition and interpretation, and in our view this could certainly include addressing the issues raised in our original feedback.

For example, even a cursory glance at Figure 4: Map A shows that Cranford Basin is surrounded by the 'existing urban area' and a Greenfield priority area to its north-east. The Notices of Requirement (NoR's) for the Northern Arterial Extension, the Cranford Street Upgrade and Cranford Basin Stormwater Management area have recently been confirmed and considerable technical work has been undertaken to illustrate that the residual land outside these designations could be used for residential purposesⁱ. While Council accepts the LURP Monitoring Report conclusion that there is likely to be sufficient Greenfield land for residential development to meet demand for the next 10-15 years, this does not mean that the residual land around Cranford Basin cannot be identified for urban purposes and takes an unnecessarily narrow view of what constitutes recovery.

The LURP was not simply about identifying sufficient land for residential purposes across Greater Christchurch. Indeed, section 1.1 of the LURP refers to it addressing the *location* and mix of residential and business activities (emphasis added) - so there is a spatial component to the land supply consideration. It is well known that the Highfield development is not currently progressing, and there are infrastructure and other impediments to other Greenfield priority areas in the wider Styx-Belfast area. The Replacement District Plan Natural Hazards decision and recent reports by Tonkin & Taylor show the vulnerability of parts of eastern Christchurch to natural processes. This, coupled with the fact that the residual Cranford Basin land is part of the urban fabric of Christchurch

(but has simply not been identified as such because of now resolved historical issues) means this land has a point of difference from other land that sits on the fringes of the urban limits, and can comfortably be considered for earthquake recovery reasons.

Council acknowledges that, should this area be identified for residential purposes via a change to the LURP and Regional Policy Statement, there will need to be a detailed assessment via an Outline Development Plan/Plan Change process, which will lead to provisions in the District Plan to manage local effects, integrate land use and infrastructure and identify appropriate densities for development.

We also note that Canterbury Sports Limited are seeking to establish a sports academy off Yaldhurst Road, and have submitted on the LURP Review in this regard. Given the delays in delivering the Metro Sports facility and the overall lack of sporting facilities across Christchurch there is merit to enabling these proposed facilities for earthquake recovery purposes, subject to the necessary technical assessments being undertaken by Canterbury Sports Limited, infrastructure being provided and broad agreement to the proposal by interested parties, such as the New Zealand Transport Agency and Christchurch International Airport Limited. Leaving it to being considered as part of the UDS 'refresh' process and/or a RMA 1st Schedule process risks taking too long and the project not being delivered.

Recovery for the purposes of the Canterbury earthquake recovery means *"the fact of returning to an improved economic condition"*, including restoration and enhancement. It includes the concept of improvement. "Recovery" is not limited merely to restoring greater Christchurch to its previous state but extends to enhancing or improving it.

The starting point must be to focus on the damage that was done by the earthquakes and then to determine what is needed to "respond" to that damage. But the response is not limited to the earthquake damaged areas. Recovery encompasses the restoration and enhancement of greater Christchurch in all respects. Within the confines of the CER Act, all action designed, directly or indirectly, to achieve that objective is contemplated.

The CER Act planning documents and caselaw establish that "Recovery" is not confined to replacing damaged facilities. Recovery is concerned with all aspects of the wellbeing of communities – including the social, cultural, economic and environmental aspects that contribute to the quality of life for residents and visitors. It includes enhancement. It includes cultural recovery (the arts, culture, heritage buildings and places, and sports and recreation). It includes resuming cultural, community and sports events and activities and encouraging participation in a range of entertainment, cultural, recreational and sporting activities. Cultural activities, including sport, art, recreation, and enjoyment of heritage, attract residents and visitors. Iconic sport and recreation facilities are a significant part of the region's infrastructure and economy as they provide venues for participation and high-performance activities. An element of recovery is seeking new opportunities and developments so cultural activities contribute to community wellbeing and economic growth.

The proposed sports academy will assist in achieving that earthquake recovery objective. Subject to the caveats noted above, Council considers there can be change to the LURP to provide for the Christchurch Football Academy site as being part of the metropolitan area, subject to the use being confined to being that for the sports academy, is therefore appropriate.

Section 3.2 of the consultation pamphlet outlines the position statements. Point 9 notes that any further actions to advance the outcomes contained in the LURP should occur through more

traditional statutory mechanisms. We concur with this statement. There is no need to require further actions through the LURP, and as indicated in our earlier feedback, many of the existing actions can be removed.

Section 3.3 addresses the draft recommendations. Draft recommendation 2 refers to consideration of *significant* change being best undertaken through a more comprehensive future spatial planning process. It then goes on to note that would include *any* consideration of additional Greenfield land. We agree that 'significant' change is best addressed through a comprehensive spatial planning exercise, presumably as part of, or aligned to, the UDS 'refresh'. However, consideration should be given to some interim changes to the RPS, through an RMA 1st schedule process, which do not undermine the intention of the RPS or the UDS. These should not have to wait for a spatial planning exercise before they occur.

Section 3.3.2 refers to enabling RMA decision making to be not inconsistent with the LURP. Council supports RMA matters being considered through the RMA framework, rather than continuing to be framed through recovery and the need to be 'not inconsistent' with the LURP. In relation to this, draft recommendation 3 refers to amending Figure 4 of the LURP as being 'indicative' only, and the removal of Appendix 1, Chapter 6. If the LURP is to continue post April 2016 Council supports the need for flexibility by making this map 'indicative' only, or removing it in its entirety, and removing Appendix 1, Chapter 6.

Section 3.3.3 refers to submissions received during the first round of consultation that indicated that development had been unnecessarily inhibited by Chapter 6. Council considers that some legitimate development proposals are being frustrated by the inflexibility of the LURP/CRPS requirements that are unlikely to be successful via a resource consent process where a 'have regard' test is applied in relation to the CRPS. Cranford Basin and the Christchurch Football Academy are constrained by the LURP (and the need to be not inconsistent with it) and the need to have regard to the RPS. In Council's view, it would be extremely difficult for these proposals to procure the necessary resource consents for their proposed developments.

Section 3.3.6 addresses the Greenfield priority areas for Business in North West Christchurch. Council raised these matters in our earlier feedback. Land know as Area 1 (north of Waimakariri Road) and Area 3 (between Hawthornden Road and Russley Road) has been zoned as Rural Urban fringe in stage 2 of the proposed Replacement District Plan (pRDP). Council remains of the position that Area 1 should not be defined as a Greenfield priority area reflecting this proposal.

In respect of Area 3, Council is currently undertaking an assessment of the potential effects associated with rezoning a part of Area 3 as has been sought by submissions to inform recommendations to the Hearings Panel. Subject to these recommendations (to be finalised by 3 September), the deletion of Area 3 in its entirety may not be appropriate and further detailed work is required.

Section 3.3.7 addresses the implication of continued statutory weight of the LURP and notes that the UDS 'refresh' is best placed to pick up many of the ongoing and agreed actions in the LURP. We concur with this statement and note the comments we made in our original feedback. We consider that City Council led non-statutory directions, which are not related to the Replacement District Plan process, should be removed from the revised LURP. Furthermore, while the LURP has been an important document for Christchurch's recovery, it should 'fall away' in its entirety when the Replacement District Plan process finishes. This should be made clear in the revised LURP.

3. Delineation of the Avon River Mouth and Coastal Marine Area

3.1 Issue Definition

Under the Resource Management Act 1991, the definition of "district" and hence the area that a territorial local authorities district plan applies to excludes any area in the "coastal marine area" (CMA). Regional (or unitary) councils are responsible for managing the effects of activities within the coastal marine area via a coastal plan. District councils are primarily responsible for managing activities on the landward side of the coastal marine area through their district plan.

The then Planning Tribunal determined the "mouth" of the Avon River and hence the CMA in 1994. Following the Canterbury Earthquake sequence in 2010/2011, considerable land subsidence (up to 1 metre) occurred around the northern margins of the Avon-Heathcote Estuary. The river/estuarine interface has shifted upstream, with parts of the river channel now subject to estuarine tidal processes. Areas of the coast subject to estuarine coastal processes are better managed as CMA under the Regional Coastal Environment Plan, not the district plan.

3.2 Action Undertaken

Officers from the Department of Conservation (DoC), Environment Canterbury (ECan) and Christchurch City Council (CCC) agreed that a review of the river mouth location and extent of the CMA is required.

A report prepared by Justin Cope (Team Leader Hazards and Coastal, ECan) used a landform characteristic and river/marine process approach to determine the mouth of the river. The report concluded that the mouth of the river is just upstream of where the channels bifurcate around Naughty Boy's Island somewhere at or about the dogleg of Evans Avenue. Officers from DoC, ECan and CCC agree with the report conclusions. A survey plan of the Avon River mouth and the consequential extent of the CMA has been undertaken by CCC.

3.3 Process to Review Mouth and Coastal Marine Area

The definition of "mouth" in Section 2 RMA states that the location of "mouth" for the purpose of defining the landward boundary of the CMA cannot be amended in a regional coastal plan until the next review of the regional coastal plan. The review of the Canterbury Regional Coastal Environment Plan is not programmed to be undertaken in the foreseeable future.

However, Section 2 also provides that if the Minister of Conservation, ECan and CCC agree, the mouth and CMA can be changed outside of the regional coastal plan review. All three parties agree that the mouth and CMA should be changed. However, the RMA process would take too long to enable the amendment to be incorporated as part of the Christchurch Replacement District Plan.

3.4 Land Use Recovery Plan Review

Action 46 provides for changes or variations to be made to regional plans (in this case the Canterbury Regional Coastal Environment Plan) if ECan considers it appropriate to enable and support recovery and rebuilding in accordance with LURP.

Through the LURP Review, a similar action could be inserted into the LURP to change the position of the CMA boundary in the Regional Coastal Environment Plan. The change in location of the CMA

boundary and the river/estuarine interface is clearly a result of the Canterbury Earthquake sequence so can be considered in the LURP Review.

One of the ways in which recovery and rebuilding can be enabled is if the appropriate jurisdictional boundaries between the district and regional councils can be confirmed and hence the functions applied to the correct locations.

Making this change through the LURP Review rather than through a longer RMA process enables the change of the CMA boundary to be incorporated into the Christchurch Replacement District Plan process.

3.5 Recommended Action

That the delineation of the 'Coastal Marine Area Boundary' shown on the Coastal Hazard Zone Map: Christchurch 4 in Volume 3 of the Canterbury Regional Coastal Environment Plan be amended to be in accordance the Christchurch City Council survey plan of the Avon River mouth and coastal marine area (see attached - RPS 1201-01 dated 13/5/2015).

4. Conclusion

The Council would like to thank Environment Canterbury for the opportunity to provide feedback on the Land Use Recovery Plan Review. Should any issues need clarifying then Council staff are happy to discuss the content of this comment further.

Yours sincerely



Michael Theelen
Chief Planning Officer

ⁱ see earlier Council comment to the LURP