

District Plan Residential Unit Overlay

This is the first update on the process that is underway to provide clarity to the policy for building in parts of New Brighton, South New Brighton, Southshore and Redcliffs – an area which is now referred to as the Residential Unit Overlay.

Background

Prior to the earthquakes, the Council was preparing to review and amalgamate our District Plans. After the earthquakes, it was agreed that the Resource Management Process would be too slow. So an Independent Hearings Panel (IHP) was appointed, in accordance with the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014, to hear submissions and make decisions on the Proposed Christchurch Replacement District Plan, including Banks Peninsula, to facilitate the recovery and development of Christchurch.

The issue that we are now seeking to resolve arose in the Natural Hazards Chapter. The IHP, in considering this chapter, established a High Flood Hazard Management Area (HFHMA). In that area all development was to be classified as a **non-complying activity** due to the high risk to people and property in a large flood event. When it came to the hearings and the final decision (Decision 53), the IHP decided that the areas that were in the HFHMA due to future sea level rise should be treated differently.

To support this, the IHP created the Residential Unit Overlay, which classified new builds or extensions in these areas, as a Restricted Discretionary Activity. Unfortunately the IHP didn't amend the HFHMA policy to provide specific direction within the Residential Unit Overlay. The existing HFHMA policy had directed that development is avoided in the HFHMA, where development will increase potential risk to people's safety, wellbeing and property.

This is what has created the confusion and uncertainty about what people can or cannot do.

Since mid-2017 the Council has been offering various solutions to address the issue of uncertainty. A resource consent decision by Commissioners on a site on Main Road Redcliffs provided some guidance, but also highlighted the confusion in the District Plan. Recent public concern has highlighted the need to consider changes to the District Plan to resolve the issue, as quickly as possible.

Section 71 process

Last week, after considering a range of options, the Mayor and Councillors agreed to draft a proposal to submit to the Minister for Greater Christchurch Regeneration requesting the use of Section 71 of the Greater Christchurch Regeneration Act (2016) to propose a policy to support the Residential Unit Overlay within the High Flood Hazard Management Area in the Christchurch District Plan. **You'll find the full Council resolutions attached.** The Council agreed that of all the options currently available to use, a section 71 was the best option for delivering the outcomes sought, and noted it was the process coastal Community Boards and communities had been advocating for.

It's important to remember that at the end of this process, a Ministerial decision is required, and her decision will be very reliant on the advice she receives. She can only give one answer, either yes or no. So that's why the wording of the proposal is so important, and that's why the Mayor and Councillors have asked staff to work with former members of the Independent Hearings Panel to ensure we get the proposal right. We are starting with the amended policy that was provided to the IHP in draft form during their consideration of this matter.

The draft proposal will then go to the Mayor and Councillors for approval at a special Council meeting on 23 October.

We will then formally ask for feedback from strategic partners identified in the Greater Christchurch Regeneration Act – Environment Canterbury, Selwyn District Council, Waimakariri District Council and Te Rūnanga o Ngai Tahu, along with the Department of the Prime Minister and Cabinet (DPMC) and Regenerate Christchurch.

We have written to these partners, to advise them we are using the Section 71 process, and that we want to work collaboratively with them to ensure the proposal is appropriately worded. We are also asking them to prepare to provide their feedback in a shortened timeframe of seven working days, so we have that by 1 November 2018. **You'll find this letter attached.**

As soon as we have received feedback from all the strategic partners, and any necessary amendments have been made, the proposal will go to the Council for approval, before being sent to the Minister for Greater Christchurch Regeneration. She will be asked to use her powers under Section 71 to amend the District Plan with the revised HFHMA Policy to support the Residential Unit Overlay.

The Minister will invite public comments before making her decision. As we have said, the Minister does not have the power to amend the proposal. She must either accept or decline the proposal as it is submitted to her.

It's therefore vital, that while the drafting process is run as quickly as possible, that it is robust, and it presents a proposal that adequately addresses the issue and resolves uncertainty.

We will be involving the two community boards, the CCRU and the affected Residents' Associations in this process, and providing regular updates for distribution across the affected communities.

We are pulling out all the stops to get this through as soon as we can.

Independent audit

In parallel to this, an independent audit will be done on the process that led to the current policy for the Residential Unit Overlay. Undertaken by a former Environment Court Judge, the audit will document what occurred and when. It cannot, and will not, re-litigate any decisions of the Independent Hearings Panel. And again we will ensure the community is involved.

Consent processing

In the meantime, any consent applications for the Residential Unit Overlay areas will be processed in accordance with the current policy and rules of the Christchurch District Plan, guided by the recent decision in the Main Road, Redcliffs case. Consenting staff will continue to provide advice and support to people to help them navigate through the consenting process. Anyone with any queries can email dutyplanner@ccc.govt.nz or phone 03 941 8999 and ask to speak to the duty planner. We also continue to encourage people to seek professional advice.

We will continue to keep you updated on progress with the Section 71 process. And if you have any queries about the process, please contact the Office of the Chief Executive at officeofthecce@ccc.govt.nz

If you would like to receive these updates directly, please email hfhma@ccc.govt.nz and ask to be included in the email list.