

# Introduction

## A New City Plan For Christchurch

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The City Plan is concerned with the sustainable management of the resources of the City of Christchurch over the next 20 or so years. The matters included in the Plan relate to clean air, water and land, consideration of future population changes, avoidance of natural hazards, energy and waste management, the effects of housing, business and rural activities, neighbourhoods and communities, recreation and open spaces, transportation and utility services, city design and heritage and city growth and subdivision.

The City Plan was prepared between 1991 and 1995 and involved a great deal of research, tapping into past experiences, interviews with key members of the community, submissions made by a wide range of people, businesses and organisations, legal advice, and lengthy consideration by various committees of Councillors.

Much of the work in preparing the new Plan has fallen on the planning staff of the Environmental Policy and Planning and the Environmental Services Units, assisted by many other Units of the Council, including City Streets, Parks, Waste Management, Water Services and Leisure.

The City Plan has been prepared by the Christchurch City Council to fulfil its obligations under the Resource Management Act 1991, and is prepared in three volumes:

Volume 1: The Statement of Issues

Volume 2: The Statement of Objectives, Policies and Methods

Volume 3: The Statement of Rules

The City Plan was before the Council on 22 March 1995 and approved as the proposed District Plan for the City of Christchurch for the purpose of public notification in terms of Clause 5, First Schedule of the Resource Management Act 1991. It was publicly notified on 24 June 1995.

All citizens, community groups and businesses were invited to consider the City Plan as proposed, and to make submissions where this may be appropriate.

Over 2,500 people and organisations made 3,900 submissions covering over 12,000 topics. A further 1,500 people lodged submissions in support or opposition to the earlier submissions.

Hearings on the submissions took place over two years from October 1996 and involved over 630 days of hearings. Decisions on the submissions were made by the Council on 22 March 1999 and publicly notified on 8 May 1999.

273 references to the Environment Court were lodged involving 409 topics. The City Plan as republished in May 1999, incorporates all amendments resulting from decisions on submissions made to the proposed City Plan notified on 24 June 1995.

Between 1999 and 2005 most of these references were either heard, withdrawn or settled by consent. Variation numbers 1 to 93 inclusive were publicly notified by Council. These are marked in the plan as shown in the legend above. Any amendments to the text which resulted from proposed Variations or Plan Changes notified since May 1999 are shown as per the legend and are annotated with (Variation / Plan Change No) . Any provisions which remain subject to references are shown as per the legend and are annotated with (Appeal No) . Provisions that are not subject to references, variations or plan changes are operative.

The remainder of the City Plan was made operative on 21 November 2005.

## Introduction to the City Plan

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The Christchurch City Plan has been prepared under Section 73 of the Resource Management Act 1991. It is the first plan prepared for the City under the Act and replaces all or parts of six district planning schemes prepared by previous territorial authorities under the previous Town and Country Planning Act before the present city came into being in November 1989. The previous district schemes covered the old Christchurch City, Waimairi District, Riccarton Borough, Heathcote County, Paparua County (part) and Eyre County (part).

### The City Plan document

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The City Plan comprises three volumes as set out below:

#### Volume 1 - Statement of Issues

This volume describes the significant resource management issues affecting the City and its environment, and forms a basis for the formulation of objectives and policies required to deal with these issues.

## **Volume 2 - Statement of Objectives, Policies and Methods**

This volume sets out the Council's objectives (desired outcomes) and the means whereby they can be achieved (policies). This document provides a statutory basis for the rules and other methods controlling development throughout the City, and the broad framework within which development proposals are assessed. It also introduces methods of implementation through regulatory means (Statement of Rules) or non-regulatory means, and also monitoring provisions.

## **Volume 3 - Statement of Rules**

This volume contains the rules for achieving the objectives and policies. It includes standards which determine whether or not resource consents are required for any particular activity, and matters whereby applications can be assessed. Included are the maps for managing resources and identifying areas of the City.

## **City Plan in the context of the other activities of the Council**

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A major function of the Council is the preparation of its City Plan under the Act which deals with managing natural and physical resources. The functions of the Council in this respect are set out in Section 31 of the Act, but there are other means whereby the Council can achieve the purposes of the Act, by means authorised by other Acts, including the provision of services.

The Council administers numerous assets including roads, civic facilities, utilities and recreational facilities.

Management of these assets is achieved through corporate and business plans, and through annual or strategic planning processes. Unlike the City Plan, these do not usually include regulatory functions.

The Council also administers other legislation such as the Local Government, Health and Building Acts and bylaws proposed under these Acts. These usually have regulatory functions, but are implemented outside the ambit of the Resource Management Act and the City Plan.

The Council is also involved in promotion, provision of information and advocacy functions.

All these other functions are undertaken where applicable, in a way which ensures complementarity with duties under the Resource Management Act and the administration of the City Plan.

## **Status of the City Plan and the Transitional City Plan (including former district schemes)**

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The City Plan has legal effect from the date of public notification and its provisions must be complied with from that date (even if subject to submissions), unless a resource consent is obtained.

The Transitional City Plan, comprising former district schemes also continues to have legal effect, at least until the point that any particular provisions of the new City Plan are:

- beyond the point where they are subject to submissions, and none have been received;
- any submissions received have been dealt with, and are beyond the point where the Council's decision is subject to appeal; or
- any appeals to the Environment Court have been dealt with, and the plan or relevant parts of it, made operative.

**Note** : any appeal of decisions of the Environment Court can only be on points of law

## **Statutory framework for the City Plan**

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The Act sets out those matters which must be given effect to in the preparation of the City Plan. The key provisions are summarised below:

### **Section 5**

This establishes sustainable management of the natural and physical resources as the cornerstone of the preparation and administration of plans. It provides for the right to use, protect and develop natural and physical resources, but only in a manner which ensures that the foreseeable needs of future generations can be met, that the life supporting capacity of air, water, soil and ecosystems are safeguarded and adverse effects of activities on the environment are avoided, mitigated or remedied.

A major role of the City Plan is to address the adverse effects activities may have.

### **Section 6**

This places a duty on the Council to recognise and provide for a range of matters of national importance. These relate to the coastal environment, lakes, rivers, wetlands (and public access to them), natural features, habitats, indigenous vegetation, outstanding landscapes, historic heritage, the

relationship of Maori to ancestral land, sites and features, and the protection of recognised customary activities.

## **Section 7**

The matters in Section 7 of the Act, whilst not described as matters of national importance are, nevertheless, important to the Council's resource management functions, including kaitiakitanga, promotion of amenity values, heritage values, and the quality of the environment.

## **Section 8**

This provision emphasises the importance of the Crown's (and hence local government's) obligation to uphold the principles of the Treaty of Waitangi in undertaking resource management functions.

## **Section 9**

This section sets out the position in respect to land use activities and that such activities are permitted unless there is a rule in the Plan to the contrary.

## **Section 11**

This section sets out the position in respect to subdivision activities and that such activities are not permitted unless allowed by a rule in the Plan.

## **Section 31**

This section sets out the functions of territorial authorities under the Act, and the City Plan's role in dealing with the effects of land use activities, of subdivision and other matters. This in turn relates to the control of land use and subdivision activities under Sections 9 and 11 of the Act.

## **Sections 74, 75 and Second Schedule - Part II**

These sections and the Second Schedule deal with matters to be considered and incorporated in district plans, emphasising the requirement for objectives, policies and rules.

## **First Schedule**

The First Schedule contains the procedures for the preparation of plans, changes to plans (by the Council or privately initiated), variations and amendments.

There are other sections of the Act which are important in plan preparation and readers of this document are referred to the Act itself for the details of these provisions and the sections of the Act described above.

## **Section 32 assessments**

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Under the Act, the Council is required to place weight on the need to justify restrictions on the use of private property - that is, the onus of justifying intervention is on the regulating authority.

Section 32 of the Act sets out requirements for the Council to consider the costs, benefits and alternatives in respect of any objective, policy, rule or other method. This includes both the advantages and disadvantages of regulation through the city plan process. These Section 32 assessments are not part of the plan itself, but are available if required.

## **The plan change process**

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Through both monitoring of the Plan, and representations to the Council, a need for the Council to undertake changes to the City Plan will arise over time, particularly given the ten year review period for district plans.

It is also possible for private individuals to initiate plan changes. The Council's grounds for refusing any such requests are limited and appeal rights are provided for. Plan change procedures for both Council and privately initiated changes are contained in the First Schedule of the Act. Council approval to initiate a private plan change does not necessarily mean that the change is supported by the Council.

## **Relationship with the plans of other authorities**

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The City Council's principal function under the Act is to manage the effects of the use, development and protection of land and associated resources in an integrated manner. As part of this integration the Council is required to consider the provisions of a number of other planning documents at national, regional and local level. Section 74 (2) requires that in preparing its district plan, the Council have regard to any proposed regional policy statement or

proposed regional plan in regard to any matter of regional significance, any management plans and strategies prepared under other Acts, any regulations relating to the conservation, management or sustainability of fisheries, and any relevant entry in the Historic Places Register. Section 75 (3) requires that a district plan must give effect to any national policy statement, any New Zealand coastal policy statement, and any regional policy statement, while section 75 (4) provides that a district plan must not be inconsistent with any water conservation order or any regional plan.

Provisions exist under Section 82 of the Act for reference to the Environment Court on matters of any inconsistencies between plans, although inconsistencies between a regional and district plan may remain if these are minor.

In respect to the plans of adjoining territorial authorities, Section 74 (2)(c) requires the Council to have regard to the extent to which the district plan needs to be consistent with the plans of the adjoining territorial authorities.

Section 74 (2A) requires that the Council must, when preparing or changing its District Plan, take into account any relevant planning document recognised by an Iwi authority and lodged with the Council, and must recognise and provide for the management plan for a foreshore and seabed reserve once the management plan has been lodged with the Council.

## **National planning documents**

### **National planning documents**

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The Council is required to give effect to any national policy statement, any New Zealand coastal policy statement or any regional policy statement.

The Government has prepared a New Zealand coastal policy statement which impacts on the preparation of both the regional coastal environment plan and to some extent on the preparation of the City Plan in respect to the coastal environment. Particular aspects of this policy statement which have been taken into account in the City Plan are as follows:

- recognition and protection of areas that contribute to the natural character of the coastal environment;
- protection of the margins of coastal water bodies from the adverse effects of land based activities; and
- recognition of the open space along the coastline and the contribution these areas make to amenity values.

## **Regional documents**

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During the preparation of the proposed City Plan, the Council considered and responded to several documents prepared by the Canterbury Regional Council.

These included the:

- Transitional Regional Plan.
- Proposed Regional Policy Statement.
- Proposed Land and Vegetation Management Regional Plan.
- Proposed Regional Coastal Environment Plan.

Council staff have also had opportunities to have input into several other regional documents covering, for example, groundwater management, air pollution, transport, and waste management. Catchment and floodplain management plans have been jointly prepared by Council and Regional Council staff for the Styx, Avon and Heathcote Rivers.

Because of the timing of the City Plan review, and the passing into law of the Act, these plans have proceeded in tandem with the preparation of the City Plan. Regular liaison between the two Councils has enabled the City Plan to be prepared with a reasonable degree of confidence that significant inconsistencies with the regional policy statement and plans is unlikely to occur. However, there may remain several outstanding issues that still need to be resolved with the Regional Council in the interests of integrated resource management.

## **Iwi management plans**

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While there is no formal document recognised as an Iwi management plan, the Council has in preparation of its City Plan had considerable regard to the provisions of the Ngai Tahu resource document entitled "Te Whakatau Kaupapa" and the document commissioned by the Council, "Ngai Tahu & Ngai Tahuriri Input into Christchurch City Council Plan Review". Particular issues arising out of these documents which are of relevance to the City Plan include the following:

- impact of land use activities on water quality and that of receiving waters particularly the Avon Heathcote Estuary and Lake Ellesmere; and
- sites of significance to Tangata Whenua, including burial sites within the City.

## **Management plans and strategies prepared under other Acts**

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The Council, as already indicated, has had to have regard to the provisions of other planning documents it has prepared, including its long term council community plan annual plans and business plans. These documents do not form a framework for the district plan itself, but the Plan has been prepared with and in consultation with the various units of the Council responsible for both statutory resource management functions and corporate functions. In addition to that there is other legislation which has some impact on resource management issues. These include the following:

- Reserves Act.
- Health Act.
- Sale of Liquor Act.
- Local Government Act.
- Building Act.
- Summit Road (Canterbury) Protection Act.

There are no management plans relating to fisheries which are of relevance to the area covered by the Christchurch City Plan.

## Public participation

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In the preparation of the City Plan opportunities for public input were provided during interviews with key members of the community (late 1990), and again at the time of the preparation of the initial Issues and Options Discussion Document (late 1991). Upon the issue of the draft Statement of Objectives and Policies (mid 1992) discussion with residents groups, community and professional associations, consultation with Tangata Whenua, and liaison with other authorities also took place. There is also the process of submission and cross-submission following public notification. The consultation process cannot guarantee that all persons considering themselves affected were consulted, but a conscious process of wide consultation has been undertaken as part of the process of preparing the City Plan, and extensive comments were received.

## Transfer of powers

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Section 33 of the Act provides the Council with the opportunity of transferring functions, powers or duties under the Act to another public authority. Similarly, functions, powers or duties may transfer from other public authorities to the Council. Transfers between authorities are possible to allow for more efficient decision making. Such transfers must be by mutual agreement and be desirable in terms of efficiency and the authority to which the transfer is made must also represent the appropriate community of interest and have the technical ability to perform the function.

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