
Urban Development and Transport Committee

AGENDA

Notice of Meeting:

An ordinary meeting of the Urban Development and Transport Committee will be held on:

Date: **Thursday 1 April 2021**
Time: **9.30am**
Venue: **Council Chambers, Civic Offices,
53 Hereford Street, Christchurch**

Membership

Chairperson	Councillor Mike Davidson
Deputy Chairperson	Councillor Phil Mauger
Members	Mayor Lianne Dalziel
	Deputy Mayor Andrew Turner
	Councillor Jimmy Chen
	Councillor Catherine Chu
	Councillor Melanie Coker
	Councillor Pauline Cotter
	Councillor James Daniels
	Councillor Anne Galloway
	Councillor James Gough
	Councillor Yani Johanson
	Councillor Aaron Keown
	Councillor Sam MacDonald
	Councillor Jake McLellan
	Councillor Tim Scandrett
	Councillor Sara Templeton

1 April 2021

Principal Advisor

Carolyn Gallagher
Acting General Manager
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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. If you require further information relating to any reports, please contact the person named on the report.

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Developing Resilience in the 21st Century

Strategic Framework

Whiria ngā whenu o ngā papa,
honoa ki te maurua tāukiuki

Bind together the strands of each mat and join
together with the seams of respect and reciprocity

Ōtautahi-Christchurch is a city of opportunity for all

Open to new ideas, new people and new ways of doing things – a city where anything is possible

Principles

Being open,
transparent and
democratically
accountable

Promoting
equity, valuing
diversity and
fostering inclusion

Taking an inter-generational approach
to sustainable development,
prioritising the social, economic
and cultural wellbeing of
people and communities
and the quality of the
environment, now
and into the
future

Building on the
relationship with
Te Rūnanga o Ngāi Tahu
and the Te Hononga-Council
Papatipu Rūnanga partnership,
reflecting mutual understanding
and respect

Actively collaborating and
co-operating with other
local, regional
and national
organisations

Ensuring
the diversity
and interests of
our communities
across the city and the
district are reflected in
decision-making

Community Outcomes

Resilient communities

Strong sense of community
Active participation in civic life
Safe and healthy communities
Celebration of our identity
through arts, culture, heritage,
sport and recreation
Valuing the voices of all cultures
and ages (including children)

Liveable city

Vibrant and thriving city centre
Sustainable suburban and
rural centres
A well connected and accessible
city promoting active and
public transport
Sufficient supply of, and
access to, a range of housing
21st century garden city
we are proud to live in

Healthy environment

Healthy water bodies
High quality drinking water
Unique landscapes and
indigenous biodiversity are
valued and stewardship
exercised
Sustainable use of resources
and minimising waste

Prosperous economy

Great place for people, business
and investment
An inclusive, equitable economy
with broad-based prosperity
for all
A productive, adaptive and
resilient economic base
Modern and robust city
infrastructure and community
facilities

Strategic Priorities

Enabling active
and connected
communities
to own their future

Meeting the challenge
of climate change
through every means
available

Ensuring a high quality
drinking water supply
that is safe and
sustainable

Accelerating the
momentum
the city needs

Ensuring rates are
affordable and
sustainable

Ensuring we get core business done while delivering on our Strategic Priorities and achieving our Community Outcomes

Engagement with
the community and
partners

Strategies, Plans and
Partnerships

Long Term Plan
and Annual Plan

Our service delivery
approach

Monitoring and
reporting on our
progress

URBAN DEVELOPMENT AND TRANSPORT COMMITTEE OF THE WHOLE - TERMS OF REFERENCE / NGĀ ĀRAHINA MAHINGA

Chair	Councillor Davidson
Deputy Chair	Councillor Mauger
Membership	The Mayor and All Councillors
Quorum	Half of the members if the number of members (including vacancies) is even, or a majority of members if the number of members (including vacancies) is odd.
Meeting Cycle	Monthly
Reports To	Council

Delegations

The Council delegates to the Urban Development and Transport Committee authority to:

- Monitor and make decisions regarding the Council's Roads, footpaths and streetscapes in accordance with the Council's Long Term Plan.
- Monitor and make decisions on the Council's Transport functions including road operations, parking, public transport, cycle ways, harbours and marine structures in accordance with the Council's Long Term Plan.
- Make all decisions in connection with the Major Cycleway Routes programme, including final route selections and anything precedent to the exercise by the Council of its power to acquire any property, subject to:
 - a. The Committee and affected Community Boards being briefed prior to any public consultation commencing on any Major Cycleway Route project.
- Receive regular updates from the Greater Christchurch Partnership Committee, and the Greater Christchurch Joint Public Transport Committee
- Make all decision in connection with the Lincoln Road (Wrights to Curletts) Project.
- Make decisions regarding the District Plan.

Bylaws

The Council delegates to the Committee authority to:

- Oversee the development of new bylaws within the Committee's terms of reference, up to and including adopting draft bylaws for consultation.
- Oversee the review of the following bylaws, up to and including adopting draft bylaws for consultation.
 - Cruising and Prohibited Times on Roads Bylaw 2014
 - Marine, River and Lake Facilities Bylaw 2017
 - Stock on Roads Bylaw 2017
 - Traffic and Parking Bylaw 2017

Submissions

- The Council delegates to the Committee authority:

- To consider and approve draft submissions on behalf of the Council on topics within its terms of reference. Where the timing of a consultation does not allow for consideration of a draft submission by the Council or relevant Committee, that the draft submission can be considered and approved on behalf of the Council.

District Plan Appeals

The Committee is authorised to:

- Consider and resolve any consent orders requested in respect of any proceedings before the Environment Court regarding any appeal on the Christchurch District Plan.
 - Authorise counsel and Council witnesses to call evidence in support of a compromise position or positions in the alternative for the purpose of endeavouring to agree with the parties in terms of a consent order in respect of any proceedings before the Environment Court arising out of the Council's decisions on the Christchurch District Plan.
 - Authorise any one or more officers holding the positions listed below to participate in a mediation of any proceeding before the Environment Court arising out of the First Schedule to the Resource Management Act 1991.
 - This authority shall include the power to commit the Council to a binding agreement to resolve the proceeding, provided it does not require any Council expenditure not authorised by a Council delegation. Part D - Sub-Part 1 – Community Boards 159 Delegation Date Amended
 - Any authority given under this delegation shall be on such terms and conditions as the Committee considers appropriate.
- Authorised positions:**
- Head of Legal
 - Associate General Counsel
 - Corporate Counsel
 - Head of Planning and Strategic Transport
 - Team Leader City Planning
 - Principal Advisors, Planning
 - The exercise of such delegated powers shall be reported to the Council on a six-monthly basis
- Authorise any two or more officers who, for the time being, hold any of the following positions to jointly consider, and resolve by consent order, any appeal to the Environment Court against a decision of Council on submissions to the Christchurch District Plan, where the appeal relates to an alteration of minor effect or the correction of a minor error.

Authorised positions:

- Head of Legal
 - Associate General Counsel
 - Corporate Counsel
 - Head of Planning and Strategic Transport
 - Team Leader City Planning
 - Principal Advisors, Planning
- Make decisions, on behalf of the Council, in relation to any High Court proceedings arising out of decisions by the Environment Court on the Christchurch District Plan provided such decisions are consistent with professional advice.

Limitations

- This Committee does not have the authority to set project budgets, identify preferred suppliers or award contracts. These powers remain with the Finance and Performance Committee.
- The general delegations to this Committee exclude any specific decision-making powers that are delegated to a Community Board, another Committee of Council or Joint Committee. Delegations to staff are set out in the delegations register.
- The Council retains the authority to adopt policies, strategies and bylaws.

Chairperson may refer urgent matters to the Council

As may be necessary from time to time, the Committee Chairperson is authorised to refer urgent matters to the Council for decision, where this Committee would ordinarily have considered the matter. In order to exercise this authority:

- The Committee Advisor must inform the Chairperson in writing the reasons why the referral is necessary
- The Chairperson must then respond to the Committee Advisor in writing with their decision.

If the Chairperson agrees to refer the report to the Council, the Council may then assume decision making authority for that specific report.

Part A	Matters Requiring a Council Decision
Part B	Reports for Information
Part C	Decisions Under Delegation

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Karakia Whakamutunga

Karakia Timatanga

1. Apologies / Ngā Whakapāha

At the close of the agenda no apologies had been received.

2. Declarations of Interest / Ngā Whakapuaki Aronga

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

3. Confirmation of Previous Minutes / Te Whakaāe o te hui o mua

That the minutes of the Urban Development and Transport Committee meeting held on [Wednesday, 10 March 2021](#) be confirmed (refer page 8).

4. Public Forum / Te Huinga Whānui

A period of up to 30 minutes will be available for people to speak for up to five minutes on any issue that is not the subject of a separate hearings process.

5. Deputations by Appointment / Ngā Huinga Whakaritenga

Deputations may be heard on a matter or matters covered by a report on this agenda and approved by the Chairperson.

There were no deputations by appointment at the time the agenda was prepared.

6. Presentation of Petitions / Ngā Pākikitanga

There were no petitions received at the time the agenda was prepared.

Urban Development and Transport Committee OPEN MINUTES

Date: Wednesday 10 March 2021
Time: 11.06am
Venue: Council Chambers, Civic Offices,
53 Hereford Street, Christchurch

Present

Chairperson Councillor Mike Davidson
Deputy Chairperson Councillor Phil Mauger
Members Mayor Lianne Dalziel
Deputy Mayor Andrew Turner
Councillor Jimmy Chen
Councillor Melanie Coker
Councillor Pauline Cotter
Councillor James Daniels
Councillor Anne Galloway
Councillor James Gough
Councillor Yani Johanson
Councillor Aaron Keown
Councillor Sam MacDonald
Councillor Jake McLellan
Councillor Sara Templeton

10 March 2021

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Part A Matters Requiring a Council Decision

Part B Reports for Information

Part C Decisions Under Delegation

Karakia Timatanga: Given by Councillor Chen.

The agenda was dealt with in the following order.

1. Apologies / Ngā Whakapāha

Part C

Committee Resolved UDATC/2021/00004

That the apology received from Councillor Scandrett for absence be accepted.

Councillor Davidson/Councillor Cotter

Carried

2. Declarations of Interest / Ngā Whakapuaki Aronga

Part B

There were no declarations of interest recorded.

3. Confirmation of Previous Minutes / Te Whakaāe o te hui o mua

Part C

Committee Resolved UDATC/2021/00005

That the minutes of the Urban Development and Transport Committee meeting held on Thursday, 4 February 2021 be confirmed.

Councillor Templeton/Councillor MacDonald

Carried

4. Public Forum / Te Huinga Whānui

Part B

4.1 Proposed New Richmond Cycle Safety Route

David Duffy will speak on behalf of Richmond Business Association regarding a proposed cycleway through Richmond.

Committee Resolved UDATC/2021/00006

Part B

That the Urban Development and Transport Committee:

1. Refers the issues raised by David Duffy in the presentation about the Richmond Cycle Safety Route for consideration by staff as part of work that will connect local communities to major cycle ways.

Councillor Davidson/Councillor McLellan

Carried

4.2 Visually appealing higher density housing

June Peka will speak to the Committee regarding the urban design of medium and high density housing.

5. Deputations by Appointment / Ngā Huinga Whakaritenga

Part B

There were no deputations by appointment.

6. Presentation of Petitions / Ngā Pākikitanga

Part B

There was no presentation of petitions.

Councillor Gough left the meeting at 12:03 pm and returned at 12.06 pm during consideration of Item 7.

7. Transport Bi-Monthly Report to Urban Development and Transport Committee

Committee Resolved UDATC/2021/00007

Part C

That the Urban Development and Transport Committee:

1. Receive the information in the Transport Bi-Monthly report

Councillor Chen/Councillor Cotter

Carried

Karakia Whakamutunga: Given by Councillor Chen.

Meeting concluded at 12.14pm.

CONFIRMED THIS 1st DAY OF APRIL 2021

**COUNCILLOR MIKE DAVIDSON
CHAIRPERSON**

7. 2021 Aotearoa Bike Challenge

Reference / Te Tohutoro: 21/366443

Councillor Davidson and Mayor Dalziel will present certificates to participants in the 2021 Aotearoa Bike Challenge.

Attachments / Ngā Tāpirihanga

There are no attachments to this report.

8. Diamond Harbour Wharf Upgrade

Reference / Te Tohutoro: 20/1473323

Report of / Te Pou
Matua:

Andrew Rutledge, Head of Parks, Andrew.Rutledge@ccc.govt.nz
Sylvia Docherty, Senior Project Coordinator,
Sylvia.Docherty@ccc.govt.nz

General Manager /
Pouwhakarae:

Mary Richardson, General Manager Citizen and Community,
Mary.Richardson@ccc.govt.nz

1. Purpose of the Report / Te Pūtake Pūrongo

- 1.1 The purpose of this report is for the Urban Development and Transport Committee to approve proceeding with detailed design, procurement and construction of the floating pontoon and upgrade to Diamond Harbour Wharf. This report has been staff generated following key stakeholder and community consultation in October/November 2020.
- 1.2 The decision in this report is of low significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined using the significant assessment criteria.

2. Officer Recommendations / Ngā Tūtohu

That the Urban Development and Transport Committee:

1. Approves staff proceeding with detailed design, procurement and construction of the upgrade to Diamond Harbour Wharf including option D; 18 metre by 6 metre pontoon connected to the wharf by an 18 metre gangway which will provide a slope of 1:12 (**Appendix B**).

3. Reason for Report Recommendations / Ngā Take mō te Whakataua

- 3.1 The Diamond Harbour Wharf is due for an upgrade to improve safety and accessibility recognising current problems with the south-western stairs, which are unsuitable for wheelchairs and difficult to manoeuvre bikes and pushchairs, as well as part of the existing deck which is currently uneven due to a combination of old and new timbers of different heights (several photographs of the wharf, stairs and decking are shown in **Appendix A**). Investigative work has determined that installation of a floating pontoon and repair of the existing wharf will address these issues.
- 3.2 Staff have provided briefings and reported to the Te Pātaka o Rākaihautū/Banks Peninsula Community Board during the planning of this project to seek feedback recognising this is significant infrastructure for the community of Diamond Harbour. Te Pātaka o Rākaihautū/Banks Peninsula Community Board have been fully supportive of the work undertaken by staff and resolved to recommend to the Urban Development and Transport Committee that it:

Approves staff proceeding with the design and construction of the floating pontoon and upgrade works to the Diamond Harbour Wharf.
- 3.3 Staff will report back to Te Pātaka o Rākaihautū/Banks Peninsula Community Board by memorandum informing them of the additional options identified, the impact on budget and deliverability and the decision of the Urban Development and Transport Committee.
- 3.4 Public consultation feedback is overall supportive of the proposed changes.

- 3.5 The report recommendations allow the progress of the project delivery.

4. Alternative Options Considered / Ētahi atu Kōwhiringa

- 4.1 As part of the investigations to improve safety and accessibility concept designs were prepared for the pontoon and gangway that provide three different slopes, 1:6, 1:10 and 1:12 (the slope is defined in a ratio of vertical to horizontal e.g. 1:6 is 1 metre vertical to 6 metres horizontal). Feedback from the Disability Action Group had identified 1:12 as their preferred option to reduce the maximum incline for users.
- 4.2 A number of key factors were identified to analyse the options based on current and future use of the wharf, this included the preferred accessibility slope of 1:12, the requirements of the current and future Diamond Harbour ferry and access for recreational boats. Staff are in discussions with Black Cat to understand their plans for a replacement ferry in 2022 and have included the current and future ferry specifications in the considerations. The new ferry's freeboard (the height of a ship's deck above the waterline) is expected to increase from 0.5m to 0.9m.
- 4.3 **Table 1** provides a summary of the findings. Options A and B do not meet the preferred accessibility specifications. Option C limits the area of the pontoon for recreational boats. Option D meets the accessibility specifications and provides the largest area available for recreation boats. The larger freeboard for the new ferry is provided for in this design meaning there will not be a need for a separate ramp to the new ferry and will continue the 1:12 slope.

	Accessibility 1:12 at 80% of the time when the tide level is above 0.75m chart datum	New Black Cat Ferry with freeboard of 0.9m	Recreational boat berthing length available	Recreational boat freeboard
Option A	Not achieved	Requires additional ramp/steps	18m	0.5
Option B	Not achieved	Requires additional ramp/steps	18m	0.5
Option C	Achieved	Requires additional ramp/steps	5m	0.5
Option D	Achieved	Meets requirements for current and future ferry	18m	0.5 + 0.9

Table 1 summary of pontoon and gangway options considered

- 4.4 The other option considered is, Do Nothing. This option is available but will not address the issues of safety and accessibility for passengers accessing the ferry and will lead to further deterioration of the existing wharf and higher maintenance costs.

5. Detail / Te Whakamahuki

Background

- 5.1 The main use of the wharf is the Diamond Harbour Ferry terminal. The ferry transports locals and visitors between Lyttelton and Diamond Harbour and is part of the public transport network managed by Environment Canterbury. Black Cat Cruises is the contracted ferry operator. The wharf is also used by fishers, recreational boat owners, recreational wharf jumpers, swimmers and tourists.

- 5.2 The conservation report identifies a small jetty in this location in the 1850s, which was extended in 1874. The wharf was reconstructed in 1915, following the residential subdivision of Diamond Harbour in 1913, and retains this form with alterations including the Sea Scouts boat canopy and replacement passenger and bicycle shelters. The report is unable to confirm when the derrick crane was installed (not present in 1915) with the earliest available photograph of the crane taken in 1949.

Pontoon location and impact on the existing infrastructure

- 5.3 Investigations into potential sites for the new pontoon found the best location is on the south side of the wharf. This is the most protected place for people to disembark, protected from wind and wave action.
- 5.4 The floating pontoon will be 18m length and 6m wide, constructed of concrete, and attached to four steel piles which will be driven into the seabed approximately 6m deep. The gangway will be 18m length and 1.8m wide with high-sided rails to provide access to the wharf. The gangway and pontoon will be designed to move with the wave action similar to the pontoon and gangway at the Lyttelton terminal. At Lowest Astronomical Tide (L.A.T.) the gangway will provide a grade of 1:12 or less for 80% of the time when the tide level is above 0.75m chart datum and a maximum grade of 1:8. An anti-slip surface will be included in the design specifications.
- 5.5 It will be necessary to relocate the derrick crane (crane) as the connection between the existing wharf and the planned pontoon is where the crane is currently situated. The crane is no longer used for the lifting of materials / goods but is enjoyed by wharf jumpers who climb and sling from the rope attached to the end of the crane. The structural inspection carried out in July 2020 recommended a risk assessment of this activity which has been carried out and reports that jumping from a rope suspended from the crane would not generate sufficient momentum and force to penetrate and collide with the seabed. Signage to raise awareness of hazards is recommended. The proposed new location is above water of a similar depth to the current crane position and swimmers can make use of the steps on the northern side of the wharf.
- 5.6 A swing mooring owned by Naval Point Club will require to be relocated as it is in the path the ferry will use to access the new pontoon. Discussions are underway with Environment Canterbury to determine a suitable alternative location for the mooring, within the same area.
- 5.7 Feedback from one yacht owner who leases a nearby Council mooring noted the side of the pontoon identified for recreation boats will not be suitable for yachts that require 2m water depth. A similar arrangement to the current south-west stairs access would be applied to the south-west side pontoon sharing access with the ferry.

Upgrade to the existing wharf

- 5.8 The upgrade of the existing wharf will include the following:
- 5.8.1 Repair of the existing decking. The 2020 structural inspection identified the wharf deck is a mixture of old and new timbers, with the newer timbers up to 20mm thicker than the old. The inspection report recommends the decking is replaced from bent 5 onwards, noting decking from the abutment at the start of the wharf to bent 5 was replaced in 2008. A composite material will replace the existing decking from bent 5 outwards, this material has an anti-slip surface that is UV protected providing a long life span and low maintenance.
- 5.8.2 The stairs at the outer (South-West) end of the wharf will be removed and the deck extended to fill the void above where the stairs were previously located. These are currently used by ferry passengers to access the ferry.

- 5.8.3 Repair, replacement or installation of handrails as required noting the area where the crane is currently positioned does not have handrail.
- 5.8.4 Additional lighting in proximity to the location of the gangway.
- 5.8.5 Installation of a cantilever shelter on the north side of the wharf to provide shelter from the rain and sun for people accessing the ferry.
- 5.8.6 Installation of bike storage in the existing bike shed.

Consultation feedback

- 5.9 Consultation was open from 23 October to 11 November. To advise people that they could have their say, we installed a sign at the wharf, which included consultation documents, supplied a number of the consultation documents to the local businesses and the local library we also attached them to the community notice boards. We had a 'Have Your Say' page which included more information on the design of the wharf, and the history.
- 5.10 On Saturday 7 November we were available on the wharf, from 8.30am to 10.30am, if any of the local residents wanted to come and have a chat about the project. We spoke to four people, all of whom liked the idea of the upgrade and the new pontoon. They asked about the upcoming parking changes and just wanted a better understanding on the design of the new pontoon.
- 5.11 When the consultation was open we heard from 67 people, mainly from locals and the local bays. All but one of the submissions agree with the upgrade and the majority of them like the idea of the floating pontoon. The one comment that did not support the upgrade as they didn't want to see the 100 year old planks disappear.
- 5.12 Access on to the ferry has been difficult for some people, and we heard that this design would benefit them greatly; 35439 - as a disabled person this will make using the ferry much easier for me, 35608 - My elderly Mum wasn't able to stay here because no access for infirm.
- 5.13 There were a lot of comments on keeping the crane, and some of these wanted the steps retained to help people out of the water. We also received comments asking for a disconnected floating swimmer's pontoon and an option for launching kayaks from the floating dock.
- 5.14 There were a small number of comments on how E-bikes have become more popular, and that the new ramp and pontoon will encourage more people to use the ferry.
- 5.15 We had a lot of support for the floating pontoon and the main wharf upgrade. The majority of the submissions were about keeping the crane and making sure people had room to swing and swim.
- 5.16 The decision affects the following wards/Community Board areas:
 - 5.16.1 Mt Herbert / Te Pātaka o Rākaihautū/Banks Peninsula Community Board.

6. Policy Framework Implications / Ngā Hīraunga ā- Kaupapa here

Strategic Alignment /Te Rautaki Tīaroaro

- 6.1 This report supports the [Council's Long Term Plan \(2018 - 2028\)](#):
 - 6.1.1 Activity: Parks & Foreshore
 - Level of Service: 10.8.1.3 Provision of a network of publicly available marine structures that facilitate recreational and commercial access to the marine environment for citizens and visitors. - Wharves and Jetties ramps and slipways (condition average or better): 90%.

Policy Consistency / Te Whai Kaupapa here

- 6.2 The decision is consistent with Council's Plans and Policies.

Impact on Mana Whenua / Ngā Whai Take Mana Whenua

- 6.3 The decision does not involve a significant decision in relation to ancestral land or a body of water or other elements of intrinsic value, therefore this decision does specifically impact Mana Whenua, their culture and traditions.
- 6.4 This project does not seek to reduce water quality or adversely affect marine ecosystems and will improve access to coastal areas. The original concept drawing for the pontoon and outline of the project have been shared with Ngāti Wheke as part of the consultation.
- 6.5 The Whaka-Ora Healthy Harbour plan has also been assessed as part of this project. The Whaka-Ora Healthy Harbour plan is a catchment management plan with a vision of restoring the ecological and cultural health of Whakaraupō/Lyttelton Harbour as mahinga kai, for future generations. The proposal is consistent with the objectives of the plan as it increases the ability of community to access water and does not degrade harbour health.

Climate Change Impact Considerations / Ngā Whai Whakaaro mā te Āhuarangi

- 6.6 There are no Climate Change impacts for this project. Although the proposed work is on the foreshore, long term sea level rise issues would be addressed through a Council strategic approach to coastal hazards.

Accessibility Considerations / Ngā Whai Whakaaro mā te Hunga Hauā

- 6.7 The pontoon and gangway will provide improved access to the ferry at Diamond Harbour and will be similar in design to the pontoon at Lyttelton terminal with an 18m gangway.
- 6.8 An outline of the project including the proposed pontoon and gangway was presented to the Disability Advisory Group in December. Feedback from the group on the maximum gangway slope noted 1V:4.5H as steep, 1V:8H is acceptable and 1V:12H would be preferred.

7. Resource Implications / Ngā Hīraunga Rauemi

Capex/Opex / Ngā Utu Whakahaere

- 7.1 The Whole of Life budget for this project is \$3,095,658 CAPEX. Approval to proceed to detailed design will allow further details to be determined for a quantity surveyor estimate to be prepared. Preliminary cost estimates received during the concept develop indicate that the project will be delivered within the existing harbour and marine structures budget.
- 7.2 Maintenance/Ongoing OPEX costs – regular inspections of the wharf takes places every three years, these inspections and any maintenance required are funded from the existing harbour and marine structures maintenance budget.

8. Legal Implications / Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report / Te Manatū Whakahaere Kaupapa

- 8.1 The Urban Development and Transport Committee has delegated authority to monitor and make decisions on the Council's Transport functions including road operations, parking, public transport, cycle ways, harbours and marine structures in accordance with the Council's Long Term Plan.

Other Legal Implications / Ētahi atu Hīraunga-ā-Ture

- 8.2 The legal considerations are:

- 8.2.1 A Resource Consent will be required to undertake this work. If the Committee approves the project, staff will begin the process of obtaining the required consents.
- 8.2.2 The Conservation Report identifies that the current wharf was reconstructed in 1915 and being built after 1900, it is not subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 and no archaeological authority is required for modifying this structure.
- 8.3 This report has not been reviewed and approved by the Legal Services Unit

9. Risk Management Implications / Ngā Hiraunga Tūraru

- 9.1 Resource Consent – a non-notified consent process without onerous conditions has been assumed in the cost and programme estimates. If the project is subject to notification and/or onerous conditions it would adversely affect both elements.
- 9.2 Public access – the wharf is part of the public transport network and will be required to remain open during construction. Methodology to support this will be considered as part of the tender process.

Attachments / Ngā Tāpirihanga

No.	Title	Page
A ↓	Diamond Harbour Wharf photographs - overview and steps	20
B ↓	Diamond Harbour Wharf concept design pontoon and gangway option D	22

In addition to the attached documents, the following background information is available:

Document Name	Location / File Link
Structural Assessment	https://ccc.govt.nz/assets/Documents/Consultation/2020/10-October/aDiamond-Harbour-Wharf-StructurAssessment-Calibre-August-2020-v2.PDF
Conservation Report	https://ccc.govt.nz/assets/Documents/Consultation/2020/10-October/Diamond-Harbour-Wharf-Upgrade-ervation-Report-Final-22.10.20.PDF
Have Your Say	https://ccc.govt.nz/the-council/consultations-and-submissions/haveyoursay/show/344

Confirmation of Statutory Compliance / Te Whakatūtutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

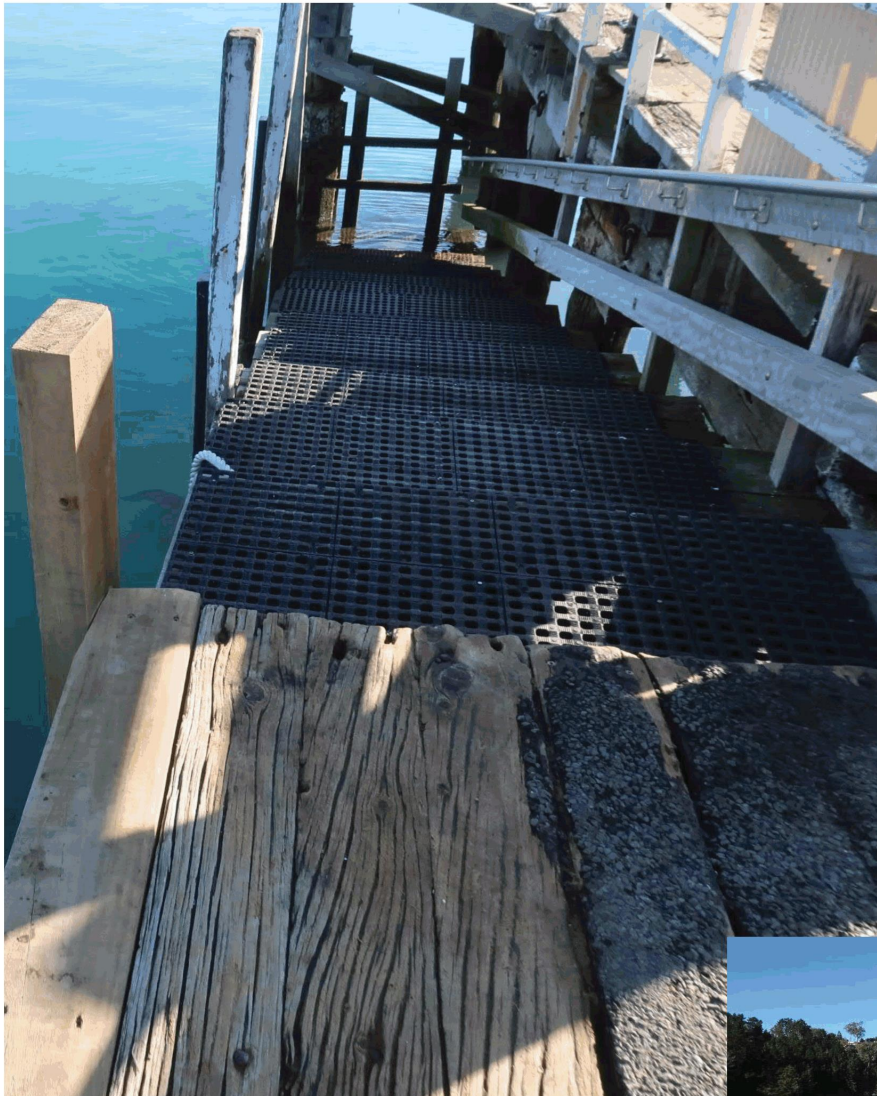
(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories / Ngā Kaiwaitohu

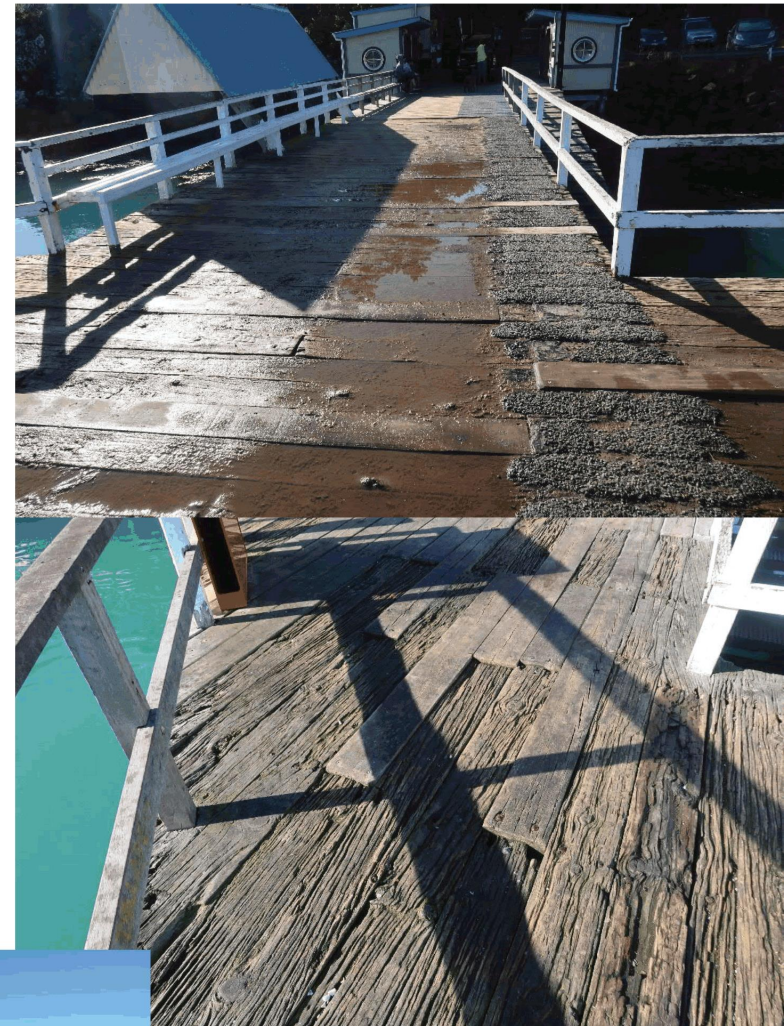
Author	Sylvia Docherty - Senior Project Coordinator
Approved By	Brenden Winder - Manager Residential Red Zone Darren Moses - Manager Capital Delivery Community Mary Richardson - General Manager Citizens & Community



Aerial view of Diamond Harbour Wharf



The south-west stairs currently used by ferry passengers



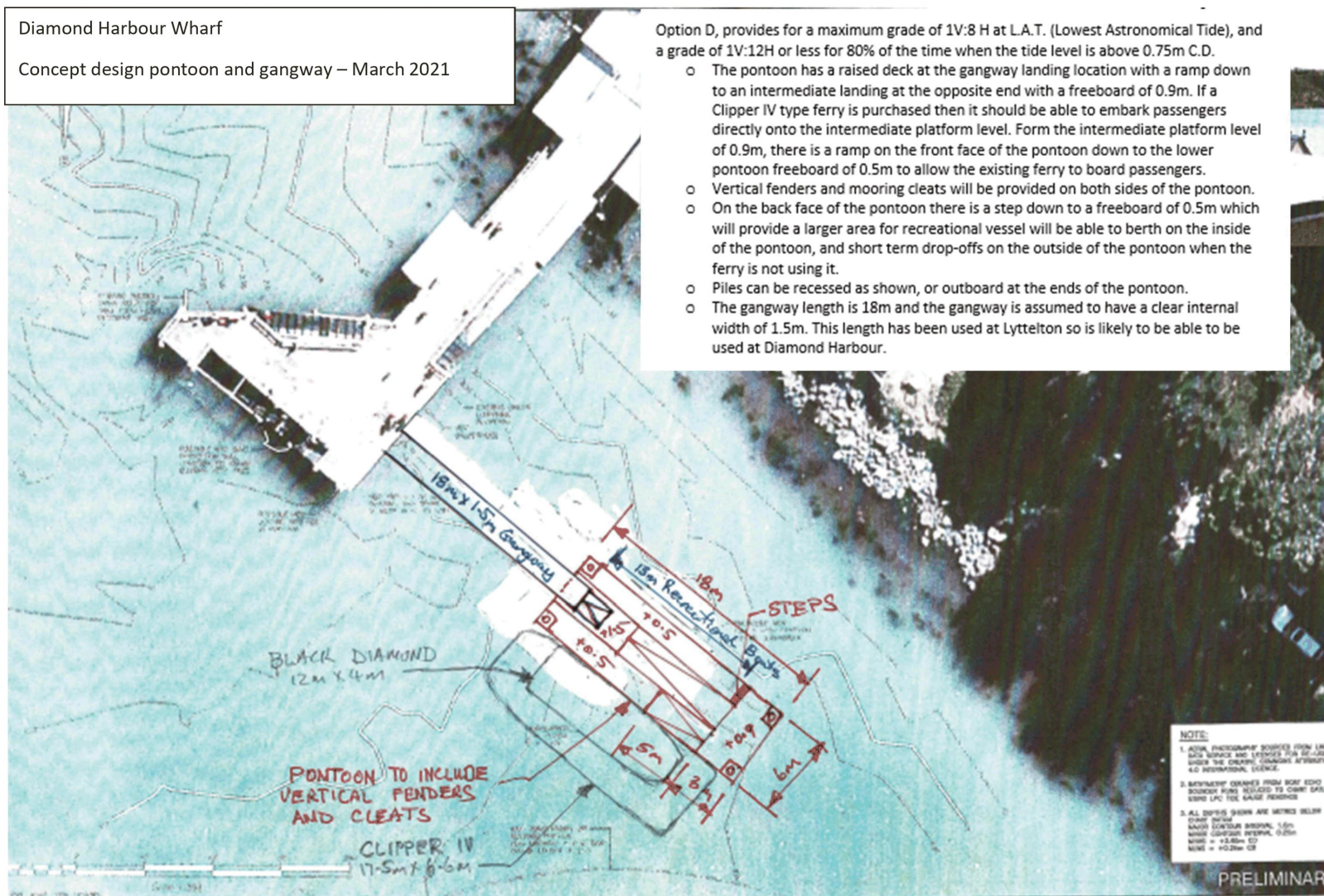
Above are two pictures of the existing deck with old and even timbers



Derrick crane which will be relocated on the wharf

Diamond Harbour Wharf

Concept design pontoon and gangway – March 2021



9. Submission Principles for Private Plan Changes

Reference / Te Tohutoro: 20/1561407

Report of / Te Pou
Matua:

Mark Stevenson and David Falconer, Team Leaders City Planning

General Manager /
Pouwhakarae:

Carolyn Gallagher, Acting General Manager, Infrastructure, Planning
and Regulatory Services

1. Purpose of the Report / Te Pūtake Pūrongo

- 1.1 The purpose of this report is to consider a more efficient process and principles for deciding on submitting on private plan changes outside Christchurch District.
- 1.2 The decision in this report is of medium significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined because, whilst a plan change can impact a lot of people, the decision is whether to make a submission on a plan change, rather than to decide whether the plan change proceeds or not.

2. Officer Recommendations / Ngā Tūtohu

That the Urban Development and Transport Committee:

1. approve the principles for making a submission on a plan change outside the Christchurch District, as listed in **Attachment A**.
2. note that these principles will be used by staff to decide whether to lodge a submission on private plan changes outside Christchurch District on behalf of Council, using their delegated authority.

3. Reason for Report Recommendations / Ngā Take mō te Whakatau

- 3.1 Council has already delegated authority to the General Manager Infrastructure, Planning & Regulatory Services to make submissions on plan changes outside the Christchurch District on behalf of Council. Approving principles will mean that Councillors guide what submissions are lodged and there is consistency in the submissions that are lodged. This approach is considered to be more efficient than writing a report to Council on each individual plan change.

4. Alternative Options Considered / Ētahi atu Kōwhiringa

- 4.1 **Staff bring reports to Council on each individual plan change to decide whether to lodge a submission.**
 - 4.1.1 **Advantages:** Councillors have direct input into whether a submission is lodged and the content of each submission
 - 4.1.2 **Disadvantages:** Multiple separate reports to the Urban Development and Transport Committee will likely be required, costing additional time and staff resources to write and present the reports. The timing of when each plan change will be notified is unknown. Plan changes are only notified for a period of 20 working days, so there could be occasions when there is no Urban Development and Transport Committee or Council

meetings during the notification period or there is insufficient time to write a report and present it to the Committee for a decision before the submission period closes.

4.2 **Staff use delegated authority to lodge submissions on plan changes, without a direct input from Councillors.**

4.2.1 **Advantages:** Separate reports to the Urban Development and Transport Committee are not required, saving time and money to write and present the reports. Submissions can easily be lodged within the notification period, before submissions close.

4.2.2 **Disadvantages:** Councillors do not have direct input into whether a submission is lodged, and/or what submission points are raised.

5. Detail / Te Whakamahuki

5.1 The National Policy Statement on Urban Development (NPS-UD) requires Council to be responsive to plan changes that provide significant development capacity, and improve housing affordability by supporting competitive land and development markets. Therefore, there is an increased possibility that private plan changes could be lodged. This is the case in Selwyn District where there are currently 18 active private plan changes that have been lodged in Selwyn District for Greenfield Development. This is a significant increase in the number normally lodged and provide capacity for almost 10,000 new houses in total. Table 1 shows the recent residential plan changes¹ that have been lodged in Selwyn District (as at 24 February 2021).

Plan change #	In Greater Christchurch?	Within / outside the Projected Infrastructure Boundary (PIB)	Site area	Houses provided for	Has CCC lodged a submission?
PC59- West Melton	Within	Inside PIB	73.5 ha.	71 houses	No submission lodged
PC60 - Kirwee	Outside	N/A	17.9 ha.	164 houses	Submission lodged
PC61 - Darfield	Outside	N/A	30 ha.	35 houses	No submission lodged
PC62 - Leeston	Outside	N/A	60 ha.	410 houses	Submission lodged
PC63 - Darfield	Outside	N/A	60 ha.	450 houses	No submission lodged
PC64 - South Rolleston	Within	Inside PIB	82 ha.	930 houses	Submission lodged
PC67 - West Melton	Within	Outside PIB	34 ha.	131 houses	Submissions close on 12 April
PC68 - Prebbleton South west	Within	Outside PIB	67.5 ha.	820 houses	Yet to be notified
PC69 - Lincoln South	Within	Outside PIB	186 ha.	2000 houses	Yet to be notified
PC70 - Rolleston far West	Within	Inside PIB	63 ha.	800 houses	Yet to be notified
PC71 - East Rolleston	Within	Both	53 ha.	660 houses	Yet to be notified

¹ Excludes private plan changes for industrial development



PC72 - Prebbleton South East	Within	Outside PIB	29 ha.	295 houses	Yet to be notified
PC73 - Rolleston South	Within	Outside PIB	160 ha.	2100 houses	Yet to be notified
PC74 - West Melton East	Within	Outside PIB	20.69 ha.	130 houses	Yet to be notified
PC75 - Rolleston South East	Within	Inside PIB	24.7 ha.	280 houses	Yet to be notified
PC76 – Rolleston West	Within	Inside PIB	13 ha.	155 houses	Yet to be notified
PC77 – West Melton West	Within	Outside PIB	50 ha.	525 houses	Yet to be notified
PC78 – Rolleston – far East	Within	Inside PIB	63 ha.	756 houses	Yet to be notified
TOTAL				10,712	

Table 1: Recent residential Plan Changes lodged in Selwyn District

- 5.3 Council has previously lodged submissions on three private plan changes. The purpose of lodging submissions on plan changes is not to prevent any development in surrounding districts. Christchurch City will benefit from more housing being built in the surrounding districts, as it helps reduce the pressure on housing supply and house prices across Greater Christchurch. The purpose of lodging submissions is to ensure that new development is provided in such a way that limits any negative effects on Christchurch City. There are a number of costs and benefits of urban growth, as highlighted by the following report: <https://www.mfe.govt.nz/publications/towns-and-cities/costs-and-benefits-of-urban-development>.
- 5.4 Previous submissions have raised matters that could impact Christchurch City, such as downstream traffic effects and associated emissions, impact on food supply resilience from the loss of productive soil, the need for social housing, and density, for example, Council's submission on Plan Change 64. (<https://ccc.govt.nz/assets/Documents/The-Council/Request-information/2020/CCC-Submission-on-Plan-Change-64.pdf>), which provides information on the rationale behind the issues raised. These issues have informed the principles in **Attachment A**).
- 5.5 Christchurch City Council staff are working with staff from other Greater Christchurch Councils to understand and address the impact of these plan changes. A submission can help ensure that the results of this work can be considered through the decision making process. Greater Christchurch Councils have been working together constructively on issues raised by Christchurch City Council in previous submissions, such as increasing minimum densities to 15 houses per hectare. A recent report into densities commissioned by the Greater Christchurch Partnership has concluded that 15 houses per hectare is the optimal minimum density.
- 5.6 Given the sheer volume of plan changes, and the tight timeframes for lodging submissions under the Resource Management Act (plan changes are only notified for a period of 20 working days), a more efficient and consistent process to lodging submissions should be considered, rather than writing reports on each individual plan change for a decision whether to submit.
- 5.7 Staff are proposing that principles should be established to guide the decisions on whether to submit on a plan change. This will enable staff to make a decision on whether to lodge a submission based on these principles. The setting of principles will enable Councillors to guide what submissions are lodged and there is consistency in the submissions lodged where similar issues arise. This approach will also be more efficient than writing different reports to Council on each individual plan change.
- 5.8 The principles are based on the Future Development Strategy agreed by the Greater Christchurch Partnership through *Our Space 2018–2048 Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga*, which Council has adopted. This

identified areas where urban development should and should not occur. Our Space also identified that there is sufficient capacity within Christchurch City to meet housing needs for the medium and long term, and that the housing shortfall in Selwyn and Waimakariri could be addressed through the changes to Chapter 6 of the Canterbury Regional Policy Statement and the reviews of the Selwyn and Waimakariri District Plans, which are currently being progressed. Thus there is no need for any additional development capacity to be provided beyond what is planned for in Our Space at this stage.

- 5.9 Under the NPS-UD, the Future Development Strategy must be reviewed regularly to ensure that sufficient housing and business capacity is being provided to meet medium and long term needs. Christchurch City Council staff are working with staff from other Greater Christchurch Councils on a spatial plan to identify the areas where future growth should occur, in line with the Future Development Strategy requirements under the NPS-UD. Once that is adopted, these submission principles can be updated to reflect the new identified housing and business growth areas. The Councils are also working on a business case for Mass Rapid Transit. The success of any Mass Rapid Transit system will be critically dependent on ensuring that the location of new housing and business growth areas are aligned with it.

6. Policy Framework Implications / Ngā Hīraunga ā- Kaupapa here

Strategic Alignment / Te Rautaki Tīaroaro

- 6.1 The draft report is aligned with the Council's Strategic Framework. One of Council's principles in the Strategic Framework is actively collaborating and co-operating with other local, regional and national organisations.
- 6.2 This report supports the [Council's Long Term Plan \(2018 - 2028\)](#):
- 6.2.1 Activity: Strategic Planning and Policy
- 6.3 Level of Service: 17.0.1.7 Advice to Council on high priority policy & planning issues that affect the City. Advice is aligned with & delivers on the governance expectations as evidenced through the Council Strategic Framework - Policy advice to Council on emerging & new i

Policy Consistency / Te Whai Kaupapa here

- 6.4 The decision is consistent with Council's Plans and Policies. Christchurch City Council is working with Selwyn District Council and other partners as part of the Greater Christchurch Partnership. The principles raised in Attachment A are not inconsistent with the plans of the Greater Christchurch Partnership, such as the Greater Christchurch [Urban Development Strategy](#), [Our Space 2018–2048 Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga](#), and the Greater Christchurch [Mode Shift Plan](#).

Impact on Mana Whenua / Ngā Whai Take Mana Whenua

- 6.5 The principles in Attachment A include, that if a plan change includes ancestral land or a body of water or other elements of intrinsic value that impacts Mana Whenua, their culture and traditions, then this will be raised in a submission.

Climate Change Impact Considerations / Ngā Whai Whakaaro mā te Āhuarangi

- 6.6 The principles in Attachment A include, that reducing the impact on climate change will be raised in submissions.

Accessibility Considerations / Ngā Whai Whakaaro mā te Hunga Hauā

- 6.7 The principles in Attachment A anticipate areas proposed for development being accessible for all people by a range of transport modes and this will be raised in submissions.

7. Resource Implications / Ngā Hīraunga Rauemi

Capex/Opex / Ngā Utu Whakahaere

- 7.1 Cost to Implement – covered within existing budgets. This will be more cost effective than the current approach of writing reports for each individual plan change.

8. Legal Implications / Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report / Te Manatū Whakahaere Kaupapa

- 8.1 The Council and/or any person, can make a submission on a plan change. As per the 23 January 2020 Council resolution CNCL/2020/00008, all Committees of the Whole have been delegated authority to approve draft submissions on behalf of the Council. The Delegations Register also provides that the General Manager Infrastructure, Planning & Regulatory Services has delegated authority to lodge submissions on behalf of the Council on any proposed District Plan or variation to a proposed District Plan in a neighbouring territorial authority district.
- 8.2 This report has been reviewed and approved by the Legal Services Unit.

9. Risk Management Implications / Ngā Hīraunga Tūraru

- 9.1 Council staff are working with staff from other Greater Christchurch Councils on the impact of the plan changes, to address any issues raised.

Attachments / Ngā Tāpirihanga

There are no attachments to this report.

In addition to the attached documents, the following background information is available:

Document Name	Location / File Link
Not Applicable	Not Applicable

Confirmation of Statutory Compliance / Te Whakatūtutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories / Ngā Kaiwaitohu

Authors	David Falconer - Team Leader City Planning Mark Stevenson - Team Leader City Planning Brent Pizzey - Senior Legal Counsel
Approved By	David Griffiths - Head of Planning & Strategic Transport Carolyn Gallagher - Acting General Manager Infrastructure Planning & Regulatory Services

Item 9

Attachment A - Principles for submissions on Private Plan Change Requests

The following key principles are specifically for guiding the making of submissions on private plan change requests outside Christchurch City. Each plan change will be assessed on a case by case basis, before a decision is made on whether to lodge a submission. Staff will use delegated authority to decide whether to lodge a submission, based on the principles below.

(a) For Private Plan Change Requests within the Infrastructure Boundary in the Canterbury Regional Policy Statement.

Urban development inside the infrastructure boundary is generally expected to occur, as it was identified in *Our Space 2018–2048 Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga*, which Council has adopted. Therefore Council will generally be neutral on developments within the infrastructure boundary. However, a submission raising the following issues will be made, if the following circumstances apply:

- Raising the minimum greenfield housing density to 15 households per hectare, if the minimum greenfield density is less than that.
- Ensuring the greenfield developments are sufficiently accessible by a range of transport modes, including active and public transport to reduce downstream traffic effects and emissions, if it is not demonstrated that the area will be directly served by sufficient regular public transport at the time of development².
- Commercial development is proposed at a scale that could give rise to impacts on the Central City and/or Key Activity Centres³.

(b) For Private Plan Change Requests outside the Infrastructure Boundary in the Canterbury Regional Policy Statement.

Under the Canterbury Regional Policy Statement and *Our Space 2018–2048 Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga*, urban development in Greater Christchurch, outside the infrastructure boundary, is not provided for. Therefore Council will generally be opposed to urban developments outside the infrastructure boundary in the Canterbury Regional Policy Statement. The issues raised in such a submission will include:

- Areas outside the Infrastructure Boundary are not directly served by regular public transport, which means urban development in these locations are more dependent on private motor vehicle use, which can cause downstream traffic effects, and increased emissions.
- Urban Development on rural land can have a negative impact on food supply resilience and the economy from loss of productive soil, namely through the fragmentation of land and reverse sensitivity effects
- Urban Development beyond the Infrastructure Boundary exceeds the amount of housing and business capacity required to meet medium and long term targets, identified in *Our Space 2018–2048 Greater Christchurch Settlement Pattern Update Whakahāngai O Te Hōrapa Nohoanga* and expressed in the Canterbury Regional Policy Statement. Urban development in these areas is not meeting a capacity shortfall, but rather could delay other growth and urban regeneration areas identified in *Our Space* (and where infrastructure, and the public transport system, has already been built to served) from being developed and regenerated. If there is a

² Regular Public Transport means a permanent (i.e. not a trial) service with a frequency of at least 30 minutes during peak and inter-peak times on weekdays.

capacity shortfall in the future, there are alternative ways of providing for growth that will achieve strategic directions and realise the benefits of a consolidated urban form. There are future processes which will be assessing what is the appropriate urban form, and what will achieve a well-functioning urban environment. Rezoning new greenfield areas outside the infrastructure boundary in advance of these processes creates a high risk that it may undermine achieving sought objectives. The extent to which the development contributes to a well-functioning urban environment.

- If commercial development is proposed at a scale that could give rise to impacts on the Central City and/or Key Activity Centres.
- If urban development is proposed in areas where there are constraints on urban development, such as:
 - the airport noise contours,
 - outstanding natural landscapes,
 - sites of ecological and/or cultural significance (including ancestral land or a body of water or other elements of intrinsic value that impacts Mana Whenua, their culture and traditions),
 - natural hazards,
 - or areas where there will be negative impacts on the environment.

Review of Principles: These submission principles can be reviewed and updated by the Urban Development and Transport Committee when the next Future Development Strategy is adopted, to reflect the new identified housing and business growth areas.

10. Plan Change 8 - Papakāinga/Kāinga Nohoanga Zone Rule Amendments - Notification

Reference / Te Tohutoro: 21/39192

Report of / Te Pou
Matua: David Falconer, Team Leader City Planning
david.falconer@ccc.govt.nz, and
Glenda Dixon, Senior Policy Planner
glenda.dixon@ccc.govt.nz

General Manager /
Pouwhakarae: Carolyn Gallagher, Acting General Manager Infrastructure Planning
and Regulatory Services, Carolyn.gallagher@ccc.govt.nz

1. Purpose of the Report / Te Pūtake Pūrongo

- 1.1 The purpose of this report is to seek approval to publicly notify proposed Plan Change 8 to the District Plan. The Plan Change seeks to better facilitate Ngāi Tahu whanau use and development of Māori land in the Papakāinga/Kāinga Nohoanga zone in Banks Peninsula. The zone is in five different locations at Rapaki, Koukourāta (Port Levy), Wairewa (Little River), Ōnuku and Ōpukutahi. After notification people will be able to make submissions and be heard at a hearing.
- 1.2 The decisions in this report are of medium significance in relation to the Christchurch City Council's Significance and Engagement Policy. The level of significance was determined by the number of affected parties, the level of impact on those affected, and the level of impact on Māori, Māori culture and traditions.

2. Officer Recommendations / Ngā Tūtohu

That the Urban Development and Transport Committee:

1. approve the public notification of Proposed Plan Change 8 and its associated evaluation report (prepared in accordance with section 32 of the Resource Management Act 1991 (RMA)), as included in **Attachments A and B** to this report, pursuant to Clause 5 of Schedule 1 of the RMA.
2. authorise staff to make any minor corrections or amendments necessary to the Proposed Plan Change or its section 32 report and appendices until the date of notification to improve the clarity, accuracy or consistency of the documents.

3. Reason for Report Recommendations / Ngā Take mō te Whakataua

- 3.1 The Papakāinga/Kāinga Nohoanga zone provisions were introduced into the District Plan during the last District Plan Review. The zone boundaries correspond to the outer extent of the five larger land areas in Christchurch District set aside as Māori Reserves in the mid 19th Century, under the Port Cooper, Port Levy and Akaroa Deeds of Purchase in Canterbury by the Crown. The zone is intended to facilitate and enable Ngāi Tahu whanau use and development of that ancestral land i.e. "coming home to live". Land in the zones is a limited and finite resource, because the Māori Reserves made up only a tiny percentage (1.4%) of the total land in Banks Peninsula subject to the Deeds of Purchase by the Crown, with the rest of the land (98.6%) having been acquired by the Crown.

- 3.2 The zone provisions were the subject of considerable debate and mediation during the recent District Plan Review. The zone is unusual in having two sets of rules, one for Māori land in the zone as defined under the Te Ture Whenua Māori Act 1993 and by the Māori Land Court, and one for non-Māori land in the zone classified as General land only.³ The built form standards proposed at the notification stage of the District Plan Review were relatively liberal, but were made more conservative in the Independent Hearings Panel decision. The zone now includes, for example, internal boundary setbacks and road setbacks for Māori land which are very similar to the large setbacks in the Rural Banks Peninsula zone provisions.
- 3.3 Since the IHP decision in 2016, it has become evident that Māori landowners in the zone who are seeking to develop are finding it more difficult to do so than previously. This is primarily because land parcels in the zone are relatively fragmented, due to previous “partitions” of multiply owned blocks, resulting in the large setbacks now applying in the zone leaving little or no buildable area on smaller sites.
- 3.4 Council was approached by Mahaanui Kurataiao Ltd on behalf of the rūnanga within Christchurch City, seeking a revision of built form rules with a view to reducing planning issues and resource consents required within the zones. Resource consents are problematic for breaches of internal boundary setbacks, as under the RMA they require written approvals from all owners of adjoining sites. With many parcels having multiple owners, this is often impossible, meaning limited notification may be required.
- 3.5 Subsequently, Mahaanui on behalf of rūnanga has also sought an extension of the definition of Māori land which applies within the Papakāinga/Kāinga Nohoanga zone to include general land owned by Māori which is not formally “Māori land” under the Te Ture Whenua Māori Act 1993 (TTWMA).
- 3.6 Plan Change 8 therefore:
- Revises the internal boundary setback, road setback, coverage and earthworks rules for Māori land in the Papakāinga/Kāinga Nohoanga zone to better facilitate use and development of that land without resource consent, and
 - Extends the definition of Māori land which applies within the Papakāinga/Kāinga Nohoanga zone to include some general land owned by Māori which is not formally “Māori land” under the TTWMA. This has the effect of bringing more Māori land under the Māori land rules.
- 3.7 The changes are necessary given the current provisions of the zone, including the built form provisions and the use of the formal (narrow) definition of Māori land under the TTWMA in the District Plan definition of Māori land, are not as effective as they should be in achieving the objectives of the zone and District Plan, higher order documents such as the Regional Policy Statement, and the Resource Management Act 1991 (RMA). Section 6 of the RMA states that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, is a matter of national importance in resource management.

³ Over time, a considerable amount of land in the zone has been “alienated” from the Māori Land title system, and in some cases on-sold to non-Māori.

4. Alternative Options Considered / Ētahi atu Kōwhiringa

- 4.1 There are a range of options both for the Proposed Plan Change provisions and for the process used to change the District Plan.
- 4.2 The alternative options for the provisions are evaluated in the attached section 32 report. This includes an assessment of the benefits and costs of different options, including environmental, social, economic and cultural impacts. As required by the Resource Management Act, any proposed plan change must include an examination of whether the proposed provisions are the most appropriate way to achieve the RMA's purpose, give effect to the objectives and policies of higher order documents e.g. Regional Policy Statement, and implement the objectives of the District Plan.
- 4.3 Fundamentally, the status quo would not address the issues with the rules identified above. This would mean the rules continuing to require potentially unnecessary resource consents, and not facilitating development in accordance with the zone objective and strategic direction.

Alternative options for the Plan Change process

- 4.4 The options for the Plan Change process are the following, which are evaluated below:
 - Standard RMA Plan Change process.
 - Streamlined RMA Plan Change process.
- 4.5 The option of preparation of a Regeneration Plan under the Greater Christchurch Regeneration Act is not evaluated below, because four of the five locations of the Papakāinga/Kāinga Nohoanga Zone are outside Greater Christchurch.

4.6 **Standard RMA Plan Change Process**

- 4.6.1 **Option Description:** The Schedule 1 RMA process is the process generally used by Councils to make changes to the District Plan. The Council prepares a plan change, notifies it for public submissions and further submissions, and holds a hearing. Following the Council making a decision on submissions, submitters have the right of appeal to the Environment Court.

4.6.2 *Advantages*

- a. Well understood as a process used to amend the Christchurch District Plan
- b. Greatest opportunity for submitters to participate in the process, through making submissions and having a right to be heard.
- c. Council maintains responsibility for the decision on the plan change.

4.6.3 *Disadvantages*

- a. Can be a lengthy process (up to 2 years) due to the number of steps in the process, and with the potential for the plan change to be appealed.
- b. Potential for high costs, particularly if there are appeals.

4.7 **Streamlined RMA Plan Change Process**

- 4.7.1 This process allows councils to make a request to the Minister for the Environment to use a streamlined planning process. Councils can make that request only if they are satisfied that the use of the streamlined process meets one of a number of criteria under section 80C(2) of the RMA. These are:

- (a) the proposed planning instrument will implement a national direction:
- (b) as a matter of public policy, the preparation of a planning instrument is urgent:
- (c) the proposed planning instrument is required to meet a significant community need:
- (d) a plan or policy statement raises an issue that has resulted in unintended consequences:
- (e) the proposed planning instrument will combine several policy statements or plans to develop a combined document prepared under section 80:
- (f) the expeditious preparation of a planning instrument is required in any circumstance comparable to, or relevant to, those set out in paragraphs (a) to (e).

4.7.2 Even if the Council considered that the changes might meet some of these criteria for use of a streamlined process, e.g. possibly (a) (c) or (d), it is uncertain whether the Minister would agree, because there are only a few hundred landowners affected, and revision of the planning provisions at issue will not be a silver bullet in respect of facilitating development. Other constraints on Māori land will remain, such as the difficulties of decision making with multiple ownership, administrative requirements associated with development of Māori land e.g. the need to obtain occupation orders through the Māori Land Court, and potential financing issues.

4.7.3 Advantages

- a. Likely to reduce the length of the process and associated costs, through removal of appeal rights
- b. Opportunity for submitters to participate in the process, through making submissions and having a right to be heard.

4.7.4 Disadvantages

- a. It is not clear that the proposed plan change would be considered by the Minister to fit within the criteria for use of this process.
- b. Stakeholders may feel that their rights to participate in the process have been reduced as there is no right of appeal.
- c. The Minister is ultimately the decision-maker, removing decision-making from the Council.

4.8 Having regard to the preceding analysis, staff recommend that a standard RMA process is used, enabling stakeholders and communities to participate in the process as they normally would and have an opportunity to be heard. It would also retain responsibility for the decision with the Council. Under the streamlined RMA process, there could be other costs associated with these processes including delays in obtaining Ministerial approval at different steps in the process.

5. Detail / Te Whakamahuki

5.1 Land parcels in the Papakāinga/Kāinga Nohoanga zones are relatively fragmented. The current required setbacks in the District Plan leave little or no buildable area on many of the smaller sites in the zones. This is particularly the case in Rapaki and Koukourārata. In Rapaki 58% of properties are less than 2000m² in size. There are a few sites which are less than 14m

wide. There are also a number of sites across the zone which are of irregular shape. These characteristics are largely the result of partition of land in the past by the Māori Land Court to separate the shares of some owners from the rest. Hapū partitions (within the same hapū e.g. to share out land between siblings) were not subject to the same assessment as 'normal' subdivisions being considered by a council, particularly regarding size, shape, area, access, and infrastructure and servicing – unless the Māori Land Court chose to address those issues.

- 5.2 The first of the two purposes of the Plan Change is to revise the internal boundary setback, road setback, coverage and earthworks rules for Māori land in the Papakāinga/Kāinga Nohoanga zone, to better facilitate use and development by Ngāi Tahu whanau of ancestral land in the zone.

Setbacks

- 5.3 This first objective would be given better effect to by reducing setbacks for Māori land, therefore providing more flexibility for building locations which do not require resource consent. Internal boundary setback intrusions in particular cause difficulty for Māori land. Under the RMA, if limited notification is to be avoided each property owner adjoining that boundary must be notified and their written approval obtained. This is often very difficult to achieve in multiple ownership situations if comprehensive and up-to-date records of all the owners' contact details are not available, causing delays and a possible need for limited notification. Reducing internal boundary setbacks will improve this situation.
- 5.4 This plan change proposes to significantly reduce the current 10m internal boundary setback for buildings on Māori land to 2m. As this could in some cases result in adverse visual and privacy effects for neighbours, a recession plane is proposed on those internal boundaries between different landowners' properties to mitigate these effects, based on the standard Christchurch City recession plane rule, with angles as for the Residential Hills zone.
- 5.5 The plan change also proposes to significantly reduce the current 15m road setback for buildings on Māori land to 3m, or 5m where the garage directly faces the road. The latter distance is to ensure that cars parked in front of the garage door will not extend onto the road.
- 5.6 These setback distances are very similar to those at Cass Bay in the Residential Banks Peninsula zone. They have been proposed in order to bring a substantial number of vacant small sites into the "potentially buildable" category.
- 5.7 Mahaanui Kurataiao Ltd facilitated hui at the marae at Rapaki, and Koukourārata in September 2020, and a further hui at Wairewa rūnanga offices in November 2020, to discuss possible options for setbacks in the Plan change. The main options discussed were 5m for road setbacks and 3m for internal boundary setbacks (similar to the Residential Small Settlement zone eg at Governors Bay) and for 3m road setbacks and 2m internal boundary setbacks (similar to the Residential Banks Peninsula zone e.g. at Cass Bay). A third option was for no setbacks at all, which was in fact the preferred option at the hui. However it was recognised that this might not be possible, and the next most preferred option was the 3m and 2m setbacks as for the Residential Banks Peninsula zone.
- 5.8 Having no setbacks is not considered a realistic scenario. The Building Code requires under Clause C3.7 – Fire affecting areas beyond fire source, a 1m setback from boundaries unless buildings are constructed from materials which are not combustible. It is considered that it

would be misleading to propose no internal boundary setbacks in the District Plan if building on a boundary is not achievable in all cases.

- 5.9 For the purposes of estimating the effect of decreasing building setbacks, a GIS mapping exercise was undertaken using a layer imported from the Māori Land Online website, which enabled the identification of those parcels within the Papakāinga Zone in the City held as formal Māori Land. The setbacks set out above were compared with the status quo setbacks. Currently there are approximately 33 vacant sites in Māori Land title which could not be built on without a consent, due to the size of current internal and road setbacks. For 5m and 3m setbacks as for the Residential Small Settlement zone, this would reduce to approximately 8 “non-buildable” sites. For 3m and 2m setbacks as for the Residential Banks Peninsula zone, this would further reduce “non-buildable” sites to potentially 3.
- 5.10 It must be emphasised that these figures are theoretical maximums only, and not a clear indication of the scale of development which is likely to occur, as there may be other reasons why a resource consent is still required e.g. waterway setback rules, or topographic and access issues. As well, there are other non-planning constraints in operation e.g. multiple ownership leading to difficulties in reaching agreement between owners, potential difficulties in obtaining financing and additional process requirements under the Māori Land Court system such as the need to obtain occupation orders.

Coverage

- 5.11 Increases in maximum coverage allowable are proposed primarily to allow for the possibility of multiple residential buildings on communally owned land, and to recognise the unique nature of this form of land tenure, with an associated strong desire for the exercise of kaitiakitanga. Other non-residential developments which could be located in papakainga zones as permitted activities e.g. a health centre, would also benefit from more permitted site coverage than is currently provided for.
- 5.12 The plan change proposes an increase in the maximum site coverage of buildings on Māori land sites in the zone from 35% to 50%. . Increased coverage will give more flexibility for site layouts. Waimakariri District Council are currently reviewing their planning provisions for Tuahiwi and are considering no limit on coverage for sites below 1 ha, with 35% coverage for sites of over 1 ha. This is on the basis that on sites under 1 ha, their proposed 3m internal boundary setback and the need for septic tank disposal fields will limit coverage. It is considered that in the case of the Christchurch zone, having no coverage limit would be misleading as it implies that 100% coverage is achievable when this is not in fact the case.

Earthworks

- 5.13 Mahaanui Kurataiao on behalf of rūnanga have sought a more generous earthworks allowance for Māori land in the Papakāinga/Kāinga Nohoanga (PKN) zone, where sites are below 2000m². The current zone ratio of volume of earthworks to size of site is the same as for rural zones, which is considered overly limiting when applied to small residentially sized sites within the PKN zone, e.g. it would only provide for 10m³ for a 1000m² site and 5m³ for a 500m² site.
- 5.14 It is proposed to increase the permitted volume to a standard 20m³ per site for Māori land sites in the zone that are less than 2000m² in area, which is the same volume per site as for residential zones. This would provide greater development flexibility e.g. greater ability to construct retaining walls where required on sloping sites, or to provide for driveway

replacement, or the creation of platforms for installation of water tanks in the non-serviced parts of the zone. The permitted volume for Māori land sites in the zone of 2000m² or over in size would remain unchanged at 100m³/ha.

General land owned by Māori

- 5.15 A second purpose of the Plan change is to extend the Māori land provisions of the zone to general land owned by Māori which is not formally "Māori land" under the Te Ture Whenua Māori Act 1993 (TTWMA). All land in the Papakāinga/Kāinga Nohoanga zone was ancestral land set aside as Māori Reserves in the mid-19th Century, as noted in 3.1. The Māori Reserves, when established, were intended for kāinga nohoanga (settlements and places of residence) and mahinga kai (food gathering places) for local Māori hapū. However, policies and processes to "individualise" land title pursued by various governments over many decades have resulted in a considerable amount of land within the zone having been converted to general title rather than remaining as Māori Land. For example there was an Amendment to the Māori Affairs Act in force between 1967 and 1974 which provided for compulsory conversion of Māori land with four or fewer owners to general title.
- 5.16 Much of the land in the zone which is in general title is still owned by Māori who are descendants of the original grantees of the land, although some has been on-sold to non-Māori. Mahaanui Kurataiao Ltd on behalf of rūnanga have asked for Māori Land provisions in the zone to be able to be used by Māori connected with the relevant hapū who happen to own land with the status of general land. This entails a widening of the definition of Māori land, solely for the purposes of the Papakāinga/Kāinga Nohoanga zone provisions. There is no effect on the status of the land under the Te Ture Whenua Māori Land Act 1993.
- 5.17 Plan Change 8 proposes to extend the definition of Māori land, and therefore the Māori land provisions of the zone including the revised built form and earthworks rules, to general land owned by Māori within the zone which is no longer formally categorised as "Māori land" under the Te Ture Whenua Māori Act 1993, but which is still owned by descendants of the original grantees of the Māori Reserve land. This includes land where:
- a. a status declaration was made under the Māori Affairs Amendment Act 1967 converting the Māori freehold land to general title, and there have been no changes of ownership other than to an owner's bloodline successor since the conversion; or
 - b. one or more of the owners can provide written evidence of whakapapa to the original grantees of the land as confirmed by the Te Rūnanga o Ngāi Tahu Whakapapa Unit or the Maori Land Court .
 - c. the land is vested in a Trust or Māori incorporation constituted under the TTWMA.
 - d. the land is owned by a Rūnanga with authority/mana over the area in which the original Māori reserve is located.
- 5.18 It should be noted that Category b. as proposed in the pre-notification information had a "majority test" of at least 50% of owners being able to whakapapa to the relevant hapū, in line with the definition of General land under the TTWMA. The 50% requirement has now been removed, at the request of the Te Hononga Committee. This is relatively consistent with the liberal provisions now being considered for Tuahiwi by the Waimakairiri District Council, who are discussing whether or not any "whakapapa test" should be required. It is understood that for Christchurch City, many development proposals would fit within the other categories listed

without the need for a whakapapa test, so that b. may in fact only act as a residual category. Category c. has been added since the pre-notification information was sent out.

- 5.19 The effect of this proposed change will be to enable more land owned by Māori in the zone to benefit from the zone provisions for Māori land. It is not possible to know accurately how much of the General land in the zone is owned by Māori who are descendants of the original grantees of the land, as this cannot be readily established, except on a case by case basis.
- 5.20 Providing for papakāinga planning provisions on land which is general land owned by Māori but not Māori land is becoming more common in other districts in New Zealand. Examples are Whangarei, Dunedin (proposed District Plan, provisions beyond appeal), Hastings and Porirua (proposed District Plan).

Servicing for additional development

- 5.21 Advice from the Asset Planning - Water and Wastewater Team is that network capacity for both water and wastewater at Rapaki is adequate for the likely maximum number of additional houses which could be expected there. Local infrastructure e.g. connection to bulk services is only put in place as development occurs.
- 5.22 The plan change will not have a significant influence on existing infrastructure issues at the other Papakāinga/Kāinga Nohoanga zone locations which are not serviced.

Consultation

- 5.23 The decision affects the Banks Peninsula ward and Community Board areas. A briefing was held on this plan change with the Banks Peninsula Community Board on February 15th and the Te Hononga Committee on March 3rd.
- 5.24 Apart from the hui held in late 2020, a pre-notification letter was sent in mid- February to all property owners in the zone, alerting them to the plan change being developed, and seeking feedback. Further hui and or drop-in sessions are planned post notification.

6. Policy Framework Implications / Ngā Hīraunga ā- Kaupapa

Strategic Alignment / Te Rautaki Tīaroaro

- 6.1 This report supports the [Council's Long Term Plan \(2018 - 2028\)](#):
 - 6.1.1 Activity: Strategic Planning and Policy
- 6.2 Level of Service: 9.5.1.1 Guidance on where and how the city grows through the District Plan. - Maintain operative District Plan

Policy Consistency / Te Whai Kaupapa here

- 6.3 The decision is consistent with the strategic and chapter objectives of the Christchurch District Plan and is consistent with other plans and strategies e.g. the Canterbury Regional Policy Statement, and the Mahaanui Iwi Management Plan.

Impact on Mana Whenua / Ngā Whai Take Mana Whenua

- 6.4 The decision does involve a significant decision in relation to ancestral land. Christchurch City Council staff have worked closely with Mahaanui Kurataiao Ltd (MKT) at all stages of the development of the Plan change. MKT have held hui with Rūnanga and have obtained views and feedback which have helped shape the plan change. MKT will be discussing the plan change with Te Rūnanga O Ngāi Tahu.

- 6.5 The changes proposed to the rules will better facilitate Ngāi Tahu Mana Whenua use and development of ancestral land than the status quo provisions.

Climate Change Impact Considerations / Ngā Whai Whakaaro mā te Āhuarangi

- 6.6 This decision does not have a significant impact on climate change.

Accessibility Considerations / Ngā Whai Whakaaro mā te Hunga Hauā

- 6.7 This decision does not have a significant impact on accessibility.

7. Resource Implications / Ngā Hīraunga Rauemi

Capex/Opex / Ngā Utu Whakahaere

- 7.1 Proposed Plan Change 8 will require staff time to notify the Plan Change, consider submissions and further submissions, write a report for the hearings panel, prepare and present evidence at hearings, and respond to any appeals including attending mediation if required. There may be additional consultant or specialist legal costs if further expert evidence needs to be prepared for the hearing, although this is not considered likely.
- 7.2 The costs of staff time on Proposed Plan Change 8 have been assumed in the budgets of the Planning and Strategic Transport unit as part of the Annual Plan and Long Term Plan.

8. Legal Implications / Ngā Hīraunga ā-Ture

Statutory power to undertake proposals in the report / Te Manatū Whakahaere Kaupapa

- 8.1 The Resource Management Act 1991 s73(1A) enables the Council to prepare a change to its District Plan at any time, subject to a consultation process set out in Schedule 1 of the Act.
- 8.2 The Urban Development and Transport Committee has delegated authority to approve notification of proposed changes to the District Plan.
- 8.3 The Resource Management Act requirements and assessment matters relevant to deciding whether to propose a plan change are described in the s32 report that is attached to this report.

Other Legal Implications / Ētahi atu Hīraunga-ā-Ture

- 8.4 There are no legal issues associated with the proposed change and this report (excluding its attachments) has been reviewed and approved by the Legal Services Unit.

9. Risk Management Implications / Ngā Hīraunga Tūraru

- 9.1 Council is statutorily required to have an operative District Plan at all times. Issues have been identified with the District Plan which will be addressed through this Plan Change. Therefore, the risk of not acting is considered greater than the risk of acting.

Attachments / Ngā Tāpirihanga

No.	Title	Page
A	Proposed Plan Change 8 - Plan change (<i>Under Separate Cover</i>)	
B	Proposed Plan Change 8 - Section 32 report (<i>Under Separate Cover</i>)	

In addition to the attached documents, the following background information is available:

Document Name	Location / File Link
Not applicable	Not applicable

Confirmation of Statutory Compliance / Te Whakatūtutanga ā-Ture

Compliance with Statutory Decision-making Requirements (ss 76 - 81 Local Government Act 2002).

(a) This report contains:

- (i) sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages; and
- (ii) adequate consideration of the views and preferences of affected and interested persons bearing in mind any proposed or previous community engagement.

(b) The information reflects the level of significance of the matters covered by the report, as determined in accordance with the Council's significance and engagement policy.

Signatories / Ngā Kaiwaitohu

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Approved By	David Griffiths - Head of Planning & Strategic Transport Carolyn Gallagher - Acting General Manager Infrastructure Planning & Regulatory Services