


## **SECTION 32**

### **PROPOSED CHRISTCHURCH REPLACEMENT DISTRICT PLAN**

#### **CHAPTER 6 and CHAPTER 13 – Temporary Earthquake Recovery Activities – Displaced Activities, Storage Facilities, and Construction Depots not included in Stage 1 of the review**

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## **1. STRATEGIC CONTEXT**

### **1.1 PURPOSE OF THE CHAPTER**

The purpose of these provisions is to provide for temporary earthquake recovery activities relating to business, residential, community and other activities displaced by the earthquakes, such as businesses working from houses, and for storage facilities and construction depots for earthquake related activities. Stage 1 of the review of the District Plan included provisions for displaced activities and storage facilities in a number of areas, including, to varying degrees, in a number of the residential, commercial and industrial areas of Christchurch. This reflected the need to provide for alternative accommodation for households and other activities, and to provide for earthquake repair and rebuild activities. The provisions covered by this Section 32 assessment relates to those areas of Christchurch not notified in Stage 1, including remaining residential and commercial areas.

### **1.2 PROPOSED DISTRICT PLAN PROVISIONS: OVERVIEW AND SYNOPSIS**

Many of the proposed provisions covered by this Section 32 assessment are similar to those that were included in Stage 1 for the Stage 1 zones, including the amendments that were proposed to the Independent Hearings Panel following submissions, mediation, and at the Stage 1 hearing. Those provisions and the proposed provisions covered by this Section 32 assessment cover many of the activities that are currently provided for under the Canterbury Earthquake (Resource Management Permitted Activities) Order 2011, which currently provide for a range of temporary earthquake recovery activities through to 2016. For many activities the Stage 1 provisions and those proposed provisions covered by this Section 32 assessment extend those provisions to 2018 as permitted, in recognition of the anticipated ongoing need to provide for such temporary activities.

The Stage 1 publicly notified provisions also included an indication of which rules proposed at that time would potentially apply to those zones not included in Stage 1 (these were indicated in italics). There have, however, been a number of changes, including amendments recommended to the Independent Hearings Panel for the Stage 1 provisions. Limited provision is also proposed for construction depots. A set of provisions for the areas not included in Stage 1 is therefore notified through this proposal.

The Stage 1 provisions refer to other Plan provisions that are to be notified at a later stage of the review. This is also the case for the proposed provisions covered by this Section 32 assessment. Areas that were not zoned in Stage 1, and are to be zoned in a later stage, have been identified with an "Area" name to identify where different temporary earthquake recovery activity provisions are to apply. The "Area" names come from the Operative Plan zones and is not a rezoning through this Proposal. This will provide some certainty as to where provision is to be made for such temporary activities. However, a number of Plan standards still remain to be notified at a later stage, so the full set of provisions applying to temporary earthquake recovery activities will not be resolved until all the relevant provisions of the Christchurch Replacement District Plan are notified and decisions made by the Independent Hearings Panel. For this reason the permitted activities are proposed to only become permitted once all relevant standards are operative. Provision is made however, for activities to be considered through a resource consent

application, as a restricted discretionary activity, where all the relevant provisions have not yet been resolved.

The proposed District Plan Strategic Directions chapter, both as notified (particularly Policy 3.6.1.4) and as supported by the Council at the hearing before the Independent Hearings Panel, recognises the need to provide for temporary earthquake recovery related activities. It also contains objectives and policies seeking to protect trees, heritage items, natural features and landscapes, and other features that are of significant value to Christchurch and the region. Further, it contains provisions seeking to manage the impact of development on amenities and direction on a number of other resource management issues that are potentially relevant in the provision for temporary earthquake recovery activities.

### **1.3 CONSULTATION**

The Independent Hearings Panel directed that these provisions, along with other temporary earthquake recovery activity provisions which were originally proposed to be introduced with the other Stage 2 provisions, be brought forward and publicly notified by the 7 February 2015. The directions required the Council to consult with the Minister for Canterbury Earthquake Recovery, the Minister for the Environment, other Ministers of the Crown who may be affected by the plan, the Canterbury Regional Council, Selwyn District Council, Waimakariri District Council, the New Zealand Transport Agency and Te Runanga o Ngai Tahu. The consultation period was short due to the timeframes included in the directions, and at the end of that period there had been a small number of responses from the Canterbury Earthquake Recovery Authority on the proposal for similar provisions to those in Stage 1 to apply to areas not covered in Stage 1.

Consultation was undertaken with the Collaborative Agency Group, comprising representatives of the Canterbury Regional Council, Selwyn District Council, Waimakariri District Council, Canterbury Earthquake Recovery Authority, New Zealand Transport Agency, Ngai Tahu and the Ministry for Environment (in an advisory role), on the 22 January 2015. There were a small number of comments on the proposal that similar provisions to those in Stage 1 apply to areas not covered in Stage 1.

The comments included suggestions to make provision for construction depots in central city and rural zones, provision for storage facilities in rural zones, provision for temporary retailing and similar activities in the central city, the application of some specific standards in the central city, and ensuring consistency with amendments agreed at the Independent Hearing Panel hearing on the Stage 1 provisions.

## **2. RESOURCE MANAGEMENT ISSUES**

### **2.1 STRATEGIC PLANNING DOCUMENTS**

The Land Use Recovery Plan recognises the need for temporary earthquake related recovery activities, including temporary housing for households and temporary accommodation for other activities (Pages 19 and 28). It also recognises the uncertainty about how long the need to provide for such temporary activities will continue and that the need to extend provisions beyond 2016 needs to be considered as part of the review of the District Plan. The LURP does not contain any directions relating to the specific issue of lifting and moving buildings to enable repairs.

Although not a strategic planning document, the Schedule 4 of the Order in Council that truncates the hearings process of the proposed Replacement District Plan sets out the Ministers' expectations for the Replacement Plan. These include that the plan will provide for a range of temporary and construction activities as permitted activities, recognising the temporary and localised nature of the effects of those activities, and that the plan will contain as appropriate, transitional provisions for the future of temporary activities established under the Permitted Activities Order (after that order expires).

### **2.2 RESOURCE MANAGEMENT ISSUES**

#### **RESOURCE MANAGEMENT ISSUE 1 – Enabling temporary accommodation for activities displaced by the earthquakes, and storage facilities and construction depots for earthquake related activity**

The provision of alternative accommodation for displaced activities and the repair and rebuild of earthquake damaged buildings and infrastructure is critical to for the wellbeing of households, businesses, and other activities and the recovery of Christchurch as a whole. However, providing for such activities has the potential to adversely effect others in the community, the long term functioning of Christchurch, and protected trees, buildings, and other features of significance. A balance needs to be struck that enables such activities where there is a need, while ensuring their location, and the standards that apply, will ensure such activities do not result in significant adverse effects, recognising the temporary nature of the activity.

### 3. SCALE AND SIGNIFICANCE EVALUATION

The level of detail undertaken for the evaluation of the proposed District Plan provisions is normally determined by an assessment of the scale and significance of the implementation of the proposed District Plan provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the provision;

- a. is of regional or city-wide significance and whether the provision is predetermined to impede the City's recovery;
- b. is important to resolve an issue or problem particularly to protect life and property;
- c. will radically change from current provisions; and/or
- d. will affect reasonable use of land; and/ or
- e. will adversely affect those most directly affected or those with particular interests including Maori (consideration needs to be given as to whether there is certainty of effects based on the availability of information to assess benefits and costs);
- f. limit options for future generations to remedy effects;
- g. will directly assist in the City's recovery.

However, the level of evaluation able to be undertaken through this Section 32 has been significantly influenced by the truncated process and timeframe directed by the Independent Hearings Panel. The Section 32 evaluation will continue to be updated through the submissions from the community and stakeholders.

### 4. GENERAL DIRECTION OPTIONS EVALUATION AND RECOMMENDATIONS

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonable practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

#### **Option 1: Status quo - retain existing Operative Plan provisions**

- a. The operative Plan contains no provisions to reflect the need for temporary activities that has arisen following the earthquakes. Although separate provision has been made for these activities under the Canterbury Earthquake (Resource Management Permitted Activities) Order 2011.
- b. Without the Permitted Activities Order in Council, which expire in April 2016, the existing zone provisions create a rule threshold against which proposals are to be assessed, which does not take earthquake recovery issues into consideration, nor the temporary nature of the activities. This is likely to result in the need for unnecessary resource consents or costs.
- c. The existing operative Plan provisions would maintain amenity values and protect features that are particularly significant, and

- d. There is a real risk that the existing provisions are likely to impede recovery and adversely impact households and the community. As such, the option of maintaining the operative provisions is not the most effective, efficient, or appropriate way of achieving the objectives and policies of the Plan, or the most appropriate way to achieve the purpose of the RMA.

**Option 2: Provide for the temporary earthquake recovery activities while limiting significant, particularly permanent, adverse consequences**

- a. This option recognises the significance of the need to enable temporary earthquake recovery activities, while limiting significant adverse effects, both in terms of temporary effects and permanent effects, including the recovery of commercial centres and damage or loss of significant features.
- b. Resource consents are likely to be limited to where there is a risk of significant adverse effects.
- c. This option is assessed as the most appropriate, and most effective and efficient, way of achieving the objectives and policies of the Plan and the purpose of the RMA.

**Option 3: Provide for the temporary earthquake recovery activities without any restrictions**

- a. This option recognises the significance of the need to enable temporary earthquake recovery activities, maximises options, and minimises the need for consents.
- b. It has a greater potential to have significant adverse effects, both in terms of temporary effects and permanent effects, such as those arising from impacts on commercial centres and their function as community focal points, the long term outcomes intended for different areas of Christchurch, and the damage or loss of significant features.
- c. This option is assessed as being a less effective, efficient and appropriate way of achieving the objectives and policies of the Plan, and is not the most appropriate way of achieving the purpose of the RMA, compared to Option 2.

#### **4.1 ADOPTED DIRECTION**

Option 2: Provide for the temporary earthquake recovery activities while limiting significant, particularly permanent, adverse consequences.

