

## **SECTION 32**

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

#### **CHAPTER 6 and CHAPTER 13 – Temporary Earthquake Recovery Activities – Temporary Lifting and Moving of Earthquake Damaged Buildings for zones not included in Stage 1 of the review**

## CONTENTS

1.	STRATEGIC CONTEXT .....	3
2.	RESOURCE MANAGEMENT ISSUES.....	5
3.	SCALE AND SIGNIFICANCE EVALUATION.....	6
4.	GENERAL DIRECTION OPTIONS EVALUATION AND RECOMMENDATIONS .....	6



## **1. STRATEGIC CONTEXT**

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

The purpose of these provisions is to provide for the temporary lifting and moving of earthquake damaged buildings. Stage 1 of the review of the District Plan included provisions for lifting and moving buildings in a number of areas, particularly many of the residential areas of Christchurch. This reflected the urgent need to enable the repair of buildings, such as homes damaged by the earthquakes that required lifting or moving to enable foundations to be repaired. The provisions covered by this Section 32 assessment relate to those areas of Christchurch not notified in Stage 1, including remaining residential areas.

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

These provisions are similar to those that were included in Stage 1 for the Stage 1 zones, including amendments that were proposed to the Independent Hearings Panel subsequent to public notification following submissions, mediation and at the hearing before the Independent Hearings Panel. They provide for buildings to be lifted 3 metres to allow work to be undertaken under the building. They also provide for protection of scheduled trees and other features that could be damaged or destroyed when moving buildings and some protection for adjoining neighbours, taking into account the temporary nature of the activity.

The Strategic Directions chapter as notified 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. It also contains provisions seeking to manage the impact of development on amenities.

### **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 no response 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 no comments on the

proposal that similar provisions to those in Stage 1 apply to areas not covered in Stage 1



## **2. RESOURCE MANAGEMENT ISSUES**

### **2.1 STRATEGIC PLANNING DOCUMENTS**

The Land Use Recovery Plan recognises the damage done by the earthquakes and, although it recognises the need for a range of temporary earthquake related recovery activities, it 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 district 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.

### **2.2 RESOURCE MANAGEMENT ISSUES**

#### **RESOURCE MANAGEMENT ISSUE 1 – Enabling the repair of earthquake damaged buildings**

The repair of earthquake damaged buildings is critical to enable households, businesses, and other activities to return to a more normal life and operation and have healthy and safe homes and premises. It is also important to provide for the high levels of housing demand that have resulted from the earthquakes. However, moving and lifting buildings has the potential to adversely effect protected trees, buildings, and other features, and adjoining property owners. A balance needs to be struck that enables the repair of buildings without incurring unreasonable costs while not resulting in significant adverse effects, recognising the temporary nature of the repair works.

### 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 issues that have arisen following the earthquakes relating to the repair of buildings.
- b. 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 in repairing buildings.
- c. Retention of the existing Operative Plan provisions would ensure trees, heritage items and other features that are particularly significant are protected, and would maintain amenity values.

- 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 lifting and moving of earthquake damaged buildings while limiting significant, particularly permanent, adverse consequences**

- a. This option recognises the significance of the need to enable repairs in a practical and cost-effective way, while limiting significant adverse effects, both in terms of temporary effects and permanent effects due to the 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 lifting and moving of earthquake damaged buildings without any restrictions**

- a. This option recognises the significance of the need to enable repairs, and maximises rebuild options, and minimises the need for consents, although it is generally unlikely to provide additional repair options compared to Option 2. It is likely to have limited additional economic benefit or wider benefits compared to Option 2.
- b. With no restriction at all there is greater potential to have significant adverse effects, both in terms of temporary effects and particularly permanent effects arising from 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 lifting and moving of earthquake damaged buildings while limiting significant, particularly permanent, adverse consequences

