



# Office of Hon Gerry Brownlee

MP for Ilam

Leader of the House

Minister of Transport

Minister for Canterbury Earthquake Recovery

Minister Responsible for the Earthquake Commission

## REPORT ON DECISIONS MADE IN APPROVING THE LAND USE RECOVERY PLAN - TE MAHERE WHAKAHAUMANU TĀONE

### 1. INTRODUCTION

On 6 November 2012 I directed Canterbury Regional Council, under section 16 of the Canterbury Earthquake Recovery Act 2011 (CER Act), to prepare a draft Land Use Recovery Plan that would provide a framework for residential and business land use development to support recovery and rebuilding. The direction, setting out the matters that were to be dealt with and those that were specifically not to be addressed, was published in the *Gazette* on 15 November 2012. The direction identified the area to be covered as the metropolitan urban area and towns in greater Christchurch but specifically excluded the future use of "red zoned" land and the area covered by the Christchurch Central Recovery Plan.

My direction required the draft Land Use Recovery Plan to identify the location, type and mix of residential activities (including social and affordable housing) and business activities (including retail, office, industrial and commercial). The direction envisaged changes to land use provisions in RMA documents<sup>1</sup> and to related instruments, providing for priority areas for development, delivery of infrastructure and transport networks, intensification of use and enhanced development on suitable brownfield areas, rebuilding of a network of business and community centres, and avoidance of increased risks from natural hazards.

Pursuant to section 19 of the CER Act I determined that the draft Land Use Recovery Plan was to be developed by Canterbury Regional Council in collaboration with Christchurch City Council, Selwyn and Waimakariri District Councils and Te Rūnanga o Ngāi Tahu (collectively "the strategic partners"), and with New Zealand Transport Agency and Canterbury Earthquake Recovery Authority (CERA).

In accordance with my direction and an agreed extension, Canterbury Regional Council provided me with the draft Land Use Recovery Plan ("the draft Recovery Plan") on 5 July 2013. I wish to record my appreciation of the efforts of the Canterbury Regional Council Commissioners and staff, and the Councillors, staff and consultants of all the strategic partners in preparing this draft document. I also wish to thank the people of greater Christchurch who provided input to the preliminary draft Land Use Recovery Plan and those who responded to my invitation to make written comments on the draft Recovery Plan.

I have considered the draft Recovery Plan, the written comments, further input from the strategic partners and other officials, and the requirements of the CER Act. I have now decided to approve the draft Recovery Plan with amendments. This report records the decisions I have made and the reasons for any changes from the draft provided to me, as required under section 21(3) of the CER Act.

<sup>1</sup> Defined in the section 4 of the CER Act as meaning the following documents under the Resource Management Act 1991: (i) a regional policy statement: (ii) a proposed regional policy statement: (iii) a proposed plan: and (iv) a plan and includes a change or variation to any of those documents.

## 2. LEGAL REQUIREMENTS AND PROCESS

In accordance with section 20 of the CER Act, I publicly notified the draft Land Use Recovery Plan inviting written comments on 6 July 2013. The period for public written comments closed on Friday 2 August 2013 with 144 written comments received by this date. Two further comments were received shortly after this. As these were able to be easily incorporated in the analysis process, they were received and considered with the others.

From 5 August to 15 August 2013 the written comments were summarised. The summary and the full written comments were provided to me. The summary was also sent to the strategic partners for their information and advice. The summary, with advice received, is attached as appendix 1.

Three late written comments and additional information on six comments already received were also provided to me after the analysis was completed. In the interest of forming a complete picture of the views of the greater Christchurch community, and to ensure consistency with the purpose of the CER Act contained in section 3(b), I decided to also consider this information. A list of all of those who provided comment is attached as appendix 2.

One hundred of the written comments received on the draft Land Use Recovery Plan discussed specific zone change requests, the Regional Policy Statement or specific district plan changes. Many of these sought inclusion of further sites as identified greenfield priority areas for business or housing, while some supported or opposed specific greenfield priority areas. The remaining written comments mostly made suggestions about broader policy issues addressed in the draft Recovery Plan. In finalising the Land Use Recovery Plan my officials liaised with the strategic partners (at both management and governance levels), sought advice from the Community Forum and also obtained feedback from other officials of central government agencies<sup>2</sup>.

The CER Act requires that, in approving a recovery plan:

- a. I must ensure that I exercise my power in accordance with the purposes of the Act, which are set out in section 3 of the Act (section 10(1) CER Act)
- b. I exercise that power when I reasonably consider it is necessary (section 10(2) CER Act)
- c. I must have regard to any information or advice from the Community Forum (section 6(4) CER Act)
- d. the Recovery Plan must be consistent with the Recovery Strategy (section 18(1) CER Act)
- e. other Recovery Plans are to be considered due to a need to ensure consistency (section 19(2)(f) CER Act)
- f. I must have regard to the impact, effect, and funding implications of the Recovery Plan (section 21(2) CER Act).

Under section 21(1) of the CER Act I am able to make changes or not as I think fit or withdraw all or part of the draft document.

<sup>2</sup> Agencies involved were: Housing New Zealand Corporation, Treasury, the Ministry of Business, Innovation and Employment, the Department of Internal Affairs, the Ministry for the Environment, the Ministry of Health, the Ministry of Education, Te Puni Kokiri, the Ministry for Culture and Heritage, the Ministry of Transport, the Ministry of Social Development, the Department of the Prime Minister and Cabinet, State Services Commission and the Ministry of Justice.



I have considered the written comments and the advice received against the CER Act requirements, the Recovery Strategy and the scope and intent of my direction to develop the Land Use Recovery Plan.

There were no written comments which sought the complete withdrawal of the draft Recovery Plan and the Community Forum did not advise me that it considered complete withdrawal was necessary. The draft Recovery Plan was generally in accordance with my direction and was consistent with the Recovery Strategy and the only other recovery plan, the Christchurch Central Recovery Plan. I did not, therefore, consider that the exercise of my power to withdraw all of the Recovery Plan would ensure that the purposes of the CER Act are met and nor was it necessary.

I did, however, consider that making some changes to the draft Recovery Plan and withdrawing some parts through deletion would better ensure the purposes of the CER Act and that these changes were necessary.

I sought comment from my Cabinet colleagues on the draft Land Use Recovery Plan on 2 December. I reviewed the Regulatory Impact Statement for the Land Use Recovery Plan and had regard to the impact, effect and funding of the final draft Land Use Recovery Plan. The final draft Land Use Recovery Plan (with amendments) was provided to me by CERA on 3 December 2013 for my further consideration and my approval under section 21 of the CER Act.

I have made the decision to approve the amended Land Use Recovery Plan. Changes made to the draft Land Use Recovery Plan, and the reasons for those changes, are described below. I am satisfied that all of those parts of the Land Use Recovery Plan that remain unchanged from the draft prepared by the Canterbury Regional Council are in accordance with the relevant CER Act provisions, the Recovery Strategy and the scope and intent of my direction to develop the Land Use Recovery Plan.

### 3. ACTIONS IN THE LAND USE RECOVERY PLAN

The Land Use Recovery Plan identifies three types of actions:

- (a) Actions that direct specific amendments to RMA documents
- (b) Actions that direct changes to be made to RMA documents and other instruments to give effect to the Recovery Plan
- (c) Actions that do not direct changes to any instruments but have been agreed to by the strategic partners.

Under section 24(1)(a) and (b) of the CER Act, a council must amend its RMA documents (and other instruments) if the Recovery Plan directs that specific objectives, policies and methods be included or removed from those documents. To do this, the exact words must be included in the Recovery Plan. Changes of this kind in the Land Use Recovery Plan are set out in the appendices to the Recovery Plan. These changes to the Regional Policy Statement and the Christchurch, Selwyn and Waimakariri District Plans take effect within a fortnight of the *gazettal* of the Recovery Plan.

Under section 24(1)(c) of the CER Act the Recovery Plan can also direct changes or variations to be made to any objective, policy or method in a RMA document to give effect to the provisions of the Recovery Plan. The changes must be made as soon as practicable in accordance with a public process which I determine. Changes to other statutory instruments, including Local Government Act (LGA) plans and instruments under the Land Transport Management Act 2003, can be similarly directed (section 26 CER Act).

Actions of this kind that are directed to Waimakariri and Selwyn District Councils under section 24(1)(c) CER Act specify a period of time for these councils to consider what, if any, changes are required to their district plans. They must then provide me with a report so that I can consider what public process is required to give effect to those amendments. The Regional Council will also be subject to this process in relation to a consideration of whether the provisions of the Regional Policy Statement and regional plans are appropriate to support recovery and rebuilding.

I have specified a different process for actions related to Christchurch City Council's review of its RMA documents. During the development of the Land Use Recovery Plan it became apparent that the Christchurch City Council's District Plan, consisting of the Christchurch City Plan and the Banks Peninsula District Plan, should be reviewed in its entirety to appropriately address changes that have occurred in Christchurch since these two components of the District Plan were developed. This review process is beyond the scope of the Land Use Recovery Plan as it includes matters much broader than my direction. I am working on this with the Minister for the Environment, as it will involve amendments to processes in the Resource Management Act 1991.

To provide for alignment between that review process and implementation of the Land Use Recovery Plan, I have decided it is appropriate to identify matters in the Land Use Recovery Plan that should be considered within that review. In particular I have identified matters which I consider need to be dealt with urgently. As these matters can only be addressed through a yet to be prepared proposed district plan which is not therefore a RMA document, these directions are not made under section 24 of the CER Act. They do, however, have legal effect as under section 23 of the CER Act any person exercising functions under the Resource Management Act, including the preparation or review of a RMA document, must not make a decision which is inconsistent with a recovery plan.

Actions that are not subject to a statutory direction under section 24 or section 26 of the CER Act but have been agreed to by the strategic partners are also included in the Land Use Recovery Plan to record the partners' intent. As they are within the Land Use Recovery Plan, Resource Management Act decisions (as specified in section 23 of the CER Act) and decisions on other instruments (identified in section 26 of the CER Act) cannot be inconsistent with these actions, and their implementation and effect will be monitored and reported on together with other actions in the Recovery Plan.

(I have distinguished the actions which are statutory directions under section 24 of the CER Act from the other actions by use of different coloured shading in the Recovery Plan text – blue for the statutory directions and yellow for the others.)

#### **4. CONTENT OF THE LAND USE RECOVERY PLAN**

The following sets out the significant changes I have made to Volume 1 Section 4 of the draft Land Use Recovery Plan. Changes of an editorial nature (including restructuring of other Sections) are outlined in Part 6 of this decision report.

##### **Section 4.1 Rebuilding communities**

Action 1 of the Land Use Recovery Plan now requires immediate changes to the Christchurch City Plan. The draft Land Use Recovery Plan, in my view, did not include sufficient measures to deal quickly enough with some of the land use issues and challenges identified. Those challenges include a significant decrease in the availability of housing stock (due to damage to land and buildings) occurring alongside a significant increase in demand driven by the rebuild and repair activity itself. Action 1 provides mechanisms to enhance opportunities for residential development and affordable housing within existing urban areas of Christchurch City, with immediate effect following the gazettal of the Land



Use Recovery Plan. These intensification mechanisms have been designed to ensure an adequate supply of land for housing is provided for, while using existing infrastructure and avoiding "urban sprawl". The package of immediate interventions is intended to remove easily identifiable barriers to appropriate residential redevelopment.

The draft Land Use Recovery Plan provided for a "floating zone" which would enable more intensive housing development in situations which met suitable criteria. It was intended that such criteria would be developed by the Christchurch City Council, to be provided to me on approval of the Recovery Plan and then put in place through a separate process. I considered that there was a real risk this would take too long given that the peak housing demand is anticipated between 2014 and 2016. I therefore requested that my officials work with other central government agencies and the Christchurch City Council to develop a mechanism which could be incorporated into the City Plan immediately. This has been described as the "enhanced development mechanism".

To ensure enhanced development occurs appropriately in the existing residential zones, each proposal must meet certain criteria to qualify. The criteria have been developed to internalise the effects of development and to ensure that the interface between the proposed redevelopment site and existing adjacent land uses can be appropriately managed. The proposed redevelopment site must sit within an area that is already well supported by nearby services including public transport, a neighbourhood centre or supermarket, a primary or intermediate school, and publicly accessible open space. Redevelopment sites will be excluded if they are located in inappropriate locations such as an area with constrained infrastructure capacity, a tsunami risk area or too close to incompatible activities (specifically those in industrial Business 5 zones).

The provisions include development standards which set out the manner in which enhanced development can take place. These include building height limits, recession planes, setbacks and other design criteria which will assist in ensuring appropriate integration with the surrounding neighbourhood. Sites must be between 1500m<sup>2</sup> and 10,000m<sup>2</sup>, with developments having a density of 30 to 65 households per hectare.

All proposals will also be subject to an urban design assessment to ensure an appropriate connection and integration with the existing neighbourhood. The timing and any staging of development will also be controlled through consent conditions. The mechanism is to enable recovery and this will not occur if land is held for future development gains rather than being developed effectively in the short term. This is not to say that landowners will be required to develop vacant land but simply that the mechanism will only be available for immediate development – not as a mechanism to confer a future development right.

In deciding the details of the mechanism, I considered:

- how broadly the mechanism should be applied. The total land area that could be developed if the mechanism is applied to the Living 2 and Living 3 zones is some 300 hectares. This compares to an estimated 5000 hectares if the Living 1 zone is included, once accessibility and exclusion criteria are applied;
- the appropriate balance between providing for additional housing and protecting the existing character of established suburbs, and
- whether the mechanism should be available indefinitely or only for a specified term.

On balance I consider that a more limited scope, based on the existing Living 2 and Living 3 zones, is appropriate in combination with directions to achieve further intensification opportunities and housing choice through the Christchurch district plan review. I have also accepted that this mechanism should have a specified 5 year life, and be reviewed at that time.

I have also included a mechanism similar to the enhanced development mechanism specifically to provide for redevelopment of existing areas of social or community housing. Much of this housing has been significantly affected by the earthquakes. The community housing redevelopment mechanism enables more social and affordable housing at a time when the need for this is particularly acute as a result of the earthquakes and provides a unique opportunity to ensure that redevelopment of social and community housing incorporates dwelling types that are better suited to the needs of communities than the existing housing stock. Areas that qualify for this mechanism are identified on maps in Appendix 2 of the Land Use Recovery Plan; minimum and maximum site sizes and development standards will also apply to ensure appropriate amenity and integration with the surrounding neighbourhood. The community housing redevelopment mechanism is subject to the same limited life as the enhanced development mechanism. I have included a further action, that lead developers should prepare non-statutory master plans for community housing redevelopment areas where appropriate.

The enhanced development mechanism and community housing redevelopment mechanism are complemented by several other plan amendments which will become operative immediately and provide development opportunities on sites smaller than the minimum site size applying to the enhanced development mechanism. Amendments enable:

- the reconfiguration of existing dwellings by an exemption to the existing Living 1, Living 2, and Living H zone density standards, allowing conversion of an existing residential unit into two units. This provides an opportunity for immediate increases in the availability of rental accommodation with little visible difference from the current situation;
- the conversion of existing family flats to residential units, allowing an existing family flat on a site to be used as the second residential unit on the site. This enables immediate use of family flats for permanent living accommodation to supplement the current workers' temporary accommodation provisions. Each residential unit is required to meet minimum standards for unit size, independent outdoor living space, and on-site parking;
- existing elderly persons housing to be converted to residential units by the removal, if the owners wish, of the existing covenants, and the ability to provide title to individual units. This will enable the units to be used by all age groups and to be owned by their occupiers ;
- two residential units to be built on existing vacant sites and sites that will soon be vacant as a result of earthquake damage. Only one unit would have been previously allowed under the district plan. This will enable two new residential units to be established below the current minimum density requirement, providing an opportunity for an additional supply of housing throughout the Living 1 and Living 2 zones. Limiting eligibility to existing vacant (or soon to be vacant) sites controls the degree of intensification across the zones. Each unit will be required to comply with the bulk, location, and amenity standards of the underlying zone (e.g. open space, setbacks, outdoor living space per unit) to ensure that the outward appearance of the units is of a scale, character, and intensity which is sympathetic to the surrounding living zone.

I consider that the interventions outlined above provide a response to the immediate challenges and opportunities facing Christchurch ahead of the more comprehensive actions required in the balance of the Land Use Recovery Plan. I consider that they are appropriate measures to assist Christchurch communities to recover from the impacts of the Canterbury earthquakes as they will make more housing readily available. The development standards and other controls on this housing are adequate to ensure their use does not result in significant adverse effects on the amenity of existing neighbourhoods.



The Land Use Recovery Plan requires Christchurch City Council to monitor use of these provisions and their effect on housing availability and the character of existing neighbourhoods and to report this data to CERA. I have limited the life of the provisions to a period up to 31 December 2018 and their effects will be reviewed prior to this expiry date.

In response to written comments and further advice from Housing New Zealand Corporation and Christchurch City Council, I have refined the non-statutory direction to Christchurch City Council to enable exemplar developments (Action 7) to provide further detail about the locations for potential exemplar developments and the process required to develop and test these proposals.

In response to advice from Christchurch City Council, I have moved the location of the Halswell Key Activity Centre on Figure 4. The map identified the current Halswell neighbourhood centre; I have corrected this to refer to the intended new location of the Key Activity Centre.

#### **Section 4.2 Building new communities**

In response to written comments, I have adjusted the boundaries of some of the greenfield priority areas for housing identified in Figure 4 as follows:

- the greenfield priority area east of Belfast is extended to the road boundary; this was an oversight in the draft Recovery Plan;
- land at 67 Brick Kiln Lane is included in the West Rangiora greenfield priority area for the reasons identified in appendix 1 to this decision report;
- greenfield priority areas at Prebbleton and Lincoln are amended for the reasons identified in appendix 1 to this decision report.

I have also made the following changes to Figure 4:

- I have used a single colour (green) to identify both greenfield priority areas already zoned and those not yet zoned for residential development. I did the same for greenfield business areas (shown in blue). I did not consider that it was necessary to distinguish the current district plan status of these areas; they are a priority for development and as such are expected to be enabled appropriately by 2028.
- I have removed from Figure 4 land identified in Selwyn and Waimakariri Districts for Greenfield Priority Areas post-2028. This is outside the period stipulated in my direction and development of these areas is more appropriately addressed by Resource Management Act measures, as it is not related to the recovery but to longer term development of townships in these districts.
- I have made amendments to the boundaries of the areas supported by infrastructure for existing and greenfield priority areas. These amendments were made on the advice of Waimakariri District Council and Christchurch City Council who had noticed mapping errors. I have also amended the map key to call these "projected infrastructure areas" to recognise that these are indicative only and exact boundaries may change as areas are developed.
- I have removed the reference numbers (R1 – R19 and B15) from the greenfield priority areas. These reference numbers assisted with discussion of the draft Land Use Recovery Plan, but are not referred to in the redrafted Land Use Recovery Plan.

In Action 17 I have also directed Selwyn District Council to amend its district plan to include zoning and outline development plans for the greenfield priority area at Prebbleton. This is

consistent with the direction for other greenfield priority areas identified in the Land Use Recovery Plan and ensures that development is enabled on the site.

I have removed a table and graph providing estimates of land supply to meet housing demand because these were based on theoretical maximum areas of land that could be made available. I consider that, without reference to the underlying assumptions, this information could mislead people as to the likely real potential capacity available.

I have moved the text and actions relating to housing provision on Maori Reserves to this part of the Recovery Plan as these provide more for greenfield development than intensification (Section 4.1). Although the new actions are similar, I have removed reference to Selwyn District Council from these actions as it has been confirmed that there is no appropriate Maori Reserve land in that district which can be used for housing.

### **Section 4.3 Providing for business**

I have removed a table and graph providing estimates of land supply to meet business demand because these were based on theoretical maximum areas of land that could be made available. I consider that, without reference to the underlying assumptions, this information could mislead people as to the likely real potential capacity available.

I have amended the action that required Christchurch City Council to review its district plan (Action 24) to include provision for existing businesses to rebuild or redevelop on their existing sites. I consider this is necessary to assist recovery of businesses that have suffered earthquake damage but do not wish to relocate.

In response to written comments, I have adjusted the boundaries of a greenfield priority area for business identified in Figure 4 by excluding an area of land at Marsh's Road for the reasons identified in appendix 1 to this decision report.

### **Section 4.4 Delivering infrastructure and services**

The Land Use Recovery Plan requires councils to prepare prioritised infrastructure programmes to align with the land use changes described above. I consider these directions are necessary to facilitate, co-ordinate, and direct the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property. However I have deleted actions that are part of ongoing investigations and operations of councils and NZTA (Action 31 and 32 in the draft Recovery Plan); I do not consider these actions need to be repeated in the Recovery Plan.

I have deleted actions relating to recovery of Lyttelton Port (Actions 35 and 36 in the draft Recovery Plan) because I have requested my officials to consider ways to enable recovery of the Port in an appropriate manner through a process outside this Recovery Plan.

I have decided that provisions relating to the airport noise contours for Christchurch International Airport should be put in place through the Land Use Recovery Plan, as these are necessary for recovery, will achieve the purposes of the CER Act, and are consistent with the goals of the Recovery Strategy for Greater Christchurch.

The provisions to avoid noise sensitive activities within the airport noise contour are in accordance with the purposes of the CER Act contained in section 3(a), (d), (f) and (g). They are appropriate to ensure recovery, enable a focused, timely and expedited recovery through providing planning certainty in terms of land use planning, help to direct and coordinate repair and rebuilding of communities, and help to restore the well-being of greater Christchurch communities. While the airport noise contours could be implemented by a public process outside the Land Use Recovery Plan, this would not ensure effective alignment with the identification, in the Recovery Plan, of appropriate areas for development. Incorporating the provisions through the Land Use Recovery Plan will ensure that a focused,



timely and expedited recovery is not impeded. The provisions also help to achieve the goals of the Recovery Strategy, in particular goals 1.1, 2.3, 5.3 and 5.5.

I consider the provisions being incorporated into Chapter 6 of the Canterbury Regional Policy Statement and in the Waimakariri District Plan, Selwyn District Plan and Christchurch City District Plan by direction in the Land Use Recovery Plan are necessary for recovery, consistent with section 10(2) of the CER Act. The changes provide planning certainty which enables focused and timely decisions to be made for land use recovery, and also help to ensure the continued operation of the Christchurch International Airport which is important for the economic recovery of greater Christchurch.

#### **Section 4.5 Natural hazards and environmental constraints**

I have deleted Actions 39, 40, 42 and 43 that were included in the draft Land Use Recovery Plan. I recognise the significance of increased risk from natural hazards as a result of the Canterbury earthquakes but consider that the majority of these issues can be dealt with through existing provisions and the new chapter inserted in the Regional Policy Statement by Action 44 (in Section 4.6 of the Land Use Recovery Plan). There is no need to repeat these matters through further actions.

#### **Section 4.6 Implementing delivery mechanisms for recovery**

I have deleted several actions as follows:

- Action 46 in the draft Land Use Recovery Plan required reviews of consenting processes in Christchurch City Council and Waimakariri and Selwyn District Councils. A review of Christchurch City Council processes has already been completed, and I consider that no obvious need has been demonstrated to require reviews in respect of the other Councils.
- Actions 52 and 53 in the draft Recovery Plan, signalling establishment of forums to provide advice on housing and business land respectively, are deleted because I do not consider it necessary for the Land Use Recovery Plan to require these specific initiatives. I expect the Councils will engage with many relevant groups in pursuing the various recovery mechanisms included in the Recovery Plan. In place of the Actions, I have inserted narrative in section 3 of the Land Use Recovery Plan to recognise the initiatives.
- Actions 55 and 56 in the draft Recovery Plan, regarding governance and monitoring of the Recovery Plan respectively, are deleted because these processes are more properly implemented outside the Recovery Plan in conjunction with other Recovery Strategy governance and monitoring processes.

I have added Action 45 identifying matters that I consider Christchurch City Council should address as a priority in its district plans. The matters I consider are necessary for recovery are:

- i) reducing consenting and notification requirements;
- ii) addressing standards relating to urban design that could negatively affect recovery;
- iii) defining the extent of key activity centres; and
- iv) providing for existing industrial activities in business zones.

Addressing these matters will ensure they do not impose unnecessary planning impediments to recovery.

## **5.0 CONTENT OF THE APPENDICES**

As discussed in Part 4 above, I have made changes to appendices 2 to 6 of the draft Recovery Plan to reflect matters raised in written comments. In addition to the information in this Part of my decision report, appendix 1 of the report provides details of the changes and the reasons for these.

### **5.1 Canterbury Regional Policy Statement (Appendix 1 of Land Use Recovery Plan; previously Appendix 2)**

The Land Use Recovery Plan directs amendments to the Regional Policy Statement by the insertion of a new Chapter 6. I have reviewed the amendments proposed in the draft Recovery Plan and I consider that they will be effective and meet the test of assisting the recovery of greater Christchurch. The amendments strike a balance between incentivising development within the existing urban zones and enabling greenfield development on the outskirts of Christchurch metropolitan area and nearby towns. I consider that this will address the land use recovery needs of those living and working in metropolitan greater Christchurch by expediting the recovery in a manner that meets social, cultural, environmental and economic needs. Many of the short to medium term needs of those seeking new housing opportunities or locations for establishment or relocation of businesses will only be able to be met by greenfield development. The provisions of the new Chapter 6 will meet these urgent needs as well as reflecting the aspirations of those seeking the rejuvenation of the city itself.

I have amended the methods in Chapter 6 of the Regional Policy Statement to remove possible conflicts of purpose between the actions set out in the Recovery Plan and implementation of the Regional Policy Statement, particularly as they relate to the directions to councils to undertake plan changes. To assist the reader I have made additional changes to Chapter 6 to refine wording and remove unnecessary repetition between the Land Use Recovery Plan and the Regional Policy Statement. This has resulted in some of the supporting information in Chapter 6 being amended or removed.

The provisions of Chapter 6 comprise more than just objectives, policies and methods but under section 24 of the CER Act I can only make changes to these matters. Other material such as an introduction and explanations of provisions were drafted by Environment Canterbury to provide additional information and ensure Chapter 6 is consistent with the structure of the rest of the Regional Policy Statement. I have decided to use my powers under section 27 of the CER Act to include this material, which will make Chapter 6 easier to read, interpret and understand. To do so is in accordance with the purposes of the CER Act as a clear understanding of the provisions in Chapter 6 will facilitate planning of affected communities and enable a focused, timely and expedited recovery. Use of section 27 powers is the only way to achieve this at the same time as changes to objectives, policies and methods are made through the Land Use Recovery Plan. It is, therefore, ancillary to the provisions of the Recovery Plan. I reasonably consider it is necessary for me to use this power.

I have also considered whether Proposed Change 1 to the Regional Policy Statement should be revoked, since the provisions of Chapter 6 address some of the central matters included in that Plan Change. I have decided not to do this through the Land Use Recovery Plan because I am not convinced that the effects would be limited to matters within the scope of my direction to prepare the Recovery Plan. Instead, I will consider this matter by means of a separate process.

### **Map A – Greenfield Priority Areas**

Map A in Chapter 6 of the Regional Policy Statement reflects the identification of key activity centres and greenfield priority areas for housing and business on Figure 4 in Section 4 of the Land Use Recovery Plan. The changes I have made to Figure 4 (discussed earlier in this decision report) are reproduced on Map A.



## **5.2 Christchurch City Plan (Appendix 2 of Land Use Recovery Plan; previously Appendix 3)**

Appendix 2 of the Land Use Recovery Plan now includes the immediate amendments to the Christchurch City Plan discussed in Part 4 above.

I have also amended the provisions for the Upper Styx (Highsted) area set out in Appendix 2:

- I have amended the timeframe for facilitation of urban development (policy 6.3.1 new (b)) to refer to the recovery period (2028) specifically, rather than out to 2041.
- I have further removed reference in the policies that refer to avoiding subdivision for development on sites unless they are provided for as a Technical Category 1 or Technical Category 2. I consider the use of Technical Categories within RMA documents is inappropriate as remediation of these sites can occur through land remediation, through the way houses are designed and built, or by a mixture of both. However, I do consider that the risk of liquefaction is an important constraint so I have replaced the deleted policies with new policies referring to avoiding, remedying or mitigating the risks of subdivision of liquefiable soils.

I have made a further change to the Christchurch City Plan to provide for residential development in the Hills Road/Mills Road area known as Highfield. Plan Change 67 for Highfield is currently before the Environment Court and there are four unresolved appeals. I consider it is appropriate to include this in the Land Use Recovery Plan to expedite development of the land to meet housing needs. I have made one amendment to the provisions of the Highfield Plan Change to address the concerns of the New Zealand Transport Agency (NZTA) by making it clear that written consent is required from NZTA where the subdivision does not meet rules relating to transport networks. NZTA agrees with this amendment.

## **5.3 Waimakariri District Plan (Appendix 3 of Land Use Recovery Plan; previously Appendix 4)**

I have amended the Waimakariri District Plan to include provisions relating to noise sensitive activities. This amendment ensures consistent use of the term 'noise sensitive activities' across RMA documents and provides policy and rules to avoid noise sensitive activities in rural areas within the 50dBA Ldn airport noise contour (discussed in Part 4 of this decision report).

I have also incorporated provisions relating to land at 67 Brick Kiln Lane, West Rangiora to reflect identification of this land as a greenfield priority area for housing (discussed in Part 4 of this decision report).

I have corrected an error to Table 30.1 relating to roading design in Amendment 1: Rezoning of Rangiora Priority Areas to include the full table. The full table was omitted in the draft LURP in error.

I have amended Rule 31.1.1.38 for fencing between a residential property and reserve land from 1.8 to 1.5 metres. This was an error printed in the draft LURP.

#### **5.4 Selwyn District Plan (Appendix 4 of Land Use Recovery Plan; previously Appendix 5 and Appendix 6)**

I have amended the Selwyn District Plan to include provisions relating to noise sensitive activities. This amendment ensures consistent use of the term 'noise sensitive activities' across RMA documents and provides policy and rules to avoid noise sensitive activities in rural areas within the 50dBA Ldn airport noise contour (discussed in Part 4 of this decision report).

I have incorporated provisions for greenfield priority areas at Prebbleton and Lincoln (as discussed in Part 4 of this decision report).

I have also incorporated Appendix 6 of the draft Recovery Plan, relating to Selwyn District Council's outline development plan for Rolleston, into a single Appendix containing the other changes necessary to the Selwyn District Plan.

### **6 EDITORIAL CHANGES THROUGHOUT DOCUMENT**

I have made changes to the text and graphics of the Land Use Recovery Plan to make it easier to read and focus it more clearly on the actions to be taken.

#### **6.1 General changes**

The general editorial changes include:

- a. Restructuring and reorganisation of material. Information about Recovery Plan actions has been combined so that all the information about an action (including direction, timeframe and outcomes to be achieved) is presented in one place in Section 4. Actions have also been reconfigured to include closely related matters together and to separate directions that are made to more than one council. Some sections of text have been moved to improve flow.
- b. Removal of material that is not directly relevant to the actions in the Recovery Plan. This includes information about the content of the Christchurch Central Recovery Plan and about building costs. Both of these matters are beyond the scope of the Land Use Recovery Plan.
- c. Removal of unnecessary background material. This includes details of development of the draft Recovery Plan, some demographic and statistical information and several maps that are available elsewhere. This material provided useful context, in the draft Recovery Plan, for people considering whether to make written comments. However I consider that they do not need to be retained in the final Recovery Plan. The information can be obtained from the published draft Recovery Plan or from other sources.
- d. Movement of some material between Volume 1 of the Recovery Plan and Appendix 1 (chapter 6 of the Regional Policy Statement).
- e. Deletion of actions relating to how planning proposals will be assessed (Actions 19, 39, 40, 42 and 43 in the draft Recovery Plan) as these are more appropriately included as policy provisions in the Regional Policy Statement.
- f. Amendment of some actions directing plan reviews (Actions 24, 25, 26 and 30 in the draft Recovery Plan) to include matters signalled in policies and methods in Chapter 6 of the Regional Policy Statement. These matters include requirements to:



- determine the extent to which commercial activities will be provided for in greenfield priority areas for business, which are intended primarily to accommodate industrial businesses, and
  - make provision for certain matters to ensure integration of land use and transport networks.
- g. Moving the details of the implementation table in Section 6 and statutory directions in Section 8 into Section 4. I have also moved the summary timeline from Section 6 into the executive summary and rationalised some of the information in this timeline.
- h. Removal of repetition and rewording for conciseness and clarity. In particular, several different descriptions of objectives and outcomes, challenges and indications of success have been rationalised so that the Recovery Plan includes a single statement of desired outcomes that provide a basis for monitoring success. Lengthy discussions about reasons for controls on activity within air noise contours and about urban design considerations have been shortened to make these discussions proportionate with the detail provided on other matters.
- i. Removal of Appendix 1 which contained a copy of my direction to prepare a draft Land Use Recovery Plan. As the direction is publicly available, I do not consider it is necessary to include it in the Recovery Plan.

## 6.2 New Section 5: Implementation and Monitoring

I have combined what was in the draft Recovery Plan Section 6 (Implementation) and Section 9 (Monitoring and Reporting) into a new Section 5 as the matters addressed are closely linked. (The previous Section 5 in the draft Recovery Plan has been incorporated into Section 1 to place it alongside related narrative.) I have amended what was Section 6.2 to clearly highlight the role of the established committees and groups of the recovery strategy governance framework in monitoring, reporting and general oversight of the Land Use Recovery Plan. The structure also acknowledges that external forums may be developed to provide regular engagement and collaboration with stakeholders.

I have also amended the discussion of monitoring and reporting in what was Section 9 to provide for a process consistent with broader Recovery Strategy monitoring and reporting. I have clarified that success will be monitored in relation to a clear set of desired outcomes (in Section 3).

In Section 9.1 of the draft Land Use Recovery Plan there was a direction to the Canterbury Regional Council to formally review the Land Use Recovery Plan by April 2015 or sooner if directed to do so by me. I have decided to retain this in Section 6.4. The review is exercised under section 22 of the CER Act and the process established in the Recovery Plan reflects what was provided for in my direction to develop the draft Recovery Plan. I consider the use of section 22 for this future review is necessary. I consider it important that all aspects of the Land Use Recovery Plan will be reviewed, and in particular the package of measures that promote infill and intensification. In undertaking the review, the Canterbury Regional Council must obtain the views of the communities of metropolitan greater Christchurch. I have allowed the Canterbury Regional Council to determine the exact nature and timing of consultation with the communities. The review will enable community participation in the planning outcomes without impeding a focused, timely and expedited recovery. As such it is in accordance with the purposes of the CER Act. It enables certain measures to be put in place now to help with rebuilding in the expected peak time but, if those measures are not as successful as expected, the review provides an opportunity to amend them.

I have amended what was Section 6.3 (now Section 5.5) to better reflect current advice about funding implications. I have deleted text included in the draft Recovery Plan requesting additional funding because any such requests will need to be made in accordance with Government processes that sit outside this Recovery Plan.

### **6.3 Previous Sections 6, 7, 8 and 9**

I have deleted the content of Section 7, which identified actions outside the scope of the Land Use Recovery Plan that the strategic partners wished the Government to investigate. This Section referred to Government processes that sit outside of this Recovery Plan and I do not consider it appropriate to refer to them in the Land Use Recovery Plan.

Section 8 was a repetition of the material in Section 4 as it restated the statutory actions. These have now been identified clearly within Section 4.

As indicated above I have included the information that was in Sections 6 and 9 into a new Section 5.

## **7 CONSIDERATIONS**

In testing the Recovery Plan against the CER Act, I consider it is in accordance with the purposes under section 3 of the CER Act and is consistent with the other existing Recovery Plan – the Christchurch Central Recovery Plan.

At the very least, the Recovery Plan, in my view:

- provides appropriate measures to ensure that greater Christchurch and the councils and their communities respond to, and recover from, the impacts of the Canterbury earthquakes;
- reflects community feedback and enables community involvement in a review of the effectiveness of the actions;
- enables community participation in the planning of the recovery of affected communities without impeding a focused, timely, and expedited recovery;
- enables a more focused, timely, and expedited recovery;
- facilitates, co-ordinates, and directs the planning, rebuilding, and recovery of affected communities, including the repair and rebuilding of land, infrastructure, and other property;
- helps restore the social, economic, cultural, and environmental well-being of greater Christchurch communities.

I consider the Recovery Plan is a necessary intervention to enable the timely and expedited recovery of greater Christchurch given that:

- a. the existing RMA documents, LGA and land transport policies and plans no longer reflect the altered post-earthquake environment – they do not reflect the new population dynamics or provide sufficient prioritisation or direction for post-earthquake recovery efforts;
- b. a lack of certainty and the inability to amend the planning framework quickly enough would significantly impair and delay earthquake recovery. New planning rules are needed, and needed quickly;
- c. direction is needed to ensure rebuilding of infrastructure and transport networks is aligned with provision of land for housing and business recovery.



I consider the Recovery Plan is consistent with the Recovery Strategy. The Recovery Strategy has six areas of activity. The Land Use Recovery Plan fits clearly within the Built Environment Recovery component which sets out to *“develop resilient, cost effective, accessible and integrated infrastructure, buildings, housing and transport networks”* and its outcomes are derived from the goals for that component.

I have considered the information prepared by the Canterbury Regional Council that accompanied the draft Land Use Recovery Plan:

- the consultation report on targeted stakeholder workshops held in November/December 2012 and the consultation report on the second round of consultation in April 2013;
- the integrated assessment for the draft Land Use Recovery Plan, June 2013; and
- the draft regulatory impact statement on the draft Land Use Recovery Plan, June 2013.

I have also considered comments from the Community Forum. The Community Forum supported the concept of residential intensification but raised concerns about:

- insufficient linkage with the Christchurch Central Recovery Plan;
- the living space available in intensified medium-density housing areas. There was concern that existing parks may already be insufficient to meet the need for open space;
- the impact that intensification may have on infrastructure;
- the lack of opportunity for the public to have input into the new intensification proposals. It was suggested that the intensification proposals should require limited notification as part of the consenting process.

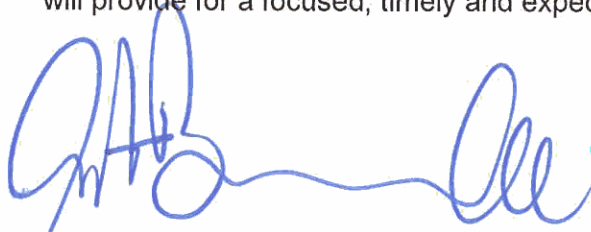
The views of the Community Forum have been taken into account and I consider that the vision of the community and the views expressed by the Forum have generally been captured within the Recovery Plan. I considered the merits of further consulting on the intensification proposals but considered this would detract from their effect – given one of their primary benefits is their immediacy. I consider it more appropriate to allow these mechanisms to be reviewed for their effectiveness in 2015 and for the community to be involved in that review.

I accept that residential development outside of central Christchurch may have implications for the central city. This particularly relates to residential supply and demand and the possibility that there will be competition between the suburbs and the central city and I note the Community Forum’s concern about a possible “doughnut effect”. There is, however, an immediate need to increase housing supply and the central city is not in a strong position to deliver this at present. I do not consider that restricting supply in the suburbs in order to increase the demand in the central city is desirable or feasible. It will not restore the social well-being of the communities in Christchurch.

The impact, effects and funding implications of the Recovery Plan are discussed in the Regulatory Impact Statement dated 29 November 2013. I consider that the overall impact of the Recovery Plan will be positive in enabling an expedited recovery and the funding implications are warranted to achieve this outcome.

## 8 CONCLUSION

I am happy to be able to approve the Land Use Recovery Plan in the knowledge that the changes from the draft Recovery Plan have resulted in a stronger document and one that will provide for a focused, timely and expedited recovery for greater Christchurch.



Hon Gerry Brownlee

**Minister for Canterbury Earthquake Recovery**

Date: 05 / 12 / 2013

Released by the Minister for Canterbury Earthquake Recovery