

REPORT ON DECISIONS MADE IN APPROVING THE YALDHURST RECREATION AND SPORTS FACILITY PROPOSAL TO EXERCISE POWER UNDER SECTION 71 OF THE GREATER CHRISTCHURCH REGENERATION ACT 2016

1. INTRODUCTION

On 23 July 2018, Hon Dr Megan Woods, Minister for Greater Christchurch Regeneration, transferred the decision-making for this Proposal to me.

On 23 August 2018, in my capacity as the Minister acting for the Minister for Greater Christchurch Regeneration, I received Christchurch City Council's Proposal to exercise my power under section 71 of the Greater Christchurch Regeneration Act 2016 (GCR Act) to, in summary:

- **Amend the Canterbury Regional Policy Statement by amending a policy, reasons and explanation and anticipated environmental results, and to insert a new definition of 'metropolitan recreation facility' to provide for a metropolitan recreation facility at 466-482 Yaldhurst Road, Christchurch. The amendment to the policy provides an exception to the general principle of not enabling urban activities outside of the existing urban areas or greenfield priority area; and**
- **Amend the Christchurch District Plan to rezone 466-482 Yaldhurst Road, Christchurch from Open Space Community Park Zone to Open Space Metropolitan Facilities Zone; and**
- **Amend the Christchurch District Plan by deleting, inserting and amending specific policy, rules, and the development plan for the Yaldhurst Recreation and Sports Facility at 466-482 Yaldhurst Road, Christchurch.**

Pursuant to section 67 (all references are to the GCR Act unless stated otherwise), on 25 September 2018, I agreed to exercise my powers to proceed with the Yaldhurst Recreation and Sports Facility Proposal (Proposal) and to invite public comment for 20 working days under section 68.

The Proposal outlines what it is intended to achieve, the process Christchurch City Council as proponent undertook to develop the Proposal, and how the Proposal was expected to support the regeneration of greater Christchurch.

The objective, as stated in the Proposal, is *to contribute to the regeneration of greater Christchurch* by:

- *improving land and sporting infrastructure on a property already containing a high-quality all-weather football facility capable of accommodating further recreation facilities and becoming a sports hub; and*
- *improving the environmental, economic, social and cultural wellbeing, and the resilience of communities through not only urban renewal and development, but also restoration and enhancement of sports and recreation facilities; and*
- *enhancing the range of recreation facilities available to the public by enabling the replacement of facilities lost or damaged in the Canterbury earthquakes, and providing new facilities to meet identified additional demand.*

I would like to acknowledge Christchurch City Council for its role as proponent and also the members of the public, including neighbouring property owners and those in the vicinity of the site, who participated during the public comment period.

I have considered the Proposal, the public written comments received, and the requirements of the GCR Act, and have decided to approve the Proposal (and thus exercise the power in section 71). This report records the decision I have made under sections 69 and 71.

2. PROCESS AND LEGAL REQUIREMENTS

Canterbury Sports Limited (CSL), a private company, established a football venue at 466-482 Yaldhurst Road (the site) in 2014. The existing and consented development provides for two full size artificial turf football pitches, a full-size natural turf pitch, four artificial turf mini pitches, clubroom facilities, café, administrative offices, grandstand seating for approximately 1,000 people, and on-site car and bus parking.

CSL, together with joint venture partners and sporting bodies, is seeking to further develop the recreation and sports facilities at the site and to create a sports hub for a variety of sporting codes. The additional facilities being considered include:

- An indoor sports stadium for team sports such as netball, basketball and futsal
- A gymnastics centre
- An aquatic facility
- Outdoor fields and sports courts which would cater for athletics, tennis, hockey or rugby.

In 2017, at the initiation of CSL, Christchurch City Council commenced drafting a Proposal in accordance with section 65 to make the required amendments to the Canterbury Regional Policy Statement and the Christchurch District Plan (policy changes and land use zoning and rule changes) to enable the further development of recreation and sports facilities at the site.

On 14 May 2018, in accordance with section 66, Christchurch City Council sought the views of the strategic partners and Regenerate Christchurch on a draft proposal (as well as the views of the Chief Executive of the Department of the Prime Minister and Cabinet (DPMC)).

On 23 August 2018, following consideration of the feedback from the strategic partners, Regenerate Christchurch and the Chief Executive of DPMC, Christchurch City Council finalised the Proposal and provided it to me, as the Minister acting for the Minister for Greater Christchurch Regeneration, and also provided it to Regenerate Christchurch pursuant to section 66(4). On 30 August 2018, Regenerate Christchurch provided me with its views on the finalised Proposal.

On 25 September 2018, pursuant to section 67, I decided to exercise my powers to proceed with the Proposal. In accordance with section 68, the Proposal (or a summary of it) and a public notice inviting written comments on the proposal was published on DPMC's website, in the *Gazette* (5 October 2018), and in *The Press* (6 October 2018). Written comments had to be received by 5pm 5 November 2018. I note that one written comment was received one day after this deadline. I have decided to accept this allowing for the possible delay in postal delivery. A total of 18 written comments were received.

The GCR Act requires that, in making a decision on whether to approve or decline the Proposal, I must:

- ensure that I exercise my power in accordance with one or more purposes of the GCR Act [section 11(1)];
- exercise that power only where I reasonably consider it necessary [section 11(2)];
- when considering whether to approve or decline the Proposal:
 - a) take into account the public written comments provided under section 68(c); and
 - b) have particular regard to any views of the strategic partners and Regenerate Christchurch that are provided under section 68(c); and
 - c) make a decision no later than 30 working days after the date specified in the notice published under section 68.

3. CONSIDERATIONS

This section outlines my considerations in making my decision to approve the Proposal.

Purposes of the GCR Act [section 11(1)]

The GCR Act supports the regeneration of greater Christchurch through five purposes as set out in section 3(1). Section 11(1) requires me to ensure that I exercise my power to approve the Proposal (and thus agree to exercise my section 71 power) in accordance with one or more purposes of the GCR Act. In order to assess this, I have considered how the Proposal will support regeneration as defined by section 3(2) of the GCR Act:

“Regeneration means (a) rebuilding, in response to the Canterbury earthquakes or otherwise, including (i)...improving...or converting land: (ii) extending....improving....infrastructure, buildings, and other property.” (section 3(2)(a))

The Proposal states that the proposed development will enhance the range of recreation facilities available to the public by enabling replacement of facilities damaged (at other locations) during the Canterbury earthquakes and providing facilities to meet demand. A multi-disciplinary sports hub will complement the existing and planned network of recreation facilities both locally and for greater Christchurch.

“Regeneration means...(b) improving the environmental, economic, social, and cultural well-being, and the resilience, of communities through (i) urban renewal and development: (ii) restoration and enhancement” (s3(2)(b))

There is a strong link between the built environment and the economic, social, and cultural well-being of a community.

- **environmental benefits:** A range of environmental assessments have been prepared to support this Proposal and the District Plan provisions have been amended to seek to ensure ongoing environmental management within specified thresholds.
- **economic benefits:** There is demonstrated demand for such a facility and it is anticipated the facility will be a visitor attraction generating wider economic gains for the local community and greater Christchurch.
- **social benefits:** The Proposal provides enhanced recreation opportunities contributing to the recreational and social wellbeing of residents and visitors.

4. DECISION

Taking the above into account, and for the reasons set out below, I consider that approving the Proposal is in accordance with the GCR Act's purposes under section 3.

Approving the Proposal, in my view:

Enables a focused and expedited regeneration process (section 3(1)(a))

The Proposal will amend the Canterbury Regional Policy Statement and the Christchurch District Plan at a time when the Christchurch District Plan cannot otherwise be amended. It allows these amendments to be focused, simultaneous, and discrete. It also allows the process to be expedited, particularly in comparison to the following alternatives:

- **Regeneration Plan process:** while this power could be used, I do not consider it appropriate for the nature of the Proposal. The development of a Regeneration Plan is better suited to more complex land use proposals across wider areas, land uses and zones. The matters addressed in the Proposal do not require a Regeneration Plan process. I also note that a Regeneration Plan process would take significantly longer than a section 71 process.
- **Standard Resource Management Act 1991 (RMA) process:** the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (Order) means that no changes can be made to the District Plan using standard RMA plan change processes until after the scheduled expiry of the Order on 30 June 2021.

If the Order was revoked, changes to both the Canterbury Regional Policy Statement and the Christchurch District Plan would still be required to provide the necessary regulatory framework necessary for the development of a multi-discipline sport and recreation hub. The review of the Canterbury Regional Policy Statement is not planned before 2021. It is only once any changes to the Canterbury Regional Policy Statement are operative that changes could then be made to the Christchurch District Plan.

I note the RMA streamlined planning process requires notification of the Proposal under RMA Schedule 1, clauses 5 or 5A. The Order currently prevents notification of any proposed changes under Schedule 1 of the RMA. I also note that as set out in the Proposal that the Council does not consider that the Yaldhurst development would qualify for the streamline process.

- **Revoking the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014:** Christchurch City Council Mayor Dalziel has written to the Minister for Greater Christchurch Regeneration requesting that the Order be revoked as the District Plan is now operative. This is yet to be considered by Cabinet.

Revocation of the Order in itself would not make the necessary amendments to the Canterbury Regional Policy Statement and the Christchurch District Plan in a simultaneous, timely and efficient process. Further RMA processes would still be required.

Facilitates the ongoing planning and regeneration of greater Christchurch (section 3(1)(b))

The Proposal will provide for the further development of an established recreation and sports facility and for the ongoing regeneration of greater Christchurch. The Proposal also facilitates the ongoing planning of such recreation and sports facilities in accordance with the relevant

strategies and plans such as the Sport NZ 'Canterbury Spaces and Places Plan 2017', and the Christchurch City Council 'Recreation and Sport Facilities Activity Management Plan 2015-2025' and 'Physical Recreation and Sports Strategy 2002'.

In particular, the Spaces and Places Plan was prepared by Sport NZ and the Greater Christchurch Partnership to support the Greater Christchurch Urban Development Strategy 2016 review and the need to address lost recreational and sport facilities and opportunities as a result of the Canterbury earthquakes. The Plan presents a strategic region-wide view of what recreational and sports needs exist and identifies priority projects. It promotes collaboration between various parties involved with sports, and the creation of more efficient, affordable and sustainable sport facilities such as multi-code sport hubs.

The Proposal for indoor sport courts catering for netball, futsal, basketball etc. is ranked as the highest priority by the Spaces and Places Plan due to an ongoing and growing demand for this type of facility. The gymnastics facility is ranked medium, while the small spectator stadium is at the medium/low end, and the pool is at the low end of the priority scale. Enabling the development of indoor sports courts and gymnastics facilities in the near future would assist in meeting the immediate demand for such facilities and contribute to the ongoing regeneration and planning of the sports infrastructure across greater Christchurch.

The Proposal also facilitates the regeneration of local and greater Christchurch by enabling the development to occur in a timely manner and through one single process.

Enabled community input into the exercise of powers under section 71 (section 3(1)(c))

The public had 20 working days to provide written comments on the Proposal. In total, 18 written comments were received, and I have considered these in more detail below.

For clarity, I note that Christchurch City Council had sought views on the draft Proposal from the strategic partners, Regenerate Christchurch, and the Chief Executive of DPMC before finalising and submitting the Proposal to me. I also note that the Christchurch City Council had discussions with the New Zealand Transport Agency while developing the Proposal.

Recognises the local leadership of Canterbury Regional Council, Christchurch City Council, Regenerate Christchurch, and Te Rūnanga o Ngāi Tahu and provides them with a role in decision making under the Act (section 3(1)(d))

The above local entities were involved in the development of the Proposal, with Christchurch City Council leading its development and the other parties involved in their statutory roles. The Waimakariri and Selwyn District Councils are not directly affected by the Proposal, but were invited to provide feedback on the draft Proposal as it was being drafted. Selwyn District Council confirmed they had no views on the Proposal and no response was received from Waimakariri District Council. No response was received from Te Rūnanga o Ngāi Tahu.

Public written comment

I have read the summary prepared by DPMC of individual written comments including comments from the Canterbury Regional Council.

I note that under the GCR Act I am not able to amend the Proposal to give effect to amendments suggested in the public comments. My decision is limited to whether to approve the Proposal pursuant to section 69 (and thus agree to exercise my section 71 power) or to decline the Proposal.

I have taken into account the public written comments received (18 written comments, with 12 supporting the Proposal and 6 opposing the Proposal).

In summary, the majority of written comments support the Proposal because it provides a valuable recreation and sports facility for the local area and greater Christchurch, which will increase the recreational and social wellbeing and satisfaction of residents. The site is also considered by some submitters to be appropriately located given it is close to the City and the airport for international tournaments, and given the Proposal provides for the further development of an already established site. The provisions also take into account protection of airport operations from noise sensitive activities within the airport air noise contours as supported by the Christchurch International Airport Limited, and Orion supports the proposal as a directly adjoining land owner. Another directly adjoining land owner (500 Yaldhurst Road) considers noise concerns have been addressed and supports the proposal conditional on the Yaldhurst Road speed limit in the vicinity of the site being reduced to address traffic safety concerns.

Those that do not support the Proposal generally provided reasons including a preference for an alternative legislative process, an inadequate consultation process and the incremental nature of the development. Issues related to inadequate setbacks and landscaping, visible lighting and light spill, excessive noise, extended operating hours, and the provisions for private functions and events not related to sports were also raised. Other more minor matters were also raised, some of which are outside the scope of the Proposal. The key concern above all others was that of the impact on the traffic network and safety and the desire to see a reduced Yaldhurst Road speed limit from 80km/hr to 60km/hr in the vicinity of the subject site to address traffic safety concerns.

I have had particular regard to the views of the Canterbury Regional Council received as part of the public comment process. The Canterbury Regional Council support the Proposal and the changes to the Canterbury Regional Policy Statement as they consider a policy exemption that provides for the facility and its expansion recognises the unique nature of the proposal, and the s71 powers provide the most appropriate and efficient option to make the amendments and deliver regeneration outcomes. The Canterbury Regional Council note they have worked productively with Christchurch City Council to ensure the proposed amendments to the Canterbury Regional Policy Statement and Christchurch District Plan are acceptable.

I recognise the matters raised in making my decision, and note that:

- Most of the comments received are in support of the Proposal and note the recreational and social benefits of such a facility;
- The use of s71 of the Act is considered necessary to support a focused regeneration process by enabling simultaneous amendments to both the Canterbury Regional Policy Statement and the Christchurch District Plan and a significantly faster process than alternative processes available under the RMA;
- Under the s71 process consultation with neighbouring land owners/occupiers is not required while developing a Proposal. Instead the Act provides for a public notice and public comment period once the Minister has decided to proceed;
- The s71 process has enabled public involvement and is a rigorous process whereby tests need to be met in order for powers to be exercised;
- The matters raised in opposition are considered to be appropriately addressed by the Proposal and amendments to plan provisions and do not cause any concerns with regard to my considerations under the Act;
- Some matters raised are considered to be outside the scope of the Proposal. In particular, traffic management of the State Highway is a New Zealand Transport Agency (NZTA) matter and NZTA have advised DPMC Officials that any changes would follow NZTA due process.

I have also made my decision by 18 December, which is 30 working days after the date specified in the notice published under section 68 (s69(c)).

Necessity Test (section 11(2))

I consider that exercising my power to approve the Proposal is necessary to enable a focused and expedited regeneration process and facilitate the ongoing planning and regeneration of greater Christchurch given that:

- there is currently an identified high priority need for indoor sport courts catering for netball, futsal, basketball etc. There is also currently an identified medium priority need for a gymnastics facility;
- no other tools currently available enable a regeneration process which is as certain, focused, and expedited;
- it facilitates the necessary and discrete planning changes to the Canterbury Regional Policy Statement and the Christchurch District Plan in an integrated process;
- it will expedite the development of the site to enable regeneration of the local and wider greater Christchurch recreation and sports facilities.

In coming to my decision, I have considered the significance of the decision, its consequences, and alternatives to approving the Proposal.

4. CONCLUSION

I have made the decision to approve the Proposal and to exercise my section 71 power for the reasons set out in this report.

I am happy to be able to approve the Yaldhurst Recreation and Sports Proposal in the knowledge that it will support the regeneration of the local and greater Christchurch communities.

Signed by Minister Mahuta on 17 December 2018

Hon Nanaia Mahuta

Minister acting for the Minister for Greater Christchurch Regeneration

Date: 17 December 2018