

AVON LOOP CASE STUDY

BRIEF DESCRIPTION

- During the course of hearing submissions to its Plan, the Christchurch City Council sought the cooperation of a group of submitters to engage in further discussions between themselves. The Council sought an experienced mediator to facilitate the discussions and an independent urban designer to advise the group together with several planners. The process of workshops arrived at a jointly agreed Variation to the Plan.

BACKGROUND

This case study relates to an area within the inner city of Christchurch known as the Avon Loop (the Loop) which is located on a northern meander of the Avon River. This aspect of the area means that it is a desirable place to live. Located within the Loop is also a substantial hotel complex which is of a different form to the surrounding cottages.

Maintaining the qualities of the Loop has been an important issue for residents. The Avon Loop Planning Association (ALPA) who represents residents within the Loop have been active over a long period of time and have lodged a number of submissions on Plans and resource consents. At the same time the owners of the hotel complex, the Carter Group, have been seeking additional development rights for expansion. These differing objectives have led to past conflict including hearings before the Planning Tribunal for Plan changes.

CITY PLAN HEARING

During the preparation of the proposed City Plan, Council staff carefully considered planning provisions for the Loop. In recognition of the unique qualities of the Loop the area was classified as a Special Amenity Area). During the submission period, the changes to the proposed Plan requested in submissions by different groups affecting the Loop varied substantially, with different submitters seeking to have standards retained, relaxed or increased. Submissions received by ALPA and from the Carter Group, in particular, requested quite different outcomes. While there were differences, generally submissions focused on important elements of the Loop, such as open spaces, the relationship to the river and recognition of the existing form of built development.

At the time that these submissions were heard by the City Plan Hearings Panel the Chairperson suggested that the parties may like to consider discussing the issues informally to see if some agreement could be reached. The parties agreed to this course of action.

FACILITATION OF NEGOTIATIONS

Council staff had the responsibility of initiating the process. Staff decided that it was important to appoint a facilitator to manage the process independently and an expert in urban design to provide advice and guidance. The facilitator and urban design expert were

paid for by the Council. On reflection the appointment of these people was one of the most important steps in the process. It was important for staff and others participating to feel confident that the people involved in facilitating the process would assist in building a relationship between the two principal groups.

The process was initiated with independent meetings arranged by the facilitator between both ALPA and the Carter Group. The aims of these meetings were to gain confidence in the process, as well as enabling the facilitator to better understand the key issues and people's expectations of the process. Following these meetings, the facilitator's appointment was confirmed.

The first joint meeting between the two groups was held at a venue situated within the Loop in January 1998. The purpose of the meeting was to discuss issues around process. A number of ground rules were established including that neither party would invite their lawyers to attend further meetings, issues were discussed and agreed around confidentiality and how information was to be recorded and disseminated. Furthermore at the outset it was agreed that involvement in the process should be limited only to those who had made submissions, although the parties did agree that their experts could attend, and the Carter Group had planning assistance while ALPA engaged the services of a landscape architect. While representatives from ALPA agreed that they would not discuss the process before an outcome was achieved, it was acknowledged that they would need to ultimately discuss any outcomes with a wider group of members.

The first workshop, held in mid February, between the two groups focused on gaining an understanding of people's vision for the Loop. Questions were asked such as: what would you like to see the Loop look like in the future? What features of the Loop would you like to see retained? The people who attended the meeting were divided into groups to discuss these questions. Within each group there were people from the Carter Group and from ALPA. Following discussion within the groups the information was shared and collated. It was obvious to all at the end of the meeting that there was common ground between ALPA and the Carter Group. The common areas were summarised and recorded and fed back to the participants before the end of the workshop. At the end of the workshop it was agreed that there was enough commonality to consider developing the process further. A further meeting time was set with the aim of developing options that aligned with the common ideas that were formulated during the workshop.

The second workshop, which followed the first by two weeks, was really a design exercise. Participants worked in groups with large plans of the area and made suggestions as to how the common ideas could be implemented. The urban design expert also highlighted features of the Loop from their observations. For instance, he emphasised the importance of the orientation to the river, the significance of corner sites, and the potential to replicate some of the features of existing buildings in the area. Suggestions were also made about promoting mixed use development including riverside cafes and other small scale retail uses. Similar to the previous workshop ideas from the groups were collated into a more specific picture of how the outcomes identified at the first workshop could be implemented. These ideas were then fed back and agreed to by the participants. At the end of this meeting the 'technical

experts' involved in the process were given a mandate by the participants to draft a variation to the Plan to incorporate these changes.

Following this workshop, the 'technical experts' being the landscape architect (representing ALPA), consultant planner (Carter Group) and Council staff met a number of times over a relatively short period of time (approximately a month) which resulted in a variation being drafted in enough detail to be presented back to the main group.

OUTCOME

The draft Variation was presented to the group in March 1998 and following this discussion some minor changes were made to the variation. During this time Council staff also reported to the Council hearings Panel as to progress with the variation and panel members were informed of the draft and its contents.

The feedback from the Panel was that some aspects of the variation would be unlikely to gain Council support. This information was fed back to the group at which time they decided that they would remove those aspects from the draft, but seek to lodge joint submissions requesting the changes be reintroduced once the Variation was notified. This was a significant milestone in the process as it meant that the parties did not then lodge separate submissions once the variation was notified. The groundwork with Councillors on the hearings panel was also important as it meant there was support for the variation by at least some Councillors when it was presented to a full Council meeting for an agreement to notify.

Following the notification of the variation in April 1998 the Council received joint submissions from the parties involved as well as a few submissions from other residents who had not been involved in the process. At the time of the hearing the parties involved in the workshop presented joint evidence to the hearings panel. As a result of the submissions further changes to the variation were made implementing many but not all of the requests that the parties made. Following the release of Council's decision on the variation no references were lodged to the Environment Court.

FACTORS CONTRIBUTING TO SUCCESS

- ✓ Initial case screening by the Council was accurate in identifying common issues and on-going relationships between the submitters. The Council planners understood the range of process options before deciding on the process of appointing a facilitator and urban designer.
- ✓ Independent agreement of the parties to a facilitator and of the overall process at the outset
- ✓ Having few, but relevant technical experts involved to assist
- ✓ Agreement on ground rules at the beginning and agreeing specific conclusions at the end of each of the workshops
- ✓ On-going liaison with hearings panel members during the process

- ✓ A concerted effort by motivated individuals over a tight timeframe. Participants recognised that resolution needed to be reached for the hearings panel to make their decision on submissions.

LESSONS LEARNT

- ✓ Whilst differences in view were clearly held by the main parties, enough common ground was able to be established to achieve an outcome satisfactory to these parties.
- ✓ Neither party gained everything they sought in their original submissions, but most would agree the outcome of the Variation meets their key interests.
- ✓ The informal process adopted provided a more flexible approach than could have occurred through the formal submissions and hearings process alone.
- ✓ The mutual understanding and relationship that developed during the process will likely benefit the area and its inhabitants well beyond the Variation process. There was, for example, a commitment by the parties to work co-operatively over future mutual Avon Loop issues.
- ✓ The parties were ready to discuss options; the dispute was ripe for resolution through Council's intervention.
- ✓ It was valuable to use an expert on urban design to work along with the group for a place-based solution to a long-standing problem.

CONTACT FOR FURTHER INFORMATION

This description was written by Fiona Hill and Ken Gimblett both of whom worked for the Christchurch City Council at the time. Fiona now works for Meridian Energy her contact email is fiona.hill@meridianenergy.co.nz. Ken is now a Principal at Boffa Miskell his contact email is KenG@boffamiskell.co.nz. You may also want to contact Gay Pavelka who helped facilitate the process her contact email is pavelka@xtra.co.nz.