



Christchurch City Council

SPREYDON/HEATHCOTE COMMUNITY BOARD AGENDA

TUESDAY 5 JUNE 2007

AT 5.00PM

IN THE BOARDROOM,
SOUTH LIBRARY, SERVICE CENTRE AND LEARNING CENTRE,
66 COLOMBO STREET, CHRISTCHURCH

Community Board: Phil Clearwater (Chairperson), Oscar Alpers, Barry Corbett, Paul de Spa, Chris Mene, Sue Wells and Megan Woods.

Acting Community Board Principal Adviser
Peter Dow
DDI: 941-5108
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Acting Community Secretary
Karen Bishop
DDI: 941-5105
Email: karen.bishop@ccc.govt.nz

- PART A - MATTERS REQUIRING A COUNCIL DECISION
- PART B - REPORTS FOR INFORMATION
- PART C - DELEGATED DECISIONS

INDEX

- PART C 1. APOLOGIES
- PART C 2. CONFIRMATION OF MEETING REPORTS – 7 MAY AND 15 MAY 2007
- PART B 3. DEPUTATIONS BY APPOINTMENT
- PART B 4. CORRESPONDENCE
- PART B 5. PETITIONS
- PART B 6. NOTICES OF MOTION
- PART C 7. LOUISSON PLACE - PROPOSED MOBILITY PARKING SPACE
- PART C 8. APPOINTMENT OF BOARD REPRESENTATIVE TO BYLAWS REVIEW SUBCOMMITTEE
- PART C 9. SPREYDON/HEATHCOTE RECREATION & SPORT FUND
- PART B 10. BOARD MEMBERS' INFORMATION EXCHANGE
- PART C 11. BOARD FUNDS UPDATE
- PART B 12. ACTING COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE
- PART B 13. MEMBERS' QUESTIONS
- PART C 14. RESOLUTION TO EXCLUDE THE PUBLIC

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1. **APOLOGIES**

2. **CONFIRMATION OF MEETING REPORTS – 7 AND 15 MAY 2007**

The reports of the Spreydon/Heathcote Community Board extraordinary meeting of 7 May 2007 and the ordinary meeting of 15 May 2007 have been circulated to members.

CHAIRPERSON'S RECOMMENDATION

That the reports of the Board's extraordinary meeting of 7 May 2007 and the ordinary meeting of 15 May 2007, be confirmed.

3. **DEPUTATIONS BY APPOINTMENT**

4. **CORRESPONDENCE**

5. **PETITIONS**

6. **NOTICES OF MOTION**

7. **LOUISSON PLACE - PROPOSED MOBILITY PARKING SPACE**

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Jeff Owen/Barry Cook

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to install a Mobility Parking space on Louisson Place, outside the Opawa Primary School.

EXECUTIVE SUMMARY

2. Concerns have been expressed from a disabled motorist over the lack of a mobility space near, or at the entrance to Opawa Primary School in Louisson Place. He is finding the area very congested at drop off and pick up times.
3. Currently at this entrance there is no formal drop off-point with parents and caregivers competing for limited kerbside space. His disability means he can not walk far but is generally forced to do so. Louisson Place is a narrow cul-de-sac running off Ford Road. As Louisson Place is a cul-de-sac, the congestion and parking problems are exacerbated.
4. To help alleviate this problem, the Council has funds in the LTCCP for 2008/09 to provide angle parking to the school's boundary, thus doubling the parking supply at this entrance. Within that project, Mobility Parking will be included, however, this is some time away with a demand for mobility parking now.
5. It is proposed to install one Mobility Parking space adjacent to the school's Louisson Place entrance now, to solve this concern and give preference to disabled drivers. **(see attachment)**
6. The installation of a Mobility Parking space in this location is consistent with the Council's Parking Strategy. The Christchurch City Council's Parking Strategy ranks Mobility Parking as one of the higher priority types of parking.

7. Cont'd

FINANCIAL IMPLICATIONS

7. An estimated cost for this work is \$150.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. The installation of road markings is within LTCCP Street and Transport operational budgets.

LEGAL CONSIDERATIONS

9. The Land Transport Rules provide for the installation of parking restrictions.

Have you considered the legal implications of the issue under consideration?

10. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes – Safety and Community.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

12. This contributes to improve the level of service for safety and access.

ALIGNMENT WITH STRATEGIES

13. The recommendations align with the Council's Parking Strategy 2003.

Do the recommendations align with the Council's strategies?

14. As above

CONSULTATION FULFILMENT

15. Consultation has been carried out with the Opawa School and the directly affected property owner who support the proposal.

STAFF RECOMMENDATION

It is recommended that the Board approves:

- (a) The parking of vehicles be restricted to vehicles displaying an operation mobility card only on the west side of Louisson Place, commencing at a point 154 metres south of the Ford Road intersection and extending 6 metres in a southerly direction.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be supported.

8. APPOINTMENT OF BOARD REPRESENTATIVE TO BYLAWS REVIEW SUBCOMMITTEE

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager Strong Communities
Author:	Terence Moody

PURPOSE OF REPORT

1. The purpose of this report is for the Board to appoint a representative to a subcommittee to introduce Community Board members' views into the review of bylaws.

EXECUTIVE SUMMARY

2. A seminar of Councillors and Community Board members on the required reviews of bylaws under the Local Government Act 2002, and the process that must be undertaken to comply with the Act was held on 13 March 2007.
3. Section 158 of the Local Government Act 2002 requires bylaws to be reviewed within five years of 1 July 2003 if they were made prior to the Act coming into force, or if made under the Local Government Act 2002, within five years of the date they were made. Reviews must be carried out in accordance with Section 155 which requires that the Council is satisfied that a bylaw is necessary, and the perceived problems cannot be dealt with in any other manner. At least 24 bylaws are required to be reviewed prior to the end of June 2008 and timetables for these reviews have been set.
4. On 10 May 2007, a Council meeting decision was made to form a Subcommittee.¹ The Subcommittee will provide a single conduit for communication with Community Boards about the reviews, and highlight specific reviews likely to be of high interest. The Subcommittee will gather feedback in a timely and efficient fashion, and enable a fast turnaround of initial comments on the reviews prior to the formal consideration by the Council required under the Act. The options analysis for each review will be sent to the Subcommittee prior to the matter going on to the Council. It will be necessary to ensure a prescribed turnaround time for responses back to the initiating units to meet timetables for the reviews. The terms of reference for this Subcommittee is *to provide a process by which the views of Community Boards can be collected and considered and to communicate these views to the Council as part of the consideration of options in the reviews of bylaws.*
5. The process is not intended to promote totally new bylaws but to consider the review requirements of the Act. Should the process identify objectives that may need to be considered by totally new bylaws, these will be noted and addressed once the review of existing bylaws is completed.

FINANCIAL IMPLICATIONS

6. The input of Community Boards will be conducted through normal Board processes. The joint committee approach should reduce the potential for duplication and delay, and assist the Council in meeting its statutory deadline. There are no extraordinary financial implications from the proposed process.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

7. Yes

¹ Please refer to Council meeting minutes on this decision.

8. Cont'd

LEGAL CONSIDERATIONS

8. The Council has the power under the Local Government Act 2002 to appoint or discharge committees and subcommittees (clause 30). The Council can also delegate powers to subcommittees in accordance with clause 32, Schedule 7 of the Local Government Act 2002 for the purposes of efficiency and effectiveness in the conduct of the Council's business. In this case, there is no need to delegate any powers to the Subcommittee as its primary purpose is to gather and distribute information to and from the Community Boards in respect of the bylaw reviews. The Council has delegated the power to appoint the Community Board members of the Subcommittee to each Community Board.

Have you considered the legal implications of the issue under consideration?

9. Yes

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. The report is consistent with the Democracy and Governance Activity Management Plan in the LTCCP in that the recommendations contribute to ensuring that there is suitable community input to the Council's decision making. See Our Community Plan 2006-2016 Volume 1 Page 111.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

11. Yes

ALIGNMENT WITH STRATEGIES

12. No specific strategies involved.

Do the recommendations align with the Council's strategies?

13. Compliance with Strategic Directions to promote participation in democratic processes by *making it easy for people to understand and take part in Council decision-making processes.*

CONSULTATION FULFILMENT

14. An initial seminar with Community Boards was held on 13 March 2007 and copies were distributed to all Board members. The proposed structure was reported to the Council on 10 May 2007 and adopted.

STAFF RECOMMENDATION

15. That the Community Board nominates a member as its representative on the Bylaw Review Subcommittee to collectively ensure that the views of the Community Boards are incorporated as part of the review process required for all bylaws under the Local Government Act 2002.

BACKGROUND (THE BYLAW REVIEW PROCESS)

16. A seminar of Councillors and Community Board members to provide information on the required reviews of bylaws under the Local Government Act 2002 and the process that must be undertaken to comply with the Act, was held on 13 March 2007. Community Board members unable to attend were sent copies of the material presented and the notes of the meeting.
17. Section 158 of the Local Government Act 2002 requires bylaws to be reviewed within five years of 1 July 2003 if they were made prior to the Act coming into force, or if made under the Local Government Act 2002, within five years of the date they were made. Reviews must be carried out in accordance with Section 155 which requires that the Council is satisfied that a bylaw is necessary, and the perceived problems cannot be dealt with in any other manner.

8. Cont'd

18. If it is determined that a bylaw is the most appropriate way of dealing with the problem, the Council must decide that the bylaw is the most appropriate form and does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). This means that the Council must be able to show that the bylaw provision being considered serves an important and significant objective, there is a rational connection between the provision and objective and it does not interfere with any right or freedom protected by the NZBORA.
19. The Code of Good Regulatory Practice requires that consideration be given to:
 - Efficiency - by adopting only regulations for which the costs to society are justified by the benefits
 - Effectiveness - to ensure it can be complied with and enforced at the lowest possible cost
 - Transparency - by defining the nature and extent of the problem and evaluating the need for action
 - Clarity - in making things as simple as possible, to use plain language where possible, and keeping discretion to a minimum
 - Regulation should be fair and those affected treated equitably
20. Section 145 of the Local Government Act 2002 provides the general bylaw-making power for territorial authorities for the following purposes:
 - (a) protecting the public from nuisance
 - (b) protecting, promoting, and maintaining public health and safety
 - (c) minimising the potential for offensive behaviour in public places
21. Sections 146 and 147 provide specific bylaw-making powers to regulate:
 - On-site Wastewater Disposal Systems
 - Waste Management
 - Trade Wastes
 - Solid Wastes
 - Keeping of Animals, Bees, and Poultry
 - Trading in Public Places
 - Water Races
 - Water Supply
 - Wastewater, Drainage, and Sanitation
 - Land Drainage
 - Cemeteries
 - Reserves or Recreation Grounds
 - Prevention of the spread of fires involving vegetation subject to provisions of the Forest and Rural Act 1977

For liquor control purposes, the Council is empowered to prohibit or regulate the consumption of liquor, bringing of liquor, or possession of liquor in a public place.

22. There remain some provisions which enable territorial authorities to make bylaws which are contained in the Local Government Act 1974, which largely relate to the use of roads and traffic matters. These tend to be more specific in nature than the purposes set out in the Local Government Act 2002. Some of the bylaws due for review may fall within the 1974 Act provisions.

8. Cont'd

23. The table below sets out the bylaws that must be reviewed by June 2008.

CC Public Places and Signs Bylaw 2003	BP District Refuse Bylaw 2002
CC Dog Control Bylaw 1997	BP Trade Wastes Bylaw 2000
CC Refuse Bylaw 1995	BP Wastewater Drainage Bylaw 2000
CC Bylaw No. 118 (1981) Parks and Reserves	BP Water Supply Bylaw 1998
CC Traffic and Parking Bylaw 1991	BP Amusement Devices and Shooting Galleries 1996
CC Water Related Services Bylaw 2001	BP Nuisances 1996
CC Bylaw No. 110 (1980) Cemeteries	BP Public Swimming Pools 1996
CC Bylaw No. 103 (1979) Public Swimming Pools	BP Gin Trap Bylaw 1991 No. 1
CC Bylaw No. 120 (1982) Estuary and Foreshore	BP Cemetery Bylaw 1996
BP Licences for Vehicle Stands on Streets 1996	BP Marine Facilities Control Bylaw 2002
BP Parks and Reserves 1996	BP Traffic and Parking Bylaw 1998
BP Mobile or Travelling Shops, and Hawkers and Itinerant Traders 1996	BP Stock Control Bylaw 1994 No. 1

24. A number of units are involved in the reviews and some bylaws will be considered jointly by more than one unit. A programme has been developed for consideration of the bylaws and the process must be adhered to, whether a bylaw is to have minor or substantive changes, remain unchanged or be revoked. The full process of review requires consultation with the Executive Team, the Council and Community Boards, and progression through public consultation, submissions and a hearings panel. A minimum of five or six months is commonly required to complete a review. The table above shows that 24 bylaws must be reviewed in the next 12 months, although some reviews will be able to be combined and some bylaws will possibly be able to be revoked on the grounds that their objectives are covered by other legislation. The Council must consider the need for Community Board input, and the time that may be involved in this additional consultation, with the relatively tight timetable legally required to complete the bylaw reviews.

25. The seminar concluded that a small Subcommittee of Community Board members and Councillors to undertake an initial consideration of the reviews, could be the most efficient, effective and timely method of obtaining Community Board input. The Subcommittee could provide a single conduit for communication with the Community Boards about the reviews and highlight specific reviews likely to be of high interest. It is expected that the Subcommittee could gather feedback in a timely and efficient fashion, and enable a fast turnaround of initial comments on the reviews prior to commencement of the formal consultation process required under the Act.
26. The proposal was that the options analysis for each review would be sent to all Community Board members for comments via the Community Board's representative to the Subcommittee prior to the matter going on to the Council. It would be necessary to ensure a prescribed turnaround time for responses back to the initiating units to meet timetables for the reviews. The process is not intended to be used to promote totally new bylaws - these can be raised and considered at any time, but this process is limited to considering the review requirements of the Act. If, through the process, possible new bylaws are identified for consideration, these will be noted and addressed once the review of existing bylaws is completed. It must be noted that the Community Boards can have another opportunity to provide feedback through the special consultative procedure.
27. Council Decision – On 10 May 2007 the following decisions were made at the Council meeting:
- (a) Resolve to appoint a Subcommittee to consider initial reviews of the Council's bylaws and provide feedback to the appropriate Units on the views of the Community Boards, prior to the matters being formally considered by the Council.

8. Cont'd

- (b) Resolve that the Subcommittee comprise one representative from each of the eight Community Boards and two Councillors.
- (c) Appoint two Councillors to be members of the Subcommittee.
- (d) Delegate the power to appoint one Community Board member of the Subcommittee to each Community Board.

CHAIRPERSON'S RECOMMENDATION

That the Board consider appointing its representative to the Council's Bylaws Review sub-committee.

9. SPREYDON/HEATHCOTE RECREATION & SPORT FUND

General Manager responsible:	General Manager Stephen McArthur, DDI: 941-8534
Officer responsible:	Recreation & Sports Unit Manager, John Filsell
Author:	Loren Sampson, DDI: 941 5107

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's consideration of the criteria and allocation process for the newly established Spreydon/Heathcote Recreation and Sport Fund.

EXECUTIVE SUMMARY

2. The Community Board has designated \$25,000 to establish a Recreation and Sport Fund to be allocated in the 2007/2008 financial year. Since the cessation of the former Hillary Commission Community Sport Fund in 2002, there has been a significant gap in funding options for recreation and sport groups. The newly established Recreation and Sport Fund will provide small grant funding to assist participation in recreation and sport.
3. It is proposed that the Recreation and Sport Fund be administered and allocated alongside the Community Development Funding Scheme using the same timeframes and accountability procedures.
4. A promotional brochure detailing draft criteria and allocation processes is **attached** for consideration.

FINANCIAL IMPLICATIONS

5. The Board has allocated \$25,000 from its 2007/2008 project fund for a Spreydon/Heathcote Recreation & Sport Fund.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

6. Yes, Democracy and Governance section, page 113, 115

LEGAL CONSIDERATIONS

7. There are no legal issues to be considered

Have you considered the legal implications of the issue under consideration?

8. No

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Yes, Democracy and Governance section, page 113, 115, Community Board objectives 5 and 9

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

10. Yes, as mentioned above

ALIGNMENT WITH STRATEGIES

11. Physical Recreation & Sport Strategy

Do the recommendations align with the Council's strategies?

12. Yes

CONSULTATION FULFILMENT

13. N/A

STAFF RECOMMENDATION

That the Community Board provides feedback on the draft criteria and allocation process for the Board's Recreation and Sport Fund.

CHAIRPERSON'S RECOMMENDATION

For discussion

10. BOARD MEMBERS' INFORMATION EXCHANGE

Board members to provide updates on community/Council issues.

11. BOARD FUNDS UPDATE

Attached is a schedule with current information on the boards 2006/07 project, discretionary, SCAP and Youth Achievement funds.

12. ACTING COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

12.1 CURRENT ISSUES

The Acting Community Board Principal Adviser will update the Board on current issues.

13. QUESTIONS FROM MEMBERS

14. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.