



## Christchurch City Council

# BURWOOD/PEGASUS COMMUNITY BOARD AGENDA NO 249

WEDNESDAY 7 MARCH 2007

5.00 PM

IN THE BOARDROOM,  
CNR BERESFORD AND UNION STREETS  
NEW BRIGHTON

**Community Board:** Glenda Burt (Chairperson), Carole Evans, Carmen Hammond, Caroline Kellaway, Tina Lomax, Don Rowlands, Gail Sheriff

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**PART A - MATTERS REQUIRING A COUNCIL DECISION**

**PART B - REPORTS FOR INFORMATION**

**PART C - DELEGATED DECISIONS**

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**1. APOLOGIES**

**2. CONFIRMATION OF REPORT**

The report of the ordinary meeting of the Burwood/Pegasus Community Board held on Wednesday 21 February 2007 has been circulated to Board members.

**STAFF RECOMMENDATION**

That the report of the ordinary meeting held on Wednesday 21 February 2007 be confirmed.

**3. PETITIONS**

**4. CORRESPONDENCE**

**5. DEPUTATIONS BY APPOINTMENT**

## 6. PURCHASE OF CROWN LAND - PORRITT PARK

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Lewis Burn, Property Consultant

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's recommendation to the Council to approve the purchase of Crown land adjoining the Avon River Loop for formal addition to Porritt Park. The report also seeks a resolution from Council to change the purpose of two of the Council's titles to the Park as part of a rationalisation process that will result in one title being held by Council to all the land that is established and occupied for the purposes of a recreation ground.

**EXECUTIVE SUMMARY**

2. Staff negotiations have been concluded with the Crown's accredited agent for the sale and purchase of 1.9120 hectares of Crown land ("Part Avon River Bed") shown as Section 6 on SO Plan 302696 (**attached**) as part of a land status rationalisation exercise to consolidate the administration and control of Porritt Park.
3. Consolidated vegetation, sealed paths, vehicle access, sealed car parking, playing fields, barriers and buildings all overlay to varying degrees this strip of Crown land.
4. A survey has been completed by Council. This survey was initiated to stop those parcels of unformed legal road (old toe path of the Avon River) shown as Sections 1-5 on SO Plan 302696 to facilitate development of the second all weather surface hockey field. The road stopping was completed in October 2001 and the land comprised in the former road is held by Council in a separate fee simple title.
5. The agreement for sale and purchase (subject to Council approval by 31 March 2007) provides for acquisition by a declaration from the Crown under Section 20 of the Public Works Act 1981 upon payment of current market value (\$48,000 plus GST) and reasonable costs (estimated \$3,500) five working days from the date of the proclamation notice in the New Zealand Gazette.
6. When acquisition is completed, steps can then be taken to have one amalgamated title issued in the Council's name for the purposes of a recreation ground to the stopped road, the Crown land acquired (Section 6) and the existing Council titles to Porritt Park so that Council control and management of the established Park to the river boundary is formalised thus tidying up a long standing irregular situation. The new amalgamated title will exclude Kerrs Reach which is part of the redefined riverbed.

**FINANCIAL AND LEGAL CONSIDERATIONS**

7. The purchase is provided for in a line item in the Transport and Greenspace 2006/07 budget (restricted assets, new reserve purchase, district sports parks). Sufficient funds are held to cover the purchase price and costs of purchase.
8. The Board does not have delegated authority to authorise the purchase of this land, such a decision needs to be made by the full Council. The Board has, however recommendatory powers to the Council.
9. Land Information New Zealand has approved the disposal to Council pursuant to Section 50 of the Public Works Act 1981 (transfer of existing or public work) as a recreation ground under the Local Government Act 2002. The Crown has obtained a waiver from Ngai Tahu to allow the transfer of this land to Council. An exemption from the marginal strip provisions of Section 24 of the Conservation Act 1987 (reserving from sale a strip of land 20 metres wide abutting a waterway) has also been approved by the Minister of Conservation.
10. Porritt Park is presently held by the Council in title as a recreation/pleasure ground within the meaning of Section 601 of the Local Government Act 1974 (repealed) and for river works. For one amalgamated title to issue for the purposes of a recreation ground all underlying titles need to be held for the same purpose. The resolution proposed under recommendation 2 is necessary to achieve that intent.

**STAFF RECOMMENDATIONS**

That the Board recommend to Council:

1. The purchase of 1.9120 hectares of Crown land described as Section 6 SO Plan 302696 for purpose of a recreation ground as an addition to Porritt Park on the terms outlined in this report.
2. The adoption of the following resolution:

**Resolution**

The Council hereby resolves pursuant to Section 52 (4) of the Public Works Act 1981 to set apart as a recreation ground, the land described in the schedule currently held for the purpose shown in brackets.

**Schedule**

- (a) That parcel of land being Part Lot 3 Deposited Plan 14075 containing 4.3314 hectares more or less being all of the land comprised and described in CB2A/1322 (Section 305 of the Municipal Corporations Act 1954).
- (b) That parcel of land being Part Rural Section 185 and Part Lot 3 Deposited Plan containing 5.7543 hectares more or less being all of the land comprised and described in CB13K/1017 (River Works).
- (c) Those parcels of land being Sections 1-5 Survey Office Plan 302696 containing 1.7242 hectares more or less being all of the land comprised and described in CIR 19337 (Stopped Road).

**BACKGROUND**

11. In 1950 the stretch of waterway called "Kerrs Reach" was formed by the Council under the Public Works Act. The resulting loop was an ideal site to deposit overburden from the dredge cut but also to establish a rowing venue, recreation and sports (hockey) ground facility to cater for development and expansion in Christchurch.
12. In December 2000 the Council granted the Canterbury Hockey Foundation Trust a new lease of the then existing facility and further land on which to construct a new artificial hockey turf. The Council at that time also agreed that steps be taken to rationalise the titles for Porritt Park, redefine the banks of the Avon River and stop the unformed legal road that was the toe path of the river. The second turf crossed over the legal road (now stopped) and encroached on land legally defined as riverbed (Crown land).
13. To allow the development to go ahead while rationalisation of the titles proceeded the Crown granted the Hockey Foundation Trust a licence to occupy some 380m<sup>2</sup> that the south west corner of the pitch occupied. This was intended as an interim solution pending Council and the Crown agreeing on a transfer of control of the Crown riverbed.
14. A valuation was prepared by DTZ New Zealand on behalf of the Crown for the purpose of assessing the compensation payable. This valuation was referred to Council's valuer, Ford Baker who after considering the land's irregular shape, its close position to the river and its utilisation factors recommended accepting the valuation of \$48,000 plus GST as being fair and reasonable.

**OPTIONS**

**Option 1**

15. Status Quo. This option would mean declining to purchase and leaving the strip of land in the ownership of the Crown notwithstanding the long established use and occupation as part of Porritt Park. This option leaves the situation in limbo which is not desirable now that this irregularity has been identified.

**Option 2**

16. Approve the recommendation to purchase to allow the legalisation of the current development and consolidation of this important city asset for the long-term benefit and clarity of administration and management of Porritt Park.

**PREFERRED OPTION**

17. Option 2 is the preferred option. The opportunity to "tidy up" this situation should now be taken.

**7. BURWOOD ROAD - PROPOSED "P10 PARKING" RESTRICTION**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Peter Harte, Technical Assistant to Traffic Engineers

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's approval for the installation of P10 parking restrictions on Burwood Road outside the Kindercare Learning Centre (see **attached** plan).

**EXECUTIVE SUMMARY**

2. The Council has received a request from a resident regarding safety, parking and access problems at the Kindercare Learning Centre in Burwood Road. The parking on the street is limited to one side due to the presence of a cycle lane on the east side and therefore vehicles are congested on the Kindercare Learning Centre side of the road.
3. The Kindercare Learning Centre is located at 305 Burwood Road between two entrances to Burwood Hospital. Observations have shown that parents spend an average of five minutes picking up or dropping off their children. Available on-street parking spaces are limited due to the presence of hospital workers parked all day long.
4. There are currently no restrictions or controls present on the west side of Burwood Road. The area is residential but Burwood Road has high volumes of traffic and people travel quickly down this road. Parents have been putting their hazard lights on, parking on the cycle lanes and rushing their children across the busy road disrupting the flow of traffic.
5. To improve safety and access to Kindercare it is proposed that a 30 metre strip of P10 parking restriction be installed outside Kindercare and extend north in front of the adjacent property. This is considered the most cost effective and practical solution to the problem.
6. Consultation with the Kindercare Learning Centre Limited and the property owner north of the centre has been carried out and there are no issues with the proposed action.

**FINANCIAL AND LEGAL CONSIDERATIONS****Cost**

7. Cost is minimal and provided for in the operational budget.

**Legal Considerations**

8. Land Transport Rule, Road User 2004 provides for this.

**STAFF RECOMMENDATION**

It is recommended that the Board approve that the parking of vehicles be restricted to a maximum period of 10 minutes Monday to Friday on the west side of Burwood Road, starting from the southern boundary of 305 Burwood Road and extending in a northerly direction for a distance of 30 metres.

**8. MARRIOTTS ROAD - PROPOSED "P10 PARKING" RESTRICTION**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Peter Harte, Technical Assistant to Traffic Engineers

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's approval for the installation of a P10 parking restriction, Monday to Friday outside the North New Brighton Community Child Care Centre in Marriotts Road (see **attached** plan).

**EXECUTIVE SUMMARY**

2. The Council has received requests from parents regarding safety issues and access to the child care centre. Concerns have been raised about vehicles being parked long-term outside the child care centre leaving parents to park further away to drop their children off.
3. The Child Care Centre is located on Marriotts Road. Observations have shown that parents spend an average of six minutes picking up or dropping off their children.
4. There are currently no restrictions or controls present outside the child care centre. The area around the child care centre is residential.
5. To improve road safety and access it is proposed that a 28 metre length of P10 parking restriction, Monday to Friday be installed outside the child care centre. This is considered the most cost effective and practical solution to the problem.
6. Consultation with the Child Care Centre and property owner next to the centre where parking restriction would apply have been carried out and there are no issues with the proposed action.

**FINANCIAL AND LEGAL CONSIDERATIONS****Cost**

7. Cost is minimal and provided for in the operational budget.

**Legal Considerations**

8. Land Transport Rule, Road User 2004 provides for this.

**STAFF RECOMMENDATION**

It is recommended that the Board approve that the parking of vehicles be restricted to a maximum period of 10 minutes Monday to Friday outside the North New Brighton Child Care Centre on Marriotts Road, commencing at a point 75 metres from its intersection with Rookwood Avenue and extending in a northerly direction (generally) for a distance of 30 metres.



## 9. ESTUARY ROAD/SANDRA STREET - PROPOSED "NO STOPPING" RESTRICTION

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Peter Harte, Technical Assistant to Traffic Engineers

### PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval for the installation of a section of broken yellow "no stopping" lines on the corner of Estuary Road and Sandra Street (see **attached** plan).

### EXECUTIVE SUMMARY

2. The Council has received a complaint from a resident of Sandra Street regarding safety and visibility problems both entering and exiting Sandra Street via Estuary Road. Concerns have been raised about the presence of vehicles parked on both sides of Sandra Street at its intersection with Estuary Road.
3. Currently there is a curve build out on the south side of Sandra Street. It is 2.5 metres wide which reduces the road width to 7 metres. This means when vehicles park on this corner it leaves one lane for a vehicle to get in and out of the street.
4. To improve road safety and visibility for road users it is proposed that the installation of broken yellow "no stopping" lines on the east side of Estuary Road and around the Estuary Road/Sandra Street intersection is considered the most cost effective and practical solution to the problem.
5. Consultation has been carried out with the affected resident and there are no objections to the proposed action.

### FINANCIAL AND LEGAL CONSIDERATIONS

#### Cost

6. Cost is minimal and provided for in the operational budget.

#### Legal Considerations

7. Land Transport Rule, Road User 2004 provides for this.

### STAFF RECOMMENDATIONS

It is recommended that the Board approve:

1. That the stopping of vehicles be prohibited at any time on the east side of Estuary Road commencing from a point 20 metres north from its intersection with Sandra Street and extending in a southerly direction.
2. That the stopping of vehicles be prohibited at any time on the north side of Sandra Street commencing from its intersection with Estuary Road and extending in a easterly direction for a distance of 25 metres.

**10. GAYHURST ROAD - PROPOSED SCHOOL BUS STOP AT ST. PAUL'S SCHOOL**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Paul Burden Malcolm Taylor, Traffic Engineer - Community

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the approval of the Board to install a school bus stop outside St. Paul's School in Gayhurst Road (see **attached** plan).

**EXECUTIVE SUMMARY**

2. St. Paul's School experiences a very high demand for buses as many students elect to travel to and from school using this mode. On some occasions, buses arrive at the school simultaneously with some having to queue or compete with parents and caregivers dropping off and picking up children. This situation causes significant disruption to the traffic stream on Gayhurst Road during an already busy period of the day.
3. The bus arrival and departure routine operates to a schedule in the morning and afternoon. Currently buses are circling around the block until space becomes available due to the lack of a dedicated bus stop. This results in delays for these buses, traffic congestion and potential danger for children who may be crossing the road.
4. The situation can be resolved by installing a School Bus Stop on Gayhurst Road directly in front of St. Paul's School.
5. St. Paul's school is in full support of the proposal and no other parties are deemed to be affected.

**FINANCIAL AND LEGAL CONSIDERATIONS****Cost**

6. Installation of signs and road marking is within existing budgets with an estimated cost of \$250.

**Legal**

7. The Land Transport Rules provide for the installation of parking restrictions including bus stops.

**STAFF RECOMMENDATION**

It is recommended that the Board approve that the parking of vehicles is limited to school buses only between the hours of 8.30 am to 9.30 am, and 2.00 pm to 3.30 pm Monday to Friday school days, on the west side of Gayhurst Road commencing at a point 187 metres north of the Dallington Terrace intersection and extending 20 metres in a northerly direction.

## 11. 2006/07 PROJECT AND DISCRETIONARY FUNDING - SIX MONTH ACCOUNTABILITY

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Community Board Principal Adviser
<b>Author:</b>	Leanne Smith, Acting Community Secretary

**PURPOSE OF REPORT**

1. The purpose of this report is to provide the Board with an update on its 2006/07 Project and Discretionary funding allocations and expenditure.

**EXECUTIVE SUMMARY**

2. The funding available to the Board for the 2006/07 financial year was \$390,000, made up of:

Project and Discretionary	\$300,000
Community Development Workers	50,000
Strengthening Communities Action Plan (SCAP)	40,000
	<u>\$390,000</u>

**DISCRETIONARY FUNDING**

3. At its allocation meeting on 8 May 2006, the Board retained \$23,202 in Discretionary funding for allocation to projects during the year.
4. A total of \$7,345 has been allocated to date, there is a current balance of \$15,857 available for allocation up to 30 June 2007.
5. The following table details expenditure of the Discretionary Fund to date:

<b>Discretionary Project</b>	<b>Sum Allocated \$</b>
Community Board Conference - Planning Costs (15 November 2006 approval)	2,000
Community Board Planning Report (15 November 2006 approval)	2,100
Kem Jervous-Chenery Memorial Seat and Plaque (15 November and 6 December 2006 approval)	745
Welcome to New Brighton Sign (7 February 2007 approval)	2,500
<b>BALANCE (as at 7 February 2007)</b>	<b>\$7,345</b>

**PROJECT FUNDING**

6. On 8 May 2006 the Board allocated specific Project funding. The **attached** matrix provides detail of each project and staff comment on progress to date with expenditure of the specific funding allocations.

**FINANCIAL AND LEGAL CONSIDERATIONS**

7. Unspent Project and Discretionary funds cannot be carried over into the next financial year and therefore any unspent funds need to be reallocated and spent before 30 June 2007.
8. A further report will be presented to the Board shortly, identifying possible projects for 2006/07 funding from the balance of funds available.
9. A final 2006/07 Project and Discretionary funding accountability report will be presented to the Board after the end of the 2006/07 financial year.

**STAFF RECOMMENDATION**

That the information be received.

## 12. ELECTED MEMBERS' REMUNERATION 2007/08

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Democracy Services Manager
<b>Author:</b>	Max Robertson, Council Secretary

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - (a) enable the Council to make a decision at its meeting on 15 March 2007 on a proposal to be submitted to the Remuneration Authority regarding remuneration to be paid to elected members for the balance of the current triennium, up until the October 2007 elections;
  - (b) enable the Council to make a decision at its meeting on 15 March 2007 on a recommended remuneration structure to take effect after the October 2007 election;
  - (c) permit Community Boards to indicate to the Council their preferred option for the allocation of the 2007/08 remuneration pool after the October 2007 election amongst the elected members of the Christchurch City Council and the eight Christchurch community boards.
  - (d) request Community Boards to confirm (with any suggested amendments) the role responsibility templates developed by the HayGroup for Community Board chairs and Community Board members.

**EXECUTIVE SUMMARY**

2. The Remuneration Authority has advised that the remuneration pool for the elected members of the Christchurch City Council and its eight community boards has been fixed at \$1,581,844 for the 2007/08 financial year and that the Mayor's gross salary has been fixed at \$156,590. This means the amount available to be paid as remuneration for Councillors (including the Deputy Mayor) and community board members is \$1,425,254.
3. The Remuneration Authority has confirmed that it is prepared to approve a further temporary adjustment to the pool for 2007/08, to permit all elected member salaries to be continued at their present levels until the existing members go out of office following the October 2007 elections.
4. The following salaries currently apply until 30 June 2007:

<b>Position</b>	<b>Annual Salary</b>
Mayor	\$146,110 gross
Deputy Mayor	\$89,137
Councillors (12 positions)	\$77,977
Community Board Chairs (6 City Boards) (6 positions)	\$35,850
Community Board Members (6 City Boards) (24 positions)	\$22,450
Community Board Chairs (Lyttelton/Mt Herbert and Akaroa/Wairewa) (2 positions)	\$11,412
Community Board Members (Lyttelton/Mt Herbert and Akaroa/Wairewa) (8 positions)	\$6,273
<b>TOTAL 2006/07 remuneration sum:</b>	<b>\$1,997,879</b>

5. The difference between the 2006/07 remuneration pool and the 2007/08 remuneration pool is a reduction of \$7,801.
6. The Council is now required (following the present round of consultation with Community Boards) to decide whether to recommend a continuation of elected member salaries at their present levels until the October 2007 elections; and whether, after considering the four options developed on behalf of the Council by the HayGroup, to recommend the allocation of the 2007/08 pool on a different basis given that because of the reduction of the pool, the existing remuneration levels cannot continue to be paid after the election in October 2007.

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7. The Remuneration Authority expects the pool to be fully allocated. The Council's proposal must be approved by the Remuneration Authority before any amended salaries proposed can be implemented.
8. The incoming Council will be required to revisit the allocation of the pool following the October 2007 elections, and submit a new proposal to the Remuneration Authority, covering the period between the date on which the new Council assumes office and 30 June 2008. For this reason it is preferable that the Council reach a view (which is endorsed by the Remuneration Authority) on 15 March 2007 to recommend to the new Council a remuneration structure for the balance of 2007/08.
9. Any adjustment approved by the Authority for the remainder of the current triennium will cease when the present members go out of office, and the new proposal submitted by the Council following the elections must provide for the allocation of the pool in such a way as to ensure that the pool of \$1,581,844 is not exceeded.
10. Following discussions with elected members, the HayGroup has developed the attached generic role responsibility templates for the positions of Mayor, Councillor, Community Board chair and Community Board member (Appendix C). These were discussed at the elected member seminar held on Thursday 15 February 2007, and are being circulated to all Community Boards for their consideration.
11. Now is the appropriate time for this Council to consider and adopt a revised remuneration structure that is within the 2007/08 pool figure. This revised remuneration structure can then be communicated to all candidates for the October 2007 election.

#### **FINANCIAL AND LEGAL CONSIDERATIONS**

12. The principal statutory provisions which apply in this instance are the Seventh Schedule of the Local Government Act 2002, and the Remuneration Authority Act 1977. Once this Council's 2007/08 remuneration proposal (or any variation thereof) has been approved by the Remuneration Authority, it will be gazetted via the Local Government Elected Members' Determination 2007.
13. Sufficient provision has been included in the draft 2007/08 Annual Plan for all elected member salaries to be continued at or about their present levels, until the October election.

#### **STAFF RECOMMENDATIONS**

It is recommended that the Board decide:

1. Whether it wishes to recommend to the Council that all elected member salaries (with the exception of the Mayor) be continued at their present levels until the existing members go out of office following the October 2007 elections.
2. Whether it wishes to recommend that for the balance of the 2007/08 year following the October 2007 elections elected member salaries be amended in accordance with Option 4 developed by the HayGroup.
3. Whether or not it wishes to recommend any adjustments to the present allowances and expenses for elected members.
4. Whether it wishes to recommend confirmation (with any suggested amendments) of the role responsibility templates developed by the HayGroup for community board chairs and community board members.

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#### BACKGROUND ON ELECTED MEMBERS' REMUNERATION 2007/08

14. The Remuneration Authority is responsible for setting the salaries of elected local government representatives (clause 6 of Schedule 7 of the Local Government Act 2002 refers).
15. A brief summary of the remuneration framework and the rules and principles which the Remuneration Authority works under is attached as Appendix A.
16. The Remuneration Authority revises remuneration pools annually, and each council is thus required to review its levels of remuneration prior to the start of each financial year, based on the new pool. Therefore, this report has been submitted to allow the Council to consider the allocation of the 2007/08 pool for the balance of the current triennium, with any adjustments to the present salaries being applicable from 1 July 2007.
17. The Authority has now released the Christchurch City indicative pool for 2007/08, which amounts to:

Total pool	\$1,581,844
less Mayor's gross salary	\$156,590
	-----
Nett pool available for Deputy Mayor, 12 Councillors, eight community board chairs and 32 community board members	\$1,425,254
18. This represents a reduction of \$7,801 in the amended pool approved by the Authority for the current year.
19. 50% of the total remuneration paid to community board members and elected community board members (excluding members appointed by the Council) is paid outside the pool.
20. The pool is fixed by the Remuneration Authority relative to other councils and has regard to population, expenditure and assets.
21. Only one salary is payable to elected members. Thus, a Councillor who serves as an appointed member of a Community Board is paid a Councillor's salary only, and receives no additional payment for serving on the Community Board.
22. Directors' fees paid to Councillors who serve as directors of Council-controlled organisations cannot be taken into account when considering Councillors' remuneration. The directors' fees paid to such Councillors reflect their service as directors of the companies concerned, rather than their role as Councillors.
23. Although the Mayor's salary is set independently by the Remuneration Authority, it is included within the pool. Where a Mayor has partial or full private use of a car provided by the Council (as is the case in Christchurch), the Mayor's gross salary is reduced by an amount which reflects both the extent of private use and the value of the car supplied.
24. In September 2006, the HayGroup were engaged to size the roles of Councillors, Community Board chairs and Community Board members, taking into account their respective roles and responsibilities, and to recommend appropriate salaries for each position, within the available remuneration pool. A copy of the initial findings of the HayGroup and a schedule listing both existing salaries and the four suggested options is attached to this report as Appendix B.

#### DISCUSSION

##### Decisions to be Made

25. In preparing its proposal the Council is required to agree appropriate levels/rates for the different positions/roles on the Council and its community boards and, using that information, develop an option for the allocation of the money within the remuneration pool.

##### Basis of Remuneration

26. Although it is possible for the Council to recommend the payment of a mixture of salary and meeting fees to Councillors, community board members must be paid on a salary only basis, without meeting fees.

### **Distribution Options**

27. The allocation of the pool was discussed with Councillors and Community Board members at seminars held on Saturday 11 November 2006 and Thursday 15 February 2007. At the latter seminar, members were requested to consider the possible continuation of all salaries at their present levels until the elections, and to indicate a preference for one of the four options developed by the HayGroup.
28. Most members present at the 15 February seminar seemed to agree that present salaries should be continued at their existing levels until the elections. However, there appeared to be no general consensus as to which of the four options developed by the HayGroup were favoured for possible adoption by the new Council after the elections.
29. The Remuneration Authority has confirmed that it is prepared to approve a further temporary (upwards) adjustment to the 2007/08 pool to allow all salaries to be continued at their present level until the elections.

### **Principles Applicable to the Remuneration Review**

30. Given that the Council is required to make a recommendation to the Remuneration Authority as to how the pool is to be divided it is considered appropriate that before considering options elected members consider the principles which should guide them in their deliberations on this topic.
31. At its 11 May 2006 meeting the Council adopted the following principles in considering the elected member remuneration issue:
  - Principle:** Remuneration for any elected position should be such as to attract people to hold office within the Council's governance structure so that remuneration should not limit the diversity of representation for councillor and community board positions.
  - Principle:** Members with similar responsibilities should receive similar remuneration.
  - Principle:** A differential rate of remuneration between the same class of elected member within the Council (eg councillor, community board chair or community board member) should exist only where it can be justified by reference to relevant differences.
  - Principle:** Remuneration should be set at a level that acknowledges the impact that performing the role of an elected member has on personal lives and careers.
  - Principle:** Remuneration should not be reduced part way through a three year electoral term, when that risk was not known to a candidate at the preceding election unless there are circumstances outside the Council's control.

### **Councillor Remuneration**

32. On 5 May 2005 the Council resolved to have a differential for the Deputy Mayor in recognition of her high workload and additional responsibilities.
33. On 8 December 2005 the Council resolved that the Banks Peninsula Ward Councillor be remunerated at the same rate as the other Councillors, on the basis that all Councillors have city wide responsibilities.
34. The four options developed by the HayGroup assume that the Council will not be changing its May and December 2005 resolutions in respect of these two positions.

### **Community Board Remuneration**

35. At present, city board members are paid \$22,450 per annum while Peninsula board members receive \$6,273 per annum. The figures for community board chairs are \$35,850 and \$11,412, respectively. These are relativities of 28% and 32% respectively.
36. Community boards have their respective roles set by the Local Government Act 2002 and the other legislation administered by the Council.

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37. S. 52 of the Act provides that the role of a community board is to:
- represent, and act as an advocate for, the interests of its community; and*
  - consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*
  - maintain an overview of services provided by the territorial authority within the community; and*
  - prepare an annual submission to the territorial authority for expenditure within the community; and*
  - communicate with community organisations and special interest groups within the community; and*
  - undertake any other responsibilities that are delegated to it by the territorial authority.*
38. The provisions of S.52 apply equally to all eight community boards. In addition the Council has given the same level of delegations to all eight boards. The Council's expectation of the workload of community boards is the same, as far as their delegated authority is concerned.

#### Land Area and Representation Ratios within each Community

39. The following table sets out the land area of each community, and the number of residents represented by each community board member:

Community	Land Area in Hectares	No of Members (including both elected and appointed members)	Population 2006 Census	No of Residents per member
Akaroa/Wairewa	94,320	6	2,724	454
Burwood/Pegasus	4,540	7	57,018	8,145
Fendalton/Waimairi	10,610	7	52,959	7,565
Hagley/Ferrymead	5,800	7	55,272	7,896
Lyttelton/Mount Herbert	21,480	6	5,442	907
Riccarton/Wigram	9,800	7	60,825	8,689
Shirley/Papanui	9,660	7	60,144	8,592
Spreydon/Heathcote	4,490	7	54,051	7,721

40. While there are population differences between the boards the question needs to be asked whether the democratic responsibilities and the Local Government Act responsibilities of a Peninsula Board member are any less because they represent fewer people. Apart from having a greater number of people to represent, a City board member does not have any additional governance responsibilities to a Peninsula board member.
41. The question also needs to be asked whether the responsibilities associated with the role of democratic representation is dependent on the number of constituents represented? If Christchurch is one city, the starting point would be equality of remuneration, except where a differential can be rationally justified. All Board members, regardless of the size of the population served by the Board need to have members fully engaged in their role and able to commit time to that role. Complex and contentious issues for a community board can arise from an area with a small population just as easily as an area with a large population. That can be more so where the small population area is developing and geographically is more challenging to administer.
42. The average weekly hours which community board chairs and members spend on community board work (as advised by the incumbents) is set out in the schedule supplied by the HayGroup, ie:
- Councillors 53 hours
  - Community Board Chairs – City 21 hours
  - Community Board Chairs – Peninsula 13 hours
  - Community Board members – City 16 hours
  - Community Board members – Peninsula
  - Insufficient information – assumed 10 hours on proportional basis



43. Until now, there has been no empirical data available as to the workloads of elected members, to enable the "workload factor" to be taken into account by the Council when considering remuneration. However, now that the incumbents have advised their average weekly hours (set out above) these can be taken into account by Community Boards and the Council in considering the salaries payable. The figures supplied suggest that the present margins between metropolitan community boards and their Banks Peninsula counterparts are too large, and should be reduced. The average weekly hours advised by the incumbents suggest that the average weekly hours devoted to Community Board business by the Chairs and members of the Banks Peninsula Community Board equate to about 62% and 70% respectively of the hours advised by their metropolitan counterparts.
44. Another factor to be borne in mind in setting remuneration is the geographical area of the community board areas. As can be seen from the table above the Lyttelton/Mt Herbert community is twice as large as the biggest city community while Akaroa/Wairewa is nine times larger. The travelling time for a board member on the Peninsula in serving their constituents is greater than in a built up urban area. The ability to claim mileage is available equally to all Board members but recognition should be given to the time physically spent travelling in addition to being present at meetings and engaging in Board business. The Remuneration Authority has previously expressed the view that the mileage allowance is intended to include both the cost of the vehicle and the time spent travelling.

#### **Role and Responsibilities of Community Board Members**

45. Following discussions with the incumbents, the HayGroup has developed the role responsibility templates, relating to the roles of elected members, attached as Appendix C. These templates were discussed at the seminar held on 15 February 2007. Each community board is requested to consider and approve (with any suggested amendments) the templates relating to the roles of community board chairs and community board members.

#### **Remuneration Options**

46. The spreadsheet summarising the four options developed by the HayGroup is attached to this report as part of Appendix B. The four options proposed comprise:
- Option 1, which proposes salaries benchmarked to all organisations median fixed remuneration, less a 25% public good factor.
  - Option 2, which uses only public sector comparisons, rather than all organisations.
  - Option 3, which reflects the fact that councils represent ownership and provide governance and leadership functions on behalf of their communities, and that elected members are also expected to provide effective representation for their constituents.
  - Option 4, which assumes a reduction in councillor hours to 40 hours per week, with all other elected member hours remaining unchanged.

#### **Elected Member Allowances and Expenses**

47. As part of its remuneration proposal, the Council is also required to seek the Remuneration Authority's approval for the allowances and expenses proposed to be paid to elected members. The schedule attached as Appendix D is identical to the schedule previously approved by the Authority for 2006/07. Members may recall that last year the Council proposed an increase in the communications allowance from \$120 to \$150 per month, but that the Authority declined to approve this increase. It is therefore proposed that the Council seek approval from the Authority for all present allowances to be continued at their existing levels.

#### **Unanimity of the Council's Decision**

48. In submitting its proposal the Council is required to notify the Remuneration Authority of:
- (i) details of any dissent at Council, and
  - (ii) details of any dissent from its community boards.
49. A community board also has the ability to express any opposing views it might have on the Council's final proposal direct to the Remuneration Authority.

50. If the Council's recommendations are unanimous and reasonable it is unlikely that the Commission will withhold its approval. It does, however, have the power to amend any proposal if the level of dissatisfaction is high or if the proposal is considered unreasonable.

**CONCLUSION**

51. It is essential that each Board reaches an early decision on its preferred remuneration option for the balance of the current triennium, and on any recommended alterations to the present allowances and expenses policy, so that the boards' views can be taken into account by the Council when it reaches a final decision on its preferred remuneration option at its meeting on Thursday 15 March 2007.
52. In the writer's opinion, Option 4 developed by the HayGroup is the fairest of the four options presented, bearing in mind the factors discussed in this report.
53. Each Board is also requested to confirm (with any suggested alterations) the role responsibility templates for community board chairs and members.

**13. CITY PLAN CHANGE - 488 PRESTONS ROAD**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Environmental Policy and Approvals Manager and Resource Management Manager
<b>Author:</b>	David Mountfort, Team Leader City Plan

**PURPOSE OF REPORT**

1. This report describes an application to Council for a change to the City Plan and the process which must be followed under the Resource Management Act 1991 (RMA).

**EXECUTIVE SUMMARY**

2. The application is to create a new Residential 1F zone in the City Plan for an elderly persons' housing complex on 7 hectares of land at 448 Prestons Road, Burwood.
3. The purpose of this report is not to consider the application on its merits. Rather, it is to recommend which of several options under the RMA is to be used in processing the application.
4. The Council has the option of declining this application on the grounds that the City Plan has not been operative for two years, of accepting the application as a private application and publicly notifying it for submission and hearing at the cost of the applicant, or of adopting the change as the Council's own change and accepting the responsibility and costs of processing it. The Council is obliged to consider this request under the due process set out in the RMA.

**FINANCIAL AND LEGAL CONSIDERATIONS**

5. The financial considerations will differ depending on how the Council chooses to handle this application. Should it reject the application it is possible that the applicant would challenge this decision in the Environment Court, which would be a costly process for Council regardless of the outcome. Costs cannot be predicted accurately but could be in the vicinity of \$50,000 for this preliminary step.
6. Should the Council accept and notify the change at the expense of the applicant there will be a no direct costs to Council as the Council's costs would be recovered. However, there would be an impost on staff time.
7. Should the Council adopt the change as its own then Council will need to absorb all the costs, likely to run to at least \$50,000.
8. There is a legal process set out in the RMA which must be followed. It includes initial consideration of what process to follow, then notification, submissions, reporting, hearings, decisions and possible appeals. It is a process which is very familiar to Council and should create no particular risks or liabilities if followed correctly.

**STAFF RECOMMENDATION**

It is recommended that the Board recommend to the Council that it agree to accept the plan change pursuant to Clause 25 of the 1st Schedule to the Resource Management Act 1991 and publicly notify it accordingly.

## BACKGROUND AND DISCUSSION

### The Application

9. A copy of the application was circulated separately to Board members. It is for a 7 hectare site in Prestons Road, Burwood, adjacent to The Limes subdivision. It is zoned Rural 3, and has Rural 3 land to the north, west and south and is adjacent to residential development to the east at Waitikiri Park and The Limes.

### RMA Timeframes

10. The application was received on 22 September 2006. Further information was requested and the RMA timeframe for considering it was extended. Under the RMA the Council is due to make a decision whether to accept the application or otherwise by 6 March 2007.

### Description of Proposal and Site

11. The proposal is to create a new Living 1F zone, tailored to the requirements of large elderly persons' housing complexes, and apply this zoning to the site at 448 Prestons Road, Burwood. This would allow for the construction of approximately 165 independent living units, and 45 apartment units, a health facility and associated facilities. A 10 metre landscaped setback is proposed all around the site, widening to 25 metres adjacent to the Snellings Drain corridor. The Marshlands Drain passes through the middle of the site draining land further to the west to the Snellings Drain. This is proposed to be retained and upgraded as a landscape feature within the complex and vested in the Council.
12. The site is part of a much larger block considered for rezoning under the City Plan Review for Living 1B (large lot) zoning but rejected by the Environment Court. The Court found that the then proposal would not meet many of the objectives and policies of the City Plan for urban growth, in particular because it was not well-integrated with surrounding lands and possible future urban growth in the area and required to be more comprehensively planned. The applicant considers that the much more restricted form of development now proposed is in accordance with the objectives and policies of the City Plan and is compatible with future development in the area if that should eventuate. This aspect will need to be considered carefully by Council at later stages of the process.

### Processing of Private Plan Changes

13. The processing of private plan changes is set out in clauses 21-29 of the 1st Schedule to the RMA. In summary this provides:
  - Clause 21 - Any person may make an application for a change to an operative district plan. The City Plan is operative.
  - Clause 22 - Request to be in writing, with reasons, Assessment of Environmental Effects and assessment under section 32 of the RMA.
  - Clause 23 - Further information may be required. Council has done this in this case.
  - Clause 24 - Council may modify the proposal but only with the consent of the applicant.
  - Clause 25 - Council must consider the request, and make a decision to either:
    - "accept" it and proceed to public notification, or
    - "adopt" it as if it were its own proposal, and publicly notify it, or
    - treat it as if it were a resource consent, or
    - reject it.
  - Clause 26 - Where Council accepts the change it must publicly notify it within four months.
  - Clause 27 - The applicant may appeal the decision under clause 26.
  - Clause 28 - Applications may be withdrawn.
  - Clause 29 - Unless rejected, the application is put through the standard process of public notification, submission, hearing, decision, and appeal (if any).
14. There is a significant difference between "accepting" and "adopting" the application. If the application is accepted, Council retains its independence and is able to consider it impartially at a hearing later in the process, rather like a resource consent process. The entire cost of the process can be charged to the applicant. If it adopts the application Council would be effectively supporting the application as if it had decided to propose the change itself. Council would also be unable to charge the applicant for the costs.

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15. There are very narrow grounds in the Act for rejecting an application. The only relevant one in this case is that the City Plan has been operative for less than two years. The Council has a formal policy on this matter, which is attached as **Appendix 1** to this report. In summary, the Council's policy is to accept such applications and allow them to proceed through the process unless:
  - The subject matter of the application affects an important strategic or policy issue the Council is currently investigating and may preclude options being considered.
  - The proposal is for rezoning of a significant amount of land for urban growth and would pre-empt options for urban growth, being considered under the Metropolitan Christchurch Urban Development Strategy.
  - The proposal is for rezoning of land for urban growth and the site is within a Priority 1 Area Plan currently under investigation by the Council. As at August 2005 Priority 1 Area Plans include Belfast, Memorial-Russley-Hawthornden, Southwest and Upper Styx-Harewood.
16. The area is not affected by any strategic or policy study the Council is carrying out.
17. The land concerned has not been identified for urban growth in the draft UDS. The wider Burwood area was considered as a possible growth option but not pursued, largely due to lack of roading and sewerage capacity in the networks. Therefore it could be argued that the application would be inconsistent with the UDS, and rejected. This is not recommended because:
  - The UDS is planning for a predicted 33,000 additional households in the next 35 years. The current application, for about 200 units of a very specialised type is very small scale in relation to the UDS.
  - The UDS has not been finalised and adopted and will have no legal effect until it is implemented through the City Plan and Environment Canterbury's Regional Policy Statement.
  - There are submissions against the UDS from Burwood landowners.
  - Even if the Council did reject the application, the applicant could either appeal this decision or simply wait until November and resubmit it.
18. Although there is a Burwood Area Plan on the Area Plans Programme it is not a Priority 1 and is not being actively pursued at present. The application should not be rejected on this ground.

#### OPTIONS

19. Council's options are:
  - (a) Reject the application.
  - (b) Accept the application, proceed to publicly notify and decide the application at the expense of the applicant.
  - (c) Adopt the change at its own and assume the responsibility for putting it through the process outlined in the RMA including all costs.

#### PREFERRED OPTION

20. The preferred option is Option B. There is no status quo, ie do nothing option. The application must be considered and either accepted, adopted or rejected. It is not a matter the Council has identified as a priority it wishes to pursue for itself. The Council has an adopted City Plan programme and this item is not on it. There is no reason known for Council to adopt it as its own priority. There do not appear to be valid reasons for rejecting it, therefore the application should be accepted and considered on its merits, following public notification and the receipt of submissions.

**14. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE**

**NOTICE OF UPCOMING BOARD REPORTS**

- Anzac/Amelia Roger's Reserve
- Shortland Street Reserve

**15. NOTICES OF MOTION UNDER STANDING ORDERS 2.16**

**16. QUESTIONS UNDER STANDING ORDERS 4.1**

Members may at any ordinary meeting put a question to the Chairperson concerning any matter relevant to the role or function of the Community Board concerning any matter that does not appear on the order paper. All questions are subject to Standing Orders 4.1.1 to 4.1.5.

**17. BOARD MEMBERS' INFORMATION EXCHANGE**

Board members will have an opportunity to provide updates on community activities and/or Council issues.