



Christchurch City Council

REGULATORY AND PLANNING COMMITTEE AGENDA

THURSDAY 4 DECEMBER 2008

AT 9AM

IN THE NO 3 COMMITTEE ROOM, CIVIC OFFICES

Subcommittee: Councillor Sue Wells (Chairperson),
Councillors Helen Broughton, Sally Buck, Ngaire Button, Yani Johanson, Claudia Reid,
Bob Shearing, Mike Wall, and Chrissie Williams

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PART A - MATTERS REQUIRING A COUNCIL DECISION
PART B - REPORTS FOR INFORMATION
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- PART A 6. TERMS OF REFERENCE FOR HERITAGE REVIEW
- PART B 7. PLANNING ADMINISTRATION MONTHLY REPORT FOR OCTOBER 2008

At the conclusion of the meeting a seminar will be held for the Committee (Public Excluded)

4. 12. 2008

1. APOLOGIES

2. DEPUTATIONS BY APPOINTMENT

(a) GAMBLING CONSENT APPLICATION - SUMNER-REDCLIFFS RSA (INC)

Mr Mark Tranter, Secretary, Sumner-Redcliffs RSA (Inc) has been granted speaking rights in regard to agenda item 4.

3. AKAROA HARBOUR BASIN SETTLEMENTS STUDY – PREFERRED OPTIONS FOR CONSULTATION

General Manager responsible:	General Manager Strategy & Planning, DDI 941-8281
Officer responsible:	Liveable City Programme Manager
Author:	Carolyn Bonis

PURPOSE OF REPORT

1. This report (including attachments) outlines the issues and options to inform long-term strategic planning for the eight settlements of the Akaroa Harbour Basin (Wainui, Tikao Bay, French Farm, Barrys Bay, Duvauchelle, Robinsons Bay, Takamatua and Akaroa). It identifies areas needing proactive planning studies in order to manage anticipated growth; it also identifies options by theme to address planning-related issues across all settlements.
2. In particular, the report identifies:
 - (a) The issues which have been agreed through public consultation processes in November 2007; and
 - (b) The options that have been subsequently identified and evaluated for their potential to address the issues. Due to the broad scope of the study, options are expressed as future potential 'work programmes', rather than being a detailed analysis of alternative growth areas. These options provide long-term direction to work that may need to be planned for through future LTCCP processes in order to address settlement planning issues.
3. Preferred work programme options are indicated, along with a recommendation that the options be supported by the Committee for adoption by the Council, for public consultation in early 2009.
4. The scope of the Study does not include the Lyttelton Harbour Basin. However, proposed funding for the Lyttelton basin has been included within the Draft 2009–19 LTCCP, which is currently in preparation.
5. The Akaroa/Wairewa Community Board considered the Akaroa Harbour Basin Settlement Study on 20 November. This report takes account of any amendments made during this consideration.

EXECUTIVE SUMMARY

Study Scope

6. The project stems from the Memorandum of Understanding (MoU) between the former Banks Peninsula District Council and Christchurch City Council, which specifies that a 'Greater Akaroa Community Plan' is needed as a matter of high priority. Investigation revealed that many of the issues facing Akaroa are inextricably linked to the wider area, resulting in the need for a strategic level study to understand and provide a framework for addressing these issues.
7. The brief of work for the Settlements Study focuses on addressing strategic issues facing the urban settlements of the Akaroa Harbour Basin and contributes to achieving the wider outcome of strong and sustainable communities and settlements over the next 20–30 years (refer **Attachment 2**). The project focuses on the eight settlements in the harbour basin which currently have some urban zoning (refer map: **Attachment 1**):

Akaroa	Barrys Bay
Takamatua	French Farm
Robinsons Bay	Tikao Bay
Duvauchelle	Wainui

Study Process

8. The Study is progressing through the following process:

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- | | |
|---|----------------------|
| • Release of 'Identifying the Issues' discussion document | October 2007 |
| • Public consultation on the issues | November 2007 |
| • Commissioning of technical reports to fill information gaps | late 2007 – mid 2008 |
| • Final 'Statement of Issues' released | June 2008 |
| • Mapping of constraints and opportunities ('sieve mapping') | September 2008 |
| • Options identified for potential work programmes | July – October 2008 |
| • Key Outcomes identified (refer Attachment 2) | October 2008 |
| • Assessment criteria identified | October 2008 |
| • Options evaluation completed | October 2008 |
| ⇒ Adoption of issues and options for consultation | current |
| • Consultation on issues and options | early 2009 |
| • Final 'Issues and Options' and Implementation Plan | mid 2009 |

Key findings

9. Eighty-nine issues (ranging from locality-specific to harbour-wide) have been identified, covering:
 - Natural Environment (including coastal issues, landscapes, freshwater resources, climate change, slope stability);
 - Social Environment (including historic character, population, community facilities);
 - Physical Environment (including water, wastewater, stormwater, transport);
 - Economic Environment (including housing affordability, business growth, tourism); and
 - Subdivision, Land use, Managing Urban Change (including settlement patterns, capacity for urban growth).

10. Results of mapping known constraints and opportunities ('sieve mapping') show that Wainui displays the best potential for settlement consolidation, followed by Duvauchelle and the Takamatua/Akaroa area. These four settlements are likely to experience growth pressures over coming years. French Farm, Robinsons Bay and the upper valleys of Duvauchelle show greater long-term suitability for rural-residential development. Further investigation of these areas would require an expansion of the study areas beyond those analysed in this report.

11. To address the issues, Council staff identified and evaluated a range of options for future work programmes. This evaluation has identified:
 - (a) Options which are important to pursue and are higher priority, for incorporation in an Implementation Plan to be developed following community consultation in 2009. These become the 'preferred options' and reflect a proposed work programme, to be given effect through future LTCCP budgets;
 - (b) Options which staff could pursue if possible; and
 - (c) Options which did not score well and are recommended not be pursued at this stage.

(Refer **Attachment 3** for further detail on the issues, the options and their relative priorities.)

Preferred Options for Consultation

12. The preferred options (as outlined in the Issues and Options report in **Attachment 3** – attached separately for members, copies available at Committee meeting) consist of two 'comprehensive work streams' and a number of other standalone work streams.

13. The two comprehensive work streams are:
 - (a) Detailed planning studies for Wainui, Duvauchelle and Akaroa/Takamatua to enable the Council to be proactive in terms of managing anticipated long-term residential demand, while protecting and enhancing key elements of the natural, social, physical and economic environment; and
 - (b) A 'Places and Spaces Plan' for Akaroa to provide direction for the future management of the public areas of the town and ensure that these reflect historic and community values.

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14. The standalone work streams are listed in the following table and serve to address planning-related issues across all settlements. These would accompany or extend current Council work programmes.
15. The following table provides a brief summary of both the comprehensive work streams and the standalone work streams. The full text of these options is provided in **Attachment 3** and a more comprehensive summary is given in Table 4 of this report. Final preferred options and work programmes will be determined following community consultation in early 2009 and the study outputs will include an Implementation Plan to set out the timing for the final agreed work programmes.

Table 1: Preferred Options for Consultation

Comprehensive Work Streams
<p>Detailed planning studies Develop detailed plans for Wainui, Duvauchelle, and Akaroa/Takamatua, to be proactive in terms of anticipated long-term residential demand in the harbour basin. Such plans will include public consultation and will consider and/or specify matters related to:</p> <ul style="list-style-type: none"> • The Natural Environment (eg rural character, flooding, climate change) • The Social Environment (eg population, community facilities, historic sites) • Infrastructure (eg pedestrian linkages, water and wastewater, internet availability) • The Economic Environment (eg commercial centre development), and • Managing Urban Change(eg settlement form, areas for intensification, staging of development) as relevant.
<p>Akaroa Places and Spaces Plan Develop an Akaroa 'Places and Spaces' Plan that provides guidance for the future direction and management of public sites and areas in Akaroa, and which includes guidelines regarding matters such as traffic and parking management, public works, tourist facilities and the BP Meats site, to ensure that these reflect the local history, character and environment while ensuring safety and efficiency of movement:</p>
Standalone Work Streams (by theme) to address issues relating to settlements
<p>District Plan – investigate amendments concerning:</p> <ul style="list-style-type: none"> • Integration of transport and land use planning • Heritage and/or cultural landscapes • Flexibility of allotment and dwelling size • Preferred form of long-term growth • Urban design for stormwater • Business growth • Rural-residential development
<p>Water</p> <ul style="list-style-type: none"> • Research spring and stream flows; • Undertake hydrological modelling to investigate flooding potential.
<p>Soil</p> <ul style="list-style-type: none"> • Increase awareness regarding local ground conditions and best practice to reduce erosion
<p>Wastewater</p> <ul style="list-style-type: none"> • Research effects of clustering septic tanks – options and costings
<p>Stormwater / inundation – investigate and address:</p> <ul style="list-style-type: none"> • Locations susceptible to fast stormwater runoff • Locations likely to experience inundation (sea level rise, coastal erosion, storm surge) • A stormwater infrastructure inventory • Consultation processes with runanga over any new stormwater systems
<p>Transport</p> <ul style="list-style-type: none"> • Address State Highway and arterial road issues regarding safety and land use integration. • Determine locations for roadside stopping points: short term parking, interpretation signage • Maintain safe transport corridor for locations where roads are likely to erode with future sea level rise / storm surge events.
<p>Recreation</p> <ul style="list-style-type: none"> • Assess and prioritise new walkways • Determine and plan for pressures on coastal recreational infrastructure • Determine supply and demand for recreational facilities

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<p>Community services and facilities</p> <ul style="list-style-type: none"> • Audit voluntary / medical / emergency services and community facilities to meet long-term peak populations
<p>Sustainable communities – general</p> <ul style="list-style-type: none"> • Support Green Globe certification for the harbour basin
<p>Tourism</p> <ul style="list-style-type: none"> • Support tourism liaison group to include representatives from local community
<p>Heritage</p> <ul style="list-style-type: none"> • Identify heritage buildings coming under development pressure, and range of retention mechanisms.

FINANCIAL IMPLICATIONS

16. There are no financial implications resulting from adopting the options for consultation.

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

17. Yes. There is funding in the 2006-16 LTCCP for the Settlements Study.

LEGAL CONSIDERATIONS

18. See below.

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

19. Yes. The criteria used in the assessment of options included consideration of legal implications.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. Where existing Activity Management Plans address existing issues, this has been picked up in the Status Quo section of **Attachment 3**. The Study will likely inform future Activity Management Plans across various Council units.

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

21. This Study was identified as a service in the current LTCCP and its outcomes will inform the development of future LTCCP budgets.

ALIGNMENT WITH STRATEGIES

22. The Settlements Study takes into consideration the various Council strategies that apply to Banks Peninsula through the development of evaluation criteria (for example, Biodiversity Strategy, Social Housing Strategy, Sustainable Energy Strategy). This ensures that higher priority options do not conflict with existing strategies and their associated implementation plans.

Do the recommendations align with the Council's strategies?

23. Yes, as above.

CONSULTATION FULFILMENT

24. An extensive consultation exercise was conducted in November 2007 to inform identification of the issues within the eight settlements of the harbour basin – refer paragraph 5 above. This included meetings with local runanga representatives via Mahaanui Kurataio Ltd. Further consultation on the identified options is planned to commence in 2009.

AKAROA/WAIREWA COMMUNITY BOARD RECOMMENDATION

The Board considered a report on the issues and options to form long-term strategic planning for the eight settlements of the Akaroa Harbour Basin (Wainui, Tikao Bay, French Farm, Barrys Bay,

4. 12. 2008

Duvauchelle, Robinsons Bay, Takamatua and Akaroa). Council's Senior Policy Planner outlined the Issues and Options document.

The Board made the following comments:

- Staff to be aware that Environment Canterbury has different 'Silent Files' recorded to those of Christchurch City Council.
- Ensure that it is clearly stated in the document that Takamatua and Akaroa are separate settlements.
- BP Meats Site - This land is freehold land owned by the Council, not necessarily a "public place" as may be perceived by the Akaroa community
- Staff need to be aware of the special character of Akaroa and the rural nature of the settlements in the Akaroa Harbour.
- Endorsement of an "Akaroa Places and Spaces Report" which would emphasise the original intent of the current study.
- Social Housing should be more correctly defined as "Affordable Housing".

The Board **resolved** to adopt the staff recommendation subject to the points raised by members being incorporated, where applicable, into the document.

The report and accompanying recommendations from the Board were submitted to the Council meeting on 11 December 2008, as a report from the Chairman.

STAFF RECOMMENDATION

It is recommended that the Regulatory and Planning Committee recommend to the Council that it approve the draft Issues and Options report for public consultation.

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BACKGROUND

Origins of Study

25. The Akaroa Harbour Basin Settlements Study was initiated in early 2007 in response to both:
- (a) Calls from the community for a 'town plan' for Akaroa; and
 - (b) Budget provision for a 'Greater Akaroa Community Plan'. The Memorandum of Understanding agreed between the former Banks Peninsula District Council and Christchurch City Council referenced this Study.
26. The brief of work for the Settlements Study focuses on addressing strategic issues facing the existing urban settlements of the Akaroa Harbour Basin and contributes to achieving the wider outcome of 'strong and sustainable communities and settlements of the Akaroa Harbour Basin over the next 20–30 years'. The focus for the project is upon those areas with urban zoning within the following settlements:

Akaroa	Barrys Bay
Takamatua	French Farm
Robinsons Bay	Tikao Bay
Duvauchelle	Wainui

27. Many of these settlements comprise non-contiguous pockets of residential activity, separated by rural zoning. Eight study areas have been delineated, principally by way of a 500 metre distance from urban zoning, but adjusted to recognise ridgelines, contour lines, waterways, and property boundaries. Refer **Attachment 1**.

Identifying the Issues

28. A discussion document 'Identifying the Issues' was prepared and released in October 2007, including via the Study website: www.ccc.govt.nz/AreaPlans/AkaroaHarbourBasin. The issues identified in the discussion document are comprehensive in order to obtain the most complete understanding possible of planning-related issues. The issues are wide in scope, covering:
- Natural Environment (including coastal issues, landscapes, freshwater resources, climate change, slope stability etc);
 - Social Environment (including historic character, population, community facilities);
 - Physical Environment (including water, wastewater, stormwater, transport);
 - Economic Environment (including housing affordability, business growth, tourism); and
 - Subdivision, Land use, Managing Urban Change (including settlement patterns, capacity for urban growth).

Public Consultation

29. During the consultation period (October/November 2007), public meetings were held in Wainui, Duvauchelle and Christchurch, with an 'open house' held in Akaroa. Staff also met separately with local runanga representatives via Mahaanui Kurataio Ltd. A consultation report was prepared in May 2008 which explains the consultation process and provides a summary of 'high-frequency' responses. This report is available on the Study website.

Technical Reports

30. Several significant information gaps were identified during the process of preparing the discussion document and experts were commissioned to prepare technical reports on the following subject areas:
- Landslide susceptibility;
 - Coastal erosion and inundation;
 - Historical flooding;
 - Real Estate Market; and
 - Business Land Supply.

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31. A further piece of work is currently in train to identify the 'tourism carrying capacity' of Akaroa, with this work likely to be finalised in early 2009. While this will not directly inform the issues and options identified through the Settlements Study, it will enable the Council to respond appropriately to tourism pressures, particularly those anticipated during summer when cruise ships visit the town.

Final Statement of Issues

32. Following receipt of the technical reports and analysis of public feedback, the issues were amended with a final Statement of Issues released in June 2008. The issues are set out in **Attachment 3** which also covers the options assessment as explained further below.

Sieve Mapping

33. The information obtained through the various technical reports has been mapped, along with other information available to the Council. A report titled 'Sieve Mapping Report - Constraints and Opportunities' has been prepared. This uses mapped information to build up a number of geographical layers to produce a visual representation of areas that show less (or more) potential for future settlement growth. While there is no current intent to encourage growth of any of the harbour basin settlements, the report helps to inform proactive growth management priorities.
34. A summary of the overall potential for the consolidation of each settlement (by way of infill and/or minor expansion) is outlined in the table below. It is preferable that any future settlement growth would lead to a more consolidated urban form by 'linking up' existing areas of residential zoning where possible.

Table 2: Consolidation potential for each settlement

Settlement	Potential for infill	Potential for expansion/ connecting*
Wainui	High	High
Tikao Bay	None	Very low
French Farm	None	Low
Barrys Bay	None	Low
Duvauchelle	High	Moderate
Robinsons Bay	High	Low
Takamatua	Very low	Moderate
Akaroa	Moderate	Low

*Considers both the potential for the expansion of existing urban zones, as well as the potential for such expansion to connect existing pockets of urban zoning.

35. Table 2 shows that Wainui displays the best potential for settlement consolidation, followed by Duvauchelle and Takamatua. These settlements are likely to experience growth pressures over coming years. French Farm, Robinsons Bay and the upper valleys of Duvauchelle show greater long-term suitability for rural-residential development. Further investigation of these areas would require an expansion of the study areas beyond those analysed in this report.

Key Outcomes

36. Staff have identified several key 'anticipated outcomes' of the Study. These provide a framework for understanding the range of issues and options and also clarify the Council's intent for managing the harbour basin settlements. **Attachment 2** shows the link between these eight outcomes and the various issues and options.

Identifying the Options

37. Eighty-nine issues (ranging from locality-specific to harbour-wide in scope) have been identified across a broad range of subjects including climate change impacts, business land supply shortages, decreasing percentage of permanently occupied houses and infrastructural constraints. The issues are shown in **Attachment 3** under a yellow heading. The range of options is similarly broad in scope.

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38. The initial step in identifying options was to understand what is already being undertaken in the harbour basin to address the various issues. These have been identified as 'Status Quo' in **Attachment 3**, under an orange heading.
39. The options to supplement existing Status Quo initiatives are general in nature, in that they focus on future work programmes where more detailed studies may be undertaken. For example, new options include amending the District Plan in various ways, undertaking detailed planning studies for several settlements, preparing a 'Places and Spaces Plan' for the publicly-owned land in Akaroa, as well as a number of issue-specific initiatives. The options do not provide a detailed assessment of alternative growth nodes/localities but rather provide long-term direction to the type of Council-initiated work that may need to be planned for through LTCCP processes, in order to address settlement planning issues.

Identifying the Assessment Criteria

40. The study addresses the Council's responsibilities under the Local Government Act 2002 and the Resource Management Act 1991, and its outcomes need to be consistent with or reflect the Council's adopted strategies as well as stated community views. To ensure that options achieve these requirements and enable a transparent evaluation process, a comprehensive range of assessment criteria has been formulated. Criteria cover the matters identified in Table 3 below.

Table 3: Criteria Grouping

Local Government Act 2002	General (four well-beings)
	Requirements in relation to decisions
	Consistency
Resource Management Act 1991	Purpose and principles
	Council functions
	Consideration of alternatives, benefits and costs
Government policy	National policy statements and plans
Regional policy	Regional policy statements and plans
CCC	Strategic Directions
	Community Outcomes
	Strategies
Local	Tangata Whenua Values
	Community Board Objectives
	Community Views

Evaluating the Options

41. Options have been scored and weighted in relation to the above criteria and then ranked to determine relative priorities for work programmes.
42. Most matters considered by the Council involve a single issue and a small number of options. However, this Study identifies and prioritises options that address many different issues. Rather than resulting in one 'preferred option', the staff evaluation has identified:
- Options which achieved high scores and are important to pursue, for incorporation in an Implementation Plan to be developed following community consultation in 2009. These become the 'preferred options' as identified in the section below and are shown under a green heading in **Attachment 3**;
 - Options which achieved moderate scores and would result in some benefit to harbour basin communities (ie 'nice to do'), shown under a blue heading in **Attachment 3**.
 - Options which did not achieve a high or moderate score and are recommended not be pursued further, shown under a grey heading in **Attachment 3**.

Preferred Options

43. The result of the options evaluation process has been the identification of 'higher priority' options, which for the purposes of this report may be considered to be the 'preferred options'. These essentially reflect a proposed work programme, to be given effect through future LTCCP budgets.

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Comprehensive work streams

44. Many issues can be resolved, at least in part, by pursuing specific work streams that comprehensively address concerns identified for the settlements. The work streams each incorporate a number of discrete components that have been separately scored. The scoring shows that these work streams are valid to include as preferred options in their own right.
45. The first of these comprehensive work streams is that of undertaking 'Detailed Planning Studies' for areas most likely to experience a demand for urban growth (specifically: Wainui, Duvauchelle and Akaroa/Takamatua). This would enable the Council to be proactive in terms of managing anticipated long-term residential demand, while protecting and enhancing key elements of the natural, social, physical and economic environment.
46. The second work stream is that of developing a 'Places and Spaces' Plan for Akaroa to provide direction for the future management of the public areas of the town and ensure that these reflect historic and community values. This broad option brings together a number of 'sub-options' under different issue headings, including (for example) public works and infrastructure, heritage, transport and commercial operations.

Standalone high-ranking options

47. In addition to the two comprehensive work streams above, a number of standalone options have been identified. All higher priority options are shown under the green headings in **Attachment 3**.

Summary of all preferred options

48. The table below provides a summary of the preferred options, comprising the two comprehensive work streams and the standalone high-ranking options. For the full text of each of these options, refer **Attachment 3**.

Table 4: Summary of preferred options

Comprehensive Work Streams	
Detailed planning studies	
Develop detailed plans for Wainui, Duvauchelle, and Akaroa/Takamatua, to be proactive in terms of anticipated long-term residential demand in the harbour basin. Such plans will include public consultation and will consider and/or specify the following matters (as relevant):	
Natural Environment: <ul style="list-style-type: none"> • climate change and coastal hazards; • ecosystems, biodiversity, corridors and linkages; • riparian corridors; • flooding; • springs and streams flows; • land instability; • local landscape values; • subdivision size and rural character. 	Social Environment: <ul style="list-style-type: none"> • archaeological sites; historic and cultural character areas; waahi tapu areas; • population fluctuations; • provision of reserves; community facilities (including their provision to attract permanent residents); recreational facilities.
Physical Environment (infrastructure): <ul style="list-style-type: none"> • pedestrian linkages and connectivity; • public transport • cycling and mountain-biking routes; • capacity of the road network; • water and wastewater flow, capacity and disposal issues (including soil suitability for septic tanks where required); • stormwater (integrated catchment management plans, low impact urban design options); • energy (electricity lines, siting for solar gain); • high speed internet availability. 	Economic Environment: <ul style="list-style-type: none"> • small commercial centre development; Managing Urban Change: <ul style="list-style-type: none"> • buffers from legitimate rural activities; • rural-residential activity; • areas for intensification; • the long-term settlement edge, • staging of development, • settlement form and structure
Refer options A.1, A.2, B.1, B.2, B.3, C.1, C.2, D.1, D.2, F.1, F.2, G.1, H.1, H.2, H.3, I.1, I.2, J.1, L.1, L.2, M.1, N.1, N.2, N.3, O.1, Q.1, R.1, R.2, R.3	

Akaroa Places and Spaces Plan	
Develop an Akaroa 'Places and Spaces' Plan that provides guidance for the future direction and management of public sites and areas in Akaroa, and which includes guidelines regarding the following matters to ensure that these reflect the local history, character and environment while ensuring safety and efficiency of movement:	
View-shafts; landscaping; heritage features; artwork	Public works and infrastructure (including for public open space, gutters)
Traffic management; signage and interpretation; footpath design; 'walkability'; maps	Commercial operations; tourist facilities (including public toilets)
A design brief for the long-term development of the BP Meats site (incorporating two alternative options)	
Refer options F.3, F.4, F.5, J.2, K.2 O.2, Q.2. For the BP Meats site: option O.3 [preferred] and option G.6.	

Options (by theme) to address issues relating to settlements	
District Plan – investigate amendments as follows:	
To update provisions encouraging integration of transportation and land use planning functions (Opt I.3)	To enable greater flexibility of allotment and dwelling size in residential zones (Opt R.4).
Investigate amending the District Plan to provide recognition and appropriate protection of heritage and/or cultural landscapes (Opt C.4).	To provide strong objectives, policies and rules concerning the preferred form of long-term growth, articulating when, where and how the various forms of growth might be appropriate (Opt R.5)
To ensure that new subdivision and development incorporates integrated urban design solutions for stormwater disposal (Opt A.4)	To manage effects of business growth while enabling some growth to occur, including maintaining a core consolidation of business activity at Akaroa, enabling the range of employment opportunities to broaden, and ensuring provision of sufficient business-zoned land (Opt O.4)
Investigate potential locations and provisions for rural-residential development (Opt S.1)	
Water	
Research spring and stream flows between Wainui and Akaroa; identify and assess groundwater/aquifer supplies (potentially via joint study with ECan) and identify mechanisms to address effects of any reduced water availability (Opt M.2)	Undertake a hydrological modelling study for all harbour basin settlements to investigate flooding potential (taking climate change into account), to inform amendments to the District Plan (Opt B.5)
Soil	
Educate developers / landowners on local ground conditions and best practice methods for stabilising soils and reducing erosion / land subsidence (Opt A.7)	

Wastewater	
Research and identify (potentially with ECan) any local environmental effects of clustering of septic tanks; develop options and costings for remediation (Opt A.3)	
Stormwater / inundation	
Identify locations particularly susceptible to fast stormwater runoff and investigate mechanisms to address effects (Opt A.8)	Investigate areas identified as being likely to experience inundation due to sea-level rise, coastal erosion and/or storm surge inundation and identify suitable responses (Opt B.4)
Undertake an inventory of stormwater infrastructure for settlements beyond Akaroa including long-term improvement / management requirements and taking climate change impacts into account (Opt A.6)	Consult with local runanga in development of any new stormwater systems in the harbour (Opt A.5)
Transport	
Address State Highway and arterial road issues regarding safety and land use integration (Opt I.4)	Determine locations and opportunities for roadside stopping points for short-term parking and interpretation signage (Opt H.5)
For locations where roads are likely to erode with future sea level rise / storm surge events, identify options to maintain a secure transport corridor (Opt I.5)	
Recreation	
Assess potential new walkways and prioritise the most promising, including an assessment of their feasibility (Opt H.6)	Survey coastal facility users and local residents to ascertain current pressures on coastal recreational infrastructure to enable identification of appropriate responses (Opt H.7)
Undertake a study to determine supply and demand for recreational facilities, including shortage / quality issues surrounding existing recreational facilities and strategic purchase opportunities (Opt H.4)	
Community services and facilities	
Undertake an audit of existing and projected ability for current voluntary / medical / emergency services, and for existing community facilities to meet long-term peak population (Opt G.2)	

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<i>Sustainable communities - general</i>
Support Green Globe certification for the harbour basin, including by benchmarking and monitoring performance across the community performance areas (Opt T.1)
<i>Tourism</i>
Support development of a formal tourism liaison group to include representatives from the local community (Opt Q.3)
<i>Heritage</i>
Identify heritage buildings coming under development pressure; implement / develop an appropriate range of retention mechanisms (Opt F.6)

49. Final preferred options and work programmes will be determined following community consultation in early 2009 and the study outputs will include an Implementation Plan to set out the timing for the final agreed work programmes. A final 'Issues and Options' document and Implementation Plan will be presented to the Council for adoption mid-2009.

ASSESSMENT OF OPTIONS

50. Detail of the methodology used to assess options can be provided by staff upon request.

4. GAMBLING CONSENT APPLICATION – SUMNER RSA

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Legal Services Manager
Author:	Judith Cheyne, Solicitor, x8649

PURPOSE OF REPORT

1. The purpose of this report is to advise the Regulatory and Planning Committee on an application by the Sumner-Redcliffs RSA (Inc.) (the RSA) for territorial authority consent under the Gambling Act 2003, for four gaming machines at their venue in Wakefield Avenue, Sumner, and to recommend to the Council that it be accepted.

EXECUTIVE SUMMARY/BACKGROUND

2. The RSA applied for territorial authority consent from the Council in December 2005 for four gaming machines, and it was granted by Council staff in January 2006. However, Council staff did not realise that in December 2005 the RSA's gambling licence from the Department of Internal Affairs (DIA) had been surrendered for more than 6 months. This meant that, in accordance with the Council's Gambling Policy applicable at that time, the consent should not have been granted.
3. Council staff had sought advice from DIA (for the purposes of the consent application) about the number of machines operating at the RSA venue in September 2003. DIA gave this information (confirming that it was four machines) but did not tell the Council that the venue did not have a current licence. The Council's application form had a section requiring the applicant to provide documentation relating to "DIA venue approval verification". The RSA provided a copy of their previous licence with their application, but that licence had expired on 30 September 2003. Staff did not seek further information from the applicant as to whether it held a current licence.
4. The RSA needed the consent from the Council so it could apply for a new licence from DIA for the same number of machines as it had previously operated. DIA granted the licence even though it should have been aware that the territorial authority consent was not the correct one for the licence that it granted¹. The consent was granted under section 98(d) of the Gambling Act 2003 but the RSA actually needed a section 98(c) consent.
5. In July 2007 New Zealand Community Trust (NZCT) emailed the Council questioning the issue of the consent to the RSA. The Council's response to NZCT was also copied to DIA, and it noted that if NZCT were correct, and the RSA had not held a licence for over 6 months, then the Council should not have issued the consent, but neither should DIA have issued the licence. The Council considered that it was an issue for DIA to resolve. This was because the Gambling Act 2003 allows for DIA to cancel or suspend licences, but does not provide for a Council to take any similar actions in relation to consents it has issued.
6. At a meeting in September 2007 at the RSA's premises, Council staff advised the RSA of the situation as it stood at that time: that it appeared the Council should not have issued the consent, and that DIA would be advised and would likely follow the matter up with the RSA. (The RSA are correct in their application when they say copies of the correspondence with NZCT and DIA were not provided at that time, but that does not mean they were not aware of the issue about their consent.)
7. Despite DIA advising the Council in November 2007 that it would be contacting the Caversham Foundation (who was the holder of the licence), it appears it did not, and only took action to cancel the licence in the middle of 2008 (as a result of another application being made to them concerning the RSA premises). In order for the RSA to keep operating its four gaming machines the RSA needs to obtain a new licence from the DIA, and in order to apply for that licence they need a new territorial authority consent under the Gambling Act 2003.

¹ The DIA fact sheet on class 4 gambling notes that the "Department will refuse to consider an application for a licence or an amendment unless the relevant territorial authority consent has been granted and said consent is proper and lawful in all respects."

4 Cont'd

8. The Council's current (2006) Gambling Policy does not provide for territorial authority consent to be granted in this situation under section 98(c). However, last year under similar circumstances, the Council granted the Christchurch Working Men's Club (CWMC) a territorial authority consent, by applying section 80 of the Local Government Act 2002, and making a decision that was inconsistent with the policy.
9. The RSA asks the Council to deal with its application on the same basis as the CWMC application and sets out the reasons why the RSA considers the consent should be granted (see Attachment 1). In summary, the RSA contends that the Council's aims and policies are still being achieved if a new consent is granted to them, because in the Sumner area the number of machines and sites in total has reduced. Allowing the RSA to continue with four machines still means a total reduction of 22 machines in the Sumner area. They also point out that they have operated and will continue to operate their machines in a responsible manner, and that there is a positive impact for the community in the RSA having the machines because of the grants the RSA is able to make to local groups such as the Surf Life Saving Club and Life Boat Institution. The RSA application also points out that the RSA has a mature membership, and they are the primary users of the machines, and are strongly in favour of keeping them. The RSA has a strong commitment to the welfare of its members, and the Sumner-Redcliffs RSA Welfare Trust Inc. is a separate body established for this purpose.
10. It should also be noted that, although not referred to in the application, the RSA representatives who met staff in September 2008, advised that the reason the RSA had not held a licence for a time in 2004/2005 was that due to a number of different factors members attending the RSA had declined. When it came to the end of the year the disbursement of grants was below what DIA required, and the RSA had to surrender their licence. From 2005, the RSA had a change of management, the premises were rebuilt/refurbished, and the numbers of members and finances improved. The RSA decided it was worthwhile to reinstate its four gaming machines, not realising that because their licence had been given up that meant they were in a different position than if the licence had continued from 2003.
11. If the Council decides to grant the consent in accordance with section 80 then it needs to clearly identify the inconsistency, the reasons for the inconsistency and also identify any intention to amend the policy to accommodate the decision. Further information on these requirements is set out in the legal considerations section below. Other relevant considerations for the Council in determining whether or not to grant the application in this case are outlined in the following paragraphs.
12. In the Gambling Act 2003, clubs (which are by definition bodies that are "not for pecuniary gain") are treated differently from other corporate societies, by being given "special" treatment in sections 95 and 96, which allow for clubs to have a larger number of gaming machines at their venues than other "non-club" venues, whether as a result of a merger of clubs or not.
13. A review of the other consents issued by the Council under section 98(d) of the Gambling Act 2003 has been carried out and it appears there is only one other consent that the Council has issued in respect of a club (besides the RSA and CWMC consents). That was for the Hoon Hay Club (consent was granted in January 2005) but that club is now no longer in operation. All the other consents were issued in respect of licenced premises which were not clubs, and were all issued in 2004.
14. This means that the same type of situation, where the Council granted consent to a club under its former Gambling Policy, and it may have been under the wrong provision of the Gambling Act, giving rise to problems for the club with DIA, cannot occur again. Since November 2006, the new policy has been in force and it does not provide for the Council to grant any consents except where there is a merger of clubs under section 95, so there should also not be any similar problems arising in relation to the current Gambling Policy.

4 Cont'd

15. Although the RSA situation is not exactly the same as the CWMC situation, so the advice from Buddle Findlay (received at the time of the CWMC matter) is not exactly on point,² it does provide the basis for the Council to act in a similar way in this case, if the Council chooses to do so. If the Council does, then it will need to note that the reason for the inconsistency is that this situation was also not a matter which was directly contemplated by the Council in developing its policy. If the Council were to grant this consent, then in relation to the "sinking lid" approach which the Gambling Policy provides for (by only allowing for new consents in very limited circumstances) there would, technically, be an increase in machines. But allowing the RSA to have four gaming machines at this venue means this is the same number at that venue as when the Gambling Act 2003 came into force and the Council adopted its first policy. So in this sense there is no increase in gaming machines and it can therefore be regarded as being in accordance with the spirit of the policy.
16. The Council really only has two practicable options in this case: to approve or decline the application. Deferring the application (until say the Policy is reviewed next year) would only leave the RSA in limbo for that time, and may not change the ultimate result. When the CWMC application was deferred, DIA allowed them to keep operating their machines during the intervening period. The RSA are not able to do so in this case because DIA has cancelled its licence.
17. The recommendation is that the Council approve the RSA's application, under section 98(c) and 100 of the Gambling Act 2003, and by applying section 80 of the Local Government Act 2002, for all of the following reasons (and as detailed above):
 - this venue is a not for profit club;
 - the Council will not be faced with this exact situation again
 - the application is only for four gaming machines (which is the same number that was at this venue in September 2003), and
 - for the other reasons outlined in the RSA application (summarised in paragraph 9 above).

FINANCIAL IMPLICATIONS

18. There are no financial implications in relation to granting this consent.

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

19. Not relevant to this matter.

LEGAL CONSIDERATIONS

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

20. Section 100 of the Gambling Act 2003 requires that a Council must "*consider an application for a Territorial Authority Consent in accordance with its class 4 venue policy*". The Council's Gambling Venue And Totalisator Agency Board (TAB) Venue Policy adopted on 23 November 2006 provides:

"1. The Christchurch City Council will not grant consent under section 98 of the Gambling Act 2003 to allow any increase in class 4 gaming venues or class 4 machine numbers except in the circumstance set out below.

*2. The Christchurch City Council will grant a consent where two or more corporate societies are merging and require Ministerial approval to operate up to the statutory limit in accordance with section 95(4) of the Gambling Act 2003. The total number of machines that may operate at the venue **must not** exceed 18 machines.*

² Which emphasised the fact that the CWMC needed the section 98(c) consent for the purposes of section 96 of the Act (a club seeking approval for 18 machines), but that the Council had never directly contemplated section 96 in developing its policy, and that allowing for a consent for 18 machines would still ultimately be acting in accordance with the spirit of the policy because there was no increase in machines in Christchurch.

4 Cont'd

7. If the Council amends or replaces this policy, it is required to do so in accordance with the special consultative procedure outlined in the Local Government Act 2002.

8. In accordance with the Gambling Act 2003, the Council will complete a review of the policy within three years of its adoption and then every three years thereafter."

21. The only consent the Council can grant is where two or more corporate societies are merging and seeking Ministerial approval under section 95, and the resulting number of machines will not exceed 18. The Gambling Policy does not provide for, or discuss in any way at all, the situation in which the RSA finds itself. This is similar to the CWMC situation, for which the Council granted territorial authority consent last year, after receiving external advice from Buddle Findlay (see report to Council on 4 October 2007:

<http://www.ccc.govt.nz/Council/proceedings/2007/October/CnclCover4th/SuppDeferredApplicationCWMC.pdf>

22. In the legal advice obtained in relation to the CWMC situation Buddle Findlay advised:

21. To grant a consent in terms of section 98(c), and 100, of the 03 Act to this Club in the expectation that it will use that consent to make application to the Minister for consent to run 18 machines under section 96 of the Act (absent any merger) would be clearly inconsistent with clause 1 and significantly inconsistent in my view with clause 2 of the 2006 Class 4 venue policy. On the other hand in relation to the spirit and intention of the 2006 policy, to grant such a consent under section 80 of the 02 Act would be consistent with the big picture and fundamental principle evident from clause 1 of the 2006 policy albeit not the current wording of the 2006 class 4 venue policy. So long as the Council was prepared to resolve **now** to review and amend in future the Class 4 venue policy to accommodate the decision it proposes now to consider making, in terms of section 80 of the 02 Act, making such an inconsistent decision now is a legal possibility.

23. It is clear from this advice the Council is able to make a decision that is inconsistent with its Gambling Policy provided it complies with section 80 of the Local Government Act 2002:

"(1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify —

- (a) the inconsistency; and*
- (b) the reasons for the inconsistency; and*
- (c) any intention of the local authority to amend the policy or plan to accommodate the decision.*

(2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment."

24. The section 80 factors which the Council must clearly identify in making its decision are as follows:

- The inconsistency – it is clear from the express wording in the Gambling Policy that it does not provide for a consent to be granted in these circumstances.
- The reasons for the inconsistency – the Buddle Findlay advice relating to the CWMC application discusses the matters the Council considered and rejected in relation to the 2006 Gambling Policy:

4 Cont'd

18. I appreciate that in 2006 the Council's Hearing Panel (and then the Council) considered, and rejected, proposed amendments to the 2004 Class 4 venue policy concerning the possible transfer of gaming machines from one venue to another. However, as stated, I do not understand that that was the consideration and rejection of circumstances relevant to clubs caught by section 98(c) and wanting to use section 96 to obtain Ministerial approval. To be fair to Council officers who have given advice to date concerning the Club's present predicament after the adoption of the 2006 Class 4 venue policy, no one seems to have focussed (recently) on the unique and particular circumstances Parliament has specified and provided for in section 96 of the 03 Act. The 2006 Class 4 venue policy deals with section 95 circumstances which have been addressed. The 2006 propositions considered and rejected by Council involved as I understand matters, totally different circumstances. For example:

- the 2006 discussion applied to **all** Class 4 venues (not just clubs);
- the maximum machine numbers were **9** (not 18 as per section 96);
- section 96 was **not referred to** at all;
- there were severe specific geographical/location details;
- the concern and a significant reason for the rejection of these proposals was a **fear¹ of commercial tradeability** in venue/operation entitlements (completely inapplicable to not-for-profit clubs with rights under section 96).

While the CWMC application related to section 96, it is also clear from these factors that the Council never considered the type of situation the RSA finds itself in – a not for profit club needing a section 98(c) consent to allow it to reinstate machines that were below the maximum allowable, and that were in operation at the premises when the Council adopted its first policy/when the Gambling Act first came into effect, and

- Any intention to amend the policy to accommodate the decision – under section 102 of the Gambling Act 2003 the Council is required to review its Gambling Policy every 3 years. This means that the Gambling policy must be reviewed again next year, by November 2009. It is recommended that the Council identify that its intention is not to amend the policy at this time to accommodate its decision (if it decides to grant the application, but that during the upcoming review of the Policy the matter of section 98(c) consents being granted in this type of situation, and consents for the purposes of section 96 (as well as section 95) be considered as part of that review.

Alignment with LTCCP and Activity Management Plans

25. Page 113 of the LTCCP, level of service under democracy and governance.

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

26. As above.

4 Cont'd

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

27. Declining the application will align with some of the principles in the Council's Strong Communities strategy, but possibly not others, particularly if declining the application means the RSA will no longer be able to make grants to community groups in its area.

CONSULTATION FULFILMENT

28. The Council has an idea of community views generally in relation to gambling, although not in relation to this specific matter, as a result of submissions on the Gambling Policy in late 2006. In relation to internal consultation there has been liaison with the Inspections and Enforcement unit who administer consents under the Gambling policy.

STAFF RECOMMENDATION

That the Committee recommend to Council that it grant the Sumner-Redcliffs RSA (Inc.) territorial authority consent application under section 98(c) of the Gambling Act 2003 and that the Council resolve (in order to comply with section 80 of the Local Government Act 2003) that:

- (a) A territorial authority consent is granted to the Sumner-Redcliffs RSA (Inc.) under sections 98(c) and 100 of the Gambling Act 2003 and by applying section 80 of the Local Government Act 2002, for the Sumner-Redcliffs RSA (Inc.) to operate four gaming machines from its premises at 34 Wakefield Avenue, Sumner, Christchurch.
- (b) This decision is made in the knowledge that it is inconsistent with the Council's Gambling Venue and Totalisator Agency Board Venue Policy.
- (c) The reasons for the inconsistency are that when the Council adopted the Gambling Venue and Totalisator Agency Board Venue Policy in 2006 the situation which the Sumner-Redcliffs RSA (Inc) is in, was not a matter that was directly contemplated by the Council in developing the Policy. That is, where a not-for-profit club needs a section 98(c) consent to allow it to recommence operation of the same number of machines that were in operation at the premises when the Council adopted its first Gambling policy, because, although the Department of Internal Affairs granted a licence to the club on the basis of a section 98(d) consent issued by the Council it then cancelled the licence, so the club has no other options that would allow it to continue to operate its machines.
- (d) The Council does not intend to amend the Gambling Venue and Totalisator Agency Board Venue Policy to accommodate the decision at this time, however, when the Council reviews the Policy in 2009, the matter of section 98(c) consents for clubs, and for the purposes of section 96 (in addition to section 95), will be considered as part of that review.

5. PARKING ENFORCEMENT ISSUES ARISING FROM THE 2008 REVIEW OF THE TRAFFIC & PARKING BYLAW

General Manager responsible:	General Manager Regulatory and Democracy Services, DDI 941-8462
Officer responsible:	Inspections & Enforcement Unit Manager
Author:	Clive Morris, Parking Administration Team Leader

PURPOSE OF REPORT

1. The purpose of this report is to advise the Committee in relation to the Council's resolution of 19 June 2008, requesting staff to:
 - Review how adequate the Parking Enforcement current data collection system is in meeting the requirements to demonstrate nuisance issues when the Council reviews or considers making new bylaws.
 - Report back on a quarterly basis on the implementation and enforcement of the Traffic and Parking Bylaw 2008, including any requests for service.

EXECUTIVE SUMMARY

Adequacy of Parking Enforcement Data Collection as it relates to Parking Nuisances

2. The number of complaints/nuisances received by Parking Enforcement that fall outside either current legislation or bylaw offences is minimal. Information obtained from the Parking Enforcement Team indicates that approximately less than three complaints of this nature are received each week. As of 1 October 2008, instructions have been issued to the Customer Call Centre that any parking related complaint or nuisance that falls outside current legislation and bylaws are to be entered into the Request for Service system and forwarded to Parking Enforcement Team for collation. When the next quarterly report is provided to the Regulatory and Planning Committee, a more precise summary will be provided in regards to how many nuisances of this type are being reported. It is anticipated that the types of complaints or nuisance that fall outside current legislation and bylaws will include:
 - Persons sleeping in vehicles;
 - Advertising signs affixed to vehicles on a road; and
 - Caravans or motor homes parked for less than the allowable 7 day period under the current bylaw.

Quarterly Report on the Implementation and Enforcement of the Traffic & Parking Bylaw

3. As directed this report is the first of the quarterly reports to be provided to the Regulatory and Planning Committee for consideration. The timing of the quarterly reports will be as close to the months of October, January, April and July as the circulation of the Regulatory and Planning Committee agenda allows. This report serves as the quarterly report for October 2008.
4. The **attached** schedule of complaints (see Appendix 1) details the number of complaints received and enforcement action taken in relation to clauses 9, 10, 19, 20, 21, 22 and 23 of the Traffic & Parking Bylaw 2008 for the period 1 July 2008 through to 30 September 2008.
5. In relation to clauses 9 and 10, the attached schedule identifies the areas/streets where a number of complaints have been received in the reporting period.
6. Unless signage is installed, clauses 9 and 10 of the new bylaw currently remain unenforceable as an offence. Signage is required to enforce clauses 9 and 10 pursuant to Traffic Control Devices Rule 2004.

5 Cont'd

7. The Parking Enforcement Team, however, is proactively enforcing parking on grass berms and verges through other means. This is achieved through installing and enforcing no-stopping signs in areas such as around Hagley Park on Riccarton Avenue and Moorhouse Avenue. No-stopping signage has also been erected in Travis Road and Northcote Road for the purposes of protecting grassed areas. The attached schedule details the number of infringements issued for parking in these no-stopping areas (six so far in 2008). Please note that the disparity between the number of complaints received and the number of infringements issued is primarily due to the offending vehicle no longer being present at the time the officer attends to the complaint.
8. Enforcement as it relates to heavy vehicles parked in residential areas (clause 10) is being monitored but cannot be enforced until such time as the operational policy on heavy vehicles parking in residential areas is considered by the Regulatory and Planning Committee. The policy was considered by the Committee in November 2008 and accepted (with amendment) by Council on 27 November 2008.
9. Enforcement action as it relates to clauses 19, 20, 21, 22 and 23 can only be pursued by way of prosecution. This is because those clauses contained in Part 5 of the Traffic and Parking Bylaw 2008 were made pursuant to the Local Government Act 2002. There is no infringement (ticket) regime currently in place for bylaw offences created pursuant to the Local Government Act 2002. A separate report was prepared by Legal Services detailing the options available that might allow for an infringement regime for these offences. This report was considered by the Committee and accepted (with amendment) by Council on 30 October 2008.
10. Where prosecution is the Council's only option, such action is determined with reference to the Solicitor General's guidelines on prosecution. Those guidelines demand that before matters are pursued by way of prosecution, consideration must be given to the evidence available to substantiate the charge and whether, in each individual case, it is in the public interest to pursue the matter through the criminal courts. The general duty placed on enforcement agencies pursuant to the Solicitor General's guidelines demands a consideration of whether the individual matter warrants the intervention of the criminal law. Given the relatively low-level nature of the offences created under the bylaw (as compared with general criminal matters), it is implied through the Solicitor General's guidelines that wherever appropriate, warnings should be given to offenders prior to enforcement agencies resorting to the criminal courts for resolution. As such, and in response to the fact that clauses made under Part 5 of the Traffic and Parking Bylaw 2008 do not carry the option currently to issue an infringement notice, Parking Enforcement have started to collate data on warnings issued for breaches of those offences. The authority to take prosecution action currently rests solely with the Inspections and Enforcement Unit Manager. Operational instructions issued by the Inspections and Enforcement Manager to the Parking Enforcement Team require any individual who has been issued with two warnings in relation to clauses 19, 20, 21, 22 and 23 be brought to the Team Leaders attention for consideration as to whether it is in the public interest to pursue a prosecution.

FINANCIAL IMPLICATIONS

11. There are no financial implications arising out of this report.

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

12. Not applicable.

LEGAL CONSIDERATIONS

13. There are no legal considerations arising out of this report.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Not applicable.

5 Cont'd

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

15. Not applicable.

CONSULTATION FULFILMENT

16. No public consultation has been undertaken in relation to this report, however the matter has been consulted internally with the Transport and Greenspace Unit.

STAFF RECOMMENDATION

It is recommended that the Committee:

- (a) Receive this report for information.
- (b) Approve the format and content of this report for future reporting on a quarterly basis.

6. TERMS OF REFERENCE FOR HERITAGE REVIEW

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager Liveable City
Author:	Ingrid Gunby, Strategy Advisor

PURPOSE OF REPORT

1. To get Regulatory and Planning Committee and Council approval of the Terms of Reference for a strategic review of the Council's approach to heritage protection.

EXECUTIVE SUMMARY

2. The Council resolved at its meeting on 29 May 2008 that the Council should "give urgent priority to developing a strategy for the retention of heritage buildings in our city". This resolution reflects concerns about the ongoing threats to the city's heritage and a desire to respond to these threats more actively and effectively.
3. The importance of preserving the city's built heritage is recognised in a number of Council policies and strategies, and in the Christchurch City and Banks Peninsula District Plan. The Council currently uses a variety of tools to help protect and manage that heritage—including incentive grants for conservation and maintenance, line-item funding for specific heritage projects, covenants, and the provision of specialist advice, as well as regulation (see Attachment 2). The Council, however, has not clearly defined either its strategic heritage objectives, or the scope of its role in heritage protection and management.
4. The listings in the City and District Plan do identify around 900 significant buildings and other items, but regulation through the Plan cannot provide effective protection for heritage buildings in the absence of a viable economic use being found for them. Continued use of -and finding *new* uses for- these buildings is made more challenging by maintenance costs, and in particular by the cost of, and complex regulatory processes associated with, upgrading buildings to meet Building Code requirements, especially those relating to seismic strengthening. Furthermore, an approach focused on listing and regulating activities relating to individual heritage items will not address community concerns about the loss of historic character, or capitalise on this character as the city, and surrounding settlements, develop.
5. Success in retaining the city's built heritage will ultimately depend on the systematic integration of heritage management into the Council's wider approach to the city's development, and in particular on facilitating the adaptive reuse of both listed heritage and character buildings. As the Greater Christchurch Urban Development Strategy (UDS) is translated into programmes for central city revitalisation and urban intensification, the Council's approach to heritage needs to be aligned with this work
6. An agreed, integrated approach is needed, that:
 - (a) Defines the Council's strategic heritage objectives, and the Council's role in achieving these;
 - (b) Identifies the most effective "toolkit" of regulations, incentives and other approaches to achieve these objectives and priorities; and
 - (c) Integrates the management of heritage with the achievement of the Council's wider strategic objectives for urban development, intensification, and central city revitalisation.

Terms of Reference are attached (Attachment 1) for a strategic review of the Council's heritage policy and approaches, that will lead to a recommended package of changes to heritage policies, incentive schemes, District Plan provisions and regulatory processes. This review would not focus on identifying new items for regulatory protection, but rather on the value of our heritage and how best to achieve good heritage outcomes. It would be carried out between December 2008 and December 2009, with a final report to the Regulatory and Planning Committee and then to the Council in November-December 2009.

6 Cont'd

7. A number of related projects are currently underway or proposed, including the Heritage Plan Change, Central City Revitalisation, the Strategic Intensification Review, the Incentives Policy investigation, and the review by 2010 of the Earthquake Prone Buildings Policy. Attachment 1 also shows the relationship between the Heritage Review and these other projects.

FINANCIAL IMPLICATIONS

8. The review can be undertaken within existing budgets.

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

9. Yes.

LEGAL CONSIDERATIONS

10. The decision to undertake a policy review has no legal implications.

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

11. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. The review aligns with the 2006-16 and draft 2009-19 Activity Management Plan for Heritage Protection, in that it would establish the overall framework within which to pursue the initiatives identified in the Plans. Some performance targets in the 2009-19 Plan might need to be revisited in the light of the review's recommendations, however.

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

13. See above.

ALIGNMENT WITH STRATEGIES

14. The policy review would ensure that the Council's approach to heritage management is internally consistent, and aligned with other Council strategies such as the Greater Christchurch Urban Development Strategy and the Central City Revitalisation Strategy.

Do the recommendations align with the Council's strategies?

15. See above.

CONSULTATION FULFILMENT

16. No consultation is required at this stage, but given the considerable public and stakeholder interest in heritage issues, it is proposed that there be two phases of consultation during the review. The first, focussed on identifying the issues and options, would involve key stakeholders, including Community Boards, selected property owners and developers, and heritage interest groups. This would take place in February-March 2009. The second, wider, phase of consultation would be undertaken in August-September 2009 once the draft priorities and approaches have been identified. A communications plan is currently being prepared.

STAFF RECOMMENDATION

That the Regulatory and Planning Committee recommend to the Council that it approve the attached Terms of Reference for a review of the Council's strategic heritage objectives and its approaches to heritage protection and management, to be undertaken between December 2008 and December 2009.

6 Cont'd

BACKGROUND (THE ISSUES)

17. The Council resolved at its meeting on 29 May 2008 that the Council should “give urgent priority to developing a strategy for the retention of heritage buildings in our city”. The immediate impetus for the resolution was the decision that Council would retain Grubb Cottage, and fund the conservation, stabilisation and future maintenance of the building, rather than continuing to pursue the transfer of the property to another owner as was envisaged when it was purchased using the Historic Places Fund in 2006.
18. The Grubb Cottage process highlighted a number of issues with the Council's current approach to managing the City's heritage. In particular, it raised questions about:
 - (a) Processes for identifying and prioritising heritage buildings (and other items) for protection, including the need for a realistic assessment of the economic viability of different protection options; and
 - (b) How best to use the available resources, and policy mechanisms, to achieve not just the protection of individual properties, but the Council's overall heritage objectives.

These heritage objectives need to be considered in the light of its wider social, cultural and city development objectives, including the need to retain and enhance the historic character—which is mostly not listed—of the central city, suburbs and smaller settlements as they grow and redevelop.

Legislative Context

19. The Resource Management Act 1991 (RMA) requires territorial authorities to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development, as a matter of national importance, and defines “historic heritage” as including historic sites, structures, places and areas; archaeological sites; sites of significance to Maori, including wahi tapu; and surroundings associated with these.
20. The RMA does not require the blanket protection of historic heritage, but rather its protection from *inappropriate* subdivision, use, and development. Thus, local authorities need to determine:
 - (a) The nature of the heritage resource in their area,
 - (b) What would constitute sustainable management of the resource: that is, what use or development is and is not appropriate, and
 - (c) The most efficient and effective ways of achieving those sustainable management objectives.

The RMA does not assume that regulation through a district plan will be the sole —or even the primary—tool for managing heritage. Rather, it envisages a range of non-regulatory methods—for example, education to increase public awareness of the value of heritage; the direct provision of services, such as the ownership and management of some heritage properties; and incentives for property owners —being used alongside regulation to achieve the sustainable management of heritage.

21. What counts as “heritage”, and what use or development of it is appropriate, are to some extent subjective judgements. Processes for public input into district plan processes offer one opportunity for the community to express its views on heritage issues and priorities. The Community Outcomes process under the Local Government Act 2002 (LGA) is another way in which the community could identify the heritage outcomes that it considers important, although to date Community Outcomes across New Zealand have tended not to be sufficiently detailed to provide much guidance on community views of heritage issues.

6 Cont'd

22. The Councils' approach to heritage management must also take into account (1) the fact that resources (both public and private) are limited, and (2) the need to distribute the costs and benefits of heritage protection fairly between property owners and the wider community. There is relatively little scope to protect most heritage properties in the absence of a viable economic use being found for them. Furthermore, Building Code requirements, especially those relating to seismic strengthening, can impose high costs on heritage property owners, and so reduce the economic viability of these buildings. Although the Building Act 1991 allows councils to waive some code requirements where full compliance would result in a major and unacceptable loss of heritage value, the Christchurch City Council's policy is that heritage buildings should be as close as practicable to full code compliance (66% or, occasionally, 50%).

Issues for Christchurch City Council

Identification of the historic heritage resource

23. In Christchurch, what counts as historic heritage is defined, in effect, through inclusion in the Christchurch and Banks Peninsula District Plan's list or inventory of heritage buildings, places and objects. There are just under 600 items listed in Christchurch, and around 300 on Banks Peninsula, and they are grouped according to their heritage significance, establishing de facto priorities for heritage protection efforts.
24. The listings have shortcomings. They reflect somewhat ad hoc processes of identification of items over a number of years, and they were not prepared on a consistent basis across Christchurch and Banks Peninsula. As a consequence, some aspects of our history are much more heavily represented in the listings than others: churches and large homesteads, for example, feature much more prominently than industrial heritage and workers' accommodation. Archaeological and Maori sites may also not be appropriately represented in the listings. Furthermore, the listings are largely of single items, so do not address either settings or the wider issue of heritage areas.

The Council's heritage objectives and priorities

25. Before deciding what, if any, changes should be made to the heritage listings, it is necessary to consider (1) what heritage means for the City and Banks Peninsula, (2) what objectives we should have for the management of our heritage, and (3) whether regulation via listing and Plan rules is the most effective way to achieve these objectives.
26. The Christchurch Community Outcomes express a desire to protect our heritage for future generations. To date, however, the Council has defined its heritage objectives in only the most general terms:
- The Christchurch City Plan has only one heritage objective: "the conservation and restoration of heritage items and values" (4.3). This objective is to be achieved primarily through policy 4.3.1, which seeks "to identify and provide for the protection of heritage items having regard to their significance", and secondarily by increasing awareness of heritage values (4.3.4) and providing assistance to owners of heritage buildings (4.3.5). The outcomes anticipated are broadly described as the "identification and protection" of heritage items, public awareness of their value, and "the responsibility of owners in their protection".
 - The Banks Peninsula section of the plan also has very broad cultural heritage objectives and policies, although it does single out areas of significance to local runanga, waahi tapu, and the preservation of the historical character and streetscape of the Akaroa township, and (in the Residential Conservation Zone chapter) of the Lyttelton and Akaroa residential areas, as of particular importance.
 - The Heritage Conservation Policy (1998; partially updated 2007), sets out broad heritage management "policies" but many are no more than high level goals, such as "to research Christchurch's heritage buildings, places and objects".
 - The *Heritage Values + Vision + Mission* statement, endorsed by the Council in 2004, is a high-level statement of why we value our tangible and intangible cultural heritage, and of the ideal heritage management approach to which we might aspire.

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- The Greater Christchurch Urban Development Strategy (2007) identifies maintaining and protecting the heritage values of established suburbs, rural towns and settlements, as an aspect of the enhanced sense of place it seeks to promote for its communities. The UDS recognises that development can mean the loss of individual heritage items, original settlement patterns, and archaeological sites, but also sees opportunities, through carefully managed change, to enhance heritage townscapes.
27. The approach indicated in the UDS recognises that historic character is an asset: effective management of it promotes cultural and social wellbeing, as well as delivering economic benefits. The protection of significant heritage buildings and other items and places is important in itself, but it is also part of a wider set of strategic objectives. For example, capitalising on historic character is a key element of the Council's strategy for the central city, and it is likely to be an important factor in the success of urban intensification and in the future development of Lyttelton and the communities of the Akaroa Harbour Basin.
 28. Between 1995 and 2007, 21 listed heritage buildings and other items were demolished or removed from the Christchurch City Plan register for other reasons. None were Group 1—the most significant category—and most were from Group 3 or 4. An average of less than two losses per year from a total of nearly 600 items might—or might not—be considered acceptable, but it should be remembered that the listings do not necessarily reflect any clear strategic objectives, and that this period has also seen incremental change in older areas of the city, through suburban infill, intensification in the inner city and inner suburbs, and the redevelopment of commercial and residential sites. A focus only on individually-listed heritage properties is unlikely either to address ongoing community concerns about the loss of the city's heritage, or to capitalise on Christchurch's unique character.

The Council's current approach to heritage management

29. As is the case with many other local authorities, the cornerstone of the Council's approach to heritage management at present is listing and regulation through the City and District Plan, and its efforts to improve the effectiveness of heritage protection have accordingly focused on improving the Plan objectives, policies, and rules. In 2005, in response to a range of concerns about the current heritage provisions in the Christchurch City Plan, the Council released an Issues and Options paper discussing possible changes to these provisions. The primary aim of the recommended Plan Change was to make the Plan's heritage objectives and policies more detailed, specific and directive; it also introduced GIS mapping of all properties, included a more comprehensive list of heritage items, simplified the grouping of listed heritage items, and refined regulatory control of activities, particularly "partial demolition" and "alteration" of buildings. It deliberately did not address issues of areas of historic significance, or archaeological or Maori sites.
30. While the proposed Change would address many problems with the existing Plan provisions (although at present only for Christchurch), it would not address the wider questions of what Council's heritage objectives and priorities are, how these relate to its overall vision for the Christchurch and Banks Peninsula, and how it can use the range of methods at its disposal, in a co-ordinated way, to achieve them.
31. Christchurch City Council currently uses a large number of non-regulatory methods to help retain and preserve heritage buildings and other items (see Attachment 2). These include incentive grants for conservation and maintenance, a revolving fund for the purchase and on-sale of threatened buildings, line-item funding for specific heritage projects, covenants, reimbursement of some fees, research, education and advice. The Council also owns a number of heritage properties, which are used for a range of purposes.

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32. These non-regulatory measures have evolved in a somewhat piecemeal fashion over time, and like the City Plan regulations they largely focus on the protection of individual listed items—although the Council does also have grants available to assist with the external maintenance of character houses. They have tended to be largely reactive, and the total package of measures—both regulatory and non-regulatory—has not been assessed as a whole in the light of how the Council is aiming to balance protection, re-use and development, or in relation to its overall strategic objectives—for example, central city revitalisation and urban intensification. The draft 2009-19 Heritage Protection Activity Management Plan signals an intention to become involved in more active partnerships with owners of listed buildings—such as the High Street and New Regent Street initiatives—although at present only one such initiative is expected to be completed every eight years.

Risks of current approach

33. Under the Council's current approach, there are risks that:
- (a) The Council may not have identified what is important, and why—not just as heritage buildings, places and other items in and of themselves, but as part of a vision for the city's development;
 - (b) There will continue to be inconsistencies between approaches and outcomes in Christchurch and Banks Peninsula;
 - (c) We may fail to capitalise on our heritage assets—for example, where there is incremental erosion of strategically significant historic *areas* of the city and smaller settlements;
 - (d) The Council may be expected, by some sections of the community, to protect everything that has been identified as part of the heritage resource, as well as many "character" but non-listed buildings and other items;
 - (e) Both the Council and the community may have underestimated the resources required to meet these community expectations;
 - (f) The Council's resources may not be used in the most efficient and effective way to protect the heritage items and values that matter most.

THE OBJECTIVES

34. The Council needs to:
- (a) Determine its strategic heritage objectives and priorities, and its own role in achieving these;
 - (b) Identify the most effective package of regulations, incentives and other approaches to achieve these objectives and priorities; and
 - (c) Integrate its management of heritage with the achievement of its wider strategic objectives for urban development, intensification, and central city revitalisation.

RECOMMENDED APPROACH

35. To achieve the objectives in paragraph 34, staff recommend a review of the Council's heritage policy and approaches be undertaken, that would:
- (a) Identify current significant heritage issues in Christchurch and Banks Peninsula, in the context of the Council's wider strategic objectives;
 - (b) Identify key risks and opportunities—again, in the context of the Council's wider strategic objectives;
 - (c) Review how other councils around the country are addressing similar heritage issues;
 - (d) Assess how the Council's current approach to heritage protection and management could be improved, in the light of the issues, risks and opportunities;
 - (e) Recommend a package of changes to policies, services provided directly by Council, incentive schemes, City and District Plan provisions and regulatory processes as required; and
 - (f) Identify key pieces of further work as needed.

6 Cont'd

This review—Terms of Reference for which are attached (Attachment 1)—would be focused on the key risks and strategic opportunities for the Council, and on its role and resources. It would be undertaken from December 2008 to December 2009, and could be completed within existing budgets.

36. The Heritage Plan Change that has been prepared (see paragraph 29) is currently around six months away from being notified. Although some elements of the Plan Change are strictly technical—in particular, the introduction of GIS mapping of listed items—it is difficult to separate the technical from the more policy-related provisions. Staff therefore recommend that the Plan Change should not proceed until the heritage review is complete and the Council's overall approach to heritage protection and management, both through the Plan and outside it, is resolved.

7. **PLANNING ADMINISTRATION MONTHLY REPORT FOR OCTOBER 2008**

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Environmental Policy and Approvals Manager
Author:	John Gibson, Planning Administration Manager

PURPOSE OF REPORT

1. This is the second report to the Regulatory and Planning Committee to provide the Committee with information about resource consent applications received and processed by the Planning Administration and Subdivision teams. It contains information for six months, May to October 2008.
2. The report contains the following information:
 - The number of applications processed for the review period and the year to date (attached - **Appendix 1**).
 - Notified and limited notified applications which went to hearing during the review period 2008 (attached - **Appendix 2**)
 - Current appeals (attached - **Appendix 3**).
 - Monthly decision of interest (attached - **Appendix 4**).

EXECUTIVE SUMMARY

3. This report is designed to keep the Regulatory and Planning Committee and Community Boards apprised of Resource Management Act matters and issues actioned by the Environmental Policy and Approvals Unit.
4. It identifies notified and limited notified applications which went to hearing in the months under review as well as current appeals against decisions made.
5. It is intended that the information contained within this report is expanded when our ability to extract information from electronic systems increases. Feedback on what is included and what the Committee would like to see contained in further reports is welcome.

FINANCIAL IMPLICATIONS

6. Not applicable.

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

7. Not applicable.

LEGAL CONSIDERATIONS

8. The information provided in this report is held as public information. It is readily accessible and not legally privileged.

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

9. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Not applicable.

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

11. Not applicable.

7 Cont'd

ALIGNMENT WITH STRATEGIES

12. This report aligns with the Environmental Policy and Approvals Communication Strategy.

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Committee receive this report for information.