

**AKAROA-WAIREWA COMMUNITY BOARD
AGENDA**

WEDNESDAY 7 APRIL 2010

AT 9.30AM

**IN THE BOARD ROOM OF THE
AKAROA SERVICE CENTRE,
78 RUE LAVAUD, AKAROA**

Community Board: Stewart Miller (Chairman), Bryan Morgan (Deputy Chairman), Jane Chetwynd, Claudia Reid, Pam Richardson and Eric Ryder.

Community Board Adviser

Liz Carter

Phone: 941 5682 DDI

Email: liz.carter@ccc.govt.co.nz

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1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES – 10 MARCH 2010**

The minutes of the Board's ordinary meeting of Wednesday 10 March 2010 are **attached**.

STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting held on 10 March 2010 be confirmed.

3. DEPUTATIONS BY APPOINTMENT

4. PRESENTATION OF PETITIONS

5. NOTICES OF MOTION

6. CORRESPONDENCE

7. RESERVE MANAGEMENT COMMITTEE MINUTES

7.1 ROBINSONS BAY RESERVE MANAGEMENT COMMITTEE – 18 MARCH 2010

The minutes of the Robinsons Bay Reserve Management Committee meeting of 18 March 2010 are **attached**.

STAFF RECOMMENDATION

That the Board receive the minutes of the Robinsons Bay Reserve Management Committee meeting held on Thursday 18 March 2010.

7.2 DUVAUCHELLE RESERVE MANAGEMENT COMMITTEE – 8 FEBRUARY 2010

The minutes of the Duvauchelle Reserve Management Committee meeting of 8 February 2010 are **attached**.

STAFF RECOMMENDATION

That the Board receive the minutes of the Duvauchelle Reserve Management Committee meeting held on Monday 8 February 2010.

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8. AKAROA HARBOUR ISSUES WORKING PARTY MINUTES – 9 FEBRUARY 2010

The minutes of the Akaroa Harbour Issues Working Party meeting are **attached**.

STAFF RECOMMENDATION

That the Board receive the minutes of the Akaroa Harbour Issues Working Party meeting held on 9 February 2010.

9. **AKAROA DESIGN AND APPEARANCE ADVISORY COMMITTEE – EXTRAORDINARY VACANCY AND TERMS OF REFERENCE**

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Community Board Adviser Liz Carter

PURPOSE OF REPORT

1. The purpose of this report is for the Board to:
 - (a) Consider applicants to fill an extraordinary vacancy and to appoint an additional consultant to the Akaroa Design and Appearance Advisory Committee.
 - (b) Consider an amendment to the Terms of Reference of the Akaroa Design and Appearance Advisory Committee to allow for an additional consultant to be appointed.

EXECUTIVE SUMMARY

Membership

2. The Akaroa Design and Appearance Advisory Committee (the Committee) is a committee of the Akaroa-Wairewa Community Board. There has been an extraordinary vacancy on the Akaroa Design and Appearance Advisory Committee since the resignation of Mr Peter Beaven in January 2010. Mr Beaven previously held the position of one of the two consultants appointed to the Committee.
3. There is only one vacant position on the Committee, however Council planning staff believe it would be beneficial to have a “reserve consultant” who would be willing to fill in if one of the other consultants were unable to attend a meeting. This would mean that there was a greater chance of having two consultants in attendance at every meeting of the Committee.
4. Staff have made approaches to two Christchurch based architects, who have relevant areas of expertise, asking if they would be interested in filling the vacancy, and/or acting as the reserve consultant. The two architects are:

William Fulton

Mr Fulton is an architect in practice with Stewart Ross, (Fulton Ross Team Architects) which was established in 2007. Prior to this he worked with Mr Ross (Stewart Ross TA) from 2002-2006. He is currently involved in a range of projects from new houses, alterations and additions, heritage buildings and the University of Otago Medical School in Christchurch.

Mr Fulton moved to Christchurch in 2000 and worked as a Conservation Architect for the Christchurch City Council Urban Design/Heritage team from 2000-2002. While working on many heritage buildings his main project was coordinating the High Street upgrade.

Prior to this Mr Fulton lived on the West Coast working for Gary Hopkinson TA from 1994-1999. During this time he was a member of Heritage Hokitika and involved with the restoration of the Carnegie Building which became the towns Visitor Centre and Museum entrance.

Mr Fulton became a registered Architect in 1997. He graduated with a Bachelor of Architecture from Victoria University in 1994, following a Post Graduate Diploma of Landscape Architecture (Lincoln University) in 1990, and a Bachelor of Building Science (Victoria University) in 1987. He spent some time traveling and working as a Landscape Architect in Scotland between 1990 and 1992.

Mr Fulton is currently working on the Grubb Cottage Restoration project, and has advised the Council on St Johns Church and the Harbourlight building in Lyttelton. In the past he has also been involved with design work at Annandale, Pigeon Bay. While he has not had direct involvement with projects in Akaroa, he is an occasional visitor and familiar with the area, its history and landscape.

Mr Fulton is willing to accept appointment as a consultant to fill the extraordinary vacancy.

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Philip Kennedy

Mr Kennedy has conducted his own architects practice in Christchurch since 1978 (Kent, Kennedy and Childs) and in that time has developed a reputation for producing sensible (but not unimaginative) buildings that are sensitive to their built and natural environment.

Mr Kennedy has received eight New Zealand Institute of Architects architectural awards for his buildings and also others including the national Carter Holt Harvey Environmental award. He is aware that the Council has held up examples of his work as being suitable models for urban design.

Mr Kennedy believes that Akaroa has a character which is unique and which should be nurtured, and he would be pleased to be a part of the Committee if it can assist in this aim.

Mr Kennedy is willing to accept appointment as a consultant on the Committee.

Terms of Reference

5. Currently Clause 3 of the Terms of Reference for the Committee states that the composition of the Committee will be:

Composition of Committee

One Akaroa-Wairewa Community Board member

One Community Representative ¹

One Akaroa Civic Trust nominee

Two consultants ²

The Chairman of the Akaroa-Wairewa Community Board (ex-officio member)

¹ *The position of Community Representative will be publicly advertised, seeking expressions of interest.*

² *The Community Board will seek the opinion of the Akaroa Civic Trust on the appointment of the consultants.*

6. There is no provision in the Terms of Reference for a "reserve consultant", however as previously noted, Council planning staff believe it would be beneficial to have an additional consultant who could be called on to attend meetings if necessary, to ensure that there is always at least two qualified experts in attendance. To be able to appoint an additional consultant, it will be necessary to amend the Terms of Reference for the Committee.

FINANCIAL IMPLICATIONS

7. There are financial implications involved, as the consultants are paid a mileage reimbursement and an honorarium for attendance at a meeting. These costs are covered within existing budgets.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. Yes – Provision is made in the 2009-19 LTCCP on pages 154 to 159, for Democracy and Governance.

LEGAL CONSIDERATIONS

9. Clause 30 of Schedule 7 of the Local Government Act 2002 (LGA) provides that a local authority/community board may appoint, discharge and/or reconstitute the committees, Subcommittees and any other subordinate decision-making bodies it considers appropriate. Any committee, subcommittee or other subordinate decision-making body "*is subject in all things to the control of the local authority [or read, community board], and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body*" (clause 30(3)).

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

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10. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Democracy and Governance – Page 155 of the 2009-19 LTCCP.

By making decisions for current and future community needs.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

12. Yes, as above, and also, indirectly, by responding to the needs of the community through the work that the committee carries out.

ALIGNMENT WITH STRATEGIES

13. A Well-Governed City

Our values and ideas are reflected in the actions of our decision-makers. Our decision-makers manage public funds responsibly, respond to current needs and plan for the future

14. Strong Communities

Promote participation in democratic processes

Do the recommendations align with the Council's strategies?

15. Yes, as above.

CONSULTATION FULFILMENT

16. Under the Terms of Reference for the Committee, it states that *"The Community Board will seek the opinion of the Akaroa Civic Trust on the appointment of the consultants."*

17. A letter has been sent to the Committee of the Civic Trust asking for its opinion on the two proposed appointees. An update on this will be provided verbally to the meeting.

STAFF RECOMMENDATION

It is recommended that the Board:

- (a) Amend Clause 3 of the Terms of Reference of the Akaroa Design and Appearance Advisory Committee to read:

Composition of Committee

One Akaroa-Wairewa Community Board member

One Community Representative ¹

One Akaroa Civic Trust nominee

Three consultants ² (A maximum of two to attend each meeting)

The Chairman of the Akaroa-Wairewa Community Board (ex-officio member)

¹ The position of Community Representative will be publicly advertised, seeking expressions of interest.

² The Community Board will seek the opinion of the Akaroa Civic Trust on the appointment of the consultants.

- (b) Appoint Mr William Fulton and Mr Philip Kennedy as consultants to the Akaroa Design and Appearance Advisory Committee.

10. PROPOSED ROD DONALD BANKS PENINSULA TRUST

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Manager
Author:	Nadine Daines, Solicitor, Legal Services Unit

PURPOSE OF REPORT

1. The purpose of this report is to provide the Community Board with a Draft Trust Deed and Draft Statement of Intent for the proposed Rod Donald Banks Peninsula Trust that is to be established by the Council. The documents are **attached** for the Community Board's consideration and comments.

EXECUTIVE SUMMARY

2. The Council has previously approved the establishment of a charitable trust to administer the funds received from the sale of endowment properties owned by the former Banks Peninsula District Council.
3. The Council also appointed a subcommittee to be responsible for preparing a draft trust deed and draft statement of intent for the proposed trust. The subcommittee elected seven people with interests in the Banks Peninsula area to develop a framework for the operation of the Trust. These people, the "Initial Trustees", have prepared the draft trust deed and draft statement of intent for the Trust. The subcommittee has approved these draft documents.
4. The Council requested that the draft trust deed and draft statement of intent be provided to the Banks Peninsula Community Boards for consideration. The documents are **attached** to this report for the Community Board's consideration and comments.

FINANCIAL IMPLICATIONS

5. As noted in previous Council reports in respect to the proposed Rod Donald Banks Peninsula Trust, the proceeds of sale of the Banks Peninsula District Council endowment properties have been held un-dispersed to date. The sale proceeds will be settled on the Trust when the Trust is established.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

6. The use of the proceeds of sale of the endowment properties was indicated in the 2004-14 LTCCP adopted by the Banks Peninsula District Council.
7. The funds have been held un-dispersed and are therefore available to be used for purposes consistent with the original endowments.

LEGAL CONSIDERATIONS

8. The Council has previously received legal advice that establishing a charitable trust to administer the funds for the benefit of the Banks Peninsula and Christchurch City communities is an acceptable use that is consistent with the purposes of the original endowments.

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

9. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

10. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. A special consultative procedure in respect to the establishment of the Rod Donald Banks Peninsula Trust was conducted in September and October 2007. The Hearings Panel reported back to the Council on 11 October 2007 and the Council adopted the Hearings Panel recommendations. The recommendations are discussed in further detail in the Background section of this Report.

STAFF RECOMMENDATION

13. (a) That the Community Board comment on the attached draft Deed of Trust and draft Statement of Intent of the proposed Rod Donald Banks Peninsula Trust.
- (b) That the Board note that any suggestions made by the Community Board will be considered before the Draft Trust Deed and Draft Statement of Intent for the Trust are submitted to the Council for approval.

BACKGROUND (THE ISSUES)

14. On 30 August 2007, the Council passed a resolution approving in principle the establishment of a charitable trust to administer funds obtained from the sale of endowment properties owned by the former Banks Peninsula District Council. The Council resolved that the purpose of the Trust should be to aid the maintenance and development of the natural and built heritage in the Banks Peninsula area, and to aid the maintenance and development of environmental and community based projects in the area. The Trust is dedicated to the memory of Rod Donald, to recognise his commitment to the Banks Peninsula area.
15. Consultation was carried out, as summarised in Clause 12 of this report.
16. The Hearings Panel recommended that the Council -
- (i) establish a charitable trust as a council-controlled organisation, for the purpose of administering the funds obtained from the sale of endowment properties owned by the former Banks Peninsula District Council;
- (ii) appoint a subcommittee comprising Garry Moore, Bob Parker and Sue Wells to attend to the formation of the Trust.
17. The subcommittee was asked to -
- (i) undertake further consultation with the communities affected by or with an interest in the proposed objects of the Trust;
- (ii) draft a Statement of Intent to be available for consideration by the Council in due course;
- (iii) consider the potential for increasing the level of Trust funds from sources other than (and in addition to) the funds obtained from the sale of the endowment properties;
- (iv) prepare a report for consideration by the Banks Peninsula Community Boards and the Council containing the subcommittee's recommendations in respect to the Deed of Trust and the Statement of Intent.
18. In April 2009 the subcommittee invited seven people with interests in the Banks Peninsula area to be "Initial Trustees" for the Trust. The role of the "Initial Trustees" is to conduct the groundwork required to establish the Trust and to represent the various communities with an interest in the proposed objects of the Trust. The "Initial Trustees" are Nuk Korako, Nicola Shirlaw, Simon Mortlock, Stuart Wright-Stow, Garry Moore, Claudia Reid and Stewart Miller. The "Initial Trustees" will be formally appointed as trustees when the Trust is settled.

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19. The “Initial Trustees” have now developed the objectives of the Trust and a framework for its operation in the future. The objectives and framework, which have been approved by the subcommittee, are set out in the Draft Trust Deed and Draft Statement of Intent attached to this Report. The Community Board’s views on the proposals are sought. Following Community Board consultation, the draft Trust Deed and draft Statement of Intent, amended as necessary, will be submitted to the Council for approval.

11. BRIEFINGS

12. COMMUNITY BOARD ADVISERS UPDATE

12.1 BOARD FUNDING BALANCES

Attached for members' information is the spreadsheet showing the balances for the Board's funding allocations for 2009/10.

12.2 MARCH UPDATE ON LOCAL CAPITAL PROJECTS

The March update on local capital projects will be circulated to members by email.

13. ELECTED MEMBERS INFORMATION EXCHANGE

14. QUESTIONS UNDER STANDING ORDERS