

**8. APPLICATION TO THE RICCARTON/WIGRAM 2009/10 DISCRETIONARY RESPONSE FUND – ILAM-UPPER RICCARTON RESIDENTS’ ASSOCIATION**

<b>General Manager responsible:</b>	General Manager Community Services, DDI 941 8607
<b>Officer responsible:</b>	Community Support Manager
<b>Author:</b>	Marie Byrne, Community Engagement Adviser

**PURPOSE OF REPORT**

1. The purpose for this report is to present a funding request from the Ilam-Upper Riccarton Residents’ Association for technical assistance with their submission to a notified resource consent application by Foodstuffs Limited.

**EXECUTIVE SUMMARY**

2. Foodstuffs Limited have submitted a notified resource consent for the construction of a supermarket and retail units at 47C and 57 Peer Street, Upper Riccarton. This site is part of the former Feltex factory site. The Ilam and Upper Riccarton Residents’ Association have made a formal submission against this and wish to receive funding towards technical expertise to assist them when they appear at the resource consent hearing.
3. The technical assistance they are seeking is from an independent planner and an independent traffic engineer.
4. The Association’s concern with the proposed development is over the size and proposed hours of the operation and the traffic that will consequently be generated. They are of the view that alongside the proposed Vision Senior development, this will be over development of the site. They have expressed concern that there are already two other supermarkets within a kilometre radius and this will be over supply.
5. The submission period has closed to the consent application. Council’s Senior Planner handling the consent, Clare Revell, advises that the hearing is expected to be held in March 2010 once further information requested has been received.
6. The Ilam-Upper Riccarton Residents’ Association is applying for \$7,000 from the Riccarton/Wigram 2009/10 Discretionary Response Fund. The total project cost is \$7,450. They have sought advice from the Ministry for the Environment about eligibility for the Ministry’s Legal Assistance Fund and have been advised that as this is for assistance at a Council hearing, not a court case, therefore they are not eligible for this fund.

**FINANCIAL IMPLICATIONS**

7. The Association has already incurred costs of \$450 for this project and are seeking \$7,000 from the Discretionary Response Fund. They have been advised that the costs for a planner will be \$3,500 and a similar amount for a traffic engineer.
8. The Association has just over \$2,000 in their bank account; \$450 is tagged for their costs already incurred, \$200 for their annual barbecue costs, and \$300 is for their administration costs. The latter two amounts were funded by the Riccarton Wigram Community Board from 2009/10 Strengthening Communities and Small Projects Funds respectively.
9. Under the Strengthening Communities Strategy, the Community Board Discretionary Response Fund is one of the Council’s grant funding schemes. This funding request meets the criteria set out for Discretionary Response Funding.
10. At time of writing this report the Riccarton/Wigram Discretionary Fund had an unallocated balance of \$408

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

11. From page 184 of the LTCCP, under Community Funding the Riccarton Wigram Community Board has discretionary funds for allocation during the 2009/10 financial year.

## LEGAL CONSIDERATIONS

12. Advice has been sought from the Council's Legal Services Unit. Regard should be taken to Peter Mitchell's memo to elected members of May 2008. Part 1 states;

1. *"That it shall in general be the Council's policy not to make specific grants to individuals or community groups to assist them in making submissions / appeals on applications or scheme changes under the Resource Management Act 1991. Any exception to that policy shall be by specific resolution of the Environmental Committee, and only in circumstances where it is warranted in the wider public interest, or because of Council ownership of land, or because of particular circumstances applying."*

13. However the memo does go on to state:

2. *"That this policy shall not debar Community Boards from making grants from their discretionary funds to recognised community residents groups within their area."*

*Regarding number 2 it has been the practice of Community Boards since 1992 to make grants to resident groups for hearings either at Council level or at the Environment Court. Often those requests for grants are made in order to fund the payment by the residents group of expert planning advice or legal representation.*

*It should be noted that such payments are to be made to "recognised community residents' groups" within a Board area. I take this to mean the groups recognised by a Community Board in respect of the Council's "Residents' Association - Formation and Recognition Policy".*

*If the Community Board decides to make such a grant then it is funded from the \$60,000 per annum discretionary funding that the "City" Community Boards are provided by the Council.*

*Grants can be made by Community Boards for a Council level hearing and hearings in the Environment Court or the higher Courts.*

*Boards may be asked to make a grant for a hearing that has already occurred or for one yet to occur.*

*Where a grant is to be made for a Council level hearing that is yet to occur the Board needs to make it clear to the applicant for the grant that the Board's decision does not imply any view by the Board regarding the merit of the application. The Board will also need to make a judgement regarding the fact that a grant could be seen to be funding one group of ratepayers to contest an application usually made by another ratepayer.*

14. The Legal Services also states that while the group has applied for technical costs rather than legal costs, it is also arguable that the costs are for a legal process and in this case they could fall into the criteria of the Discretionary Fund which does state that legal costs shall not be eligible.

## ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Under the Community Grants Activity Management Plan, funding for this project aligns under the Community Grants Funding Priorities and Outcomes, but may not align with the Discretionary Response Fund guidelines.

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

16. As above.

#### **ALIGNMENT WITH STRATEGIES**

##### **Do the recommendations align with the Council's strategies?**

17. Funding for this project aligns with the Council's A Safe City and A Healthy City, Community outcomes as well as Healthy Environment and Liveable City strategic outcomes.

#### **CONSULTATION FULFILMENT**

18. Nil.

#### **STAFF RECOMMENDATION**

19. It is recommended that the Board approve the funding application to the Riccarton/Wigram 2009/10 Discretionary Response Fund and grant \$408 to the Ilam-Upper Riccarton Residents' Association for technical assistance with their resource consent hearing on the condition that this contributes to ongoing costs and is not used to repay costs already incurred.

(Note: That in making the grant the Board does not imply merit or otherwise to the Association's submission).