

**FENDALTON/WAIMAIRI COMMUNITY BOARD
AGENDA**

TUESDAY 13 SEPTEMBER 2011

AT 4PM

**IN MEETING ROOM 3
FENDALTON SERVICE CENTRE
CORNER JEFFREYS AND CLYDE ROADS**

Community Board: Val Carter (Chairperson), Cheryl Colley (Deputy Chairperson), Sally Buck, Faimah Burke, David Cartwright, Jamie Gough and David Halstead.

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

INDEX

- | | | |
|---------------|------------|---|
| PART C | 1. | APOLOGIES |
| PART B | 2. | PRESENTATION OF CERTIFICATE |
| PART C | 3. | CONFIRMATION OF MINUTES – 5 SEPTEMBER 2011 |
| PART B | 4. | DEPUTATIONS BY APPOINTMENT |
| | 4.1 | Richard Shaw – Kerb and Channel Update |
| PART B | 5. | PRESENTATION OF PETITIONS |
| PART B | 6. | NOTICE OF MOTION |
| PART B | 7. | CORRESPONDENCE |
| PART B | 8. | BRIEFINGS |
| | 8.1 | Johathan Hansen – Removal of Trees |
| | 8.2 | Clarrie Pierce – Western Motorway |
| PART A | 9. | REVIEW OF DELEGATIONS TO COMMUNITY BOARDS |
| PART C | 10. | CYCLE LANES AT KERBS – PROPOSED NO STOPPING RESTRICTION ON BLIGHS ROAD AND GREERS ROAD |
| PART C | 11. | APPLICATION TO BOARD’S 2011/12 DISCRETIONARY RESPONSE FUND – RICCARTON RACECOURSE BOWLING CLUB |

13. 9. 2011

- 2 -

- PART B 12. COMMUNITY BOARD ADVISER'S UPDATE**
12.1 Current Issues
12.2 Board Submission on Draft City Plan
12.3 Board Funding Update for 2011/12
- PART B 13. ELECTED MEMBERS INFORMATION EXCHANGE**
- PART B 14. QUESTIONS UNDER STANDING ORDERS**

1. APOLOGIES

Sally Buck and Faimeh Burke

2. PRESENTATION OF CERTIFICATE

The Chairperson, Val Carter, will present a Certificate of Appreciation, on behalf of the Board, to Tudor Owens for dedicated and long service as a police volunteer in the Community Police office based at Fendalton.

3. CONFIRMATION OF MEETING MINUTES – 5 SEPTEMBER 2011

The minutes of the Board's ordinary meeting of Monday 5 September 2011 will be **separately circulated** to members.

CHAIRPERSON'S OR STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting be confirmed.

4. DEPUTATIONS BY APPOINTMENT

4.1 RICHARD SHAW – CONSULTANT FOR NEW ZEALAND TRANSPORT AUTHORITY (NZTA)

Mr Richard Shaw, a consultant for NZTA will be in attendance to update the board on the kerb and channel renewals taking place shortly.

5. PRESENTATION OF PETITIONS

6. NOTICES OF MOTION

7. CORRESPONDENCE

8. BRIEFINGS

8.1 JONATHAN HANSEN – REMOVAL OF TREES ON NEW ZEALAND TRANSPORT AUTHORITY LAND

Jonathan Hansen, Arborist will be in attendance to brief the Board on the removal of trees on the New Zealand Transport Authority owned land during the proposed kerb and channel work being carried out on Russley Road.

8.2 CLARRIE PEARCE – WESTERN MOTORWAY

Mr Clarrie Pearce, Acting Team Leader – Project Management will be in attendance to introduce the Christchurch City Council staff who will be working with the New Zealand Transport Authority staff in connection with the Western Motorway

9. REVIEW OF DELEGATIONS TO COMMUNITY BOARDS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Legal Services Manager
Author:	Vivienne Wilson, Solicitor and Chris Gilbert, Legal Services Unit Manager

PURPOSE OF REPORT

1. The purpose of this report is to submit to each Community Board, for review, the current delegations from the Council. The current delegations are set out in **Attachment A and Attachment B**.

EXECUTIVE SUMMARY

2. On 9 June 2011, the Council resolved to delegate to Community Boards the matters set out in Attachment A. However, the Council also resolved that the Community Boards be asked to review the delegations and bring them back to the Council by November 2011.
3. This report sets out the terms of the current delegations to Community Boards. Each Community Board is asked to review the current delegations and identify any issues they may have with the current provisions.

LEGAL CONSIDERATIONS

4. The Local Government Act 2002 provides that "... for the purposes of efficiency and effectiveness in the conduct of a local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers" except for certain specified responsibilities, duties and powers. The Council is also able to impose any conditions, limitations or prohibitions on any delegations it may make.
5. The Local Government Act 2002 also provides that the Council must consider whether or not to delegate to a Community Board if the delegation would enable the Community Board to best achieve its role.
6. Section 52 of the Act defines the role of Community Boards as follows:
 - (a) *represent, and act as an advocate for, the interests of its community; and*
 - (b) *consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and*
 - (c) *maintain an overview of services provided by the territorial authority within the community; and*
 - (d) *prepare an annual submission to the territorial authority for expenditure within the community; and*
 - (e) *communicate with community organisations and special interest groups within the community; and*
 - (f) *undertake any other responsibilities that are delegated to it by the territorial authority.*
7. The Act provides that once a delegation has been made by the Council to a Community Board then that Board is legally able to make a decision within the delegations as if it were the Council itself. This means that decisions made by a Community Board within the delegations legally bind the Council. If a matter or issue does not fall within these delegations, as a default position, a decision on that matter or issue is one for the Council itself.

9. Cont'd

8. The Act provides that the Council itself cannot rescind or amend a decision made by a Community Board made under delegated authority. However, the Council can at any time amend or revoke a delegation so as to apply any future decisions.

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

9. Yes. The delegations comply with the Local Government Act 2002.

CONSULTATION FULFILMENT

10. Staff from the Legal Services Unit discussed the delegations with the chairs of each Community Board on 22 July 2011 at the Community Board Chair Forum. The Chairs raised a number of issues in relation to delegations set out below. Comments on those issues follow immediately after:

(a) *From time to time, Community Boards would like the opportunity to make, on their own account, submissions on notified resource consent hearings.* **Comment:** Following legal advice, the Council's position is that Community Boards are not able to make submissions on notified resource consent hearings on their own account unless this power has been delegated to them. The delegations currently provide that Community Boards have the power to make submissions on behalf of the Council, on applications for resource consents, to other territorial authorities or the Canterbury Regional Council, where the application is of particular concern to the local community.

(b) *Thought needs to be given to the role of Community Boards following the earthquakes, ie Suburban Recovery Planning.* **Comment:** At the 23 June meeting of Council, the Council considered a report outlining a proposed Suburban Centres programme. The aim of the Suburban Centres programme of work is to assist in the recovery and rebuild of earthquake damaged commercial centres through: assisting with planning, design and transport related matters; facilitating discussions with property owners and commercial ventures; and providing contact details for other agencies. The work programme consists of two streams of work:

- masterplans for the larger, more damaged centres; and
- case management for smaller centres

Prior to taking the 23 June report to Council, the Community Boards were individually consulted on the proposed work to ensure they were aware of this initiative and to provide an opportunity for discussion. Their feedback was sought on whether the centres identified in their area should be treated as masterplans or through case management.

There will be further opportunities for community involvement in the masterplan process. Each masterplan will have an approximately five month project design phase involving community and stakeholder engagement. The project aims to provide the stakeholders (including businesses, community groups and local residents) with information and an opportunity to engage and partake in the rebuild of centres. The process for developing each masterplan includes focus group discussions with key stakeholders, technical workshops, public meetings and elected member presentations. The outputs include an agreed vision and masterplan for each centre, together with an implementation plan.

9. Cont'd

- (c) *With respect to the Hagley/Ferrymead Community Board, could there be some explanation / justification for the approach of not permitting the Board to exercise its delegated functions in the Central City Area.* **Comment:** the Community Board delegations under the heading of "Roads, Parks and Leases" do not apply to that part of the Hagley/Ferrymead Community Board area situated within the "Central City Area" marked on the plan (Plan A) attached. Delegations for those "Roading and Parks issues" in that "Central City Area" are to be exercised by the Council with reports on those matters coming directly to the Council. Prior to the earthquakes in 2010 and 2011, the rationale for this approach was that the central city area was of metropolitan significance to the well-being and growth of the city as a whole. (This is currently recognised in the City Plan, the Central City Revitalisation Strategy and the Greater Christchurch Urban Development Strategy.) There was therefore a need to both consider issues within this area on a city-wide basis and to be able to respond without undue delay. It was considered that it would quicken the process for dealing with central city issues if matters went directly to the Council without first proceeding to the Board.
- (d) *The Community Boards would like to be involved at much earlier stage with respect to proposed Council works in reserves in their local areas. This relates to maintenance, renewals and capital projects.* **Comment:** The delegations currently provide that Community Boards have the powers of the Council (except the hearing of submissions/objections) in relation to preparation, review and change of management plans for reserves. Under section 41 of the Reserves Act 1977, management plans are to provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified. Management plans must also incorporate and ensure compliance with the principles set out in section 17, section 18, section 19, section 20, section 21, section 22, or section 23, as the case may be, of the Reserves Act for a reserve of that classification. .
- At present, reserve management plans are not in place for all reserves in the district, or some reserve management plans are at a high level. As reserve management plans are prepared or reviewed, there is scope for the plans to provide in more detail for proposed works. However, capex and opex expenditure are considered as part of the Annual Plan and Long Term Plan processes. Recent management plans have indicated that developments mentioned in the plans are dependent on the Long Term Plan process.
- (e) *Boards have the responsibility to make submissions on the Annual Plan. Six years ago, it was the practice for Boards to have input into the draft of the Annual Plan before it was consulted on. Can that be specified in the delegations?* **Comment:** There is a very tight timeframe each year for the preparation of the Annual Plan. It would be difficult to build in extra time for Community Boards to comment on the draft Annual Plan before it is signed off by the Council to start the formal consultation process. Once the special consultative procedure starts, Community Boards are able to participate fully in making a submission and providing quality feedback to the Council on the draft Annual Plan. It is acknowledged that under section 52(d) of the Local Government Act 2002, the role of Community Boards includes preparing an annual submission to the Council for expenditure within the community. However, it is considered that this role is ordinarily provided for in the current Annual Plan process.
- (f) *With abundance of local Reserve Management Committee on the peninsula, there is the opportunity when reserve planning takes place to involve all stakeholders – the Council, the Community Board and land owners. In general a clearer pathway is needed for consultation.* **Comment:** The Community Boards have specific delegated powers for local projects but not all local projects. This means that not all local projects will be referred to Community Boards for a decision. However, there is scope within the current delegations dealing with reserves and reserve management plans for discussions about reserve planning in the future, as discussed at paragraph (d) above.

9. Cont'd

- (g) *When matters are considered in public excluded before the Community Board, Board members are subsequently excluded from the public excluded part of the meeting when the matter comes before Council. Could this be clarified?* **Comment:** As you will be aware, under section 48 of the Local Government Official Information and Meetings Act 1987, the Council (and Community Boards) may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one a number of specified grounds. Under section 48(5), any such resolution may provide for one or more specified persons to remain after the public has been excluded if that person, or persons, has or have, in the opinion of the local authority, knowledge that will assist the authority. Section 48(6) states that the resolution must state the knowledge possessed by that person or those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to that matter. It would be open to the Council to resolve that members of a Community Board may stay in the public excluded part of the meeting if this is appropriate.

11. The comments from each Community Board will in due course be reported back to the Council. It is anticipated that before the Council considers the report with the Community Board comments there will be a workshop between the Councillors and Community Board members.

STAFF RECOMMENDATION

It is recommended that the Community Board consider each of its current delegations and indicate whether it would like to see any amendments.

9. Cont'd

BACKGROUND (THE ISSUES)

12. After each local authority election, it is the practice of the Council to reconsider and resolve the delegations it makes to the Community Boards. Following the disruption caused by the earthquakes on 4 September 2010 and 22 February 2011, the Council delegated various responsibilities, duties and powers to the Community Boards on 9 June 2011. However, the Council also resolved that the Community Boards be asked to review the delegations and bring them back to the Council by November 2011.
13. It should be noted that even though the Council did not resolve the delegations until 9 June 2011, the previous delegations continued in force over that period. There was no question that, in the interim, the Boards acted without delegated authority.
14. The current delegations, as set out in Attachment A, cover a wide range of matters, including financial delegations, roads, sale of liquor, resource management, parks, leases and other miscellaneous matters. There are some specific provisions relating to the Hagley/Ferrymead Community Board, the Lyttelton/Mt Herbert Community Board, and the Akaroa/Wairewa Community Board.
15. It should be noted that it has been the Council's procedure for many years that any exercise of the Board delegations must be within any policies or standards set by the Council. So if the Council has resolved a particular position then it is not open to a Community Board to make a decision which conflicts with that Council position.
16. Experience has also shown it is not feasible to write delegations which cover every permutation of a subject. The question may arise as of whether a matter falls within a Board's delegated authority.
17. To assist in these situations a decision on whether or not a Board has delegated authority on a particular matter will be a matter for joint decision by the General Manager, City Environment (as most matters are considered to be delegated are operational issues that fall within that group) and the General Manager Regulation and Democracy Services Manager. This is provided for in Attachment A.
18. Where there is a matter outside a Board delegation, such as a metropolitan facility which has a city wide impact but is situated in a particular Community Board area, and where the Board historically has taken an interest in the activities on that facility within their community, the issue has been addressed in the following way: a report on a particular matter involving the metropolitan facility is forwarded to the Community Board for comment before referring the final report to Council.
19. Following the report to Council on 9 June 2011, it has come to the attention of staff that there are some further delegations that have been made by the Council to Community Boards that have not been reflected in Attachment A. These delegations relate to the Council's Road Stopping Policy and are set out in **Attachment B**. The road stopping delegations were made on 9 April 2009 and are still in force. However, it would be desirable for these delegations to be contained in the Council's Delegation Register with the other delegations.

THE OBJECTIVES

20. The purpose of the review is to provide an opportunity for each Community Board to consider and comment on their current set of delegations with respect to any issues that they may have.

9. Cont'd

THE OPTIONS

21. There are two options;

Option 1 – consider the current set of delegations but provide no comments.

Option 2 - consider the current set of delegations and provide comments to the Council with respect to any issues the Board may have.

THE PREFERRED OPTION

22. The preferred option is option 2. The Council has expressed a desire for the Community Boards to review their current delegations and provide feedback to the Council.

10. CYCLE LANES AT KERBS – PROPOSED NO STOPPING RESTRICTION ON BLIGHS ROAD AND GREERS ROAD

General Manager responsible:	General Manager City Environment DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	George Kuek, Traffic Engineer - Transport

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approve the installation of 'No Stopping' lines at all cycle lanes that are adjacent to the kerb that are not currently marked with 'No Stopping' lines in the Fendalton/Waimairi Ward.

EXECUTIVE SUMMARY

2. Prior to 2004, lanes marked for cyclists were not legally recognised as special vehicle lanes and vehicles were able to park in them. To overcome issues with vehicles parking in these lanes 'No Stopping' lines were installed.
3. With the inclusion of cycle lanes as a special vehicle lane as part of the Land Transport Rule, Traffic Control Device 2004, vehicles are now prohibited from parking in cycle lanes. This meant that 'No Stopping' lines are no longer required as it is covered in the national road rules.
4. As a result, some cycle lanes have been installed without 'No Stopping' lines. Parking Enforcement Officers are now experiencing difficulties in carrying out enforcement against vehicles parked in the cycle lanes where 'No Stopping' lines have not been installed.
5. Installation of 'No Stopping' lines within cycles lanes will remove any confusion regarding parking within a cycle lane, improve safety for cyclists as well as for other road users, and will greatly increase the functionality of the cycle network.
6. Blighs Road has a speed limit of 50 kilometres per hour and runs between Wairakei Road and Papanui Road. Blighs Road is a collector road between Wairakei Road and Idris Road and a minor arterial between Idris Road to Papanui Road. There are existing cycle lanes on both sides of Blighs Road, and these cycle lanes have parking bays running alongside them, with kerb build-outs at the start and end of each parking bay. Some of the kerb build-outs already have 'No Stopping' lines marked. Staff are proposing 'No Stopping' restrictions along those kerb build-outs where there are currently no restrictions, as per **Attachment 1** and **Attachment 2**.
7. Greers Road is a 50 kilometre per hour collector road between Waimairi Road and Memorial Avenue and has existing cycle lanes on both sides of the road. 'No Stopping' lines have been marked in the cycle lanes where they run against the kerb on the inside of curves on the road, and near the main intersections with Waimairi Road and with Memorial Avenue. However, the 'No Stopping' lines in both cycle lanes near the Waimairi Road intersection are not sufficiently long and vehicles parking at the end of the 'No Stopping' lines have been blocking the cycle lanes. Staff are proposing that the 'No Stopping' lines be extended, as per **Attachment 3** and **Attachment 4**.
8. Vehicles are often observed parking on edge line tapers at intersections with side streets. Edge lines mark the edge of live traffic lanes on the main street, and vehicles parking on these edge line tapers cause both physical and sight line obstructions at the intersections. It is considered an opportune time to include in this report No Stopping restrictions at the edge line tapers on Greers Road, at its intersections with Tudor Avenue and with Chevron Place, as per **Attachment 4**.

FINANCIAL IMPLICATIONS

9. The estimated cost of this proposal is approximately \$350.

10. Cont'd

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

10. The installation of signs and road markings are covered by Transport and Greenspace Operational budgets.

LEGAL CONSIDERATIONS

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

11. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides Council with the authority to install parking restrictions by resolution.
12. The Community Boards have delegated authority from the Council to exercise the delegations as set out in the Register of Delegations. The list of delegations for the Community Boards includes the resolution of parking restrictions and traffic control devices.
13. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

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

15. As above.

ALIGNMENT WITH STRATEGIES

16. The recommendations align with the Council Strategies including the Parking Strategy 2003, Pedestrian Strategy 2001, Road Safety Strategy 2004 and the Safer Christchurch Strategy 2005.

Do the recommendations align with the Council's Strategies?

17. As above.

CONSULTATION FULFILMENT

18. No consultation has been undertaken in regard to the installation of the 'No Stopping' restrictions. This proposal is to formalise an existing situation, and the installation of broken yellow lines confirms to road users that they cannot park in cycle lanes and on edge line tapers. There is no change to road users or residents living adjacent to these sections of road.
19. The Officer in Charge - Parking Enforcement agrees with this recommendation.

STAFF RECOMMENDATION

It is recommended that the Fendalton/Waimairi Community Board:

Revoke the following:

- (a) The existing no stopping restriction at any time on the north side of Greers Road commencing at its intersection with Waimairi Road and extending in an easterly direction for a distance of 17 metres.

10. Cont'd

- (b) The existing no stopping restriction at any time on the north side of Greers Road commencing at a point 102 metres east of its intersection with Waimairi Road and extending in an easterly direction for a distance of 144 metres.
- (c) The existing no stopping restriction at any time on the south side of Greers Road commencing at its intersection with Waimairi Road and extending in an easterly direction for a distance of 34 metres.

Approve the following:

- (d) That the stopping of vehicles be prohibited at any time on the south side of Blighs Road commencing at its intersection with Papanui Road and extending in a westerly direction for a distance of 23 metres.
- (e) That the stopping of vehicles be prohibited at any time on the south side of Blighs Road commencing at its intersection with Tillman Avenue and extending in a westerly direction for a distance of 12 metres.
- (f) That the stopping of vehicles be prohibited at any time on the south side of Blighs Road commencing at a point 66 metres west of its intersection with Tillman Avenue and extending in a westerly direction for a distance of 29 metres.
- (g) That the stopping of vehicles be prohibited at any time on the north side of Blighs Road commencing at its intersection with Condell Avenue and extending in a westerly direction for a distance of 23 metres.
- (h) That the stopping of vehicles be prohibited at any time on the north side of Greers Road commencing at its intersection with Waimairi Road and extending in an easterly direction for a distance of 43 metres.
- (i) That the stopping of vehicles be prohibited at any time on the north side of Greers Road commencing at a point 91 metres east of its intersection with Waimairi Road and extending in an easterly direction for a distance of 155 metres.
- (j) That the stopping of vehicles be prohibited at any time on the south side of Greers Road commencing at its intersection with Waimairi Road and extending in an easterly direction for a distance of 43 metres.
- (k) That the stopping of vehicles be prohibited at any time on the south side of Greers Road commencing at its intersection with Tudor Avenue and extending in a westerly direction for a distance of 7 metres.
- (l) That the stopping of vehicles be prohibited at any time on the south side of Greers Road commencing at its intersection with Tudor Avenue and extending in an easterly direction for a distance of 9 metres.
- (m) That the stopping of vehicles be prohibited at any time on the southeast side of Greers Road commencing at its intersection with Chevron Place and extending in a southwesterly direction for a distance of 14 metres.
- (n) That the stopping of vehicles be prohibited at any time on the southeast side of Greers Road commencing at its intersection with Chevron Place and extending in a northeasterly direction for a distance of 21 metres.

11. APPLICATION TO THE BOARD'S 2011/12 DISCRETIONARY RESPONSE FUND – RICCARTON RACECOURSE BOWLING CLUB

General Manager responsible:	General Manager, Community Services Group, DDI 941-8607
Officer responsible:	Community Support Unit Manager
Author:	Duncan Innes, Community Grants Funding Team Leader

PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider an application for funding from its 2011/12 Discretionary Response Fund from Riccarton Racecourse Bowling Club for \$1,160.

EXECUTIVE SUMMARY

2. In 2011/12, the total pool available for allocation for the Fendalton/Waimairi Discretionary Response Fund is \$51,197. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
3. The purpose of the Fund is to assist community groups where the project and funding request fall outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
4. At the Council meeting of 22 April 2010, Council resolved to change the criteria and delegations around the local Discretionary Response Fund.
5. The change in criteria limited the items that the local Discretionary Response Fund does not cover to only:
 - (a) Legal challenges or Environment Court challenges against the Council, Council Controlled Organisations or Community Boards decisions;
 - (b) Projects or initiatives that change the scope of a Council project; and
 - (c) Projects or initiatives that will lead to ongoing operational costs to the Council.

Council also made a note that: *"Community Boards can recommend to the Council for consideration grants under (b) and (c)."*
6. Based on these criteria, the application from Riccarton Racecourse Bowling Club for shading system upgrade is eligible for funding. The Club has already applied to the Riccarton/Wigram Community Board for funding from their Discretionary Response Fund and a grant of \$1,740 was approved by the Board on 19 July 2011.
7. Detailed information on the application and staff comments are included in the attached Decision Matrix. (**Attachment 1**)

FINANCIAL IMPLICATIONS

8. There is currently \$51,197 remaining in the Board's 2011/12 Discretionary Response Fund.

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

9. Yes, see page 184 of the LTCCP regarding community grants schemes including Board funding

LEGAL CONSIDERATIONS

10. There are no legal considerations.

11. Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Aligns with LTCCP and Activity Management Plans, page 172 and 176.

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

12. Yes, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding.

ALIGNMENT WITH STRATEGIES

13. Refer to the attached Decision Matrix.

CONSULTATION FULFILMENT

14. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Fendalton/Waimairi Community Board approve a grant of \$1,160 from its 2011/12 Discretionary Response Fund to the Riccarton Racecourse Bowling Club towards the purchase of steel shade canopies.

12. COMMUNITY BOARD ADVISER'S UPDATE

12.1 CURRENT ISSUES

12.2 BOARD SUBMISSION ON THE DRAFT CITY PLAN

12.3 2011/12 BOARD FUNDING UPDATE

Attached

13. ELECTED MEMBERS' INFORMATION EXCHANGE

14. QUESTIONS UNDER STANDING ORDERS