



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 17 AUGUST 2006

AT 9.30AM

IN THE COUNCIL CHAMBER, CIVIC OFFICES

Council: The Mayor, Garry Moore (Chairperson).
Councillors Helen Broughton, Sally Buck, Graham Condon, Barry Corbett, David Cox, Anna Crighton,
Carole Evans, Pat Harrow, Bob Parker, Bob Shearing, Gail Sheriff, Sue Wells and Norm Withers.

| ITEM NO | DESCRIPTION |
|----------------|---|
| 1. | APOLOGIES |
| 2. | CONFIRMATION OF MINUTES - COUNCIL MEETING OF 10.8.2006 |
| 3. | DEPUTATIONS BY APPOINTMENT |
| 4. | PRESENTATION OF PETITIONS |
| 5. | CORRESPONDENCE |
| 6. | PUBLIC STREETS ENCLOSURES POLICY AND FEES CHARGED |
| 7. | SUBMISSION ON THE WASTE MINIMISATION (SOLIDS) BILL |
| 8. | LOCAL GOVERNMENT NEW ZEALAND: LOCAL GOVERNMENT ACT ROAD SHOW |
| 9. | SPENCER BEACH HOLIDAY CAMP: PROPOSED INCREASE IN CAMP CHARGES |
| 10. | EXTENSION OF WATER & SEWER OPERATION AND MAINTENANCE CONTRACT: CONTRACT 2004.02 – BANKS PENINSULA |
| 11. | CENTRAL PLAINS WATER TRUST RESOURCE CONSENT APPLICATIONS AND ASSESSMENT OF ENVIRONMENTAL EFFECTS REPORT |
| 12. | COUNCIL SUBMISSION ON PROPOSED AMENDMENTS TO NZS 8500: 2007 – SAFETY BARRIERS FOR YOUNG CHILDREN AROUND SWIMMING POOLS |
| 13. | CITY PLAN CHANGE - THE FERRYMEAD BUSINESS 4 ZONE |
| 14. | REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 28 JUNE 2006 |
| 15. | REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 19 JULY 2006 |
| 16. | REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 12 JULY 2006 |

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| ITEM NO | DESCRIPTION |
|----------------|--|
| 17. | REPORT BY THE CHAIRPERSON OF THE RICCARTON/WIGRAM COMMUNITY BOARD |
| 18. | REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 11 JULY 2006 |
| 19. | REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 19 JULY 2006 |
| 20. | REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 18 JULY 2006 |
| 21. | NOTICES OF MOTION |
| 22. | QUESTIONS |
| 23. | RESOLUTION TO EXCLUDE THE PUBLIC |

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1. **APOLOGIES**

2. **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 10.8.2006**
Attached.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PRESENTATION OF PETITIONS**

5. **CORRESPONDENCE**

6. PUBLIC STREETS ENCLOSURES POLICY AND FEES CHARGED

| | |
|-----------------------------|----------------------------------|
| Manager responsible: | Chief Executive |
| Officer responsible: | Transport and Greenspace Manager |
| Author: | Stuart McLeod |

PURPOSE OF REPORT

1. The purpose of this report is to “*report back to Council, together with an updated valuation report from a registered valuer engaged by the Council*” as resolved by the Council at its meeting on 3 August 2006, to enable the Council to consider the resolutions passed on 20 December 2005 based upon the Public Street Enclosures and Fees Subcommittee report dated 15 December and resolve whether to reaffirm the adoption of those resolutions.

ASSOCIATED DOCUMENTS TO BE CONSIDERED IN CONJUNCTION WITH THIS REPORT

2. The following associated documents are attached to this report:
 - Valuation report dated 10 August 2006 obtained by the Council from Mr R O Chapman (registered valuer) of FordBaker Valuation.
 - Revised guidelines and policy recommended by the Subcommittee.
 - Report of the Public Streets Enclosures and Fees Subcommittee and attachments thereto submitted to the Council meeting held on 3 August 2006.

EXECUTIVE SUMMARY

2. Having read and listened to the submissions made at the Council meeting on 3 August 2006, having considered the Council's valuation advice and having compared rental rates for other uses of public space within Christchurch, it is the view of Council officers that the application of the current methodology and percentage rates therein result in a rental that is fair and reasonable for the city including the Strip, as reflected in the Subcommittee recommendations adopted by the Council on 20 December 2005.
3. It sets a strong precedent that the majority of licensed bar, restaurant and café owners within Christchurch accept both the current policy and fee charging methodology.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The current budgeted rent from the 80 plus licences throughout the city is \$232,000. Any plus or minus adjustment of the percentage used to calculate rentals will have a subsequent flow on effect.
5. As this review and associated consultation commenced prior to the inclusion of Banks Peninsula it is considered that any resolutions made in respect of this matter should apply to the former Christchurch City area only. It is proposed that the previous Banks Peninsula policy remain in effect for that area until a review including consultation is undertaken, but that this should not give rise to revisiting any policy decision made for the “city” from this current process.

STAFF RECOMMENDATIONS

It is recommended:

1. That the following recommendations of the Public Streets Enclosures Policy and Fees Subcommittee and subsequent resolutions adopted by the Council on 20 December 2005 concerning this matter be confirmed, subject to the amendments set out below in clauses 2, 3, 4 and 5 of the staff recommendations:
 - (a) *That the Council retain the current fee charging methodology, as set out in the attached report previously submitted to the Council on 15 September 2005.*

6 Cont'd

- (b) That the current prescriptive Public Streets Enclosures Policy be revoked, and replaced with the revised policy attached, to allow staff more flexibility in issuing and monitoring licences for the occupation of public streets and other public spaces for such purposes.
- (c) That all tenants occupying public streets and other public spaces be required to pay the full rental due in accordance with the Council's charging policy.
- (d) That all occupiers who have erected tables, chairs and other street furniture on public streets and other public spaces be required to enter into the Council's standard licence for the occupancy of the affected spaces.
- (e) That the Corporate Support Manager and Transport and City Streets Manager be severally delegated power to:
 - (i) Institute enforcement proceedings where an occupier refuses to accept the fees and other conditions applicable in respect of the subject site within the terms of the Council's policy, and have those fees and conditions documented in a licence.
 - (ii) Institute enforcement proceedings where a licensee fails to meet the terms and conditions of their existing licence.
 - (iii) Terminate the occupancy of the subject site or sites, in either of the circumstances referred to in (i) and (ii) above.

2. That recommendations 3-6 below apply to the former Christchurch City area, as defined prior to the inclusion of Banks Peninsula.

3. That the current fee charging methodology described in the below table be retained.

| Leased Area | Rental Calculation (per annum plus GST) | |
|-------------------------------------|--|--|
| 0m ² - 30 m ² | 30% of Prime Rental Rate for | 0m ² - 30 m ² |
| 31m ² - 60m ² | 30% of Prime Rental Rate for Plus 26% of Prime Rental Rate for | 0m ² - 30 m ² 31m ² - 60m ² |
| 61m ² - 99m ² | 30% of Prime Rental Rate for Plus 26% of Prime Rental Rate for Plus 20% of Prime Rental Rate for | 0m ² - 30 m ² 31m ² - 60m ² 61m ² - 99m ² |
| Over 100m ² | 30% of Prime Rental Rate for Plus 26% of Prime Rental Rate for Plus 20% of Prime Rental Rate for Plus 15% of Prime Rental Rate for | 0m ² - 30 m ² 31m ² - 60m ² 61m ² - 99m ² 100m ² or over |

4. That the definition of the Prime Rental Rate be confirmed to mean:

"The Prime Rental Rate" means the prime rental rate that would be payable by an independent third party for the area which is within five metres of the front inside ground floor area of the premises leased or owned by the licensee for the licensee's business. For the purposes of this definition the "front" shall be deemed to be that part of the premises leased or owned by the licensee for the licensee's business which adjoins of faces onto the licensed area.

5. That the future standard tables and chairs licence agreement reflect the above rental formula, the new policy, guidelines and current practices.

6. That for the sake of clarity:

- (a) As there is no recommended change to the charging policy, clause 1(c) above apply for the full period from expiry of previous licences to when new licences are entered into as outlined in (b) below.
- (b) The new licences provided for in clause 1(d) above be entered into no later than 1 November 2006.

6 Cont'd

BACKGROUND ON PUBLIC STREETS ENCLOSURES POLICY AND FEES CHARGED

7. Following the Public Street Enclosures and Fees Subcommittee report to the Council on 20 December 2005 and subsequent resolutions of the Council concerning the Public Streets Enclosure Policy and the fees charged, a group of bar owners from the Strip (the submitters) commenced Court action over the process followed by the Council at its meeting on 20 December 2005.
8. Submitters withdrew their Court action on the understanding that the Council would contribute \$20,000 to their legal costs to date and that the Council would reconsider the Subcommittee report, and they would be given a further opportunity to make submissions to the Council on those matters they considered relevant to the Public Streets Enclosures Policy and the fees charged.
9. These submissions have been made and the Council resolved that the submissions be referred to officers for report back to the Council, together with an updated valuation report from a registered valuer engaged by the Council.
10. It is apparent that there is a high level of agreement regarding the proposed changes to the Public Streets Enclosures Policy and therefore no reason to revisit this issue. Accordingly the sole outstanding issue is the level of rent. There is no dispute in using the current methodology for calculating the rent. However there are variables in the methodology such as the Prime Rental Rate and the percentage to be applied.
11. Richard Chapman's valuation report is presented in conjunction with this staff report and he has supplied advice on the best rental rate to be used when applying the methodology and comments on the best percentage to be used.
12. The current tiered percentage methodology is well justified and takes into account some well recognised and sound valuation methodology that provides for variation to the size and depth of the premises.
13. In addition we believe that the current methodology and percentages used for calculation of rentals, which is again supported and recommended by our valuer, results in a fair and reasonable rent for occupiers of public space (footpath/legal road).
14. The submitters argue that a flat percentage rate should be used for rent calculation. Councillors are reminded that valuers representing the Council and the bar owners on the Strip agreed to the percentage rates in 1998 and subsequent to this agreement licences were signed. Using the submitters' suggested 17.5% flat rate and using their example of the 62m² Liquidity occupies as a basis calculates to a rental of \$5,425 plus GST per annum as opposed to the current rental of \$8,600 plus GST per annum.

COMPARABLE USES AND INCOME

15. After consultation with the Council's Parking Unit it is suggested that an outdoor area such as Liquidity could accommodate three car parks with an annual net return of \$2,000-\$3,000 per annum per car park, in other words \$6,000-\$9,000 net per annum.
16. The sites could be tendered on the same basis as the food stall sites in Cathedral Square. These sites occupy around 12m² and return up to \$7,500 plus GST per annum for a seven day occupancy with restrictions on the actual time of day each site can be occupied.
17. It is not suggested that any of these alternative uses are implemented but we believe comparing rental rates for use of public spaces in Christchurch is the best way of determining the appropriate level of rent for other public spaces in Christchurch.

7. SUBMISSION ON THE WASTE MINIMISATION (SOLIDS) BILL

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager City Environment, DDI 941-8656 |
| Officer responsible: | City Water and Waste Manager |
| Author: | Tony Moore, Senior Planner |

PURPOSE OF REPORT

1. The purpose of this report is to gain Council endorsement of a submission to the Parliamentary Select Committee on the proposed Waste Minimisation (Solids) Bill.

EXECUTIVE SUMMARY

2. A Parliamentary Select Committee has requested submissions, prior to 1 September 2006, on the proposed Waste Minimisation (Solids) Bill put forward by the Greens Party. This Bill addresses a range of important issues including:
 - National Waste Minimisation Levy;
 - The establishment and function of a National Waste Minimisation Authority;
 - The role of local government in waste minimisation;
 - Product Stewardship legislation; and
 - Disposal bans.
3. Officers have prepared a draft submission to this Bill on behalf of the City Council (Attachments 1 and 2) and now seek Council approval of this response.
4. An opportunity will also be provided to present the submission to the Select Committee and the Council will need to determine its representation at these hearings.

FINANCIAL AND LEGAL CONSIDERATIONS

5. No financial or legal implications flow directly from this report. However, the proposed legislation is likely to have a significant legal and financial effect on Council activities if passed in its current form.
6. This Bill proposes to establish a national levy, in the order of \$25 per tonne, on all waste sent to landfill. Officers advocate that at least half of this revenue be returned to the place of origin to be used to fund initiatives contained in the Council's Waste Management Plan. In this way, the national levy will replace the Council's Waste Minimisation Levy that was found to be ultra vires by the High Court on 31 March 2006.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Endorse the submission prepared for the Parliamentary Select Committee on the proposed Waste Minimisation (Solids) Bill. (Attachments 1 and 2)
- (b) Decide on its representation at the Select Committee hearings.

8. LOCAL GOVERNMENT NEW ZEALAND: LOCAL GOVERNMENT ACT ROAD SHOW

| | |
|-------------------------------------|---|
| General Manager responsible: | General Manager Regulation and Democracy Services, DDI 941-8549 |
| Officer responsible: | Secretariat Manager |
| Author: | Max Robertson, Council Secretary |

PURPOSE OF REPORT

1. The purpose of this report is to seek the appointment of a Council representative or representatives to attend a meeting being held by Local Government New Zealand (LGNZ) to discuss possible changes to the Local Government Act 2002 and the Local Electoral Act 2001.

EXECUTIVE SUMMARY

2. Both the Local Government Act 2002 and the Local Electoral Act 2001 will be reviewed by the Local Government Commission in 2007. The National Council of Local Government New Zealand has organised a series of meetings in the main centres, to enable individual local authorities to contribute to the development of a comprehensive sector position on the review.
3. The subcommittee established by LGNZ for this purpose will be visiting Christchurch on Thursday 21 September 2006, when a full day hearing will be held at the Council's Beckenham Service Centre starting at 9.30am, and continuing until 3.30pm.
4. The hearing will provide an opportunity for this Council (and other Canterbury Councils) to contribute to the development of a whole of local government approach to the review, and influence the legislative review process. LGNZ is keen to talk to as many elected members and Council officials as possible.
5. Although the Christchurch City Council will be holding its weekly Council meeting on the morning of Thursday 21 September 2006, it is expected that the Council meeting will finish in time for representatives of this Council to make submissions to the LGNZ Subcommittee at Beckenham in the afternoon, and it is therefore recommended that two Councillors (who will be briefed beforehand by the relevant staff) be appointed to make submissions on behalf of the Council.

FINANCIAL AND LEGAL CONSIDERATIONS

6. There are no financial implications. As the second largest local authority in New Zealand, it is important for this Council to make its views known to LGNZ on possible future amendments to the legislation.

STAFF RECOMMENDATION

It is recommended that the Council appoint two members to make submissions to the LGNZ Subcommittee at the meeting to be held at the Beckenham Service on Thursday 21 September 2006.

9. SPENCER BEACH HOLIDAY CAMP: PROPOSED INCREASE IN CAMP CHARGES

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager Community Services, DDI 941-8534 |
| Officer responsible: | Recreation and Sports Manager |
| Author: | Lyll Matchett |

PURPOSE OF REPORT

- The purpose of this report is request the Council to approve an application for an increase in the charges for camp sites, cabins and lodge at Spencer beach Holiday Park.

EXECUTIVE SUMMARY

- The proposed changes to current fees are as follows:

**Spencer Beach Holiday Park
Proposed Charges Schedule**

| | Current Rate Per Day | Proposed New Rate Per Day |
|---------------------------------------|---------------------------------|--------------------------------------|
| Camp Sites | | |
| Adult | 11.00 | 12.00 |
| Child (4 – 14 years) | 5.00 | 6.00 |
| Standard Cabins | | |
| Up to two persons | 37.00 | 42.00 |
| Each extra adult | 12.00 | 12.00 |
| Each extra child | 6.00 | 6.00 |
| Linen hire per bed | 7.00 | 7.00 |
| Kitchen Cabins | | |
| Up to two persons | 46.00 | 52.00 |
| Each extra adult | 12.00 | 13.00 |
| Each extra child | 7.00 | 7.00 |
| Linen hire per bed | 7.00 | 7.00 |
| Ensuite Cabins | | |
| Up to two persons | 57.00 | 60.00 |
| Each extra adult | 12.00 | 14.00 |
| Each extra child | 7.00 | 8.00 |
| Linen hire per bed | 7.00 | 7.00 |
| Tourist Flats (1 – 10) | | |
| Up to two persons | 60.00 | 65.00 |
| Each extra adult | 14.00 | 14.00 |
| Each extra child | 8.00 | 9.00 |
| Linen hire per bed | 7.00 | 7.00 |
| Deluxe Tourist Flats (11 – 16) | | |
| Up to two persons | 70.00 | 80.00 |
| Each extra adult | 17.00 | 17.00 |
| Each extra child | 11.00 | 11.00 |
| Linen hire per bed | 7.00 | 7.00 |
| Lodge (38 Beds) | | |
| Adults | 11.00 | 13.00 |
| Children (1–14 yrs) | 6.00 | 8.00 |
| Minimum per night | 100.00 | 130.00 |
| Function hire | 180.00 | 190.00 |

9 Cont'd

Homestead

| | | |
|--------------------|-------|-------|
| Up to 2 persons | 90.00 | 90.00 |
| Each extra adult | 14.00 | 14.00 |
| Each extra child | 9.00 | 9.00 |
| Linen hire per bed | 7.00 | 7.00 |

Spa Pool

| | | |
|------------|------|------|
| Per Person | 3.00 | 3.00 |
|------------|------|------|

3. The charges were last increased on 1 June 2004 and the proposed increase represents a fee increase of between 8% and 16% on current fees. The following is a comparison with other similar camp facilities:

| | Spencer Beach Holiday Park New Fees | South Brighton Motor Camp Inc 1 March 06 | Meadow Park Inc Sept 05 | Amber Park |
|-------------------------|--|---|------------------------------------|-------------------|
| Power sites (2 persons) | \$24.00 | \$25.00 | \$33.00 | \$26.00 |
| Extra Adult | \$12.00 | \$10.00 | \$16.50 | \$13.00 |
| Children - under 15 | \$6.00 | \$6.00 | \$8.50 | \$7.00 |
| Standard Cabins | \$42.00 | \$35.00 | \$50.00 | \$55.00 |
| Tourist Flats | \$60.00 | \$60.00 | \$98.00 | \$70.00 |

4. Fixed costs in particular have risen significantly since the last increase in June 2004, with increases in electricity, rates, insurances, rent and in particular diesel fuel which is used for hot water heating.
5. The current lease runs for a further eight years and it is important that the viability of the camp is maintained during this period to ensure that the facilities are well maintained and utilised. The camp is heavily used by Christchurch and Canterbury residents, especially during traditional holiday periods. The camp is also ideal for large groups and is well used by schools, church groups and sports and other teams.

FINANCIAL AND LEGAL CONSIDERATIONS

6. The lease agreement states that "the lessee will not levy camping ground charges in excess of those approved by the Council. The Council's consent to such charges shall not be unreasonably withheld". Spencer Park is held by the Council as a recreation reserve, subject to the provisions of the Reserves Act 1977 with the lease issued under section 54(1)(a) of that Act.

STAFF RECOMMENDATION

It is recommended that the Council approve the proposed increased accommodation charges for the Spencer Beach Holiday Park, to apply from 1 September 2006.

**10. EXTENSION OF WATER & SEWER OPERATION AND MAINTENANCE CONTRACT:
CONTRACT 2004.02 – BANKS PENINSULA**

| | |
|-------------------------------------|--|
| General Manager responsible: | General Manager City Environment, DDI 941-8656 |
| Officer responsible: | City Water & Waste Manager |
| Author: | Tim Joyce |

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval to extend the existing Water & Sewer Operation and Maintenance Contract with City Care Ltd until 30 June 2009 at a maximum annual cost of \$1,065,000 + GST for 2006/07. The contract will be escalated by contract indices for the remainder of the term.

EXECUTIVE SUMMARY

2. City Care has been involved with this contract since 1999. Most of the staff dedicated to this contract have come from the previous Council, through various contractors. As a result an excellent level of local knowledge has been retained. Performance levels are on a par with City Care's city operations.
3. City Water & Waste staff have worked closely with the current contractor to negotiate a lump sum component plus dayworks rates for the new contract. Savings have been achieved by bringing sampling operations and sludge disposal from the various treatment plants in to the CWW Unit. The extension until June 2009 will align all Christchurch City Council water and wastewater contracts allowing flexibility in how this work is contracted out beyond that date.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The new maximum contract price reflects the addition of new reticulation areas, pumping stations and treatment operations since the original contract was put in place. The lump sum price has been adjusted in accordance with CPI increases as stated in the Conditions of Contract. The \$1.065m maximum figure is within the budget for 06/07 operations as defined in the 2006-16 LTCCP.
5. The contract will be based on the existing contract document with any changes recorded via contract variations.

STAFF RECOMMENDATIONS

It is recommended that

- (a) The Council agree to extend the existing Water & Sewer Operation and Maintenance Contract for the Banks Peninsula area with City Care Ltd until 30 June 2009 at a maximum annual cost of \$1.065m plus GST per annum for 06/07 financial year. The contract will be adjusted thereafter, until termination, by the contract escalation indices.
- (b) Officers complete a contract variation to the existing contract to incorporate the agreed scope, changes, final negotiated fee for 06/07 year and new termination date.

10 Cont'd

BACKGROUND ON EXTENSION OF WATER & SEWER OPERATION AND MAINTENANCE CONTRACT: CONTRACT 2004.02 – BANKS PENINSULA

6. City Care have had this contract since 2002 and were principal subcontractor to ADS from 1999 to 2002 during which time the contract was assigned to them. Most of the staff dedicated to this contract are previous Council employees. An excellent level of local knowledge has been retained, and locals are employed in the more isolated area of Akaroa. Performance levels are on a par with City Care's city operations. When the contract was competitively tendered in 1999 their price was second lowest, with ADS (who pulled out of their contract) being the lowest. City Care was 4% lower than Serco, the incumbent contractor at the time.
7. The contract was renegotiated by the Banks Peninsula District Council in 2004 for a period of two years to June 2006. The rationale for executing the rollover was due to the contractor's track record, their competitive price in 1999 and the possible imminent integration with the City Council.
8. The existing Christchurch City Council Water & Wastewater Network Maintenance Agreement expires in June 2009. The alignment of the completion dates of our contracts city wide is important to our tendering strategy of water and wastewater services.
9. The current contract can be summarised as:
 - Lump sum price for the operations and maintenance of sewerage treatment plants and outfalls in Lyttelton to Governors Bay, Diamond Harbour including Church Bay, Duvauchelle, Akaroa, Tikao Bay & Wainui.
 - Lump sum price for the operation & maintenance of sewerage pump stations and reticulation in Lyttelton to Governors Bay, Diamond Harbour including Church Bay, Duvauchelle, Akaroa, Tikao Bay & Wainui.
 - Lump sum price for the operation & maintenance of water intakes & treatment plants, pump stations, reservoirs and reticulation in Lyttelton Harbour basin, Birdlings Flat, Little River, Duvauchelle, Pigeon Bay, Akaroa, Wainui & Takamatua.
 - Provisional sum items for non routine repairs, maintenance and replacements.
 - Compliance monitoring and reporting.
10. Owing to its many separate components and sites the contract is complex in comparison to its value. This contract is the first contract CCC has let involving water treatment. There are advantages in negotiating this contract as CCC staff have a steep learning curve to understand the nature and extent of the various rural schemes. During this phase it is important we retain the services of the incumbent contractor along with their experience and expertise. This period will allow CCC to improve paper records, asset plans and get a good feel for asset condition before letting the next contract.
11. Portions of the contract are most efficiently handled by a contractor with local staff. There are a number of water and sewerage schemes in remote locations and the network of contacts required to monitor and service these is important.
12. The current contractor currently carts sludge through to the Christchurch Wastewater Treatment Plant. The cost of carrying out this activity will be reduced as the contract will be varied to remove the sludge treatment costs and associated margins.
13. The core services of the contract are provided by local staff dedicated to the contract. Other response, repair and replacement activities are provided by the resources City Care has based in Christchurch.
14. Current callout facilities that exist within our city contract have been modified to include Banks Peninsula, removing any duplication of services.

10 Cont'd

OPTIONS

Option 1

15. Negotiate the current contract for a period of one year. This would allow us time to re-tender the contract in its present form but without having the knowledge and base data to make an improvement of services.

Option 2

16. Negotiate the current contract for a further period of three years. This will bring it into line with Christchurch City Water and Wastewater Network Agreement with the possibility of aligning levels of service over the new City in the future.

Option 3

17. Advertise the contract for tender. This was originally considered by City Water & Waste staff. It was felt that costs may increase over Option 2. Also it was felt that supervision costs would increase noticeably in the first year as the contract bedded in. It is felt this supervisory effort is better spent in improving institutional knowledge of the assets.

PREFERRED OPTION

Option 2

18. Negotiate the current contract for a further period of three years. This will bring it into line with Christchurch City Water and Wastewater Network Agreement with the possibility of aligning levels of service over the greater City in the future. This will be achieved within the current operating budget of \$1.065m per annum + GST for the 06/07 financial year.

10 Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option

19. Option 2 – Negotiation three years

| | Benefits (current and future) | Costs (current and future) |
|---|--|---|
| Social | Existing contractor. Local Akaroa staff part of Akaroa community | Nil |
| Cultural | N/A | N/A |
| Environmental | Proven reliable contractor | Proven contractor delivering for contracted rate. |
| Economic | Less risk of increased price by negotiation. Maximum price as per LTCCP 06-16 budget for 06/07 | Savings to be realised from alternative sampling and sludge disposal arrangements |
| <p>Extent to which community outcomes are achieved: Primary alignment with community outcome a healthy city Also contributes to a city of people who value and protect the natural environment</p> <p>Impact on Council's capacity and responsibilities: Nil</p> <p>Effects on Maori: Nil. Continuation of service</p> <p>Consistency with existing Council policies: Supports Council 06/16 LTCCP</p> <p>Views and preferences of persons affected or likely to have an interest: NA</p> <p>Other relevant matters: Nil</p> | | |

10 Cont'd

Other Options:

20. Option 1 – Negotiate for one year

| | Benefits (current and future) | Costs (current and future) |
|--|--|---|
| Social | Existing contractor. Local Akaroa staff part of Akaroa community | |
| Cultural | N/A | |
| Environmental | Nil | |
| Economic | Increased cost of contract management and tender process by CCC staff to gather data and re-tender | Staff supervision costs. Effort better utilised in improving asset information and institutional records and knowledge. |
| <p>Extent to which community outcomes are achieved: Primary alignment with community outcome a healthy city Also contributes to a city of people who value and protect the natural environment</p> <p>Impact on Council's capacity and responsibilities: Nil</p> <p>Effects on Maori: Nil. Continuation of service</p> <p>Consistency with existing Council policies: Supports Council 06/16 LTCCP.</p> <p>Views and preferences of persons affected or likely to have an interest: NA</p> <p>Other relevant matters: Nil</p> | | |

10 Cont'd

21. Option 3 - Tender

| | Benefits (current and future) | Costs (current and future) |
|---|---|-----------------------------------|
| Social | Possible change in contractor | |
| Cultural | N/A | |
| Environmental | Possible issues with new contractor with short handover period. | |
| Economic | Cost impact to CCC for tender costs plus supervision and administration costs should a change of contractor occur. Negotiating month by month rollover terms until new contract in place. | |
| <p>Extent to which community outcomes are achieved: Primary alignment with community outcome a healthy city Also contributes to a city of people who value and protect the natural environment</p> <p>Impact on Council's capacity and responsibilities: Nil</p> <p>Effects on Maori: Nil. Continuation of service</p> <p>Consistency with existing Council policies: Supports Council 06/16 LTCCP</p> <p>Views and preferences of persons affected or likely to have an interest: NA</p> <p>Other relevant matters: Nil</p> | | |

11. CENTRAL PLAINS WATER TRUST RESOURCE CONSENT APPLICATIONS AND ASSESSMENT OF ENVIRONMENTAL EFFECTS REPORT

| | |
|-------------------------------------|---|
| General Manager responsible: | General Manager Strategy and Planning, DDI 941-8177 |
| Officer responsible: | Programme Manager, Healthy Environment |
| Author: | John McEwing |

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Inform the Council of the issues, uncertainties and implications for Christchurch City (Christchurch and Banks Peninsula) that may be associated with the Central Plains Water Enhancement Scheme (the scheme) in relation to the Central Plains Water Trust (CPWT) resource consent applications.
 - (b)- Recommend a range of options for the Council to consider in respect of the Council's response to the above consent applications.

EXECUTIVE SUMMARY

2. This report sets out a range of options and a recommendation for the Council's consideration in coming to an agreed position with the CPWT resource consent applications.
3. These options and a possible draft submission have been informed by external consultant review of the document, *Central Plains Water Enhancement Scheme: Assessment of Environmental Effects for Resource Consent Conditions to Canterbury Regional Council, 23 June 2006* and a range of supporting documents. In terms of s.88 of the Resource Management Act 1991 an application for a resource consent must include "...in accordance with Schedule 4, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment."
4. From this review a presentation was made to councillors on 2 August followed by a subsequent meeting on 3 August with Councillors. A copy of the Council seminar presentation is attached in Appendix 2.

FINANCIAL AND LEGAL CONSIDERATIONS

5. Economic and financial considerations, in terms of the scheme, have been assessed and presented by KPMG. The conclusion of the KPMG analysis was:
 - *The economic and financial conclusions drawn in the documents provided have been determined using general high level assumptions derived from industry standard data or the combined experience of the advisors to the project, which have not been independently verified;*
 - *Further financial analysis will be required, however given the diverse potential environmental, cultural and social implications of this application, we are not entirely surprised that further detailed analysis has been deferred until the consent process identifies which issues are likely to require further financial input;*
 - *If conditional consents are granted, then the applicant will need to reassess the project's viability."*
6. There are uncertainties raised as a result of the review of the AEE by Pattle Delamore Partners Ltd. These relate to a number of issues, particularly water quality and water quantity, that may adversely impact on the city and Banks Peninsula and which are covered in the background to the report and the draft submission in Appendix 1 (attached).
7. Legal considerations have encompassed legal advice presented to Councillors on the options the Council has in exercising an agreed response to the CPWT consent applications – refer to Appendix 2 (attached), Presentation to Council seminar section by Aidan Prebble, Solicitor from Goodman Steven Tavendale & Reid.

11 Cont'd

8. Both CCC and SDC have raised a number of issues around governance which will be addressed in a report to a joint Council meeting.
9. The Council, in terms of coming to an agreed position on the resource consent applications, has a range of options. These are:

Option 1.

Not to lodge a submission on the CPWT applications.

Option 2.

To make a submission in support of the CPWT applications citing for example, economic, social, environmental or cultural benefits.

Option 3.

To make a submission in opposition to the CPWT applications and requesting that it be declined on specified grounds, which may include potential adverse effects in terms of groundwater water quality and quantity impacts on Christchurch City's water supply.

Option 4.

To make a submission, that is neither in opposition or support of the CPWT applications:

- a. Citing uncertainties as to potential adverse environmental and public health effects and;
 - b. Requesting that the granting of the consents be deferred until further information is to hand (as identified in the submission) which adequately addresses the uncertainties and potential adverse effects, and requesting that in the event of these issues and uncertainties not being satisfactorily addressed the applications for resource consent be declined.
10. Should the Council decide to adopt either Option 3 or 4 it needs to review and decide on the wording of draft submission as set out in Appendix 1. (Note: Peter Callender from Pattle Delamore has yet to comment on the draft submission related to the water quality and water quantity issues and the Council will be given an update on any suggested changes.)

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt Option 4. and;
- (b) Agree the wording of a submission as set out in draft form in Appendix 1:

11 Cont'd

BACKGROUND ON CENTRAL PLAINS WATER TRUST RESOURCE CONSENT APPLICATIONS AND ASSESSMENT OF ENVIRONMENTAL EFFECTS REPORT

11. Resource consent applications lodged by the Central Plains Water Trust were publicly notified on 24 June 2006. The closing date for submissions is 5 pm Friday 18 August 2006.
12. The applications relate to construction and operational activities associated with a proposed irrigation scheme on the Central Plains between the Rakaia River and the Waimakariri River.
13. The proposal involves the abstraction of water from three points, one on the Rakaia and two on the Waimakariri Rivers, and use of that water for the irrigation of approximately 60,000 hectares of land. Delivery of this water is proposed to be through a distribution network of water races and channels and with storage at a proposed dam and consequent reservoir in the Waianiwi Valley to provide stored water intended to discharge into the main headrace.
14. Associated applications for water takes involve the following:
 - A take of up to 40 m³/s of water from the Rakaia River at a specified map reference point, for irrigation and water enhancement.
 - A take of up to 40 m³/s from the Rakaia River at a different map reference point, for irrigation and water enhancement.
(Note: The combined take from the Rakaia River is not intended to exceed 40 m³/s.)
 - A take of up to 40 m³/s from the Waimakariri River, for irrigation and water enhancement.
15. These applications seek a term of 35 years.
16. The review of the AEE and supporting documents to the CPWT application for resource consent has highlighted a number of uncertainties and issues related to the potential impact of the scheme on the city, including:
 - The potential for increased risk of nitrate contamination of groundwater impacting on the city's existing drinking water supply. The uncertainty is based on a range of broad assumptions and few predictions of the temporal and spatial changes beyond the boundaries of the scheme area;
 - The potential for increased risk of groundwater contaminants, including nitrate, impacting on the water quality of Lake Ellesmere (Te Waihora) and the quality of future community water supplies for the city and Banks Peninsula communities. The issue here is that nitrate levels predicted in the AEE are unlikely to be diluted because the Lake Ellesmere catchment does not have any significant river recharge;
 - The potential for raised natural groundwater levels in Christchurch, which may impact on land use activities and the contamination of drinking water sources. The uncertainties relate to a relatively high variability to groundwater model simulations and the fact that modelling is at a regional scale and does not show modelled levels for the rural and urban areas of Christchurch City.
 - The potential effects on the Christchurch aquifer recharge. The uncertainties in this area relate to the AEE not providing any indication of seepage losses from the Waimakariri River bed during lower river flows and also the fact that the Waimakariri River seepage into the Christchurch aquifer system has not been clearly quantified.

12. COUNCIL SUBMISSION ON PROPOSED AMENDMENTS TO NZS 8500: 2007 – SAFETY BARRIERS FOR YOUNG CHILDREN AROUND SWIMMING POOLS

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| General Manager responsible: | General Manager Regulation and Democracy Services DDI 941-8549 |
| Officer responsible: | Legal Services Manager |
| Author: | Chris Gilbert |

PURPOSE OF REPORT

1. Standards New Zealand has instituted a review of NZS 8500 which sets standards for fencing around pools and has called for public comment.
2. Officers have reviewed the proposed new standard and their comments in the approved submission format is attached for consideration.

EXECUTIVE SUMMARY

3. This is not a review of the Fencing of Swimming Pools Act 1987 [the FOSP Act].
4. The proposed changes to NZS 8500 (copy attached) relate to design and construction options for the location of effective safety barriers.
5. If the Act is ever to be amended by referring to the new NZS 8500 or by explicitly incorporating the new NZS 8500 then the Council will have the opportunity to submit on that amendment in the normal manner.
6. The submission period closed on 11 August, although Standards NZ has approved an extension until 18 August to enable the Council to consider and approve a submission.
7. The proposed new standard has not been previously been considered by the Council but the FOSP Act was considered in 2003 and submissions made to the Department of Internal Affairs for amendments to the Act. A copy of the Council's submissions is attached for information.
8. Councillors have the ability under the FOSP Act to approve exemptions to the FOSP Act. This function has been delegated to a Council Hearings Panel by a resolution of the Council on 16 December 2004.
9. S.6 FOSP Act - Special exemptions:
 - (1) *A territorial authority may, by resolution, grant an exemption from some or all of the requirements of this Act in the case of any particular pool where the territorial authority is satisfied, having regard to the particular characteristics of the property and the pool, any other relevant circumstances, and any conditions it imposes under subsection (2) of this section, that such an exemption would not significantly increase danger to young children.*
 - (2) *In granting an exemption under subsection (1) of this section, the territorial authority may impose such other conditions relating to the property or the pool as are reasonable in the circumstances.*
 - (3) *Any exemption granted or condition imposed under this section may be amended or revoked by a territorial authority, by resolution.*
10. It is recommended that if the new NZS 8500 is adopted then in approving any exemption the Council should require that the exemption is to a standard not less than the minimum in the new standard.
11. The Council may need to revise its policy on fencing of swimming pools if NZS 8500 is adopted.

12 Cont'd

FINANCIAL AND LEGAL CONSIDERATIONS

12. There are no immediate financial implications. If and when a new standard becomes law then the Council may face extra monitoring costs.
13. NZS 8500 is an ideal standard but does not have legislative force unless explicitly incorporated into the Act. That step, when and if it occurs, will impose new but not additional standards on the Council to monitor and enforce.

STAFF RECOMMENDATION

It is recommended that the Council approve and endorse as a Council submission the staff comments on NZS 8500 attached.

OPTIONS

14. The Council's options are:

Make no submission

Submit in support of the changes without comment

Submit in support of the officer comments as a formal Council submission.

Submit in support in such other manner as Council may determine.

PREFERRED OPTION

15. That the Council endorse the officer comments as a formal Council submission.

13. CITY PLAN CHANGE - THE FERRYMEAD BUSINESS 4 ZONE

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|-------------------------------------|---|
| General Manager responsible: | General Manager Regulation and Democracy Services, DDI 941-8549 |
| Officer responsible: | Environmental Policy and Approvals Manager |
| Author: | David Mountfort |

PURPOSE OF REPORT

1. This report is to draw attention to a potential legal issue in the report of the Hagley/Ferrymead Community Board of 28 June 2006

EXECUTIVE SUMMARY

2. The Hagley/Ferrymead Community Board has recommended that the Council urgently initiates a City Plan change of the Ferrymead Business 4 zone to a special zone that retains control over built development through Restricted Discretionary Activity status with design guidelines and assessment matters.
3. If adopted this could be taken as meaning that the variation should be prepared and notified without further formality, contrary to the requirements of Section 32 of the Resource Management Act 1991.

FINANCIAL AND LEGAL CONSIDERATIONS

4. No financial implications. Section 32 of the RMA requires an analysis of the costs and benefits of any proposed change to the City Plan be carried out before the Council decides to adopt and publicly notify it. To date that has not occurred although work to date could be regarded as progress towards it.

STAFF RECOMMENDATION

It is recommended that the Council not adopt the part of Item 16 of the Hagley/Ferrymead Community Board's report of 28 June 2006 which refers to the Ferrymead Business 4 zone and that the matter continue to be dealt with in the current investigation being carried out of a possible City Plan change.

13 Cont'd

BACKGROUND ON CITY PLAN CHANGE OF THE FERRYMEAD BUSINESS 4 ZONE

5. At its meeting on 28 June 2006 the Hagley Ferrymead Community Board passed the following resolution, following consideration of a notice of motion submitted by Yani Johanson:

“That in response to the Business 4 Zone Supplementary Report produced by Boffa Miskell for the Council, the Hagley/Ferrymead Community Board recommends that:

The Council urgently initiates a City Plan change of the Ferrymead Business 4 Zone to a special zone that retains control over built development through Restricted Discretionary Activity status with design guidelines and assessment matters.”

6. Boffa Miskell Ltd has recently provided two reports to Council relevant to City Plan provisions for Ferrymead. In its initial report the firm recommended that the Council introduce height limits and greater boundary setbacks in all Business 4 zones, and in particular, create a new zone for Ferrymead with:
- Built development a restricted discretionary activity with assessment criteria and possibly design guidelines. Discretion would be restricted to siting and layout, building design style and materials, views over and through the zone and landscape treatment. Assessment matters were also suggested.
 - Consider amending the definition of Plot Ratio to include parking structures.
 - Add a development standard height limit of 11m and a critical standard of 15m.
7. In its supplementary report of 31 March 2006 Boffa Miskell revised its earlier recommendation and suggested that the Council consider investigating, through a consultation programme with the community and landowners, the desirability of rezoning Ferrymead to a mixed use zone as well as imposing the height limits and discretionary design controls.
8. The resolution from the Board appears to be urging the urgent adoption of part of the first recommendation.
9. It should be noted that if adopted, this resolution would require the immediate preparation and notification of a plan change without carrying out the required section 32 analysis. That would be contrary to the Resource Management Act. It is possible, although unlikely, that the section 32 analysis would not confirm Boffa Miskell's initial recommendations.
10. Both reports have been presented to the Council at seminars. As a result staff have requested Boffa Miskell to prepare separate estimates for the two pieces of work, ie the Business 4 heights issue and the Ferrymead rezoning issue. Preliminary estimates are that the first project will cost around \$52,000 and the second project over \$200,000. The second project would be very expensive to do properly because of the need for economic analysis and traffic modelling. The Planning Strategy Unit has some funds set aside for planning work for Ferrymead but the two projects would still be a very heavy impost on the City Plan budget.
11. Both projects are on the City Plan work programme as Priority 1 matters. The first project will be proceeding and the second is under review because of the cost. The work suggested by the Community Board could either be added to the first project or carried out as part of the second project if it proceeds. It would not be cost effective to proceed with it on a standalone basis and would risk confusing the community when the other work proceeds. Urgency is not required as the work will be proceeding in some form shortly.

**14. REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD:
MEETING OF 28 JUNE 2006**

Attached.

**15. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD:
MEETING OF 19 JULY 2006**

Attached.

**16. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:
MEETING OF 12 JULY 2006**

Attached.

17. REPORT BY THE CHAIRPERSON OF THE RICcartON/WIGRAM COMMUNITY BOARD

Attached.

**18. REPORT OF THE RICcartON/WIGRAM COMMUNITY BOARD:
MEETING OF 11 JULY 2006**

Attached.

**19. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD:
MEETING OF 19 JULY 2006**

Attached.

**20. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD:
MEETING OF 18 JULY 2006**

Attached.

21. NOTICES OF MOTION

22. QUESTIONS

23. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.