



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 27 JULY 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 20.7.2006
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CORRESPONDENCE
6.	SHOP TRADING HOURS ACT REPEAL (EASTER TRADING) AMENDMENT BILL - SUBMISSION TO PARLIAMENT
7.	AMENDMENTS TO BANKS PENINSULA DISTRICT PLAN
8.	QUARTERLY MONITORING REPORT
9.	PLAN CHANGE 3: REZONING OF 7 ST ALBANS STREET
10.	SERVICE CENTRE FINANCIAL TRANSACTIONS
11.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD - MEETING OF 26 APRIL 2006
12.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD - MEETING OF 10 MAY 2006
13.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD - MEETING OF 14 JUNE 2006
14.	NOTICES OF MOTION
15.	QUESTIONS
16.	RESOLUTION TO EXCLUDE THE PUBLIC

27. 7. 2006

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1. **APOLOGIES**

2. **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 20.7.2006**
Attached.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PRESENTATION OF PETITIONS**

5. **CORRESPONDENCE**

6. SHOP TRADING HOURS ACT REPEAL (EASTER TRADING) AMENDMENT BILL - SUBMISSION TO PARLIAMENT

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

PURPOSE OF REPORT

1. To propose a draft submission for the Council to consider on the Shop Trading Hours Act Repeal (Easter Trading) Amendment Bill.

EXECUTIVE SUMMARY

2. The Legal Services Unit presented a seminar to the Council on 11 July 2006, on two bills that propose amending the Shop Trading Hours Act Repeal Act 1990; the Easter Sunday Shop Trading Amendment Bill introduced to Parliament by Jacqui Dean (the Dean Bill) and the Shop Trading Hours Act Repeal (Easter Trading) Amendment Bill, introduced to Parliament by Steve Chadwick (the Chadwick Bill).
3. At the seminar it was noted that the Dean Bill has no implications for the Council, but the Chadwick Bill has implications for the Council, because it will enable territorial authorities to decide whether retail shops in their districts should be open on Easter Sunday, and will require territorial authorities, before making any such decision, to consult their communities by adopting the special consultative procedure provided for in Part 6 of the Local Government Act 2002.
4. The following options in relation to submissions on the Bills were put to the Council at the seminar:
 - (a) Support a combination of the amendments proposed in the two Bills.
 - (b) Support the Dean Bill in part or total, and oppose or make no submissions on the Chadwick Bill.
 - (c) Support the Chadwick Bill in part or in total, and oppose or make no submissions on the Dean Bill.
 - (d) Oppose both Bills.
 - (e) Oppose both Bills and put forward another proposal.
 - (f) Not make any submissions on the Bills.
5. Staff received guidance on the general views of the Council . This guidance indicated the Council's wish to make a submission opposing the Chadwick Bill. There appears to be no need for a submission on the Dean Bill, given the Council's view that it does not promote or necessarily support that Bill.
6. Attached to this report, as appendix 1, is a draft submission to the Select Committee on the Chadwick Bill.
7. As the Council's submission must be lodged with the Select Committee by 28 July 2006, the content of the submission, and whether anyone will appear to speak to the submission (and who that person/persons will be) must be resolved at this meeting.

6 Cont'd

FINANCIAL AND LEGAL CONSIDERATIONS

8. If the Chadwick Bill is passed then the financial considerations for the Council are that it is likely to be required to undertake a special consultative procedure (SCP) to ascertain the views of its community on Easter Sunday trading. Carrying out a SCP incurs cost for the Council. A rough estimate of the cost of an average SCP process is \$30,000. (The cost for any specific SCP will differ depending on the issue being consulted on. The variables include advertising costs (more advertising may need to be done on a more significant issue), staff time costs (depends on the extent of the issue and number of hearings, etc), and the hearing costs themselves.)
9. If the Chadwick Bill is not passed then there are no financial considerations for the Council.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the draft submission attached as appendix 1.
- (b) Resolve whether or not the Council wishes to appear before the Select Committee in support of its submission, and if so, who will represent the Council before the Select Committee.

7. AMENDMENTS TO BANKS PENINSULA DISTRICT PLAN

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	City Plan Team Leader
Author:	Bert Hofmans, Policy Planner

PURPOSE OF REPORT

1. The purpose of this report is to present the outcomes of negotiation/mediation on appeals to the Proposed Banks Peninsula District Plan, and to recommend the Council approve any agreement reached. A copy of the agreements are attached as Appendix A and B.

EXECUTIVE SUMMARY

2. The Banks Peninsula Proposed District Plan was publicly notified in January 1997. Most of the Plan has been the subject of submissions, further submissions, hearings, decisions and appeals. Appeals on the urban provisions of the Plan are largely resolved with only five appeals outstanding while the rural provisions are subject to 33 appeals.
3. Some of the appeals were set down for mediation between February 2006 and June 2006. These appeals relate to the former Banks Peninsula District Council's decisions on:
 - (i) Rural Provisions of the Proposed District Plan and Variation 2: The Rural Zone.
 - (ii) Variation 5: Design Guidelines for Lyttelton and Akaroa.
4. A total of eight matters were set down for mediation. Agreements have been reached on all of these matters, subject to final approval from the Christchurch City Council. The attached report summarises the background to each individual appeal, sets out the mediated agreement and discusses any relevant issues.
5. Council approval of the amendments is required since the Proposed District Plan Appeals Subcommittee of the former Banks Peninsula District Council, which had delegated authority to approve these agreements, no longer exists and the necessary delegations have not been transferred to the City Plan References Subcommittee which has delegation to approve amendments to the City Plan.
6. There are several options available to Council:
 - (a) Status quo - agreements not approved;
 - (b) Partial approval of agreements;
 - (c) Full approval of agreements.
7. Option (a) is the least preferred option since it is likely to result in the matters being set down for Environment Court hearings with substantial cost to the Council and other parties. In the absence of any significant reasons for doing so, non-approval of the agreements would also send a strong signal to current and future mediation parties to consider whether mediation with the Council is worthwhile and productive.
8. Option (b) will have similar results to option (a) although this will depend on the extent to which partial approval is given/not given. Option (b) would require further mediation on those aspects which the Council does not approve. This possibility is contemplated by the parties but like option (a) it could result in Environment Court proceedings should no alternative agreement be reached or if the Environment Court is reluctant to provide additional delays for mediation.
9. Option (c) is the recommended option because it recognises that the agreements and amendments represent a solution reached by all parties involved; the outcomes of mediation are consistent with the guidance/scope provided by the Proposed District Plan Appeals Subcommittee of the former Banks Peninsula District Council; and this option avoids the matters being set down for Environment Court hearings.

7 Cont'd

FINANCIAL AND LEGAL CONSIDERATIONS

10. The various options have been considered in terms of the financial impact and while it is difficult to estimate a precise figure, options (a) and (b) are more likely to present the Council with further costs because of the increased likelihood of these matters being set down for an Environment Court hearing.
11. While option (c) could result in some costs for the Council because of the commitments made in the agreed outcomes on matters 2 and 4 in Appendix A, the Council still retains some flexibility and discretion over 'how', 'when', 'at what costs' these commitments are implemented.
12. The process whereby these agreements have been reached has been managed by the Environment Court and is in accordance with the statutory consultation procedures set out in the Resource Management Act 1991.

STAFF RECOMMENDATIONS

It is recommended that the Council approve the agreements set out in the attached appendices, and that they be submitted to the Environment Court as draft consent orders.

8. QUARTERLY MONITORING REPORT

General Manager responsible:	General Manager Corporate Services, DDI 941-8540
Officer responsible:	Corporate Finance Manager
Author:	Roy Baker, General Manager Corporate Services

PURPOSE OF REPORT

1. For Council to monitor the performance of Council on a quarterly basis.

EXECUTIVE SUMMARY

2. Attached for Council information is the quarterly monitoring report for the quarter (and year) ending 30 June 2006.
3. The information is based upon our management accounts and is likely to differ from the final audited numbers for our Annual Report. The Council can expect to see the Annual Report for adoption in early September.
4. Please note that our performance measures are those based upon the 2004/14 LTCCP. As you are aware, some of the measures are not particularly informative, however, they are what we must report against.

STAFF RECOMMENDATIONS

It is recommended that Council receive the report.

9. PLAN CHANGE 3: REZONING OF 7 ST ALBANS STREET

General Manager responsible:	General Manager Regulation and Democracy, DDI 941 8549
Officer responsible:	Resource Management Manager (EPA)
Author:	Joyce Maria Soosai, Planning Officer

PURPOSE OF REPORT

1. The purpose of this report is to introduce a private plan change to the City Plan. The plan change has been prepared by Robson Garland Limited, following discussions with Council officers. This report is intended to bring the Council's attention to all the issues that surround the proposal.
2. The report was considered by the Fendalton/Waimairi Community Board at its meeting held on 11 July 2006. The Board resolved to support the staff recommendation that the Council publicly notify the Change.

EXECUTIVE SUMMARY

3. Planning consultants Robson Garland Limited have lodged a plan change request to rezone the property at 7 St Albans Street, Merivale from Living 2 to Business 1. The application notes that the site currently contains an old villa that has been modified to provide two commercial tenancies and it has been used for commercial purposes for more than 25 years. The site is bordered on two sides by land zoned Business 1.
4. Neighbouring property owners have been advised of the proposal to rezone the site. This process attracted some interest in the proposal with two parties asking to be kept informed and the Merivale Residents' Association indicating it will oppose any rezoning. No reasons were given for its position. Robson Garland has indicated it will discuss the proposal further with the Society but has asked that the proposed change be notified.
5. The request conforms with the Council's policy on applications for plan changes in that:
 - the costs incurred by the Council in processing the application will be recovered from the applicant
 - the application does not involve an important strategic or policy issue
 - the proposed rezoning does not affect a significant area of land that would pre-empt options for urban growth
 - the sites are not within a Priority 1 Area Plan
6. The Plan Change and Section 32 analysis are set out in Appendix 1 to this report

FINANCIAL AND LEGAL CONSIDERATIONS

7. This being a private plan change, the property owner is funding the preparation of the Plan Change. Consequently the financial costs to the Council will be minor, consisting only of limited staff time to review Robson Garland Ltd 's work and process the notification and hearing of the Plan Change which will be recovered.

STAFF RECOMMENDATIONS

It is recommended that the Council publicly notify Plan Change 3 to the City Plan.

10. SERVICE CENTRE FINANCIAL TRANSACTIONS

Report to be separately circulated.

11. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD - MEETING OF 26 APRIL 2006

Attached.

12. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD - MEETING OF 10 MAY 2006

Attached.

13. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD - MEETING OF 14 JUNE 2006

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14. NOTICES OF MOTION

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