



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 28 SEPTEMBER 2006

AT 9.30AM

AT THE RAPA KI MARAE, RAPA KI BAY, GOVERNORS BAY ROAD

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 21.9.2006
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CORRESPONDENCE
6.	MAYOR'S REPORT
7.	CHRISTCHURCH CITY HOLDINGS LTD: AMENDMENTS TO CONSTITUTION
8.	PLAN CHANGE 4 TO CITY PLAN
9.	REPORTS OF THE AUDIT AND RISK MANAGEMENT SUBCOMMITTEE: MEETINGS OF 10 FEBRUARY, 7 JUNE AND 28 JUNE 2006
10.	NOTICES OF MOTION
11.	QUESTIONS
12.	RESOLUTION TO EXCLUDE THE PUBLIC

1. APOLOGIES

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 21.9.2006

Attached.

3. DEPUTATIONS BY APPOINTMENT

(a) RAPAKI MARAE

A presentation will be made on plans for a new marae at Rapaki.

4. PRESENTATION OF PETITIONS

5. CORRESPONDENCE

6. MAYOR'S REPORT

Attached.

7. CHRISTCHURCH CITY HOLDINGS LTD: AMENDMENTS TO CONSTITUTION

General Manager responsible:	CEO CCHL
Officer responsible:	CEO CCHL
Author:	Bob Lineham, DDI 941-8411

PURPOSE OF REPORT

1. The purpose of this report is to obtain approval to recommended changes to the constitution of Christchurch City Holdings Limited.

EXECUTIVE SUMMARY

2. A legal review of the existing constitution of CCHL has been undertaken and a range of changes are being recommended for approval by the Council as shareholder. Most of these are fine tuning of wording. The text of the changes and an explanation from the CCHL legal adviser is attached as Appendix A.
3. A substantive change provides for external directors to retire by rotation on a three yearly basis rather than "en-bloc" immediately following the local authority elections. This is being promoted in the interest of providing a measure of continuity, which is seen as good governance practice. The provision for the shareholder to replace any director at any time remains unchanged.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The proposed amendments have been reviewed and proposed by Lane Neave Lawyers and after approval by the Council as shareholder need to be promulgated in terms of section 122 of the Companies Act 1993.

STAFF RECOMMENDATION

That the Council resolve as the shareholder of Christchurch City Holdings Limited in the form of a written resolution under section 122(1) of the Act that the constitution be amended as set out in the attached document and the amendments be lodged with the Companies Office in accordance with the Act.

7 Cont'd

BACKGROUND ON PROPOSED CHANGES TO THE CCHL CONSTITUTION

5. The CCHL Board recently commissioned Lane Neave Lawyers to review the constitution of the company to ensure that it was current and in accordance with other legislation and good commercial practice.
6. The last review of the constitution was done in 1997 and since that date the Local Government Act 2002 has been enacted.
7. Most of the proposed changes are “fine tuning” and/or for clarification with no impact on the overall way the company operates. However, there is a substantive change in respect of clauses 14.5 and 14.6 which relate to the appointment of directors.
8. The current constitution requires that all directors must resign following the local authority elections including the external directors. The legal review has pointed out that this makes the company very vulnerable with what could be a significant lack of continuity. Legal advisers have suggested that the external directors should be reviewed on a three year rolling basis rather than have the whole board all up for review at the same time. It is in the interests of the company to have some continuity. The Council can still remove any director at any time as provided in the current constitution.
9. Attached (Appendix A) is a copy of the proposed changes with a detailed explanation against each affected clause. The comments have been provided by Lane Neave Lawyers. Also attached (Appendix B) is a copy of the existing clause 14 to enable a comparison to be made. A full copy of the existing constitution will be tabled at the meeting.

8. PLAN CHANGE 4 TO CITY PLAN

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
Author:	David Punselie, Planning Officer City Plan

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council give its decision on Plan Change 4 to the City Plan and take the subsequent steps to make the change operative.

EXECUTIVE SUMMARY

2. At its meeting on 25 May 2006 the Council resolved to publicly notify Plan Change 4 to the City Plan. This change sought to correct the zoning of part of 64 Port Hills Road from Open Space 2, a zone for active recreation purposes on publicly owned land, to Business 4. The subject land is privately owned, has a long history of industrial use and had an industrial zoning in previous district plans. A copy of Plan Change 4 is attached to this report.
3. Public notification of the plan change on 10 June 2006 attracted two submissions in support. These submissions have now been withdrawn in order to expedite the process.

FINANCIAL AND LEGAL CONSIDERATIONS

4. Making a decision on a plan change, approving the change and making the change operative are steps required by the Resource Management Act 1991. There are no financial implications.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Decide, pursuant to clause 10(1) of the First Schedule to the Resource Management Act 1991, to adopt the amendment to the City Plan introduced by Plan Change 4 for the reasons set out in the explanation to the change.
- (b) Approve the change pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991.
- (c) Delegate to the General Manager Regulation and Democracy Services the authority to determine the date on which the provision becomes operative.

28. 9. 2006

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**9. REPORTS OF THE AUDIT AND RISK MANAGEMENT SUBCOMMITTEE:
MEETINGS OF 10 FEBRUARY, 7 JUNE AND 28 JUNE 2006**

Attached.

10. NOTICES OF MOTION

11. QUESTIONS

12. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.