



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 7 SEPTEMBER 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 31.8.2006
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CORRESPONDENCE
6.	CENTRAL CITY REVITALISATION
7.	CHRISTCHURCH CITY HOLDINGS LIMITED
8.	ECAN ELECTORAL REVIEW 2006
9.	REVIEW OF THE BUILDING CODE
10.	MAKING PARTS OF THE CITY PLAN OPERATIVE
11.	CORRECTION OF MINOR ERRORS IN CITY PLAN
12.	PLAN CHANGE 2 TO CITY PLAN
13.	HEALTH (DRINKING WATER) AMENDMENT BILL SUBMISSION
14.	REPORT OF THE GOVERNANCE SUBCOMMITTEE: MEETING OF 1 SEPTEMBER 2006
15.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 9 AUGUST 2006
16.	REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 8 AUGUST 2006
17.	NOTICES OF MOTION
18.	QUESTIONS
19.	RESOLUTION TO EXCLUDE THE PUBLIC

7. 9. 2006

- 2 -

1. APOLOGIES

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 31.8.2006

Attached.

3. DEPUTATIONS BY APPOINTMENT

Waihora Lake Ellesmere Trust

Professor Ken Hughey and Mr Jason Arnold will give a presentation on the Trust's plans for the rehabilitation of Lake Ellesmere.

4. PRESENTATION OF PETITIONS

5. CORRESPONDENCE

6. CENTRAL CITY OMNIBUS REPORT

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	General Manager City Environment
Authors:	Jane Parfitt and Mike Theelen

PURPOSE OF REPORT

1. The purpose of this report and that of the five reports attached to it is to provide Councillors with an integrated picture of the strategies, programmes and projects underway or proposed to help achieve the Council's stated vision of Central City Revitalisation. The following associated reports are attached as appendices:
 - Central City Revitalisation Strategy - Stage II (appendix A)
 - Central City South (appendix B)
 - Central City Lanes Plan (appendix C)
 - City Mall Renovation (appendix D)
 - Lichfield Street Two-Way (appendix E)
 - Bus Exchange Project Update (appendix F)
2. These reports will be considered at an extraordinary meeting of the Hagley/Ferrymead Community Board on 6 September 2006 and the Board's recommendations will be tabled at the Council meeting on 7 September 2006.
3. The key issue for the Council to be aware of through the process, is the need to work in a co-ordinated and comprehensive manner throughout the Central City. As Councillors will note, the various reports do overlap and interlock with each other, this reflects the complex inter-relationships that the Council, Council staff and the public need to grapple with to achieve revitalisation of the Central City.

EXECUTIVE SUMMARY

4. The Council's vision for the Central City, first adopted in 2001 was:

"A vibrant, exciting, safe and sustainable heart of Christchurch. A heart whose economy, environment, culture and society are healthy and strong."
5. The reports and attachments presented today represent key milestones in achieving this purpose.
6. At a strategic level, the report asks Council two things: to adopt the Stage 2 Revitalisation Strategy, which will provide the overall framework and umbrella that will guide actions in the Central City over the next five to ten years, and secondly, to adopt the broad principles and directions for a key part of that area - the Central City South.
7. Both these reports contain bold ideas and programmes; some are in train, others will require further investigation, feasibility testing and funding to make them happen. Collectively however, they provide a framework for further integrated action.
8. It is important for the Council to note that many of the decisions made today, particularly in respect of these two reports, will lead to further specific investigations, costings and reports back to the Council for approval as specific projects are scoped for delivery.
9. At a tactical level, this set of reports asks the Council to approve significant steps in the delivery of a number of key building blocks in the programme. These are:
 - the adoption for consultation of a proposed City Lanes Plan and;
 - the adoption for consultation of a proposed design for the City Mall.

6 Cont'd

10. The final two reports deal with key projects (two waying of Lichfield Street and the Bus Exchange) which highlight the dynamic inter-relationships that exist between these various initiatives. A decision on Lichfield Street two-waying, has a significant impact on the options for the Bus Exchange. At a broader level, a debate about the current arterial function of the road itself will even more significantly shape both the Bus Exchange and potential two-way options. This latter debate will most appropriately occur within the context of a debate on the future role of the entire one-way network. These elements are canvassed in more detail in the relevant report, but it is important to note here the inter-relationship that exists.
11. Is also important to note that the site for the new Civic building has now been identified and this will have a significant impact on traffic and people movements in the city. Also, consultation on the Botanic Gardens/Hagley Park Master Plan is underway and the submissions will be heard by the Council later in the year. The outcome of this could potentially impact the traffic network.
12. Work identified in the LTCCP and underway on Tree Planting, Streetscape Design and Parking will be the subject of separate reports. Staff are mindful of the need to also ensure that they are also included as part of the wider revitalisation programme.

FINANCIAL AND LEGAL

13. Each report outlines the relevant financial and legal issues.
14. It is important to note that both the City Mall and the potential two waying of Lichfield Street will require consultation to inform the Council's final decision. If the Council wishes to change the designation of the road, an SPC process will be required - this means final decisions cannot be made until March/April 2007.

STAFF RECOMMENDATION

It is recommended that the Council receive the information.

7. CHRISTCHURCH CITY HOLDINGS LIMITED

General Manager responsible:	Bob Lineham, CEO, CCHL, DDI 941 8411
Officer responsible:	Bob Lineham, CEO, CCHL
Authors:	Bob Lineham and Richard Simmonds, Financial Analyst

PURPOSE OF REPORT

1. The purpose of this report is to advise the Council on matters discussed by the CCHL Board.

ORION GROUP LIMITED - ANNUAL REPORT AS AT 31 MARCH 2006**Financial Performance**

2. Orion achieved a net profit after tax for the year of \$34.1 million, compared with \$52.3 million in the previous year. Last year's result included a \$29.3 million gain on sale of the majority of Orion's investment in Energy Developments Ltd ('EDL'), with the balance of the shares being sold in the 2006 financial year.
3. Orion's debt levels are low, and net equity is \$621 million.

Network

4. Network reliability is a crucial aspect of Orion's performance. Orion "kept the lights on" for 99.99% of the time over the last five years - the third best result in New Zealand (the two companies ahead of Orion have solely urban networks which are less vulnerable to disruption). In terms of the number of interruptions per consumer per annum, Orion was the most reliable in the country.
5. Forecast capital expenditure over the next ten years is over \$30 million per annum, with approximately a further \$18 million per annum to be spent on maintenance.

Regulation

6. Orion continues to commit significant time and resource into regulatory issues, as it is critical that regulation does not reduce incentives for lines companies to innovate and invest in their networks. Orion has worked closely with the Commerce Commission, the Electricity Commission and the Ministry of Economic Development as the regulatory framework is developed. It has also worked with the Electricity Networks Association to seek more flexibility around electricity distributors' ability to own generation and buy financial hedges to manage revenue and operating risks.

Investments

7. In 2003, Orion decided to reduce its level of investment in technology companies and return to "core business". Since that time it has withdrawn from several investments - notably EDL - and continues to seek appropriate divestment opportunities. In July 2006 Orion sold the majority of its stake in Whisper Tech, a company that develops and manufactures small scale co-generation units, to Meridian Energy. Also subsequent to balance date, in August 2006 Orion sold its shares in Energetics Pty Ltd as part of a competitive trade sale process.
8. Current investments include holdings in HumanWare Group and 4RF Communications.

SELWYN PLANTATION BOARD LIMITED - ANNUAL REPORT AS AT 31 MARCH 2006**Financial Performance**

9. The net result for the year was a net profit after tax of \$3.7 million, compared with a \$1.8 million deficit in the previous year. The result for the year included a gain on sale of land of \$8.4 million, but also a downward revaluation of the company's forests of \$6.4 million. Last year's result also included a forest revaluation decrement of \$4.6 million.

7 Cont'd

10. Ignoring the impact of asset sales and revaluation adjustments, the net operating surplus before tax was \$1.8 million, compared with \$2.4 million in the previous year. Given the difficult trading conditions facing the company, and its strategy of harvesting only plains timber, this is considered to be an acceptable result.
11. Domestic sawmill demand remained steady, but export log sale prices remained at historical lows for most of the year as a result of the high NZ\$ v US\$ exchange rate and record high ocean freight rates. New building regulations and quality standards have created a marketing challenge and a negative effect on average sale price per tonne.
12. An external valuation of the forest estate resulted in a 41% decrease in value to \$9.2 million. This reduction primarily reflected weakened future log sale prices following the introduction of new building industry quality standards, but also the lower area of forested land and a higher discount rate.
13. The total of land and buildings, land conversion costs and properties intended for sale (which have not been revalued) is \$43.9 million, a decrease of 7% over the previous year, reflecting the sale of the south plains land.

Land Strategy

14. In accordance with the company's previously signalled strategy to convert its plains forest land to an alternative land use, it has embarked on a process to clear the majority of the plains land, while at the same time ensuring that its soil structure and productive capability is retained. Several hundred hectares had been converted by balance date, with several hundred more in various stages of conversion. The company is ensuring that reasonable shelter belts are retained as the forests are converted to other uses.
15. Earlier in the year, the company sold 3,386 hectares of plains land situated between the Selwyn and Rakaia rivers.

TRANSFER OF SHAREHOLDING IN CCHL FROM MESSRS LINEHAM AND STOCK TO CCC

16. When CCHL was incorporated in 1993 it was a requirement of the Companies Act 1955 that every company had at least two shareholders. As a result one share in CCHL was held in trust for the Council jointly by David Stock and Bob Lineham.
17. CCHL has recently undertaken a review of its constitution and now that the Companies Act no longer requires that there be more than one shareholder CCHL requested the trustees to transfer the share held in trust directly into Council ownership. The trustees have agreed to this and the transfer took place in mid July. The beneficial 100% ownership of CCHL by CCC has not changed as a result of this transfer.

**TRANSFER OF SHAREHOLDING IN CCHL FROM MESSRS LINEHAM AND STOCK TO CCC
- RECOMMENDATION**

It is recommended that the information be received.

PETITION FROM KEEP OUR PORT PUBLIC (KOPP)

18. At the Council meeting on 20 July 2006 the Council received a petition promulgated by Keep Our Port Public which contained 2,888 signatures. The Council referred the petition to CCHL. The prayer of the petition reads:

"The Christchurch City Council DOES NOT allow any sale of any shares it owns directly or indirectly in Lyttelton Port Company to Hutchison Port Holdings of Hong Kong or any other overseas or New Zealand company; and that the Christchurch City Council commits to keeping Lyttelton Port Company in 100% PUBLIC ownership."

7 Cont'd

19. The Board of CCHL has given consideration to the petition and wishes to advise the Council as follows:
- The Council has never owned 100% of Lyttelton Port Company so it cannot commit to keep something it does not have.
 - The Council should not commit itself to a course of action that could work against the public good in the long run.
 - Future circumstances might make a change of ownership for Lyttelton Port Company an imperative to ensuring that Lyttelton can continue to be an active port serving the local economy.
 - It is difficult to anticipate what the future might bring in a rapidly changing port and shipping industry and it would be unwise to make a philosophical commitment to an ownership regime which could work against the main reason that the Council is involved with the port ownership - to ensure that there is a viable and effective port facility for the region.
 - There are safeguards in the Council's list of strategic assets which prevent loss of control of Lyttelton Port Company without public consultation.
 - Any future proposals for changed ownership of Lyttelton Port Company should be judged on their merits.

PETITION FROM KEEP OUR PORT PUBLIC (KOPP) - RECOMMENDATION

It is recommended that no further action be taken on the petition.

CCHL CHAIR - POLICY

20. The term of appointment for the current chair of CCHL is due to expire in late 2007 and the Board has discussed and drafted a policy for succession planning for the Chairmanship of the company. This policy would be a Council policy which in due course could be incorporated into the Council's already existing policy on the appointment and remuneration of directors. What is proposed is in line with the CCHL policy for the appointment of chairs of the subsidiary boards and is line with best practice governance. It is proposed to ensure a smooth transition through a planned approach. A copy of the proposed policy is attached.

CCHL CHAIR - POLICY - RECOMMENDATION

It is recommended that the "CCHL Chairperson Succession Planning Policy" specifically for the CCHL Board Chair appointment be adopted by the Council.

8. ECAN ELECTORAL REVIEW 2006

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 enable the Christchurch Council to express a view on a preliminary representation proposal developed by the Canterbury Regional Council (ECan).

EXECUTIVE SUMMARY

2. As required by the legislation, ECan has recently completed a review of its present electoral arrangements. The proposal approved by ECan has been publicly notified, with submissions closing on Wednesday 13 September 2006.
3. ECan's proposal provides for the continuation of the existing Council structure comprising 14 members in total, with eight members being elected by Christchurch City electors, and the remaining six members being elected by electors outside Christchurch.
4. ECan's proposal envisages that both the North Canterbury and Selwyn/Banks Peninsula constituencies would incorporate parts of the edge of Christchurch City, in order to satisfy the +/-10% population tolerance requirements of the Local Electoral Act 2002.
5. Other key elements of the proposal include moving the Ellesmere area of Selwyn District to a new regional Rakaia constituency with Ashburton District (currently called Ashburton) and the confirmation of two Councillors south of the Rangitata, with separate South Canterbury and Waitaki constituencies. Other constituencies and Councillors proposed include two for North Canterbury, one for Selwyn and one for Ashburton (proposed to be called Rakaia). A fuller description of the changes proposed by ECan is set out in paragraphs 14-18 of this report.
6. Attached to this report are two separate maps showing:
 - The nine constituencies proposed by ECan (Schedule A).
 - A further map giving more details of the four Christchurch constituencies proposed (Schedule B).
7. Attached is a draft submission from the Canterbury Mayoral Forum (Schedule D). In relation to the Christchurch City Council's previous resolution dated 20 April 2006, the submission:
 - Supports the Council's view that Christchurch City members should be elected at large.
 - Differs from the Christchurch City Council's stance by supporting eight rather than nine Christchurch City members.
 - Expresses the view (which this Council should support) that the boundaries of ECan constituencies should coincide with territorial authority boundaries.
8. At its meeting on 20 April 2006 the City Council agreed to support a preliminary proposal previously advanced by ECan, which envisaged a total of 14 members, including nine Christchurch City members. At that time the City Council also advised ECan that it was of the opinion that, whichever option was chosen, the Christchurch City members should be elected at large across the city. While ECan's current proposal envisages the continuation of 14 members in total, it provides for eight rather than nine Christchurch City members, with the eight members being elected from within four separate city constituencies, as at present.
9. This Council is therefore requested to consider ECan's current proposal, and to decide whether or not it wishes to lodge a formal submission with ECan seeking the election of nine (rather than eight) Christchurch City members, with the Christchurch City members being elected at large, rather than from within constituencies.

8 Cont'd

FINANCIAL AND LEGAL CONSIDERATIONS

10. There are no financial implications. The Local Electoral Act 2001 requires ECan to review its present electoral arrangements prior to the 2007 elections.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That the Council consider and decide whether it wishes to make a submission to ECan requesting the amendment of the current representation proposal to provide for nine (rather than eight) Christchurch City members, and/or the election of the city members at large across the city, rather than from within constituencies.
- (b) That the Mayor and/or a Councillor be appointed to represent this Council at the hearing to be held by ECan to consider the submissions on their electoral review.

8 Cont'd

BACKGROUND ON ECAN ELECTORAL REVIEW 2006

11. Christchurch's present representation results from an appeal lodged by the Christchurch City Council with the Local Government Commission in respect of ECan's 1995 review, when ECan approved a proposal providing for the election of seven Christchurch City members. The City appealed this decision to the Local Government Commission. The Local Government Commission upheld the City's appeal, which resulted in the City's representation being increased from seven to eight members. An extract from the decision made by the Local Government Commission in 1995 is attached as Schedule C.
12. Currently, Christchurch City elects eight members of ECan, out of a total of 14 members. Christchurch City is divided into four constituencies for the election of eight ECan members, with two members being elected within each constituency, ie:

Name of Constituency	Comprising
Christchurch North	Former Papanui, Shirley and Burwood Wards
Christchurch East	Former Pegasus, Hagley and Ferrymead Wards
Christchurch South	Former Heathcote, Spreydon and Wigram Wards
Christchurch West	Former Fendalton, Riccarton and Waimairi Wards

13. Christchurch's present representation arrangements need to be reviewed, to reflect:
- The recent inclusion of Banks Peninsula.
 - The fact that the City's present representation arrangements are based on the 12 former wards, rather than the seven present wards.
14. The following table set outs ECan's current representation arrangements, and the new arrangements proposed as a result of the current review:

No of Members (Present)	Name of Constituency	No of Members (Proposed)
1	Waitaki	1
1	South Canterbury	1
1	Ashburton	
	Rakaia	1
1	Selwyn/Banks Peninsula	1
2	Christchurch South	2
2	Christchurch North	2
2	Christchurch East	2
2	Christchurch West	2
<u>2</u>	North Canterbury	<u>2</u>
14	Total	14

15. If agreed to, the new arrangements will change the shape of the Regional Council constituencies for the Christchurch constituencies, Ellesmere and Ashburton. Some areas of Christchurch, for example, Belfast, Northwood, North Shore through to Spencerville and Brooklands, would become part of an enlarged North Canterbury constituency. Templeton would move out of South Christchurch into Selwyn/Banks Peninsula. Yaldhurst and McLeans Island would move out of West Christchurch into Selwyn/Banks Peninsula.
16. At present, the Christchurch City constituencies (North, South, East and West) run along the Waimakariri River to the north and south along the Port Hills.
17. The other key change proposed is to include Ashburton and the Ellesmere Ward of Selwyn District in the one constituency, which would be renamed Rakaia. At present, the Ellesmere Ward is part of the Selwyn/Banks Peninsula constituency.
18. Under the proposal, the Akaroa/Wairewa and Lyttelton/Mt Herbert communities would remain in the Selwyn/Banks Peninsula constituency, which would spread further north and east into Christchurch and include Yaldhurst, Templeton and McLeans Island.
19. The South Canterbury and Waitaki constituencies remain unchanged under the proposal.

8 Cont'd

20. In an accompanying news release, Councillor Robert Johnston, Chairman of ECan's Representation Review Committee, stated:

"The proposal for the four Christchurch city constituencies do contain departures from the existing boundaries brought about by some areas going into Selwyn/Banks Peninsula or North Canterbury and also internal rearrangements. Residents need to focus on whether this proposed internal structure for the Christchurch constituencies is satisfactory or whether these boundaries could be settled with more minor adjustments to the existing system.

Overall, the new proposal retains the six out-of-Christchurch, eight-in-Christchurch councillor balance; it retains a separate Waitaki constituency and it has virtual compliance with the Local Electoral Act's plus or minus ten percent population guideline with only one major exception (Waitaki). Importantly, this proposal received unanimous support from all councillors. These are major positive steps."

21. The Local Electoral Act 2001 provides that:

- The boundaries of constituencies must be drawn in a way which ensures that the electors of the constituencies receive fair representation, having regard to the total population of the region.
- The population of each constituency must be similar, within a +/- 10% tolerance.
- The constituency boundaries must, as far as practicable, coincide with the boundaries of one or more territorial authority districts.
- The +/- 10% population rule can in some circumstances be waived where the Regional Council **and** the Local Government Commission consider this is necessary to give effective representation of communities of interest.
- If the proposal finally approved by ECan deviates from the +/- 10% population rule, the decision **must** be referred to the Local Government Commission, whose decision will be final.

22. Owing to the small population of the proposed Waitaki constituency, ECan's proposal fails to comply with the requirement that the population of each constituency must be similar, within a +/- 10% tolerance. This is a conscious decision by ECan, on the basis that ECan proposes to make a case to the Local Government Commission for the creation of a Waitaki constituency, on the basis that this is necessary to give effective representation of communities of interest.

Christchurch City Representation if Provisions of Legislation Strictly Applied

23. Strict application of the provisions of the legislation would result in the enlarged Christchurch City electing at least nine (rather than eight) members, out of a total of 14 members.
24. Should Christchurch City's representation be increased, then the City members could either be elected at large across the city, or elected from within separate constituencies.

Review Timetable

24. The review is being conducted in accordance with the following timetable adopted by ECan:
- Formal submission period 11 August - 13 September 2006.
 - Submissions considered by ECan by 9 October 2006.
 - Public notice of proposal adopted by ECan following the hearing of submissions by 13 October 2006.
 - Appeals/objections in respect of ECan's final proposal 13 October - 14 November 2006.

Unitary Authority

25. At its meeting on 20 April 2006 the City Council resolved that Council officers be requested to report back to the City Council on the possible formation of a unitary authority, in place of both ECan and the Christchurch City Council. This topic will be the subject of a separate report to a later Council meeting.

8 Cont'd

Conclusion

26. If ECan confirms its present proposal following the hearing of submissions, then the proposal must be referred to the Local Government Commission, as it deviates from the +/- 10% population rule. Any appeals/objections lodged by the Christchurch City Council will also be considered at that time by the Local Government Commission.

9. REVIEW OF THE BUILDING CODE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941 8549
Officer responsible:	Environmental Policy and Approvals Manager
Author:	John Buchan, Building Control Manager

PURPOSE OF REPORT

1. The purpose of this report is to present to the Council a submission paper derived from an earlier seminar on the Review of the Building Code (Building for the 21st Century).

EXECUTIVE SUMMARY

2. The Building Act 2004 requires the Chief Executive of the Department of Building and Housing (DBH) to review the Building Code and to prepare a report for the Minister.
3. The DBH has prepared a discussion document and has called for submissions on the proposals. A seminar was held for Councillors on 8 August 2006 and a draft submission has been prepared. Agreement is sought for the submission to be sent to the DBH.

FINANCIAL AND LEGAL CONSIDERATIONS

4. When the detailed requirements are finally implemented there may be some slight increase in processing times. However, we will have the opportunity to comment on this impact during the next phase of the consultation process.
5. The submission reinforces the views expressed by Councillors at the seminar, that the changes must be affordable, practical and sensible.

STAFF RECOMMENDATION

It is recommended that the Council approve the draft submission on the Review of the Building Code to be sent to the Department of Building and Housing.

9 Cont'd

BACKGROUND ON REVIEW OF THE BUILDING CODE

6. The discussion document identifies areas for consideration and groups them under four main themes based on the "Purpose" section of the Building Act 2004 (BA04). The themes are Safety, Health, Wellbeing and Sustainable Development. The discussion is focussed on the new things being proposed, as the current Building Code already addresses many performance requirements for buildings.
7. The objectives of the proposals are to:
 - (a) Address new directions for the performance of buildings.
 - (b) Present a new structure for the code.
 - (c) Create clear performance standards and make the code easier to use.
8. A seminar for Councillors was held on 8 August 2006 and the discussion document and the proposed changes were discussed. Councillors considered the new performance items being proposed and made comments.
9. It is important to understand that the document is concerned with the scope and content of the code and to identify features of building works that the code should be addressing in order to meet the requirements set out under the purpose and principles of the BA04.
10. At this stage performance requirements are not being set. The performance requirements will be developed in the next phase of the review. A second discussion document with proposed performance requirements will be published in 2007.
11. The discussion document points out that the performance requirements need to balance quality and affordability.
12. A new principle of the Building Act is that the costs of a building over the whole of its life, including maintenance costs, should be taken into consideration when applying the Act. Setting higher minimum requirements can result in lower whole-of-life costs, with consequent economic and social benefits through greater resilience to natural disasters, better health outcomes for the population and greater protection of the natural environment.
13. However, setting higher minimum standards may also incur a greater cost of construction. This can create an affordability barrier, particularly for housing for people on low incomes (either through ownership or through rental). It can also impose an unnecessary economic burden on the nation's economic development. A balance is required between achieving quality standards and the cost of new requirements, including enforcement.
14. The discussion document also points out that while the Building Code is a national regulation, this does not mean performance requirements will have to be the same throughout the country. The Building Act 2004 (section 400) states that the functional requirements and performance criteria in the Building Code may apply generally:
 - Throughout New Zealand or in particular regions of New Zealand only
 - Over a range of circumstances or in particular circumstances only.
15. The Building Code already has different requirements for insulation in colder parts of the country and design requirements for earthquakes recognise the different seismicity in different areas of the country.
16. The City Water and Waste Unit and the Strategy and Planning Unit have provided comments which have been incorporated in the submission.

10. MAKING PARTS OF THE CITY PLAN OPERATIVE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941 8549
Officer responsible:	Resource Management Manager
Author:	David Punselie, Planning Officer

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council approve parts of the City Plan that are now beyond challenge and resolve to make those provisions operative.

EXECUTIVE SUMMARY

2. On 20 October 2005 the Council approved the City Plan with the exception of certain identified provisions that were still subject to unresolved proceedings. On 20 April 2006 further parts of the plan were approved and made operative. Since that time the proceedings set out in the following table have been resolved.

Proceeding	Subject	How resolved
A185	Meadow Mushrooms site	Court decisions issued
A236, A322	CIAL, BARNZ	Court decision issued
A248	A T M Thacker	Court decision issued
A305	Aidanfield Holdings Ltd	Court decisions issued
A409	Stonehurst Accommodation Ltd	Court decision issued
A412 - 416	Rezoning 207-215 Johns Road	Appeals withdrawn

3. The provisions that are subject to these proceedings are now beyond challenge and can be approved by the Council.

FINANCIAL AND LEGAL CONSIDERATIONS

4. Approving the City Plan and making it operative are steps required by the Resource Management Act 1991. As a consequence of approving the provisions set out in the following table the equivalent provision in the former transitional district plans will no longer apply. This may result in some cost savings for both the Council and applicants for resource consent.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That the Council approve, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991, the provisions of the City Plan identified in the following table.
- (b) That the General Manager Regulation and Democracy Services be given the authority to determine the date on which the provisions become operative.

Table of City Plan provisions to be approved and made operative

Clause in Plan	Resolved proceeding
Volume 3, Part 2 Living Zones	
Rule 2.1.3 - Deferred Zones	A412 - A416
Appendix 3f - Development plan (Styx)	A412 - A416
Volume 3, Part 3 Business Zones	
Clause 1.15 - Zone description Business 7 Zone	A185
Appendix 12 - Special provision Business 7 Zone	A185
Volume 3, Part 4 Rural Zones	
Rule 2.5.7 - Aircraft noise exposure	A248
Volume 3, Part 8 Special Purpose Zones	
Zone description 1.11 - Special Purpose (Awatea) Zone	A185
Rule 3.3.3 - Activities within Airport Zone	A236, A322
Reason for rule 14.10 - Special Purpose (Awatea) Zone	A185

10 Cont'd

Clause in Plan	Resolved proceeding
Volume 3, Part 9 General City Rules	
Rule 3.8.3 - Scheduled metropolitan facilities in Living 4	A409
Volume 3, Part 14, Subdivision	
Rule 4.3.1 - Minimum standards - Rural zones	A248
Planning Maps	
Map 17A - 207 - 215 Johns Road	A416-420
Map 18A - 207 - 215 Johns Road	A416-420
Map 44A - Aidanfield and Meadow Mushrooms sites	A185, A305
Map 45A - Aidanfield site	A305
Map 51A - Aidanfield and Meadow Mushrooms sites	A185, A305

11. CORRECTION OF MINOR ERRORS IN CITY PLAN

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941 8549
Officer responsible:	Resource Management Manager
Author:	David Punselie, Planning Officer

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council correct minor errors in the City Plan.

EXECUTIVE SUMMARY

2. A number of minor errors have been identified in the City Plan. Some of these errors have come about from changes made to the Resource Management Act or are consequential to Court or Council decisions.
3. Clause 20A of the First Schedule to the Resource Management Act 1991 provides that the Council may amend its plan without further formality to correct minor errors.

FINANCIAL AND LEGAL CONSIDERATIONS

4. There are no financial or legal considerations.

STAFF RECOMMENDATION

It is recommended that the Council, without further formality and pursuant to clause 20A of the First Schedule to the Resource Management Act 1991, correct minor errors in the City Plan by making the amendments set out in the table attached to this report.

12. PLAN CHANGE 2 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 2 to the City Plan and take the subsequent steps to make the change operative.

EXECUTIVE SUMMARY

2. At its meeting on 13 July 2006 the Council resolved to publicly notify Plan Change 2 to the City Plan. A copy of the change is attached to this report. The change seeks to change the zoning of 23 and 25 Moorhouse Avenue from Living 4B to Business 3.
3. Public notification of the plan change on 19 July 2006 attracted no submissions.

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) Resolve, 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 2 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.

13. HEALTH (DRINKING WATER) AMENDMENT BILL SUBMISSION

General Manager responsible:	General Manager City Environment Group, DDI 941-8656
Officer responsible:	Terry Howes, Asset and Network Planning Unit Manager
Author:	Diane Shelander, Senior Resource Planner

PURPOSE OF REPORT

1. The purpose of this report is to seek Council endorsement of a submission on the Health (Drinking Water) Amendment Bill.

EXECUTIVE SUMMARY

2. The Bill was introduced to Parliament in late June 2006 and had its first reading in late July. The Bill was referred to the Health Select Committee for consideration and the hearing of public submissions. Submissions are due by 15 September 2006.
3. The Bill would bring in a regulatory scheme in which the current voluntary standards for drinking water would become compulsory. The current voluntary standards are the Ministry of Health Drinking-Water Standards for New Zealand (2000).
4. Overall the City's drinking water supplies conform to current drinking water standards. However, drinking water supplies on Banks Peninsula are anticipated to pose some challenges, particularly if the timetable for compliance in the current Bill is retained when enacted.

FINANCIAL AND LEGAL CONSIDERATIONS

5. The impact of the Bill as proposed is not significant for the City, as the bulk of the proposed requirements are already in place. However, the Bill as proposed is expected to generate a significant workload to ensure compliance for drinking water supplies to the communities in Banks Peninsula. While some of the work necessary to upgrade systems are programmed into the Long-Term Council Community Plan 2006-16 (LTCCP) other work will need to be added either through a variation to the current LTCCP or incorporated into the next LTCCP.
6. Currently, small rural water schemes operated by city councils are excluded from the Drinking Water Assistance Programme.

STAFF RECOMMENDATION

It is recommended that the Council endorse the submission on the Health (Drinking Water) Amendment Bill.

13 Cont'd

BACKGROUND HEALTH (DRINKING WATER) AMENDMENT BILL SUBMISSION

7. Although the current national drinking water standards have been in place for over two decades, adherence is voluntary. The current voluntary standards are the Ministry of Health Drinking-Water Standards for New Zealand (2000).
8. The Health (Drinking Water) Amendment Bill was introduced in Parliament in late June 2006 with the aim of establishing a risk-based legislative framework for drinking water. The Bill had its first reading on 25 July 2006 and was subsequently referred to the Health Select Committee for consideration and the hearing of public submissions. The closing date for submissions is 15 September 2006.
9. As proposed the Bill would require that drinking water suppliers take all practicable steps to comply with the drinking water standards
10. As proposed the Bill would require that drinking water suppliers:
 - take all practicable steps to comply with the drinking water standards;
 - develop and implement public health risk management plans for their drinking water supplies; and
 - keep records to demonstrate compliance.
11. The Bill would also:
 - require that major ports and airports adhere to the majority of requirements applicable to drinking water suppliers, including compliance with drinking water standards, water quality monitoring, and the implementation of a public health risk management plan;
 - require accredited Ministry of Health assessors to monitor compliance;
 - provide a mechanism for drinking water suppliers to recover costs from installation, monitoring and maintenance of backflow prevention devices; and
 - set up an enforcement system with escalating penalties.
 - Require water tanker operators to also adhere to the principles of the standards and implement public health risk management plans
 - Require territorial authorities to maintain water supply information in the property LIMS database

IMPACT OF PROPOSED BILL

12. For that portion of the Council's drinking water supply within the former City boundaries, the impacts of the Bill are anticipated to be relatively minor, as:
 - that portion of the drinking water supply is compliant with drinking water standards; and
 - a Public Health Risk Management Plan is already in place (the plan is currently being reviewed / updated and is due for completion by the end of 2006).
13. A more significant impact is expected in regards to Banks Peninsula drinking water supplies, as the requirements of the Bill are anticipated to create a substantial workload in order to ensure that rural drinking water supplies on the Peninsula come into and maintain compliance. While there are some funds in the 2007/08 budget for some work on drinking water supplies in Lyttelton, additional funds may be required. Drinking water supplies for Akaroa may provide more challenges given the three-year compliance timetable in the current Bill. Some funding for the improvement of water supplies to meet the drinking water standards was included in the final two years of the LTCCP programme. A Public Health Risk Management Plan for the communities within the Banks Peninsula is currently being prepared and should be complete by the end of 2006.

SUMMARY OF SUBMISSION

14. Staff have prepared a submission on the Bill for the Council's endorsement (see attachment).
15. In general, the Bill is an appropriate means to ensure that drinking water supplies are, and remain, potable.

13 Cont'd

16. The time frame in which drinking water suppliers must comply with the requirements of the Bill is inadequate, at least for the minor, small and very small drinking water suppliers. Those suppliers that are territorial authorities have generally only recently completed their first complete Long-Term Council Community Plans (LTCCPs). It is likely that most of those authorities with minor, small and/or very small drinking water supplies may not have included these activities in their current LTCCPs.
17. The need for "approval" from the Medical Officer of Health if drinking water is restricted or interrupted for more than eight hours is questioned. It is suggested that the Medical Officer of Health simply be notified under such circumstances.
18. The requirement in the Bill for drinking water suppliers to take all "reasonable steps" to protect drinking water sources needs further clarification. The Council submission suggests that it is not reasonable to expect drinking water suppliers to take actions which are beyond their scope or authority to influence or control.
19. The section on backflow prevention is strongly supported as this is a key element in ensuring protection of drinking water supplies.
20. The requirement to place all information regarding a drinking water supply into a property's LIM may lead to inaccurate conclusions about the drinking water supplied to a property. The Council submission recommends providing only information of health significance as can be obtained from the drinking water register, should be put into a LIM.

14. REPORT OF THE GOVERNANCE SUBCOMMITTEE: MEETING OF 1 SEPTEMBER 2006

(To be separately circulated.)

15. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 9 AUGUST 2006

Attached.

16. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 8 AUGUST 2006

Attached.

17. NOTICES OF MOTION

18. QUESTIONS

19. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.