



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 30 AUGUST 2007

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 23.8.2007
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CORRESPONDENCE
6.	ELECTED MEMBERS' EXPENSES AND ALLOWANCES
7.	REMUNERATION AUTHORITY: POST ELECTION ELECTED MEMBERS' REMUNERATION
8.	COUNCIL HEARINGS PANEL RECOMMENDATION ON A PROPOSAL TO STOP A PORTION OF LEGAL ROAD ADJACENT TO 59 CLIFTON TERRACE
9.	PRINCIPLES AND WORKING PARTY FOR LIBRARIES 2025 FACILITIES PLAN
10.	BUILDING AMENDMENT BILL 2007
11.	ESTABLISHMENT OF CHARITABLE TRUST
12.	REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 1 AUGUST 2007
13.	REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 10 JULY 2007
14.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 25 JULY 2007
15.	REPORT OF THE LYTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 18 JULY 2007
16.	REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 25 JULY 2007

30. 8. 2007

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ITEM NO	DESCRIPTION
17.	REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 1 AUGUST 2007
18.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 17 JULY 2007
19.	NOTICES OF MOTION
20.	QUESTIONS
21.	RESOLUTION TO EXCLUDE THE PUBLIC

30. 8. 2007

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1. APOLOGIES

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 23.8.2007

Attached.

3. DEPUTATIONS BY APPOINTMENT

(a) BELFAST SECTION 293 AND THE INTERIM WESTERN BELFAST BYPASS

Speaking rights have been granted to Mr Justin Prain in respect to clause 24, in the public excluded section of the agenda "Belfast Section 293 and the Interim Western Belfast Bypass".

4. PRESENTATION OF PETITIONS

5. CORRESPONDENCE

6. ELECTED MEMBERS' EXPENSES AND ALLOWANCES

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

PURPOSE OF REPORT

1. The purpose of this report is twofold:
 - (a) to seek the Council's approval of an amended schedule of elected member expenses and allowances for forwarding to the Remuneration Authority (RA) for its approval, in respect of the expenses and allowances payable to sitting members for the balance of the current triennium;
 - (b) to draw the Council's attention to a letter dated 28 June 2007 and accompanying appendix received from the Remuneration Authority, regarding a number of matters relating to expenses which the RA expects to be addressed by the incoming Councils after the 13 October 2007 elections (copies of the RA's letter and accompanying appendix are attached to this report as Appendix B).

EXPENSES AND ALLOWANCES TO APPLY FOR THE BALANCE OF CURRENT TRIENNIUM

2. At its meeting on 26 April 2007 the Council adopted a schedule of allowances and expenses proposed to be paid to elected members for the balance of the current triennium. The schedule included provision for a broadband connection (to be provided on personal telephone lines) and a refund of \$40 per month for such broadband connection for **all** Community Board members. This proposal represented an extension to the Council's current policy of providing broadband connections for the Mayor, Deputy Mayor, Councillors and Community Board Chairs.
3. The RA has since responded advising that:

"We have considered the document and find it generally acceptable, although there are policy issues that we would ask you to consider before reviewing the policy post the October elections. However, we do have concerns about the establishment of a new allowance for broadband connections for community board members.

It is our view that access to broadband is increasingly a normal household cost, which should not be reimbursed in full unless it is to facilitate a connection that is explicitly dedicated to Council business. We are indicating an expectation that provision will in most cases be limited to 50% of the cost of a modest connection charge.

We are therefore approving the overall policy as presented, but not approving the new provision regarding internet access for community boards.

Please reconsider the extent of your policy and submit a replacement policy that more closely reflects the Authority's expectation."

4. The Council is therefore requested to approve the revised schedule attached as Appendix A for submission to the RA, incorporating an amendment to delete the former provision for a broadband connection and associated refund of \$40 per month for all community board members.

EXPENSES RULES (INCLUDING REIMBURSING ALLOWANCES) APPLICABLE TO ELECTED MEMBERS FOR THE PERIOD FROM THE DATE OF THE LOCAL AUTHORITY ELECTIONS TO 30 JUNE 2008

5. The RA has also circulated a letter dated 28 June 2007 and accompanying appendix to all local authorities, drawing attention to a number of matters regarding expenses which the RA expects to be addressed by the incoming Councils after the 13 October 2007 elections.
6. The staff comments on the issues raised by the RA which are of relevance to the Christchurch City Council are set out below:

6 Cont'd

Car Parking

7. The RA has indicated that if car parking is provided for elected members, it should be specified that such car parking is only for Council business.
8. Such a condition will therefore be included when the revised schedule of proposed expenses and allowances is submitted to the incoming Council for its preliminary approval, prior to forwarding to the RA for final approval.

Medical Insurance and Staff Discounts

9. The RA has indicated that elected members should not have access to either medical insurance or Council discounts, as such access is contrary to the principle of transparency.
10. Medical insurance is not currently available for elected members of the Christchurch City Council or Christchurch Community Boards. However, following the last elections some retiring elected members were permitted to purchase their Council laptops at discounted rates, and in view of the RA's advice, this arrangement will be discontinued.

Reimbursement or Allowances

11. Currently, the Deputy Mayor, Councillors and Community Board Chairs are paid a standard communications allowance of \$120 per month as a contribution towards:
 - home telephone line rental
 - monthly cellphone base rental charge
 - Council related toll calls made from home telephone lines
 - call charges for Council related calls from cellphone.
12. All the foregoing members are also entitled to the provision of broadband connection provided on their personal telephone line, with a refund of \$40 per month made by the Council for the cost of such broadband connection.
13. The RA has indicated its preference for the reimbursement of the actual costs incurred, rather than payment of an allowance. In view of this, it is considered that the RA is unlikely to approve the continuation of the present communications allowance of \$120 per month following the elections. It may instead be necessary to require the newly elected members to submit monthly claims, supported by the relevant accounts, for the reimbursement of Council related toll calls made on their landline, and Council related cellphone call charges, with the personal as opposed to Council - related charges clearly separated in each case. Such a requirement has some disadvantages, ie:
 - it is extremely time consuming, both for staff and elected members
 - When such an arrangement was formerly in place there were significant disparities in the monthly amounts claimed by individual members, with some members not claiming at all
14. Staff therefore propose to pursue with the RA the possibility of the continuation of some form of communications allowance which can be justified based on accurate and auditable actual cost data.

Communication and Associated Equipment

15. By and large, the RA's guidelines reflect this Council's current policy with respect to the supply of communications and associated equipment for the Mayor, Deputy Mayor and Councillors, with the following exceptions:
 - They do not envisage the provision of such equipment for Community Board Chairs.
 - They suggest that both Community Board Chairs and other elected Community Board members could be reimbursed half the cost of a basic landline telephone connection.

6 Cont'd

16. Currently, Community Board Chairs are provided with laptops, printers, a broadband connection and consumables/stationery. Council staff consider a sound business case can be made for such equipment to continue to be made available for their use, bearing in mind the large population and/or land area of each community, and the extensive powers delegated to each Community Board by the Council.
17. Electronic communication via email is now by far the preferred method of communication amongst and between Councillors and staff. Despite the fact that the RA has refused to grant approval for the supply of broadband connections for all Community Board members during the balance of the current triennium, it is considered that a sound business case can be made for all Community Board Chairs and Community Board members to be supplied by the Council with a dedicated broadband connection after the elections, with the Council meeting all the costs of an appropriate mid-level plan. This report therefore contains a recommendation to this effect.

Air Points

18. Reflecting the stance adopted by the RA, the incoming Council will be requested to adopt a policy that elected members should not use, for private benefit, air points earned from travel paid for by the Council.

Spouse/Partner Travel

19. The RA's view is that travel by spouses at local body expense should be the exception rather than the rule, and be based on a sound business case.
20. The Council's present policy does not permit the payment of spouse/partner travel expenses in relation to travel on official Council business by the Deputy Mayor, Councillors, Community Board Chairs or Community Board members.
21. However, in March 2005 the Council resolved *"that for the balance of the current triennium, the Council be responsible for the payment of the associated travel costs for the Mayoress to enable her to accompany the Mayor on overseas trips, where appropriate"*.
22. As Christchurch's first citizen, it was considered that the Mayor is entitled to the support of his/her partner when attending conferences and similar events, both within New Zealand and overseas. The incoming Council will therefore be requested to consider seeking the RA's approval for the payment by the Council of the travel and associated expenses incurred by the Mayor's spouse/partner, when accompanying the Mayor within New Zealand or overseas on official Council business.

Scrutiny and Approval Processes

23. The RA considers that claims for expenses by elected members should be approved, in most cases, by the Chief Executive, after review for compliance and reasonableness by another officer.
24. Staff will therefore arrange for a complying mechanism for the approval of such expenses to be put in place following the elections. In that respect, staff will seek clarification from the RA as to whether approval of expense claims can be given by the Chief Executive's nominee (General Manager or second tier manager).

FINANCIAL IMPLICATIONS

Expenses and Allowances to Apply During the Balance of the Current Triennium

25. It was previously estimated that if broadband connections were provided for all Community Board members, then an additional cost of \$15,360 per annum could result. Although this additional cost could have been met from existing budgets, the abandonment of this proposed allowance will result in an equivalent saving.

6 Cont'd

Revised Expenses and Allowances Proposed to Apply for the 2007-10 Triennium

26. It is estimated that the revised expenses and allowances to be recommended to the incoming Council following the elections will be reasonably neutral from a cost point of view, and that there should be little change in the total sum currently expended on elected member allowances and expenses annually, across the Council and the eight Community Boards. Some additional staffing costs will result if elected members are required to submit monthly expense claims for checking and reimbursement (as opposed to the payment of common communications allowances) although it is difficult to quantify these additional staffing costs at this stage.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

27. As indicated above, there will be a saving of approximately \$15,360 per annum if the proposal to provide a broadband connection for all Community Board members is abandoned.

LEGAL CONSIDERATIONS

28. The principal statutory provision which applies in this instance is the Remuneration Authority Act 1977.

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

29. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

30. Page 113 of the LTCCP, level of service under Democracy and Governance refers.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

31. As above.

ALIGNMENT WITH STRATEGIES

32. Not applicable.

Do the recommendations align with the Council's strategies?

33. Not applicable.

CONSULTATION FULFILMENT

34. The recommendations made by community boards in relation to the expenses and allowances to apply for the balance of the current triennium were placed before the Council at its meeting on 23 March 2007, when it gave its approval to the proposed provision of broadband connections for all community board members. Now that the RA has declined to approve this proposal, no further consultation is required.
35. Following the elections, the views of Community Board members will be sought before a report is submitted to the incoming Council on the expenses and allowances proposed to apply for the balance of the current financial year.

6 Cont'd

STAFF RECOMMENDATION

It is recommended:

- (a) That, in respect of the expenses and allowances to apply for the balance of the current triennium, the amended schedule attached to this report as Appendix A be adopted by the Council for submission to the Remuneration Authority for its approval.
- (b) That the advice received from the RA regarding the post-election expenses rules be received, and that it be noted that a report will be submitted to the incoming Council, which will (amongst other things) address the following issues:
 - Car parking
 - Discounts for elected members
 - Discontinuation of the present communications allowance of \$120 per month
 - Air points
 - Travel by the Mayor's spouse/partner when accompanying the Mayor within New Zealand or overseas on official Council business
 - Scrutiny and approval processes for the reimbursement of claims for expenses by elected members
- (c) That the RA be requested to reconsider its stance regarding:
 - (i) the provision of broadband connections for Community Board Chairs and Community Board members;
 - (ii) the reimbursement of actual communications expenses, rather than payment of a communications allowance.
- (d) That the Council seek the support of Local Government New Zealand in respect of recommendation (c) above.

7. REMUNERATION AUTHORITY: POST ELECTION ELECTED MEMBERS' REMUNERATION

General Manager responsible:	Peter Mitchell, General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Max Robertson, Council Secretary

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) advise the Council of the salaries which will be payable to elected members in the immediate post election period, and;
 - (b) advise the Council of the Remuneration Authority's views regarding the possible allocation of the Remuneration Pool for the balance of the current financial year, following the immediate post-election period.

SALARIES PAYABLE IN THE INTERIM POST ELECTION PERIOD

2. The Remuneration Authority (RA) has forwarded an advance copy of an interim determination which will be gazetted towards the end of August, which provides for the payment of the following salaries to members of the Christchurch City Council and Christchurch Community Boards in the immediate post election period:

Position	Annual Salary
Mayor	\$156,590 (less adjustment for value of car supplied)
Councillors	\$67,000
Urban Community Board members	\$15,000
Banks Peninsula Community Board members	\$6,300

3. In all cases, these interim salaries will apply up until the date on which the incoming Council has reached a decision on the preferred allocation of the indicative remuneration pool of \$1,581,844 and the Council's agreed proposal has been submitted to and approved by the RA. Any increases applicable (including those relating to the positions of Deputy Mayor, Committee Chairpersons and Community Board Chairs) can then be backdated to the date on which any standing committees were established and/or Councillors were appointed to those positions. Any increase in the base remuneration for Councillors or Community Board members will also be backdated to the date on which they were declared elected.

FINAL DETERMINATION FOR 2007/08

4. The RA will send out forms in due course, seeking the incoming Council's recommendations regarding the remuneration of members of the newly elected Council and Community Boards.
5. The following are the relevant extracts from the RA's letter of 1 August 2007:

"The Authority is aware that the incoming council and officers will face some challenges establishing a remuneration pool that brings expenditure within the indicative pool established by the Authority for the 2007-2008 financial year."

"The Authority reiterates its previous advice that sitting representatives, having been protected from unanticipated remuneration reductions post the Christchurch City/Banks Peninsula amalgamation, must now develop a remuneration structure that reflects the respective responsibilities of elected representatives, but can be accommodated within the indicative pool."

"Developing the interim determination in a way that allows some flexibility for the incoming representatives has been at the forefront of the Authority's mind. The approach taken by the Authority in establishing the interim determination is outlined below:"

7 Cont'd

1. *Councillors' remuneration has been frozen since July 2005. Had normal movements applied, salary could have been expected to rise by approximately 7%. The Authority has factored in this movement (to a notional salary of \$83,450) and has then set the interim salary at 80% of this figure \$67,000.*

This adjustment reflects the Authority's view that councillors cannot be expected to carry the cost of the amalgamation indefinitely, but the headroom provides scope for the council to review its structure, and remuneration of the Deputy Mayor.

2. *Having applied the Mayor's salary and the notional councillors' salaries to the pool, the Authority was left with a figure of approximately \$327,000 available within the pool to fund community boards. This equates to \$654,000 for community board salaries. Two principles could have been applied in allocating that pool: either a structure that reflected parity of remuneration among boards; or the current structure where two levels of salary apply. For the purpose of this determination, the Authority has continued to apply a differential between the urban and rural boards, setting the interim board salaries at \$15,000 and \$6,300 respectively.*

The attached table shows the two possible approaches. Even maintaining this structure requires significant reductions in urban community board salaries, albeit less substantial than had all community board members' salaries been moved to a single regime. In completing our calculation a margin of approximately 50% was estimated for the salaries of board chairs, and then a figure set at 90% of the possible rate.

3. *No additional remuneration is established for other positions (such as standing committee or community board chairs).*
4. *The Mayor's salary remains unchanged from the 2007-2008 determination (including adjustments made to recognise provision of a motor vehicle for private use).*
5. *No allocation of meeting fees has been made or will be paid for the interim period."*
6. The two possible approaches suggested by the RA indicate payment of the following post-election salaries, depending on the approach taken by the incoming Council:

Position	Scenario 1 (Equality of Community Board Salaries)	Scenario 2 (Differential between Metropolitan and Banks Peninsula Community Boards)
Mayor	\$156,590	\$156,590
Deputy Mayor	\$96,450	\$96,450
Councillors	\$83,450	\$83,450
Urban Community Board Chairs	\$22,000	\$25,500
B.P. Community Board Chairs	\$22,000	\$14,200
Urban Community Board members	\$15,000	\$17,000
B.P. Community Board members	\$15,000	\$7,800

7. At its meeting on 23 March 2007 the present Council adopted a resolution which envisaged equality of urban and Banks Peninsula Community Board salaries after the elections.

7 Cont'd

FINANCIAL IMPLICATIONS

8. There are no direct financial implications, insofar as provision has been made in the 2007/08 Annual Plan for elected member salaries to be accommodated within the total available pool of \$1,581,844.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

9. Not applicable.

LEGAL CONSIDERATIONS

10. The principal statutory provision which applies in this instance is the Remuneration Authority Act 1977.

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

11. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Page 113 of the LTCCP, level of service under Democracy and Governance refers.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

13. As above.

ALIGNMENT WITH STRATEGIES

14. Not applicable.

Do the recommendations align with the Council's strategies?

15. Not applicable.

CONSULTATION FULFILMENT

16. All elected members will be consulted regarding the preferred allocation of the pool before a formal report is submitted to the Council following the elections, and the Council's decision thereon is conveyed to the RA.

STAFF RECOMMENDATION

It is recommended that the Council receive the information contained in this report, and the associated advice received from the Remuneration Authority.

8. COUNCIL HEARINGS PANEL RECOMMENDATION ON A PROPOSAL TO STOP A PORTION OF LEGAL ROAD ADJACENT TO 59 CLIFTON TERRACE

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Democracy Services Manager
Author:	Dale Wreford, 941 8941

PURPOSE OF REPORT

1. The purpose of this report is to present the report and recommendation of the Council Hearings Panel (Attachment 1) following the hearing of objections pursuant to the tenth schedule of the Local Government Act 1974, relating to a proposal to stop a portion of legal road adjacent to 59 Clifton Terrace, Christchurch.

EXECUTIVE SUMMARY

2. The road stopping process was initiated as result of a request to the Council in August 2003 by the property owners of 59 Clifton Terrace for the Council to consider the stopping and sale of the portion of unformed road adjacent to their property.
3. The Hagley/Ferrymead Community Board on 4 August 2004 resolved to stop the portion of road shown on the plan (Attachment 2), and that the stopped road be sold to the adjoining owners pursuant to section 345 (1) (a) (i) of the Local Government Act 1974.
4. This resolution was ratified by the Council on 26 August 2004.
5. The road stopping proposal was publicly advertised on 22 September and 9 October 2004 in accordance with the provisions of the Local Government Act.
6. Two objections were received.
7. A council hearings panel comprising Councillors Sue Wells and Graham Condon, and Community Board member Stuart Bould, conducted a hearing on 13 June 2007 pursuant to the Tenth Schedule of the Local Government Act 1974.
8. The panel decided to recommend to the Council (a) that the objections be disallowed, and (b) that the objections be referred to the Environment Court as provided for in Clause 5 of the Tenth Schedule of the Act.

FINANCIAL IMPLICATIONS

9. There are no direct financial considerations or budget implications.

LEGAL CONSIDERATIONS

10. Legal considerations are limited to the need to follow the process set out in the Local Government Act 1974 relating to a proposal to stop a portion of legal road, and the hearing of objections.
11. Under Schedule 10 of the Local Government Act 1974 the Council must either allow the objections or disallow the objections.
12. If the objections are allowed the road will not be stopped and that is the end of the matter. If the objections are disallowed, the Council is required in terms of the Act to refer the matter to the Environment Court for review of the decision.
13. The decision of the Environment Court is final and conclusive.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Not applicable

8 Cont'd

ALIGNMENT WITH STRATEGIES

15. Not applicable

CONSULTATION FULFILMENT

16. Not applicable

STAFF RECOMMENDATION

That the recommendation of the Council hearings panel as per the attached report (Attachment 1) on the proposed stopping of a portion of legal road adjacent to 59 Clifton Terrace, Christchurch, be adopted as the decision of the Council.

9. PRINCIPLES AND WORKING PARTY FOR LIBRARIES 2025 FACILITIES PLAN

General Manager responsible:	General Manager, Community Services, 941-8986
Officer responsible:	Libraries and Information Services Manager
Author:	Carolyn Robertson, Libraries and Information Services Manager

PURPOSE OF REPORT

1. To recommend adoption of principles that will guide the development of the Libraries 2025 Facilities Plan.
2. To recommend adoption of the terms of reference for the form, role and membership of the Libraries 2025 Facilities Plan Working Party.

EXECUTIVE SUMMARY

3. Work has commenced on developing a comprehensive plan for the future provision of library facilities in Christchurch and Banks Peninsula up until 2025. The final plan will be completed in time to inform the 2009 LTCCP decision-making process on prioritisation against other Council projects.
4. Staff have developed a set of principles that will underpin all considerations of future provision of library services by the Council. These principles will: ensure facilities and services are consistent with Council's Strategic Directions and strategies; ensure planning is responsive to current and future community needs; recognise that libraries strengthen communities by providing hubs; provide facilities and services that increase leisure and learning opportunities and community participation; enhance people's access to Council information and services; provide library facilities in context of a City-wide network; and ensure sustainable, long-lasting design and well maintained and planned facilities.
5. The proposed representation of the Working Party is detailed in Appendix C (attached) and specific names for external representatives will be provided at the meeting. To allow for discussion on the nominations at the meeting it is suggested that the Council may wish to exclude the public in terms of Section 7(2)(a) of the Local Government Official Information and Meetings Act 1987 (Protection of the Privacy of Natural Persons).
6. The following terms of reference for the working party are proposed:

Goal: To recommend to the Council a draft plan for the future provision of libraries that will enhance access to facilities and services and inform the 2009 LTCCP decision-making process.

Objectives:

- *To meet the above goal by 28 February 2008.*
 - *Work in partnership with Council staff and elected members to gain a thorough, shared understanding of the Council and community's needs and expectations for library facilities within the context of Council-wide service delivery and its Strategic Directions.*
 - *To report to Council on progress during the Working Party's deliberations, particularly at milestone stages such as: (a) to confirm the criteria for assessing provision; and (b) seek feedback on identified priority areas for future provision.*
 - *To make recommendations on a draft plan to the Council that are consistent with the principles agreed to by the Council.*
7. In addition to the Working Party, staff will continue to research future community needs, expectations and demographic trends that will influence library and information provision. The process to be followed for the Plan's development is outlined in Appendix D (attached).

9 Cont'd

FINANCIAL IMPLICATIONS

8. There are no significant financial or legal implications from this report.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

9. N/A. However, the subsequent adoption of a Libraries 2025 Facilities Plan will influence the 2009 LTCCP decision-making process.

LEGAL CONSIDERATIONS

10. The process followed during the Libraries 2025 Facilities Plan is in compliance with the requirements of the Local Government Act 2002.

11. Notably, the planning process is compliant with requirements set out in: S.78 to give consideration to community views in relation to decisions; S.80 requiring the identification of any "significant" inconsistent decisions; S.81 ensure opportunities for contributions to decision-making processes by Maori; ensure the Principles of consultation identified in S.82 are upheld.

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

12. Yes

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Yes.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

14. Yes

ALIGNMENT WITH STRATEGIES

15. The recommended principles set out in this report have been developed to ensure alignment with Council's Strategic Directions, most notably relating to Strong Communities:

- *Increase involvement in lifelong learning, by:*
 - *Providing resources and information, through libraries and website; Providing learning facilities, programmes and activities; Encouraging people of all ages to take advantage of learning opportunities.*
- *Promote participation in democratic process, by:*
 - *Providing readily available and easily understood information about Council service and structures.*
- *Help communities to meet their needs, by:*
 - *Targeting those who are most disadvantaged; Providing accessible and welcoming public buildings, spaces and facilities.*
- *Encourage residents to enjoy living in the City and to have fun, by:*
 - *Providing and supporting sport, recreation and leisure activities.¹*

16. Other Council strategies and policies that the proposed principles are aligned with include: Greater Christchurch Urban Development Strategy, Strengthening Communities Strategy, Aquatic Facilities Strategy, Equity and Access for People with Disabilities Policy, and Ageing Together Policy.

17. Consistency and alignment with concurrent planning projects will be considered throughout the development of this plan, notably the Community Facilities Plan, Metropolitan Sports Facilities Plan, Akaroa Area Plan, Belfast Area Plan and the South West Area Plan.

¹ Christchurch City Council: Our Community Plan 2006-2016, page 59-60

9 Cont'd

Do the recommendations align with the Council's strategies?

18. This report recommends the adoption of principles that the Council will use as a foundation in determining the priorities for future library provision in the Libraries 2025 Facilities Plan. The proposed principles are aligned with the Council's Strategic Directions. In particular, they support the Strong Communities strategic direction to "give people a sense of belonging and encourage them to take part in social, cultural, economic and political life."²
19. The recommended establishment of a Working Party to lead the development of the Facilities Plan is aligned to the Strong Communities' goal to "Promote participation in democratic processes".³

CONSULTATION FULFILMENT

20. Given the recognised strong community support for and interest in library facilities in the city, effective and comprehensive community consultation will be required during the development of the Libraries 2025 Facilities Plan, and particularly once a draft plan is finalised..
21. The recommended establishment of a Working Party is part of the acknowledged need for involvement of key stakeholders in the Plan's development.
22. Wider stakeholder consultation will additionally take place during the development of a draft Libraries 2025 Facilities Plan; to be followed by the special consultative procedure for wider community input once the draft plan is approved by the Council for consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the principles as set out in Appendix A (attached).
- (b) Agree to the Terms of Reference of the Libraries 2025 Facilities Plan Working Party as set out in Appendix B (attached).
- (c) Appoint two Councillors and a Community Board Chairperson to the Working Party.
- (d) Appoint an independent chairperson, and community members to the Working Party as set out in Appendix C (attached).

² Ibid, page 59

³ Ibid, page 59

9 Cont'd

BACKGROUND (THE ISSUES)

23. In 2006 the Council completed a 10-year development programme that saw the addition of new library buildings at Papanui, Shirley, New Brighton and Fendalton, new services at South Christchurch, Parklands and Upper Riccarton, establishment of three co-located learning centres, major upgrades at Central and Sumner, and the addition of four Banks Peninsula libraries into the network. With growth in residential housing, the issue of providing access to new and growing communities needs to be addressed. The 2025 Plan will provide a tool and information to support decisions about future planning and identify areas of current need.
24. Usage of the Council's Library and Information services continue to grow and compares very favourably with other local authorities' reported usage:
 - Library visits: 3.9 million visits = 10.59 visits per capita (*national average = 7.97*)
 - Library events' attendance: 22.5% increase from 2005/06 to 2006/07
 - Items borrowed: 6 million issues = 17.5 issues per capita (*national average = 13.74*)
 - E-access to library continues to increase: 49% of access to the library website is happening *in* libraries. Website visits have increased by 122% in the last five years
 - Total items in library network: 1.1 million = 3.17 items per capita
 - Items' turnover: 6.13 times per annum (*national average = 4.74*)
25. There are strong indications from our communities that libraries are valued as key destinations and "anchors". Libraries help fulfil several of the City's Community Outcomes and are a key contributor to meeting the Council's strategic direction for Creating Strong Communities.
26. A wider view of libraries' role expresses that: "The contribution that libraries make to community development, learning and literacy, to reading and creative recreation and to strengthening our sense of who we are as New Zealanders is also of considerable significance." (*Public Libraries of New Zealand: a strategic framework 2006 to 2016, LIANZA. 2006*)
27. Initial scoping work in 2005 identified a need to plan in more detail for library facility provision for the next 20 years, including the location of and services available at all community libraries and the role and location of the Central Library.
28. Currently there is no capital provision for major library projects in the 2006/2016 LTCCP. A programme of regular refurbishment continues, allowing limited opportunity for service re-definition at the same time if required.
29. The goal of the Libraries 2025 Facilities Plan is: *To develop a comprehensive facilities plan that supports ongoing and future library and learning centre provision and anticipates future service delivery needs.*
30. Key issues to be addressed in the 2025 Plan:
 - Network definition – services, size, gaps and areas of overlap
 - Facilities and services – benchmarking standards, future proofing, building performance measures, customer expectations, libraries as community space
 - Planning for partnerships and joint use opportunities
 - Contingency (planning for change) and refurbishment planning; asset management
31. Given the strong community use and loyalty for the City's library services, it is anticipated that the Plan will stimulate a high degree of community interest. A comprehensive programme of community engagement will form an essential part of the Plan's development and communication planning, in order to ensure that communities views are fully considered.
32. A comprehensive communications plan has been developed. It is designed to keep all key stakeholders well-informed of progress with development of a draft Libraries 2025 Facilities Plan.

9 Cont'd

33. This features regular Mayor, Councillor and Community Board briefings – both formal and informal, an e-newsletter to connect with all key stakeholders, including elected members, and regular stories in Our Christchurch pages to keep the wider community briefed on progress/developments with the Plan.
34. Media briefings are also a key tactic in the communications plan to ensure the media is kept informed through each key phase of the development. This will help foster a better knowledge and understanding of the Plan as Council looks to deliver Christchurch a world-class library service.
35. The communications plan identifies early the role Christchurch and Banks Peninsula residents will play in the decision-making process, providing a timeline for the development of the Plan.
36. When a draft Libraries 2025 Facilities Plan is available, the wider community will be consulted on various aspects of this Plan. A full consultation plan will be developed as the draft Plan is nearing completion.
37. The process followed in the Plan's development is outlined in Appendix D (attached). Work to date on the recommended principles and Working Party, and development of a comprehensive communications plan has been carried by a project team in consultation with the Strong Communities Portfolio Group. Development of this initial work also benefited from discussion and feedback from a Council seminar in July 2007 and Community Boards' chairs' meeting in August 2007.
38. Feedback at the Council seminar included the following:
 - The plan's emphasis should be on enhancing access to Library facilities and services.
 - The plan needs to recognise that communities' needs for library facilities are many and varied. Planning must accommodate this diversity– one size or style of library will not suit all locations.
 - The Council is proud of its numerous iconic library buildings and services which have earned national and international accolades. It is keen to continue to support the role of its libraries to inspire through outstanding building design and innovative services.
 - The Council is committed to libraries today and in the future and recognises the increasing relevance of access to library-accessed information and technology and the enriching diversity of resources that they offer.
 - Co-location of Council services and partnership opportunities with other service providers in the community is a priority in planning.

THE OBJECTIVES

39. Principles: To guide the development of a Libraries 2025 Facilities Plan that will be consistent with Council's Strategic Directions.
40. Working Party: To benefit from the expertise and views of key stakeholders in the community and to ensure that the planning process incorporates their views throughout.

10. BUILDING AMENDMENT BILL 2007

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

PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the proposed Building Amendment Bill 2007 and recommend a submission to the Social Services Select Committee.

EXECUTIVE SUMMARY

2. The Amendment Bill contains some minor adjustments to improve the workability of the Building Act 2004. The most significant change from the Council perspective is to amend the exemption from building consent requirements to revert to the requirements that were in the previous Building Act 1991.
3. It is submitted that the Council should support the Amendment Bill.

FINANCIAL IMPLICATIONS

4. The proposed amendments should have no financial effect on the Council.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

5. As above.

LEGAL CONSIDERATIONS

6. Not applicable.

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

7. The effect of the proposed amendments should be minor.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Will assist with achieving the Regulatory objectives on Page 145 of LTCCP.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

9. Will assist with Councils objective of administering and enforcing Statutory Regulations for Building.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. Not applicable.

STAFF RECOMMENDATION

Staff are not recommending any additional submissions and it is recommended that the Council forward a submission supporting the Amendment Bill.

10 Cont'd

BACKGROUND ON BUILDING AMENDMENT BILL 2007

13. The Bill contains some minor adjustments to improve the workability of the Building Act 2004. The purpose of the Amendment is to:
- Alter the basis on which accreditation fees may be collected, so that the approval and appointment of a product certification accreditation body can proceed in 2007 as planned;
 - Clarify the approach to exemptions from building consent requirements (for example, reverting to the regime of the Building Act 1991 regarding culverts, small dams, and certain pylons, plumbing and drainage work), and in particular to require a building consent for weather tightness remediation work;
 - Adjust the future dam safety scheme to align it to a greater extent with international and New Zealand risk continuum paradigms, for example, by adding new categories for earthquake prone and flood-prone dams; and by adding an incentive for dam owners to become accredited (an exemption from annual compliance certificate requirements);
 - Clarify that small dams should be regulated by regional authorities as dams, not regulated by territorial authorities as buildings; and reintroduce the small dams exemption from building consent requirements (removing compliance costs for owners of small dams);
 - Fine-tune some elements of the scheme to license building practitioners, for example, set out the purpose of the scheme in a purpose clause; clarify that certification is an information provision requirement only (and therefore avoid the creation of any potential tort liability for licensed building practitioners); and introduce a new term, significant building project, to facilitate a whole-of-building concept as well as the element based concept in the term restricted building work;
 - Require territorial authorities to include on project information memoranda (PIMs) for public use buildings a statement flagging that there are accessibility requirements in the Act and the Building Code, to assist on improving compliance with accessibility requirements at the building design stage;
 - Make a number of minor or technical amendments to the Building Act 2004 to correct errors, omissions, and inconsistencies.
14. Comment on the purposes listed above:
- It is important that a Product Certification Body be approved and appointed to enable the regime set out in the Building Act 2004 to be implemented.
 - The range of exemptions from building consent requirements was expanded in the 2004 Act and the amendment will revert to the 1991 Act requirements and repairs to components relating to the structural behaviour or fire safety properties of the building or components which have failed to meet the durability requirements will again require a building consent.
 - The amendments relating to dams and dam safety will clarify that dams are regulated by Regional Authorities. The amendments to fine-tune the licensed building practitioners regime will provide clarity.
 - The amendments to require a statement in Project Information Memorandum (PIM) will be able to be accommodated within existing processes.
 - The minor and technical changes relate to issues such as changing wording. An example is changing the word licence to licensing. Some incorrect clause references within clauses are also corrected.

11. ESTABLISHMENT OF CHARITABLE TRUST

General Manager responsible:	General Manager Regulation and Democracy Services DDI 941-8549
Officer responsible:	Acting Legal Services Manager
Author:	Ian Thomson, Acting Legal Services Manager

PURPOSE OF REPORT

1. The purpose of this report is to seek support for a proposal to establish a charitable trust in the name of the late Rod Donald.
2. It is proposed that the objectives of the trust will focus on historical, environmental and community based projects in the Banks Peninsula area.

EXECUTIVE SUMMARY

3. Prior to amalgamation with Christchurch City, the Banks Peninsula District Council resolved that it would sell a number of endowment properties that it owned in Canterbury. Notice of this was given in the Council's draft 2004-14 LTCCP and consulted on before the LTCCP was adopted.
4. Sections 140 and 141 of the Local Government Act 2002 allow the sale of endowment properties provided that the proposed use of the proceeds is consistent with the purpose of the endowment. In all cases, the properties were originally endowed to provide income that would aid the (then) borough funds.
5. The transitional committee established to manage the amalgamation of Christchurch City and Banks Peninsula District Councils recommended that the income from the proceeds of sale of the endowment properties be used to establish a trust to consider appropriate projects that would enhance the rural, historical or environmental nature of Banks Peninsula. This report is bringing that recommendation one step further towards implementation.
6. The proposal is supported by the Mayor, Gary Moore, and Councillor Bob Parker. They have suggested that the proposed trust be established in the name of the late Rod Donald in recognition of his commitment to Banks Peninsula.
7. Legal advice provided to Council staff confirms that the proposed use of the proceeds of sale of the endowment properties is consistent with the original purpose of the endowment. There is approximately \$2.8 million available to establish a trust.
8. It is proposed that the trust is established as a Council controlled organisation. This will require adopting the special consultative procedure before the Council makes its decision.

FINANCIAL IMPLICATIONS

9. The endowment properties were sold by the Banks Peninsula District Council before it amalgamated with the Christchurch City Council. The proceeds of sale have been held undisbursed since then.
10. One of the benefits of establishing a charitable trust for the purposes set out in this report is that some of the cost of providing environmental, historical and community based facilities in the Banks Peninsula area can be met without recourse to other financial resources of the Christchurch City Council.
11. The income that may be generated from prudent investment of the trust funds will be greater than the income earned from the continued ownership of the endowment properties.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

12. The use of the proceeds of sale of the endowment properties referred to in this report was indicated in the 2004-14 LTCCP adopted by the Banks Peninsula District Council.
13. The funds have been held undisbursed and are therefore available to be used for purposes consistent with the original endowments.

11 Cont'd

LEGAL CONSIDERATIONS

14. In its 2004-14 LTCCP, the Banks Peninsula District Council noted as follows:

"The Council has a number of endowment properties which if sold, the proceeds of sale must be applied to a use which is consistent with the purpose of the endowment (Section 140-141 LGA 2002)."

15. The Council then goes on to state that:

"The proceeds of these properties (net of disposal costs) will be held until sufficient capital can be aggregated to buy land of a larger value as soon as it is practical."

16. The statement does not strictly reflect the provisions in the 2002 Act. The requirement to use the proceeds of sale of endowment properties for the purchase of replacement land did not survive the repeal of the 1974 Act. The matter will be rectified during the consultative process necessary to establish the trust, if this proposal is supported by the Council. It is proposed that this statement is removed and replaced with the following:

"The proceeds of sale of these properties (net of disposal costs) will be settled on a Council controlled charitable trust with objectives that are consistent with the purpose of the original endowments."

17. Following adoption of its 2004-14 LTCCP, the Banks Peninsula District Council sold its remaining endowment properties.

18. All of the properties were endowed by the Crown as a means of deriving income that could be used to aid the (then) borough funds. Through a series of amalgamations, the properties were eventually vested in the Banks Peninsula District Council. The proceeds of sale are held by the Christchurch City Council.

19. Establishing a charitable trust to administer the proceeds of sale of the properties for the purposes set out in this report is consistent with the original purpose of the endowment. This advice has been confirmed by Buddle Findlay.

20. The proposed trust should be a Council controlled organisation. This will enable the Council to maintain control over the use of the funds, as contemplated by the original endowment.

21. Section 56 of the Local Government Act 2002 requires the Council to adopt the special consultative procedure before it can make a decision on whether or not to establish a Council controlled organisation. A statement of proposal and summary of information has been prepared and are attached to this report.

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

22. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. Referred to earlier.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

24. Not applicable.

11 Cont'd

ALIGNMENT WITH STRATEGIES

25. Both the Banks Peninsula District Council and the Christchurch City Council assessed the level of income derived from the endowment policies that they owned against the income that could be earned from other investments. In each case, it was determined that the endowment properties offered a meagre return.
26. In June 2007 the Christchurch City Council resolved to sell the last of its endowment properties.

Do the recommendations align with the Council's strategies?

27. Yes.

CONSULTATION FULFILMENT

28. The Banks Peninsula District Council's decision to sell its endowment properties was made following consultation with its ratepayers by way of the special consultative procedure.
29. If the Christchurch City Council decides to proceed with the proposal set out in this report then it will be necessary for the same consultative procedure to be adopted before a decision is made.
30. Members of the Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards have been consulted on the proposal and have indicated their support.

STAFF RECOMMENDATION

It is recommended that the Council resolve to:

- (a) Approve in principle the establishment of a charitable trust to administer the funds obtained from the sale of endowment properties owned by the Banks Peninsula District Council.
- (b) Settle the trust for the purpose of aiding the maintenance and development of historical, environmental and community based projects in the Banks Peninsula area.
- (c) Approve the statement of proposal and summary of information attached to the staff report.
- (d) Adopt the special consultative procedure for consulting with the public on the proposal.
- (e) Appoint a hearings panel of three Councillors to consider any oral submissions that may be made in respect of the proposal and report back to the Council.

11 Cont'd

BACKGROUND (THE ISSUES)

31. As indicated earlier in this report, the Christchurch City Council is holding the sum of \$2.8 million being the proceeds of sale of endowment properties owned by the Banks Peninsula District Council. Sections 140 and 141 of the Local Government Act 2002 require the proceeds to be applied to a use that is consistent with the original purpose of the endowments.
32. The original purpose of the endowments was to provide income to be used to aid the (then) borough funds.
33. Section 141 (3) of the Act states that:

"If a Local Authority is subject to reorganisation, the proceeds of a sale or exchange of property must be applied to the District or Districts of the new Local Authority or Authorities arising from the reorganisation of which the Local Authority formed part."
34. At a meeting of the Banks Peninsula District Council on 8 February 2006 the Mayor, Bob Parker, raised the matter of the proceeds of sale of Council's endowment properties. The minutes of the meeting record that he suggested that the Council consider making a special fund that would be available for historical, social and environmental projects on Banks Peninsula which would deliver benefits for all rate payers of the enlarged District. The Mayor was given authority to seek the support of the Christchurch City Council in the establishment of the fund.
35. At its meeting on 21 February 2006 the Christchurch City Council/Banks Peninsula District Council transitional joint committee resolved to recommend to the Christchurch City Council that the income from the proceeds of sale of the endowment properties be used to establish a legacy fund on the Banks Peninsula and that an appropriate body be established to administer the fund. The objective of the trust would be to consider appropriate projects that would enhance the rural, historical or environmental nature of the Banks Peninsula.
36. Since that time the Mayor Gary Moore and Councillor Bob Parker have proposed establishing a charitable trust. They have suggested that it be dedicated to the memory of the late Rod Donald. Both believe that the preservation and development of environmental, historical and community based assets in the Banks Peninsula area would be a fitting tribute to Mr Donald.
37. Legal advice on the proposed use of the proceeds of sale of the endowment properties has been obtained. It confirms that establishing a charitable trust to administer the funds for the benefit of the Banks Peninsula and Christchurch City communities is a use that is consistent with the purpose of the original endowment.
38. The vision that the Mayor and Councillor Parker have for the trust is that the initial focus of the trustees will be on assessing future projects and sourcing further contributions to the trust fund. It is expected that if the trustees can attract significant financial support then the fund should be of a size that will enable it to grow whilst at the same time enabling sufficient income to be applied to suitable projects.
39. The proposal has been discussed with members of the Akaroa/Wairewa and Lyttelton/Mt Herbert Community Boards. They have supported the proposal.
40. For the reasons set out earlier in this report, the proposed trust should be a Council controlled organisation. This will enable the Council to maintain control over the appointment of trustees and to monitor their performance in meeting the objectives of the trust.
41. If Councillors decide to approve in principal the establishment of the trust, the next step is to put the proposal out for public consultation. This will be by way of the special consultative procedure.
42. The period of consultation will be for one month followed by time to be set aside for public hearings, if there are any submitters that wish to be heard. Assuming that there are no delays in the process, it may be possible for this Council to announce the establishment of the Charitable Trust at its final meeting on 11 October 2007.

11 Cont'd

43. Attached to this report is a statement of proposal and summary of information to be made available to the public and distributed in accordance with the requirements of the Local Government Act 2002.
44. Also attached is a draft Trust Deed. This will be prepared in its final form once the views of the community are known and trustees appointed. The final name for the trust will be chosen by the trustees, after appropriate consultation.

THE OBJECTIVES

45. The objectives of this report are to seek support for the proposed establishment of a charitable trust in the name of the late Rod Donald. As indicated earlier, it is intended that the objectives of the trust will be to maintain and develop historical, environmental and community based projects in the Banks Peninsula area.

THE OPTIONS

46. The first option for the Council is to decide not to approve the establishment of the trust. The proceeds of sale of the Banks Peninsula District Council endowment properties would be applied to some other purpose that is consistent with the original endowments.
47. The second option is to approve the establishment of the trust for the reasons set out in this report.
48. A third option for the Council would be to approve the establishment of the trust but decide not to allow trustees to use the funds obtained from the sale of the endowment properties. If this was supported by the community, then it would be up to the trustees to set about attracting sufficient financial contributions to enable them to meet the trusts objectives.

THE PREFERRED OPTION

49. The preferred option is the second option.

**12. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD:
MEETING OF 1 AUGUST 2007**

Attached.

**13. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD:
MEETING OF 10 JULY 2007**

Attached.

**14. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:
MEETING OF 25 JULY 2007**

Attached.

**15. REPORT OF THE LYTTTELTON/MT HERBERT COMMUNITY BOARD:
MEETING OF 18 JULY 2007**

Attached.

**16. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD:
MEETING OF 25 JULY 2007**

Attached.

**17. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD:
MEETING OF 1 AUGUST 2007**

Attached.

**18. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD:
MEETING OF 17 JULY 2007**

Attached.

19. NOTICES OF MOTION

20. QUESTIONS

21. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.