



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 15 FEBRUARY 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 MEETINGS OF 14.12.2006, 17.1.2007 AND 8.2.2007
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CORRESPONDENCE
6.	DECLARATION AS RESERVE-STOPPED ROAD (WORCESTER STREET, LATIMER SQUARE)
7.	REDUNDANT AGRICHEMICAL COLLECTION PROGRAMME
8.	PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR WATER MEASURING DEVICES
9.	REPORT OF THE SELECT COMMITTEE ON THE MANUKAU CITY COUNCIL (CONTROL OF STREET PROSTITUTION) BILL
10.	JELLIE PARK REDEVELOPMENT
11.	SUBMISSION: CENTRAL PLAINS WATER TRUST (CPWT) APPLICATIONS TO SELWYN DISTRICT COUNCIL
12.	MOORHOUSE AVENUE TRAFFIC MANAGEMENT AND SAFETY IMPROVEMENTS (HAGLEY AVENUE TO BARBADOES STREET)
13.	COUNCIL SUBMISSION ON REVIEW OF LEVEL OF PROTECTION FOR SOME NEW ZEALAND WILDLIFE
14.	COUNCIL SUBMISSION ON DOMESTIC FOOD REVIEW PAPER
15.	COUNCIL REPRESENTATION ON ORANA PARK WILDLIFE TRUST
16.	REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 22 NOVEMBER 2006

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ITEM NO	DESCRIPTION
17.	REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 13 DECEMBER 2006
18.	REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 15 NOVEMBER 2006
19.	REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 14 NOVEMBER 2006
20.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 22 NOVEMBER 2006
21.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 7 DECEMBER 2006
22.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 13 DECEMBER 2006
23.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 20 DECEMBER 2006
24.	REPORT OF THE LYTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 15 NOVEMBER 2006
25.	REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 29 NOVEMBER 2006
26.	REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 15 NOVEMBER 2006
27.	REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 6 DECEMBER 2006
28.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 21 NOVEMBER 2006
29.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 5 DECEMBER 2006
30.	NOTICES OF MOTION
31.	QUESTIONS
32.	RESOLUTION TO EXCLUDE THE PUBLIC

1. **APOLOGIES**

2. **CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 14.12.2006, 17.1.2007 AND 8.2.2007**
 - (a) **COUNCIL MEETING OF 14.12.2006**

Attached.
 - (b) **EXTRAORDINARY COUNCIL MEETING OF 17.1.2007**

Attached.
 - (c) **COUNCIL MEETING OF 8.2.2007**

To be separately circulated.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PRESENTATION OF PETITIONS**

5. **CORRESPONDENCE**

6. DECLARATION AS RESERVE-STOPPED ROAD (WORCESTER STREET, LATIMER SQUARE)

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Unit Manager
Author:	Lewis Burn, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to present to the Council the submissions received regarding the proposal to declare as reserve the stopped road through Latimer Square, the report of the hearings Commissioner and to obtain a decision on the proposed declaration.

EXECUTIVE SUMMARY

2. The section of Worcester Street through Latimer Square has been stopped pursuant to the Tenth Schedule of the Local Government Act 1974. The Council's decision of 28 August 2003 to stop this portion of Worcester Street was confirmed in a decision by the Environment Court dated 9 February 2006. The stopped road is now held by Council in fee simple and comprised in its own title. Work to date to physically close this section of Worcester Street has involved removal of asphalt paving, formation of a footpath and grassing.
3. The portion of road which has been formally stopped has reverted automatically to the zoning shown on the planning maps in the City Plan, which is Conservation 2 Zone.
4. The purpose to which the stopped road is to be put (as publicly notified) is that it be held by Council as a Recreation Reserve under the Reserves Act 1977, so that the land can be managed as part of Latimer Square and able to be administered by the Council under the Reserves Act 1977.
5. As part of the Council's resolution of 28 August 2003 to initiate the road stopping procedure the Council affirmed its intent to commence the process under the provisions of Section 14 of the Reserves Act 1977 (subject to the road being successfully stopped) to declare the land (Section 1 SO 323707) to be recreation reserve.
6. Public notice was given in the Christchurch Press on Saturday 8 July 2006 of the intention to pass a resolution to declare the former road a recreation reserve, in compliance with Section 14 of the Reserves Act 1977. Four written submissions in opposition were received in response to that notice which closed on 11 August 2006.
7. A hearing before Commissioner John Milligan was conducted on 23 November 2006 at which three of the four submitters presented evidence. The reporting officer's report (which includes the written submissions received) and the report of the Commissioner are attached as (*Attachments 1 and 2*) with the further evidence presented by two of the submitters at the hearing attached as (*Attachment 3*).
8. Having regard to the views and reasons of the Commissioner on the relevance and weight to be given to the submissions it is the reporting officer's recommendation that the Council decide to declare the stopped road a recreation reserve and so recommend to the Minister of Conservation.

FINANCIAL AND LEGAL CONSIDERATIONS

9. Section 14(1) of the Reserves Act 1977 ("the act") provides that any local authority may by resolution declare any land vested in it to be a reserve within the meaning of the Act subject to any conditions specified in the resolution, to be held for any of the purposes specified in sections 17 to 23 of the Act. Section 17 deals with recreation reserves. Section 14(2) provides that no such resolution shall be passed before the expiration of one month after notice of intention to pass the same and calling for objections thereto in writing has been published in one or more newspapers circulating in its district, and until it has considered all such objections received within that period.

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10. Section 120(1)(c) of the Act states that *“Where the objector or person or organisation making the submission so requests in his or its objection or submission, the Minister or administering body, as the case may be, shall give the objector or that person or organisation a reasonable opportunity of appearing before the Commissioner (in the case of a notice given by the Minister) or, as the case may be, before the administering body or a committee thereof or a person nominated by the administering body in support of his or its objection or submission; and*
 - (d) *The Minister or the administering body, as the case may be, shall give full consideration to every objection or submission received before deciding to proceed with the proposal; and*
 - (e) *Where the action proposed by an administering body requires the consent or approval of the Minister and is recommended to the Minister for his consent or approval under any provision of this Act, the administering body shall send to the Minister with its recommendation a summary of all objections and comments received by it and a statement as to the extent to which they have been allowed or accepted or disallowed or not accepted”.*
11. There are process costs (estimate \$3,500) associated with having the stopped road declared Recreation reserve (ie public notice in the Christchurch Press, Commissioner’s time, Department of Conservation’s fee and the proclamation notice in the New Zealand Gazette).
12. Once the stopped road is formally made reserve, easements are to be created to protect the existing underground services ie power, telecommunications, gas and water.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Disallow the objections received to the proposed declaration as reserve of that portion of Worcester street that has been stopped (through Latimer Square).
- (b) Adopt the following resolution:

Resolution

That in exercise of the powers conferred on it by section 14 of the Reserves Act 1977, the Christchurch City Council hereby resolves that the piece of land held by it in fee simple and described in the Schedule hereto shall be, and the same is hereby declared to be a recreation reserve within in the meaning of the said Act.

Schedule

Canterbury Land Registration District - Christchurch City

Section 1, Survey Office Plan 323707, containing 1,643 square metres more or less, being all of the land comprised and described in Computer Freehold Register 279911.

- (c) Refer the resolution with the objections received and the report of the Commissioner to the Department of Conservation for approval and gazettal action if appropriate.

6 Cont'd

BACKGROUND ON DECLARATION AS RESERVE - STOPPED ROAD (WORCESTER STREET, LATIMER SQUARE)

SUBMISSIONS RECEIVED

13. Four written submissions were received in response to the notified proposal to declare the land comprising the stopped road a recreation reserve under the Reserves Act 1977. Three of the submitters subsequently presented evidence in oral and written form to a hearing before Commissioner John Milligan (appointed under delegated authority of the Council Hearings Panel) on 23 November 2006.

EVIDENCE PRESENTED/CONSIDERED BY THE COMMISSIONER

14. Together with the staff report (Attachment 2), the Commissioner was provided with a copies of the certificate of title to the stopped road, the public notice and the written submissions received. The opportunity was afforded to the reporting officer to speak to the Commissioner and answer questions. The Council's Resource Management Solicitor, Kristy Rusher and Jonathan Clease, Senior Planner with the City Plan team were present at the hearing and provided additional specialist advice on matters pertaining to the City Plan .

ISSUES AND CONCERNS RAISED BY OBJECTORS

15. The main issues/concerns raised by the objectors were:

(a) ICENG (Inner City East Neighbourhood Group Inc)

- Is concerned that once reverted to Reserve that this designation would be difficult to change;
- Defer a decision to declare Worcester Street at Latimer Square Reserve until the Traffic/Transport.
- Strategy within the Four Avenues is more advanced;
- Questioned the need or reason for urgency over the proposed declaration.

(b) Michael Britnell

- Believes this section of Worcester Street should not be closed off indefinitely;
- The lack of consultation over design of Latimer Square;
- Takes issue with the way the statistics on consultation were interpreted, contending that the majority wished the road to remain open;
- Takes Issue with the process around Resource Consent and RMA 2002470 of 2 June 2006;
- Considers that in the interest of future planning that the Council should refrain from making this former road Recreation Reserve, as it may be more difficult to reverse in the future.

(c) C Flewellen

- Maintains there are safety issues with children using this land for recreation because of the adjacent one-way system;
- Considers the security of cars with a clear lit walkway is a safer use of the land;
- No agreed designation budget or design for this space;
- Fails to comply with 1.3.1 and 2.2.4 of the City Plan;
- Decreases access to CBD

(d) Englefield Residents Association

- Considers that the Council's handling of Resource Consent RMA 20022470 is flawed and there is a list of conditions under this consent decision which have not been complied with;

6 Cont'd

- (e) Plan for the Park has not been publicly notified
- Closing of Worcester Street will cause problems in relation to City Plan policy for business parking traffic flow and safety;
 - Believes there is a probability that this section of Worcester Street will again be needed in the future for traffic purposes;
 - Considers no urgency for the declaration to proceed and that until such time there is either a budget and a plan for the work, or a need to re-open the road, that the land should not become Recreation Reserve.

CONSIDERATION/HEARING OF OBJECTIONS

16. The officer's report to the Commissioner commented on the issues/concerns raised by the submitters. The Commissioner also asked questions of relevant staff on issues raised orally by the submitters. Two of the submitters provided further written evidence to the Commissioner (Attachment 3). In his report, the Commissioner has commented on the extent of his authority and concluded (having consulted with Council's Legal Services Unit) that his role was restricted to listening to whatever it is that the submitters wished to say that is relevant to and in support of their formal submissions and conveying the substance of that to the Council although not making a formal recommendation the Commissioner has expressed his view as to the relevance, weight or appropriate result. This view is not binding on the Council.
17. The submissions and matters in support of them advanced by the submitters in opposition to the proposal in the report author's assessment, can be put in the following categories;
- (a) Information on which the Environment Court authorised the road stopping.
 - (b) Traffic related both in terms of convenience and safety.
 - (c) Final design of Latimer Square and provision of funding.
 - (d) City Plan provisions and resource consent compliance.
18. The Commissioner has concluded that submissions in relation to (a) and (d) are irrelevant in the context of section 14 of the Reserves Act 1977, and need not be given weight by the Council. In relation to category (b) the Commissioner has said that the question as to whether the road should have been stopped is also irrelevant to the present enquiry. As to category (c), the Commissioner considers the arguments are not of sufficient force to outweigh the advantages of reserve status or relevant to the issue of effects on the environment.

STAFF COMMENT

19. The submitters have been afforded the opportunity to be heard in support of their submissions. The decision now before the Council which is the only matter about which the present objectors have a statutory right to object or to make submissions. The Council must give full consideration to every objection/submission received before deciding to proceed with the proposal.
20. The views expressed by the Commissioner can be relied upon by the Council in deciding on this issue, being whether the subject land should take on the status of a Recreation Reserve under the Reserves Act 1977. In the officer's opinion and having regard to the Commissioner's report no arguments have been advanced by the submitters of real relevance or of sufficient weight that should compel the Council not to proceed with the procedure laid out in Section 14 of the Reserves Act 1977 to have the subject land take on the status of Recreation Reserve.

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OPTIONS

21. There are only two options:
 - (a) The Council adopts the resolution, or.
 - (b) The status quo ie the subject land is not brought under the provisions of the Reserves Act 1977

22. The Commissioner's report (paragraph 2 page 4) amplifies the consequences of these options. Although the subject land would continue to appear to be physically integrated with the remainder of Latimer Square, it would be undesirable for the land not to be declared as 'reserve', as this would result in future legal management restrictions inconsistent with the balance of Latimer Square.

23. Option 1 is the preferred option.

7. REDUNDANT AGRICHEMICAL COLLECTION PROGRAMME

General Manager responsible:	General Manager City Environment Group, DDI 941-8656
Officer responsible:	City Water and Waste Manager
Author:	Diane Shelander, Senior Resource Planner

PURPOSE OF REPORT

1. This report summarises the results of the agricultural chemical collection programme that has been running in Christchurch and Banks Peninsula over the last three years.

EXECUTIVE SUMMARY

2. Old and unwanted agrichemicals that have been accumulating on farm and rural properties can pose a threat to the environment. Beginning in financial year 2003/04, a Canterbury-wide collection of these chemicals was initiated, with funding provided by participating district councils, Environment Canterbury (ECan) and the Ministry for the Environment (MfE).
3. A total of 187 properties in Christchurch and Banks Peninsula have participated in the agrichemical collection programme, with 14.4 tonnes of agrichemicals collected. Among the chemicals collected were banned pesticides including approximately 430 kg of 2,4,5-T, 525 kg of Aldrin, 700 kg of DDT, and 150 kg of Lindane.
4. A completed report of the results of the agrichemical collection programme is provided as Appendix 1 (attached).

FINANCIAL AND LEGAL CONSIDERATIONS

5. A modest budget allocation of \$10,000 will be required in financial year 2007/08, by substitution out of the current budget, if the Council adopts the recommendations of this report.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Undertake, through the regional agrichemical collection programme, a final 'clean out' collection of agrichemicals from agricultural properties in the greater Christchurch area in financial year 2007/08.
- (b) Allocate \$10,000 in the current budget for the 2007/08 financial year for a final round of collections in the greater Christchurch area.

7 Cont'd

BACKGROUND ON REDUNDANT AGRICHEMICAL COLLECTION PROGRAMME

6. Evidence from other areas of New Zealand has shown that redundant agricultural chemicals (agrichemicals) have been accumulating on farms throughout the country. Of particular concern are older, deregistered agrichemicals that may present risk of contaminated sites from improper disposal of agrichemicals and/or leaking containers, particularly in areas overlying unconfined aquifers. Accumulation of these redundant chemicals is also inconsistent with New Zealand's obligations under the Stockholm Convention on Persistent Organic Pollutants (POPs).
7. The Regional Waste Working Party of the Canterbury Waste Subcommittee initiated a region-wide agrichemical collection project that began in fiscal year 2003/2004. The overall aim of the programme was to collect redundant agricultural chemicals, to reduce the risks to human health and the environment posed by these substances, and to assist the nation in meeting its obligations under the Stockholm Convention.
8. Funding for the regional collection programme has come from the participating district councils, Environment Canterbury (ECan) and the Ministry for the Environment (MfE). MfE funding was allocated solely to the disposal of agrichemicals collected through this programme. ECan and district councils covered all collection costs and a minority proportion of disposal costs.

ACHIEVEMENTS

9. Of the almost 2,800 properties contacted in Christchurch and Banks Peninsula between 2003 and 2006, 187 properties participated in the collection of unwanted agrichemicals.
10. Over the three years that the collection has taken place, approximately 14.4 tonnes of agrichemicals were collected. Approximately 72 per cent of the agrichemicals collected were "intractable" chemicals, for which no treatment facilities are available in New Zealand. These chemicals are shipped to Europe for thermal destruction. The remaining agrichemicals were treated in New Zealand and subsequently disposed either to landfill or as trade waste.
11. Of the 14.4 tonnes of agrichemicals collected between 2003 and 2006, 2.5 tonnes were banned or deregistered chemicals. These included:
 - 2,4,5-T: 428.4 kg
 - Arsenic pesticides: 263.6 kg
 - Chlordane: 524.5 kg
 - DDD/DDT: 701 kg
 - Lindane: 147.8 kg
 - Pentachlorophenol: 83.5 kg
12. A more detailed report of the programme as it was conducted in Christchurch and Banks Peninsula is provided in Appendix 1.

OUTLOOK FOR THE FUTURE

13. It is believed that the bulk of eligible properties in Christchurch and Banks Peninsula have been given the opportunity to participate in the agrichemical collection programme. However, a final sweep through the district is suggested to provide greater assurance that unwanted agrichemicals, particularly POPs and other banned and deregistered chemicals, have been removed from rural and agricultural properties.
14. It is estimated that a clean sweep of Christchurch and Banks Peninsula will require a budget allocation of \$10,000.

8. PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR WATER MEASURING DEVICES

General Manager responsible:	General Manager City Environment Group , DDI 941-8656
Officer responsible:	City Water and Waste Manager
Author:	Diane Shelander, Senior Resource Planner

PURPOSE OF REPORT

1. The purpose of this report is to solicit Council endorsement of a submission on the Ministry for the Environment’s proposal for a national environmental standard for water measuring devices.

EXECUTIVE SUMMARY

2. The Ministry for the Environment (the Ministry) is proposing a national environmental standard (NES) for water measuring devices, under the Resource Management Act 1991 (see Attachment A). The Ministry has published a discussion document that outlines an approach that is proposed for the standard.
3. The standard seeks to establish a uniform set of requirements for measuring water takes.
4. It is anticipated that the Council will be significantly affected by the proposed NES as a holder of multiple resource consents to take surface and groundwater.
5. The Ministry is seeking comments on its proposed NES. Submissions close 16 February 2007. A draft submission is included as Attachment B.

FINANCIAL AND LEGAL CONSIDERATIONS

6. As outlined in the Ministry’s discussion document, significant costs may be incurred by the Council in order to comply with the standard. These costs are expected to include:
 - Purchases and installation of new water measuring devices where none are currently installed as well as replacement of existing non-conforming devices;
 - Data gathering from, and data reporting of, each water measuring device; and
 - Calibration and maintenance requirements for each water measuring device.

STAFF RECOMMENDATIONS

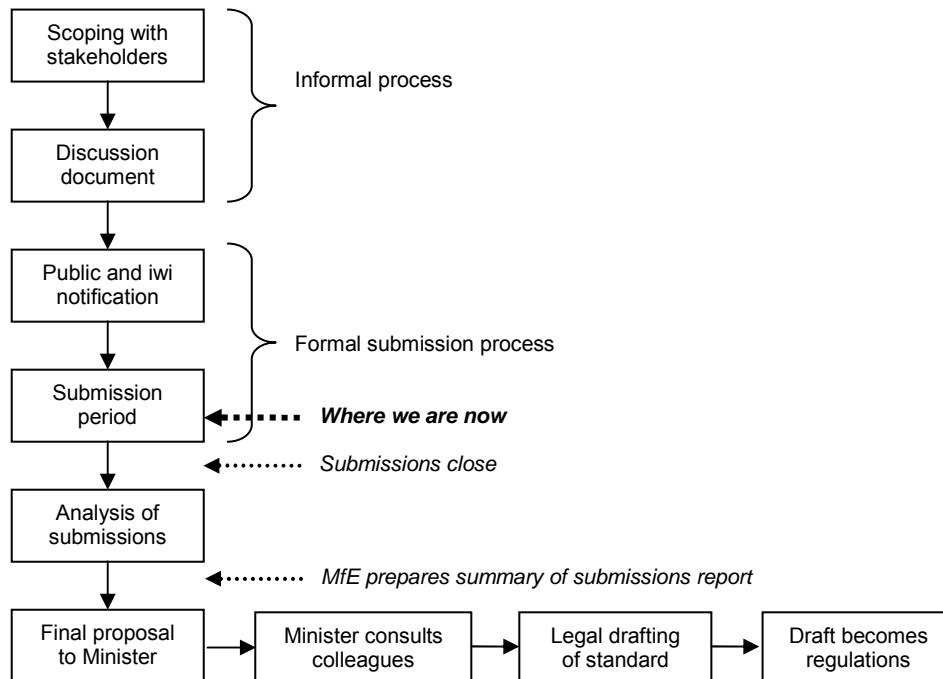
It is recommended that the Council endorse Attachment B as the submission to the Ministry for the Environment on the proposed national environmental standard for water measuring devices.

8 Cont'd

BACKGROUND

7. The Ministry for the Environment is proposing a national environmental standard for water measuring devices as part of the Government's Sustainable Water Programme of Action. The Ministry published a discussion document (Attachment A) which outlines the issues and approaches that the Ministry proposes for the standard. The standards development process is illustrated in Figure 1.

Figure 1. National Environmental Standards Development Process



PROPOSED NATIONAL ENVIRONMENTAL STANDARD

8. The proposed national environmental standard for water measuring devices is one part of the Government's Sustainable Water Programme of Action that has three key national outcomes:
- Improving quality and efficient use of fresh water.
 - Improving management of adverse effects of land use on water quality.
 - Providing for increased demands on water resources.
9. Implementation of the Sustainable Water Programme of Action requires an understanding of how much water is actually taken. To date, water measuring has been done on an inconsistent basis across the country through regional plans policies and rules across the 16 regional councils and unitary authorities. The proposed NES seeks to provide a consistent approach towards water measurement.
10. The objective of the proposed NES is to ensure that water takes are accurately and comprehensively measured in order to better manage the country's water resources.
11. As shown in Figure 1 above, the exact wording of the NES on water measuring devices will not be legally drafted until after the public consultation process has closed and the government has reached a decision on the contents of the NES. The Ministry summarises the essence of the proposed NES as follows:
- Setting minimum performance and accuracy requirements for water-measuring devices;
 - Defining when water measuring devices are mandatory;

8 Cont'd

- Establishing installation and maintenance requirements
 - Setting minimum requirements for data recording and data submission
12. The discussion document includes a very brief overview of costs. A robust cost-benefit analysis will not be conducted by the Ministry until after the public submission process has been completed. It is anticipated that the Council will incur costs from the implementation and administration of the proposed NES, including:
- Purchases and installation of new water measuring devices where none are currently installed as well as replacement of existing non-conforming devices;
 - Data gathering from, and data reporting of, each water measuring device; and
 - Calibration and maintenance requirements for each water measuring device.
13. The Ministry for the Environment is seeking comments on a proposed approach to a national environmental standard (NES) for human drinking water sources. The deadline for submissions on the proposed approach for the NES is 16 February 2007.

SUMMARY

14. The Ministry for the Environment is seeking comment on approaches to a national environmental standard for human drinking water sources. The report prepared by staff (Attachment B) makes the following recommendations to the Ministry for the Environment:
- that the Ministry reconsider the manner in which a national environmental standard for water measuring devices is structured, and opt instead for a simpler approach to encourage participation and adoption.
 - that the NES take into account the LTCCP budget and planning cycle and allow sufficient time for local councils to add any new requirements that may arise from the NES into future LTCCPs.
 - that the NES include a phased timetable for implementation, so that those who account for the greatest proportion of water takes are required to comply first.
 - that the Ministry consider exemptions where existing infrastructure would prohibit the installation of water measuring devices and where other data are available to document or estimate water take volumes.
 - that the Ministry reconsider the manner in which the accuracy of water measuring devices is determined, and whether a ± 5 percent accuracy is reasonable or achievable.
 - that the Ministry alter its proposed approach to maintenance and calibration of water measuring devices. In its present form, maintenance and calibration requirements are confusing and are likely to impose a significant financial burden on consent holders.
 - that alternative methods for measuring flow and logging data are allowed in the NES.
 - that the Ministry reconsider the daily data recording requirement and instead require monthly, rather than daily, data recording.
 - that the Ministry conduct a robust cost benefit analysis that includes the costs to consent holders for bringing existing water takes into compliance, including not only the costs to purchase measuring devices and data loggers but also costs associated with installation of compliance devices, replacement of water take infrastructure (where required), ongoing maintenance of compliant water measuring devices and data management.
 - that the Ministry consider costs to consent holders with smaller takes relative to the margin benefits likely to be realised.

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- the Ministry consider the Long-Term Council Community Plan budget and planning process, recognising the capital and operational costs to comply with the NES as proposed are likely absent from local authorities' LTCCPs.
- that as a minimum the NES should require that Regional Councils establish an annual reporting regime for all water sources from which water is taken and measured.

9. REPORT OF THE SELECT COMMITTEE ON THE MANUKAU CITY COUNCIL (CONTROL OF STREET PROSTITUTION) BILL

Acting CEO responsible:	Stephen McArthur
Officer responsible:	Legal Services Manager
Authors:	Terence Moody, Senior Professional and Judith Cheyne, Solicitor

PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the findings and recommendations of the Local Government and Environment Committee Select Committee on the Manukau City Council (Control of Street Prostitution) Bill and recommend that no further consideration be given regulatory action on the matter until after the Prostitution Law Review Committee has reported in 2008.

EXECUTIVE SUMMARY

2. The Council considered a report on the Bill being put forward by Manukau City Council which had as its purpose the prevention of street prostitution by enforcement means to overcome what was seen as nuisance or offensive behaviour associated with such activities. This was firstly considered at a seminar on the 8 February 2006 and officers were asked to report further on options for the Council concerning measures to address the issues in Christchurch as far as these were similar to those purported to be occurring in Manukau City. The Council, at its meeting on the 23 February 2006, resolved to: *Initiate action to investigate putting forward to Parliament a local bill for the prohibition and control of street prostitution in the district of the Christchurch City Council; ...and to make a submission supporting the general purpose and intention of the Bill and advising of the intention to put forward a similar local Bill for Christchurch City.*
3. The Bill prepared by Manukau City Council had as its purpose the prevention of street prostitution by enforcement means to overcome what was seen as nuisance or offensive behaviour associated with such activities. The Bill was also based on community concerns that had arisen during their consultation on the introduction of a brothels bylaw. They had investigated the possibility of introducing a bylaw to control street prostitution by prohibiting such activities but were advised that a bylaw could not contain adequate provisions to do so, nor contain appropriate provisions to ensure effective enforcement by either Council staff or the Police.
4. The background to the Manukau City Council Bill was stated to be problems associated with street prostitution in some areas of Manukau City which apparently neither the Police nor the Council could resolve even under the provisions of the law applying prior to the introduction of the Prostitution Reform Act 2003.¹ That Act effectively removed some provisions of the law applying to the operation of brothels (but added further controls over such if territorial authorities decided to introduce these); soliciting for sexual services was removed as an offence; but other offences associated with public behaviour contained in the Summary Offences Act 1981 and the Crimes Act 1961, for example, were not changed. While the Manukau City Council argued it did not have sufficient powers to control behaviour alleged to be associated with street prostitution what their Bill sought was in effect to prohibit or punish street prostitution *per se*.

¹ In the background papers to considering the matter the Manukau City Council referred to the police reporting that due to legislative constraints enforcement and policing of street prostitution was problematic. This appeared to be largely in regard to proving soliciting had occurred, and surprisingly that the offer had been taken up. As prostitution was not illegal the latter point is moot. The Police indicated that despite accepting that the local community had concerns about the activity they needed to direct their time and resources where they are most required and issues of street prostitution are prioritised accordingly. The report did not indicate why enforcement of other issues raised by the Council of offences under provisions of the Crimes Act or the Summary Offences Act were not being addressed by the Police. [Report of Manukau City Council on Street Prostitution Control, Manukau City Council, July 2005]

9 Cont'd

5. The Bill was referred to the Local Government and Environment Select Committee which recommended to Parliament that the Bill not be passed. Parliament at its meeting on 11 October 2006 resolved that the Manukau City Council (Control of Street Prostitution) Bill not proceed to a second reading by 73 to 46 votes. They therefore accepted the majority decision of the Select Committee. A number of reasons were presented for this recommendation, not least that it *would present enforcement and jurisdictional difficulties*.² It was considered that the Bill would create offences that criminalise behaviour in a local area although such behaviour exists throughout New Zealand. It was also seen that re-criminalising soliciting in a local area could be considered an amendment of the Prostitution Reform Act and as such could set a *significant and undesirable precedent*. The provisions in clause 12 of the Bill, requiring persons suspected of an offence to provide their name and address and that of anyone else believed to be connected to the offence, appeared to infringe the New Zealand Bill of Rights Act and they considered the clause to be *coercive and excessive*.³
6. The Select Committee considered that there was sufficient legislation to deal with behaviour that the promoters of the Bill stated was associated with street prostitution. The Crimes Act 1961 and the Misuse of Drugs Act 1975 deal with gang activity and illicit drug and substance abuse; the Summary Offences Act 1981 deals with disorderly behaviour, intimidation, offensive behaviour or language, obstructing a public way, and indecent exposure; and the Litter Act 1979 makes it an offence to deposit litter in any public place or on private land. The Police have the powers to enforce such offences, as do the Council's Litter Control Officers in respect of the Litter Act.
7. From the experience of Manukau City Council it is clear that bylaw controls to prohibit street prostitution are not necessarily effective (and possibly *ultra vires*), and it is unclear that bylaws under the provisions of the Local Government Act 2002 to regulate such activities would be cost-effective even if it was considered there was sufficient evidence of harm caused by the activity. There is some provision to regulate *trading in public places* under section 146 of the Local Government Act 2002, that is if the offering of sexual services could be considered to fall within such a category (as it is unclear that the activity occurs in the public place), but there are extensive perceived enforcement difficulties related to such particularly as much of the activity occurs during evening and night hours. It is likely to be expensive in resources and the assistance of the Police is likely to be required as backup to Council enforcement staff from a health and safety point of view. It is unclear whether the Police would be willing to provide such support to enforce a bylaw that goes beyond the quite extensive powers they have under other legislation, as referred to in clause 6 above, to deal with significant offences that may, or may not, be associated with street prostitution.

FINANCIAL AND LEGAL CONSIDERATIONS

8. Some indication of the costs likely to be involved if regulatory means are introduced over street prostitution, if that could be undertaken by Local Act or bylaw or other controls, can only be roughly estimated. Given that the activity is operated on most nights of the week it could mean regular patrolling of the areas on a weekly basis just to undertake monitoring of the activity. Using a security firm on contract was priced at \$350 per week based on the patrol spending 1 hour per night patrolling the area (this represents \$18,200 per annum). It is likely that this would be a minimum cost and would likely grow significantly if it was required to provide evidence for any enforcement action.
9. It is unclear what means would be used to determine that the persons on the street were operating as sex workers with evidence that would be robust enough to take legal action. If prosecutions were to be undertaken, given that soliciting is not now illegal, some evidence as to payment for sexual services is likely to be needed. In the latter case it may be that a private investigator may be needed to obtain such evidence. If the sexual act is undertaken away from the public place it is unclear what offence is committed, unless it involves indecent exposure which may then relate to both parties and is largely a Police matter. The cost of a private investigator can be high even when the offence is clearly stated. In one case of persons using a dangerous building it cost in the order of \$17,000 excluding officers' time to bring the case to prosecution. Given that there is limited evidence of harm caused by street prostitution it is not considered cost-effective, even if it was possible to do so, to regulate the activity.

² Page 2, Report of the Local Government and Environment Committee - Manukau City Council (Control of Street Prostitution) Bill

³ Page 3, Report of the Local Government and Environment Committee, *op cit*

9 Cont'd

10. The same legal problems encountered by the Manukau Bill would also be hurdles the Council would face, if it attempted to promote a similar local Bill. These included that such a Bill presents "*enforcement and jurisdictional difficulties*", and it could be in conflict with the New Zealand Bill of Rights Act 1990 with some clauses being "*coercive and excessive*". There may also be New Zealand Bill of Rights Act issues that would arise if a bylaw was considered to be appropriate. In particular, section 155(3) of the Local Government Act 2002 provides that no bylaw can be made which is inconsistent with the New Zealand Bill of Rights Act. The Select Committee determined that "*If the bill were passed, citizens would be subject to conflicting criminal laws, depending on their current geographical location*". They also stated that "*We believe that allowing a local Act to amend a public statute in this way would set a significant and undesirable precedent*". The Manukau Bill was repugnant to the provisions of the Prostitution Reform Act 2003, and any Bill along similar lines is also likely to be.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Take no further action to investigate and prepare a Local Bill, or a bylaw, to control street prostitution.
- (b) Rescind the previous Council resolution of 23 February 2006, to initiate action to investigate putting forward to Parliament a local bill for the prohibition and control of street prostitution in the district of the Christchurch City Council.
- (c) Participate in the Prostitution Law Review Committee survey in early 2007 and then await the receipt of the Committee's report.

9 Cont'd

BACKGROUND ON CONTROL OF STREET PROSTITUTION BILL OF MANUKAU CITY COUNCIL

11. The Council considered a report on the Control of Street Prostitution Bill being put forward by Manukau City Council at a seminar on 8 February 2006 and officers were asked to report further on options for the Council concerning measures to address the issues in Christchurch as far as these were similar to those purported to be occurring in Manukau City. The officers were requested to prepare suggested wording for a submission to the Select Committee if it was determined such would be made. (At the same seminar the details of the Manukau City Council Control of Graffiti Bill were also discussed, and a similar resolution as that set out below on the Street Prostitution Bill was made by the Council. That Bill has not yet been reported back by the Select Committee. When it does, and Parliament makes its decision, a report will be prepared for the Council on that Bill.)
12. The Street Prostitution Bill prepared by Manukau City Council had as its purpose the prevention of street prostitution by enforcement means to overcome what was seen as nuisance or offensive behaviour associated with such activities. The Bill was also based on community concerns that had arisen during their consultation on the introduction of a brothels bylaw. They had investigated the possibility of introducing a bylaw to control street prostitution by prohibiting such activities but were advised that a bylaw could not contain adequate provisions to do so, nor contain appropriate provisions to ensure effective enforcement by either Council staff or the Police.
13. The Council, at its meeting on the 23 February 2006, resolved to:
- *“Initiate action to investigate putting forward to Parliament a local bill for the prohibition and control of street prostitution in the district of the Christchurch City Council;” ...and*
 - The following submission be adopted by the Council:
 1. *“1. The Christchurch City Council (the Council) wishes to applaud Manukau City Council’s approach and intentions in introducing this bill. Although the Council does not wish to make submissions on the content of the bill, it submits that its support of the general purpose and intention of the bill should be noted by the Select Committee.*
 2. *The Council would also like the Select Committee to note that the Council has resolved to initiate action to investigate putting forward to Parliament a local bill for the prohibition and control of street prostitution in the district of the Christchurch City Council.*
 3. *The Council submits that the Select Committee should consider whether, in addition or as an alternative to this bill, legislation controlling street prostitution should be enacted, which could apply to either the whole of New Zealand, or individual areas as the need arises in those areas, instead of individual local bills being promoted for the same purposes throughout New Zealand.*
 4. *The Council wishes to appear in support of its submission.”*
14. The background to the Manukau City Council Bill was stated to be problems associated with street prostitution in some areas of Manukau City which apparently neither the Police nor the Council could resolve even under the provisions of the law applying prior to the introduction of the Prostitution Reform Act 2003.⁴ That Act effectively removed some provisions of the law applying to the operation of brothels (but added further controls over such if territorial authorities decided to introduce these); soliciting for sexual services was removed as an offence; but other offences associated with public behaviour contained in the Summary Offences Act 1981 and the Crimes Act 1961, for example, were not changed. While the Manukau City Council argued it did not have sufficient powers to control behaviour alleged to be associated with street prostitution what their Bill sought was in effect to prohibit or punish street prostitution *per se*.

⁴ In the background papers to considering the matter the Manukau City Council referred to the police reporting that due to legislative constraints enforcement and policing of street prostitution was problematic. This appeared to be largely in regard to proving soliciting had occurred, and surprisingly that the offer had been taken up. As prostitution was not illegal the latter point is moot. The Police indicated that despite accepting that the local community had concerns about the activity they needed to direct their time and resources where they are most required and issues of street prostitution are prioritised accordingly. No discussion appears to have occurred on other issues raised by the Council that could be dealt with under provisions of the Crimes Act or the Summary Offences Act. [Report of Manukau City Council on Street Prostitution Control, Manukau City Council, July 2005]

9 Cont'd

Select Committee Report (attached)

15. The Select Committee recommended that the Bill not be passed. A number of reasons were presented for this recommendation not least that it *would present enforcement and jurisdictional difficulties*.⁵ It was considered that the bill would create offences that criminalise behaviour in a local area although such behaviour exists throughout New Zealand. It was also seen that re-criminalising soliciting in a local area could be considered an amendment of the Prostitution Reform Act and as such could set a *significant and undesirable precedent*. The provisions in clause 12 of the Bill, requiring persons suspected of an offence to provide their name and address and that of anyone else believed to be connected to the offence, appeared to infringe the New Zealand Bill of Rights Act 1990 and the Select Committee considered the clause to be *coercive and excessive*.⁶
16. The Select Committee also considered that it could be possible the restrictive nature of the Manukau City's highly restrictive brothels bylaw, which prohibits small owner-operated brothels operating in residential areas, could have led to a perceived increase of street prostitution. But even if those provisions were more permissive it was unlikely street prostitution would cease. They did not consider there was accurate information on the numbers of street sex workers in the areas, and noted that reports of numbers of young people on the streets was not unsurprising due to the higher youth population in Manukau compared with the rest of the country. That, in their view, did not assist in quantifying numbers of sex workers, however. They considered that there was sufficient legislation to deal with behaviour the promoters of the Bill stated were associated with street prostitution. The Crimes Act 1961 and the Misuse of Drugs Act 1975 deal with gang activity and illicit drug and substance abuse; the Summary Offences Act 1981 deals with disorderly behaviour, intimidation, offensive behaviour or language, obstructing a public way, and indecent exposure; and the Litter Act 1979 makes it an offence to deposit litter in any public place or on private land. The Police have the powers to enforce such offences.
17. The Committee indicated, without specifying details of what provisions could be used, that territorial authorities had bylaw-making powers under section 145 of the LGA 2002 to address soliciting and related conduct. They made the point that any bylaw would need to be *consistent with the New Zealand Bill of Rights Act and not be repugnant to the Prostitution Reform Act*.⁷ It was also suggested that territorial authorities could use their district plans to control where commercial sex workers operate, despite noting that it can be difficult to address the conflict between street sex workers and residents in the affected areas. The report addresses a number of other initiatives to address street prostitution including Council-lead initiatives such as more street lighting, refuse bins, and public toilets and increased cleaning to create respect for the areas. The Select Committee mentions halfway houses to enable sex workers to obtain skills to exit the industry, safe house brothels as have been introduced in South Sydney, and tolerance zones as exist formally in Holland and somewhat informally in Sydney.
18. They finally refer to the review of the Prostitution Reform Act 2003, under which the Prostitution Review Committee is due to report on its findings in 2008. This will cover some of the issues in regard to street prostitution and research has already commenced on a number of matters.⁸ The Council has also been advised that the Review Committee will be inviting it (and other territorial authorities) to participate in a survey early in 2007 in relation to the review of the Prostitution Reform Act (see the notice attached to this report).

⁵ Page 2, Report of the Local Government and Environment Committee - Manukau City Council (Control of Street Prostitution) Bill

⁶ Page 3, Report of the Local Government and Environment Committee, op cit

⁷ Page 4, Report of the Local Government and Environment Committee, op cit

⁸ A recent report by the Christchurch School of Medicine undertaken as part of the review has indicated that the number of sex workers on the street has not increased since the introduction of the Prostitution Reform Act at least in the surveyed areas of Auckland, Wellington and Christchurch. [Media release University of Otago Christchurch School of Medicine Health Sciences]

9 Cont'd

19. The report contains the minority view of New Zealand National which states that Parliament was told that when prostitution was decriminalised there would be a reduction in street prostitution but this has not happened. They were concerned that children, girls and boys, claimed to be as young as 12 are now soliciting on the streets of Manukau. They believe councils should have the right to control the business of prostitution and keep it off their streets if that is their decision. The argument that the bill would not work because the Police do not have enough resources to enforce it was not considered to be an excuse not to do anything. They state Manukau City is concerned street prostitution is costing the ratepayers money due to Government passing responsibility to local councils causing consequential rate increases. The New Zealand National caucus determined this matter would be a conscience vote.
20. In Parliament at its sitting on the 11 October 2006 the Manukau City Council (Control of Street Prostitution) Bill did not proceed to a second reading by 73 to 46 votes. Parliament therefore accepted the recommendations of the majority of the Select Committee.

Discussion

21. As noted above the Select Committee did not accept the arguments in support of the Bill which had as its core the re-introduction of the offence of soliciting with elements of permitting entrapment as a means of obtaining evidence for such offences. As also pointed out, the Select Committee did not consider some provisions complied with the New Zealand Bill of Rights Act 1990. On the face of it, it would not comply with section 28 of the Bill of Rights Act in that street prostitution has never been illegal in recent times (although soliciting was)⁹. Section 28 states *an existing right or freedom shall not be held to be abrogated or restricted by reason only that the right or freedom is not included in this Bill of Rights or is included only in part*. The supporting arguments for the Manukau City Bill clearly pointed to the significant difficulties in enforcing provisions previously existing when "soliciting" was an offence and it is unlikely that even providing for "entrapment" provisions as suggested would necessarily improve the rates of success. As far as can be determined there was limited evidence that sexual activity occurred on the street or in public places, and if so it could be dealt with under other legislation.
22. It should be noted that the Select Committee when considering the Prostitution Reform Bill originally considered the matter of street prostitution. The report stated: *We do not agree decriminalisation will see such an increase in soliciting that it warrants imposing zoning restrictions or prohibitions. We would suggest that if soliciting activities reach a level of constant and ongoing harassment, the offences of offensive and disorderly behaviour in the Summary Offences Act 1981 could be widened or those of intimidation, obstructing a public way, or indecent exposure currently in that Act could be used. In addition to these offences there are offence provisions in both the Harassment Act 1997 and the Crimes Act 1961 that could be used in this context. Sections 125 and 126 of the Crimes Act make it an offence to do an indecent act in a public place, and to do an indecent act with the intent to insult or offend any person.*¹⁰
23. From the experience of Manukau City Council it is clear that bylaw controls to prohibit street prostitution are not necessarily effective (and possibly *ultra vires*), and it is unclear that bylaws under the provisions of the Local Government Act 2002 to regulate such activities would be cost-effective. There is some provision to regulate *trading in public places* under section 146 of the Local Government Act 2002, that is if the offering of sexual services could be considered to fall within such a category, but there are extensive perceived enforcement difficulties related to such, particularly as much of the activity occurs during evening and night hours. It is likely to be expensive in resources and the assistance of the Police is likely to be required as backup to Council enforcement staff from a health and safety point of view. It is unclear whether the Police would be willing to provide such support in a matter that goes beyond the quite extensive powers they have under other legislation as referred to above to deal with significant offences that may, or may not, be associated with street prostitution.

⁹ *Prostitution itself is not an illegal activity in New Zealand*. Report of the Justice and Electoral Committee on the Prostitution Reform Bill, Wellington, 26 November 2002

¹⁰ Report of the Justice and Electoral Committee on the Prostitution Reform Bill, Wellington, 26 November 2002

9 Cont'd

24. The objective view in dealing with street prostitution, and considering whether it is necessary for the Council to take any steps, relates to determining the harm that is occurring, and whether or not it can be dealt with under the legislation quoted above. In the case of Manukau City the areas where perceived problems occur are alleged to be gathering places for young people, some of whom may be sex workers, and similar situations occur in the Manchester Street area of Christchurch where some sex workers operate to meet clients. In the latter case the problems occurring in the area, such as noise from loud conversations; litter; using residents' gardens as toilets; and unsafe parking practices, were contributed to by patrons of the bars and other night activities in the commercial areas of Manchester Street.¹¹ The matter raised by the Select Committee Minority view *that children, girls and boys, claimed to be as young as 12 are now soliciting on the streets of Manukau* is enforceable under the current Prostitution Reform Act if evidence could be obtained by the Police. In all such cases the ability to enforce laws restricting behaviour, particularly when the offences are not immediately obvious, nor in many cases significantly important in societal terms is difficult. In general in relation to street prostitution, for example, controls are unlikely to satisfy criteria contained in the Code of Good Regulatory Practice of the Ministry of Economic Development.¹²

Options

25. One option is to resolve not to undertake the preparation of a Local Bill (or a bylaw) but await the review of the Prostitution Reform Act 2003 which is to occur in 2008. A Prostitution Law Review Committee has been established under part 4 of the Act and commenced work on the review in June 2006, and are intending to report by June 2008. They are asking territorial authorities to participate in a survey to be conducted in early 2007. While the review does not specifically focus on street soliciting the Select Committee report indicates that the Review Committee is likely to consult with territorial authorities about street soliciting issues. The Select Committee indicated they were *concerned about the increasing amount of antisocial behaviour apparently occurring in New Zealand urban areas, to which this bill appears in part to be a reaction, However, the majority of the committee does not believe that having a local law different from the national law in respect of prostitution is workable.*¹³
26. A second option is for the Christchurch City Council to undertake some positive activities, such as supporting groups such as the Prostitutes Collective, the Salvation Army outreach programme, and the Youth and Cultural Development group, and provide services as suggested in the Select Committee report, and which have previously been raised in Christchurch, of more street lighting, refuse bins, and public toilets and increased street cleaning in the appropriate areas. The matter of the provisions of more support services and even safe-house brothels providing facilities for individual use could be considered if serious concerns exist regarding sex worker's safety. Support for these latter activities could be seen as fulfilling the Community Outcomes of A Safe City and A City of Inclusive and Diverse Communities.

PREFERRED OPTION

27. Given that there are no significant criminal problems occurring in the area identified as being associated with street worker activity above other central city areas it is considered that the option in paragraph 25 be adopted at this time as it does not create any additional costs to the Council.

¹¹ Report by the Chairman of the Christchurch City Council Prostitution Reform Act Subcommittee, 22 April 2004

¹² *Code of Good Regulatory Practice*, Competition and Enterprise Branch, Ministry of Economic Development, November 1997 [<http://www.med.govt.nz/busit/compliance/regprac.html>]

¹³ Page 7, Report of the Local Government and Environment Committee, *op cit*

9 Cont'd

ASSESSMENT OF OPTIONS**The Preferred Option - Maintain The Status Quo**

28. This option is to resolve not to undertake the preparation of a Local Bill (or a bylaw) but await the review of the Prostitution Reform Act 2003 which is to occur in 2008. A Prostitution Law Review Committee has been established under part 4 of the Act and commenced work on the review in June 2006 and are intending to report by June 2008. While it does not specifically focus on street soliciting the Select Committee report indicates that the Committee is likely to consult with territorial authorities about street soliciting issues.

	Benefits (current and future)	Costs (current and future)
Social	Does not marginalise a sector of society for any good reason	No costs involved due to unneeded enforcement activity.
Cultural	N/A	N/A
Environmental	Retains limited area for the activity and enables ability for support groups to ensure reduction in littering for example	Limited costs to the Council for cleanups
Economic	N/A	N/A
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome A Safe City Also contributes to A City of Inclusive and Diverse Communities.</p> <p>Impact on Council's capacity and responsibilities: No impact perceived</p> <p>Effects on Maori: None identified</p> <p>Consistency with existing Council policies: Not inconsistent with any adopted policies. Inconsistent with decision of Council on 23 February 2006.</p> <p>Views and preferences of persons affected or likely to have an interest: New Zealand Police and Prostitutes Collective consider no need to introduce further controls. Council Enforcement Officers consider appropriate to take no action. Parish Priest of St Luke's in the City does not support action against street prostitution for activities undertaken by others in the areas.</p> <p>Other relevant matters:</p>		

9 Cont'd

Option 2 Provide Positive Preventative Activities to Reduce Perceived Problems

29. In this option the Christchurch City Council would undertake, or support, some positive activities, such as supporting groups such as the Prostitutes Collective, the Salvation Army outreach programme, and the Youth and Cultural Development group, and provide services as suggested in the Select Committee report, and which have previously been raised in Christchurch, of more street lighting, refuse bins, and public toilets and increased street cleaning in the appropriate areas. The matter of the provisions of more support services and even safe-house brothels providing facilities for individual use could be considered if serious concerns exist regarding sex workers' safety. Support for these latter activities could be seen as fulfilling the Community Outcomes of A Safe City and A City of Inclusive and Diverse Communities

	Benefits (current and future)	Costs (current and future)
Social	Accepts that the long term practice occurs and the limited effects are addressed. Support for safe-house brothels could be contentious at a local authority level.	Largely related to provision of services to reduce some perceived environmental problems. Costs of supporting safe-house brothels could be significant.
Cultural	N/A	N/A
Environmental	Reduces some of the possibilities of alleged activities such as littering and toileting. Only some of which may be directly related to street prostitution.	Provision of litter bins, including "sharps" containers are likely to be costly if including collection and cleaning costs. Making the Manchester Street car park toilet available 24/7 would add to Council's operating costs.
Economic	N/A	N/A
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome A Safe City Also contributes to A City of Inclusive and Diverse Communities</p> <p>Impact on Council's capacity and responsibilities: Additional costs to street cleaning budgets</p> <p>Effects on Maori: None identified</p> <p>Consistency with existing Council policies: Not inconsistent with any adopted policies. Inconsistent with decision of Council on 23 February 2006</p> <p>Views and preferences of persons affected or likely to have an interest: Support from Prostitutes Collective and Salvation Army Outreach programme staff</p> <p>Other relevant matters:</p>		

10. JELLIE PARK REDEVELOPMENT

General Manager responsible:	General Manager Human Resources, DDI 941-8548
Officer responsible:	Recreation and Sports Manager
Author:	John Filsell

PURPOSE OF REPORT

1. The purpose of this report is to obtain the Council's approval of the detailed plans for the redevelopment of the Jellie Park Leisure Centre.

EXECUTIVE SUMMARY

2. On 21 July 2005 the Council approved a budget of \$12m to redevelop the Jellie Park Leisure Centre. On 30 June 2006 the Council reconfirmed this decision in its adoption of the Aquatic Facilities Plan as part of the LTCCP. The plan will provide Christchurch residents and visitors with world class recreation facilities. Christchurch is a city for recreation, fun and activity and with this Plan the Council is encouraging more people to participate in leisure, sporting and physical activities. Over the past 18 months there has been extensive consultation and design work leading to detailed plans now being available to the Council for approval. All design outcomes approved by the Council on 21 July 2005 have been achieved. Four plans are attached to this report; a floor plan, selected elevations/cross sections (two plans) and a perspective. Full size copies of these plans will be on display in the Councillors' Lounge from 5 February. Complete plans will be available at the Council meeting.
3. Subject to Council approval, the plans will be quantity-assessed and tendering will take place in March 2007. The results of the tendering process will be presented to the Council for approval in April 2007. Construction work is expected to commence in May 2007.

FINANCIAL AND LEGAL CONSIDERATIONS

4. A commissioner was appointed by the Council to hear the resource consent application and decided that limited notification was required to the occupants of 23 affected neighbouring properties. Submissions closed on 29 January 2007.
5. Quantity surveyors Shipston Davies have updated the cost plan and confirmed that the project is within budget. There is a project contingency of 10%. All reasonable steps have been taken to control costs including contingencies and a regularly updated cost plan. The true cost will only be known when tenders are received.
6. The Jellie Park refurbishment project is provided for in the LTCCP. The decision sought by this report does not change any aspect of the project. The Council is being asked to approve plans that fully comply with the Council's previous resolutions.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Approve the detailed plans for the refurbishment of the Jellie Park Leisure Centre.
- (b) Note that the results of the tender process will be presented to the Council for approval in April 2007.

10 Cont'd

BACKGROUND ON THE DETAILED PLANS FOR THE JELLIE PARK REFURBISHMENT

7. On 21 July 2005 the Council approved a budget of \$12m for the refurbishment of the Jellie Park Leisure Centre accommodating the following design outcomes:
 - An additional 25 metre 8 lane deep water pool.
 - A refurbishment of the existing 25 metre indoor pool and outdoor pools.
 - Change areas to accommodate schools and user groups with specific needs.
 - Facility reception areas.
 - Gym, spa and sauna facilities.
 - An indoor slide, dummy pipe work and other future-proofing features.
 - Refurbished landscaping and safe parking areas.
8. Extensive consultation with stakeholders began prior to 2003 and has continued during the design phase. Stakeholders include:
 - The Council and the Creating Strong Communities Portfolio Group.
 - The Fendalton/Waimairi Community Board and Board Chair.
 - Local residents and immediate neighbours.
 - The Council's Disability Reference Group and the Laura Fergusson Trust.
 - Facility customers and members.
 - Representatives of sporting groups and other customer groups.
 - Regional sporting organisations.
 - Experts in the design and construction of leisure facilities.
 - Aquatic Facility Plan stakeholders.
 - Other Council units in a one team approach.
 - The wider Jellie Park design team.
9. Detailed plans have been prepared and resource consents applied for. Subject to the Council approving the detailed plans, the proposed project time frame is indicated below:

● 8 February 2007	Detailed plans presented to the Council for approval.
● 9 March 2007	Schedule of quantities completed.
● 30 March 2007	Tenders close.
● 5 April 2007	Facility closes.
● 30 April 2007	Council approval of tenders and formal acceptance completed.
● May 2007	Construction commences.
● May–June 2008	Construction completed.
10. The project will be subject to the usual pressures on time and deadlines experienced in the current construction industry climate.
11. Attached to this report are four plans. The floor plan details the layout of the of the complex. The two selected elevations detail various cross sections. The perspective reflects the appearance of the new complex from the pool lawn. A full set of plans will be available at the Council meeting. A full size copy of the four plans featured in this report will be on display in the Councillors' Lounge from Monday 5 February.

The Council's Aquatic Facilities Plan

12. The Jellie Park refurbishment is the first major project under the Council's Aquatic Facilities Plan. The plan provides for a network of world class aquatic facilities throughout the city. The second major project is at Papanui High School and will include a pool, small gym and sports hall. This is followed by a children's pool at Pioneer and a community indoor pool in the west/south west of the city.

10 Cont'd

13. Officers will shortly begin the next phase in a comprehensive marketing and communications exercise to promote the Aquatic Facilities Plan and allow Councillors, Community Boards, officers and external stakeholders to showcase the Council's commitment to providing the finest range of facilities in the country.
 - Promotional "tool kits" will be provided that allow Councillors and other stakeholders to present first rate images and attention-grabbing promotional messages to different audiences.
 - Displays in shopping malls, libraries and other high traffic locations will reach out to audiences usually outside the scope of facility promotions.
 - Officers and external stakeholders will address community groups promoting the Council's commitment to facilities.
 - Community Boards will be invited to promote facilities in their area (not just the new ones).
 - A series of offers, complimentary passes and other incentives will be offered to the community over winter to promote the value of indoor pools.
 - The marketing plan will be supported by an ongoing communications plan delivered through existing media outlets.

14. All of the above will be met out of existing promotional budgets and innovative use of current resources. There will be no additional cost to the ratepayer. The Plan's successful implementation will contribute to the strategic direction of making Christchurch a world class healthy, liveable city.

11. SUBMISSION: CENTRAL PLAINS WATER TRUST (CPWT) APPLICATIONS TO SELWYN DISTRICT COUNCIL

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

PURPOSE OF REPORT

1. The purpose of this report is to:
 - Inform the Council of the submission made in relation to the CPWT Notice of Requirement and a range of land use consent applications submitted to the Selwyn District Council.
 - Request the Council to either endorse or withdraw the submission.

EXECUTIVE SUMMARY

2. CPWT has submitted to the Selwyn District Council (SDC) a Notice of Requirement for the designation of land for the Central Plains Water Enhancement Scheme for dam and canal construction and resource consent applications for the water construction, use and maintenance of the associated water distribution network.
3. A review of the CPWT applications and supporting reports by Pattle Delamore Partners (PDP) has raised concerns associated with increased groundwater levels potentially impacting on land use activities and potential contamination of groundwater.
4. Submissions closed on 29 January 2007. However this did not align with a Council meeting date to permit Council consideration of a submission. There was little likelihood of an extension of the submission date being granted. Therefore, a meeting was held on 24 January 2007 with the Central Plains Working Party, comprising Councillors Sally Buck, Helen Broughton and Norm Withers, and staff comprising Mike Theelen, General Manager Strategy and Planning, John McEwing and consultant, Peter Callander (PDP).
5. The Working Party agreed the draft submitted conditions to accompany a submission with an additional general remediation condition in the event of adverse effects arising as a consequence of the scheme causing high groundwater levels. The other submitted conditions relate to water race management, additional conditions to the proposed Remediation Action Plan and a general review condition.
6. A submission has been lodged with the SDC to meet the submission closing date and has been aligned to the outcomes sought in the previous submission which the Council submitted to Environment Canterbury on 17 August 2006. The submission is attached to this report.

FINANCIAL AND LEGAL CONSIDERATIONS

7. Financial - The submission is to help protect the Council's position in terms of:
 - (a) Protection of resources and infrastructure, associated with potential increased groundwater levels and contaminant levels adversely impacting on key services, such as drinking water supply, infrastructure, land use activities and property.
 - (b) A worst case scenario of the Christchurch City Council potentially being an "environmental underwriter" after the life of the scheme.
7. Direct costs relate to the cost of review and future hearings attendance.
8. Legal – The draft submission has been reviewed by Aidan Prebble on behalf of the Legal Services Unit.

STAFF RECOMMENDATION

It is recommended that the Council receive this report and endorse the submission to SDC as set out in the attachment.

11 Cont'd

BACKGROUND ON SUBMISSION: CENTRAL PLAINS WATER TRUST (CPWT) APPLICATIONS TO SELWYN DISTRICT COUNCIL

9. CPWT has submitted to the Selwyn District Council:
 - (a) A Notice of Requirement for the designation of land for the Central Plains Water Enhancement Scheme for dam and canal construction.
 - (b) Resource consent applications for the construction, use and maintenance of pipelines, open channels or waterways to convey water in each of the six geographical areas across the Central Plains area, being Windwhistle, Te Pirita, Springfield, Sheffield, Darfield and Central.
10. A review of the CPWT applications and supporting reports by Pattle Delamore Partners (PDP) has raised concerns associated with:
 - water losses from the water distribution network raising groundwater levels with a consequent potential impact on land use activities, such as quarry pit operations.
 - potential contamination of groundwater as a result of construction and other activities within the Central Plains scheme area.
11. Submissions closed on 29 January 2007. As this did not align with a Council meeting date to permit Council consideration of a submission a formal request was made, under section 37 of the RMA, to the Selwyn District Council (SDC) for an extension of the submission date. The SDC response was to confirm that an extension to the submission date was previously done and SDC "... cannot lawfully grant a further extension at this time." The response also set out a process where, in terms of the RMA, the agreement of the applicant would be required and, on the basis of an Environment Court decision, the SDC view was that a further extension would apply to all applicants and that Central Plains Water would need to consent to an extension of time for all submitters and to quote, "*In the light of the applicant's opposition to the initial extension it may be that such consent will not be forthcoming.*"
12. With the likelihood of an extension not being granted a meeting was held on 24 January 2007 with the Central Plains Working Party, comprising Councillors Sally Buck, Helen Broughton and Norm Withers, and staff comprising Michael Theelen, General Manager Strategy and Planning, John McEwing and consultant, Peter Callander (PDP).
13. The Working Party agreed a set of draft conditions to accompany a submission to SDC with an additional general remediation condition in the event of adverse effects arising as a consequence of the scheme.
14. The submission has been lodged with the SDC to meet the submission closing date of 29 January 2007 and is consistent with, and aligned to, the outcomes sought in the previous submission which the Council submitted to Environment Canterbury on 17 August 2006.

**12. MOORHOUSE AVENUE TRAFFIC MANAGEMENT AND SAFETY IMPROVEMENTS
(HAGLEY AVENUE TO BARBADOES STREET)**

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Manager
Author:	Jeanette Ward

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Seek Council approval for the Moorhouse Avenue Traffic Management & Safety Improvements project to proceed to implementation.
 - (b) Seek the Council's approval for new traffic restrictions associated with the project.

EXECUTIVE SUMMARY

2. The Moorhouse cluster includes Moorhouse Avenue from Hagley Avenue to Barbadoes Street and Barbadoes Street from Ferry Road to Moorhouse Avenue. The Moorhouse Avenue component was supported by the relevant community boards in March 2006 subject to the resolution of an issue related to parking outside 179 Moorhouse Avenue. Two other reports have been submitted to the Hagley/Ferrymead Community Board relating to the Moorhouse Avenue/Barbadoes Street intersection and the Moorhouse Avenue/Montreal Street intersection, which are both associated with this project. These two associated reports were considered by the Hagley/Ferrymead Community Board at a meeting held on 20 December 2006, and are the subject of a separate report by the Board to the present Council meeting.
3. The Moorhouse Avenue section of this project was presented to the Council at a seminar in May 2006 but did not gain support from the Councillors in attendance. Issues relating to the inclusion of on-road cycle lanes on this arterial road were raised along with the desire to see more trees planted along the route. The Council later indicated at a cycle seminar in November 2006 that they were now supportive of the project and asked that the report be re-submitted for approval.
4. In 2003 the Council funded a Crash Reduction Study to identify, investigate and recommend remedial traffic engineering treatments at urban sites in the City that had a higher than average crash rate. Moorhouse Avenue, specifically at the intersections, was identified in the study as requiring remedial work. The study recommended that overhead signal mast arm poles be installed at each intersection on Moorhouse Avenue to improve the visibility of the intersections for motorists.
5. The Project Team is also proposing to implement a safer crossing facility on Moorhouse Avenue adjacent to the Science Alive complex and to install cycle lanes along Moorhouse Avenue.
6. This project is located in two Community Board areas, Hagley/Ferrymead and Spreydon/Heathcote. Hence, this Board report was presented at both relevant boards for support prior to seeking Council approval.
7. Consultation has included seminars with the Hagley/Ferrymead Community Board and the Spreydon/Heathcote Community Board to introduce the project to them and to invite feedback.
8. One to one consultation was then undertaken with businesses and organisations that would be impacted by the removal of on street parks. The plan was then amended where possible before it was formally publicised in January 2006.
9. Several amendments to the plan have been made to address the concerns raised by business operators and property owners in Moorhouse Avenue, in particular issues relating to parking.

12 Cont'd

10. Submissions were also received specifically in response to the proposal along Barbadoes Street. Consequentially additional investigations were undertaken for the Barbadoes Street section of the project. The Barbadoes Street section has therefore not been detailed or discussed in this report, and is presented in a separate report.
11. Two options have been outlined in this report. The preferred option includes the following:
 - Signalised pedestrian crossing adjacent to Science Alive.
 - Cycle lanes along both sides of Moorhouse Avenue between Hagley Avenue and Barbadoes Street.
 - Signal improvements at the intersections of Selwyn Street, Durham Street, Colombo Street, Manchester Street and Gasson Street/Madras Street.
12. The project team is confident that the project as it stands is justified and addresses the majority of consultation issues raised. Additionally, the proposed option will address the serious safety concerns identified in a Crash Reduction Study.

FINANCIAL AND LEGAL CONSIDERATIONS

13. The estimated total cost for the Moorhouse Avenue Traffic Management and Safety Improvements project in 2006/07 is approximately \$675,000, inclusive of all consultation, design, construction and project management (including the Barbadoes Street component).
14. The Moorhouse Avenue project is part of the Safety Improvement Programme and Cycleway Programme and is programmed for construction in the 2006/07 financial year. The combined budgets total \$700,000.
15. Without the approval of the resolutions for traffic restrictions, the restrictions will not be enforceable upon implementation.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That the Council grant approval for the Moorhouse Avenue Traffic Management & Safety Improvements project to proceed to final design, tender and construction.
- (b) That the Council approve the following new traffic restrictions associated with the project:

New No Stopping Restrictions:

Moorhouse Avenue north side

That the stopping of vehicles be prohibited at any time in the following locations:

- (i) On the north side of Moorhouse Avenue commencing at its intersection with the east side of Selwyn Street and extending 21 metres in an easterly direction.
- (ii) On the north side of Moorhouse Avenue commencing at a point 48 metres west of its intersection with Montreal Street and extending 21 metres in a westerly direction.
- (iii) On the north side of Moorhouse Avenue commencing at its intersection with the east side of Durham Street and extending 13 metres in an easterly direction.
- (iv) On the north side of Moorhouse Avenue commencing at a point 115 metres west of its intersection with Madras Street and extending 28 metres in a westerly direction.

Moorhouse Avenue south side

That the stopping of vehicles be prohibited at any time in the following locations:

- (v) On the south side of Moorhouse Avenue commencing at its intersection with the west side of Selwyn Street and extending 22 metres in a westerly direction.

12 Cont'd

- (vi) On the south side of Moorhouse Avenue commencing at a point 33 metres east of its intersection with Antigua Street and extending 21 metres in an easterly direction.
- (vii) On the south side of Moorhouse Avenue commencing at a point 15 metres east of its intersection with Montreal Street and extending 43 metres in an easterly direction.
- (viii) On the south side of Moorhouse Avenue commencing at a point 20 metres east of its intersection with Durham Street and extending 27 metres in an easterly direction.
- (ix) On the south side of Moorhouse Avenue commencing at its intersection with the west side of Pilgrim Place and extending 25 metres in a westerly direction.
- (x) On the south side of Moorhouse Avenue, commencing at a point 102 metres east of its intersection with Pilgrim Place and extending 24 metres in an easterly direction.
- (xi) On the south side of Moorhouse Avenue, commencing at the intersection with Gasson Street and extending 16 metres in a westerly direction.
- (xii) On the south side of Moorhouse Avenue, commencing at the intersection with Waltham Road and extending 22 metres in an easterly direction.

Durham Street east side

- (xiii) That the stopping of vehicles be prohibited at any time on the east side of Durham Street commencing at its intersection with the south side of Moorhouse Avenue and extending 6 metres in a southerly direction.

Durham Street east side

That the stopping of vehicles be prohibited at any time in the following locations:

- (xiv) On the east side of Durham Street commencing at its intersection with the north side of Moorhouse Avenue and extending 7 metres in a northerly direction.
- (xv) On the east side of Durham Street commencing at its intersection with the south side of Moorhouse Avenue and extending 6 metres in a southerly direction.

Durham Street west side

- (xvi) That the stopping of vehicles be prohibited at any time on the west side of Durham Street commencing at its intersection with the north side of Moorhouse Avenue and extending 7 metres in a northerly direction.

Pilgrim Place west side

- (xvii) That the stopping of vehicles be prohibited at any time on the west side of Pilgrim Place commencing at its intersection with Moorhouse Avenue and extending 10 metres in a southerly direction.

Removal of Existing No Stopping Restrictions:

Moorhouse Avenue south side

That the present no stopping restrictions in the following locations be removed:

- (i) On the south side of Moorhouse Avenue commencing at its intersection with the west side of Durham Street and extending 32 metres in a westerly direction be removed.
- (ii) On the south side of Moorhouse Avenue commencing at its intersection with the west side of Gasson Street and extending 26 metres in a westerly direction be removed.

New Parking Restriction:

Moorhouse Avenue north side

- (i) That the parking of vehicles be restricted to a maximum period of 10 minutes on the north side of Moorhouse Avenue commencing at a point 16 metres east of its intersection with Waller Terrace and extending in an easterly direction for a distance of 6.5 metres.

12 Cont'd

Moorhouse Avenue south side

- (ii) That the parking of vehicles be restricted to a maximum period of 60 minutes on the south side of Moorhouse Avenue commencing at a point 46 metres east of its intersection with Grove Road and extending in an easterly direction for a distance of 30 metres
- (iii) That the parking of vehicles be restricted to a maximum period of 60 minutes on the south side of Moorhouse Avenue commencing at a point 8 metres west of its intersection with Durham Street and extending in a westerly direction for a distance of 17 metres.
- (iv) That the parking of vehicles be restricted to a maximum period of 60 minutes on the south side of Moorhouse Avenue commencing at a point 46.5 metres east of its intersection with Durham Street and extending in an easterly direction for a distance of 41 metres.
- (v) That the parking of vehicles be restricted to a maximum period of 10 minutes at any time on the south side of Moorhouse Avenue commencing at a point 76 metres east of its intersection with Pilgrim Place and extending in an easterly direction for a distance of 26 metres.

Relocation of Existing Parking Restrictions:

Moorhouse Avenue north side

- (i) That the existing P60 parking restriction on the north side of Moorhouse Avenue at its present position commencing 11.5 metres west of the intersection with Durham Street and extending 10 metres in a westerly direction be revoked, and be reinstated on the north side of Moorhouse Avenue commencing at a point 15 metres west of its intersection with Durham Street and extending in a westerly direction for a distance of 6 metres.
- (ii) That the existing P60 parking restriction on the north side of Moorhouse Avenue at its present position commencing 5 metres east of the intersection with Durham Street and extending 19 metres in an easterly direction be revoked, and be reinstated on the north side of Moorhouse Avenue commencing at a point 13 metres east of its intersection with Durham Street and extending in an easterly direction for a distance of 11 metres.
- (iii) That the existing P60 parking restriction on the north side of Moorhouse Avenue at its present position commencing 49 metres east of the intersection with Manchester Street and extending 31 metres in an easterly direction be revoked, and be reinstated on the north side of Moorhouse Avenue commencing at a point 49 metres east of its intersection with Manchester Street and extending in an easterly direction for a distance of 36.5 metres.

Moorhouse Avenue south side

- (iv) That the existing P60 parking restriction from the south side of Moorhouse Avenue at its present position commencing 57 metres east of the intersection with Antigua Street and extending 23 metres in an easterly direction be revoked, and be reinstated on the south side of Moorhouse Avenue commencing at a point 53 metres east of its intersection with Antigua Street and extending in an easterly direction for a distance of 27 metres.

Removal of Existing Parking Restrictions:

Moorhouse Avenue north side

- (i) That the existing P60 parking restriction on the north side of Moorhouse Avenue commencing at a point 16 metres east of its intersection with Waller Terrace and extending in an easterly direction for a distance of 6.5 metres be removed.
- (ii) That the existing P60 parking restriction on the north side of Moorhouse Avenue commencing at a point 128 metres east of its intersection with Manchester Street and extending in an easterly direction for a distance of 20 metres be removed.

12 Cont'd

Moorhouse Avenue south side

- (iii) That all the parking restrictions be removed from the south side of Moorhouse Avenue commencing at a point 76 metres east of its intersection with Pilgrim Place and extending in an easterly direction for a distance of 123 metres.

Loading Zone:

Moorhouse Avenue south side

- (i) That a "loading zone (goods vehicles only) time limit 5 minutes" be created on the south side of Moorhouse Avenue commencing at a point 182 metres east of its intersection with Pilgrim Place and extending in an easterly direction for a distance of 13 metres.

Taxi Stand:

Moorhouse Avenue south side

- (i) That a "taxi stand" be created on the south side of Moorhouse Avenue commencing at a point 15 metres west of its intersection with Gasson Street and extending in a westerly direction for a distance of 11 metres.

Relocation of Existing Bus Stops:

Moorhouse Avenue north side

- (i) That the existing bus stop presently located on the north side of Moorhouse Avenue at a point commencing 86 metres east of the intersection with Manchester Street and extending 27 metres in an easterly direction be removed, and reinstated on the north side of Moorhouse Avenue commencing at a point 128 metres east of its intersection with Manchester Street and extending in an easterly direction for a distance of 20 metres.

Moorhouse Avenue south side

- (ii) That the existing bus stop presently located on the south side of Moorhouse Avenue at a point commencing 17 metres west of its intersection with Montreal Street and extending 15 metres in a westerly direction be removed, and reinstated on the south side of Moorhouse Avenue commencing at a point 34.5 metres west of its intersection with Montreal Street and extending in a westerly direction for a distance of 20 metres.
- (iii) That the existing bus stop presently located on the south side of Moorhouse Avenue at a point commencing 32 metres west of its intersection with Durham Street and extending 28.5 metres in a westerly direction be removed, and reinstated on the south side of Moorhouse Avenue commencing at a point 25 metres west of its intersection with Durham Street and extending in a westerly direction for a distance of 31 metres.
- (iv) That the existing bus stop presently located on the south side of Moorhouse Avenue at a point position commencing 132 metres east of its intersection with Pilgrim Place and extending 37 metres in an easterly direction be removed, and reinstated on the south side of Moorhouse Avenue commencing at a point 125 metres east of its intersection with Pilgrim Place and extending in an easterly direction for a distance of 56 metres.

Removal of Existing Bus Stop:

Moorhouse Avenue north side

- (i) That the existing bus stop on the north side of Moorhouse Avenue commencing at a point 53 metres west of its intersection with Durham Street and extending 20 metres in a westerly direction be removed.

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BACKGROUND ON THE MOORHOUSE AVENUE TRAFFIC MANAGEMENT & SAFETY IMPROVEMENTS PROJECT

16. The Moorhouse cluster includes Moorhouse Avenue from Hagley Avenue to Barbadoes Street and Barbadoes Street from Ferry Road to Moorhouse Avenue. The Moorhouse Avenue (Hagley Avenue to Barbadoes Street) section of the project was supported by the Hagley/Ferrymead Community Board in March this year. It was also supported by the Spreydon/Heathcote Community Board. The report was then forwarded to the Council for final approval. However, the Council sought a seminar to allow more consideration of the project. This seminar was held on 2 May 2006 and a number of issues were raised primarily in relation to the appropriateness of the cycle lanes on this arterial road and the desire to see more trees planted in Moorhouse Avenue.
17. These issues were investigated and are reported on fully in this report, including this section of the project, which requires Community Board support. A Council cycleway workshop held on 21 November 2006 showed that the Council was supportive of the project and willing to have the report re-submitted for consideration.
18. Two other reports have been submitted to the Hagley/Ferrymead Community Board relating to the Moorhouse Avenue/Barbadoes Street intersection and the Moorhouse Avenue/Montreal Street intersection, which are both associated with this project. These two associated reports were considered by the Hagley/Ferrymead Community Board at a meeting held on 20 December 2006, and are the subject of a separate report by the Board to the present Council meeting.

DESCRIPTION OF SITE

19. The study area relating to this report includes the length of Moorhouse Avenue from Hagley Avenue to Barbadoes Street. An additional study was undertaken for the section of Barbadoes Street between Moorhouse and Ferry Road, the outcomes of which are detailed in a separate Board report for the reasons outlined in clauses 34 and 35 of this report.
20. Moorhouse Avenue is a six lane median divided arterial route that carries approximately 40,000 vehicles per day and has a poor accident history.
21. The surrounding area contains a number of businesses including Science Alive, Hoyts 8, Pak N Save, Moorhouse Central and a number of car sales yards. Additionally, the Christchurch Polytechnic Institute of Technology (CPIT) and Catholic Cathedral College are located at the intersection of Moorhouse Avenue and Barbadoes Street.
22. The project is located in two Community Board areas, Hagley/Ferrymead and Spreydon/Heathcote. Hence, this Council report was presented to both boards for support prior to seeking Council approval.

PROJECT INITIATION AND DEVELOPMENT

23. In 2003 the Council funded a Crash Reduction Study to identify, investigate and recommend remedial traffic engineering treatments at urban sites in the City that had a higher than average crash rate.
24. The study identified Moorhouse Avenue as an area that required remedial safety work, specifically at the intersections. The study indicated that by installing overhead signal mast arm poles the visibility of the intersections for motorists would be improved and result in a decrease of crashes.
25. The Project Team are also proposing to implement a safer crossing facility on Moorhouse Avenue adjacent to Science Alive and to install cycle lanes along Moorhouse Avenue.

12 Cont'd

CONSULTATION

26. Due to the project being safety driven initial external consultation was not undertaken. However, internal consultation resulted in the following project objectives being identified:
 - Improve the visibility of traffic signals for traffic on Moorhouse Avenue
 - Improve lane marking and signal phasing at the Moorhouse/Barbadoes/Waltham intersection.
 - Improve the safety of cyclists
 - Address the safety issue of pedestrians crossing Moorhouse Avenue outside Science Alive.
 - Maintain the capacity of Moorhouse Avenue and its intersections, including all bus movements.
 - Ensure adequate provision is made for vision impaired pedestrians.
27. Once the draft preferred scheme options were developed, based on the objectives identified above, consultation was undertaken with the surrounding community and interested stakeholders.
28. The aim of the consultation was to implement an 'inform' consultation, that is, to provide interested and affected groups in the community with information about the project and to ensure that due consideration is given to any concerns raised, albeit within a project that has set engineering requirements. It was also proposed that one on one consultation was undertaken with business operators and property owners within the proposed area that are directly affected by the proposal before the proposal was delivered to the wider community.
29. The scheme plan and consultation method for the 'Moorhouse Avenue/Barbadoes Street Traffic Management and Safety Improvements' project was presented in seminars to the Hagley/Ferrymead Community Board on 24 August 2005 and the Spreydon/Heathcote Community Board on 6 September 2005.
30. Following the Board seminars consultation was undertaken directly with those property owners and business operators who were potentially affected by the proposed loss of parking. Feedback received during this time showed significant concerns for the loss of parking along Moorhouse Avenue, and, in particular, those on street parks proposed to be removed from adjacent to the Basilica in Barbadoes Street.
31. Consequently, prior to wider consultation the project team meet to discuss the issues raised and the Barbadoes Street plan was amended prior to consultation. The updated plan was then presented to both Community Boards in October 2005, prior to being delivered for formal consultation.
32. Formal consultation was implemented in January 2006 with the release of the 'Moorhouse Avenue/Barbadoes Street Traffic Management & Safety Improvements' booklet (see Attachment 1). The submission close off date was Friday 3 February 2006. The formal publicity was delivered to every business along Moorhouse Avenue from Lincoln Road to Ferry Road and to the Music Centre, the Catholic Cathedral School, the Catholic Diocese and the CPIT in Barbadoes Street. Approximately 1,500 consultation booklets were delivered.

FEEDBACK FROM CONSULTATION

33. Thirteen written submissions were made in support of the project, all from cyclists supporting the proposed cycle lanes. Four written submissions were received, requesting amendments to the proposal with regard to on street parking.
34. Submissions were also received specifically in response to the proposal along Barbadoes Street. Consequentially the project team decided that additional investigations were required for the Barbadoes Street section of the project.

12 Cont'd

35. The remainder of this report has therefore been written with respect to the Moorhouse Avenue project between Hagley Avenue and Barbadoes Street. The Barbadoes Street project is the subject of a separate report by the Hagley/Ferrymead Community Board to the present Council meeting.
36. The amendments made to the plan after the formal consultation are outlined as follows:
- Property owner at 192 Moorhouse Avenue (Madisons Hotel) has requested that the existing bus stop located adjacent to his business be swapped with the car park location. - **This amendment has been made.**
 - Business operator at 175 Moorhouse Avenue (Popular Cars) has requested that all three on street parks proposed to be removed to provide an extended left turn lane on Moorhouse Avenue into Montreal Street, be reinstated. - **The project team has agreed to reinstate one on street park:** This decision is based on the results of a video survey undertaken in November 2005. An analysis was undertaken in regard to the number of parked vehicles and queuing issues, which concluded that the western most car park could be reinstated without a significant negative effect on queuing. The other two car parks are the subject of a separate report (Moorhouse Ave at Montreal Street).
 - The owner of 231 and 237 Moorhouse Avenue has requested that the kerb build-outs proposed adjacent to his properties be shortened to provided space for one on street park outside each property.- **This amendment has been made.**
 - The business operator at 85a Moorhouse Avenue has requested that with the existing P60 area adjacent to her business, one short term car park or loading zone be installed. - **One P10 car park will be installed.**

TREES IN MOORHOUSE AVEUNE

37. At the May 2006 seminar the Council requested that options to increase the number of trees in Moorhouse Avenue be investigated to enhance the avenue effect.
38. Currently there are 103 trees within the road reserve, 56 are in the central median. There are also numerous trees on private property adjacent to the road reserve that add to the greenery of the street. The trees in the median are struggling to thrive owing to the unsuitable soil conditions and lack of moisture. The Transport and Greenspace Tree Team will be undertaking a more comprehensive review of these trees and indicate that in two to three years time the median will be assessed for replanting with mature specimens.
39. Although this project is focused on safety the preferred option does allow another 30 trees to be planted in Moorhouse Avenue where space allows. The new trees are located in kerb buildouts, berms and the central median adjacent to Science Alive. Options to increase this number were investigated but found to be not viable, for the following reasons:
- Trees in the footpath – too many underground services
 - Trees in the planter boxes on the footpath – the box required was too large and would cause pedestrian safety issues.
 - Additional kerb build outs – involves too much loss of parking in this predominantly commercial area.

12 Cont'd

OPTIONS

40. Two options for the Moorhouse Avenue Traffic Management and Safety Improvements project have been investigated:
- Option A: Retain the status quo
 - Option B: Implement the proposed option (Attachment 2) to install a pedestrian crossing, upgrade traffic signals and cycle lanes.

(Note that developing the proposed option, Option b, was an iterative process. Hence, no other standalone corridor options for Moorhouse Avenue have been identified or discussed in this report.)

Option A – The Status Quo:

41. Maintaining the status quo will not result in any social, environmental or economic benefit. Maintaining the status quo is not consistent with the Road Safety Strategy and it does not meet the needs raised through the 2003 Crash Reduction Study.

Option B – Install a signalised pedestrian crossing, upgrade traffic signals and cycle lanes:

42. The Moorhouse Avenue proposal is detailed in Attachment 1 and consists of the following elements:
- **Cycle Lanes:** New cycle lanes are proposed along Moorhouse Avenue between Hagley Avenue and Colombo Street. Additionally, the existing cycle lanes between Barbadoes Street and Colombo Street are to be upgraded to a minimum width of 1.7m. It is proposed to install cycle advance stop boxes at the Selwyn Street, Antigua Street, Montreal Street and Durham Street South intersections. The use of red coloured surface at intersection has been included to highlight the potential conflict areas.
 - **Signal Upgrade:** Overhead signal mast arm signals are proposed at the Madras Street, Manchester Street, Durham Street and Selwyn Street intersections. Build-outs are proposed at these intersections to accommodate the signals. Additionally, the existing signals at the Colombo Street intersection are to be relocated into a proposed new build-out.
 - **Signalised Pedestrian Crossing:** A signalised pedestrian crossing is proposed adjacent to Science Alive. This will be a two staged signalised crossing to ensure coordination with the adjacent signalised intersections.
 - **Moorhouse Avenue/Barbadoes Street / Waltham Road:** It is proposed to modify the existing build-outs and to upgrade the lane markings and cycle lanes on the Moorhouse Avenue and Waltham Road approaches at this intersection. Any signal upgrades, including phasing modifications and changes to the Barbadoes Street approach, will be detailed separately for the reasons described in sections 34 and 35 of this report.
 - **Hagley Avenue Slip Lane:** The left turn slip lane from Hagley Avenue to Moorhouse Avenue will be realigned, with the control changed from a free left turn to a 'Give Way' control.
 - **Landscaping:** Trees have been included in a number of build-outs, including those at the Selwyn Street, Colombo Street and Manchester Street intersections. Trees are also proposed on the southern side of Moorhouse Avenue just east of Grove Road, on the south-east corner of the Moorhouse Avenue/Durham Street south intersection, at the Moorhouse Avenue/Barbadoes Street intersection and along the median island adjacent to Science Alive.
 - **Central Islands:** To adhere to current best practice the median island has been trimmed on the west and south sides at Moorhouse Avenue/Madras Street/Gasson Street intersection.

12 Cont'd

- **Lane markings:** Stop control lines have been upgraded to current best practice (300mm wide) at all intersections. Additionally, lane markings, pedestrian crosswalk markings and lane arrows have been remarked where required to ensure correct alignment.
 - **Reduced P60 Parking:** The proposed work will require the removal of a minimal amount of existing on street parks so that kerb build-outs can be installed to accommodate the new traffic signals. Additionally, two parks will be removed on the north-west side of Durham Street south intersection to accommodate a lengthened left turn lane to improve capacity. The locations of the car parks to be removed are detailed on the recommended plans (Attachment 2).
 - **Restricted Parking & Bus Stop Rationalisation:** The bus stop west of Montreal Street, adjacent to the Madisons Hotel, is to be swapped in location with the adjacent P60 parking, as requested by the adjacent property owner. The existing bus stop and shelter currently adjacent to 343 Moorhouse Avenue, east of Madras Street, will be relocated further east and the restricted parking rationalised adjacent to Science Alive. Bus stop rationalisation has also resulted in the loss of the existing bus stop adjacent to 223 Moorhouse Avenue, west of Durham Street south. In addition, a P10 parking zone is to be installed adjacent to 85 Moorhouse Avenue as requested by the business owner.
43. This option will fulfil the shortcomings identified through the 2002 Crash Reduction Study and will result in the following social, environmental and economic benefits:
- **Social:** Improvement to safety for all road users, including pedestrians and cyclists
 - **Economic:** Improvement of a Council infrastructure asset and accident savings
 - **Environmental:** Improvement of the landscape with the installation of trees and landscaping

PREFERRED OPTION

44. Option b has been selected as the preferred option, as outlined in Attachment 2. This option is comprehensively detailed in the options section of this report. In summary this option includes the following aspects:
- Pedestrian crossing adjacent to Science Alive
 - Cycle lanes along both sides of Moorhouse Avenue between Lincoln Road and Barbadoes Street.
 - Signal improvements at:
 - Moorhouse Avenue/Selwyn Street
 - Moorhouse Avenue/Durham Street
 - Moorhouse Avenue/Colombo Street
 - Moorhouse Avenue/Manchester Street
 - Moorhouse Avenue/Gasson Street/Madras Street
 - Moorhouse Avenue/Barbadoes Street
45. The preferred option has been selected because:
- It best satisfies the project's aims and objectives from the options considered.
 - It will fulfil the shortcomings identified through the 2002 Crash Reduction Study.
 - It will result in social, environmental and economic benefits.
 - It will upgrade Moorhouse Avenue with current standard linemarking treatments.
 - It has the full support of the project team.
 - It is expected to have a good degree of community support and addresses the majority of concerns, in particular parking issues, raised during consultation.

13. COUNCIL SUBMISSION ON REVIEW OF LEVEL OF PROTECTION FOR SOME NEW ZEALAND WILDLIFE

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Manager
Authors:	Andrew Crossland and Kay Holder

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval of a submission to the Department of Conservation on the public discussion document "Review of Level of Protection for some New Zealand Wildlife" (the "discussion document").

EXECUTIVE SUMMARY

2. The Minister of Conservation has requested the Department of Conservation to review the level of protection afforded to some species of New Zealand wildlife, under the Wildlife Act 1953. The Department of Conservation has produced a public discussion document and invited submissions. The closing date for submissions was 26 January 2007, but Department of Conservation staff have indicated the Department would value receiving a submission from the Council and will accept a late submission. This will need to be before early February 2007 to enable it to be included in the Department's analysis of submissions received.
3. Under the Wildlife Act, nearly all species of wildlife (including birds, mammals, reptiles and frogs) are automatically absolutely protected, unless an individual species is listed in one of Schedules 1-6 to the Act, which means it will then have a lesser level of protection.
4. The Council considers there are potential future implications on the Council's responsibilities for management of biodiversity, pest species, health and safety, outdoor recreation and open space arising from both the status quo or a shift of status of specific species covered by the Wildlife Act, following the Department of Conservation's consideration of submissions on the discussion document. Consequently, the Council feels it is necessary to comment on the discussion document, particularly with respect to Canada Goose, which has emerged as a bird strike hazard at Christchurch International Airport and as a fouling nuisance on a number of city waterways and parks. The Council also wishes to comment on bird species that are of some interest in Christchurch, but which do not generate any nuisance issues or management problems. These comments are included in the attached submission.
5. The following table illustrates the current status under the Wildlife Act of each species that the submission refers to:

Schedule	Covers	Level of protection afforded	Status of species referred to in the submission	
			Current	Suggested
1	Species declared to be 'game'	Protected, except to holders of game licences to hunt, kill or hold these birds.	Introduced Canada Goose and the native Grey Teal, New Zealand Shoveler and Pukeko	-
2	Species that are 'partially protected'	Protected, but may be hunted or killed if they cause injury or damage to land or property.	Introduced Little Owl and the native Black Shag and Harrier	Little Owl and Pukeko
3	Species that can be hunted or killed	Can be hunted or killed, subject to conditions specified by the Minister.	Native Pied Shag and Little Shag	-
4	Unprotected species	Species unprotected throughout New Zealand, except where the Minister of Conservation gives absolute protection.	-	-

13 Cont'd

Schedule	Covers	Level of protection afforded	Status of species referred to in the submission	
			Current	Suggested
5	Unprotected species	Species unprotected throughout New Zealand, unless it is a domestic animal or bird.	–	Canada Goose, Barbary Dove and Feral Chicken
6	Unprotected species	Species not protected under the Wildlife Act 1953 and which are administered under the Wild Animal Control Act 1977.	–	–
7 and 7A	Protected species	Absolute protection, to some terrestrial and freshwater invertebrates and marine species by declaring them to be “animals” for the purposes of the Wildlife Act 1953. May not be hunted, killed or held, unless with an appropriate authority.	–	–
Not listed in any schedule	Protected species	Absolute protection, with the Department of Conservation able to issue permits for control when required. Covers almost all native and migratory birds.	Introduced Barbary Dove and Feral Chicken, and the native Spur-winged Plover	Black Shag, Little Shag, Pied Shag, Spur-winged Plover, Harrier, Grey Teal and New Zealand Shoveler

6. Fish and Game New Zealand has responsibility for managing game bird populations; that is, species listed in Schedule 1 of the Act. As Canada Goose is currently listed in Schedule 1, Fish and Game are the statutory managers of this species and they undertake this role pursuant to the Draft South Island Canada Goose Management Plan 2000. This plan requires Fish and Game to manage the Canada Goose population in the recreational interests of hunters, while having regard to the impacts of geese on other stakeholders (such as landowners, local authorities and airport companies).
7. Increasing local populations and redistributions of Canada Geese have resulted in the species becoming a nuisance by feeding on crops and pasture, fouling land and waterways, and occupying urban parkland and sports fields. Control by hunting alone (even with extended seasons and relaxed bag limits) does not seem to be working and culling (undertaken at moult time when geese cannot fly) has become necessary.
8. The discussion document considers a range of options for the future management of Canada Geese, including retaining the status quo, removal of this species from the list of game species (Schedule 1) and making it an unprotected species (Schedule 5). If Canada Goose was made an unprotected species, it would still be available as a hunting resource, but landowners would have more freedom to utilise a range of methods to reduce nuisance-causing populations (such as egg/gosling control, moult culls and poisoning). The Council believes this would probably cause an initial rapid decrease in numbers and would require a transitional management period during which responsibilities for Canada Goose control would pass to agencies other than Fish and Game.
9. Council staff are of the view that the status quo management of Canada Goose is not working and expresses in its submission its preference for Canada Goose to be removed from Schedule 1 to Schedule 5. It proposes that the Christchurch City Council support regional councils being able to declare the Canada Goose to be a ‘pest species’ in regional pest plans and, where necessary, manage nuisance-causing populations of this species by inclusion in regional pest management strategies.

13 Cont'd

10. If the Canada Goose is to remain in Schedule 1, Council staff recommend that the Draft South Island Canada Goose Management Plan 2000 be reviewed to provide for more effective control of this species in those parts of the country where it is becoming a significant pest.

FINANCIAL AND LEGAL CONSIDERATIONS

11. None with respect to the lodgement of the submission. It is important, though, that the Christchurch City Council advocate its view on the future management of wildlife pest species as this may have some financial, environmental and recreational open space management implications for the Council. The Department of Conservation has indicated its desire to receive the Council's viewpoint on the matter and has accordingly accommodated this, by agreeing to accept a late submission. This should be received by the Department in early February 2007.

STAFF RECOMMENDATION

It is recommended that the Council grant approval for the attached letter to be lodged with the Department of Conservation as a formal Christchurch City Council submission on the "Review of Level of Protection for Some New Zealand Wildlife" discussion document.

14. COUNCIL SUBMISSION ON DOMESTIC FOOD REVIEW PAPER

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Inspections and Enforcement Manager
Authors:	Willis Heney and Julie Burgess

PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the progress of the Domestic Food Review and to request approval of staff recommendations for submissions on the latest discussion document, (Paper 9), copies of which are separately enclosed for Councillors.
2. Note: This report deals only with the proposed implementation of Food Control Plans over the transitional period and does not comment on the effects of the proposals on the Council. This will be the subject of a further report in the near future.

EXECUTIVE SUMMARY

3. Following three years of review, the Government has agreed to the New Zealand Food Safety Authority (NZFSA) proposals to redesign New Zealand's domestic food regulatory system. All food sold in New Zealand is included, whatever its source and however it reached the point of sale, and whether for profit or for charity.
4. In practical terms, this means NZFSA will develop a new Food Bill, clarify the roles and responsibilities of the regulators; introduce a range of risk-based tools designed to help food operators manage food safety and suitability, and develop education and training requirements for food operators.
5. Drafting the changes to the law will now begin, and the transition to the new regime is expected to begin in July 2008 and take about five years.
6. NZFSA has released a discussion paper which describes the proposals to implement the changes, including when each food sector is expected to be brought into the new system, and is asking for views on the transition proposals.
7. "Domestic Food Review: Transition Policy and Related Implementation" is Paper 9 of the Domestic Food Review. It provides a transition policy to move from the present food regulatory regime to the proposed new food regulatory regime to enhance the safety and suitability of food in New Zealand. The central focus of the transition policy will be to set out the arrangements that will apply to:

'Persons' in the food industry (means any food producer, processor, seller or importer) who are currently subject to regulation under the Food Act 1981. Those who are covered by the Food Act but who are not currently required to be registered.
8. Under the proposed food regulatory regime, 'persons' would be required to operate under one of the following risk management tools: a Food Control Plan, National Programme (both regulatory tools) or Food Handler Guidance (non-regulatory educational material, eg for one-off charitable fundraisers etc).
9. The Domestic Food Review covered government involvement in all aspects of the safety and suitability of food produced, processed, manufactured, transported, imported and traded in New Zealand. It included all food sold in New Zealand, whatever its source and however it reached the point of sale.
10. The way forward, as agreed by the Government, is for all 'persons' covered by the Domestic Food Review being required to have a registered Food Control Plan or be covered by a National Programme, or have Food Handler Guidance (non-regulatory tool) apply to them. Food Control Plans will either be based on an NZFSA approved off-the-peg Food Control Plan or be custom-made by 'persons'.

14 Cont'd

11. As a result of the Domestic Food Review, the Government has agreed to the writing of new food legislation, regulations and supporting specifications that will explicitly place obligations on all 'persons' to meet safety and suitability requirements through application of the new regime.
12. A transition policy is needed for all 'persons' to change from the present system to the new food regulatory regime. With the variety of starting positions, the variety of solutions, and the large number of 'persons' involved, a pragmatic phased approach to transition is needed. One of the key reasons a longer transition period has been proposed is to take into account the availability of resources, including technically skilled staff at NZFSA, territorial authorities, third-party agencies and within those businesses required to have a Food Control Plan.
13. The commencement date for the new Food Bill is proposed to be 1 July 2008 and the transition period will conclude in 2013; thus a five-year transition period is being provided before the new rules are fully in place.
14. Implementation of Food Control Plans will be eased by the use of off-the-peg Food Control Plans. This will mean that 'persons' will not have to bear the costs of individual plan development, nor need to have these independently evaluated. It is proposed that off-the-peg Food Control Plans will be available at least nine months prior to the registration date for that food sector, and the 'person's' Food Control Plan will be submitted for registration at least three months before the registration date. 'Persons' are therefore given six months to complete an off-the-peg Food Control Plan.
15. Paper 9 describes the food sectors proposed for registration of Food Control Plans on a year by year basis for each of the five years of the implementation period.
16. Staff suggest that the types of food sectors suggested for year one would mean a very large number of premises being transferred in the first year and recommend submissions on this matter.

FINANCIAL AND LEGAL CONSIDERATIONS

17. As previously noted, the effects of the proposed changes on the Council will be the subject of a separate report.
18. The review proposes certain obligations for territorial authorities in terms of the registration and verification of Food Control Plans.
19. In general terms, it is intended that the cost of registration and verification of Food Control Plans will be met by the registration fees that will be set by the Council.

STAFF RECOMMENDATION

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

14 Cont'd

BACKGROUND TO PROPOSALS IN PAPER 9

Additional Information on the Transitional Policy and Related Implementation Discussion Document

Food Control Plan registration process

20. Off-the-peg Food Control Plans will be available directly from NZFSA and through territorial authorities at least nine months prior to the registration date for that food sector. All applicable parts of an off-the-peg Food Control Plan are to be completed in full. This includes an application for Food Control Plan registration. Both are to be submitted to the regulator for registration at least three months before the notified registration date. The regulator will have a period of three months to register Food Control Plans lodged by 'persons'.
21. The registration review process is needed to check whether:
 - the Food Control Plan is appropriate to the operation;
 - the Food Control Plan contains all the components and information needed; and
 - the holder of the Food Control Plan (usually the business owner) is a 'fit and proper person'.
22. NZFSA will develop off-the-peg Food Control Plans where this is most efficient because of commonality among products and processes across a significant number of food producers. Off-the-peg Plans will be developed according to the timetable proposed in Tables 3.1 through 3.5 in the Discussion Paper. (See Table 3.1 below)

Food Control Plans require external verification

23. External verification is designed to ensure that a 'person's' Food Control Plan is being properly implemented and that the operations comply with the registered Food Control Plan.
24. External verification will involve a physical inspection of the premises and a review of all components of the Food Control Plan by a recognised agency or individual. Verification will check that the Food Control Plan is being followed, is appropriate to how the 'person' operates, and the 'person' is managing and minimising food hazards adequately.
25. Verifications will be performed by recognised third-party verifiers, territorial authorities or NZFSA's Verification Agency. In the open market for Food Control Plan verification, verifiers will be recognised on the basis of being accredited to the proposed new verification/evaluation standard based on key elements of ISO 17020, plus additional criteria required by NZFSA (under development).
26. Territorial authorities will primarily perform verification of registered off-the-peg Food Control Plans within their jurisdiction and as a transitional arrangement they will be granted an exclusive external verification role for off-the-peg Food Control Plans. To do this level of verification territorial authorities will have a graduated programme for meeting the verification/evaluation standard.

Why is a transition period needed?

27. Approximately 30,000 'persons' nationally will be affected by the Food Bill. These 'persons' start from different regulatory and operating positions. Some have a registered food safety programme under the Food Act 1981, some are subject to the Food Hygiene Regulations 1974, and others are exempt from premises registration.
28. The Food Bill will offer several options for ensuring food safety and suitability, including Food Control Plans, National Programmes and Food Handler Guidance.
29. With the variety of starting positions, the variety of solutions, and the large number of 'persons' involved, a pragmatic phased approach to transition is needed. For example, it is estimated that more than 100,000 occasional food businesses nationally will be covered by Food Handler Guidance.

14 Cont'd

30. In addition, the level of resources and skills at NZFSA, territorial authorities, third-party agencies and among 'persons', also make a case for a staged implementation of the Food Bill regime.
31. Accordingly, a five year transition period is proposed to:
- Allow 'persons' time to change to the new regime in a measured way; and
Accommodate the need to build capability to develop and implement tools, systems and guidance amongst all stakeholders('persons', agencies and regulator).

When will 'persons' be affected?

32. NZFSA is working towards commencement of the transition period from 1 July 2008, with the implementation of Food Control Plans and National Programmes to be phased in over a period of five years from that date. As the legislative time line for adoption of the new food regulatory regime is presently uncertain, NZFSA has chosen not to specify precise registration dates for food sectors. These dates will be determined after more detailed planning and consultation, and will be notified at least one year in advance.
33. Tables 3.1 through 3.5 contain the food sectors identified by NZFSA, together with the main risk management tool to apply to each sector, and a general indication of the time period for 'persons' in each sector to register Food Control Plans (if required) under the new regime. The allocation of food sectors to time periods is primarily based on the Risk Ranking and Prioritisation Model, with the higher-risk food sectors transitioned first.
34. **Table 3.1: Food sectors proposed for registration in Year 1 of transition**

Food Sector Description/Example Risk Management Tool

(i) Food service – on-site catering

Businesses providing food service where food is served to large numbers of people simultaneously. Food is prepared and served at the same venue. Examples: defence catering, prison catering, boarding schools, university and college catering, in-house catering (e.g. at clubs and similar venues), certain 'rent-a-chef' operations. This does not include restaurants offering buffet services, which are included in general food service.

(ii) Food service – off-site catering

Businesses primarily providing food services at a venue other than where the food was prepared. They may have equipment and vehicles to transport meals and snacks to venues/events. Examples: office/corporate catering, gala meals, functions where food is brought into clubs or community halls.

(iii) Food service – general

Businesses providing meals, snacks and beverages to customers for immediate consumption on premises, home delivery or take-away. Examples: café, restaurant, permanent workplace canteen, large food chains, ice-cream shop, bars/pubs/clubs, delivery of pizzas or other meals, school dining room.

(iv) Fresh salad manufacturer (ready to- eat)

Business making fresh salads (not for direct retail sale), including green salads, fruit salads, potato salad, bean salad, rice/pasta/grain-based salads. Includes fresh herbs and spices, fresh sprouts.

(v) Providers to vulnerable populations (1)

Manufacturers

Manufactured products specifically targeted for vulnerable populations.
Example: infant formula, baby foods

Table Footnote:

(1) 'Vulnerable populations' are defined as children under five years of age, elderly people over 65 years of age, pregnant women, and people with compromised immune systems.

14 Cont'd

Estimated numbers to transfer in Year 1

35. There are over 2,000 food premises registered with the Christchurch City Council under the Food Hygiene Regulations 1974. It is estimated that in excess of 50% of these (1200) would fall under (iii) above and would need to be transferred in Year One.
36. In addition, premises that come under (i) are currently exempt from registration by the Council, as are certain classes of premises that would come under (iii) such as school dining rooms. As these are not registered with the Council we can only estimate the numbers involved. It is considered this would be at least 200+ premises.
37. That means there would be at least 1400 premises that would need to move to off-the-peg food control plans in year one. Whilst the extent of Council involvement in the change over from registration of premises (as at present) to registration of food control plans is unknown at this time, it is expected to be considerable.
38. NZFSA will develop the off-the-peg food control plans and will doubtless be undertaking a publicity and educational campaign to ensure 'persons' are aware of what they need to do. However, the Council will be the first point of contact for all enquiries and it is anticipated that there will be a need for one-on-one discussions with the proprietors of many premises.
39. For this reason it is suggested that the number of food sectors proposed to be transferred in year one be reduced, in order that both councils and the food industry can gain experience in the new process without being overwhelmed by the sheer volume of numbers involved.

OPTIONS

45. The Council's options are:
 1. Make no submission
 2. Submit in support of the proposal without comment
 3. Submit in support of the proposal with the attached comments as a formal Council submission.
 4. Submit in support in such other manner as the Council may determine.

PREFERRED OPTION

46. That the Council endorse the attached comments as a formal Council Submission, (Option 3)

15. COUNCIL REPRESENTATION ON ORANA PARK WILDLIFE TRUST

General Manager responsible:	General Manager Regulation and Democracy Group, DDI 941-8549
Officer responsible:	Secretariat Manager
Author:	Max Robertson

PURPOSE OF REPORT

1. To submit for the Council's approval a request that Mr Mike Wall be reappointed for a further term as the Council's representative on the Orana Park Wildlife Trust.

EXECUTIVE SUMMARY

2. The following letter has been received from Mr Kerry Nolan on behalf of the Trust:

"As you may be aware, the Board of the Trust includes one person to be appointed by the Christchurch City and another to be appointed by the Mayor, both for terms of two years.

The terms of the current appointees, namely Mike Wall and Paul Fitzharris, have expired and it would be appreciated if you could set in train the necessary steps for appointments to be made for a further period. To tie in with the annual cycle of the Park the new appointments would expire on 30 September 2008.

Both Mike Wall and Paul Fitzharris have made very substantial contributions to the operations at Orana Park and it would give me very great pleasure if it would be possible for them both to be reappointed".

3. As Mr Fitzharris was appointed by the Mayor, it will be up to the Mayor to decide on his reappointment for a further term.
4. Several years ago the Council delegated the responsibility for making a number of appointments to outside organisations (including the Orana Park Trust Board) to Community Boards. Pursuant to this delegation, the Fendalton/Waimairi Community Board formerly appointed the Council's representative on behalf of the Council. However, this delegation was not renewed following the 2004 elections, and the reappointment or otherwise of Mr Mike Wall for a further term will therefore require the Council's approval. Mr Wall has served as the Council's representative on both the former and the present Orana Park Trust Board for a number of years, and is willing to continue serving in this capacity.

COUNCIL POLICY

5. The Council policy relating to the appointment of Council representatives on outside bodies, adopted on 23 August 1995, is as follows:

"That the Council appoint formal representatives on outside organisations only where the proposed appointment will be of clear public benefit or benefit to the Council, or where the appointment is required for statutory reasons, or under the provisions of the relevant trust deed or constitution etc. of the organisation concerned".

FINANCIAL AND LEGAL CONSIDERATIONS

6. The appointment of a Council representative is provided for in the Trust's constitution, and the proposed appointment thus complies with the Council's policy covering appointment to outside bodies.
7. There are no financial implications for the Council relating to the appointment proposed.

STAFF RECOMMENDATION

It is recommended that Mr Mike Wall be reappointed as the Council's representative on the Orana Park Wildlife Trust Board, for a further term expiring on 30 September 2008.

16. REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 22 NOVEMBER 2006

Attached.

17. REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 13 DECEMBER 2006

Attached.

18. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 15 NOVEMBER 2006

Attached.

19. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 14 NOVEMBER 2006

Attached.

20. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 22 NOVEMBER 2006

Attached.

21. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 7 DECEMBER 2006

Attached.

22. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 13 DECEMBER 2006

Attached.

23. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 20 DECEMBER 2006

Attached.

24. REPORT OF THE LYTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 15 NOVEMBER 2006

Attached.

25. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 29 NOVEMBER 2006

Attached.

26. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 15 NOVEMBER 2006

Attached.

27. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 6 DECEMBER 2006

Attached.

28. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 21 NOVEMBER 2006

Attached.

29. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 5 DECEMBER 2006

Attached.

30. NOTICES OF MOTION

(a) Closure of Jellie Park Pool

To reconsider the following motion, notice of which was previously given by Councillor Helen Broughton pursuant to Standing Order 2.16:

"In view of the closure of Jellie Park Pool for 56 weeks from April 2007, that Sockburn Pool be reopened for the 2007/2008 summer season to provide additional capacity and the opportunity for outdoor swimming for north west residents."

The foregoing Notice of Motion was considered by the Council at its meeting on 14 December 2006 in conjunction with the attached staff report thereon. The Council resolved *"That the Notice of Motion lie on the table, together with the staff report"*.

31. QUESTIONS

32. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.