



# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 12 JULY 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.

<b>ITEM NO</b>	<b>DESCRIPTION</b>
1.	<b>APOLOGIES</b>
2.	<b>CONFIRMATION OF MINUTES - COUNCIL MEETING OF 5.7.2007</b>
3.	<b>DEPUTATIONS BY APPOINTMENT</b>
4.	<b>PRESENTATION OF PETITIONS</b>
5.	<b>CORRESPONDENCE</b>
6.	<b>STRENGTHENING COMMUNITIES STRATEGY</b>
7.	<b>PROPOSED CHRISTCHURCH CITY FIRE SAFETY BYLAW 2007</b>
8.	<b>APPLICATION FOR CONFERENCE LOAN FUNDING - SUBUD CONGRESS</b>
9.	<b>NOTICES OF MOTION</b>
10.	<b>QUESTIONS</b>

**12. 7. 2007**

- 1. APOLOGIES**
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 5.7.2007**  
Attached.
- 3. DEPUTATIONS BY APPOINTMENT**
- 4. PRESENTATION OF PETITIONS**
- 5. CORRESPONDENCE**

**6. STRENGTHENING COMMUNITIES STRATEGY**

<b>General Manager responsible:</b>	Michael Theelen, General Manager, Strategy and Planning, DDI 941-8177
<b>Officer responsible:</b>	Programme Manager, Strong Communities
<b>Author:</b>	Alan Bywater, Programme Manager, Strong Communities

**PURPOSE OF REPORT**

1. To recommend the adoption of the final Strengthening Communities Strategy (Appendix 1).

**EXECUTIVE SUMMARY**

2. Three inter-connected staff teams have been working on the Community Development Strategy (now the Strengthening Communities Strategy), Community Group Grants Review and Community Facilities Plan since early 2006. During the process to create the Draft Strategy an external reference group was used to provide independent advice. Seminars were also held with community boards and Councillors. In November 2006 the Council approved a draft Community Development Strategy, Community Group Grants Review and Community Facilities Plan for public consultation.
3. The consultation period closed at the end of January 2007 and hearings took place on 26 February 2007. Since that time the hearings panel has met with a selection of community groups to discuss the content of their submissions further and with government agencies to discuss collaboration. A seminar to consider changes from the draft strategy was held on 5 June 2007.
4. A total of 98 submissions were received and 43 submitters presented their submissions orally to the hearings panel. Whilst the vision and many of the goals were well received by the majority of submitters, a number expressed a view about the definition of Community Development. Community Development had been broadly defined in the draft strategy but some submitters viewed it as being a particular way of working with the community that focuses on creating empowerment and community capacity and that is based strongly on social justice. Similarly, concern was expressed by some submitters about the apparent lack of a social justice approach to the draft strategy.
5. In the Community Group Grants area submitters welcomed the simpler structure and the idea of three year funding agreements. There were some however who considered that the grant schemes should be structured by purpose. Some submitters also favoured retaining the existing Social Initiatives Fund and the Youth Development Fund.
6. Submitters were generally supportive of the Council's proposed approach to facilitate access to community facilities. Some however emphasised the value they saw in some of the neighbourhood community facilities and urged the Council to consider retaining these in areas of high need.
7. A number of revisions to the draft strategy have been made as a result of the submissions and subsequent discussions with Councillors.

**Strategy**

- The strategy name has changed to 'Strengthening Communities Strategy'. The name of the strategy along with the differing views about the meaning of 'community development' were discussed by the hearings panel with community organisations and was also discussed at the seminar on 5 June 2007. 'Strengthening Communities Strategy' was the preferred name emerging from the seminar.
- The strategy introduction acknowledges that a number of different processes and disciplines can be used in working with and for communities to enhance their strength. These include community services, community capacity building, community development, community activism and advocacy. The strategy identifies these all as legitimate and effective when used appropriately.
- The deletion of the Strong Communities principle from the Draft Strategy on the basis that it is more of an outcome statement than an underpinning principle. This was discussed at the seminar on 5 June 2007.

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- The addition of a principle on capacity building to recognise the importance of this activity and that it underpins significant amounts of the Council's work in this area.
- The addition of a principle on social justice to acknowledge that the Council's work in the Strengthening Communities Strategy is for all communities in the city but that on occasions the maximum benefit to the city will be achieved by the Council focusing resources on the most disadvantaged communities. This principle was discussed at the seminar on 5 June 2007 at which time the term 'vulnerable communities' caused concern to some Councillors. The word 'vulnerable' has been removed from the final version of the strategy.
- Bullet points have been added under each goal to spell out more clearly the sort of work the Council is planning to undertake to give life to each goal. Again this was discussed at the seminar and in accordance with Councillors' wishes a paragraph to preface these bullet points has been added to avoid them restricting the Council's activities unnecessarily.
- Goal 2. The wording for the goal statement as per the draft strategy has been retained. The paragraphs explaining the goal have been reworded to reduce confusion over the variable use of the term 'goal' and the focus has been expanded from just one area to one to three areas for significant collaboration. This latter change recognises the perceived difficulty of trying to identify just one area for this type of focused collaboration. These changes were all discussed at the seminar on 5 June 2007.
- The word 'connectedness' has been removed from the wording of the goal statement in Goal 4.
- The wording of Goal 6 has been revised to make it clearer that it refers to all forms of indoor and outdoor pastimes, rather than just those that are physical in nature. In addition the commentary on the goal has been improved to focus more specifically on the role community recreation and sport can have in helping people to experience a sense of belonging and in improving their links with others.
- Goal 8. The wording of the goal statement has been revised to refer to enabling residents to be able to 'participate fully in society', rather than 'in their community'. This wording change was discussed at the seminar.
- Further reference to Maori and Iwi has been made through the document to give greater effect to the Treaty of Waitangi principles in the strategy and to give better recognition of Maori and Iwi as potential partners for the Council in achieving the strategy's goals. Again these changes were discussed at the seminar.
- The strategy measures have been revised to provide a simplified and improved set of measures for monitoring the strategy.

**Community Group Grants**

- The number of funding schemes has been reduced to four with the Principal Organisations Fund being deleted. However the ability for Council and Community Boards to recognise and cement relationships with principal/key community focused organisations remains through the awarding of three year key relationship funding agreements at both metropolitan and local levels via the Strengthening Communities Fund.

The proposed Community Grants Funding Programme now comprises:

- (i) Strengthening Communities Fund
  - (ii) Small Projects Fund
  - (iii) Discretionary Response Fund
  - (iv) Community Organisations Loan Scheme
- Community Boards, where desired, are able to fund individual young people under a Youth Development Fund allocation. Funding of up to \$10,000 may be sourced and applied to the Youth Development Fund only from budget allocation within the Discretionary Response Fund. Each City Community Board has a Discretionary Response Fund budget of \$60,000 and the Peninsula based Community Boards have \$15,000 each.

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- A set of community grants outcomes has been developed to consider grant funding requests. This recognises that Community Group Funding is one component of Council's contribution to achieving the goals of the Strengthening Communities Strategy, the Physical Recreation and Sport Strategy, the Arts Strategy and environmental and heritage outcomes. These grants outcomes were discussed at the seminar and in accordance with Councillors' comments they have been amended to incorporate community groups and activities working towards environmental and heritage outcomes.
- Community Boards will be able to nominate applications from local groups and organisations that they consider to be 'Key Local Organisations' to the Metropolitan Strengthening Communities Fund for contestable consideration under its fund. An amount of \$450,000 is to be tagged in the Metropolitan Strengthening Communities Fund to fund those local applicants that are successful in this process. All unsuccessful nominations will be returned to the appropriate local Community Board for consideration under its Local Strengthening Communities Fund. The rationale for this is that it is acknowledged that some ward areas experience disproportionately higher and more intense community and social needs, relative to the rest of Christchurch.
- An amount of \$40,000 sourced from the Metropolitan Strengthening Communities Fund has been applied to the two Peninsula based community boards for their Local Strengthening Communities Fund. This amount is based on population levels. The rationale for this additional funding is to ensure that the Peninsula based community boards have a suitable level of Strengthening Communities Funding that is free from reserve contribution restrictions.
- The criteria for what constitute "Metropolitan" and "Local" applications have been changed to apply to the project for which funding is sought, rather than the group in question. The criteria around what proportion of the city a project must apply to before it is considered "Metropolitan" for funding purposes have been altered in Appendix VI of the Strengthening Communities Strategy document.
- The dollar limits for the Strengthening Communities Fund (both metropolitan and local) have been removed.
- Closing dates for the Strengthening Communities Fund and Small Grants Fund have been staggered to reduce the period between applications closing and funding decisions being made for those applying to the small grants fund. This is in response to concerns raised by Councillors at the seminar.

**Community Facilities**

- A sentence has been inserted noting that in some circumstances the Council would support neighbourhood facilities particularly where they meet significant social need, rather than solely providing them at a suburban level.
8. In addition to recommending the adoption of the Strengthening Communities Strategy, this report also recommends the revocation of a number of policies to ensure that the Council articulates its strategic goals in this area once through the strategy and avoids sending mixed messages through retaining a number of overlapping policies.

**FINANCIAL IMPLICATIONS**

9. The Council currently spends in the order of \$19m (net) operational expenditure each year and between \$2m and \$9m in capital expenditure on the Community Support activity. In addition some of the community group grants covered fall in other activities in the LTCCP.
10. The Strengthening Communities Strategy (incorporating Community Group Grants Review and Community Facilities Plan) is not a direct driver of any changes to the level of resources being used in the area of community support, community group grants and community facilities and does not necessitate changes to the LTCCP. In future LTCCP's the Council may wish to further consider the resourcing of these activities.

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11. The LTCCP clearly requires a reduction in the resources to be used on community facilities by \$158,800 in 2007/08 and \$397,000 per annum in subsequent years. The Strengthening Communities Strategy (incorporating Community Group Grants Review and Community Facilities Plan) provides the general direction for the Council's involvement in community facilities in the future. The subsequent stage will identify how these savings will be made as part of the process to apply the directions indicated. Clearly a number of decisions will need to be made by the Council as this process unfolds.

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

12. This report and the proposed Strengthening Communities Strategy are consistent with the budgets provided in the LTCCP and in regards to community facilities provide strategic direction for work to achieve the budgetary savings indicated in this area in the LTCCP.

**LEGAL CONSIDERATIONS**

13. The Strengthening Communities Strategy has been developed in compliance with the requirements of the Local Government Act 2002. Legal advice has been sought at several stages for guidance on issues of process.
14. The Strengthening Communities Strategy (incorporating Community Group Grants Review and Community Facilities Plan) has been developed in accordance with the decision making and other provisions of the Local Government Act 2002. This proposal does not result in a "significant" decision being made, as provided for in the Local Government Act 2002 and the Council's significance policy. This means there is no requirement for formal consultation through a special consultative procedure. However, there has been engagement with stakeholders to understand their views at an early stage in the strategy development process and a period of consultation has taken place. Although the adoption of the new strategy is not a matter of "significance", as defined in the Act, it is a matter of importance for the council and the community, and extensive consultation was considered to be appropriate.
15. Under section 80 of the Local Government Act 2002 if a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify:
  - (a) the inconsistency; and
  - (b) the reasons for the inconsistency; and
  - (c) any intention of the local authority to amend the policy or plan to accommodate the decision.
16. There are a number of existing Council policies that will become obsolete on adoption of the Strengthening Communities Strategy. The following policies need to be revoked:
  - Community Policy (Appendix 3)
  - Social Justice, Community Development and Social Issues Policy 1993 (Appendix 4)
  - Grants: Procedures for Considering and Allocating 1991 (Appendix 5)
  - Grants: Special Grants Committee Policy 1990 (Appendix 6)
17. The Social Wellbeing Policy 2000 (Appendix 7) is largely consistent with the Strengthening Communities Strategy. However it may be deemed unnecessary to have a policy and strategy that cover the same area. The policy also refers to aspects of living standards and the distribution of wealth not covered by the Strategy. The Social Wellbeing Policy (2000) should be reviewed subsequent to the adoption of the Strengthening Communities Strategy.

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18. In addition there are a number of policies that deal with the specific procedures around grants schemes and allocations that will need to be reviewed and possibly revoked as a consequence of the new grants arrangements resulting from adoption of the Strengthening Communities Strategy. These policies are:
- Community Funding Policy 1990-2003 (Appendix 8)
  - Discretionary Funding Policy 1990 and 2000 (Appendix 9)
  - Metropolitan Funding Committee: Funding of Council Projects 1990 (Appendix 10)
19. These policies will need to be reviewed as the detailed criteria and procedures for the new grant schemes are put in place by the Council.

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

20. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

21. This report is to propose the adoption of a new Strengthening Communities Strategy. There is broad consistency between the proposed strategy and the current LTCCP. As a long-term strategy, if adopted the proposed Strengthening Communities Strategy may well influence changes to be incorporated in the 2009-19 LTCCP. These changes are likely to manifest themselves in alterations to the Community Support Group of Activities.

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

22. The recommendations of this report support the level of service in the Community Support Group of Activities in relation to the percentage satisfaction with the quality of support provided to target community groups.
23. The proposed Strengthening Communities Strategy if adopted may drive a further consideration of levels of service and projects for the 2009-19 LTCCP.

**ALIGNMENT WITH STRATEGIES**

**Do the recommendations align with the Council's strategies?**

24. This report recommends the adoption of a Council strategy. It is aligned to the Council's Strategic Directions, most notably the following in the Strong Communities area:

*Help communities to meet their needs, by:*

- *Targeting those who are most disadvantaged;*
- *Providing accessible and welcoming public buildings, spaces and facilities;*
- *Funding and supporting community organisations, initiatives and festivals that help to achieve the city's Community Outcomes;*
- *Initiating and supporting community development projects;*
- *Helping public, private and community agencies work together to address key areas of social need;*
- *Advocating for social support to meet people's needs;*
- *Encouraging people to take part in community groups and voluntary activities;*
- *Encouraging people to take responsibility for themselves and their families.*

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**CONSULTATION FULFILMENT**

25. In order to ensure that the views of relevant organisations were considered from the early stages of the strategy development an external reference group comprising people from community and voluntary organisations and relevant government agencies has been used. This has provided independent advice on the content and direction of this work. Meetings were held with the external reference group from April to October 2006. (For the terms of reference and membership of the external reference group see Appendix II of the Strengthening Communities Strategy document.)
26. The public consultation process for the draft strategy took place between 7 November 2006 and 31 January 2007. Originally, this consultation period was scheduled to close on 22 December 2006, but as a result of pressure for community groups to get their submissions in leading up to the busy Christmas period, the Council decided to extend the submission process until the end of January 2007.
27. During the public submissions period, copies of the draft strategy and the summary version were made available at all Council libraries and service centres, as well as advertised on Council's website. Letters containing the summary document, information on how to obtain a copy of the full draft strategy, timetables of various public meetings to be held, and offers to meet with recipients and discuss the draft strategy, were sent to around 2000 key stakeholders. The public document was mailed to all recipients and applicants for community grants (in 2006). Copies were distributed to each community facility, while regular users were mailed individual copies. During the consultation period, various stories, words of encouragement to put in submissions, and reminders of closing dates ran in various media outlets, including the Christchurch Star, press releases, Akaroa Mail, The Press, Mail and radio interviews on Plains FM. In addition, the Council's Community Development Advisers, Community Recreation Advisers, Metropolitan Community Advisers and other staff used their wide networks to spread the word, raise awareness of the draft strategy, and encourage submissions to be made.
28. As well as speaking at several meetings, forums and networks, Council staff facilitated nine information sharing consultation workshops around the city.
29. Respondents were able to submit by either completing and returning the form on the summary document, completing the online form at the Council's 'Have Your Say' website, or simply writing a letter to the Council.
30. Letters were sent to various Maori stakeholders, encouraging their feedback. In addition, the Council hosted a hui on 29 January 2007, at which a cross section of Maori representing various groups and organisations attended. As well as being encouraged to put in a written submission to the draft strategy, and extending the closing date for submissions by a few days to accommodate this, hui attendees were later contacted and encouraged to come to the hearings on the draft strategy to make an oral submission, even if they had not submitted written feedback.
31. The draft Community Development Strategy was presented at a meeting of the Ministry of Pacific Island Affairs Community Reference Group to engage with Pacific communities.
32. At its meeting on 14 December 2006 the Council decided to hear oral submissions. On 22 February 2007 a hearings panel comprising the Mayor and Councillors Condon, Corbett, Evans, Shearing, Sheriff and Withers was appointed for this purpose.
33. The submissions were heard on 26 February 2007 with 43 submitters making oral submissions.
34. The Community Development Strategy Hearings Panel met on 23 April 2007 to consider the feedback received through consultation on the draft strategy. At this meeting the panel decided to carry out dialogue with selected submitters about some of the issues raised in their submissions and with government agencies around collaboration. These meetings took place on 18 and 25 May 2007.



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35. A further seminar took place on 5 June 2007. At this seminar staff discussed proposed alterations to the draft strategy based on the consultation feedback and the discussions that had taken place in the Hearings Panel with Councillors.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Approve the Strengthening Communities Strategy (Appendix 1).
- (b) Revoke the following policies:
  - Community Policy (Appendix 3)
  - Social Justice, Community Development and Social Issues Policy 1993 (Appendix 4)
  - Grants: Procedures for Considering and Allocating 1991 (Appendix 5)
  - Grants: Special Grants Committee Policy 1990 (Appendix 6)
- (c) Request that staff review the Social Wellbeing Policy following adoption of the Strengthening Communities Strategy, and report back to the Council on the need for the policy, or amendments to it.
- (d) Request that staff review the following policies and report back to the Council on their revocation or modification, as the detailed criteria and procedures are developed for the new grants schemes.
  - Community Funding Policy 1990-2003 (Appendix 8)
  - Discretionary Funding Policy 1990 and 2000 (Appendix 9)
  - Metropolitan Funding Committee: Funding of Council Projects 1990 (Appendix 10)

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**BACKGROUND (THE ISSUES)**

**Strategy Development Process**

36. Three inter-connected staff teams have been working on the Draft Community Development (now the Strengthening Communities Strategy) Strategy, Community Group Grants Review and Community Facilities Plan since early 2006. These pieces of work are closely related with the Strengthening Communities Strategy providing the framework for the more detailed planning of grants and community facilities.
37. An external reference group comprising people from community and voluntary organisations and relevant government agencies has been used to provide independent advice on the content and direction of this work. This group met approximately six times between April and October 2006 and staff have considered the range of views expressed by members of this group in the development of the strategy.
38. Joint Community Board seminars were on 29 June 2006 and 28 September 2006 to enable the views of community board members to be considered in the development of the draft Community Development Strategy, Community Group Grants Review and Community Facilities Plan.
39. The Council through its Strong Communities portfolio group and through Council seminars has considered options and provided input to this work at regular intervals. The Strong Communities Portfolio Group considered information and options on 2 March 2006, 22 June 2006, 24 August 2006 and 28 September 2006. In addition Council seminars were held on 25 July 2006 and 10 October 2006.
40. The Draft Community Development Strategy incorporating the Community Group Grants Review and Community Facility Plan was approved for consultation by the Council at its meeting on 2 November 2006.
41. A period of consultation has subsequently been undertaken. In addition to the draft strategy being widely circulated, featured on the Council's Have Your Say website and in media releases, consultation meetings have taken place in each ward. Visits have been made by staff to several meetings of networks involving organisations working in the voluntary and community sector and a hui was held with interested Maori groups on 29 January 2007.
42. Following the Council's decision to appoint a hearings panel to hear oral submissions, these were presented to the Council on 26 February 2007.
43. A total of 98 submissions were received on the Draft Community Development Strategy (incorporating Community Group Grants Review and Community Facilities Plan). These have been analysed by staff (see Appendix 2 for summary of submissions).
44. The notable feedback received from submitters is as follows:
  - A number of submitters expressed views about the way the term 'Community Development' was defined in the draft strategy. Several respondents viewed the Council's definition as flawed and suggested various alternative definitions. They believe community development is a process only, not an outcome. For them community development represents a particular way of working with the community that focuses on creating empowerment and community capacity and is based on social justice.
  - A perceived lack of a social justice approach in the draft strategy was raised by a number of submitters. By failing to indicate that the Council's community development activities will work towards social inclusion and equity, submitters argue, the draft strategy does not address key underlying social issues and wider determinants of health, and will thereby fall short of achieving any real change. This issue affects all strands of the draft document, from the strategy, to Community Group Grants, and Community Facilities.

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**Strategy**

- The proposed vision was largely welcomed by submitters, who feel it is healthy and clear, will benefit the whole community, and provides good direction for the Council.
- The principle around 'Effectiveness' gained the most attention out of all proposed principles for the Council's role. Many submitters felt anxious about the possible future requirement to be more accountable, monitor their progress and measure their outcomes. While some largely supported this principle, others wanted the Council to provide the necessary resources, training and assistance to achieve essential accountability in order to secure funding.
- The principle proposing Partnership was largely welcomed by submitters, while it was clearly pointed out that the power relationship in this partnership must be equal, in order to be effective.
- The Council was urged to integrate the Treaty of Waitangi principles more fully through the strategy by recognising Maori and Iwi as important potential partners for collaboration.
- Overall comments indicated that submitters were largely supportive of the proposed goals. Some felt the goals need to be more measurable, with specific objectives, and effective tools with which to measure achievement. Effective implementation, other submitters urged, is the key to success.
- Collaboration among stakeholders, as proposed in goal 2 (*Promote collaboration among key stakeholders, including government agencies in community and voluntary organizations, to identify and address key community issues*) was welcomed by submitters, with enthusiasm to actively involve the wider community and community boards in identifying a priority goal. Some submitters were concerned that increased resources for a specific goal will mean a reduction or lack of funding for other key groups or issues. Others proposed potential priority goals, including the physical environment; the ageing population; social capital; and community capacity.
- Several submitters suggested ways in which the Council could improve participation in local decision-making, as proposed in goal 3 (*Increase community engagement and participation in local decision-making*), with most urging the Council to enhance the public's influence and autonomy in this activity.
- Views expressed by Maori revealed similar opinions to overall submissions regarding the first strand of the draft strategy, with general support for the proposed vision and goals. Maori were concerned that there should be increasing Maori participation in local decision-making. In addition, Maori contribution as a key player in the achievement of the goals was sought. In particular, Maori here seek formal commitment from the Council to make its relationship with Maori clearer and more visible. Grassroots community development was considered important, while enhanced cohesion and communication between community groups, and between groups and the Council was also sought. Safety was considered a key issue for the Maori community (goal 7: *Enhance community and neighbourhood safety*), with many calling for better processes for youth offenders.

**Community Group Grants Review**

- The proposed funding schemes were largely supported by submitters as being simpler, clearer and less confusing than the current structure.
- Many submitters welcomed the proposed three-year funding agreements, as well as the increased accountability and contestability of grants.
- Suggested amendments included structuring funds around the purpose of the grants, rather than the size; retaining the Social Initiatives Fund and the Youth Development Fund for community boards; increasing the allocation of local funds for community boards to distribute; allocating local Strengthening Communities Fund for the Banks Peninsula community boards; and allowing community boards more discretion in the allocation of local grants.
- Several submitters sought further clarification of the proposed funding schemes, including clear criteria and processes for allocating grants, while urging effective communication of any changes to community groups and organisations.
- Some submitters were concerned they will fail to receive grants in the future, as they do not directly contribute to any one goal.

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- The feedback from Maori concurred with the remainder of submissions in that the proposed grant schemes are largely supported. Maori did however seek involvement in decisions around grant allocation, desire that grant applications be assessed according to their potential impact upon Maori and that generally, more funding should be allocated to areas where Maori disproportionately reside, as these are areas of greatest need.

**Community Facilities Plan**

- Opinions about the Council's proposed approach to focus its role in community facility ownership on a finite number of suburban facilities were largely split, with more people supporting this intention than opposing it. Those who opposed the Council's proposal regarding community facilities claim that 'one size does not fit all' and that local neighbourhood facilities cater for different customers than suburban ones do, therefore, the Council must retain and nurture a large range of facilities.
  - There was broad support for working closely with community groups, actively pursuing partnerships for the management of facilities, and the Council's proposal to co-locate facilities.
  - A number of views were expressed around any possible divestment of community facilities, as follows: The desire for the wider community and community boards to be involved in deciding on and implementing any change in the current arrangement of facilities; offering 'divested' facilities to the wider community for purchase or use first; and providing clearer communication and clarification of the criteria for investment/divestment. Many recommended ways in which the Council could increase the utilisation of facilities, to avoid divestment.
  - Maori were largely opposed to the Council's proposed approach to focus its role in community facility ownership on a finite number of suburban facilities, with similar reasons as those of the remainder of submitters. They expressed the view that local facilities are valuable to neighbourhood communities and urged the Council to promote facilities more actively in order to increase usage.
45. The Community Development Strategy Hearings Panel met on 23 April 2007 to consider the feedback received through consultation on the draft strategy. At this meeting the panel decided to carry out dialogue with selected submitters about some of the issues raised in their submissions and with government agencies around collaboration. These meetings took place on 18 and 25 May 2007.
46. A further seminar took place on 5 June 2007. At this seminar staff discussed proposed alterations to the draft strategy based on the consultation feedback and the discussions that had taken place in the Hearings Panel with Councillors.
47. The significant changes that have been made to the strategy document since the draft document are as follows:

**Strategy**

- The strategy name has changed to 'Strengthening Communities Strategy'. The name of the strategy along with the differing views about the meaning of 'community development' was discussed by the hearings panel with community organisations and was also discussed at the seminar on 5 June. 'Strengthening Communities Strategy' was the preferred name emerging from the seminar.
- The strategy introduction acknowledges that a number of different processes and disciplines can be used in working with and for communities to enhance their strength. These include community services, community capacity building, community development, community activism and advocacy. The strategy identifies these all as legitimate and effective when used appropriately.
- The deletion of the Strong Communities principle from the draft strategy on the basis that it is more of an outcome statement than an underpinning principle. This was discussed at the seminar on 5 June 2007.
- The addition of a principle on capacity building to recognise the importance of this activity and that it underpins significant amounts of the Council's work in this area.

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- The addition of a principle on social justice to acknowledge that the Council's work in the Strengthening Communities Strategy is for all communities in the city but that on occasions the maximum benefit to the city will be achieved by the Council focusing resources on the most disadvantaged communities. This principle was discussed at the seminar on 5 June at which time the term 'vulnerable communities' caused concern to some Councillors. The word 'vulnerable' has been removed from the final version of the strategy.
- Bullet points have been added under each goal to spell out more clearly the sort of work the Council is planning to undertake to give life to each goal. Again this was discussed at the seminar and in accordance with Councillors' wishes a paragraph to preface these bullet points has been added to avoid them restricting the Council's activities unnecessarily.
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- The word 'connectedness' has been removed from the wording of the goal statement in Goal 4.
- The wording of Goal 6 has been revised to make it clearer that it refers to all forms of indoor and outdoor pastimes, rather than just those that are physical in nature. In addition the goal's wording has been improved to focus more specifically on the role community recreation and sport can have in helping people to experience a sense of belonging and in improving their links with others.
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- The strategy measures have been revised to provide a simplified and improved set of measures for monitoring the strategy.

**Community Group Grants**

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The proposed Community Grants Funding Programme now comprises:

1. Strengthening Communities Fund
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6 Cont'd

- A set of community grants outcomes has been developed to consider grant funding requests. This recognises that Community Group Funding is one component of the Council's contribution to achieving the goals of the Strengthening Communities Strategy, the Physical Recreation and Sport Strategy, the Arts Strategy and environmental outcomes. These grants outcomes were discussed at the seminar and in accordance with Councillors' comments they have been amended to incorporate community groups and activities working towards environmental and heritage outcomes.
- Community boards will be able to nominate applications from local groups and organisations that they consider to be key local organisations to the Metropolitan Strengthening Communities Fund for contestable consideration under its fund. An amount of \$450,000 is to be tagged in the Metropolitan Strengthening Communities Fund to fund those local applicants that are successful in this process. All unsuccessful nominations will be returned to the appropriate community board for consideration under its Local Strengthening Communities Fund. The rationale for this is that it is acknowledged that some wards experience disproportionately higher and more intense community and social needs, relative to the rest of Christchurch.
- An amount of \$40,000 sourced from the Metropolitan Strengthening Communities Fund has been applied to the two Peninsula based community boards for their Local Strengthening Communities Fund. This amount is based on population levels. The rationale for this additional funding is to ensure that the Peninsula based community boards have a suitable level of Strengthening Communities Funding that is free from reserve contribution restrictions.
- The criteria for what constitute "Metropolitan" and "Local" applications have been changed to apply to the project for which funding is sought, rather than the group in question. The criteria around what proportion of the city a project must apply to before it is considered "metropolitan" for funding purposes have been altered in Appendix VI of the Strengthening Communities Strategy document.
- The dollar limits for the Strengthening Communities Fund (both metropolitan and local) have been removed.
- Closing dates for the Strengthening Communities Fund and Small Grants Fund have been staggered to reduce the period between applications closing and funding decisions being made for those applying to the small grants fund. This is in response to concerns raised by Councillors at the seminar.

**Community Facilities**

- A sentence has been inserted noting that in some circumstances the Council would support neighbourhood facilities particularly where they meet significant social needs, rather than solely providing such facilities at a suburban level.
48. Work on developing an implementation plan for the Strengthening Communities Strategy is underway. There are significant details around the community group grants funding schemes which are yet to be determined. These details will need to be developed and the documentation that is associated with the grants processes developed. There is a significant job to be done in communicating the new grants arrangements to community groups. In the community facilities area there is significant work to be carried out in developing an implementation plan that identifies how the directions signalled in the plan will be applied to the existing and future Council owned community facilities, as well as in working through improved management, partnerships and facilitation roles.
49. Under section 80 of the Local Government Act 2002 if a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify:
- (a) the inconsistency; and
  - (b) the reasons for the inconsistency; and
  - (c) any intention of the local authority to amend the policy or plan to accommodate the decision.

6 Cont'd

50. For this reason it is important that the Council considers the degree of consistency between the proposed Strengthening Communities Strategy and existing policy.
51. There is a good deal of confusion between the Council's policies and strategies in general, with at times both covering similar ground. Staff are currently trying to develop a situation in which policies and strategies have different roles and are working to improve the Policy Register so that it only contains genuine, current policies
52. There are a number of existing Council policies that will become obsolete on adoption of the Strengthening Communities Strategy (if not already obsolete). The following policies need to be revoked:
  - Community Policy (Appendix 3)

The policy identifies the Council's first priority as being to empower and enable those who are deprived of power and resources. This is inconsistent with staff understanding of Councillors' comments at the recent seminar around the Social Justice principle in the Strengthening Communities Strategy and the subsequent amendment of the principle to remove the word 'vulnerable'.

Other parts of the Community Policy are largely consistent with the Strengthening Communities Strategy. However it is unnecessary to have a policy and a strategy that cover the same area.
  - Social Justice, Community Development and Social Issues Policy 1993 (Appendix 4)

The policy makes reference to the 1974 Local Government Act which was superseded by the Local Government Act 2002.

The policy makes references to guaranteeing equal access to services and facilities and that 'equity means targeting resources to groups which have least access to services'. These are inconsistent with staff understanding of Councillors' comments at the recent seminar around the Social Justice principle in the Strengthening Communities Strategy and the subsequent amendment of the principle to remove the word 'vulnerable'.

Other parts of the policy are largely consistent with the Strengthening Communities Strategy. However it is unnecessary to have a policy and a strategy that cover the same area.
  - Grants: Procedures for Considering and Allocating 1991 (Appendix 5)

The policy refers to types of grants not in the current grants systems nor in the grants system emanating from the Strengthening Communities Strategy.

The policy refers to Council committees and organisational units that are no longer in existence.
  - Grants: Special Grants Committee Policy 1990 (Appendix 6)

The Special Grants Committee has not operated for some years and is unnecessary given that all Councillors are part of the Metropolitan Funding Subcommittee and the Council meets weekly.
53. The Social Well Being Policy 2000 (Appendix 7) is largely consistent with the Strengthening Communities Strategy. However it may be deemed unnecessary to have a policy and strategy that cover the same area. The policy also refers to aspects of living standards and the distribution of wealth not covered by the strategy. The Social Well Being Policy (2000) should be reviewed subsequent to the adoption of the Strengthening Communities Strategy.

**6 Cont'd**

54. In addition there are a number of policies that deal with the specific procedures around grants schemes and allocations that will need to be revoked or reviewed as a consequence of the new grants arrangements resulting from adoption of the Strengthening Communities Strategy. Namely these policies are:
- Community Funding Policy 1990-2003 (Appendix 8)
  - Discretionary Funding Policy 1990 and 2000 (Appendix 9)
  - Metropolitan Funding Committee: Funding of Council Projects 1990 (Appendix 10)
55. These policies will need to be reviewed as the detailed criteria and procedures for the new grant schemes are put in place by the Council.

**THE OBJECTIVES**

56. To provide clear strategic direction for the Council's work in strengthening communities and its community facilities activities.
57. To provide an effective new structure for community group grants.



**7. PROPOSED CHRISTCHURCH CITY FIRE SAFETY BYLAW 2007**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8177
<b>Officer responsible:</b>	Programme Manager Strong Communities
<b>Author:</b>	Terence Moody, Principal Adviser - Environmental Health

**PURPOSE OF REPORT**

1. To recommend that the Council undertake the Special Consultative Procedure under the Local Government Act 2002 to adopt a new bylaw controlling open air burning and providing for prohibitions during times of potentially serious or extreme fire hazard conditions in the whole or parts of Christchurch City. The new bylaw will also revoke the current Christchurch City Fires Bylaw 2006.

**EXECUTIVE SUMMARY**

2. There have been issues with the implementation of some of the provisions of the new Fires Bylaw 2006 introduced by the Council last year, because of the total prohibition on burning outdoors in residential areas. Legal advice has been obtained that suggests the bylaw, in part at least, should be reviewed. There has also been concern expressed that the community, at the time the 2006 bylaw was consulted on, was not adequately informed of the impact of the proposed bylaw. The Council, at a seminar on the subject, accepted an officer suggestion that a review of the bylaw should be undertaken under section 155 of the Local Government Act 2002. That Act contains a provision enabling bylaws to be made to prevent the spread of fires involving vegetation. The provisions of the Forest and Rural Fires Act 1977 enable prohibitions to be introduced at times of extreme fire hazard conditions and that covers the majority of rural use areas in the City.
3. From a fire safety point of view, except perhaps in areas on the hill slopes and possibly in areas with considerable vegetation, there is little evidence of significant problems in the majority of residential areas. The majority of concern is often that burning is being undertaken in built up areas and is causing a nuisance rather than being a fire hazard. The Fire Service has concerns about such callouts reducing their capacity to attend major incidents. Staff have further consulted with Environment Canterbury who have advised that the transitional regional plan and Natural Resources Regional Plan deal with the nuisance and health aspects of outdoor burning, and accordingly there is no reason for the Council to use its bylaw to address these effects.
4. There is limited evidence of significant fire hazards from "backyard" fires in residential and urban areas but this may be because there are not only some sensible controls in regard to placement and times of operation but this practice has generally declined over the years. From the information that is available the practice appears to occur largely in areas on the NW fringe and hill slope parts of Christchurch and possibly in the Banks Peninsula ward where other means of green waste disposal are seen to be limited. Despite these factors, however, a bylaw controlling fires in the open and providing for prohibitions at times of potentially serious or extreme fire hazard conditions could be considered as a precautionary measure. This is recommended as a proposal for consultation.
5. The bylaw will apply prohibitions in times of potentially serious or extreme fire hazard conditions in fire districts established under the Fire Services Act 1975 and not areas covered by the provisions of the Forest and Rural Fires Act 1977. It is therefore complementary to the latter provisions applying to largely rural areas under the national legislation. The fire districts under the Fire Services Act are urban areas and contain the major concentrations of residential properties.

**FINANCIAL IMPLICATIONS**

6. The expectation is that inspection and enforcement action should be significantly lower than required under the current or previous bylaws dealing with the subject. Provision is made to recover costs of providing exemptions should the Council so wish.

7 Cont'd

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

7. The budgets for the Regulatory Services group of activities in the Long-Term Council Community Plan 2006-16 Volume 1 Page 149 make general provision for the enforcement of bylaws. It is not anticipated that the introduction of this bylaw will significantly impact on that, and indeed may be more cost effective as the bylaw reduces the scope of council involvement in burning, by limiting it to the management of burning only in defined periods of extreme fire danger.

**LEGAL CONSIDERATIONS**

8. Legal considerations in relation to the issues raised by the current Fires Bylaw 2006, are set out in the background section below, and were also discussed with the Council at the seminar on 27 February 2007.
9. Section 145 of the Local Government Act 2002 provides the Council with a general bylaw-making power, and there is also a specific bylaw making power in section 146 for the purposes:

*“(c) subject to sections 20 to 22 of the Forest and Rural Fires Act 1977, of preventing the spread of fires involving vegetation.”*
10. The Council has the power to review bylaws (section 158) and may revoke bylaws (section 156), but can only do so after considering the matters in section 155, and it must follow the special consultative procedure.
11. The legal considerations in relation to the review and adoption of a new bylaw, largely arise from section 155 of the Local Government Act 2002. This sets out the matters that must be determined to decide whether a bylaw is appropriate, as follows:

*“(1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.*

*(2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—*

*(a) is the most appropriate form of bylaw; and*

*(b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.*

*(3) No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.”*
12. In order to comply with section 155 the Council needs to formally resolve that a bylaw is the most appropriate way to deal with this issue, and if so, that the proposed form of bylaw is the most appropriate form, and that it is not inconsistent with the New Zealand Bill of Rights Act 1990. The conclusion reached in the background section below is that this bylaw is the most appropriate way to deal with the issues covered by the proposed bylaw. The matters to be controlled are not covered by other legislation or Regional Council provisions. The LGA contemplates that bylaws will be used for the purpose of preventing the spread of fires. The legal services unit also considers that the form of the bylaw is the most appropriate form and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990. In fact, by removing the total prohibition this bylaw is less restrictive on rights than the 2006 bylaw.
13. In discussions with the officers of Environment Canterbury it has been made clear that the air quality and nuisance issues associated with burning in the open are covered by the plans made under the Resource Management Act 1991 and they have accepted it is their role to enforce such provisions. The introduction of the proposed bylaw by this Council will clarify the respective roles of the two Councils in regard to the issue of fires in the open and the proposed bylaw in an explanatory note draws attention to the Regional Council's role in this matter.

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

14. Yes, as above, and in the report to Council on the delegation of the dispensing power for the purposes of the Fires Bylaw 2006, considered by the Council on 22 March 2007.

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**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

15. See below in clause 14 and LTCCP Volume 1 Page 126 Parks, open spaces and waterways *Fire hazard to adjoining properties* identifies that fire hazard to adjoining properties may be a potential negative effects of the parks, open space and waterways group of activities.

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

16. The proposed bylaw is intended to provide a level of regulation over open fires in periods of defined danger. The bylaw is consistent with the commitment in the LTCCP Volume 1 Page 145 *Legislative requirements are enforced to ensure the safety and health of people.*

**ALIGNMENT WITH STRATEGIES**

17. No specific strategies are related to this subject

**Do the recommendations align with the Council's strategies?**

18. Aligns with Strategic direction of reducing the likelihood and impact of hazards and emergencies. See LTCCP 2006-16 Volume 1 Page 64.

**CONSULTATION FULFILMENT**

19. Through the Bylaw Review Sub-Committee the Community Boards have been given the opportunity to comment on the initial draft and some changes have been included as a result of this initial consultation. Once adopted by the Council and as part of the Special Consultative Procedure all residents groups, and a number of possible stakeholder groups in addition to those individuals who expressed interest in the subject and the persons who applied for dispensations to burn under the previous 2006 bylaw will be sent the bylaw and the SOP. Wider publicity, beyond that legislatively required, will be given to the bylaw once it is adopted as a proposal by the Council including some matters clarifying the distinction between areas covered by the Forest and Rural Fires Act 1977 and the areas covered by the bylaw.

**STAFF RECOMMENDATION**

It is recommended that:

- (a) The Council resolve that the attached bylaw is the most appropriate way to address possible issues in the wider city area to do with fire hazards and fire safety, is in the most appropriate form, and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
- (b) The attached bylaw be adopted for consultation.
- (c) The attached statement of proposal and summary of information be adopted and made available for public inspection at all Council Service Centres, Council libraries and on the Councils website.
- (d) Notice of the proposed bylaw be given by mail to the Department of Conservation and the New Zealand Fire Service.
- (e) Notice of the proposed bylaw be given by mail to all the Fire Chiefs in Fire Districts in the Banks Peninsula Ward.
- (f) Public notice of the proposal be given in "The Press" and "Christchurch Star" newspapers and on the Council's website on 18 July 2007. Public notice will be given in the "Akaroa Mail", "Bay Harbour News", "Diamond Harbour Herald" and other community newspapers distributed in the Christchurch area as close as possible to 18 July 2007.
- (g) The period within which written submissions may be made to the Council be between 18 July 2007 and 17 August 2007.
- (h) The Council appoint a Hearings Panel (the members thereof to be named at the present Council meeting) to consider and where necessary hear any submissions.

7 Cont'd

**BACKGROUND (THE ISSUES)**

**History**

20. Following an article in the Press in January 2007 there have been issues raised by some members of the public about the Christchurch City Fires Bylaw 2006, in particular in relation to the total prohibition on open air burning in some areas of the City, including parts of the Banks Peninsula Ward. The City Council has the power to make bylaws in accordance with the Local Government Act 2002 ("LGA02") and other statutes. The general bylaw-making power is contained in section 145 of the LGA02 and covers bylaws for the purposes of protecting the public from nuisance; protecting, promoting, and maintaining public health and safety; and minimising the potential for offensive behaviour in public places. Section 64 (a) of the Health Act 1956 also gives bylaw-making powers to local authority for matters of conserving public health and preventing or abating nuisances. In addition there is the power under section 146 LGA02 to prevent the spread of fires involving vegetation subject to certain provisions of the Forest and Rural Fires Act 1977.
21. Both the Christchurch City and the Banks Peninsula Council bylaws relating to this subject had to be reviewed before the 30 June 2008 under the provisions of the LGA 2002. The recent amalgamation of Christchurch City and Banks Peninsula District enabled these two bylaws to be considered in a combined review. The bylaw approved by the Council in October 2006 effectively prohibits the lighting of open air fires in any residential area or within the Christchurch Clean Air Zone 1 at any time of year unless provided for in the Forest and Rural Fires Act 1977 or by permits obtained from the regional council or the Department of Conservation, with specific exclusions for the lighting of barbeques and traditional cooking fires. In non-residential areas the lighting of fires is prohibited in the months January, February, November and December, with a number of conditions identified in the bylaw. The Council may at any time, where in its opinion special reason exists to prevent the outbreak or spread of fire, prohibit the lighting of fires in the open air for the whole or any specified part of the territorial area.
22. At the time of putting forward a draft bylaw for consultation in June 2006 it was noted that there had been a significant shift in attitudes towards private rubbish and vegetation fires during the past 20 years with a significant decline in outdoor burning in recognition of the negative effects and dangers it creates. It was commonplace for Councils to implement bylaws on fires to protect public health and prevent nuisance. Most complaints received refer to nuisance of pollution from such outdoor burning on residential premises, although with the reduction of persons undertaking such activities the number of complaints had declined over a number of years. The changes to the bylaw also reflected an improved understanding of the impacts on health from discharges to air and growing concern with air quality in Christchurch City.
23. The bylaw approved by the Council in October 2006 was designed to be consistent with the relevant provisions in the proposed Natural Resources Regional Plan (NRRP). Open air fires are subject to the relevant provisions in this plan. The proposed NRRP ("the Plan") controls the discharge of contaminants into air in Canterbury. Under "the Plan", outdoor burning is a discretionary activity in residential areas of Canterbury and in the Christchurch Clean Air Zone 1. Winter burning in these areas is non-complying. Since that time it has become apparent that Environment Canterbury (ECan) are not applying the proposed NRRP rule as first advised to officers of this Council, though the overall intent of both documents is still consistent. It appears there may be some potential duplication in clause 7.1 of the bylaw, in particular, with ECan's rules regarding air quality.
24. The Legal Services Unit has now advised that air quality matters, including nuisances as stated above, would be better dealt with by ECan under their plan and rules, rather than included in the bylaw. It was suggested that a total year round prohibition may not be needed for fire safety reasons and, after further investigation, it is agreed that this is so. Another problem concerns the definition of "residential area", which was adopted from the same definition in the NRRP. This area, to which the prohibition applies relates to "the Plan" requirements, which includes both the Christchurch City and Banks Peninsula District Plans, and the provisions possibly capture areas that are "rural or semi-rural" such as some small settlements in Banks Peninsula, or are included in Clean Air Zone 1.

7 Cont'd

25. The matter for the Council to consider is whether they wish to remove the perceived duplication of functions and all references to controlling nuisance from outdoor burning and introduce a bylaw only controlling the spread of fires involving vegetation under section 146 of the LGA02. This would mean that all matters to do with complaints about air quality, including nuisances, (eg odour, smoke, ash etc) would be referred to ECan. Any outside fires burning other than vegetation would also be a matter for control by ECan under their rules. The ECan rules permit the burning of vegetation, paper, cardboard and untreated wood **only**, subject to conditions which include not occurring in a residential area or within 100 metres upwind or 50 metres in any other direction from any sensitive activity that is not located on the property. Burning is non-complying during the winter months of May to August in some areas of the City.
26. If the option to only continue a bylaw under section 146 of the LGA02 is selected, a matter that was not raised during the preparation of the current bylaw could be addressed. This is that owing to changing weather patterns it may not be completely appropriate to have fixed non-burning periods included as in the current bylaw. This could be addressed by providing that the Council, with evidence that special reasons exist (for example winds greater than 40kph; relative humidity less than 40%; and ambient temperature greater than 20°C) or fire weather indices to prevent the outbreak or spread of fire involving vegetation or other material, may prohibit the lighting of fires in the open air for a specified period of time within the whole or any specified part of the territorial area. Such prohibition may be varied or cancelled from time to time based on similar advice as was provided in introducing the prohibition. If the Council adopts this position it would also be possible to remove any exemptions as the bylaw would only be implemented in times of potentially serious or extreme fire hazard conditions, which will make administration of the bylaw simpler.

**Section 155 considerations**

27. Section 155 of the Local Government Act 2002 sets out the matters that must be determined to decide whether a bylaw is appropriate:
- (1) *A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.*
  - (2) *If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—*
    - (a) *is the most appropriate form of bylaw; and*
    - (b) *gives rise to any implications under the New Zealand Bill of Rights Act 1990.*
  - (3) *No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.*
28. A useful guide to considering the matters under section 155 above is the *Code of Good Regulatory Practice, 1997* which suggests the following should be considered.
- *Efficiency by adopting only regulations for which the costs to society are justified by the benefits. To achieve objectives at the lowest cost taking into account alternatives.*
  - *Effectiveness to ensure it can be complied with and enforced at the lowest possible cost.*
  - *Transparency by defining the nature and extent of the problem and evaluating the need for action.*
  - *Clarity in making things as simple as possible, to use plain language where possible, and keeping discretion to a minimum.*
  - *Regulation should be fair and treat those affected equitably. Any obligations or standards should be imposed impartially and consistently.<sup>1</sup>*

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<sup>1</sup> Ministry of Economic Development, *Code of Good Regulatory Practice*, Quality of Regulation Team, Competition and Enterprise Branch, November 1997

## 7 Cont'd

29. In addition guidance provided by Local Government New Zealand states the following matters should be taken into account at this stage: *What is the problem?; Have we got enough information?; Who is affected or interested?; What is our objective?; What is the root cause of the problem – not the symptom?*<sup>2</sup> In the following paragraphs these issues are addressed in the context of determining a need for any bylaw.
30. In introducing the original fires bylaw in 2006 the information was that, at least in residential areas, a number of complaints received by the City Council were related to nuisance, smoke and odours, caused to neighbours or persons in the vicinity of such fires. The number in a two year period was small however, 81 or 0.06% of the total households at that time. No information was available in regard to the Banks Peninsula ward. On that basis there may not be seen a need for a bylaw covering open fires for the control of nuisance but a bylaw was supported by the need to be consistent with the requirements introduced through the NRRP Chapter 3:Air Quality which restricts outdoor fire burning in the Clean Air Zone 1 in Christchurch City and all residential areas throughout the Canterbury Region. A resource consent is needed to undertake such burning not complying with these rules. In the areas covered by Clean Air Zones 1 and 2 (covering the area of the Christchurch City Council prior to amalgamation with Banks Peninsula District) outdoor burning in the months of May, June, July and August is a non-complying activity. This rule does not apply to the Banks Peninsula ward.
31. Legal advice is that controlling outdoor burning by a total prohibition in the bylaw, for air quality or nuisance purposes, may go further than the Council needs to. It is therefore necessary to examine the objective of a bylaw controlling matters of fire safety alone and what evidence exists to justify such a bylaw. Excluding the numbers directly mentioning nuisance, as referred to above, the remainder (216) could possibly be related to fire safety concerns although a number were merely drawing the attention of the Council to fires operated during periods of fire bans. Overall this is a small percentage of the total households in Christchurch City (0.16%). Information from the NZ Fire Service for the Christchurch Fire District for the 2006 year has been obtained. This reveals that callouts to rubbish fires were 8.3% of all incidents attended during the year but, in the main, it was not considered that they were significant fire hazards. These peak in numbers in autumn and spring and relate to a small percentage of households in the City (0.18%). On residential properties the view is held that there are limited fire hazard issues provided some care is taken in placement and hours of operation. Introducing controls in certain periods when fire hazard risk is high in the area can be helpful in areas with considerable vegetation cover, or close to such areas, or in areas with limited water supplies or difficult access such as the hillside areas in the City.
32. A bylaw dealing only with fires in the open air as considered by section 146 of LGA02 could possibly be supported on fire safety grounds but this would not necessarily have to apply to areas covered by the Forest and Rural Fires Act 1977 and arguably should not duplicate controls under national legislation. The City Plan contains a number of rules relating to fire hazard avoidance in Rural Zones under the Plan. The Plan states that the areas of highest risk are those in which reticulated water supplies are not available for fire fighting; areas more subject to drought; hill slopes; and areas containing flammable vegetation particularly in close proximity to dwellings.<sup>3</sup> These areas are generally those covered by the provisions of the Forest and Rural Fires Act 1977.
33. The proposal for the bylaw is that there would only a be a prohibition for the urban areas included in a fire district established under the Fire Services Act 1975 and not predominantly rural areas which are covered by the Forest and Rural Fires Act 1977 at a time of "potentially serious or extreme fire hazard conditions" which could apply in different parts of the city and if need be at different times. Some restrictions are included in the proposal for a bylaw based on advice from the NZ Fire Service relating to placement and times of operation for fire safety reasons. Hangis and barbecues are excluded from the open air definition, so they would not be caught by the prohibitions, but type and operations are controlled for fire safety reasons. Provision is made for exemptions in very limited circumstances during times of extreme fire hazard conditions.

<sup>2</sup> *The Knowhow Guide to the Regulatory and Enforcement Provisions of the Local Government Act 2002*, SOLGM, Local Government New Zealand, Department of Internal Affairs, no date

<sup>3</sup> See for example Volume 2 Section Rural 13.4.6 Policy: Fire Risk; and Volume 3: Part 4 Rural Zones: 2.4.6 Fire Hazard Avoidance.

7 Cont'd

34. General exemptions have not been provided to allow burning during the period such fires involving vegetation are prohibited because of potentially serious or extreme fire hazard conditions. However, a provision for limited exemptions has been included. These would only apply where there is evidence that a fire is **urgently** required to overcome a hazard to life, health or the environment and that the use of such a fire is the most efficient and effective means to reduce the hazard. It may be that specialist fires are needed for such purposes; particularly if high temperatures are needed to destroy organic materials and such temperatures may be difficult to reach with open burning. If the situation is such that the general fire risk in the area has reduced from extreme the issue could be addressed by removing the prohibition for the area and time needed for the activity to take place. Other than that provision there is no provision for any exemptions which fulfils the concept of minimising discretionary action. That is on the basis that if there is a need for a fire ban no fires should occur, as if they were permitted the hazard surely would have gone and the ban could be lifted. This bylaw, it should be noted, would only apply to the areas not covered by the Forest and Rural Fires Act. Therefore, it would largely relate to urbanised areas. These are areas designated under section 25 of the Fire Services Act 1975 and current areas are set out in the maps attached.
35. For the reasons mentioned above, it is considered that a bylaw is the most appropriate way to address the fire safety problems as identified above. The bylaw is limited to restricting fires in the open only when there is a fire hazard situation in the area and at other times minimal and reasonable controls are placed on such burning. Consequently the form of the recommended bylaw is also considered to be in the most appropriate form and there do not appear to be any implications raised by the bylaw in terms of the New Zealand Bill of Rights Act 1990.

**THE OBJECTIVES**

36. The objective of the bylaw is to attempt to reduce the possibility that deliberately lit fires in the open in urban or residential areas involving vegetation could spread during times of potentially serious or extreme fire hazards conditions in the Christchurch City Council area. The controls recommended for urban or residential areas complement those in place under the provisions of the Forest and Rural Fires Act 1977, which apply to the rural (balance) of the city area. The bylaw is to replace, by revocation, the Christchurch City Fires Bylaw 2006.

**THE OPTIONS**

37. The "do nothing" option would mean the retention of the current bylaw which, as has been stated, arguably goes further than it should, in dealing with a number of issues related to control of nuisance from air discharges. There are also questions raised regarding its applicability to some areas of the City which may be seen as "rural" rather than residential in nature. It contains specified months in which total prohibitions on burning of vegetation for fire safety reasons exist and with changing weather patterns these may be inappropriate at this time. For these reasons it is not considered this option should be adopted.
38. A second option could be to undertake some amendments to the current bylaw to remove provisions dealing with air quality and nuisance controls and amend some of the other "fire safety" clauses to simplify the bylaw and provide some additional clarity. This option could create a greater degree of confusion amongst members of the public during the consultation process as a large number of amendments would be needed to undertake a satisfactory conclusion. Definitions of areas have already caused problems in determinations of where the bylaw provisions apply.

**THE PREFERRED OPTION**

39. The preferred option is to put forward a new bylaw dealing only with the control of fires in the open at times when fire hazard situations exist and to revoke the Christchurch City Fires Bylaw 2006. The prohibition would be addressed by the Council, being provided with evidence that special reasons exist to prevent the outbreak or spread of fire involving vegetation, prohibiting the lighting of fires in the open air for a specified period of time within the whole or any specified part of the territorial area. Such prohibition may be varied or cancelled from time to time based on similar advice as was provided in introducing the prohibition. It would also be possible to not include general exemptions as the bylaw would only be implemented in times of potentially serious or extreme fire hazard conditions, which will make administration of the bylaw simpler.

## 7 Cont'd

## ASSESSMENT OF OPTIONS

## The Preferred Option

40. To introduce a new proposed bylaw for the control of fires in the open in accordance with section 146 of the Local Government Act 2003 covering only times when due to significant fire risk exists to introduce prohibitions over the whole or parts of the City. This would not cover any areas covered by the provisions of the Forest and Rural Fires Act 1977.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Provides for landowners or occupiers to burn at any time, subject only to times of prohibition for fire safety reasons.	Possible increase of complaints from persons affected by smoke, odours, or ash being referred to ECan through calls to the City Council. Frustration in dealing with two authorities.
<b>Cultural</b>	None specific	None specific
<b>Environmental</b>	Possible prevention of fires in vegetation or likely to damage property.	Reduction in the amount of green waste that would be available for recycling and return to the land. Impacts on localised air quality nuisances.
<b>Economic</b>	Reduced waste disposal costs for some individual land owners.	Possible costs of enforcement procedures and possible increased cleaning costs for some home owners.

**Extent to which community outcomes are achieved:**

Fails to meet the following community outcomes; *A City of People who value and Protect the Natural Environment* in particular "More rubbish is recycled" and "air pollution is reduced"; and *A Healthy City* in particular "Air pollution levels meet acceptable standards" Could be seen to support *A Safe City* in regard to "Risks from hazards are managed and mitigated" as well as *A City of Inclusive and Diverse Communities* in regard to "We are sensitive to the different views, values and aspirations of people within Christchurch" at least to those who wish to burn material in the open air.

**Impact on Council's capacity and responsibilities:**

Similar impact as to current capacity but may even reduce having to deal with complaints about nuisance.

**Effects on Maori:**

No effects noted, provision made for traditional cooking methods to continue.

**Consistency with existing Council policies:**

Inconsistent with the waste management approaches adopted by the Council on landfill and the Solid Waste Management Plan 2003. A primary focus is to remove organic matter from the waste stream and use it beneficially.

**Views and preferences of persons affected or likely to have an interest:**

Support from persons wishing to continue burning vegetation in the open air. Areas such as hill zones in the City and those in small settlements with limited access to community green waste disposal methods are included in such support.

**Other relevant matters:**



## 7 Cont'd

**Maintain the Status Quo (if not preferred option)**

41. The “do nothing” option would mean the retention of the current bylaw which, as has been stated, arguably goes further than it should, in dealing with a number of issues related to control of nuisance from air discharges. There are also questions raised regarding its applicability to some areas of the City which may be seen as “rural” rather than residential in nature. It contains specified months in which total prohibitions on burning of vegetation for fire safety reasons exist and with changing weather patterns these may be inappropriate at this time. For these reasons it is not considered this option should be adopted

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Possible reduced complaints arising from the nuisance effects of open air fires.	Possible increases in costs of dealing with complaints.
<b>Cultural</b>	None known	None known
<b>Environmental</b>	Improved localised air quality in urban and residential areas. Reduction in the risk of fires in urban and residential areas.	Potential increase in occurrences of dumped green waste from land owners unable, or unwilling, to pay waste disposal costs or lacking composting facilities.
<b>Economic</b>	Reduction in cleaning costs for external and internal surfaces affected by contaminants from fires in the open.	Potential for increase in costs for disposal of green waste from some properties.
<p><b>Extent to which community outcomes are achieved:</b></p> <p>Assists in meeting the following community outcomes; <i>A City of People who value and Protect the Natural Environment</i> in particular “More rubbish is recycled” and “air pollution is reduced”; and <i>A Healthy City</i> in particular “Air pollution levels meet acceptable standards’ Could be seen not to support <i>A City of Inclusive and Diverse Communities</i> in regard to “We are sensitive to the different views, values and aspirations of people within Christchurch” at least to those who wish to burn material in the open air.</p> <p><b>Impact on the Council’s capacity and responsibilities:</b></p> <p>Possible limited increase in complaints or enquiries about fires in the open</p> <p><b>Effects on Maori:</b></p> <p>Traditional cooking methods, including hangis, continue to be permitted. Reduced air pollution possibly assists in reduced respiratory illness among Maori particularly young children.</p> <p><b>Consistency with existing Council policies:</b></p> <p>Consistent with the waste management approaches adopted by the Council on landfill and the Solid and Hazardous Waste Management Plan 2003. A primary focus of the Plan is to remove organic matter from the waste stream and use it beneficially.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b></p> <p>Submitters to the Air Quality Chapter of the NRRP have shown interest. Individuals living in hill zones with access problems and those in small settlements on Banks Peninsula have expressed concerns.</p> <p><b>Other relevant matters:</b></p> <p>The bylaw is consistent with rules outlined in the NRRP Chapter 3 and the rubbish fire rules in the Transitional Regional Plan.</p>		

7 Cont'd

**At Least one Other Option (or an explanation of why another option has not been considered)**

42. An option to undertake some amendments to the current bylaw to remove provisions dealing with air quality and nuisance controls and amend some of the other "fire safety" clauses to simplify the bylaw and provide some additional clarity. This option was not seriously considered as it could create a greater degree of confusion amongst members of the public during the consultation process as a large number of amendments would be needed to undertake a satisfactory conclusion. Definitions of areas have already caused problems in determinations of where the bylaw provisions apply.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Only those related to allowing open air fires throughout the year in Christchurch City, except when a fire ban is in place.	May introduce confusion with the restrictions under the NRRP Air Chapter rules once they become enforceable.
<b>Cultural</b>	No specific matters	No specific matters
<b>Environmental</b>	Possible reductions in fire hazard potential in urban and residential areas. Minimal effects due to low numbers of cases.	Reduction in the amount of green waste that would be available for recycling and return to the land. Impacts on localised air quality nuisances.
<b>Economic</b>	Reduced waste disposal costs for some individual land owners.	Possible costs of enforcement procedures and possible increased cleaning costs for some home owners.

**Extent to which community outcomes are achieved:**

Fails to meet the following community outcomes; *A City of People who value and Protect the Natural Environment* in particular "More rubbish is recycled" and "air pollution is reduced"; and *A Healthy City* in particular "Air pollution levels meet acceptable standards' Could be seen to support *A Safe City* in regard to "Risks from hazards are managed and mitigated" as well as *A City of Inclusive and Diverse Communities* in regard to "We are sensitive to the different views, values and aspirations of people within Christchurch" at least to those who wish to burn material in the open air.

**Impact on Council's capacity and responsibilities:**

Similar impact as to current capacity but may even reduce having to deal with complaints about nuisance.

**Effects on Maori:**

No effects noted, provision made for traditional cooking methods to continue.

**Consistency with existing Council policies:**

Inconsistent with the waste management approaches adopted by the Council on landfill and the Solid Waste Management Plan 2003. A primary focus is to remove organic matter from the waste stream and use it beneficially.

**Views and preferences of persons affected or likely to have an interest:**

Support from persons wishing to continue burning vegetation in the open air. Areas such as hill zones in the City and those in small settlements with limited access to community green waste disposal methods are included in such support.

**Other relevant matters:**

The bylaw provisions may not be consistent with outdoor burning rules in the NRRP Chapter 3:Air Quality. As opposed to introducing a new bylaw this option could create more confusion with large number of amendments having to be considered.

**8. APPLICATION FOR CONFERENCE LOAN FUNDING - SUBUD CONGRESS**

<b>General Manager responsible:</b>	Public Affairs General Manager, DDI 941-8637
<b>Officer responsible:</b>	Marketing Manager
<b>Author:</b>	Jo Naish, Events Development Manager

**PURPOSE OF REPORT**

1. The purpose of this report is to consider an application for funding from the Council's Conference and Similar Events Bridging Loan Fund for Subud World Congress 2010.

**EXECUTIVE SUMMARY**

**Conference and Similar Events Bridging Loan Fund**

2. The Council has set up the Conference and Similar Events Bridging Loan Fund to assist organisations with funding for up-front costs incurred when hosting significant conferences, symposiums and similar events. The loans are interest free for the period up to the end of the conference and are repaid upon receipt of income from registrations and other income as this comes in.
3. The purpose of the loan fund is to give support to organisers of such events by providing cash-flow to secure venues, brochure and website development and other up-front costs. It is focussed on significant national and international events which involve some economic benefit to the city by way of visitors staying in city accommodation and spending money in the city.

**The SUBUD World Congress 2010 - 4 January 2010 to 18 January 2010  
Loan Request \$162,735**

4. A loan of \$162,735 is requested to cover the deposit of the venue required by VBase. A 50% deposit is required.
5. The Subud World Congress takes place every four years and brings together delegates and members from approximately 57 countries. The organising body for the event is the World Subud Association (WSA) and it takes full responsibility for reimbursing the loan, if granted, as well as covering all the expenses related to this congress before, during and after it has taken place. The Christchurch branch of the WSA has established a Congress Organising Team to manage the event in Christchurch.
6. The conference will take place from 4-18 January 2010 at the Christchurch Convention Centre and Town Hall. With a total of 3,000 attendees expected over 15 days it is the only venue in the country that can host this many people. It will be one of the largest gatherings that the Convention Centre has seen. It expects 2,000 of these visitors will come from outside Australasia, 450 from Australia, 180 locally and 100 from the rest of the country. The numbers of delegates and length of stay is significant and will result in significant economic impact.
7. The last three conferences were held in Austria (2,700 attendees), Bali, (1,700 attendees) and USA (3,000 attendees). It is expected that there will be a good attendance (at least 3,000) at this Congress because it is a desirable tourist destination in summer.
8. A professional conference organiser will come on board a year before the event to manage the event.

**FINANCIAL IMPLICATIONS**

9. The loan is provided interest free and is repaid by way of first call on income from registrations. The level and timing of repayment will be by negotiation with the organisers and in such a fashion that minimises the risk to the Council yet still enables the organisers to maintain adequate cash flow. The conference organiser has agreed to pay back the \$162,735 at the end of the conference, 18 January 2010.

8 Cont'd

10. The Conference and Similar Events Bridging Loan Fund Account has a current pool balance of \$510,000. Currently there is one loan outstanding for NZ Grain & Seed Trade for \$95,000. There is also an \$8,000 loan to pay for the recently approved Royal Agricultural Society Conference - therefore the balance left is \$407,000.
11. A detailed budget has been submitted for the conference which shows a budget of \$1,189,760. This is less than previous congresses as the venue hire is cheaper in New Zealand. The registrations required to balance costs is based on an conservative attendance of 1,500 registrants at \$793 per delegate.
12. The loan is to cover a 50% deposit required by VBase (total \$325,470) and would comprise three instalments: \$2,000 on signing the contract in August 2007, followed by \$32,547 by September 2008 (10% of the loan) to hold dates booked. Finally \$128,188 would be paid by July 2009 unless the booking is challenged in which case the full \$162,735 deposit would be paid to secure the dates at this busy time of year. In order to minimise any risk, the Council will pay the deposit with the loan directly to VBase rather than the Subud Congress Organising Committee paying the loan. VBase are happy with this arrangement.
13. Of lower possibility, yet potentially more significant risk, is the scenario of the event not going ahead at all. In this case the Council loan will still need to be repaid in full upon the decision to cancel the conference. In the unlikely event of this happening, the WSA have taken out insurance to cover the only non-refundable portion of the VBase deposit (\$32,547). The remaining \$130,188 would be paid back by VBase. If there were insufficient registrations to cover the Congress Organising Committee's budget, the WSA has agreed in writing that it will cover any shortfall to ensure the loan is paid back. Its budget is estimated on a very conservative number of registrations (1,500 – half of what they are expecting).

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

14. Yes.

**LEGAL CONSIDERATIONS**

15. Yes.

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

16. Yes. The Council is empowered to make loans for such purposes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

17. Yes - Events Strategy and Visitor Strategy.

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

18. Yes.

**ALIGNMENT WITH STRATEGIES**

19. Events Strategy and Visitor Strategy.

**Do the recommendations align with the Council's strategies?**

20. Yes.

**CONSULTATION FULFILMENT**

21. Not required.

12. 7. 2007

8 Cont'd

**STAFF RECOMMENDATION**

It is recommended that the Council advance the World Subud Association a conference loan of \$162,735 for hosting the Subud World Congress 2010, on the basis set out in this report.

12. 7. 2007

**9. NOTICES OF MOTION**

(a) **ROWING COURSE: HENDERSONS BASIN**

To consider the following motion, notice of which has been given by Councillors Graham Condon and Bob Shearing pursuant to Standing Order 2.16.1:

*“That we ask staff to investigate the feasibility of a rowing course within Hendersons Basis.”*

**10. QUESTIONS**