



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 10 MAY 2007

AT 9.30AM

IN THE COUNCIL CHAMBER, CIVIC OFFICES

Council: The Mayor, Garry Moore (Chairperson).
Councillors Helen Broughton, Sally Buck, Graham Condon, Barry Corbett, David Cox, Anna Crighton, Carole Evans, Pat Harrow, Bob Parker, Bob Shearing, Gail Sheriff, Sue Wells and Norm Withers.

ITEM NO	DESCRIPTION
1.	APOLOGIES
2.	CONFIRMATION OF MINUTES - COUNCIL MEETING OF 3.5.2007
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CORRESPONDENCE
6.	MAYOR'S REPORT
7.	PROGRESS REPORT ON CITY PLAN PROGRAMME 2006-2007 AND PROPOSED PROGRAMME FOR 2007-2008
8.	REPORT BY THE CHAIRPERSON OF THE BURWOOD/PEGASUS COMMUNITY BOARD: CITY PLAN CHANGE 488 PRESTONS ROAD
9.	HIGH STREET AIRBRIDGE LEASES
10.	APPOINTMENT OF BYLAWS REVIEW SUBCOMMITTEE
11.	LYTTELTON MARINA PROJECT
12.	2007 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE
13.	NOTICES OF MOTION
14.	QUESTIONS

10. 5. 2007

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- 1. APOLOGIES**
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 3.5.2007**
Attached.
- 3. DEPUTATIONS BY APPOINTMENT**
- 4. PRESENTATION OF PETITIONS**
- 5. CORRESPONDENCE**
- 6. MAYOR'S REPORT**
Attached.

7. PROGRESS REPORT ON CITY PLAN PROGRAMME 2006-2007 AND PROPOSED PROGRAMME FOR 2007-2008

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Steve McCarthy, Unit Manager EPA
Author:	David Mountfort

PURPOSE OF REPORT

1. The purpose of this report is to provide a report on progress against the City Plan work programme approved by the Council on 27 June 2006 and to present the proposed programme for 2007-2008 for adoption by the Council.

EXECUTIVE SUMMARY

2. This report reviews progress on the City Plan programme approved by the Council last year. The Council requested that quarterly updates be provided. The report briefly describes the more significant matters that have been worked on in the last year and provides a detailed schedule of the entire programme. Two additional projects have been identified that should be commenced in the 2006/07 year.
3. The report also presents a proposed work programme for 2007-2008. It will be noted that this builds on the previous programmes and places heavy emphasis on projects arising out of the Urban Development Strategy.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The programme is being delivered in terms of the budget. Legal implications are meeting Environment Court requirements for progressing cases before the Court, and meeting the requirements of the Resource Management Act for the preparation and processing of changes and variations to the City Plan.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Receive this report.
- (b) Agree to add the following additional items to the approved work programme as Priority 1 matters.
 - Preparation of a Change to the City Plan to provide for land between the primary and proposed secondary stopbanks on the Waimakariri River.
 - Amendments to the Central City Edge zone to enable better resource management outcomes.
- (c) Adopt the programme for the 2007-08 year.

7 Cont'd

BACKGROUND

5. In June 2006 the Council adopted a programme of work for the City Plan Team to carry out to progress the reviews of the Christchurch City and Banks Peninsula District Plans. Of necessity this is a rolling programme looking ahead several years and is to be reviewed annually, with progress to be reported to the Council periodically. This was the second such programme since the Council adopted this arrangement.
6. A copy of the schedule presented in 2006 is attached (Appendix 1). This has been modified to include comments on progress on each project during 2006-7. The most significant items on the programme are briefly outlined below.
7. A proposed work programme for the 2007-2008 year is also attached (Appendix 2).

MAIN FEATURES OF 2006-2007 PROGRESS

Urban Development Strategy

8. There has been significant involvement by three City Plan staff in the UDS, with the Management Team, the Inquiry by Design Workshops, strategy drafting, RPS Change drafting and reporting on submissions. Adoption of the UDS and the RPS change will lead to City Plan changes commencing in late 2007.

Area Plans

9. The Strategy and Planning Group has made significant progress on the South-West Area Plan, to the point where decisions will soon become possible on the zoning and timing of development in places such as Wigram, Awatea and South Halswell. City Plan staff are regularly involved commenting on proposals, attending workshops and liaising with landowners. These will also be required as part of the implementation of the Urban Development Strategy. Timing of development in these areas will depend on the timing of upgrades to the roading, sewer and stormwater networks. Plan Change 12, rezoning part of the Wigram Airfield allows for a small amount of development (100 lots) which is calculated as the maximum available capacity in the sewer network.

Masham Urban Growth Case

10. This longstanding case was finally resolved in late 2006. It provides for a major new urban growth point, essential to meet UDS targets. A special complication of this site is its location over the relatively unconfined groundwater aquifer, with special stormwater management techniques required to protect the aquifer from contamination. The block will accommodate approximately 1,100 households and a small commercial area. There are an entirely new set of zoning provisions, designed to achieve a higher overall density while providing a high standard of urban design. Traditional zoning rules have not been achieving the City Plan objectives and policies in this regard. This example will serve as a model for future urban growth rezoning under the UDS.

Belfast Urban Growth case

11. This is a very similar sized site as Masham and is proposed to be developed in a similar way. The major complication at Belfast is the effect on the traffic network, with Main North Road and Johns Road already severely congested. The first round of Environment Court hearings was held in late 2006, concentrating on urban design aspects. The hearing was then adjourned to enable the parties to attempt to negotiate a resolution to traffic issues. A second round of hearings is commencing in March 2007 regarding the traffic issues if not settled before then.

7 Cont'd

Floodplains Variation 48 & City Plan references on floodplains

12. The Council decision has been issued, appeals received and Environment Court mediation will commence shortly. Useful discussions with Environment Canterbury have resulted in some of the ECan appeals being withdrawn. At the Council hearings, staff advised that the computer modelling by the Council of flooding in Hendersons Basin needed to be reviewed because of recent work. It has now been extensively reviewed and refined by consultants. Any alterations made necessary by the new work will need to be incorporated in any settlement of appeals or be subject to a further variation. In its submission and appeal ECan seek the imposition of land use restrictions over the land between the existing main and proposed new secondary stopbank system. As this was not dealt with in Variation 48, the Council's position is that the request is outside the scope of the variation & appeal. However the Hearings Panel was not opposed in principle to the proposal and staff have agreed with ECan staff that a possible way to resolve this would be for the Council to introduce a further plan change. ECan is prepared to contribute 50% of the costs of a consultant to prepare this variation and it is suggested that the Council add this to the work programme and agree to fund the other half.

Retail Distribution Variation 86

13. This is now at the appeal stage, with 11 appeals having been lodged with the Environment Court. A preliminary hearing has been held on the validity of one crucial policy and a decision issued. The policy is to require the objectives and policies for business development to be settled before considering individual requests for rezoning. The Court held that it was a reasonable approach but that it was not possible under the RMA to include a policy to that effect. However the Court suggested other ways of achieving the same result.

Heritage protection – Review of City Plan provisions

14. A consultant is assisting staff with the preparation of this plan change for Council consideration in mid 2007.

Higher Density Living zones (Living 3 and 4) – Review development controls

15. Following the Council seminar a public consultation document is about to be released.

Review of Elderly Person's Housing Provisions

16. A proposal to amend the City Plan provisions to provide a higher standard of amenity for EPH developments has been out for public consultation. Following analysis of consultation outcomes, a recommendation will be made to the Council on a way forward with this issue in about three months.

Motor Racing

17. Staff have been involved with a joint Council team investigating options for the relocation of the Carrs Road Raceway at Awatea and for resolving noise issues at the Ruapuna Raceway.

Review Special Amenity Areas

18. Investigations and discussions with interested parties have been carried out and it is likely a Council seminar will be conducted in mid 2007.

Banks Peninsula Landscape and Ecological Studies

19. These studies have been completed. The outcomes are to be considered by the parties at Environment Court mediation sessions in May and June 2007. If settlements in principle are reached then it will be necessary to prepare detailed plan provisions for submission to the Court as consent orders. If agreements cannot be reached then Court hearings will occur late in 2007.

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Banks Peninsula Port Noise

20. The package of proposals agreed to by the parties including Council at mediation has been publicly notified under section 293 of the RMA. A number of submissions have been received. Discussions with submitters are to commence.

Awatea

21. Steady progress continues to be made towards preparing a plan change to rezone the Awatea area. A separate report has been presented to the Council on this.

Variation 89 Recession Planes

22. This Variation modified provisions relating to recession planes in Living zones. An appeal by Avon Hotel Ltd has recently been dismissed by the Environment Court, so the Variation can be made operative.

PRIVATE PLAN CHANGES

23. Two private plan changes have been completed and made operative. These were minor rezonings, at Moorhouse Avenue and St Albans Street. These had minimal impact on staff resources. Three more significant applications have been received and are being reported to the Council. These are not likely to be significant enough to trigger the Council's policy on rejecting private plan changes within two years of the City Plan becoming operative. Other potential applications for relatively minor rezonings have been discussed with the parties involved. A number of significant rezoning requests are known to be in preparation. Some of these will not be formally applied for until after November 2007, when the two year period in which the Council may reject such plan changes will have lapsed. Other applications are likely to be received before November. The parties concerned are understandably paying a great deal of attention to the Urban Development Strategy and will also be interested in the forthcoming change to Environment Canterbury's Regional Policy Statement. The City Plan Team and other specialist teams within the Council are reaching the point where these cannot be processed without adversely affecting priority work and further applications may have to be referred to consultants to investigate and report on behalf of the Council. The costs of this can be recovered from the applicants. A list of private plan changes known to Council at this time is attached as Appendix 3.

COUNCIL PLAN CHANGES

24. Two plan changes have been publicly notified during the current financial year, Changes 12 and 13, which rezone a part of Wigram Airfield and reduce the air-noise contours surrounding Wigram. The City Plan Activity Management Plan calls for 10 changes to be publicly notified. Other plan changes are in preparation and will be reported to Council separately

MISCELLANEOUS MINOR CHANGES

25. This is a database of approximately 500 items which has been accumulated since the City Plan was first notified. These are mostly low priority, anything of higher priority has already been included in the schedule of major projects. The database has been sorted and a process developed for addressing it but there has been insufficient staff time available to start addressing most of the items. A current recruitment process may enable this to be restarted in the second quarter of 2007.

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NEW PROJECTS ARISING

26. As discussed in paragraph 12 above, it is recommended that a new project be added to the City Plan Work Programme, a Plan Change to control land use in the area between the primary and secondary stopbanks on the Waimakariri River. The secondary bank is intended to contain water in the event of the primary banks being overtopped or washed out and redirect the water to the river in the vicinity of Belfast. Depending on the depth and velocity of the flows, it is proposed to either require elevated floor levels or prohibit houses being constructed in the affected areas. Environment Canterbury has offered to meet 50% of the costs of preparing this variation.
27. A further project has arisen in relation to the Central City Edge Zone. This zone was created in 2003 to enable the redevelopment of the Turners and Growers site in Madras Street. Discussions with the developer have revealed that there may be some controls which are unnecessarily restrictive and may hinder the best development of the site. This can be tested through a plan change, initially being led by the developer but which the Council may consider adopting as its own later in the process.

SUMMARY OF PROGRESS ON THE CITY PLAN PROGRAMME 2006-2007

Items	Completed	Substantial progress	Commenced	Not progressed	Total
Priority 1	7	31	17	1	56
Priority 2	0	7	13	4	24
Priority 3	0	1	5		6
Total	7	39	34	5	85
New Projects	2		1		86

MAIN FEATURES OF 2007-2008 PROGRAMME**Urban Development Strategy**

28. A number of projects are listed to implement the Urban Development Strategy. These include participating in the Regional Policy Statement process, aligning the City Plan objectives and policies for urban growth, various rezoning and rule changes such as commencing a long-delayed project to enable better urban design outcomes in greenfields subdivisions. Also related to the UDS is the review of provisions affecting design and appearance in Living 3 and 4 higher density zones.

Existing Environment Court references on the City Plan

29. The four remaining appeals against the City Plan, which are the Cashmere (McVicar's) and Belfast rezoning cases should be heard and resolved during the 07/08 year.

Existing Variations on the City Plan

30. Remaining variations should be completed or substantially progressed including Variations 48 – Floodplains, 86 Retail Distribution, 93 – Clearwater and 95, Living 1A zone provisions.

Banks Peninsula District Plan Variation 2 and other matters inherited from BPDC

31. The first task is to carry out and complete mediation in the Environment Court with the parties to appeals about landscape and ecology issues. If agreements are reached and confirmed by the Council, then detailed consent orders will be prepared. If agreements are not reached then it will be necessary for the matters to be heard and decided by the Environment Court. There are various other matters inherited from the Banks Peninsula District Council, as set out in the schedule.

7 Cont'd

Elderly Persons Housing

32. It is proposed to complete an analysis of the public consultation, prepare and report on options to the Council, and draft, report to Council and public notify any plan change the Council decides to make.

Non-Family accommodation

33. Resources are now available in-house to prepare a plan change and publicly notify and process it if the Council decides to do so. The first task is to report on issues and options to the Council.

Heritage

34. A draft Plan Change is being prepared and will be reported to the Council. This will be able to be publicly notified and processed during the 2007/08 year.

New Brighton

35. A Plan Change is being prepared and will be able to be reported to the Council and publicly notified mid 2007.

Development and Financial Contributions

36. A further Plan Change may be required to implement the development contributions policy, in view of recent case-law.

Quarry Zones

37. Review adequacy of Rural Quarry Zone provision to control environmental effects and to check whether enough land is zoned to meet the needs of the industry. Necessary in view of recent Environment Court decision and concerns from industry. This should be carried out in close consultation with Environment Canterbury and the Selwyn District Council.

10. 5. 2007

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**8. REPORT BY THE CHAIRPERSON OF THE BURWOOD/PEGASUS COMMUNITY BOARD:
CITY PLAN CHANGE 488 PRESTONS ROAD**

Attached.

9. HIGH STREET AIRBRIDGE LEASES

General Manager responsible:	General Manager City Environment DDI 941-8656
Officer responsible:	Transport & Greenspace Manager
Author:	Bill Binns, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report to the Council is to finalise the outstanding assignments of the airbridge leases over High Street, in order that the surrender of the leases will allow for the removal of the airbridge.

EXECUTIVE SUMMARY

2. Currently the airbridge lease over High Street is held by Glentree Properties Limited (on the Triangle Centre side) and R I Chan Investments (Pte) Limited (on the former National Mutual Arcade side).
3. On 23 February 2000 Glentree Properties Limited changed their name to Amtrust Pacific Properties Limited.
4. In April 2004 Amtrust Pacific Properties Limited sold their interest to OLT Properties Limited in the land and buildings known as the Triangle Centre.
5. However, the rights in the airbridge lease were not assigned by these parties and this report seeks to address this situation.
6. Likewise R I Chan Investments (Pte) Limited in October 2005 sold their interest in the land and buildings to Seaview Road Limited without assigning the rights in the airbridge on the former National Mutual Arcade side.
7. This report seeks to address this situation and to enable the Council, OLT Properties Limited and Seaview Road Limited to enter into negotiations for the surrender of the lease, to facilitate the removal of the airbridge in High Street.
8. The Council at its meeting on Thursday 14 December 2006 resolved that the information in the Central City Omnibus Report be received. During the discussion on the Christchurch City Mall renovation it was resolved "That the staff recommendations be adopted, subject to recommendation (a) being amended to read:

'That the Council adopt the overall concept design and grant approval for the project to proceed to the detailed construction phase.'"
9. In the refined Concept Plan put forward at the meeting, the airbridge in High Street had been removed whilst the airbridge in Cashel Street remained.

FINANCIAL IMPLICATIONS

10. The cost of removing the airbridge and making good the adjoining properties is provided in the budget allocated for Central City Projects. (Page 83 LTCCP)

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

11. As above.

9 Cont'd

LEGAL CONSIDERATIONS

12. The Legal Services Unit has advised that before a surrender of the airbridge leases in High Street can occur, the Council needs to make sure that as each property was sold the parties assigned their rights in the airbridge to the new owners of the property.
13. These assignments cannot be made without the prior written consent of the Council. However, the Council cannot arbitrarily or unreasonably withhold its consent as per clause 8 of the lease document.

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

14. This report addresses the concerns of the Legal Services Unit.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

15. Refer 8 above.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

16. The project aligns with the Council's community outcomes for an attractive and well – designed city. It also aligns with the Central City Revitalisation strategy Stage 1 (Refer P 83 LTCCP).

CONSULTATION FULFILMENT

17. Extensive consultation has been carried out on the Central City Mall revitalisation.

STAFF RECOMMENDATION

It is recommended:

- (a) That the assignments of the airbridge leases over High Street be approved between Amtrust Pacific Properties and OLT Properties Ltd (Triangle Centre side) and R I Chan Investments and Seaview Road Ltd (former National Mutual side).
- (b) That, once the assignments have been finalised, negotiations between the Council, OLT Properties Ltd and Seaview Road Ltd commence for surrender of the leases to allow the removal of the airbridge for Stage 1 of the Central City Mall Revitalisation Project.
- (c) That the Corporate Support Manager and the Transport and Greenspace Manager be given delegated authority to conclude the negotiations and subsequent lease surrenders to enable the removal of the airbridge should the Council decide to do so.

10. APPOINTMENT OF BYLAWS REVIEW SUBCOMMITTEE

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager Strong Communities
Author:	Terence Moody

PURPOSE OF REPORT

1. The purpose of this report is to have the Council appoint a subcommittee consisting of one representative of each of the Community Boards and two Councillors (a total of 10), to consider on behalf of Community Boards the bylaws being reviewed during the next year.

EXECUTIVE SUMMARY

2. A seminar was held on 13 March 2007 of Councillors and Community Board members to provide information on the required reviews of bylaws under the LGA 2002 and the process that must be undertaken to comply with the Act. Section 158 of the LGA 2002 requires bylaws to be reviewed within five years of 1 July 2003 if they were made prior to the Act coming into force, or if made under the LGA 2002 within five years of the date they were made. Reviews must be carried out in accordance with section 155 which requires that the Council is satisfied that a bylaw is necessary, and the perceived problems cannot be dealt with in any other manner. At least 24 bylaws are required to be reviewed prior to the end of June 2008 and timetables for these reviews have been set. The means of obtaining Community Board input into the initial review of such bylaws was discussed at the seminar taking into account the legislative need to complete the reviews in a period of just over a year.
3. The seminar considered that a small subcommittee of community board members and Councillors formed to undertake an initial consideration of the reviews could be the most efficient, effective and timely method of obtaining community board input. The subcommittee could provide a single conduit for communication with community boards about the reviews and highlight specific reviews likely to be of high interest. It is expected that the subcommittee could gather feedback in a timely and efficient fashion and enable a fast turnaround of initial comments on the reviews prior to the formal consideration by the Council required under the Act. The proposal is that the options analysis for each review would be sent to the subcommittee prior to the matter going on to the Council. It would be necessary to ensure a prescribed turnaround time for responses back to the initiating units to meet timetables for the reviews. The terms of reference for the subcommittee would be *to provide a process by which the views of Community Boards can be collected and considered and to communicate these views to the Council as part of the consideration of options in the reviews of bylaws*. The process is not intended to promote totally new bylaws but to consider the review requirements of the Act. Should the process identify objectives that may need to be considered by totally new bylaws these will be noted and addressed once the review of existing bylaws is completed.

FINANCIAL IMPLICATIONS

4. The financial costs involved in ensuring community boards have appropriate input to the bylaw reviews are already budgeted for as part of the provision for the salaries of elected members in the LTCCP 2006-2016. There are no other costs involved in review.

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

5. See above Volume 1 Page 115.

LEGAL CONSIDERATIONS

6. The Council has the power under the LGA 2002 to appoint or discharge committees and subcommittees (clause 30). The Council can also delegate powers to subcommittees in accordance with clause 32, Schedule 7 of the LGA 2002 for the purposes of efficiency and effectiveness in the conduct of the Council's business. In this case, there is no need to delegate any powers to the subcommittee as its primary purpose concerns gathering and distributing information to and from the Community Boards in respect of the bylaw reviews. The Council should, however, delegate the power to appoint the Community Board members of the subcommittee to each Community Board, unless it wishes to choose these members itself.

10 Cont'd

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

7. Yes

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. The report is consistent with the Democracy and Governance Activity Management Plan in the LTCCP in that the recommendations contribute to ensuring that there is suitable community input to the Council's decision making. See Our Community Plan 2006-2016 Volume 1 Page 111.

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

9. As above under clause 8.

ALIGNMENT WITH STRATEGIES

10. No specific strategies involved.

Do the recommendations align with the Council's strategies?

11. Compliance with Strategic Directions to *promote participation in democratic processes by making it easy for people to understand and take part in Council decision-making processes.*

CONSULTATION FULFILMENT

12. Seminar held on 13 March 2007 with community boards and copies of presentations sent to Community Board Principal Advisers for putting to Community Boards.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Resolve to appoint a subcommittee to consider initial reviews of the Council's bylaws and provide feedback to the appropriate Units on the views of the Community Boards, prior to the matters being formally considered by the Council.
- (b) Resolve that the subcommittee comprise one representative from each of the eight community boards and two Councillors.
- (c) Appoint two Councillors to be members of the subcommittee.
- (d) Delegate the power to appoint one Community Board member of the subcommittee to each Community Board.

10 Cont'd

BACKGROUND (THE ISSUES)

13. A seminar was held on 13 March 2007 of Councillors and Community Board members to provide information on the required reviews of bylaws under the LGA 2002 and the process that must be undertaken to comply with the Act. Where Community Board members were unable to attend copies of the material presented and the notes of the meeting were distributed for their information. Section 158 of the LGA 2002 requires bylaws to be reviewed within five years of 1 July 2003 if they were made prior to the Act coming into force, or if made under the LGA 2002 within five years of the date they were made. Reviews must be carried out in accordance with section 155 which requires that the Council is satisfied that a bylaw is necessary, and the perceived problems cannot be dealt with in any other manner.
14. If it is determined that a bylaw is the most appropriate way of dealing with the problem the Council must decide that the bylaw is the most appropriate form and does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). This means the Council must be able to show that the bylaw provision being considered serves an important and significant objective, there is a rational connection between the provision and objective and it does not interfere with any right or freedom protected by the NZBORA.
15. The Code of Good Regulatory Practice requires that consideration be given to:
 - Efficiency - by adopting only regulations for which the costs to society are justified by the benefits;
 - 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; and
 - Regulation should be fair and treat those affected equitably.
16. Section 145 of the LGA02 provides the general bylaw-making power for territorial authorities for the following purposes:
 - (a) protecting the public from nuisance
 - (b) protecting, promoting, and maintaining public health and safety
 - (c) minimising the potential for offensive behaviour in public places
17. Sections 146 and 147 provide specific bylaw-making powers to regulate:
 - On-site wastewater disposal systems,
 - Waste management,
 - Trade wastes,
 - Solid wastes,
 - Keeping of animals, bees, and poultry,
 - Trading in public places
 - Water races,
 - Water supply,
 - Wastewater, drainage, and sanitation,
 - Land drainage,
 - Cemeteries,
 - Reserves or Recreation grounds, and
 - Prevention of the spread of fires involving vegetation subject to provisions of the Forest and Rural Act 1977.

For liquor control purposes the Council is empowered to prohibit or regulate the consumption of liquor, bringing of liquor, or possession of liquor in a public place.

10 Cont'd

18. There remain some provisions which enable territorial authorities to make bylaws which are contained in the Local Government Act 1974, which largely relate to the use of roads and traffic matters. These tend to be more specific in nature than the purposes set out in the LGA 2002. Some of the bylaws due for review may fall within the 1974 Act provisions.
19. The table below sets out the bylaws that must be reviewed by June 2008.

CC Public Places and Signs Bylaw 2003	BP District Refuse Bylaw 2002
CC Dog Control Bylaw 1997	BP Trade Wastes Bylaw 2000
CC Refuse Bylaw 1995	BP Wastewater Drainage Bylaw 2000
CC Bylaw No. 118 (1981) Parks and Reserves	BP Water Supply Bylaw 1998
CC Traffic and Parking Bylaw 1991	BP Amusement Devices and Shooting Galleries 1996
CC Water Related Services Bylaw 2001	BP Nuisances 1996
CC Bylaw No. 110 (1980) Cemeteries	BP Public Swimming Pools 1996
CC Bylaw No. 103 (1979) Public Swimming Pools	BP Gin Trap Bylaw 1991 No. 1
CC Bylaw No. 120 (1982) Estuary and Foreshore	BP Cemetery Bylaw 1996
BP Licences for Vehicle Stands on Streets 1996	BP Marine Facilities Control Bylaw 2002
BP Parks and Reserves 1996	BP Traffic and Parking Bylaw 1998
BP Mobile or Travelling Shops, and Hawkers and Itinerant Traders 1996	BP Stock Control Bylaw 1994 No. 1

20. A number of units are involved in the reviews and some bylaws will be considered jointly by more than one unit. A programme has been developed for consideration of the bylaws and the process must be adhered to whether a bylaw is to have minor or substantive changes, remain unchanged or be revoked. The full process of review requires consultation with the executive team, the Council and Community Boards, and progression through public consultation, submissions and a hearings panel. A minimum of five or six months is commonly required to complete a review. The table above shows that 24 bylaws must be reviewed in the next 12 months although some reviews will be able to be combined and some bylaws will possibly be able to be revoked on the grounds that their objectives are covered by other legislation. The Council must consider the need for community board input, and the time that may be involved in this additional consultation, with the relatively tight timetable legally required to complete the bylaw reviews.
21. The seminar concluded that a small subcommittee of community board members and Councillors formed to undertake an initial consideration of the reviews could be the most efficient, effective and timely method of obtaining community board input. The subcommittee could provide a single conduit for communication with the Community Boards about the reviews and highlight specific reviews likely to be of high interest. It is expected that the subcommittee could gather feedback in a timely and efficient fashion and enable a fast turnaround of initial comments on the reviews prior to commencement of the formal consultation process required under the Act. The proposal is that the options analysis for each review would be sent to the community board members for comments back through the subcommittee prior to the matter going on to the Council. It would be necessary to ensure a prescribed turnaround time for responses back to the initiating units to meet timetables for the reviews. The process is not intended to be used to promote totally new bylaws. These can be raised and considered at any time, but this process is limited to considering the review requirements of the Act. If through the process possible new bylaws are identified for consideration these will be noted and addressed once the review of existing bylaws is completed.

10 Cont'd

THE OBJECTIVES

22. To appoint a subcommittee comprising Community Board members and Councillors to consider initial reviews of bylaws in a timely fashion and to provide feedback to the appropriate units on the views of community boards, prior to the matters being formally considered by the Council. The terms of reference for the subcommittee would be *to provide a process by which the views of community boards can be collected and considered and to communicate these views to the Council as part of the consideration of options in the reviews of bylaws.*

THE OPTIONS

23. The “do nothing” option is to not have any formal consideration of proposed bylaw reviews by community boards prior to the matters being considered by the Council. This does not comply with the decision of the Council to involve Community Boards early in the process as part of the governance of the Council.
24. The option to present bylaw reviews to each Community Board individually prior to presentation to the Council is considered to be neither efficient nor effective in obtaining an overall view of the reviews. It would increase the time and a cost involved in the process and would be unlikely to fulfil the timetable requirements needed to ensure the reviews are completed expediently.

THE PREFERRED OPTION

25. The formation of a subcommittee which could be representative of all Community Boards to undertake initial viewing of proposed bylaw reviews has a number of advantages. It could firstly enable time saving in that the members would become knowledgeable of the bylaw review and development process. Secondly it could ensure the appropriate community boards are made aware of the bylaws they may be interested in giving consideration to. Thirdly it would provide one point of contact for units undertaking reviews and save time and costs for initial reviews. It would hopefully enable informed consensus to be reached on a community board view of the review but still leave it open for community boards to make submissions through the SCP once the proposal is adopted by the Council.

ASSESSMENT OF OPTIONS

The Preferred Option

26. The formation of a subcommittee which could be representative of all Community Boards to undertake initial viewing of proposed bylaw reviews has a number of advantages. It could firstly enable time saving in that the members would become knowledgeable of the bylaw review and development process. Secondly it could ensure the appropriate community boards are made aware of the bylaws they may be interested in giving consideration to. Thirdly it would provide one point of contact for units undertaking reviews and save time and costs for initial reviews. It would hopefully enable informed consensus to be reached on a community board view of the review but still leave it open for community boards to make submissions through the SCP once the proposal is adopted by the Council.

10 Cont'd

	Benefits (current and future)	Costs (current and future)
Social	Involves wider governance group in regulatory issues decisions, hopefully obtain greater understanding of bylaw processes.	Time spent by subcommittee some costs to members . Some further delays in reaching decisions could add to costs.
Cultural	None apparent	None apparent
Environmental	No specific effects	No specific effects
Economic	Could reduce costs of large submissions being heard.	Some costs in arranging meetings and staff attendance.

Extent to which community outcomes are achieved:

Supports the community outcome of *A Well Governed City* in that our values and ideas are reflected in the actions of the decision makers, and to a degree *A City of Lifelong Learning* helping community boards to participate in community processes.

Impact on the Council's capacity and responsibilities:

No significant impact.

Effects on Maori:

Specific consultation with Maori runanga and other representative groups, would be undertaken as part of the Special Consultative Process.

Consistency with existing Council policies:

Consistent with the *Seeking Community Views* policy, in particular: *The views of individuals and groups within the community will provide further information valuable to the decision making process*

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

Enables views of community boards to be suitably considered by the Council. Wider public consultation will take place through the Special Consultative Procedure for each bylaw being reviewed, amended or revoked.

Other relevant matters:

10 Cont'd

Maintain the Status Quo (if not preferred option)

27. The "do nothing" option is to not have any formal consideration of proposed bylaw reviews by community boards prior to the matters being considered by the Council. This does not comply with the decision of the Council to involve community boards early in the process as part of the governance of the Council

	Benefits (current and future)	Costs (current and future)
Social	Does not involve wider governance group in regulatory issues decisions. Does not provide the opportunity for community boards to obtain greater understanding of bylaw processes. Possibly could increase the level of misunderstanding.	Reduces further delays in reaching decisions on bylaw reviews.
Cultural	None apparent	None apparent
Environmental	No specific effects	No specific effects
Economic	Could increase costs of large submissions being received and heard.	Reduces costs in arranging meetings and staff attendance.
<p>Extent to which community outcomes are achieved:</p> <p>Does not support the community outcome of <i>A Well Governed City</i> in that our values and ideas are reflected in the actions of the decision makers, and to a degree <i>A City of Lifelong Learning</i> helping community boards to participate in community processes.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>No significant impact.</p> <p>Effects on Maori:</p> <p>Specific consultation with Maori runanga and other representative groups, would be undertaken as part of the Special Consultative Process</p> <p>Consistency with existing Council policies:</p> <p>Not consistent with the <i>Seeking Community Views</i> policy, in particular: <i>The views of individuals and groups within the community will provide further information valuable to the decision making process</i></p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Not supported by the Council's decision to include community boards at the initial stage of bylaw reviews/</p> <p>Other relevant matters:</p>		

10 Cont'd

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

28. The option to present bylaw reviews to each community board individually prior to presentation to the Council is considered to be neither efficient nor effective in obtaining an overall view of the reviews. It would increase the time and a cost involved in the process and is unlikely to fulfil the timetable requirements needed to ensure reviews are completed expediently

	Benefits (current and future)	Costs (current and future)
Social	Provides each community board with the opportunity to consider bylaw reviews in detail and understand regulatory issues decisions. Could assist in a greater understanding of bylaw processes.	Some further delays in reaching decisions could add to costs. Particularly a problem given the tight timetable for bylaw reviews.
Cultural	None apparent	None apparent
Environmental	No specific effects	No specific effects
Economic	Could increase costs of presenting individually to eight separate community board meetings and receiving separate submissions.	Costs in arranging meetings and staff attendance.

Extent to which community outcomes are achieved:

Supports the community outcome of *A Well Governed City* in that our values and ideas are reflected in the actions of the decision makers, and to a degree *A City of Lifelong Learning* helping community boards to participate in community processes.

Impact on the Council's capacity and responsibilities:

No significant impact.

Effects on Maori:

Specific consultation with Maori runanga and other representative groups would be undertaken as part of the Special Consultative Process.

Consistency with existing Council policies:

Consistent with the *Seeking Community Views* policy, in particular: *The views of individuals and groups within the community will provide further information valuable to the decision making process*

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

Enables views of community boards to be suitably considered by the Council. Wider public consultation will take place through the Special Consultative Procedure for each bylaw being reviewed, amended or revoked.

Other relevant matters:

Time delays within this option are considered neither efficient nor effective.

11. LYTTTELTON MARINA PROJECT

General Manager responsible:	General Manager Capital Programme, DDI 941-6401
Officer responsible:	Legal Services Manager
Author:	Ian Thomson, Solicitor, Legal Services Unit

PURPOSE OF REPORT

1. The purpose is to report to a meeting of elected members following a seminar on the Lyttelton Marina Project that was held on 24 April 2007.

EXECUTIVE SUMMARY

2. The Councillors and Community Board members attending the seminar were of the view that the most appropriate way forward for the Lyttelton Marina Project was for a working party to be formed comprising elected members, supported by appropriate staff.
3. It is recommended that Councillors Barry Corbett, Bob Parker and Gail Sheriff and Community Board member Claudia Reid be appointed to the working party.

FINANCIAL IMPLICATIONS

4. Nil

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

5. N/A

LEGAL CONSIDERATIONS

6. Nil

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

7. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. N/A

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

9. N/A

ALIGNMENT WITH STRATEGIES

10. N/A

Do the recommendations align with the Council's strategies?

11. N/A

CONSULTATION FULFILMENT

12. It is intended that the working party will itself undertake or ensure that other parties undertake the appropriate consultation with all parties affected by or who have an interest in the Lyttelton Marina Project.

STAFF RECOMMENDATION

It is recommended that the Council resolve to appoint Councillors Barry Corbett, Bob Parker and Gail Sheriff and Community Board member Claudia Reid to a working party that will take appropriate steps to progress the matter of a marina and related projects at Lyttelton.

11 Cont'd

BACKGROUND (THE ISSUES)

13. Prior to its dissolution, the Banks Peninsula District Council entered into an agreement with an Auckland company, Covington Group Holdings Limited, for the purpose of developing a marina at Lyttelton. This agreement grew out of previous attempts to establish a marina that had failed as a result of major storm events and financial difficulties.
14. Following the dissolution of Banks Peninsula District and its inclusion in Christchurch City, the Christchurch City Council became a party to the agreement. Previously it had been interested in the project only so far as the provision of public facilities was concerned.
15. Council staff and Covington Group Holdings Limited have carried out quite a bit of work on the project. A final concept plan has been prepared and the company is now looking for the Council to commit itself to a further development agreement. In addition, the Council has been advised by the management team at Lyttelton Port Company Ltd of the company's proposals for development of the inner harbour.
16. At a seminar held on 24 April 2007 Council staff provided Councillors and Community Board members with information about both proposed developments and other issues relevant to each. After discussing the options available to the Council, it was the view of those present that a working party should be established to take matters further. It is to be supported by appropriate staff members.
17. One of the working party's tasks is to gather further information about the Lyttelton Port Company's proposals. The working party will report to the Council in due course.
18. It was suggested that the working party comprise Councillors Barry Corbett, Bob Parker and Gail Sheriff and Community Board member Claudia Reid. Each nominee has agreed to his or her appointment.

12. 2007 LOCAL GOVERNMENT NEW ZEALAND CONFERENCE

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

PURPOSE OF REPORT

1. The purpose of this report is:
 - to seek authority for the Mayor and Councillors to attend the 2007 Local Government New Zealand Conference;
 - to seek the appointment of the Council's voting delegates to the conference.

EXECUTIVE SUMMARY

2. This years conference will be held in Dunedin from Sunday 15 July to Wednesday 18 July 2007.
3. The Council usually authorises 5-6 Councillors to attend the conference. Last year, the Council gave approval for the Mayor and Councillors Helen Broughton, Graham Condon, Pat Harrow, Bob Shearing and Sue Wells to attend the conference.
4. The Christchurch City Council is entitled to appoint three conference voting delegates, with any additional Councillors attending being classed as observers.
5. All Councillors have been supplied with a copy of the programme for this year's conference, the theme of which is *"Investing In Our Future"*. The theme carries many interpretations, and reflects the funding issues facing local government. Keynote speakers include:
 - Sir Michael Lyons, who acts as a strategic adviser to the British government, and a range of British public and private organisations.
 - Sherri Torjman, Vice President of the Caledon Institute of Social Policy, which is a social policy think tank which seeks to inform and influence public opinion.
 - David Shand, the Chairperson of the Independent Inquiry into local government rates.
 - Rob White, Chief Executive, The New Zealand Wine Company.

FINANCIAL IMPLICATIONS

6. Registration fees of \$1,095 (including GST) will be incurred for each voting delegate/observer appointed by the Council, plus approximately \$1,000 per person for travel, accommodation and incidental costs. This expenditure can be accommodated within the provision for Mayoral/Councillor conference attendance and travel included in the 2006/07 Annual Plan.

LEGAL CONSIDERATIONS

7. There are no legal implications associated with the appointment of the Council's delegates/observers to attend this conference.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

8. Pages 110 and 111 of the LTCCP refer to the provision of support for elected members (which includes attendance at such conferences).

ALIGNMENT WITH STRATEGIES**Do the recommendations align with the Council's strategies?**

9. Not applicable.

12 Cont'd

CONSULTATION FULFILMENT

10. No consultation is required.

STAFF RECOMMENDATION

It is recommended that:

- (a) The Mayor and such other Councillors as may be nominated at the Council meeting be authorised to attend the 2007 Local Government New Zealand Conference in Dunedin.
- (b) That the Council appoint the Mayor and two of the Councillors attending as the Council's voting delegates at the conference, and that one further Councillor attending be appointed as an alternative voting delegate (the three Councillors concerned to be nominated at the Council meeting).

13. NOTICES OF MOTION

To consider the following motion, notice of which has been given by Councillors Gail Sheriff and Pat Harrow pursuant to Standing Order 2.16.1:

- "1. That the Council agree to a figure of \$100,000 pa to address the garden city image in Christchurch.*
- 2. That the funds be provided from the civic and community component of the Capital Endowment Fund allocations commencing in the year 2007/08.*
- 3. That the Environmental Diversity Portfolio Group oversee the funds.*
- 4. That the Council note that this will not have any rate impact as it will be using existing funding provisions."*

14. QUESTIONS