



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 4 OCTOBER 2007

AT 9.30AM

IN THE COUNCIL CHAMBER, CIVIC OFFICES

Council: The Mayor, Garry Moore (Chairperson).
Councillors Helen Broughton, Sally Buck, 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 27.9.2007
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	CANTERBURY REGIONAL BIODIVERSITY STRATEGY ENDORSEMENT
6.	MANAGEMENT OF ART IN PUBLIC PLACES FUND
7.	USE OF THE COUNCIL'S SERVICE DUCTS AND DISPOSAL
8.	APPOINTMENT OF DEPUTY PRINCIPAL RURAL FIRE OFFICERS
9.	RESOURCE MANAGEMENT ACT 1991 – DELEGATION OF POWERS
10.	NOTIFICATION OF PLAN CHANGE BUSINESS 4 AND BUSINESS RETAIL PARK HEIGHT LIMITS. BUSINESS 4 SETBACKS
11.	ROLE RESPONSIBILITY TEMPLATE FOR THE DEPUTY MAYOR
12.	PROHIBITED DOG AREA DISPENSATION
13.	URBAN REGENERATION AGENCY
14.	VARIATION 6 (CHRISTCHURCH GROUNDWATER PROTECTION ZONES) TO THE PROPOSED NATURAL RESOURCES REGIONAL PLAN
15.	URBAN DESIGN PANEL
16.	STRENGTHENING COMMUNITIES GRANTS FUNDING PROGRAMME OPERATIONAL PROCEDURES (2007)
17.	CENTRAL PLAINS WATER TRUST: 2007 STATEMENT OF INTENT

ITEM NO	DESCRIPTION
18.	REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 22 AUGUST 2007
19.	REPORT BY THE CHAIRMAN OF THE AKAROA/WAIREWA COMMUNITY BOARD
20.	REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 5 SEPTEMBER 2007
21.	REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 14 AUGUST 2007
22.	REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 11 SEPTEMBER 2007
23.	REPORT OF THE CHAIRPERSON OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD
24.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 22 AUGUST 2007
25.	REPORT OF THE LYTTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 15 AUGUST 2007
26.	REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 29 AUGUST 2007
27.	REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 5 SEPTEMBER 2007
28.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 4 SEPTEMBER 2007
29.	REPORT OF THE CHAIRPERSON OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD
30.	NOTICES OF MOTION
31.	QUESTIONS
32.	RESOLUTION TO EXCLUDE THE PUBLIC

4. 10. 2007

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- 1. APOLOGIES**
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 27.9.2007**
Separately circulated.
- 3. DEPUTATIONS BY APPOINTMENT**
- 4. PRESENTATION OF PETITIONS**

5. CANTERBURY REGIONAL BIODIVERSITY STRATEGY ENDORSEMENT

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Strategy Support Manager
Author:	Kelvin McMillan

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to and endorsement of the Canterbury Region Biodiversity Strategy and its objectives by signing the 'Canterbury Region Biodiversity Strategy Charter of Adoption', in partnership with other Canterbury Councils, landowner representatives and Government Departments.
2. This follows the Council seminar of 4 September where Christchurch City Council and Environment Canterbury staff presented the proposed Charter (Attachment 2). At that time Councillors requested that the Charter be formally put to the Council for adoption. Other local authorities and organisations will also be approving the Strategy for signing this month.

EXECUTIVE SUMMARY

3. Canterbury has sustained enormous loss of indigenous biodiversity over the last 200 years. Virtually all of the Canterbury Plains have less than 10% indigenous plant cover left.
4. As part of its Resource Management Act responsibilities Environment Canterbury has undertaken the production of a Canterbury Region Biodiversity Strategy. It has chosen to pursue a non statutory approach in consultation with key stakeholders (those who will be most affected by the strategy).
5. Representatives of a wide range of groups have been involved in its preparation including Christchurch City Council staff, Department of Conservation, Federated Farmers representatives, Canterbury University, Forest and Bird, Fonterra and representatives of all Canterbury Councils with the exception of the Mackenzie District Council.
6. A consensus has been reached between parties on the wording of the strategy vision, goals, targets and actions which have now been forwarded to all contributing parties for formal ratification.
7. The strategy is intended to complement the NRRP in the area of indigenous biodiversity protection and is reliant on all parties participating in a voluntary, cooperative manner. ECan considers that this approach is more likely to achieve positive results in an area which has been hampered by litigation and misunderstanding between landowners and councils.
8. The strategies guiding priority principle is to "*focus on protecting and maintaining what remains, and then on restoring what has been lost*". It has two primary objectives; to guide initiatives to those areas and environments at greatest risk, usually places where less than 20% indigenous plant cover remains, and to provide better protection in areas where more indigenous biodiversity remains but land use change is occurring which significantly increases risk of loss.
9. The strategy compliments the 'Garden City' image of Christchurch City. Garden City is a broad concept that includes and promotes the existing indigenous elements as well as the exotic planting for which the city is so well known.
10. The details of how the regional strategy should be implemented will be left up to the contributing councils and other organisations.
11. The final strategy document will be reformatted and illustrated to make it more easily understood by users. However, the content will be the same as that found in Attachment 1.

FINANCIAL IMPLICATIONS

12. The Council is not committed to any financial undertakings as a result of signing the charter. There will not be any financial implications in the immediate future beyond staff time required to liaise and coordinate activities with other parties signatory to the strategy. Staff time required to liaise with councils and other partners will be covered within existing budgets as this type of liaison is important to facilitate existing programme outcomes.

5 Cont'd

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

13. Christchurch City biodiversity management largely falls within the budget mandate of the city's Regional Parks Service and is consistent with their activities.

LEGAL CONSIDERATIONS

14. The strategy is non statutory and designed to sit alongside existing statutory and other instruments relating to biodiversity protection and enhancement. Adherence to any actions resulting from implementation of the strategy will be voluntary and subject to City Council approval should the need arise in the future.

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

15. Regional and district councils are required to maintain indigenous biodiversity through different mechanisms. The main emphasis for regional councils is the use of objectives and policies in regional plans whereas for district councils the area of jurisdiction is land management. Environment Canterbury has chosen to take a non statutory co operative approach to indigenous biodiversity maintenance as part of its NRRP objectives.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. LTCCP Community Outcome: 'A city of people who value & protect the natural environment'. Standards for Success are: 'Everybody takes responsibility for their impact on the natural environment. Biodiversity is restored, protected and enhanced, we manage our city to minimise damage to the environment'.

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

17. The Regional Strategy supports and provides context for the Christchurch and Banks Peninsula Biodiversity Strategy which is currently close to completion and has been subject to considerable public and focus group input.

ALIGNMENT WITH STRATEGIES

18. The Canterbury Regional Biodiversity Strategy compliments the Council's Healthy Environment strategies that are currently being developed. It acts as an umbrella document for the Christchurch City and Banks Peninsula Biodiversity Strategy.

Do the recommendations align with the Council's strategies?

19. The recommendations and actions of the draft regional strategy contribute to the outcomes anticipated by the draft City Council Healthy Environment Strategies and Policies.

CONSULTATION FULFILMENT

20. The Regional Strategy has undergone an extensive consultation process involving key parties with a direct interest in protection of biodiversity in Canterbury. Christchurch City Council staff have had an integral role in its formation in consultation with other Canterbury councils.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the document 'A Biodiversity Strategy for the Canterbury Region' and Canterbury Region Biodiversity Strategy Charter of Adoption.
- (b) Authorise the Mayor to sign the above Charter on behalf of Christchurch City Council.

6. MANAGEMENT OF ART IN PUBLIC PLACES FUND

General Manager responsible:	General Manager Community Services, DDI 941-8986
Officer responsible:	Jenny Harper, Director, Christchurch Art Gallery
Author:	Jenny Harper

PURPOSE OF REPORT

1. To clarify and progress the management of the Public Art Fund.
2. To seek endorsement of the establishment of a Public Art Advisory Group and approve its terms of reference.
3. To recommend that the Public Art Advisory Group reviews and amends the *Artworks in Public Places* five-year plan and the Operational Procedures developed in 2004, develops principles for expenditure of the Public Art Fund, and establishes priorities for the approval of the Council.
4. To recommend an allocation from the Public Art Fund this year to enable the timely development of an work of art in the Stewart Plaza (required by November 2008).

EXECUTIVE SUMMARY

- 5.. Following a review of Art in Public Places in 2001, Council approved an Artworks in Public Places Policy on 28 February 2002. Aligned to the city's Art Policy and Strategy (also 2002), this established a framework for enhancing the public spaces of Christchurch with the introduction of works of art into the city environment as a means of enhancing the city as a centre of artistic and cultural excellence. The Council recognised the key role of the arts in Christchurch's social, cultural and economic development, and as a vehicle for urban renewal and city marketing. A five-year plan, *Artworks in Public Places*, was developed and a range of operational procedures adopted on 23 September 2004.
- 6.. Funding for public art was not provided when the 2006/16 LTCCP was approved. However, following submissions to the 2007/08 Annual Plan (including from the Art & Industry Trust), the Council agreed to provide for an annual sum of \$250,000 to assist with art in public places on 12 June 2007. This report clarifies and progresses the management of the re-instated Public Art Fund.
7. Overall responsibility for this fund now rests with the Community Services Group, and the Christchurch Art Gallery unit in particular. This follows the integration of the Council's community arts advisers into the Art Gallery Unit and an increased awareness following the Paradigm Shift of the gallery's role to provide professional expertise and advice in relation to art within the wider city.
8. It is proposed to establish a Public Art Advisory Group (renamed from the Public Art Team proposed in 2004) to work alongside independent related organisations and to provide advice in relation to the development and maintenance of public art in Christchurch. The draft terms of reference and membership of this Group are set out in Appendix B of this report (attached).
9. The roles of the Advisory Group were defined in the operational procedures approved by the Council on 23 September 2004. However, while the key areas of responsibility (advocacy, developing partnerships, providing strategic planning and support) remain in the terms of reference in Appendix B of this report, it is recommended that these are reviewed and, if necessary, updated by the Council if recommended by the Advisory Group, alongside a review of the five-year plan. Principles for expenditure of the Public Art Fund and the establishment of priorities for the next five years will also be formalised and approved by the Council.
10. Ideally, the installation of public works of art will become integral to key capital works projects and city planning in general, with sites and other opportunities identified early in the planning process so that designs can be integrated and funding collaborations with other parties, private and corporate, maximised. Wherever practicable a 1:1 public/private ratio will be achieved in funding.

6 Cont'd

11. In the case of the Stewart Plaza, the commission will be a partnership with the Art and Industry Trust, who will manage the contract following selection of an artist by an interim Advisory Group established for this purpose. The total budget proposed for the Stewart Plaza work is \$250,000. Funding for this is made up of \$150,000 being a promised gift from the Stewart family, \$50,000 from the City Mall budget and the shortfall of \$50,000 coming from the Art in Public Places Fund. The Stewarts' gift is conditional on the retention of the Stewart Plaza name for the site and that the sculpture is installed at the time of the opening of SCAPE: Christchurch Biennial of Art in Public Spaces in November 2008.

FINANCIAL AND LEGAL IMPLICATIONS

12. The financial implications are the commitment to an ongoing annual budget of \$250,000 for public art.

Do the recommendations of this report align with 2006-16 LTCCP budgets?

13. Yes.

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

14. None identified at this stage, but any legal implications will be identified and resolved on a case-by-case basis.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Yes.

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

16. Yes.

ALIGNMENT WITH COUNCIL STRATEGIES

17. The recommended principles set out in this report have been developed to ensure alignment with the Council's Strategic Directions, notably those relating to the Arts Policy and Strategy (adopted in February 2002), which is a broad statement of the Council's commitment to achieving an enlivened and creative city in which the arts are widely recognised as being essential and establishes principles, including cultural diversity, accessibility, arts achievement, partnership, and excellence.
18. They are also aligned to the Artworks in Public Places Plan, specifically to the principles that:
- *the arts are widely recognised as a means of promoting local community identity – reflecting who we are and creating a sense of local and national pride;*
 - *the Treaty of Waitangi is honoured and practices of partnership are respected through the arts;*
 - *artistic achievement and excellence are recognised and valued;*
 - *the arts are an integrated part of all aspects of life, rather than a separate and distinct area of activity;*
 - *the arts are accessible to all with participation in and enjoyment of the arts high.*
19. In addition, the recommendations align with Council strategies and policies which ensure the development and redevelopment of the built environment (C2) and set out to:
- *increase the central city's role as the heart of the city;*
 - *enhance the unique qualities of the city particularly the physical characteristics such as parks, gardens, riverbanks and buildings.*

6 Cont'd

CONSULTATION FULFILMENT

20. Consultation took place at the time of the formulation of the *Artworks in Public Places Plan* (2004). Since the broad priorities and principles remain the same, it is not considered necessary to consult further about the broad parameters of art in public places at this stage. However, depending on the nature and site of works of art and the time available, community consultation will be necessary in relation to specific proposals and should become integral to the process of design and installation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the Terms of Reference of the Public Art Advisory Group and the composition of its membership as set out in Appendix B.
- (b) Note that the Council will approve priority sites for the expenditure of the fund within the guidelines established in the *Artworks in Public Places Plan* (Appendix A - attached).
- (c) Agree that \$50,000 be allocated from the 2007-08 Art in Public Places Fund to a work for Stewart Plaza, leaving a balance of \$200,000 to be allocated in the 2007/08 year.
- (d) Note that the Council's contribution will be supplemented by a substantial promised gift from the Stewart family, in anticipation of a new work being installed in the Stewart Plaza in time for the opening of SCAPE: Christchurch Biennial of Art in Public Space in November 2008.
- (e) Thank the Stewart family for their continued support of public art initiatives within Christchurch.
- (f) Note that the Public Art Fund will be managed within the Community Services Group by the Art Gallery Unit.

BACKGROUND

- 21. The recommended approach is in line with international best practice in developing a programme of arts initiatives which reach out beyond traditional institutions into the wider community and urban environment. It recognises the value of integrating the arts into the public environment both in terms of making art accessible and relevant to the wider public, and in leading regeneration and central city revitalisation.
- 22. While the art gallery will continue to be a centre of arts excellence and activity, the inclusion of a public art function within the gallery offers the opportunity to reach out beyond the gallery walls and to engage with other parts of the community and the city. This was foreshadowed in the Paradigm Shift Plan for the Gallery. The provision of an integrated city-wide approach to art offers the opportunity to maximise the effectiveness of the Council's investment in terms of using existing facilities and expertise at the Art Gallery, and in terms of being able to develop a wider reaching integrated arts programme that can support other Council objectives.
- 23. The *Greater Christchurch Urban Development Strategy* (UDS) anticipates significantly greater population density in key intensification areas, particularly in the central city. One of the key approaches identified in the UDS to promote intensification and to make intensification areas more liveable is 'to invest in high quality public spaces associated with town or activity centres'. Public art can play a key role in the provision of high quality public spaces, generating an improved sense of place, amenity and community ownership.

7. USE OF THE COUNCIL'S SERVICE DUCTS AND DISPOSAL

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Weng Kei Chen

PURPOSE OF REPORT

1. The purpose of this report is to seek Councils approval to:
 - (a) Permit Christchurch City Networks Ltd to use the Council's service ducts along the tram route.
 - (b) Dispose of 14 km of the Council's service ducts in the City to Christchurch City Networks Ltd.

EXECUTIVE SUMMARY

2. A request has been received from Christchurch City Networks Ltd. (CCNL), a subsidiary of Christchurch City Holdings Ltd., to use the Council's service ducts for its fibre-networks. The request includes the use of 2.2 km of service ducts along the tram route which currently house the electric cable for the tram's operation.
3. The service ducts commonly known as "blue-ducts" were laid as part of the Council's roading projects in the mid 1990s and their main purpose was to house any future underground networks and thus lessen the need to trench through newly constructed road surfaces, reduce the impact to traffic flow and inconvenience to communities in any future network installations.
4. This is the first request from a network operator to use the blue-ducts and the company is offering a one-off payment to the Council for the use of the service ducts along the tram-line route and is prepared to acquire the remaining 14 km of blue ducts.

FINANCIAL IMPLICATIONS

5. The Council will receive additional revenue from the company.

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

6. N/A.

LEGAL CONSIDERATIONS

7. The use and disposal of service ducts require the Council's decision.
8. The company, being a network operator has rights of access to install its networks on and in roads. These rights are stated in the Telecommunication Act 2001.

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

9. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Yes. The use of the service ducts for network installation will lessen the damages on roads and lessen the inconvenience and traffic disruption to road users.

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

11. Yes, as above.

7 Cont'd

ALIGNMENT WITH STRATEGIES

12. Yes. The use of service ducts aligns with the purpose of which the ducts were installed.

Do the recommendations align with the Council's strategies?

13. Yes.

CONSULTATION FULFILMENT

14. N/A.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Accept the offer of a one-off payment of \$10,000 for the use of service ducts along the tram's route subject to the company entering into a Deed of Licence to occupy service ducts in road with the Council.
- (b) Agree to dispose of the 14 km of service ducts in the City to Christchurch City Networks Ltd.
- (c) Authorise the Corporate Support Manager to set reasonable conditions in the Deed of Licence to occupy the service ducts along the tram's route and to negotiate with the company on the disposal of the service ducts.

7 Cont'd

BACKGROUND (THE ISSUES)

15. In the 1990s as part of the Council's roading projects service ducts commonly known as "blue ducts" were laid alongside the new kerb and channel. The purpose of their installation was to minimise future network service trenching on newly constructed roads and reduce the inconveniences and traffic disruption to the community in any future service installation.
16. The blue duct installation practice resulted in the Council laying a total of 14 km of various section lengths in city streets and in addition 2.2 km of ducts along the tram's route which housed the cable that operates the trams.
17. There are only 12 streets that have the blue ducts length of greater than 250m and these 12 streets account for 6 km of the 14 km. These blue ducts are in the main roads and may be of benefit to network operators.
18. CCNL is the first network operator that has approached the Council for the use of blue ducts and is offering a one-off payment of \$10,000 for the use of the blue ducts along the 2.2 km tram route and it has also requested the option of owning other blue ducts in the city.
- 19.. Drilling and trusting of networks is a common network installation method and the average cost of their installation is \$50/m.
20. The Council has incurred approximately \$300,000 of costs for the laying of the 14 km of blue ducts and at the time it was the intention of the Council not to recover this investment.
21. The blue ducts are not continuous and there is evidence that some sections have been damaged and the accuracy of their locations on the Council's plan are also in question. These issues will require network operators to determine their suitability for their networks.
22. The request from CCNL creates an opportunity for Council to review the blue ducts ownership and it is timely that the disposal option be pursued.

THE OPTIONS

23. The disposal options of the blue-ducts.

Option 1 Gifting the blue-ducts to CCNL.

This option may be considered as favouring CCNL, and staff are not recommending it as an option.

Option 2 To dispose sections of blue ducts as required by networks.

This option will require staff resource to arrange the process. It is unwise for Council to make piece meal decisions with little financial gain.

Option 3 Permit CCNL to use the blue ducts by way of Council issuing a Deed of Licence to occupy.

This option like Option 2 will require staff resource to administer and continue to maintain the blue duct records in the Council's system with little financial gain.

Option 4 To dispose of the entire 14 km of blue ducts to CCNL.

This option will enable CCNL to plan its network installation with certainty and at the same time relieve the Council from managing the resource which has an uncertain benefit to community. A fair assessment for the value of the disposal could be assessed by predicting that only the 6 km of ducts identified in Clause 18 are likely to be utilised. Given also the other issues raised in the report it is likely that a financial return to Council could be between \$120,000 to \$180,000. (This range is derived from the rate per meter of ducts valuing between \$20 to \$30 and assuming only 6km in the main roads will be of value to the company.)

THE PREFERRED OPTION

24. The preferred option is Option 4. This gives certainty to the network company CCNL.

8. APPOINTMENT OF DEPUTY PRINCIPAL RURAL FIRE OFFICERS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Civil Defence Manager
Author:	Keith Marshall

PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the appointment of two Deputy Principal Rural Fire Officers.

EXECUTIVE SUMMARY

2. The Council at its meeting on 22 October 1997 appointed Mr Paul N Devlin and Warren P Hunt as Deputy Principal Rural Fire Officers for the City of Christchurch and Bottle Lake and Chaney's Rural Fire District pursuant to Section 13 of the Forrester and Rural Fires Act 1977.
3. The Forest and Rural Fires Act Regulations 2005 now provides under Regulation 38(3)(c) that the warrants of appointment for Principal Rural Fire Officers and Rural Fire Officers are in force for ten years, or until the person ceases to be an officer, whichever is the earlier.
4. There is now the need to re-appoint Paul N Devlin and Warren P Hunt as Deputy Principal Rural Fire Officers pursuant to Section 13 of the Forest and Rural Fires Act 1977. It is recommended that each be appointed as Deputy Principal Rural Fire Officers for the City of Christchurch.

FINANCIAL IMPLICATIONS

5. There are no increased financial implications in this process; it is simply complying with the status quo.

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

6. Yes.

LEGAL CONSIDERATIONS

7. As well as the Forrester and Rural Fires Act 1977 (being the principal Act relating to these appointments) there are additional provisions in the following legislation:
 - (a) Forest and Rural Fires Legislations 2005
 - (b) Fire Service Act 1975

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

8. Yes. The Council must comply with the provision of the Forest and Rural Fire Act 1977 and Forest and Rural Fire Regulations 2005.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Yes. LTCCP 99 Civil Defence and Rural Fire Civil Defence. The Council participates in the Canterbury Emergency Management Group as well as providing a response to rural fires in its area of jurisdiction.

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

10. Yes.

8 Cont'd

ALIGNMENT WITH STRATEGIES

11. Yes.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. Not required.

STAFF RECOMMENDATION

That pursuant to Section 13 of the Forest and Rural Fires Act 1977 Paul N Devlin and Warren P Hunt each be appointed as Deputy Principal Rural Fire Officers for the City of Christchurch for a period of ten years, or until the person ceases to be an officer pursuant to Regulation 38(3)(c).

9. RESOURCE MANAGEMENT ACT 1991 – DELEGATION OF POWERS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Environmental Policy and Approvals Manager
Author:	John Gibson, Planning Administration Manager

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval to extend currently delegated powers to two new positions in the Environmental Policy and Approvals Unit. The positions are that of Specialist Planner – Professional Development and Resource Management Manager.

EXECUTIVE SUMMARY

2. The position of Specialist Planner – Professional Development is a new senior planning position but with some important additional functions in particular the training of new staff and ensuring best planning practice amongst those involved in the resource consent process. The position has recently been filled by Dion Douglas. Dion was for many years a Senior Planner in the Planning Administration Team of what was the Environmental Services Unit and from 2001 until 2003 he was a Team Leader of the Civic Planning Team. From 2003 until July this year he was the District Planner at Selwyn District Council. In this role he was responsible for the planning functions of that Council. Given that Specialist Planner is a position which is equivalent to that of Senior Planner it is considered appropriate that it have delegated to it the same powers that are delegated to Senior Planners.
3. The position of Resource Management Manager has existed since 2005. It is an important position in terms of the resource management functions the Council administers. The Resource Management Manager is responsible for the effective operation of the City Plan Team, the Planning Administration Team and the Subdivision Team in the Environmental Policy and Approvals Unit. The position is currently occupied by Tim Harris who was formerly in charge of the planning functions of the Banks Peninsula District Council. Given the requirements and responsibilities of this position it is considered appropriate that it have delegated to it the same powers currently delegated to the Planning Administration Manager, City Plan Team Leader, Subdivisions Team Leader and Civic Planning Team Leader.
4. It is important to emphasise that no new RMA delegations are being sought for either of these positions. This is simply a request to have existing delegated powers extended to new positions.

9 Cont'd

5. Extending delegated powers to these new positions will increase the ability of Council officers to deal with the functions of the Resource Management Act in a more efficient and timely manner. It will also enable better utilisation of the skills and experience held by the people in these positions.

FINANCIAL IMPLICATIONS

6. Nil

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

7. N/A.

LEGAL CONSIDERATIONS

8. Nil.

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

9. N/A.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Yes.

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

11. Yes.

ALIGNMENT WITH STRATEGIES

12. Yes.

Do the recommendations align with the Council's strategies?

13. Yes.

CONSULTATION FULFILMENT

14. N/A.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Delegate to the position of Specialist Planner – Professional Development those powers currently delegated to Senior Planners.
- (b) Delegate to the position of Resource Management Manager the same powers currently delegated to the Planning Administration Manager, City Plan Team Leader, Subdivisions Team Leader and Team Leader Civic Planning Team.

10. NOTIFICATION OF PLAN CHANGE BUSINESS 4 AND BUSINESS RETAIL PARK HEIGHT LIMITS BUSINESS 4 SETBACKS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Senior Planner, City Plan Team
Author:	Scott Blair, Senior Planner, City Plan Team

PURPOSE OF REPORT

1. The purpose of this report is to seek a Council resolution on whether or not to proceed with public notification of proposed Plan Change relating to introducing building height limits for the Business 4 zones and the Business Retail Park Zones.

EXECUTIVE SUMMARY

2. In May 2005 the Christchurch City Council commenced a review of the adequacy and effectiveness of the bulk and location standards of the Business 4 (Suburban Industrial) Zone.
3. The study was initiated as a result of community concern relating to the approval of a resource consent for a 14-storey office building within the Business 4 Zone at Ferrymead. The proposed building complied with the bulk and location standards of the Business 4 Zone and only required resource consent for a car parking non-compliance. Local residents raised concerns with respect to the height, bulk and form of the building, and its associated visual and amenity effects. The primary focus of this concern was the height of the building and the absence of a height standard in the Business 4 Zone.
4. The Business 4 Zone currently only limits height by way of a 'Height to Boundary' (recession plane) control while the density of development or building size is limited by a 'Plot Ratio'. The lack of a maximum height control in the Business 4 Zone was consequently criticised as enabling the proposed development. It is noted that the proposed building was later reduced in scale by a subsequent approval for a 7 storey building.
5. In response to this sequence of events the Christchurch City Council decided to review the effectiveness and adequacy of all of the bulk and location rules in relation to the amenity in surrounding zones. This review was applied to all of the Business 4 Zone (not just Ferrymead). The effectiveness and adequacy of the objectives, policies and environmental outcomes of the City Plan were also considered as they apply to the Business 4 Zone.
6. The overall objectives of the study were to:
 - identify the potential adverse environmental effects on zones surrounding the Business 4 zones (except the Business 5 zones) associated with built form within the Business 4;
 - identify where, if at all, the current objectives and policies, environmental outcomes anticipated and the bulk and location controls associated with the Proposed City Plan fail to address potential adverse effects associated with built form in the Business 4 zones; and
 - if needed, identify options for amendments to, or introduction of, new objectives and policies, environmental outcomes anticipated and bulk and location controls to address potential adverse effects associated with built form in the Business 4 zones.
7. The Study reviewed built form in six case study areas within the Business 4 Zone. These were located at Ferrymead, Wainoni, Wairakei Road, Papanui, Riccarton and adjacent to Hagley Park. The Study identified the regulatory and policy framework within which built development occurs and then developed a number of bulk and massing scenarios .
8. The Study concluded the following points:
 - The current Business 4 Zone rules and controls do not adequately deal with the issue of 'edge effects' or the impact of the bulk and massing of development on surrounding areas, especially where the Zone adjoins Living or Open Space zoned land. In particular, additional setback distance was recommended from the zone boundary and a height control applying to all Business 4 sites.

10 Cont'd

- The geographic and environmental diversity of areas zoned Business 4 is not reflected in the City Plan provisions. The Business 4 Zone has a standardised set of rules which apply equally to all the Business 4 sites spread across the city and to a wide range of activities which are permitted within the zone regardless of the characteristics of a particular locality.
 - The great strength and weakness of the zone is its 'one size fits all' approach to both the wide range of activities and the wide range of areas and urban environments covered by the Zone. While this does allow diversity and change it also produces, in some cases, unanticipated negative effects as evidenced by the Ferrymead example.
 - The omission of a maximum building height is significant in terms of potential adverse impacts on adjoining Living and Open Space zones.
9. The report went on to make specific recommendations for:
- text changes to the objectives and policies; and
 - a new rule for height in the Business 4 Zone; and
 - an increase in the setback from 3m to 10m for Business 4 Zones which share a boundary with Living, Open Space and Conservation Zones.
10. The height standard recommended was for a Development Standard of 15m and a Critical Standard of 22m.
11. That Study was completed in September 2005 and a Council seminar was held in October 2005. At that seminar Councillors discussed the benefits of reducing the height of buildings. The discussion focused on the effects of buildings with a higher site coverage, which left no open space on a site or opportunities for views around or between buildings. It was not clear if this was preferable to buildings which may be taller but slimmer with more open space around and between buildings offering light and views.
12. As a consequence further analysis was undertaken. This analysis specifically considered the difference and relative "pros" and "cons" between tall, thinner buildings compared with lower but wider buildings.
13. A supplementary report was then produced which considered three case study areas - Papanui, Ferrymead and the edge of Hagley Park. In each of these areas, four typical building forms for permitted activities were modelled. These were industrial warehouses, low rise offices, medium rise offices and high rise offices.
14. The supplementary report recommended:
1. *That the Council commit to investigating – through an appropriate consultation programme with the wider community and Ferrymead business landowners and occupiers – the desirability of rezoning Ferrymead to a Mixed Use Zone. At the same time, introduce a new height control to the Business 4 – Development standard of 15m and Critical Standard of 22m.*
 2. *If the Council is not willing or able to progress the Mixed Use option then introduce a new height control – Development Standard of 11m and Critical Standard of 15m to essentially maintain a similar level of built form to that which currently exists.*
15. The conclusions leading to the recommendation supported the original recommendations ie, a new performance standard for the Business 4 Zone, limiting the height of buildings with a Development Standard of 15m and a Critical Standard of 22m – providing for low rise office and warehouse type activities. Lower Development and Critical standards of 11m and 15m were recommended for Ferrymead. The report considered that "finer grained" buildings would be more appropriate in the Ferrymead context however this would require a change to a Mixed Use Zoning where the range of permitted activities would require less building bulk. This was beyond the brief of the study, so the report concluded that a lesser standard would be appropriate, either as a "holding position" until such time as rezoning was considered, or in the longer term, to ensure that the height of buildings was maintained at a level consistent with the existing built development. The Council has committed to investigating the desirability of rezoning Ferrymead to a Mixed Use Zone. The study was initiated in late 2006.

10 Cont'd

16. Consultation with the community was undertaken during the study, including:

Letters were sent to the following parties:

- All persons shown on the Council's databases as owners and occupiers of land zoned Business 4 and Business Retail Park across Christchurch City.
- All persons shown on the Council's databases as owning and occupying land adjoining the Business 4 and Retail Park Zones which is zoned for living, cultural, open space and conservation purposes.
- Known interest groups such as the Avon/Heathcote Estuary Trust, the Canterbury Chamber of Commerce, the New Zealand Property Council, residents associations.
- Statutory organisations including Ministry for the Environment, Environment Canterbury and local runanga.

Approximately 4,500 letters were sent. The letter to all these groups contained two attachments – an Information Sheet and a Response Sheet.

17. The information evenings were held on Thursday 9 and Tuesday 14 November 2006 from 4pm to 8pm. Present at the information evening were two consultant planners and the Council's senior policy planner overseeing the project.
18. Based on the findings of the various technical reports and feedback from the community, a package of broad plan change recommendations and an interim S.32 report was presented to a Council seminar on 8 May 2007. Following the seminar and associated feedback from Councillors, further analysis was carried out on the plan change package and the specific proposed text changes to the Plan were drafted. This further analysis, updated S.32 report, and proposed Plan Change. Since the seminar the S.32 report and Plan Change text has been finalised (attached to this report).
19. The proposed package of changes to the City Plan include:

Height

Introduce a new height standard in the Business 4 and Retail Park Zones (excluding Ferrymead) as follows:

- Development Standard 15m
- Critical Standard 20m

For Ferrymead:

- Development Standard 11m
- Critical Standard 15m

Setback

- Increase the existing development standard from 3m to 5m.

20. Section 32 of the Resource Management Act requires the Council to be satisfied that any proposed plan change is a more efficient and effective means of achieving the Plan's objectives and policies than the current provisions. The attached S.32 report concludes that this is the case for the proposed amendments to the City Plan. Should the Council resolve to publicly notify the proposed plan change then those changes will be available for the community to make submissions on, with submitters then able to present their submission at a public hearing, with the hearings panel then obliged to make a recommendation to the Council on whether or not the plan change should be accepted, amended, or rejected.

10 Cont'd

FINANCIAL IMPLICATIONS

21. There are no direct financial considerations beyond staff time covered by existing unit budgets.

Do the recommendations of this report align with 2006-16 LTCCP budgets?

22. The costs of public notification are able to be covered by existing unit budgets.

LEGAL CONSIDERATIONS

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

23. S.32 of the Resource Management Act requires the Council to undertake an analysis of the costs and benefits of any potential plan change so that the Council can be satisfied that the proposed plan change is a more efficient and effective method for achieving the Plan's objectives and policies than the current provisions. The RMA requires all proposed Plan Changes to be publicly notified so that interested parties can make submissions on the proposed changes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Supports the LTCCP City Plan measure that 10 variations or plan changes be prepared and notified annually.

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

25. As above.

ALIGNMENT WITH STRATEGIES

26. The attached S.32 report demonstrates that the proposed plan change more effectively and efficiently meets the objectives and policies of the City Plan than the current provisions.
27. The proposed plan change does not conflict with the recently adopted Urban Development Strategy.

Do the recommendations align with the Council's strategies?

28. As above.

CONSULTATION FULFILMENT

29. Consultation has been undertaken in accordance with the requirements of the Resource Management Act. It is noted that public notification of the proposed Plan Change will enable the community to have their say via submissions and a public hearing.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the attached assessment under Section 32 of the Resource Management Act.
- (b) Publicly notify Plan Change 29 to the City Plan.

11. ROLE RESPONSIBILITY TEMPLATE FOR THE DEPUTY MAYOR

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	General Manager Regulation and Democracy Services
Author:	Peter Mitchell

PURPOSE OF REPORT

1. The purpose of this report is to recommend the adoption of a role responsibility template for the Deputy Mayor (Attachment A).

ROLE OF DEPUTY MAYOR

2. At its meeting on 23 March 2007 the Council adopted role responsibility templates for the positions of Mayor, Councillors, Community Board Chairs and Community Board members.
3. The issue was raised at a July 2007 seminar that there was no role responsibility template for the office of Deputy Mayor.
4. Attached is a draft role responsibility for that office for consideration by the Council. The Deputy Mayor has seen the draft role responsibility template and agrees with it (Attachment A).

STAFF RECOMMENDATION

It is recommended that the Council adopt the role responsibility template for the office of Deputy Mayor attached to this report.

12. PROHIBITED DOG AREA DISPENSATION

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Inspections and Enforcement Manager
Author:	Mark Vincent

PURPOSE OF REPORT

1. The purpose of this report is to seek dispensation from the Council to allow dogs within the dog prohibited area of the Cathedral square.

EXECUTIVE SUMMARY

2. The Council has received a request from the Canterbury Branch of the Royal New Zealand Society for the Prevention of Cruelty to Animals Inc to allow dogs and other small animals to attend the St Francis Day Cathedral Service and parade to be held on 7 October 2007.
3. This organisation seeks a dispensation from the Council to allow dogs and other animals into the Prohibited Area of the "Cathedral Square" for this parade.
4. This event will have approximately 60 dogs with their owners.

FINANCIAL IMPLICATIONS

5. Nil.

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

6. N/A as there are no financial implications.

LEGAL CONSIDERATIONS

7. The Christchurch City Dog Control Bylaw 1997 prohibits dogs from entering or remaining upon any part of a prohibited dog area except as authorised by the Council by resolution made under this clause. Cathedral Square is one of the prohibited dog areas.
8. The Council may grant dispensation in accordance with clause 16 of the Christchurch City General Bylaw 1990.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The recommendation does not directly align with or support a level of service in the 2006-16 LTCCP. However, the enforcement activity which includes the requirement to minimise the nuisances of dogs is supported through the recommendation that dogs entering the prohibited area be under control by restraint of a leash at all times between the hours of 2pm and 4pm and each participant be given appropriate doggie bags to ensure all dog faeces is removed forthwith to ensure the area is kept clean.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

CONSULTATION FULFILMENT

11. Not applicable.

12 Cont'd**STAFF RECOMMENDATION**

It is recommended that the Council resolve:

- (a) That the organisers of the Canterbury Branch of the Royal New Zealand Society for the Prevention of Cruelty to Animals Inc be given dispensation in accordance with clause 16 of the Christchurch City General Bylaw 1990 to allow dogs to enter and remain in the Prohibited area of Cathedral Square.
- (b) That the dispensation apply only on Sunday 7 October 2007 from 2pm until 4pm on the same day.
- (c) That dogs entering the prohibited area be under control by restraint of a leash at all times between the hours of 2pm and 4pm and each participant be given appropriate doggie bags to ensure all dog faeces is removed forthwith to ensure the area is kept clean.
- (d) That the Team Leader Animal Control be given delegated authority to grant such dispensations in the future for successive years so there is no need for the Council to consider this request each year.

13. URBAN REGENERATION AGENCY

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officers responsible:	Programme Manager Liveable City
Authors:	Maurice Roers, Senior Policy Planner and Lawrence McIlrath, Senior Economic Analyst

PURPOSE OF REPORT

- 1. The purpose of this report is to advance the establishment of an Urban Regeneration Agency (URA) which will take a proactive role in implementing the Greater Christchurch Urban Development Strategy and the Central City Revitalisation Strategy.
- 2. In this report, approval is sought for the objectives and operational scope of the Urban Regeneration Agency, agreement on the preferred organisational structure for the establishment of a URA, and direction to staff on pre-establishment activities to be undertaken.

FINANCIAL IMPLICATIONS

- 3. It is imperative that any Urban Regeneration Agency not taint the tax exempt status of Council activities or those of its subsidiary companies. Consultants from Deloitte were engaged to aid Council officers in their assessment and understanding of the options from a tax perspective.
- 4. Under the Income Tax Act 2004, property development is a taxable activity which affects the taxation of land transactions of persons and companies associated with the developer. Whilst tax exempt persons or companies will retain their tax-exempt status other taxable persons and companies associated with the developer will be taxed on certain land sales which would otherwise be non-taxable capital gains. In this regard, association is generally defined as the amount of direct control one entity has over another. Therefore, if the Council determines to pursue property development as a means to achieving UDS and Central City objectives, the regeneration agency must be structured in such a way that its property development activities are not directly associated with any council controlled organisation (CCO). A trust has been identified as a structure that would avoid these tax implications.
- 5. The likely tax implications of a URA for the three options that are not a unit within Council are as follows.

13 Cont'd

(i) **Company**

A council controlled organisation (CCO) or other company structure directly below the Council that engages in property development would taint the Council's other CCOs so that they would be taxed on certain land sales which would otherwise be non-taxable capital gains. Under section OD 8(4)(a) of the Income Tax Act, a CCO will be associated to a property developer if both the CCO and the property developer are companies and the Council has control of 50% or more of the voting interests or market value interests in both.

(ii) **Limited Liability Partnership**

The use of a limited liability partnership structure for the regeneration agency would likely taint the Council's CCOs so that they would be taxed on certain land sales which would otherwise be non-taxable capital gains. Section OD 8(4)(d) and (e) of the Income Tax Act states that a partnership and any partner are associated persons. Furthermore a partnership and any person who is associated to a partner in that partnership are also associated persons for the purposes of the land tax provisions. It is thought that this association will apply to limited liability partnerships engaged in property development. Therefore, if the Council was to use a limited liability partnership as the property developer and was a partner in that partnership, its CCOs would also be associated to the property developer partnership and thereby be tainted in respect of land transactions.

(iii) **Trust**

A Urban Regeneration Agency structured as a trust carries the least risk of tainting the existing tax status of the Council's CCOs and has been identified as the only feasible structure to avoid this issue. Companies and limited liability partnerships can be set up below the trust to carry out specific property development projects without tainting either Council or CCOs. However, it needs to be emphasized that to incur this benefit the trust or its subsidiary companies must be at a sufficient distance from Council or its CCOs to avoid creating tax liability for them.

To avoid tainting their tax status, Council or its CCOs cannot be associated to a property developer. The associated persons rules provide that for a company (i.e. CCO) and a trust to be associated persons, the trust has to have a 25% voting interest in the company or have the company as a beneficiary. Furthermore, for the Council or its CCOs to be associated to a company under the trust, the two companies must be in common ownership (e.g. control of voting or market value interests of 50% or more) or have the company as a beneficiary. The identity of the trustees and appointers of trustees is not a relevant factor in determining association, so the Council could retain control of the trust by having itself or CCHL be the appointing entity.

Although the trust option as outlined will avoid tainting the CCOs, the trust itself will be taxed on its profits if it is sufficiently associated with the Council. This association can be avoided if a trust is set up with limited association to the Council and companies under the trust are owned by the trust. The Council will be able to retain some control over the trust and its companies by limited appointments to their respective governing boards. However, the Council would also have to have sufficient confidence that the charter and organisational structure of the trust and its subsidiary companies is sufficient to achieve the public objectives for which they were created. Such an arrangement would mean the trust could be established as a tax-exempt entity but may not give Council sufficient degree of control.

6. Preliminary discussions have indicated that in order for the Urban Regeneration Agency to be effective, it should have sufficient financial resources to engage in five to ten reasonable scale development projects at any given time. CCHL has been identified as the most likely mechanism for securing these finances in a rates neutral manner. If funding was sought from CCHL, coordination and consultation will need to take place between the Council and CCHL's board.

13 Cont'd

LEGAL CONSIDERATIONS

7. The tax advice set out in the financial implications section above also needs to be considered in light of principles in the Local Government Act 2002 (LGA02), in relation to Council Organisations and CCOs. A company or a trust can be either a Council Organisation or a CCO, however, the above advice only identifies the company option, as if it is a CCO.
8. Section 6 defines these organisations as follows:

“council organisation means—

(a) a company—

- (i) in which equity securities carrying voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more local authorities; or

(B) controlled, directly or indirectly, by 1 or more local authorities; or

- (ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 1 or more of the directors (however described) of the company; or

(b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—

- (i) control, directly or indirectly, of 1 or more of the votes at any meeting of the members or controlling body of the entity; or

- (ii) the right, directly or indirectly, to appoint 1 or more of the trustees, directors, or managers (however described) of the entity.”

“council-controlled organisation means a council organisation that is—

(a) a company—

- (i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—

(A) held by 1 or more local authorities; or

(B) controlled, directly or indirectly, by 1 or more local authorities; or

- (ii) in which 1 or more local authorities have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or

(b) an entity in respect of which 1 or more local authorities have, whether or not jointly with other local authorities or persons,—

- (i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the entity; or

- (ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the entity”

9. An entity is *“any partnership, trust, arrangement for the sharing of profits, union of interest, co-operation, joint venture, or other similar arrangement; but does not include a company, or a committee or joint committee of a local authority”* (s6(2)).

13 Cont'd

10. The scoping of funding options has been identified as a necessary pre-establishment activity in line with greater organisational and management details. Additional information on how the URA is going to be funded needs to be provided before Council definitely agree on a structure for the URA. This issue is still to be fully scoped. The Council has a greater degree of control over a CCO than over a Council Organisation, so how the URA is to be funded is a factor the Council also needs to consider, in addition to the tax implications (and any other LGA02 issues), when considering and deciding on the final structure for the URA.
11. One other issue which may need further investigation is whether the URA should be established as a public private partnership (which would ultimately still be one of the 3 structures noted above), because Priority Action number 10 of the UDS states: *"Investigate and establish, in partnership with others, a dedicated city revitalisation agency..."*. This will require consideration of the Council's policy on partnerships with the private sector. Even if the URA is not established as such a partnership, the intention is for the URA to be able to facilitate the formation and implementation of public-private sector partnerships and joint ventures.
12. Whichever structure the Council decides on, it can only proceed by consulting on the proposal in accordance with the special consultative procedure (SCP). The establishment of a CCO can only be done by a SCP (LGA02, section 56) but it is likely that, even if a Council Organisation structure is used, the establishment of the URA will be a significant activity for the Council and the SCP will also be needed (LGA02, section 88).
13. The recommendation to the Council is for further work on the legal implications under the LGA02 and any other relevant legislation to be carried out, alongside the investigation and identification of the funding options.
14. Under section 65 of the LGA02 the Council, as a shareholder (or a person with voting rights – see s6(3)(a) and (c)) in a council organisation (which includes a CCO), must regularly undertake performance monitoring of the organisation to evaluate its contribution to the achievement of the Council's objectives for the organisation, the overall aims and objectives of the Council, and the desired results for the organisation as set out in its statement of intent (if applicable – as council organisations are not required to have a statement of intent, and the Council does not have the same degree of control over a council organisation's statement of intent as it does for a CCO). This means that even though the final structure of the URA is not yet decided on, the Council can still approve objectives for the URA, as these will be applicable whether it is a CCO or simply a Council Organisation.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. The establishment of an Urban Regeneration Agency aligns with the Council's vision and strategic directions for Christchurch as described in the LTCCP. The proposed URA most directly aligns with the Council's fourth objective identified under the "Liveable City" strategic direction which states:

"Maintain and enhance the quality of development, and renewal of the city's built environment, by:

- *Championing high quality urban design;*
- *Improving people's sense of community identity and their feelings of safety;*
- *Encouraging better accessibility in public and commercial buildings;*
- *Protecting Christchurch's heritage buildings and neighbourhood character;*
- *Improving the way in which public and private spaces work together;*
- *Working with other organisations to ensure that Christchurch people live in homes that meet their social, health and economic needs."*

16. The objectives of the proposed URA have a high degree of correspondence with the Council's strategic directions.

13 Cont'd

17. At this time there are no funding implications for the Urban Regeneration Agency apart from the operational costs associated with staff conducting the necessary pre-establishment due diligence. These operational costs are within the current budget. Proposed pre-establishment activities for the URA include the elaboration of preliminary budgets and identification of possible funding options, as well as further investigation of the legal implications. Once funding needs and options have been more concretely identified they will follow standard Council procedure and be the subject of Council review, consultation and approval.

ALIGNMENT WITH STRATEGIES

18. The creation of an Urban Regeneration Agency aligns with the Urban Development Strategy and the Central City Revitalisation Strategy.
19. The Greater Christchurch Urban Development Strategy states the desire and commitment to establish a dedicated entity to advance urban regeneration. The establishment of an URA is identified as one of the top twenty actions that the Council will engage in to implement the UDS. Priority Action number 10 of the UDS states:

"Investigate and establish, in partnership with others, a dedicated city revitalisation agency to develop and administer programmes; to assemble key redevelopment sites; and to tender land for specific redevelopment proposals. Benchmark framework of the agency against other related organisations in New Zealand and overseas."

20. In addition to being listed as a priority action, the proposed objectives and operation scope of the URA align with the guiding principles and strategic directions of the UDS. In particular, the proposed URA would work to achieve the UDS' strategic directions of: redeveloping existing urban areas; increasing the supply of well located, affordable housing; promoting good urban design; and delivering a vibrant and diverse city centre.
21. A URA also aligns with and supports the Central City Revitalisation Strategy. The Council has five main priorities for the Central City over the next ten years: increasing the residential population; growing businesses; enhancing public spaces; redeveloping under-utilised sites; and improving the transport network. The proposed URA aligns directly with the objectives of increasing residents and redeveloping properties. An URA is also the most likely and efficient mechanism for achieving the 'redevelopment partnerships' which are sought under the Central City Revitalisation Strategy. Additionally, an URA would provide a strong tool for implementing better urban design in Christchurch in accordance with the Council's commitment to the New Zealand Urban Design Protocol.

CONSULTATION FULFILMENT

22. The Council can adopt the following recommendations based on previous consultation engaged in via the development of the UDS and Central City Revitalisation Strategy. The establishment by the Council of an Urban Regeneration Agency as discussed would likely be a significant activity as defined by the Local Government Act and therefore would require a Special Consultative Procedure (SCP) before it could be formally incorporated. As noted above, if the URA is to be a CCO then this also requires the SCP process to be followed. The scope and means of conducting this SCP is dependent on the final organisational and financial structure of the URA and cannot be specified at this time, although it is likely that the consultation on the URA could be undertaken as part of the annual LTCCP review. Prior to formal consultation, staff would also seek to coordinate with major stakeholders such as property developers to ensure that the URA does not conflict with current market activity.

13 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council resolve to:

- (a) Affirm its commitment to the Urban Development Strategy (UDS) and specifically confirms its commitment to Priority Action 10 of the UDS which calls for the creation of a city revitalisation agency.
- (b) Agree to establish an Urban Regeneration Agency (URA), the mission of which is to take an active role in the market place in order to be a catalyst for meeting the regeneration objectives of Christchurch City through the implementation of flagship regeneration projects.
- (c) Adopt the objectives of the Urban Regeneration Agency which are:
 - (i) To act as a champion for urban regeneration in Christchurch.
 - (ii) To initiate, develop and implement projects that lead to investment and redevelopment in Christchurch's intensification areas and activity centres as identified in the UDS.
 - (iii) To eliminate and overcome development activities that run counter to the Council's regeneration objectives and policies such as detrimental land speculation and pre-existing uses.
 - (iv) To foster public-private partnerships that maximize shared resources and generate a balanced mix of economic, social and environmental benefits.
 - (v) To be a positive force in the development community that does not duplicate current, successful market activity and exits projects when the Council's regeneration objectives have been achieved.
- (d) Adopt the following projects and activities as the principal scope of work for the URA to be carried out in the central city:
 - (i) Preparing and implementing comprehensive redevelopment plans for target areas which guide future investment, public and private, in these areas.
 - (ii) Acquiring, assembling, selling and leasing real estate to achieve redevelopment and to promote the Council policy objectives, specifically the Greater Christchurch Urban Development Strategy and the Central City Revitalisation Strategy.
 - (iii) Performing remediation of brownfield sites or other properties encumbered with environmental and redevelopment obstacles.
 - (iv) Facilitating the formation and implementation of public-private sector partnerships and joint ventures in the implementation of relevant projects.
 - (v) Developing flagship, prestige projects that are exemplars of the Council's revitalisation objectives and act as catalysts for private investment and development.
- (e) Direct staff to further investigate whether the establishment of a trust under the Council is the preferred institutional structure for the URA, and to complete necessary pre-establishment activities by August 2008. Pre-establishment activities are to include:
 - (i) Development of a detailed organisational, financial and legal structure
 - (ii) Identification of funding options to provide the URA with sufficient capital to engage in between five and ten regeneration projects at any given time.
- (f) Indicate to the Board of Directors of CCHL the Council's desire for CCHL to aid in urban regeneration; and request that CCHL work with Council staff to identify potential financial resources that could be made available to an Urban Regeneration Agency.

13 Cont'd

BACKGROUND

23. Advancing urban regeneration is a key objective of the Council as is evidenced by its commitment to and adoption of the Greater Christchurch Urban Development Strategy (UDS) and Central City Revitalisation Strategy.
24. The Christchurch City Council's current ability to implement urban regeneration is largely limited to policy, advocacy, and regulation. These three powers, while important, are restricted in shaping urban regeneration. However, they are also limited in their effectiveness. Scarcity of Council resources, equity considerations, and the length of Council processes can inhibit the Council from having the needed speed, flexibility, and focus to meaningfully impact the property development market.
25. The Council does have limited ability to acquire and sell property, as with Turners & Growers. However, the speed and efficacy of these activities can be encumbered by the Council's budgetary and decision-making processes. Reporting and consultation time frames, the LTCCP funding process, and the multiple demands on Council resources can fracture the focus needed to quickly deliver projects. A more efficient and effective means of achieving the CCC's regeneration objectives is needed.
26. The desire and commitment to establish a dedicated entity to advance urban regeneration was indicated as part of the UDS and is identified as one of the top twenty actions that the Council will engage in to implement the UDS. Priority Action number 10 of the UDS states:

"Investigate and establish, in partnership with others, a dedicated city revitalisation agency to develop and administer programmes; to assemble key redevelopment sites; and to tender land for specific redevelopment proposals. Benchmark framework of the agency against other related organisations in New Zealand and overseas."
27. Further direction was given to staff on 11 June 2007 when Council passed a resolution which stated:

"That staff report back to Council by August 2007 on methods to give effect to the Central City Revitalisation Strategy and the Greater Christchurch Urban Development Strategy intentions and actions for the advocacy and facilitation of appropriate development of the central city of Christchurch."
28. On 21 August 2007 a Council seminar was held in response to the June 2007 resolution, and three work streams were discussed that could be undertaken to more quickly implement the UDS and Central City revitalisation project. These three work streams were:
 - (i) Improvements to the Council controlled regulatory environment.
 - (ii) The expansion to existing and development of new incentives.
 - (iii) A more participatory role in the market.
29. A more proactive role in the market by the Council to achieve revitalisation objectives is deemed necessary because the property development market, particularly in Christchurch, can be:
 - (a) slow and constrained by market conservatism;
 - (b) sporadic both in terms of the geographic areas in which it is active, and levels of success; and
 - (c) highly variable in the quality of development achieved.
30. It is believed that these market barriers can be overcome, either whole or in part, and revitalisation accelerated through a more proactive role on the part of the Council.

13 Cont'd

31. At the August 2007 seminar an Urban Regeneration Agency (URA) was identified by staff as the most likely mechanism that Council could implement to take a more proactive role in the market. Urban regeneration agencies, as typically structured overseas, have several advantages associated with them. URAs are often established as quasi-private entities which work to achieve local government's property development objectives, but for reasons of efficiency, operate at arm's-length similar to the Christchurch City Holdings Limited group of companies. URA's principal advantage is that they can efficiently achieve public objectives without being overly constrained by the inherent bureaucracy of public institutions or the profit focused nature of the private market. Because of its public-private nature, a URA can fill a functional gap that neither the Council nor the private market currently fill in Christchurch.
32. Depending on how an URA is structured, there are a number of potential advantages and risks typically associated with them which are summarised in Table 1 below.

TABLE 1: GENERAL ADVANTAGES & RISKS OF A REGENERATION AGENCY	
ADVANTAGES	RISKS
<ul style="list-style-type: none"> • Acts as a catalyst for urban renewal. • Can allow a longer time horizon for financial returns (i.e. is not constrained by the need for immediate returns). • Ability to integrate development projects with Council objectives and programmes. • Delivers on complementary Council goals in complementary time frames. • Actively engages private sector participation. • Ability to deliver results and is project-oriented. • Ability to act quickly and be responsive to development opportunities and threats. • Creates certainty and builds confidence in the private market. • Leads investment in projects or areas where the market is unable or unwilling to operate. • Stimulates further private investment. • Takes the lead in demonstrating high quality urban design and sustainability. 	<ul style="list-style-type: none"> • Not likely to generate large revenues or profits. • Can face resistance from the market place if it is seen as a competitor. • Undertakes projects with a higher degree of risk than the private market is traditionally willing to engage (i.e. is operating in a space where the market currently is not active). • Is not purely market driven or independent as it is committed to achieving public objectives. • Is at an arm's length from the Council which can create political tensions around control. • Could create short-term speculation and price inflation in identified regeneration areas.

33. In the August 2007 seminar, a number of potential objectives and activities for an URA were discussed. It is proposed that a URA acting in Christchurch would seek to achieve the following objectives:
- Act as a champion for urban regeneration in Christchurch.
 - Initiate, develop and implement projects that lead to investment and redevelopment in Christchurch's intensification areas and activity centres as identified in the UDS.
 - Eliminate and overcome development activities that run counter to the Council's regeneration objectives and policies such as detrimental land speculation and pre-existing uses.
 - Foster public-private partnerships that maximize shared resources and generate a balanced mix of economic, social and environmental benefits.
 - Be a positive force in the development community that does not duplicate current, successful market activity, and exits projects when the Council's regeneration objectives have been achieved.

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34. The potential scope of work for a URA can be broad and varied. To be successful, a URA for Christchurch should be given a clearly defined scope of work that is not unrealistically ambitious and allows for necessary institutional growth and learning. It is suggested that a URA for Christchurch has an initial focus on redevelopment in the Central City which in time could be extended to other parts of the City. The following projects and activities are identified as the initial scope of work for the URA which would meet UDS and Central City objectives:
 - (i) Preparing and implementing comprehensive redevelopment plans in conjunction with Council for target areas which guide future investment - public and private - in these areas.
 - (ii) Acquiring, assembling, selling and leasing real estate to achieve redevelopment and to promote the Council policy objectives, specifically the Urban Development Strategy and the Central City Revitalisation Strategy.
 - (iii) Performing remediation of brownfield sites or other properties encumbered with environmental and redevelopment obstacles.
 - (iv) Facilitating the formation and implementation of public-private sector partnerships and joint ventures in the implementation of relevant projects.
 - (v) Developing flagship, prestige projects that are exemplars of the Council's revitalisation objectives and act as catalysts for private investment and development.
35. Once the URA has gained a degree of operational momentum and success in its achievement of Central City objectives, the scope of the URA could be broadened. In future years, consideration can be given to following activities which could be undertaken by the URA:
 - (i) Facilitating the creation of affordable housing.
 - (ii) Providing financing and loans to projects which advance the Council's regeneration objectives.
 - (iii) Marketing and disseminating information that will promote further investment and development in Christchurch.
 - (iv) Administering development initiatives in low socio-economic communities.
 - (v) Expanding URA activities to other areas of intensification beyond the Central City.
 - (vi) Aiding in the implementation of the UDS across greater Christchurch.
36. With reference to the organisational relationship of the Urban Regeneration Agency to the Council, four options have been considered and are examined in greater detail in the 'Assessment of Options' section of this report. These four potential structures are:
 - (i) New unit or group within the Council.
 - (ii) Limited Liability Company, either under Council or under Christchurch City Holdings Limited (as a Council Controlled Organisation (CCO)).
 - (iii) Limited Liability Partnership.
 - (iv) Trust (probably as a Council organisation, not a CCO).
37. A unit or group within the Council is deemed undesirable as it would be unable to act with the needed speed and flexibility to quickly deliver projects and meaningfully impact the market. Of the remaining three options, a trust which is not a CCO has been identified as the likely workable structure given tax implications. The advantages and disadvantages of each these four options is discussed in the Options section of this report.

13 Cont'd

ASSESSMENT OF OPTIONS

38. Option 1 - Maintain the status quo

	Benefits (current and future)	Costs (current and future)
Social	No change from current conditions.	Regeneration will rely on the speed and interest of the market, therefore redevelopment may occur more slowly in areas of lower socio-economic conditions.
Cultural	No change from current conditions.	Opportunities for Council to demonstrate the financial and social successes related to high quality design, sustainability, and density will be limited to current programmes.
Environmental	No change from current conditions.	<ol style="list-style-type: none"> 1. It will take longer to implement the UDS and therefore there will be continued pressure on the development of greenfields. 2. Brownfield sites, or sites with environmental contamination, are not likely to be improved by the private market as they are less profitable.
Economic	No change from current conditions.	<ol style="list-style-type: none"> 1. The Council will not take an active role in shaping and motivating the market place, but will continue to rely on a regulatory and advocacy based approach. 2. Redevelopment will take longer to be achieved and therefore the benefits of regeneration such as improved property values, the attraction of new businesses, and increase in visitors will be deferred.
<p>Extent to which community outcomes are achieved:</p> <p>No change to the achievement of community outcomes.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>No change to the Council's capacity, however maintaining the status quo would signal a moving away from certain commitments made in the Urban Development Strategy.</p> <p>Effects on Maori:</p> <p>No change to current conditions.</p> <p>Consistency with existing Council policies:</p> <p>Remaining with the status quo would be inconsistent with the Urban Development Strategy and the Central City Revitalisation Strategy which call for a more proactive role in regeneration specifically through the establishment of an Urban Regeneration Agency.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Maintaining the status quo would run counter to the desires of the majority who participated in the consultation for the UDS and Central City Revitalisation Strategy in that there is an expectation that Council will be more proactive in the achieving urban regeneration.</p> <p>Other relevant matters:</p>		

13 Cont'd

39. Option 2 – Establish an Urban Regeneration Agency directly within Council

	Benefits (current and future)	Costs (current and future)
Social	<ol style="list-style-type: none"> 1. The URA can direct investment into areas of deprivation. 2. The URA can allow for a longer time horizon to gain financial returns/payback and achieve social goals, i.e. it is not constrained by the need for immediate returns. 3. The URA has the ability to integrate development projects with Council objectives and programmes. 	Must compete with other Council priorities in the securing of resources and delivery of projects and therefore is unlikely to deliver quickly on Council's UDS, Central City, and other policy objectives.
Cultural	Acts as a catalyst for urban renewal and helps shift public perceptions on intensification and redevelopment.	An internal URA will not have the ability to act quickly and be responsive to development opportunities and threats.
Environmental	Council is able to demonstrate high quality urban design and sustainability through the projects it leads.	Although more proactive than maintaining the status quo, an URA that is internal to Council will be slow and compete for focus and thereby take longer to implement the UDS and achieve the environmental benefits of urban redevelopment.
Economic	<ol style="list-style-type: none"> 1. Successful projects completed by the URA will stimulate additional private investment in regeneration areas. 2. The URA can deliver projects which complement the time frames of other Council initiatives. 3. The URA can partner with private developers to both leverage additional resources as well as more efficiently use public investment. 	<ol style="list-style-type: none"> 1. The establishment of an URA within Council would jeopardise the Council's CCOs tax status by associating these activities with the URA's property development activities. 2. The URA would be subject to the uncertainties of annual budget processes. 3. Redevelopment will take longer to achieve and therefore benefits of regeneration such as improved property values, the attraction of new businesses, and increase in visitors will be deferred. 4. An internal URA that is more exposed to political pressures can create uncertainty and undermine confidence in the private market.

Extent to which community outcomes are achieved:

The objectives of the proposed URA aligns with the Council's fourth objective identified under the "Liveable City" strategic direction which states *"Maintain and enhance the quality of development, and renewal of the city's built environment."*

Impact on the Council's capacity and responsibilities:

As a new unit within Council, the URA would expand the range of regeneration activities that Council engages in, but would also compete for management and staff resources and time with the possibility of diluting the focus of the URA as well as other already established Council units.

Effects on Maori:

At this time, there are no anticipated effects on Maori.

Consistency with existing Council policies:

The establishment of an internal URA would partially align with the Urban Development Strategy and Central City Revitalisation Strategy. Where an internal URA would not align with the Council's policies is in the length of time an internal URA would likely take to deliver projects.

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

The consultation for the UDS and Central City Revitalisation Strategy has indicated an expectation that Council will be more proactive in the achieving urban regeneration and therefore the establishment of an URA would help meet these expectations. Further consultation would have to occur with the property development community to ensure that the activities of the URA are not unnecessarily conflicting with current market activities and consultation with the broader community would have to occur before any funds can be committed to an URA.

Other relevant matters:

13 Cont'd

40. **Option 3 – Establish an Urban Regeneration Agency at arm's-length from Council**

- (i) Option 3a – Establish an Urban Regeneration Agency as a Council Controlled Organisation
- (ii) Option 3b – Establish an Urban Regeneration Agency as a Limited Liability Partnership

	Benefits (current and future)	Costs (current and future)
Social	<ol style="list-style-type: none"> 1. The URA can direct investment into areas of deprivation. 2. The URA can allow for a longer time horizon to gain financial returns and achieve social goals, is not constrained by the need for immediate returns. 3. The URA has the ability to integrate development projects with Council objectives and programmes. 	
Cultural	<ol style="list-style-type: none"> 1. Acts as a catalyst for urban renewal and helps shift public perceptions on intensification and redevelopment. 2. An arm's-length URA will have the ability to act quickly and be responsive to development opportunities and threats 	Council would need to have sufficient confidence that an independent URA is acting in the long-term strategic interests of Christchurch.
Environmental	Council is able to demonstrate high quality urban design and sustainability through the projects it leads.	
Economic	<ol style="list-style-type: none"> 1. Successful projects completed by the URA will stimulate additional private investment in regeneration areas. 2. The URA can deliver projects which complement the time frames of other Council initiatives. 3. The URA can partner with private developers to both leverage additional resources as well as more efficiently use public investment 4. An URA can create certainty and build confidence in the private market. 5. Redevelopment will occur more quickly and therefore the benefits of regeneration such as improved property values, the attraction of new businesses, and increase in visitors will be achieved sooner rather than later. 	<ol style="list-style-type: none"> 1. The establishment of an URA as a CCO or limited liability partnership would jeopardise the Council's CCOs tax status by associating these activities with the URA's property development activities. 2. Although no approval for funding is sought at this time, an URA would need a reasonable funding base to be effective. While these funds would be recouped through the sale of redeveloped property and increased values of rateable properties, in the short-term these funds would be committed to an URA as opposed to being used for other Council initiatives.

Extent to which community outcomes are achieved:

The objectives of the proposed URA aligns with the Council's fourth objective identified under the "Liveable City" strategic direction which states *"Maintain and enhance the quality of development, and renewal of the city's built environment."*

Impact on the Council's capacity and responsibilities:

The establishment of an external URA would increase the Council's regeneration capacity by expanding the Council's sphere of influence (i.e. participating in the market rather than only attempting to regulate it) and by generating additional skills and resources that are currently unavailable within Council.

Effects on Maori:

At this time, there are no anticipated effects on Maori.

Consistency with existing Council policies:

The establishment of an external URA would align with the Urban Development Strategy and Central City Revitalisation Strategy.

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

The consultation for the UDS and Central City Revitalisation Strategy has indicated an expectation that Council will be more proactive in the achieving urban regeneration and therefore the establishment of an URA would help meet these expectations. Further consultation would have to occur with the property development community to ensure that the activities of the URA are not unnecessarily conflicting with current market activities and consultation with the broader community would have to occur before any funds can be committed to an URA.

Other relevant matters:

13 Cont'd

THE PREFERRED OPTION

(iii) Option 3c – Establish an Urban Regeneration Agency as a Trust

	Benefits (current and future)	Costs (current and future)
Social	<ol style="list-style-type: none"> 1. The URA can direct investment into areas of deprivation. 2. The URA can allow for a longer time horizon to gain financial returns and achieve social goals, is not constrained by the need for immediate returns. 3. The URA has the ability to integrate development projects with Council objectives and programmes. 	
Cultural	<ol style="list-style-type: none"> 1. Acts as a catalyst for urban renewal and helps shift public perceptions on intensification and redevelopment. 2. An arm's-length URA will have the ability to act quickly and be responsive to development opportunities and threats 	Council would need to have sufficient confidence that an URA with a degree of independence is acting in the long-term strategic interests of Christchurch.
Environmental	Council is able to demonstrate high quality urban design and sustainability through the projects it leads.	.
Economic	<ol style="list-style-type: none"> 1. Successful projects completed by the URA will stimulate additional private investment in regeneration areas. 2. The URA can deliver projects which complement the time frames of other Council initiatives. 3. The URA can partner with private developers to both leverage additional resources as well as more efficiently use public investment 4. An URA can create certainty and build confidence in the private market. 5. Redevelopment will occur more quickly and therefore the benefits of regeneration such as improved property values, the attraction of new businesses, and increase in visitors will be achieved sooner rather than later. 6. The establishment of an URA as a trust will not jeopardise the Council's CCOs tax status 	Although no approval for funding is sought at this time, an URA would need a reasonable funding base to be effective. While these funds would be recouped through the sale of redeveloped property and increased values of rateable properties, in the short-term these funds would be committed to an URA as opposed to being used for other Council initiatives.

Extent to which community outcomes are achieved:

The objectives of the proposed URA aligns with the Council's fourth objective identified under the "Liveable City" strategic direction which states *"Maintain and enhance the quality of development, and renewal of the city's built environment."*

Impact on the Council's capacity and responsibilities:

The establishment of an external URA would increase the Council's regeneration capacity by expanding the Council's sphere of influence (i.e. participating in the market rather than only attempting to regulate it) and by generating additional skills and resources that are currently unavailable within Council.

Effects on Maori:

At this time, there are no anticipated effects on Maori.

Consistency with existing Council policies:

The establishment of an external URA would align with the Urban Development Strategy and Central City Revitalisation Strategy.

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

The consultation for the UDS and Central City Revitalisation Strategy has indicated an expectation that Council will be more proactive in the achieving urban regeneration and therefore the establishment of a URA would help meet these expectations. Further consultation would have to occur with the property development community to ensure that the activities of the URA are not unnecessarily conflicting with current market activities and consultation with the broader community would have to occur before any funds can be committed to an URA.

Other relevant matters:

14. VARIATION 6 (CHRISTCHURCH GROUNDWATER PROTECTION ZONES) TO THE PROPOSED NATURAL RESOURCES REGIONAL PLAN

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	General Manager Strategy and Planning
Author:	Jenny Ridgen, Principal Adviser – Natural Resources

PURPOSE OF REPORT

1. The purpose of this report is to seek adoption by the Council of the attached submission on Variation 6 (Christchurch Groundwater Protection Zones) to the Proposed Natural Resources Regional Plan (PNRRP) - Chapter 4: Water Quality. Environment Canterbury's submission period for this Variation closes on 31 October 2007.

EXECUTIVE SUMMARY

2. This Variation aims to clarify and reinforce the water quality objective in relation to the Christchurch Groundwater System and to better align the Christchurch groundwater zone boundaries with areas of "intrinsic hydrogeological vulnerability" ie areas where groundwater is vulnerable to contamination from land-use activities.
3. The submission supports the intention of the Variation, in particular the key Objective (WQL4) which was reworded following discussions with ECan officers. The overall direction is consistent with a need to protect Christchurch groundwater resources and maintain its high quality into the future. The Council's concerns are matters of detail and reflect concerns that the provisions should be targeted appropriately to achieve the overall objective, and that in protecting the resource ECan does not excessively constrain the ability for well designed development to continue.
4. The key impacts for urban development in Christchurch are policies that, for all established activities, require that "all practical management measures" are implemented to minimise adverse effects on groundwater, and that for activities yet to establish, "best practice measures" are implemented. This will particularly impact on Council activities associated with the design, construction and maintenance of stormwater and sewerage systems for new urban development. A business as usual approach may not be sufficient to meet these policies.
5. Environment Canterbury notified Variation 6 to the PNRRP on Saturday 28 July 2007. This Variation affects PNRRP Chapter 4: Water Quality, and includes provisions to protect the high quality of Christchurch groundwater. The Council made submissions on Chapters 4-8 of the PNRRP in December 2004. Hearings began last year and are expected to continue until the end of 2008. The first set of hearings on Chapter 4 policies were held in August this year.
6. The Variation divides the Christchurch Groundwater area (Attachment 1) into three different zones depending on the vulnerability of the underlying groundwater to contamination from land-use activities ie:
 - Zone 1 (high vulnerability)
 - Zone 2 (transitional)
 - Zone 3 (low vulnerability)

Four Sub-Zones are recognised within Zone 1 (situated over the shallow soils and stony gravels of the unconfined aquifer):

- Sub-Zone 1A – areas currently zoned, or planned to be zoned, for urban purposes;
 - Sub-Zone 1B – areas zoned Rural Quarry in the City Plan;
 - Sub-Zone 1C – areas associated with Christchurch International Airport; and
 - Sub-Zone 1D – designated areas associated with regionally significant activities including the State Highway network, Paparua Prison, and Ministry of Defence land.
7. Variation 6 replaces part of a previous policy on which CCC had originally submitted, and includes a new Objective (WQL4) which reads:

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- (1) *The quality of Christchurch groundwater is maintained or enhanced in its overall high quality state in the long term*
 - (2) *Christchurch groundwater subject to existing localised contamination will be improved to achieve the maintenance and enhancement of its overall high quality state.*
8. The policies that follow from this Objective allow for existing urban development and existing activities, provided the potential for groundwater contamination is mitigated by the implementation of all practicable management measures, while retaining the viability of the activity.
9. Within Zone 1 and Sub-Zones 1A, 1B, 1C and 1D those activities that are provided for in the City Plan, but are yet to establish, are allowed for only if the activity is consistent with protecting groundwater and all best management practice measures are put in place, regardless of the implications for the financial viability of the proposed activity.
10. The plan allows for future urban development within Sub-Zone 1A (i.e. areas located over the unconfined aquifer and currently zoned, or planned to be, for urban purposes) as long as they are within the Urban Limits identified in the Canterbury Regional Policy Statement (Change 1).
11. Policies WQL17 and WQL19 control the intensity of activities in Zones 1 & 2 including existing and future urban development. These policies require sewerage and stormwater systems for new development to be designed, constructed and maintained in accordance with best management practices. In addition, Policy WQL19 requires that all hard surfaces and vehicle standing areas (in Zones 1A & 2) be designed, constructed and maintained so as to avoid hazardous substances and contaminants entering groundwater.
12. Other policies relate to various activities that have the potential to impact on groundwater quality including: hazardous facilities (WQL15); rural production (WQL16); mineral extraction (WQL18); Christchurch International Airport activities in Sub-Zone 1C (WQL20); and designated activities in Sub-Zone 1D (WQL21).
13. The amended rules place significant restrictions on a variety of activities that might adversely affect groundwater quality, including prohibition of new municipal solid or hazardous waste landfills within all of Zone 1 and Zone 2. In general, amendments to the rules are supported. Exceptions include rules that severely restrict the Council's ability to: provide new cemeteries in a large part of the City (all of Zones 1 and 2); and to excavate to, or below, highest groundwater levels, as required when developing stormwater detention and treatment basins, excavating infiltration galleries, building wet ponds or excavating artificial lakes. These activities would be non-complying.
14. In summary, the main points of the submission are:
 - Support the aim of protecting the quality of the Christchurch's groundwater resource.
 - Support the detailed mapping work that has gone into the preparation.
 - Seek an amendment to better target contaminants which persist in groundwater (Policy WQL13).
 - Seek an amendment to delete the requirement to avoid or mitigate adverse effects at the property boundary, as this is difficult to measure and not always practical, and instead focus on best practice (Policy WQL14).
 - Oppose the requirement for all hard surfaces and vehicle standing areas to be designed, constructed and maintained so as to avoid hazardous substances and contaminants entering groundwater (Policy WQL19(5)), as the effects are covered by other provisions in the NRRP.
 - Oppose Method WQL13(f) which allows for financial contributions. This method fails to provide certainty on how the level of contributions will be determined and therefore is ultra vires as it does not meet the requirements of Sec. 108(10) of the RMA.
 - Support Rules that provide greater protection for Christchurch groundwater quality.
 - Seek restricted discretionary status (currently non-complying) for rules impacting on Council's ability to provide cemeteries, stormwater management facilities, and artificial lakes (Rules WQL40 & WQL48).
 - Oppose Rule WQL64 which relates to new activities on new sites, as it does not target activities that impact on groundwater quality.

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FINANCIAL IMPLICATIONS

15. The Council supports the intention of the Variation which has significant cost implications for the Council. Maintaining high quality groundwater, which requires no treatment, has cost advantages. Also, while there is no guarantee that the submissions will be accepted, if successful the amendments sought would reduce the cost of preparing resource consent applications to manage stormwater and provide for cemeteries. On the other hand, policies requiring best management practice for the design, construction and maintenance of stormwater and sewerage systems in new urban developments, may mean that costs increase for some of these activities. These cost implications will need to be assessed as part of the LTCCP.

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

16. The cost of preparing and presenting submissions is covered by existing unit budgets.

LEGAL CONSIDERATIONS

17. The RMA 1991 (First Schedule, Part 1 (6)) allows Council to make submissions on a variation to a regional plan.

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

18. A legal review of the submission has been carried out. The key recommendations were to seek better recognition of the balance required by Section 5 of the RMA which allows for a three-pronged approach of: "avoiding, remedying, or mitigating any adverse effects of activities on the environment."

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. The submission seeks to make the Variation more practical and effective and is consistent with achieving the LTCCP objective "To conserve and protect the long-term availability and quality of the city's water." (p. 166).

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

20. By providing a planning framework to protect the quality of Christchurch groundwater, Variation 6 helps to achieve a number of measures associated with the Council's water supply including: achievement of the highest Ministry of Health water supply grade possible without treatment of the water; and 90% customer satisfaction with water quality and taste, as set out on page 167 of the LTCCP.

ALIGNMENT WITH STRATEGIES

21. This submission supports work being done in preparation of Council Strategies on Surface Water and Water Supply. In particular, maintaining the high quality of the Christchurch municipal water supply, so that treatment remains unnecessary, supports the goals of the Water Supply Strategy (in development).

Do the recommendations align with the Council's strategies?

22. As above.

CONSULTATION FULFILMENT

23. A presentation on Variation 6 was made to the Joint Council/Community Board seminar on Monday 17 September 2007.

STAFF RECOMMENDATION

It is recommended that the Council endorse the attached submission on Variation 6 to the PNRRP Chapter 4: Water Quality.

15. URBAN DESIGN PANEL

General Manager responsible:	General Manager Strategy & Planning DDI 941-8281
Officer responsible:	Liveable City Programme Manager
Author:	Hugh Nicholson, Principal Adviser, Urban Design,

PURPOSE OF REPORT

1. The purpose of this report is to gain the Council's approval to establish an urban design panel for a trial period of eighteen months to promote higher quality urban design outcomes for the central city, key suburban centres (Business 2 zone) and higher density residential areas (Living 3 zone).

EXECUTIVE SUMMARY

2. This report investigates the establishment of an urban design panel for a trial period of eighteen months in order to promote higher quality urban design outcomes in the central city and other key intensification areas proposed in the Greater Christchurch Urban Development Strategy as a result of continued concerns over the quality of new developments. A trial period is proposed to allow the Council to evaluate the benefits of a panel, to investigate how it might be integrated with possible urban design changes to the City Plan and to properly establish the costs of a permanent panel and how in the future these might be fairly recovered. The permanent establishment of the panel would be considered as part of the 2009 LTCCP. The costs of the urban design panel would not be charged to applicants during the 18 month trial period.

The report's recommendations arise out of a seminar on the Urban Design Protocol Action Plan on 22 August 2006 and are a part of implementing the Greater Christchurch Urban Development Strategy and the Central City Revitalisation Strategy Stage II.

3. The proposed panel would be composed of four established professionals and would include expertise in urban design, architecture, property and development. The members would be selected from a pool of panellists nominated by professional institutes and the Property Council and approved by the Council.
4. It is anticipated that the panel would meet on a two weekly basis. The panel would have an advisory role to the Council rather than statutory decision making powers. The panel's recommendations would be incorporated into officers planning reports and referred to the appropriate decision making body
5. The scope of proposal that the panel could consider is potentially large, and in the case of Auckland its mandate has grown and shrunk over a number of years. It is proposed that initially the scope of the panel be defined to consider developments which meet the following criteria.
 - (i) Proposals that require a resource consent from the Christchurch City Council under the City Plan and which are located within any site within the four Avenues (all zones) and or any land zoned L3 or Business 2 (suburban Malls) in the City Plan. The trigger points for review by the panel within these areas/zones are:
 - Multi Unit Residential Development of 5 units or more.
 - Multi Unit Commercial Development of 3 units or more
 - Any building with a gross floor area (GFA) of 1500m² or greater
 - Any building adjoining any item contained in the "List of Protected Buildings, Places, and Objects", in the City Plan.
 - Any building adjoining any Conservation, or Open Space Zone land in the City Plan.
 - (ii) Any Christchurch City Council Capital Project with a value of \$5 million or greater, or which is intended for public use, or to which the public have regular access.

It is also proposed that the offices and the panel review these criteria at six, twelve and eighteen months to review their effectiveness and make recommendations back to Council as appropriate.

15 Cont'd

FINANCIAL IMPLICATIONS

6. The budget implications of the recommendations are as follows:
- (a) Strategy and Planning have an approved operational budget of \$50,000 in 2007/08 and again in 2008/09 to establish an urban design panel.
 - (b) By implementing the Urban Design Panel from 1 January 2008, the anticipated cost for the balance of the 2007/08 financial year is \$115,500. This cost is made up by secretarial support, start up administration and training costs, and costs associated with planner support and advice to the Panel. After making an allowance for the \$50,000 approved budget, there is an unbudgeted shortfall of \$65,500.
 - (c) In 2008/09 the anticipated cost of the Panel is \$203,000. This cost is made up by secretarial support, minor administration costs and costs associated with planner support and advice to the Panel. After making an allowance for the \$50,000 approved budget, there is an unbudgeted shortfall in 2008/09 of \$153,000. Given that the proposal is to run for a trial period of eighteen months and will need to do so for any real evaluation to take place it is proposed that Council fund the project for eighteen months, noting a shortfall in budgeted funding of \$65,500 for 2007/08 and the need to fund an additional \$153,000 for 2008-09 to cover the anticipated costs.
 - (d) The ongoing budget implications of the panel would be addressed as part of the report back to Council at the end of the eighteen month trial period, and be addressed as part of the 2009 LTCCP. As part of this and including an assessment of the public vs. private benefit of the panel, and potential cost recovery from resource consent applicants will be addressed.

LEGAL CONSIDERATIONS

7. This report has been reviewed by the Legal Services Unit, who conclude that there are no restrictions in the Resource Management Act 1991 that would prevent the proposed Urban Design Panel from being established or carrying out the functions proposed in the attached project brief. It is proposed that the panel be established as a subcommittee of the Council, with an entirely external membership to be appointed by the Mayor and Chief Executive.

ALIGNMENT WITH STRATEGIES

8. The recommendations in this report are signaled in the Greater Christchurch Urban Development Strategy (UDS). The central city is one of the key intensification areas identified in the strategy which notes that *"Central Christchurch becomes more 'livable' with an increase in the range of housing available"*. The strategy envisages that a significant proportion of Christchurch's growth up to 2041 will need to be within existing urban intensification areas, particularly the central city.
9. Three of the key approaches under Urban Design (Section 6.9.3) of the UDS are:
- ☐ to incorporate urban design considerations into district plan changes to help to prevent poor quality developments;
 - ☐ to encourage private investment to provide higher levels of amenity and environmental quality in areas where higher density is proposed;
 - ☐ to invest in high quality public spaces associated with town or activity centres.

15 Cont'd

10. One of the six urban design actions identified in the Action Plan (Section 6.9.4) is:
- (6) **Prepare plan changes for the central city and other activity centres, rural centres, and residential and rural areas to ensure future developments meet minimum urban design outcomes,**
Plan variations or changes to incorporate urban design considerations in district plans covering the main areas of development would go some way to preventing poor quality developments. Some consideration also needs to be given to ensure that any plan or variation changes do not make it harder to develop in areas where the Strategy envisages development thereby encouraging development in other areas.

Do the recommendations align with the Council's strategies?

11. The recommendations in this report support a number of community outcomes including:
- a. An attractive and well designed city**
Christchurch is attractive and well maintained, and we design our city to meet current needs and future challenges.
- b. A safe city**
People feel safe at all times in Christchurch
- c. A prosperous city**
We value sustainable wealth creation, invest in ourselves and in our future
- d. A well governed city**
Our decision makers plan for a sustainable Christchurch

12. In terms of the Council's Strategic directions the recommendations of this report contribute to:

Liveable City

Maintain and enhance the quality of development and renewal of the city's built environment, by

- ☐ Championing high quality urban design
- ☐ Encouraging improved accessibility in public and commercial buildings
- ☐ Improving the way in which public and private spaces work together

Strong Communities

Reduce injury and crime and increase perceptions of safety, by

- ☐ Using and regulating urban design to maintain and improve public safety

Healthy Communities

Strengthen the Garden City image, by

- ☐ Providing street landscapes and urban open space that enhance the character of the city

13. The report is also aligned with the UDS (as discussed in paragraphs 8-10) and the Central City Revitalisation Strategy Stage II.

CONSULTATION FULFILMENT

14. The Institutes of Architects, Planners and Landscape Architects, and the Property Council would be consulted during the establishment of an Urban Design Panel. Feedback from the development community would be sought at the end of the eighteen month trial period as part of the report back to Council.

15 Cont'd

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Establishes an Urban Design Panel Subcommittee of the Council for a trial period of eighteen months (from the date the members of the panel are appointed) to provide urban design advice on significant resource consents and plan changes in the central city (within the four avenues), Business 2 and Living 3 zones, as outlined in the attached terms of reference dated September 2007.
- (b) Resolves that the panel is not deemed to be discharged on the coming into office of the members of the local authority elected or appointed at, or following, the next triennial general election of members.
- (c) Adopts the attached "*Urban Design Panel - Terms of Reference*" dated September 2007.
- (d) Delegates the Mayor and the Chief Executive to appoint to the Subcommittee up to twelve panel members from nominations received from the NZ Institute of Architects, NZ Institute of Landscape Architects, NZ Planning Institute, and the Property Council of New Zealand, and appoint one of the twelve as the convenor of the panel, and one as the alternate convenor.
- (e) That the developments and area covered by the panel (as set out in Part 4 of the Terms of Reference) be reviewed on a six monthly basis by staff and the panel, and any recommendations to amend these be referred to Council for consideration.
- (f) Approves additional funding of \$218,000 (\$65,000 in 2007/08 and \$153,000 in 2008/09) as a fixed term project to cover the costs of an eighteen month trial period for an Urban Design Panel.

15 Cont'd

BACKGROUND (THE ISSUES)

15. Christchurch City Council is a signatory of the New Zealand Urban Design Protocol launched in 2005 by the Ministry for the Environment. In becoming a signatory the Council has made a commitment to make Christchurch "more successful through quality urban design". One of the ways this can be achieved is through appropriate statutory policies, rules and design guidance.
16. Over the last ten years the Council has received significant feedback concerning the poor quality of design and the urban form resulting from developments in the central city (within the four avenues), and the Business 2 and Living 3 zones.
17. A review of processes and practices affecting central city developments by *Planit Planning and Resource Management Consultants* in June 2000 identified a range of possible improvements to the Council's procedures and development controls including:
 - Creating a positive culture of finding solutions and overcoming problems;
 - Having an experienced Council officer as a single point of contact and coordinator for developers;
 - Encouraging pre-application meetings to resolve problems before they arise;
 - Having an independent panel to assess design & appearance issues;
 - Providing greater Council assistance with earthquake strengthening and heritage retention
18. One of the methods of raising the quality of design and urban form is to introduce stronger urban design controls into the City Plan. Any proposed City Plan changes need to follow a statutory process under the Resource Management Act 1991 which includes the assessment of issues, options, and costs before a decision can be made, in accordance with Section 32.
19. There are limited design and appearance controls in the current City Plan. Even where these controls are in place development outcomes have not always been ideal. The current work programme for the City Plan includes an investigation of a central city design and appearance or urban design controls. The assessment of issues, options and costs of establishing urban design controls in the central city is currently being tendered by Strategy & Planning.

URBAN DESIGN PANEL

20. An urban design panel is a complementary tool that could be used to improve the quality of urban design outcomes in Christchurch. It is proposed that an urban design panel would be composed of four experienced professionals, including a chair, an urban designer, an architect and a representative of the Property Council, selected from a pool of twelve approved panelists, who would provide the Council with independent urban design advice. The panel would:
 - Provide pre-application advice and application assessments for significant resource consents in the central city (within the four avenues), Living 3 and Business 2 (suburban malls) zones;
 - Provide guidance regarding proposed urban design controls in the central city, Living 3 and Business 2 (suburban malls) for the City Plan;
 - Provide urban design advice regarding both Council and privately initiated plan changes;
 - Provide urban design advice regarding significant Council capital projects.
21. The urban design panel would have an advisory role to the Council rather than statutory decision making powers, and the importance of pre-application meetings would be stressed as a means of resolving problems before they arise. The panel's recommendations would be incorporated into the officers planning reports for an application and referred to the appropriate decision making body. While the Council officers would be required to pay heed to the panel's advice in their reports, the requirements of the City Plan and established Council policy would take precedence over the panel's recommendations where there were any differences.

15 Cont'd

22. The terms of reference for the proposed panel establish urban design criteria for the panel to use in making assessments. The criteria would be revised as part of any notified urban design plan changes, and would include:
- a. Quality of the architecture and its relationship to Christchurch
 - b. General design principles including scale and composition, architectural details, articulation of facades and the treatment of rooftops
 - c. The relationship of the building to the street, public spaces and adjacent buildings, and to the character of surrounding areas
 - d. The location of activities and their relationship with the street and public spaces particularly on the ground floor
 - e. The design of pedestrian and vehicle entrances, and access to and around buildings
 - f. The relationship with existing heritage buildings and significant open spaces in the vicinity
 - g. The amenity and quality of outdoor spaces associated with the development
 - h. The integration of artworks into the development
 - i. Circulation and servicing
 - j. Safety for users and passers-by
 - k. The level of amenity for residential accommodation including outlook, sunlight access, visual and acoustic privacy, ventilation, size and design
 - l. The design of buildings to maximise sustainability, for example in water heating, lighting, heating, natural ventilation, and stormwater reduction, treatment or re-use
23. An urban design panel would be a preliminary step towards improving the design quality of new developments. An associated urban design plan is being investigated currently and will extend the opportunities for a panel to effect change. The advantages of establishing the panel at the same time as considering a plan change would be to signal a commitment to immediate action, to allow the panel time to establish itself before taking on a more significant role, and to provide advice on the most appropriate form of the plan change.
24. One of the risks of establishing an urban design panel is that it could discourage development in the central city by introducing more regulatory controls. It is proposed to manage this potential risk in two ways. The first is by ensuring that any urban design controls also apply to the main areas of competition to the central city – the suburban malls – thus ensuring a level playing field in terms of regulatory control.
25. The second method is to provide positive incentives for using the urban design panel and supporting their recommendations. The benefits for developments which have the support of the urban design panel include:
- ☐ Better design and quality
 - ☐ Faster processing through the resource consent process
 - ☐ Non-notified where the application is non-compliant in terms of other bulk and location

URBAN DESIGN PANELS IN OTHER PLACES

26. The use of urban design or design review panels has become more common both nationally and internationally. In the United Kingdom CABA (Commission for Architecture and the Built Environment), which is the government's advisor on architecture, urban design and public space, has run its own design review panel since 1999, and has published guidelines on running design reviews and design review panels. A significant number of local and regional authorities in the UK have established their own design review panels.
27. In New Zealand urban design panels are being used by Auckland, Manukau and Hamilton City Councils and by Queenstown Lakes District Council. There is also a design and appearance advisory committee in Akaroa. All of these panels have been established to promote better design outcomes which complement the existing city fabric, rather than to hinder new development.

15 Cont'd

28. There are two broad models for the establishment of the panels. Both Manukau and Hamilton City Councils have engaged independent consultants with expertise in urban design, architecture and landscape architecture to form their panels. Auckland City Council and Queenstown Lakes District Council have called for expressions of interest from professional institutes and other parts of the community, and selected their panels from those nominees with appropriate expertise. In Christchurch it is recommended that expressions of interest be called for from professional institutes in order to promote a greater sense of involvement with local design professionals.

NUMBER OF APPLICATIONS

29. Based on a review of the applications for resource consents received in 2006, approximately 10-15% of applications might have been referred to an Urban Design Panel. There would be an element of discretion in assessing the significance of applications to be referred to the panel. It is anticipated that up to three applications might be reviewed at each panel meeting, indicating that a two weekly meeting by the panel may be appropriate.

THE OPTIONS

30. (i) Maintain status quo:

Effectively there are minimal urban design controls over new developments in the central city and Business 2 zones currently. If the Council is successful in promoting new development in these areas as recommended in the GCUDS and the Central City Revitalisation Strategy Stage II there is a significant risk that poor quality developments could undermine the policies and objectives of these strategies and lead to a poor quality of built environment, and undermine any public confidence that an intensification strategy could succeed.

- (ii) Introduce an Urban Design Panel without an associated urban design plan change:

While an urban design panel is likely to be supported by those developers who are aiming to create high quality developments, it is unlikely to be able to influence the poor quality developments where cost and time are the key drivers without an urban design plan change which would give regulatory support to the panel. It is these poor quality developments that are likely to undermine the Council's strategic policies and objectives, and lead to a poor quality of built environment.

THE PREFERRED OPTION

31. (iii) Introduce an Urban Design Panel and investigate associated urban design plan changes introducing urban design controls to the central city (within the four avenues), and Living 3 and Business 2 zones.

15 Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option

	Benefits (current and future)	Costs (current and future)
Social	Improved environment for crime prevention and social interaction resulting from urban design plan change	
Cultural	Improved opportunities for protection of heritage fabric of city and integration of arts and urban identity into new developments	
Environmental	Improved environmental outcomes in the central city and suburban malls	
Economic	Increased opportunities for high quality economic investment in central city. Enhanced attraction and retention opportunities for educated workforce.	Increased costs to Council of urban design panel, plan changes and incentives. Increased development costs in order to meet regulatory requirements.
<p>Extent to which community outcomes are achieved: Primarily aligned with Community Outcomes of <i>A Prosperous City</i> and <i>An Attractive and Well Designed City</i>. Also contributes to <i>A Safe City</i> and <i>A Healthy City</i></p> <p>Impact on Council's capacity and responsibilities:</p> <ul style="list-style-type: none"> Increased demands on staff resources as number of developments requiring resource consents in central city and B2 zone increases Increased costs of preparing and notifying an urban design plan change Increased costs and staff resources to run an urban design panel <p>Effects on Maori: N/A</p> <p>Consistency with existing Council policies: The proposal is consistent with the UDS, Central City Revitalisation Strategy Stage II, Central City Transport Concept, and Central City Lanes Plan. It is also consistent with Council policies to improve pedestrian facilities and the quality of the urban environment under the Christchurch Pedestrian Strategy and the Christchurch City Plan. The proposal also gives expression to the New Zealand Urban Design Protocol which the Council signed in 2005.</p> <p>Views and preferences of persons affected or likely to have an interest: Affected parties will be consulted as part of the proposal.</p> <p>Other relevant matters:</p>		

15 Cont'd

Maintain the Status Quo (if not preferred option)

	Benefits (current and future)	Costs (current and future)
Social		Risk of creating conditions which give rise to poor social outcomes including increased crime and poor quality housing
Cultural		Risk of significant damage to heritage fabric of city if level of central city development increases as part of central city revitalisation
Environmental		Risk of significant number of poor environmental outcomes if level of central city development increases as part of central city revitalisation
Economic	Lower regulatory and development costs maintained. Development not discouraged by increased regulation.	More difficult to attract highly educated workforce to live in Christchurch
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome of <i>A Prosperous City</i></p> <p>Impact on Council's capacity and responsibilities: No change to the Council's capacity or responsibilities</p> <p>Effects on Maori: N/A</p> <p>Consistency with existing Council policies: Maintaining the status quo is consistent with the City Plan</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Other relevant matters:</p>		

16. STRENGTHENING COMMUNITIES GRANTS FUNDING PROGRAMME OPERATIONAL PROCEDURES (2007)

General Manager responsible:	General Manager Community Services, DDI 941-8534
Officer responsible:	Community Development Manager
Author:	Lincoln Papali'i

PURPOSE OF REPORT

1. To recommend the adoption of the Strengthening Communities Grants Funding Programme Operational Procedures (2007). (Appendix A)
2. To recommend the revocation of the following policies:
 - (a) Community Funding Policy (1990-2003) (Appendix B),
 - (b) Discretionary Funding Policy (1990 and 2000) (Appendix C)
 - (c) Metropolitan Funding Committee: Funding of Council Projects (1990). (Appendix D).
3. To provide further detail on information provided at the September 4, 2007 Council Seminar.

EXECUTIVE SUMMARY

4. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The strategy incorporated the Community Group Grants Review which provided the framework, principles and funding outcomes for the new Strengthening Communities Grants Funding Programme.
5. The Strengthening Communities Grants Funding Programme comprises four new funding schemes, which supersede all previous community group grant schemes, sub-schemes and categories. The new schemes are:
 - (a) Strengthening Communities Fund
 - (b) Small Projects Fund
 - (c) Discretionary Response Fund
 - (d) Community Organisations Loan Scheme
6. The Council resolved at its 12 July 2007 meeting that staff review the Community Funding Policy (1990-2003), Discretionary Funding Policy (1990 and 2000) and the Metropolitan Funding Committee: Funding of Council Projects (1990) and report back on their revocation or modification.
7. Draft Operational Procedures (2007) are attached as Appendix A. These procedures will replace the Community Funding Policy (1990-2003), Discretionary Funding Policy (1990 and 2000) and the Metropolitan Funding Committee Resolution: Funding of Council Projects (1990). These procedures continue the current Community Board delegated powers and provide the machinery to ensure that grants can be made with funding rounds approaching in the new year.
8. A search of the Register of Delegations was undertaken to identify existing delegations that would require amendment to ensure legal alignment for the new Strengthening Communities Grants Funding Programme.
9. The current delegations show that the Council has delegated its full powers of decision-making for metropolitan grant funding to the Metropolitan Funding Subcommittee. In addition, the Council has also added community representatives to the Metropolitan Funding Subcommittee to determine and make final allocation decisions for the Metropolitan Community Development Scheme.
10. At the local level, the Council has delegated full discretion to the community boards only for the discretionary fund allocation of \$60,000 (city-based boards), subject to the boards being consistent with any policies or standards adopted by the Council. For all other grant funding determined at the local level, the Council has retained the financial delegated authority with boards required to provide their decisions as a "Part A" report to Council.

16 Cont'd

11. There is no recommendation to change any of the financial and decision-making delegations, apart from the delegations register being amended to accurately reflect the replacement of the superseded grants schemes by the new grant funding schemes.
12. In making the amendments to the Delegations Register, it is acknowledged that it is the practice of the Council that delegations made to community boards, committees and subcommittees will continue for the term of the Council in which they are made. Each new Council at the commencement of its term reconsiders the delegations to be made to community boards, committees and subcommittees.
13. It should be noted that there is an inconsistency between current delegations to all Community Boards and the Community Funding policy in so much as the Policy provides for delegated authority for local committees to make funding decisions. Current delegations (and practice) is that, apart from the \$60,000 discretionary fund, all other funding decisions require confirmation by the Council through a Part A report. It is recommended that delegations for Community Boards, in respect to the Community Grants programme, be addressed as part of a delegations review for Community Boards post election.
14. A draft amendment for page 3 and page 18 of the Delegations Register is attached as Appendix E.
15. Further information was requested for the new Strengthening Communities Grants Funding schemes to enable a comparative view of the new funding schemes. This information is provided in a matrix format as Appendix F.
16. Further information was also sought on the process for the Key Local Organisations (KLO), which is a component of the Metropolitan Strengthening Communities Fund. The process to determine if a "local" funding application should be processed as a KLO is as follows:
 - (a) Staff will assess the application as a possible KLO based on:
 - Strengthening Communities Strategy Principles and Goals
 - Funding outcomes and priorities as set out in Strengthening Communities Strategy
 - Alignment to local Community Board objectivesand
 - Projects deliver benefits to the city outside of the local Board area
 - Key community issues contemplated under Goal 2 of the Strengthening Communities Strategy
 - (b) Community Board decides whether the application is for a KLO and prioritise applications if more than one. Community Board may decide against putting application forward as a KLO.
 - (c) The Metropolitan Funding Subcommittee will make decisions based on affordability and priorities as above. Good communication between the Metropolitan Funding Subcommittee and Boards will be essential to ensure a good understanding of recommendations and decisions.
17. Following the decision of the Metropolitan Funding Subcommittee, any unsuccessful KLO applications are returned to the respective Community Boards for their consideration at the local level. There is no pre-determined amount of funding in the Metropolitan Strengthening Communities for the KLO applicants.

16 Cont'd

FINANCIAL IMPLICATIONS

18. The Council has approved the funding envelope of \$8.312m per annum for the Strengthening Communities Grants Funding Programme in the LTCCP. No amendments to this are being sought.
19. There are no recommendations in this report to change the financial delegation of the Metropolitan Funding Subcommittee or the Community Boards. The amendments sought are to delete all obsolete references to the superseded grants schemes contained in current policies and delegations.

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

20. This report and the proposed amendments to Council Policy and Delegated Authorities are consistent with the budgets provided in the LTCCP.

LEGAL CONSIDERATIONS

21. The amendments sought for Council Policy and Delegated Authorities are to provide accuracy and up-to-date documentation and is not inconsistent with the requirements of the Local Government Act 2002. Advice from Legal Services and Democracy Services has been sought for guidance on issues.

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

22. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. The amendments sought for Council Policy and Delegated Authorities are to provide accuracy and up-to-date documentation and is not inconsistent with the requirements of the Local Government Act 2002. Advice from Legal Services and Democracy Services has been sought.

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

24. 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.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

25. This report recommends the adoption of Council Policy and amendment of Delegated Authorities. This is in alignment with Council's Strategic Directions, most notably the following in the Strong Communities area:
26. *Help communities to meet their needs, by:*
 - *Targeting those who are most disadvantaged;*
 - *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;*
 - *Encouraging people to take part in community groups and voluntary activities;*
 - *Encouraging people to take responsibility for themselves and their families.*

16 Cont'd

CONSULTATION FULFILMENT

27. The consultation process for the grants review included engagement with an external reference group that comprising people from community and voluntary organisations and relevant government agencies.
28. The public consultation process for the grants review took place between 7 November 2006 and 31 January 2007.
29. A hearings panel also heard oral submissions on 26 February 2007, with 43 submitters making oral submissions.
30. The Hearings Panel met on 23 April 2007 to consider the feedback and it was decided that further dialogue would be undertaken with selected submitters. These meetings took place on 18 and 25 May 2007.
31. Two further seminars were held on 5 June 2007 and 4 September 2007.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the Strengthening Communities Grants Funding Programme Procedures (2007) (Appendix A).
- (b) Revoke the following policies:
 - Community Funding Policy (1990-2003) (Appendix B),
 - Discretionary Funding Policy (1990 and 2000) (Appendix C)
 - Metropolitan Funding Committee: Funding of Council Projects (1990). (Appendix D).
- (c) Agree to review the delegations for Community Boards, in respect to the Community Grants programme, following the 2007 elections.
- (d) Approve the amendments to the Delegations Register attached as Appendix E.
- (e) Approve the Strengthening Communities Grants Funding Criteria as set out in Appendix F.

16 Cont'd

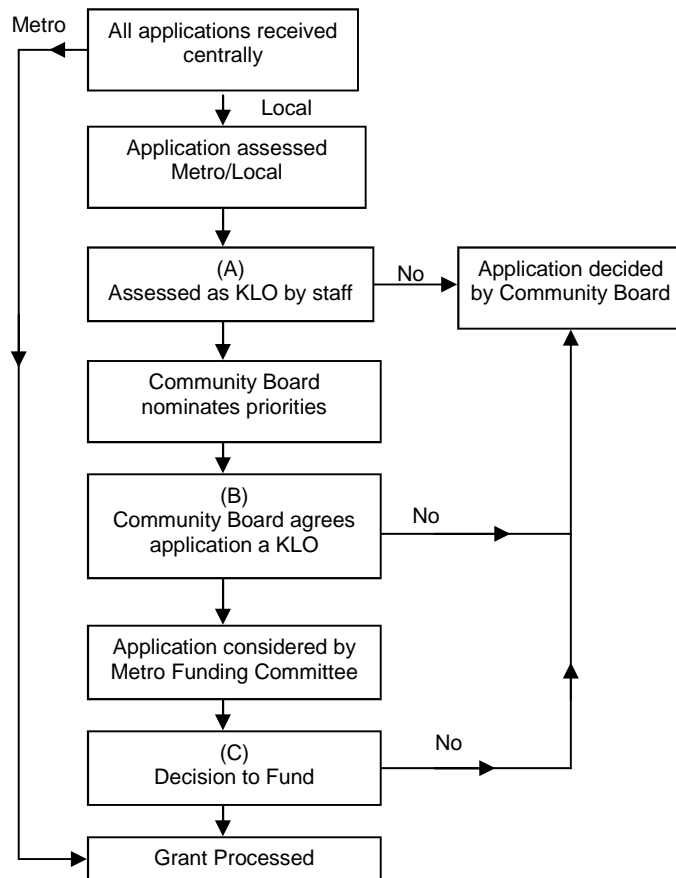
BACKGROUND (THE ISSUES)

32. Council adopted the Strengthening Communities Strategy on 12 July 2007.
33. The Strengthening Communities Strategy incorporated the Community Group Grants Review which provided the framework, principles and funding outcomes for the new Community Grants Funding Programme.
34. The Strengthening Communities Grants Funding Programme, as adopted, comprises four new funding schemes:
 - (a) Strengthening Communities Fund
 - (b) Small Projects Fund
 - (c) Discretionary Response Fund
 - (d) Community Organisations Loan Scheme
35. The new funding schemes enable Council to support and provide leverage opportunities for not-for-profit, community focused groups seeking funding in support of their community endeavours.
36. The new funding schemes, with the exception of the Community Organisations Loan Scheme, are available at the metropolitan level and the local ward area level.
37. The new grant funding schemes supersede all previous community group grants schemes, sub-schemes and categories.
38. The superseded grants schemes had been in place for a number of years and had grown and evolved since that time. As the number of schemes, sub-schemes and categories have developed over the years, so too has the level of confusion around the various schemes, both within Council and in the community.
39. Council resolved at its 12 July, 2007 meeting that staff review the Community Funding Policy (1990-2003), Discretionary Funding Policy (1990 and 2000) and the Metropolitan Funding Committee: Funding of Council Projects (1990) and report back on their revocation or modification.
40. The Community Funding Policy (1990-2003) is substantially obsolete as it refers to the previous schemes that have been superseded.
41. The Discretionary Funding Policy (1990 and 2000) is substantially obsolete as it also refers to previous schemes that have been superseded.
42. The Metropolitan Funding Subcommittee: Funding of Council Projects (1990) is still applicable and will be retained in any new metropolitan policy.
43. Relevant and appropriate policy is now required for the new Strengthening Communities Grants Funding Programme due to the existing policy being obsolete.
44. A draft Strengthening Communities Grants Funding Programme Procedures(2007) is attached as Appendix A. This policy will replace the Community Funding Policy (1990-2003), Discretionary Funding Policy (1990 and 2000) and the Metropolitan Funding Subcommittee Resolution: Funding of Council Projects (1990).

16 Cont'd

45. A search of the Register of Delegations was undertaken to identify existing delegations that would require amendment to ensure legal alignment for the new Strengthening Communities Grants Funding Programme, particularly with respect to the decision-making committees suggested for the grants schemes.
46. The current delegations show that Council has delegated its full powers of decision-making for metropolitan grant funding to the Metropolitan Funding Subcommittee. The Metropolitan Funding Subcommittee has full decision-making powers for the: Annual Grants to community organisations: Social Initiatives and Development Fund, (incorporating the Metropolitan Discretionary Community Discretionary Fund, the Metropolitan/City-Wide Projects Fund and the Metropolitan Strengthening Communities Action Plan (SCAP) Fund) Community Loans Scheme.
47. In addition, in the current delegations, Council has also added community representatives to the Metropolitan Funding Subcommittee to determine and make final allocation decisions for the Metropolitan Community Development Scheme.
48. At the local grants level, Council has delegated full discretion to the community boards only for the Discretionary Fund allocation of \$60,000 (city-based Boards), subject to the boards being consistent with any policies or standards adopted by the Council. For all other grant funding determined at the local level, Council has retained the financial delegated authority with boards required to provide their decisions as a Part A report to Council.
49. There is no recommendation to change any of the financial and decision-making delegations for either the Metropolitan Funding Committee or the Community Boards. However, it is recommended that that the delegations register be amended to accurately reflect the replacement of the superseded grants schemes by the new grant funding schemes.
50. In making the amendments to the Delegations Register, it is acknowledged that it is the practice of Christchurch City Council that delegations made to community boards, committees and subcommittees will continue for the term of the Council in which they are made. Each new Council at the commencement of its term reconsiders the delegations to be made to community boards, committees and subcommittees
51. A draft amendment for page 3 and page 18 of the Delegations Register is attached as Appendix E.
52. At a Council seminar on 4 September 2007, further information was requested for the new Strengthening Communities Grants Funding schemes to enable a comparative view of the new funding schemes. This information is provided in a matrix format as Appendix F.
53. Further information was also sought on the process for the Key Local Organisations (KLO), which is a component of the Metropolitan Strengthening Communities Fund.
54. Following the decision of the Metropolitan Funding Subcommittee, any unsuccessful KLO applications are returned to the respective Community Boards for their consideration at the local level. There is no pre-determined amount of funding in the Metropolitan Strengthening Communities for the KLO applicants.

16 Cont'd



THE OBJECTIVES

55. To provide clear direction for the Strengthening Communities Grant Funding Programme, incorporating the four new grant funding schemes.
56. To have new procedures adopted that are relevant and appropriate for the new Strengthening Communities Grant Funding Programme.

17. CENTRAL PLAINS WATER TRUST: 2007 STATEMENT OF INTENT

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	General Manager Regulation and Democracy Services
Author:	Peter Mitchell

PURPOSE OF REPORT

1. The purpose of this report is to present for the Council's consideration the attached 2007 Statement of Intent of the Central Plains Water Trust (Attachment A), and the report on the Financial Statement of the Trust for the 6 month period ending 31 December 2006 (Attachment B).

EXECUTIVE SUMMARY

2. These attachments were previously before the Council at its meeting on 3 May 2007.
3. At that meeting the Council resolved
"That the Central Plains Water Trust report be deferred, to enable questions to be asked of the Trusts representatives at a joint Christchurch City Council /Selwyn District Council meeting, before responding to the draft Statement of Intent"
4. The joint meeting referred to in that Council resolution was held on Monday 24 September 2007.
5. Accordingly it is now appropriate for this report to be re submitted to the Council for consideration and for the Council to respond to the draft Statement of Intent as contemplated in its 3 May 2007 resolution

FINANCIAL IMPLICATIONS

4. There are no direct financial implications in relation to the Central Plains Water Trust arising out of consideration of the 2007 Statement of Intent, or the report on the Financial Statement of the Trust for the 6 month period ending 31 December 2006.

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

5. See above

LEGAL CONSIDERATIONS

6. The Status of the Statement of Intent has been considered by the Legal Services unit.

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

7. Yes

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Yes

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. No specific strategies involved.

17 Cont'd

Do the recommendations align with the Council's strategies?

11. Yes

CONSULTATION FULFILMENT

12. Yes

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receive the Statement of Intent for the year 30 June 2008.
- (b) Receive the Financial Statement for the 6 month period ending 31 December 2006.
- (c) Consider whether or not it wants to make any comments to the Trust on the attached draft 2007 Statement of Intent.

BACKGROUND

- 13. As noted above this matter had been deferred by the Council pending the joint meeting with Selwyn District Council which took place on Monday 24 September 2007.
- 14. With regard to the attached 2007 Statement of Intent the Council's role, under the Local Government Act, is to make any comments as settlor to the Trustees on the draft Statement of Intent.
- 15. The Trustees are required to consider those comments before completing the final version of the Statement of Intent and delivering it to the Council.
- 16. It Should be noted that there are no changes from the 2006 Statement of Intent in the attached draft Statement of Intent.
- 17. If the Council does not have any comments to make then it could resolve that:

"The Central Plains Water Trust be advised that the Council has no comments to make on its 2007 Statement of Intent"

**18. REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD:
MEETING OF 22 AUGUST 2007**

Attached.

19. REPORT BY THE CHAIRMAN OF THE AKAROA/WAIREWA COMMUNITY BOARD

Attached.

**20. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD:
MEETING OF 5 SEPTEMBER 2007**

Attached.

**21. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD:
MEETING OF 14 AUGUST 2007**

Attached.

**22. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD:
MEETING OF 11 SEPTEMBER 2007**

Attached.

23. REPORT OF THE CHAIRPERSON OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD

Attached.

**24. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:
MEETING OF 22 AUGUST 2007**

Attached.

**25. REPORT OF THE LYTTTELTON/MT HERBERT COMMUNITY BOARD:
MEETING OF 15 AUGUST 2007**

Attached.

**26. REPORT OF THE RICcartON/WIGRAM COMMUNITY BOARD:
MEETING OF 29 AUGUST 2007**

Attached.

**27. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD:
MEETING OF 5 SEPTEMBER 2007**

Attached.

**28. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD:
MEETING OF 4 SEPTEMBER 2007**

Attached.

29. REPORT BY THE CHAIRPERSON OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD

Attached.

30. NOTICES OF MOTION

31. QUESTIONS

32. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.