



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 20 SEPTEMBER 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 6.9.2007
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	REVIEW OF CITY COUNCIL POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS
6.	PORTFOLIO GROUP ACHIEVEMENT SUMMARIES OCTOBER 2004-AUGUST 2007
7.	AIDANFIELD HERITAGE FARM BUILDINGS
8.	COLOMBO STREET (BETWEEN HEREFORD STREET AND CITY MALL) PARKING CHANGES
9.	INTERNATIONAL CHARTER FOR WALKING - PROPOSAL TO BECOME SIGNATORY
10.	DEFERRED APPLICATION BY CHRISTCHURCH WORKING MENS CLUB FOR TERRITORIAL AUTHORITY CONSENT UNDER THE GAMBLING ACT 2003
11.	MAORI FREEHOLD LAND RATE ARREARS
12.	REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 15 AUGUST 2007
13.	REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 14 AUGUST 2007
14.	REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 27 AUGUST 2007
15.	REPORT BY THE CHAIRPERSON OF THE RICcarton/WIGRAM COMMUNITY BOARD REGARDING PROPOSED STOPPING OF PART OF FOSTER STREET

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ITEM NO	DESCRIPTION
16.	REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 15 AUGUST 2007
17.	REPORT BY THE CHAIRPERSON OF THE SHIRLEY/PAPANUI COMMUNITY BOARD REGARDING APPLICATION FOR PRIVATE PLAN CHANGE
18.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 21 AUGUST 2007
19.	REPORT BY THE CHAIRPERSON OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD REGARDING APPLICATION FOR PRIVATE PLAN CHANGE
20.	NOTICES OF MOTION
21.	QUESTIONS
22.	RESOLUTION TO EXCLUDE THE PUBLIC

1. APOLOGIES

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 6.9.2007

Attached.

3. DEPUTATIONS BY APPOINTMENT

(a) AIDANFIELD HERITAGE FARM BUILDINGS

Representatives of the Riccarton/Wigram Community Board will make submissions regarding the Aidanfield Heritage farm buildings, which are the subject of a separate report in clause 7 of the agenda.

(b) ZONING PATTERNS IN WAINUI

Mr John Rutherford will make submissions immediately following the exclusion of the public, regarding the report on zoning patterns in Wainui contained in clause 24 of the agenda.

4. PRESENTATION OF PETITIONS

5. REVIEW OF CITY COUNCIL POLICY ON APPOINTMENT AND REMUNERATION OF DIRECTORS

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 to the Council, **for approval**, a revised City Council Policy on Appointment and Remuneration of Directors to Council Organisations.

EXECUTIVE SUMMARY

2. The current Council policy on Appointment and Remuneration of Directors was adopted by the Council in May 2003 with the intention that it be reviewed after a period. Christchurch City Holdings Limited (CCHL) has recommended that the Council now review this 2003 policy before the election in October 2007 so that the practice approved by Council in 2004 in relation to the appointment of Directors of Christchurch City Holdings Limited, can be formally included in this policy for application after the elections in 2007.
3. CCHL is recommending a number of changes in the revised policy (**Attachment A**) and these are referred to in the report below, and are also underlined in the attached draft policy.

FINANCIAL IMPLICATIONS

4. There are no increased financial implications from the adoption of the recommendations.

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

5. Yes.

LEGAL CONSIDERATIONS

6. This policy meets the requirement of the Local Government Act 2002 that requires the Council to adopt a Director's Appointment and Remuneration Policy.

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. Not applicable.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. Not applicable.

5 Cont'd

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Adopt the attached draft Christchurch City Council policy on the Appointment and Remuneration of Directors to commence on 1 November 2007.
- (b) Note that the Canterbury Regional Landfill Joint Committee intends to review its Directors Appointment Policy in early 2008.
- (c) Request the Canterbury Regional Landfill Joint Committee to base its new Appointments Policy upon the principles and provisions of the revised policy attached to this report.

5 Cont'd

BACKGROUND

STATUTORY PROVISIONS

13. The Local Government Act 2002 requires the Council to adopt a policy regarding the appointment of directors to Council organisations.
14. The Act defines Council organisations as being any organisation where the Council has the right to have a vote in the organisation's affairs, or has the right to appoint one or more Directors, Trustees or Managers of that organisation however they may be called.
15. This definition of Council organisations includes many community groups where the Council appoints a Councillor, Community Board member or officer as a member of the governance body of that organisation.
16. The phrase 'Council Organisation' also includes Council controlled organisations where the Council has the majority voting rights, or has the ability to appoint the majority of the Directors, Trustees or Managers.
17. 'Council controlled organisations' also include the 'Council controlled trading organisations' which carry out trading activities for a profit.
18. All of these various types of 'Council organisations' are listed in Appendix A to the draft policy attached to this report. The policy states any new 'Council organisations' would also be subject to the terms of the attached draft policy.
19. Section 57 of the Local Government Act sets out the requirement for the Council to adopt the policy and it provides:

Appointment of Directors

- (1) *A local authority must adopt a policy that sets out an objective and transparent process for:*
 - (a) *the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation.*
 - (b) *the appointment of directors to a council organisation.*
 - (c) *the remuneration of directors of a council organisation.*
 - (2) *A local authority may appoint a person to be a director of a council organisation only if the person has, in the opinion of the local authority the skills, knowledge, or experience to:*
 - (a) *guide the organisation, given the nature and scope of its activities.*
 - (b) *contribute to the achievement of the objectives of the organisation.*
20. It will be noted that the Council is required to adopt the policy. There is no requirement in the Local Government Act for the Council to adopt this policy through the special consultative procedure or any other legal procedure. So the policy can be adopted by a majority resolution of the Council.

2003 POLICY

21. At its meeting in May 2003 the Council adopted the Council Directors Appointment and Remuneration Policy as required by the Local Government Act 2002. That 2003 policy is the current policy.

5 Cont'd

22. At the time of adoption of that 2003 policy the report to the Council noted:
- The principle that all Directors are appointed to Council controlled trading organisations through a recommendation by Christchurch City Holdings Limited (CCHL).
 - That Council Directors (of any) of the Council controlled trading organisations are appointed on the basis of that organisation's normal AGM and its retirement by rotation cycles. Those appointments are not linked to the triennial Council elections.
 - A principle that normally one director on a Council controlled trading organisations should have a particular strength in terms of his/her understanding of the wider public interests of its shareholder.
 - No distinction to be made in respect of CCHL directors fees between external and Council directors, and this also applies to Council controlled trading organisations.
 - That CCHL pays at least part of any corporate governance training required for CCHL directors.
 - That all Council directors of CCHL (including incumbent, if standing again) are to go through the training and re-appointment process after each Council election.
23. These points listed above in paragraph 22 have been carried forward in to the attached draft policy.

DRAFT APPOINTMENT POLICY 2007

24. Attached is the revised draft Directors Appointments Policy. CCHL has seen the content of the draft policy and agrees with it.
25. The key changes in the attached 2007 draft Policy from the 2003 policy are:
- Amendments to reflect recent changes to the CCHL constitution approved by the Council on 5 October 2006.
 - The amendment needing to be reflected in this policy was the removal of the requirement that non councillor directors retire after each triennial election, and replaced with a provision that such non Councillors have a normal rotation cycle.
 - Reference to the appointments of the CCHL Chairperson and that Chairperson's succession planning policy.
 - Provision of more detail for the appointment of CCHL directors through the use of a Council Appointments Committee, which was also the process used for the first time after the 2004 elections. It should be noted that this committee has provision for external appointments to assist in the selection process.
 - Reflecting the new process for the rotation of the non Councillor Directors as provided for in the changes in the CCHL constitution.
 - A new section on the removal of CCHL directors.
 - Separate provision for the appointment of independent directors for the Lyttelton Port Company as a listed company on the New Zealand Stock Exchange.
 - General tidy up, clarification and general editing.
26. The new provisions in the 2007 policy reflecting those changes above are underlined.
27. While CCHL is the shareholder of most of the Council controlled trading organisations the Council itself still continues as a shareholder of Tuam Ltd, Tuam 2 Ltd, Christchurch City Facilities Limited, Vbase No 2 Ltd (formally Jade Stadium Limited) and Vbase Limited. The attached draft 2007 policy makes it clear that the appointments process set out in that policy applies equally to those companies which are owned by the Council. The policy also provides that CCHL will make the recommendations to the Council for the appointment of new Directors to those directly owned Council companies, in the same way that CCHL makes recommendations for Director appointments in respect of companies which are owned by CCHL itself.

5 Cont'd

TRANSWASTE CANTERBURY LTD

28. The 2003 policy does not apply directly to Transwaste Canterbury Ltd (which is a Council controlled organisation). This is because the appointment process of Council Directors to Transwaste Canterbury Ltd is carried out through the Canterbury Regional Landfill Joint Committee acting under delegated authority from this Council and the other Councils that are members of that joint committee. Membership of the joint committee is made up from representatives of the Ashburton District Council, Hurunui District Council, Selwyn District Council, Waimakariri District Council and this Council..
29. The five Councils comprising the Landfill Joint Committee have the right to appoint four directors to the Transwaste Board. The five Councils are bound by section 57 of the Local Government Act regarding these appointments. The Joint Committee's policy is based upon this Council's 2003 policy.
30. The joint committee has responsibility to appoint four directors to the Transwaste Board and had adopted its own appointment practice of approving two Council directors (one from Christchurch City and one from one of the other Councils) and two external directors as the Committee's representatives on the Transwaste Board.
31. I understand that the Joint Committee intends to review its own Directors Appointments Policy early next year in time for that policy to apply to appointments the Joint Committee will need to make next year.
32. It is considered appropriate that the Joint Committee's Appointment Policy is aligned with the principles of this Council's Policy and accordingly this report contains a recommendation requesting the Committee to base its new policy upon the principles and provision of this Council's policy.
33. At present the Joint Committee's Appointment Policy provides that only the City Council representatives on the Joint Committee can vote on this Council's appointment of directors to Transwaste Canterbury Ltd. As can be seen from the attached policy this is an exception to the Council's general practice with all other Council Controlled Organisations, and the Council may wish to review this exception as part of the review of the attached policy and advise the Joint Committee accordingly.

6. PORTFOLIO GROUP ACHIEVEMENT SUMMARIES OCTOBER 2004-AUGUST 2007

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	
Author:	Vanessa Carey, DDI 941-8607

PURPOSE

1. The purpose of this report is to give the Council, as requested by the Mayor, a brief summary of the topics covered and the achievements/highlights of the work undertaken on the Council's high-level strategies by the three separate portfolio groups during the three years that they have been meeting (separately circulated).
2. Although there is a separate report for each Portfolio Group, it should be noted that there are strong cross-links between many of the strategies.

STAFF RECOMMENDATION

It is recommended that the Council receive the information contained in the three reports.

7. AIDANFIELD HERITAGE FARM BUILDINGS

General Manager responsible:	General Manager, Strategy and Planning Group, DDI 941-8177
Officer responsible:	Programme Manager, Liveable City
Author:	Neil Carrie, Principal Advisor Heritage and Urban Design

PURPOSE OF REPORT

1. The purpose of this report is for the Council to consider the possible retention of the Group 2 listed heritage farm buildings at 20 Nash Road in the Aidanfield Stage 7 subdivision. The proposal considered is the possible purchase of the heritage buildings with the associated land. The report considers firstly matters relating to the buildings, then the land and finally overall city-wide considerations.
2. The recommendation is that the land including the farm buildings is not acquired by the Council as part of the Aidanfield subdivision.

EXECUTIVE SUMMARY

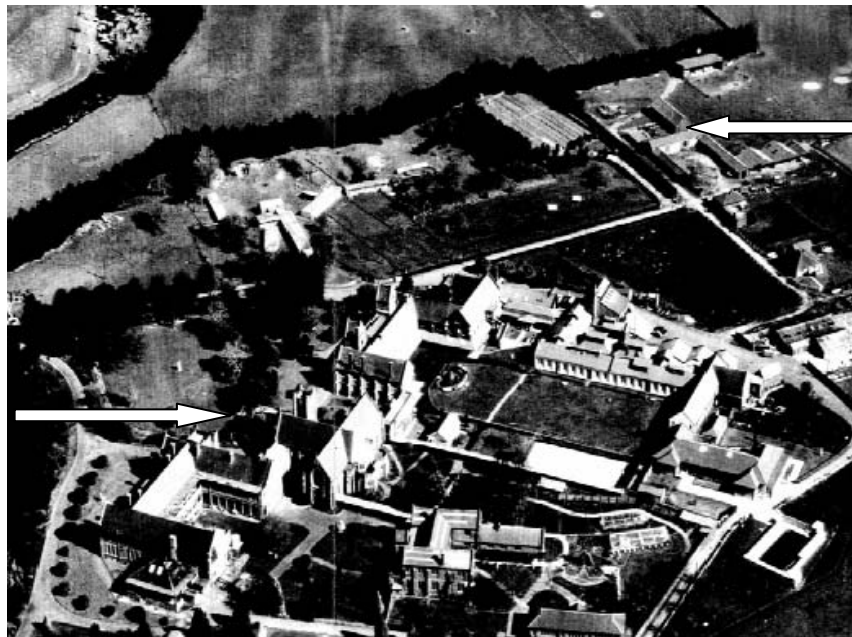
The Farm Buildings

Background to the site and buildings.

(Refer to the early aerial and plan of the farm complex included below)

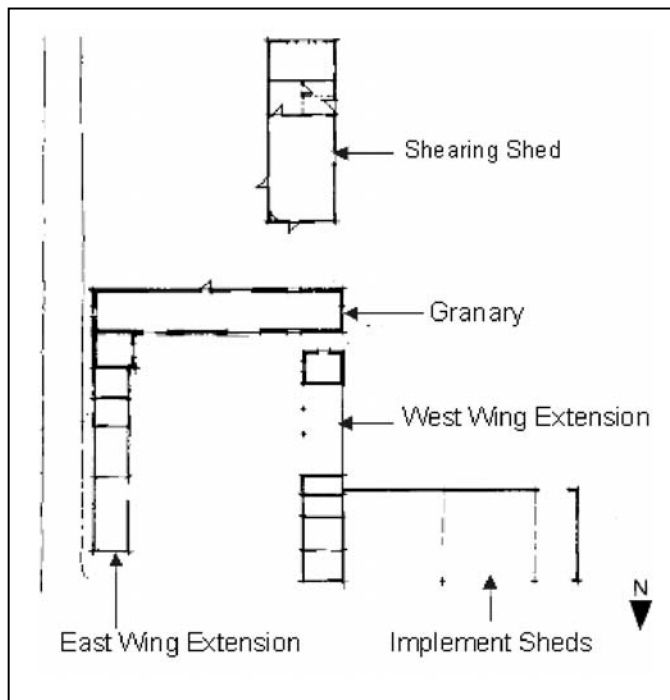
3. The proposed Stage 7 of the Aidanfield subdivision is located in an area of land which in 1888 was the site where the Sisters of the Good Shepherd ran the Mount Magdala institution for 80 years. The institution provided social services and care for women. The complex included the chapel, convent (subsequently the hospital), a laundry, the cemetery and as a self supporting institution, full farm facilities. The latter had, as a focus of activities, a number of farm buildings which adjoin the cemetery. Although the farm was in operation from 1888, the date of the various buildings has not been established except for the brick granary building which is dated 1900. The heritage and historic information relating to the farm buildings is included as Attachment 1.
4. The brick granary building is approximately 30 metres x 6 metres with two short brick extensions. These extensions to the granary building have been further extended by timber and corrugated iron structures approximately 20 and 25 metres respectively in length which create a 'U' shaped group of farm buildings which, being focussed around a central farm courtyard, are more typical of European farm 'steading' rather than of New Zealand farming practice. The farm buildings also include two large and one small open implement sheds. The sheds are approximately 25 x 11 metres in width, with substantial timber roof trusses and corrugated steel roofing.
5. There is a further building behind the granary which is approximately 20 metres x 8.5 metres, of timber and corrugated iron construction, which is known as the shearing shed. The interior of this building has been largely match lined with timber.
6. Early photographs of the farm buildings, probably pre-WW1, show that the implement sheds were a later addition to the 'U' shaped set of buildings. The granary building had a first floor loft which has been removed, and a number of other subsequent changes. The generally very dilapidated condition of these buildings - apart from the granary, is identified in the condition report which is included as Attachment 2.

7 Cont'd



St John of God Chapel

Farm Buildings



Aidanfield Heritage Farm Buildings

City Plan Heritage

7. The farm buildings are included in the City Plan, Part 10, Appendix 1 heritage listings as the St John of God Hospital Chapel including farm buildings. The heritage listing of all of the buildings in the complex is Group 2. The heritage listings are in four groups of heritage significance where Group 1 is of the highest significance. Group 2 heritage items are of national or regional importance. The farm buildings are not included in the Register of the Historic Places Trust. The only other heritage farm buildings listed in the City Plan are the remaining Deans' farm buildings on the site of the present Christchurch Boys' High School (Group 2), a hay barn at 190 Russley Road (Group 3), a small brick fruit shed at 768 Marshland Road (Group 3), and a small dairy building at 24 Turners Road (Group 4) which has resource consent for demolition.

7 Cont'd

8. The St John of God (Mount Magdala) farm buildings in their current form have high regional and moderate national heritage significance and therefore should be considered with the Deans' farm buildings to be the most significant heritage farm buildings remaining in Christchurch.

Heritage and Building Condition Assessments

9. In 2000 Aidanfield Holdings requested a heritage assessment of the farm buildings from the Council. A report was provided for this purpose which covered heritage, condition and potential uses. Subsequently, once the potential retention of all or some of the farm buildings in relation to the proposed subdivision and reserves contribution had been raised, further reports were commissioned which included the following reviews:

Heritage Assessment: Heritage Management Services - Attachment 1

This heritage assessment details the history of the religious and social activities of the Sisters of the Good Shepherd from 1888 at the Mount Magdala site (subsequently transferred to the St John of God), and the important role the farming activities played in the life of the institution. The farm buildings were used for a wide range of agricultural activities and are, with the chapel and cemetery, the only remaining buildings from this period. They have high regional and some national heritage significance.

Condition Report: Stewart Ross Team Architecture - Attachment 2

The condition report details the features, materials and condition for each building in the complex. Generally, with the exception of the brick granary, these buildings are in a very dilapidated condition and in the case of the implement sheds are deemed to be unrecoverable.

Structural Report Endel Lust Civil Engineer Ltd - Attachment 3

The report details the structural deficiencies in each building. The need for seismic strengthening of the brick granary is identified, though this would not be a requirement for some uses such as storage. The shearing shed has a problem with differential settlement, and the cost report includes an estimate for new foundations and floor. The lack of an effective connection between the walls and the roof has caused the external walls to spread apart at the top. Both of the northern extensions to the brick granary are in need of effective bracing and repair. The implement sheds are marginal in relation to structural integrity and may be dangerous.

Uses for the Buildings

10. There are no currently identified uses for the farm buildings, and the form of the buildings makes the options for future long-term use limited. The granary and shearing shed could be used as potential storage facilities. However, of the whole original St John of God (Mount Magdala) complex, only the chapel, the cemetery and the farm buildings remain as evidence of this significant religious, social and farming institution associated with the original site. Under these circumstances the best approach which might be considered at this time for any possible retention of these buildings would be to stabilise and maintain them externally to an acceptable standard. The costs of this approach are included as Attachment 4.
11. The poor condition of the two timber and corrugated iron extension buildings to the north of the brick granary building, the costs of repair and external refurbishment, the lower potential for use and the fact that their retention would involve additional cost for a larger land parcel suggests that it is unlikely that retention of the extensions can be contemplated on practical grounds. The loss of these building extensions would however, destroy significant heritage aspects of the present group of farm buildings through the loss of the distinctive 'U' form of these buildings. The implement sheds are not as original or as flexible in potential function as the other buildings and are a potential safety hazard and are not considered suitable for retention.
12. The granary and shearing shed buildings have the most potential for retention.

7 Cont'd

Costs of Retention

Cost Report: Rawlinsons Ltd - Attachment 4

13. The cost estimates included with this report are only for the maintenance, security and exterior refurbishment of each of the buildings in the farm complex, excluding the large implement sheds which are in a potentially dangerous condition and not considered further for retention. No uses have been identified for these buildings. Under these circumstances only the stabilising and external protection of the buildings has been addressed. The cost estimate provides for the replacement of all corrugated iron wall and roof cladding. With this type of estimating, the costs will be ball park only, but are properly on the side of caution, for example re-cladding costs provides for some structural repair and for exterior painting. A 10% contingency has been allowed for reflecting the lack of an accurate assessment being undertaken of the actual state of the heritage buildings.

Retention Costs for the Farm Buildings and Landscaping

14. The costs for the exterior refurbishment and stabilisation for the whole complex (being the granary, the shearing shed, and the two wing extensions but excluding the implement sheds (for safety reasons) has been estimated at \$220,000 inclusive of contingency and preliminary and general costs.
15. The works and associated costs for the full upgrading of some or all of these buildings and the associated site areas to make them serve a future use cannot be established without extensive investigations. To prepare the buildings to an initial minimum standard for possible use would require at the least, full structural upgrades, internal repairs, borer treatment, toilets, drainage, electrical reticulation and internal and external lighting fixtures, water supply, fire protection, amenity (including kitchen) facilities, additional glazing in the granary, disabled access, and landscaping. The costs of internal fitouts for specific uses would be in addition to the costs for bringing the buildings up to the minimum standard for use (but excluding the implement sheds).
16. The costs associated with the option to retain only the granary and the shearing shed buildings to an externally secure standard have been detailed in the cost report in Attachment 4. This includes costs related to an external refurbishment of the granary (items 1-8) and the shearing shed including foundations and floor (items 17-25), and the demolition of the implement sheds. This total would be \$112,590 excluding GST. Professional fees, contingency and preliminary and general costs for this option will be approximately 23% giving a total of \$138,485.
17. Future maintenance of the buildings and the site has been estimated at \$5,000 per annum. 'Rural' style landscaping and paths have been estimated at \$20,000, and security lighting at \$10,000. If any future uses other than storage were established, there may be an additional cost of a car park which could be in the order of \$40,000.
18. In summary, the costs of protecting all the farm buildings excluding the implement sheds is \$250,000 plus the costs of ongoing maintenance. The costs of protecting the granary and shearing shed is \$170,000 plus the costs of ongoing maintenance.
19. The cost of a seismic upgrade to the granary as detailed in the structural report has not been included in the estimate because of the uncertainty over the need for this requirement. Attachment 3, the structural report, provides information on the type of approach for the seismic upgrading if required for the granary building which would be an additional cost.

7 Cont'd

The Land*Proposed Subdivision Development*

20. The proposed Stage 7 of the Aidanfield subdivision is the subject of a current resource consent application. The subdivision covers the area of land which includes the St John of God (Mount Magdala) cemetery and the farm building complex. The proposed subdivision plan is included as Attachment 5. The subdivision plan provides for the potential retention of the entire farm building complex, including the implement sheds. All of the farm buildings except for the granary are also the subject of a current resource consent application for their demolition. Depending on the outcome of the resource consent for demolition, and any initiatives the Council or other parties may make for retention of the farm buildings in whole or in part, it is anticipated that the current version of the subdivision plan as attached may be subject to a further variation. The subdivision includes a road adjoining the farm buildings which are located on several land parcels at the western edge of the subdivision.
21. Negotiations with Aidanfield Holdings in relation to reserve land has, however, been largely agreed with Council officers. The land associated with the heritage farm buildings is not the preferred location for reserves purposes. The cemetery provides a reserve in the immediate area, therefore the acquisition of the farm buildings and the associated land is most appropriately achieved by purchase of the land.
22. The costs of the land associated with the retention of the entire farm buildings is estimated at approximately \$722,000. The land costs associated with only the retention of the granary and shearing shed (1,630 sq metres approximately) is estimated at \$450,000.
23. Costs have not been allowed for in any current budgets.

Overall considerations*The Farm Buildings and their Heritage Values*

24. The heritage importance of these farm buildings at a regional, and in part, at a national level is reflected in the City Plan listing as Group 2. Particular heritage significance is attached to the 'U' shaped form of the granary building with the west and east extensions as a rare form of farm 'steading' in New Zealand. The implement sheds are in a potentially dangerous state and were also later additions to the complex, and have not been given further consideration. The form, timber construction and poor physical condition of the east and west extensions to the granary are constraints on their future use as would be the costs of stabilisation, external conservation and maintenance. The brick granary building is in a better condition than other buildings in the complex. If the granary building was to be retained with its associated land then the shearing shed should also be retained, for its unique architectural styling, possible earlier use on the Mount Magdala site and that laying to the south of the granary it would provide the link to the remainder of the proposed reserve land.
25. The retention of the shearing shed and the brick granary buildings only however would result in a reduction of their heritage value in comparison with retention of the whole original complex. The two buildings in themselves could justify, subject to detailed re-assessment, no more than a Group 3 level of heritage significance. With regard to their present circumstances, protection would be through stabilisation, and external renovation. This is an acceptable conservation approach.

Summary of Initial Costs - Granary and Shearing Shed and Land Only

26.	Land Cost	\$450,000
	External Upgrade	138,485
	Landscaping	20,000
	Security lighting	10,000
	Total Estimate	<u>\$618,485</u>

7 Cont'd

Contribution to Local Identity

27. Greenfields residential subdivisions can result in the development of similar types of neighbourhoods lacking any sense of special identity and place. In this instance these buildings do provide visual and historical interest and would contribute to a distinctive neighbourhood identity in the immediate locality in association with the cemetery which will be retained as reserve. The buildings would also provide a limited continuing historical association with Mount Magdala and the St John of God Chapel reflected in the naming of the subdivision as Aidanfield. The owners have not opposed the retention of these heritage buildings and the adjoining cemetery, and the co-location of these and their association with the other proposed reserve land could allow the retention of some rural context to the subdivision.

Risks

28. The initial costs which have been identified are considerable, and the future costs in bringing the buildings to a minimum standard for future possible uses cannot be meaningfully established without extensive additional investigations. There would also need to be an ongoing means of protection of the buildings from vandalism. The potential costs and risks must be considered in relation to the reduced heritage significance of the place if only two of the buildings were to be retained. There is, as a consequence, a high level of risk in the retention of the two farm buildings particularly when account must also be taken of the future unquantifiable costs which will arise and the possibility that there may be no future uses for these buildings.

Conclusion

29. These heritage buildings have an important link to a major religious institution and its buildings which date from 1883. Of these buildings only the St John of God Chapel and the farm buildings remain, with the adjoining cemetery. Retention could be limited to the granary and the shearing shed buildings.
30. In relation to the loss of heritage significance, the lack of identified use, the present and future potential costs of land and building acquisition and the high degree of risk it would not appear to be justifiable to pursue the option of either retaining the whole of the remaining farm buildings or the alternative of retaining just the granary and shearing shed buildings.

FINANCIAL IMPLICATIONS

31. There is no provision in the 2007/08 Annual Plan or 2006-16 LTCCP for the costs of land purchase, the upgrading of any of the farm buildings or the annual maintenance costs of the land or buildings.
32. There is no current fund for purchase in a situation such as this. The Heritage Capital Purchases Fund allow for purchase for the purpose of on-selling to another party, but not for continuing ownership by the Council. Heritage grant funding is restricted to buildings in private ownership.

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

33. Yes.

LEGAL CONSIDERATIONS

34. The LTCCP through the Local Government Act 2002 provides that a developer can be required to provide the Council with a reserve contribution either through the provision of land, cash in lieu or a combination of both. However, the reserves contribution does not include the land on which the buildings are situated. Therefore, the land and buildings cannot be acquired through this method on the proposal for reserves contributions.

7 Cont'd

35. The Council is under no legal obligation to purchase the land. To the extent that a sector of the community may challenge the Council's decision not to purchase the land and buildings, it is unlikely that such a challenge would succeed, as there is no legally enforceable duty requiring a Council to provide funding for such a purchase.
36. A further resource consent is required to permit the demolition of the buildings. A resource consent application has been lodged for this purpose, excluding the granary, but has yet to be determined by the Council. Building consent for demolition of the buildings is also required.
37. For the purpose of providing complete advice, it is possible for the Historic Places Trust to apply to the Environment Court to protect the buildings under a heritage order as per the provisions of the Resource Management Act 1991. However, there has been no suggestion that any such action is likely, or that the Historic Places Trust has the evidence to support such an action. The Historic Places Trust does not register the buildings as historic places.

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

38. Yes. The applicant has accepted that the farm buildings and associated land may be purchased for the purpose of retention and the subdivision plan provides for this option.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

39. Heritage protection is aligned to the Community Outcome 'An Attractive and Well-designed City'. This provides for, among other things, ensuring "our lifestyles and heritage are enhanced by our urban environment".
40. One of the objectives under the Strategic Direction Strong Communities provides for "protecting and promoting the heritage character and history of the city" (Goal 7, Objective 4).
41. 'City Development Activities and Services' aims to help improve Christchurch's urban environment among other things. One activity under City Development provides for Heritage Protection.
42. City Development Activities and Services provide for Reserves contributions through the Development Contributions Policy Part 3 s 4.1.1 Development Contributions.

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

43. No. While City Development includes, as an objective, the retention of heritage to be measured by the importance that Christchurch's heritage be retained for the future, this must be weighed against the fact that heritage retention, in this instance, would be unbudgeted for the 2006-16 LTCCP.

ALIGNMENT WITH STRATEGIES

Greater Christchurch Urban Development Strategy (UDS)

44. Heritage development projects provide opportunities for increased commercial and residential activity in the city while at the same time enhancing the heritage townscape. The UDS considers heritage as an integral part of Christchurch and an aspect of growth management provided for is through the protection, maintenance and enhancement of heritage.

Christchurch City Plan

45. Heritage protection is consistent with the heritage provisions of the City Plan. Volume 2, Part 4 which provides objectives and policies for heritage protection.

7 Cont'd

New Zealand Urban Design Protocol

46. Heritage redevelopment projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The retention of heritage will contribute towards the implementation of the New Zealand Urban Design Protocol, to which the Council is a signatory.

South-West Christchurch Area Plan (Draft)

47. Policy 3.2 provides for protection of priority heritage places in South-West Christchurch. Policy 3.5 provides for mechanisms to consider ways of incorporating heritage elements into new developments.

Do the recommendations align with the Council's strategies?

48. Yes. While the recommendation does not provide for acquisition by the Council of the farm buildings as a means of heritage retention the City Plan recognises that for Group 2 heritage buildings protection for these buildings is limited to where this can be reasonably achieved.

CONSULTATION

49. No consultation requirements relate to the taking of reserves for a specific development or for the acquisition of specific heritage items by Council.

STAFF RECOMMENDATION

That the Council not purchase land in the Aidanfield Stage 7 subdivision for the purpose of the retention of the heritage farm buildings at 20 Nash Road.

7 Cont'd

BACKGROUND (THE ISSUES)

50. The St John of God farm buildings are part of a group of institutional buildings that collectively form a landmark in the area both in physical location and in the community consciousness being a significant remnant of the once extensive Mount Magdala complex. The buildings tangibly express the self-contained and self-sufficient principles that underpinned the institution. Together with the St John of God Chapel and the (former) St Joseph's Orphanage, the farm buildings contribute to an understanding of the extent of the Mount Magdala institution which occupied the site for 80 years. The Sisters continued their services on the site until 1996 when the Brothers of St John of God assumed responsibility.
51. The significance of the Mount Magdala institution to the character and history of the area is emphasised in the naming of the new subdivision - 'Aidanfield' - after Mother St Aidan, one of the founding Sister's at Mount Magdala.
52. The farm buildings also illustrate the early European history of the use of land in this area for farming purposes. The composition of these farm buildings, a farm 'steading', is a type of layout where buildings are built to house animals and have allied structures set in such a manner as to provide a courtyard format. This is an uncommon format within New Zealand farming practice but reflects the relatively small scale 'self-sufficient' European model employed at Mount Magdala.
53. The complex includes three implement sheds which are open to the north and have no floors. While having heritage value, in relation to the whole farm building complex, they were later additions and a contemporary use in a residential setting may be difficult to justify. The heritage values of the two timber and corrugated iron extensions to the granary building are high with respect to the definition of the 'U' form and courtyard associated with the complex. These additions were in place in a photograph c1910. However, these extensions are in the poorest condition (apart from the implement sheds) and would add approximately \$60,000 to the overall costs. Internally, as far as can be determined, these buildings would appear to be very limited in their potential for uses other than storage, a demand which could be met by the retention of the granary and shearing shed buildings.
54. The brick and stone granary building originally had a loft which has been removed and a number of the openings have been bricked up. The building is dated 1900. Two short brick returns exist at each end of the building towards the north. These returns form the point where the timber and corrugated iron extensions connect to the granary.
55. The shearing shed is to the south-west of the other buildings and appears to have been relocated to this site, but the date is not known. The highly unusual fenestration suggests that this building was not originally used for farm purposes and it may have been a schoolroom subsequently shifted to this site. The building has been extended to the south at some time. Apart from this extension the building is fully lined internally with timber.
56. The St John of God farm buildings are 300 metres from Canterbury Park. The farm complex might therefore have some limited relationship with other rural and sporting activities. This park was originally set up by the A&P Association for the A&P Show. The Council has since purchased most of the property (145ha), and established a range of equestrian and sports uses. Christchurch Riding for the Disabled, Halswell Pony Club, Christchurch Polo Club and Christchurch Rugby Football League are now established in the park.
57. The Aidanfield Stage 7 subdivision will create a new entrance for Canterbury Park on its western boundary. A new road will be created from Aidanfield Drive to Canterbury Park. The St John of God farm buildings are located on the corner of Aidanfield Drive and the new road.
58. The rural theme of Canterbury Park could therefore be enhanced by the preservation of this collection of agricultural buildings which tell a story of a pre-mechanised farm yard.

7 Cont'd

THE OBJECTIVES

59. To give consideration to the retention of all or a number of the farm buildings of considerable heritage significance for their association with the historic activities of the Mount Magdala institution for the Stage 7 Aidanfield subdivision by the purchase of associated land.

THE OPTIONS

60. The two options for consideration would be for Council to purchase all or some of the buildings and associated land for retention and re-use, or that the Council does not purchase the farm buildings and associated land.

THE PREFERRED OPTION

61. (Status Quo) That the Council does not purchase the farm buildings and associated land.

7 Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option

62. (Status Quo) That the Council does not purchase the farm buildings and associated land.

	Benefits (current and future)	Costs (current and future)
Social	Nil	Potential loss of recognition of important social links with the previous activities on the site.
Cultural	Nil	Potential loss of heritage buildings related to important historic activities associated with the site.
Environmental	Nil	None
Economic	Funding could be applied to other heritage retention projects.	None
<p>Extent to which community outcomes are achieved:</p> <p>Heritage comes under An Attractive and Well Designed City, which outcome states that "Christchurch has a vibrant centre, attractive neighbourhoods and well-designed transport networks. Our lifestyles and heritage are enhanced by our urban environment". The success indicator is stated as being that "our heritage is protected for future generations" and progress will be measured by the number of heritage buildings, sites and objects. This measure would be decreased if the loss of these listed heritage buildings occurred.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>Would not directly fail to meet the Council's heritage responsibilities, but that would be a potential outcome.</p> <p>Effects on Maori:</p> <p>Nil.</p> <p>Consistency with existing Council policies:</p> <p>Heritage retention is consistent with Heritage Conservation Policy and the City Plan Heritage Objective and policies, and while purchase by the Council would be the most effective means of meeting the Council's heritage policy, this may not occur and the loss of the buildings as a result would be negative in relation to these policies.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Applicant has accepted potential for retention and reflected this in the subdivision plan.</p> <p>NZHPT, Civic Trust or community groups may oppose this option.</p> <p>Other relevant matters:</p> <p>The farm buildings excluding the granary are subject to a current resource consent application for demolition of the buildings and all the farm buildings will require a building consent for demolition.</p>		

7 Cont'd

Alternative Option 1

63. The Council purchases all or some of the buildings and associated land for retention and re-use.

	Benefits (current and future)	Costs (current and future)
Social	Protection of links to the past activities on the historic site.	None
Cultural	Retention of significant listed heritage buildings and a physical reminder of a major heritage institution.	None
Environmental	Provides an important contrast between old and new development.	None
Economic	None	Land and building costs from cash-in-lieu, unbudgeted costs of \$220,000 for external repair and stabilisation. Unbudgeted future costs for adaptive re-use and maintenance not able to be determined.
<p>Extent to which community outcomes are achieved:</p> <p>Heritage comes under An Attractive and Well Designed City. The success indicator is stated as being that "our heritage is protected for future generations" and progress will be measured by the number of heritage buildings, sites and objects. This measure would be maintained by the retention of these heritage buildings.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>Unbudgeted financial costs for repair and adaptive re-use of the buildings would impact on the Council's capacity to carry out other activities. Would meet the Council's responsibilities for Community Outcomes and heritage retention objectives and policies.</p> <p>Effects on Maori:</p> <p>Nil.</p> <p>Consistency with existing Council policies:</p> <p>Is consistent with the Council's Heritage objectives and policies.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Civic Trust, NZHPT likely to approve the Council action.</p> <p>Other relevant matters:</p> <p>The farm buildings not including the granary are subject to a current resource consent application for demolition. The resource consent application does not include the granary. All the farm buildings require a building consent for demolition.</p>		

8. COLOMBO STREET (BETWEEN HEREFORD STREET AND CITY MALL) PARKING CHANGES

General Manager responsible:	Jane Parfitt General Manager Environment DDI 941 8656
Officer responsible:	Transport & Greenspace Manager
Author:	Christine Toner, Consultation Leader, Capital Programme

PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Council to proceed with changes to parking configuration as shown in the plan for approval in Attachment 1.

EXECUTIVE SUMMARY

2. The project is located just south of the intersection of Colombo Street and Hereford Street, in the central city.
3. The changes are proposed to better manage the parking in this area and to optimise spaces for shoppers during the day and for taxis operating at night.
4. There is currently a taxi stand that operates from 11pm to 6am on the bus stop outside Ballantynes, but it is currently not being utilised. Consultation has been undertaken with the New Zealand Taxi Federation and they have requested that the taxi stand be relocated to the west side of Colombo Street, so that the taxi stand beside Ballantynes can be used at night as a feeder. This would overcome the issue of taxis queuing on broken yellow lines up to Hereford Street and also on Hereford Street while waiting to use the taxi stand on the east side of Colombo Street.
5. In the interim, temporary changes involving the installation of a construction zone were implemented during week commencing 13 August 2007 to cater for the start of works in the High Street part of the City Mall Project. The construction zone parking area was installed for vehicles involved with construction of the High Street part of the City Mall Project, taking into account the need to maintain at least the same number of taxi stands as are there at present. The P10 and shuttle stop remained as per the existing layout.
6. The proposed changes outlined in this report are:
 - Moving the taxi stand to the west side of Colombo Street.
 - Moving the pay and display spaces to the east side of Colombo Street.
 - Replacing the P10 spaces on the east side by 'P5 at any time' parking spaces.
 - On both sides of Colombo Street the Shuttle stops will be used by taxis from 11pm to 6am, when there is no shuttle service operating. Similarly the P5 Loading Zone will be used by taxis from 11pm to 6am.

FINANCIAL IMPLICATIONS

7. The estimated cost of this work is \$4,800.

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

8. The installation of road signs and markings are within the LTCCP Streets and Transport Operational Budget.

LEGAL CONSIDERATIONS

9. The Land Transport Rule provides for the installation of parking restrictions.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with the Streets and Transport activities by contributing to the Council's community outcomes.
 - (i) Safety: By providing a safe transport system.
 - (ii) Community: By providing easy access to facilities.

8 Cont'd

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

11. This contributes to improve the level of service for safety and access.

ALIGNMENT WITH STRATEGIES

12. The recommendations align with the Council's Parking Strategy 2003.

CONSULTATION FULFILMENT

13. Public consultation has taken place (on an 'inform only' basis) for both the temporary changes and the long term proposal outlined in this report.
14. Consultation consisted of the distribution of 60 newsletter leaflets (by mail to property owners and by visiting and speaking to occupiers in the area), early in week commencing 13 August 2007. Advice was sent by email to the Taxi Federation and Red Bus Ltd and discussed by phone with Red Bus Ltd who have no objection to the changes.

STAFF RECOMMENDATION

It is recommended that:

(a) **West side of Colombo Street**

- (i) The existing loading zone (restricted to a maximum of 5 minutes) commencing 31m south of the intersection of Hereford Street and Colombo Street and extending 20m in a southerly direction, be revoked.
- (ii) The existing Pay and Display parking spaces (Monday to Thursday 9am-5pm, Friday 9am-8.30pm, Saturday 9am-1pm, public holidays excluded, maximum time 60 minutes) commencing 51m south of the intersection of Hereford Street and Colombo Street and extending 32.5m in a southerly direction be revoked.
- (iii) The existing Shuttle Bus Stop commencing 83m south of the intersection of Colombo Street and Hereford Street and extending 20m in a southerly direction be revoked.
- (iv) A loading zone (restricted to a maximum of 5 minutes, 6am-11pm) be created commencing 31m south of the intersection of Hereford Street and Colombo Street and extending 20m in a southerly direction.
- (v) A taxi stand (11pm-6am) be created commencing 31m south of the intersection of Hereford Street and Colombo Street and extending 20m in a southerly direction.
- (v) A taxi stand be created commencing 51m south of the intersection of Hereford Street and Colombo Street and extending 32.5m in a southerly direction.
- (vi) A Shuttle Bus stop (6am-11pm) be created commencing 83m south of the intersection of Hereford Street and Colombo Street and extending 20 in a southerly direction.
- (vii) A taxi stand (11pm-6am) be created commencing 83.3m south of the intersection of Hereford Street and Colombo Street and extending 20 in a southerly direction.

8 Cont'd

(b) East side of Colombo Street

- (i) The existing taxi stand currently commencing at a point 17m from the intersection of Hereford Street and Colombo Street and extending 30m in a southerly direction, be revoked.
- (ii) The 'Parking restricted to 5 minutes maximum at any time' parking spaces commencing at a point 47m south of the Hereford Street intersection and extending 24m in a southerly direction (approved on 10 August 2006 but not implemented – ie the signage was never changed from P5 Loading Zone) be revoked.
- (iii) The existing 'Parking restricted to 10 minutes maximum' parking spaces commencing 71m south of the Hereford Street intersection and extending 10m in a southerly direction be revoked.
- (iv) The existing Shuttle Bus stop commencing 85.5m south of the Hereford Street intersection and extending 13.5m in a southerly direction be revoked.
- (v) Pay and display parking spaces (Monday to Thursday 9am-5pm, Friday 9am-8.30pm, Saturday 9am-1pm, public holidays excluded, maximum time 60 minutes) be created commencing at a point 17m south of the Hereford Street intersection and extending 49.5m in a southerly direction.
- (vi) 'Parking restricted to 5 minutes maximum at any time' parking spaces be created commencing at a point 66m south of the Hereford Street intersection and extending 16m in a southerly direction.
- (vii) A Shuttle Bus stop (6am–11pm) be created commencing 85.5m south of the Hereford Street intersection and extending 13.5m in a southerly direction.
- (viii) A taxi stand (11pm–6am) be created commencing 85.5m south of the Hereford Street intersection and extending 13.5m in a southerly direction.

9. INTERNATIONAL CHARTER FOR WALKING - PROPOSAL TO BECOME SIGNATORY

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager, Liveable Cities
Author:	Stuart Woods, Principal Transport Planner

PURPOSE OF REPORT

1. The purpose of this report is to consider an approach which has been made to the Council regarding the option of becoming a signatory to the International Charter for Walking.

EXECUTIVE SUMMARY

2. Walking is a fundamental part of our travel, whether it be to and from our car, to and from the bus or to and from our home and work. It provides important health, transport, environmental, social and local economic benefits. "Walkable" cities are consistently more successful and attractive.
3. The Council has received an approach from Living Streets Aotearoa (an incorporated national walking advocacy organisation) promoting the International Charter for Walking, to which it is encouraging local authorities across New Zealand to become signatories. The Charter was developed at the Walk21 Conference in Melbourne, 2006, the seventh international Walk21 walking conference through the collaboration and debate of a number of world leaders in walking issues. It was also presented to the New Zealand Walking Conference in November 2006, at which the Charter was signed by the Hon. Annette King MP, Minister for Health and Transport on behalf of the government. The full charter is attached, and may also be found at <http://www.walk21.com/charter>.
4. The purpose of the Charter is to identify the needs of people on foot and provides a common framework to help authorities refocus their existing policies, activities and relationships to achieve greater use of walking. Its key focus is to "create healthy, efficient and sustainable communities where people choose to walk". The Charter is being promoted to a wide range of sectors including urban design, health, local government, recreation and transport.
5. The invitation from Living Streets Aotearoa to become a signatory states that doing so does not commit the Council to any specific actions or any budgetary implications. Instead it is promoted as providing a clear signal by the Council that it values walking and wishes to create a supportive environment for it.
6. The Charter comprises a cover page (with a summary of the commitment and the signature space), followed by a background page and a range of possible action points related to each principle of the Charter.
7. The essence of the Charter is consistent with and promotes similar desired outcomes to many Council strategies, particularly the transport strategies (including the Pedestrian Strategy) and the Greater Christchurch Urban Development Strategy (which promotes better access for walking as a key action to achieve its overall settlement objectives).
8. A pedantic assessment of the document would raise concerns in at least two areas: firstly, the proposed rights of people to be able to walk safely and to enjoy high quality public spaces anywhere and at anytime. There are examples, such as the closing of the Botanic Gardens at night, where the Council would not be consistent with this commitment and with good reason. The legal operation of motorways in Christchurch is another example where this commitment could not be achieved. Secondly, there are some actions in the latter pages which the Council may not wish to adopt, yet could be exposed to criticism by walking advocates if the Council is a signatory. Examples, such as walking safety, would not be compromised in the design of facilities for cycling - this is seen as too black and white, whereas good practice design seeks to find an acceptable balance of safety for all users; or where dual cycleway/footpath facilities are installed, then there may be unavoidable points of conflict.

9 Cont'd

9. Becoming a signatory to this Charter is in many ways similar to the Council being a signatory to the Urban Design Protocol and the Healthy Cities Charter. It recognises and commits to being part of a community of like minded individuals and organisations that promotes, facilitates and commits to implementing the principles and objectives of the collectively signed document.

FINANCIAL IMPLICATIONS

10. There are no financial implications for the Council directly related to this proposal.

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

11. Yes.

LEGAL CONSIDERATIONS

12. The Council has no legal obligation to sign this charter, nor would any legal commitments be made by becoming a signatory. However there would be moral implications to act in accordance with the charter.

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

13. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Becoming a signatory would not be inconsistent with the LTCCP or Activity Management Plans, and the Charter is aligned with a number of Community Outcomes.

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

15. The recommendation to sign the Charter may influence the Council to improve its activities to support levels of service related to the transport system operation.

ALIGNMENT WITH STRATEGIES

16. The views expressed in the Charter are aligned with the Council's transport strategies, Healthy Christchurch, the Urban Design Protocol and the Greater Christchurch Urban Development Strategy. Any subsequent review of strategies, such as the Pedestrian Strategy, should be aligned with the principles of the charter.

Do the recommendations align with the Council's strategies?

17. Yes.

CONSULTATION FULFILMENT

18. None required.

STAFF RECOMMENDATION

It is recommended that the Council accept the invitation to become a signatory to the International Charter for Walking, with the Mayor signing on the Council's behalf.

10. DEFERRED APPLICATION BY CHRISTCHURCH WORKING MENS CLUB FOR TERRITORIAL AUTHORITY CONSENT UNDER THE GAMBLING ACT 2003

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Acting Legal Services Manager
Author:	Judith Cheyne, Solicitor, LSU (DDI 941-8649)

PURPOSE OF REPORT

1. The purpose of this report is to seek a decision from the Council on the application by the Christchurch Working Men's Club (CWMC) for a Territorial Authority Consent (TA Consent), previously deferred by the Council on 8 June 2006.

EXECUTIVE SUMMARY

2. The CWMC applied to the Council for a TA Consent under the Gambling Act 2003, to transfer 18 gaming machines from its Oxford Terrace premises to be operated at its proposed new premises in Colombo Street. At the Council's meeting on 8 June 2006, a report before the Council set out background information and legal advice regarding the application by the CWMC, with the recommendation that it be granted under sections 98(c) and 100 of the Gambling Act 2003, by applying section 80 of the Local Government Act 2002. The consent application needed to be considered against the Council's Gambling Policy adopted in 2004. The Council was aware that a review of the Policy was about to take place, and resolved to defer consideration of the CWMC application until the outcome of the Policy review was known.
3. The CWMC made a submission on the policy review, that was reported to the Council on 23 November 2006, at which time the Council adopted its new Gambling Policy. As a result of its submission, the CWMC received a letter dated 28 November 2006 about the new policy, but a decision on the deferred application by CWMC has never been made by the Council.
4. The Council is only able to grant a territorial authority consent if it is in accordance with its policy. The consent which the CWMC needs is a consent under section 98(c) of the Gambling Act 2003, but the Council's new Gambling Policy states that the Council "*will not grant consent under section 98 of the Gambling Act 2003 ...*". Under its new policy the Council cannot rely on section 80 to grant the consent (as it may have been able to do with its former policy), as at the time the policy was considered by the Council, the CWMC situation had been considered by it, and ruled out from inclusion in the policy. The Council would be acting ultra vires (beyond the powers of its policy and the Gambling Act 2003) if it were to grant the consent.
5. This means the Council only has two options available to it in relation to the application:
 - decline the deferred application; or
 - defer it for a further period while the Council drafts amendments to the policy, that would allow it to grant a consent to the CWMC, and consults on those amendments in accordance with the special consultative procedure under the Local Government Act 2002.

FINANCIAL IMPLICATIONS

6. There are no financial implications for the Council if it declines the application but if it chooses the option of further deferring the application to amend and consult on the policy there will be financial expenditure in carrying out the consultation. Declining the application, and thereby preventing the CWMC gaming machines from operating, has a financial implication for the community in that there will be less gaming machine funds to distribute.
7. There may be financial implications in declining the application for the CWMC because in February last year their solicitor advised that "*there is a great deal of urgency associated with these matters, as our clients are heavily financially reliant on the operation of these machines for their cashflow (through site rental)*". However, the CWMC is still operating 18 months after that letter so the financial implications may not be as great as first anticipated by them.

10 Cont'd

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

8. There may be room within the Council budgets for special consultative procedures which may not be known before the budget is prepared, but this specific SCP would not have been contemplated at all, because the Gambling Policy review was only completed last year and another is not required by the Act for a further three years.

LEGAL CONSIDERATIONS

9. Section 100 of the Gambling Act 2003 requires that a Council must "*consider an application for a Territorial Authority Consent in accordance with its class 4 venue policy*". The Council's Gambling Venue and Totalisator Agency Board (TAB) Venue Policy adopted on 23 November 2006 provides:

"1. *The Christchurch City Council will not grant consent under section 98 of the Gambling Act 2003 to allow any increase in class 4 gaming venues or class 4 machine numbers except in the circumstance set out below.*

2. *The Christchurch City Council will grant a consent where two or more corporate societies are merging and require Ministerial approval to operate up to the statutory limit in accordance with section 95 (4) of the Gambling Act 2003. The total number of machines that may operate at the venue **must not** exceed 18 machines.*

....

7. *If the Council amends or replaces this policy, it is required to do so in accordance with the special consultative procedure outlined in the Local Government Act 2002.*

8. *In accordance with the Gambling Act 2003, the Council will complete a review of the policy within three years of its adoption and then every three years thereafter."*

10. The only TA consent the Council can grant is where two or more corporate societies are merging and seeking Ministerial approval under section 95, and the resulting number of machines will not exceed 18. The Gambling Policy does not provide for, or discuss in any way at all, the situation in which CWMC finds itself.
11. However, when the policy was being considered by the Council last year the CWMC submission alerted the Council to its position, and supported option 5 of the consultation document (which proposed a less restrictive policy). The report from the Submissions Hearings Panel that went to the Council also discussed draft wording that staff had prepared that would allow the transfer of machines from one venue to another in restricted circumstances (although only for a maximum of nine machines). The report states that the Panel concluded that such a provision "*would not fulfil the purposes of the Act to control the growth of gambling and could create difficulties of a commercial nature in that gaming machines would become a tradeable item*" and the Panel did not recommend the proposed wording be included in the new policy.
12. This means the Council would not have the same basis to act inconsistently with its new policy and apply section 80, as had been suggested in June 2006 in relation to its old policy. The advice to the Council in June last year was that section 100 of the Gambling Act 2003, which requires a consent application to be considered "*in accordance with*" the Council's policy, could be given a narrow or wide interpretation (there was no applicable case law providing any guidance on this section). If a narrow interpretation to the wording was applied, then the Council could not grant the application (even then) because that would not be in accordance with the strict wording of the policy. But if a wide interpretation was taken, then the Council (by also applying section 80), could look to the Council's intentions behind the old policy as coming within section 100 and being "*in accordance with*" the policy.

10 Cont'd

13. As the CWMC situation was clearly in its mind in considering matters leading to the forming of the new policy, even if a wide interpretation of section 100 was applied, the Council cannot now rely on its intentions in adopting the policy to grant their application. Therefore the application can only be declined (any other decision would be ultra vires, in terms of its new policy and the Gambling Act 2003), or deferred for a further period, so that a policy change can be sought that would allow the Council to grant the application.
14. The policy can only be amended in accordance with the special consultative procedure. This would require the Council to draft an amendment that would provide for the CWMC situation (for example, by using the wording proposed by staff to the Hearings Panel, but only allowing consent applications of that type to be made during the next year, or something similar). A statement of proposal and summary of information on the amended policy would need to be prepared, approved by the Council and distributed/publicly notified, providing for a period within which submissions can be made on the proposal, of not less than one month. If anyone requests to be heard in relation to their submission then the Council must also provide for this, before making a final decision. There is no guarantee that even after this process the Council would amend the policy as proposed in the consultation, so the CWMC may still end up in the position that the Council can only decline its application.

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

15. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

16. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

17. Declining the application will align with some of the principles in the Council's Strong Communities strategy, but possibly not others, particularly if declining the application caused this historic club to go out of existence (it first opened in 1880 and is one of the oldest clubs in New Zealand). In the report to Council in June last year information was given to the Council that there would be critical financial implications for the CWMC if the TA consent was not granted. However, the CWMC signed its lease for the new premises, moved, and is still currently in business despite the TA consent not being granted last year.

CONSULTATION FULFILMENT

18. The Council already has an idea of community views generally in relation to gambling, although not in relation to this specific matter, as a result of the submissions on the Gambling Policy last year. The vast majority of submissions were strongly opposed to any liberalisation of the Council's former policy. If the Council opts to defer the application then further consultation will be carried out.

STAFF RECOMMENDATION

It is recommended that the Council decline the application.

10 Cont'd

BACKGROUND (THE ISSUES)

19. In 2005, the CWMC decided to sell its Oxford Terrace premises for financial reasons, and move to leased premises (the former Bailey's 818 pub in Colombo Street). The CWMC had held a class 4 venue licence prior to 17 October 2001 so they had no need to apply to the Council for a TA Consent under section 98(d) of the Gambling Act 2003. However, in order to transfer to the Colombo Street site, the CWMC either had to apply directly to the Department of Internal Affairs (DIA) before 25 November 2005 (without a TA consent, because the Colombo Street premises had only been de-licensed by DIA on 25 May 2005) or, if the application was made after 25 November 2005, the CWMC had to apply first to the Council for a TA consent, and then to the DIA.
20. The TA consent that the CWMC requires (due to it falling outside the six month period) is one under section 98(c), where a class 4 venue licence is being applied for and a licence has not been held by any society for the venue within the last six months. A venue for which a new class 4 venue licence is granted (which would follow from a TA Consent being granted under section 98(c)) would normally only allow nine gaming machines to be operated at the venue. However, the CWMC has also applied to the DIA under section 96 for Ministerial approval to operate 18 machines at the new venue. Section 96 provides that before a corporate society can apply for that approval, they must be able to prove or demonstrate certain matters, including, under section 96(1)(e), that the society "*has obtained a territorial authority consent for the venue, either without a condition on numbers of machines or with a condition on numbers that is consistent with the number of machines that it is proposed to operate at the venue*".
21. What the CWMC is seeking in its applications to the Council and to DIA is equivalent to the situation where two societies merge and operate from one premises, with only 18 gaming machines. Because Bailey's 818 has already de-licensed, there is no actual merging of the societies, but CWMC wants to operate 18 machines from the old Bailey's 818 premises. In effect, if the TA consent could be granted by the Council there would be no increase in machine numbers in the city because the CWMC are simply taking their old machines with them.
22. When the decision on whether or not to grant the TA consent came to the Council in June last year, the report provided the Council with three options: decline the consent, defer the consent application, or, the preferred option, grant the consent under sections 98(c) and 100 of the Gambling Act 2003, by applying section 80 of the Local Government Act 2002.
23. The Council was aware that a review of its Gambling Policy was about to take place, and resolved as follows:

"GAMING - TERRITORIAL AUTHORITY CONSENT

*The staff recommendation was not adopted. It was **resolved**, instead that the application be **deferred** until the outcome of the gaming review was known.*

(Note: Councillor Corbett declared an interest in this item, and retired from the Council Chamber during the discussion and voting thereon.)"

24. The special consultative procedure on the Gambling Policy duly took place with submissions heard by a Council Hearings Panel (hearings and deliberations of the panel being conducted on 22 and 25 September and 2, 3 and 25 October 2006). Those submissions included one made by the CWMC, that alerted the Council to its position, and supported option 5 of the consultation document (which proposed a less restrictive policy).
25. The recommendation of the panel was that the Council adopt option 4 of the 5 options consulted on, which provided for the retention of the Council's current policy with the deletion of the reference to consents under section 98(d), which had become a redundant provision because of the passage of time. Recommendations were also made in respect of representations to be made from the Council to central government, including seeking a more effective framework aimed at reducing gambling harm, legislative changes to permit councils to cancel TA consents, and a downscaling of gaming opportunities in New Zealand.

10 Cont'd

26. All submitters, including the CWMC, received a letter dated 28 November 2006, advising of the result of the consultation, the policy adopted by the Council and the representations to central government that were to be made. Since that date further correspondence has been exchanged with the CWMC and the DIA in relation to the history of this matter and the Council's new policy and both parties were advised that "*the Council does not have the ability to grant a Territorial Consent under Section 96 in terms of either its old or its current policy...*". However, the TA consent application originally deferred by the Council on 8 June 2006, has never been put back before the Council for a formal decision on that application to be made by the Council.

THE OBJECTIVES

27. To make a decision in respect of the deferred TA consent application by the CWMC.

THE OPTIONS

28. The Council has two options available to it in relation to the application:
- (1) decline the deferred application; or
 - (2) defer it for a further period while the Council drafts amendments to the policy, that would allow it to grant a consent to the CWMC, and consults on those amendments in accordance with the special consultative procedure under the Local Government Act 2002.

THE PREFERRED OPTION

29. Decline the deferred application.

10 Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option - Decline the deferred application

	Benefits (current and future)	Costs (current and future)
Social	Supports the downscaling of gaming opportunities in Christchurch, which was a representation the Council made to central government	None
Cultural	Nothing specific	None
Environmental	Less gaming machines in the community	None
Economic	None	Less gaming machine funds to be distributed in the community
<p>Extent to which community outcomes are achieved:</p> <p>May contribute to "a well governed city" by not carrying out a further review of this policy.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>None</p> <p>Effects on Maori:</p> <p>Nothing specific - generally across the whole community this option supports the downscaling of gaming machines/opportunities.</p> <p>Consistency with existing Council policies:</p> <p>Consistent with the Gaming Policy and the representation that the Council made to central government about the need to continue the downscaling of gaming opportunities.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>The Council already has an idea of community views generally in relation to gambling, as a result of the submissions on the Gambling Policy last year. The vast majority of submissions were strongly opposed to any liberalisation of the Council's former policy, and, as a result, it would seem that the community would likely prefer this application was declined. The preference of the CWMC will be that it not be declined.</p> <p>Other relevant matters:</p> <p>Not aware of any.</p>		

10 Cont'd

Option 2: Defer the application for a further period to amend the policy

	Benefits (current and future)	Costs (current and future)
Social	Community consulted	None
Cultural	Nothing specific	None
Environmental	None	None
Economic	None	Cost of the special consultative procedure
<p>Extent to which community outcomes are achieved:</p> <p>May contribute to “a well governed city” because the special consultative procedure would be used to consult on this specific issue, but introducing a further review of this policy so recently after the last review tends to suggest a lack of proper governance.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>Minimal</p> <p>Effects on Maori:</p> <p>Deferring the application to provide for further consultation will allow Maori views on the specific proposal to be given</p> <p>Consistency with existing Council policies:</p> <p>Not applicable – this option seeks to amend a policy</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>The CWMC preference would be to have a consent and are therefore more likely to support this option which might lead to that result. By using the special consultative procedure the community's more specific view on the widening of the policy to cater for CWMC's situation would more clearly be known, although the Council is already aware that the vast majority of submissions last year were strongly opposed to any liberalisation of the Council's former policy.</p> <p>Other relevant matters:</p> <p>Not aware of any.</p>		

11. MAORI FREEHOLD LAND RATE ARREARS

General Manager responsible:	General Manager Corporate Services, DDI 941-8540
Officer responsible:	Corporate Services Manager
Author:	Fran Maguire, Team Leader Rates and Debt Management

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to write-off \$219,903.62 of rates on Maori freehold land and to develop a strategy to reduce the level of Maori freehold land rates debt in future years.

EXECUTIVE SUMMARY

2. There are 41 Maori Freehold Land properties within the Banks Peninsula area with rate arrears outstanding for the period from 1 July 1999 to 30 June 2006. Although this land is liable for rates in the same manner as if it were general land, recovery of rates on the land is unlikely.
3. The Local Government (Rating) Act 2002 has special provisions relating to the recovery of rates on Maori Freehold Land. The Council may apply to the Maori Land Court for a charging order in respect of unpaid rates. However these charging orders are ineffective where there is no income derived from the land.
4. The Council portion of the Maori land rate arrears is \$190,214.64, with the balance of \$29,688.98 being Canterbury Regional Council rates. Traditionally these rates have been written-off when they reach seven years overdue, as the time limit for applying for a charging order is at six years overdue. As these rates have all been identified as uncollectible, all arrears of rates as at 1 July 2006 are recommended for write-off. This is in line with Audit recommendations that irrecoverable debt should be written off.
5. Further investigation needs to be undertaken to determine whether there is potential in the future to recover the rates on this land. This could be achieved by applying for charging orders or by consultation with the owners of the land and the Maori Land Court to develop plans to enable the land to generate an income. Significant research on each property is required to ascertain the complexity of the ownership structure, the potential of the property to generate income and the feasibility of appointing trustees or management structures.
6. This will involve input from Council staff, the Maori Land Court and the owners of the properties and would form the basis of a strategy to reduce the level of debt owed on Maori freehold land in the future.
7. Many of the properties may be eligible for a rates remission under the Council's Maori Land Rating policy, and staff are contacting the owners recommending that they apply for a remission if they meet the criteria. The same criteria that may apply for a remission has also been used in determining that these rates are irrecoverable ie most of the properties are in multiple ownership, the land is unimproved and unoccupied, and the owners do not have the means to make economic use of the land.

FINANCIAL IMPLICATIONS

8. There is a provision on the balance sheet for the Maori Land debt that recognises this debt is irrecoverable. This provision will be used to offset the debt.

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

9. Covered by bad debt provision.

11 Cont'd

LEGAL CONSIDERATIONS

10. The properties will be referred to the Legal Services Unit to determine whether the Council should apply to the Maori Land Court for a charging order. Should Legal Services recommend that charging orders are a viable option for the recovery of rates on any of the properties, the rate debt will be reinstated and an application made to the Maori Land Court.

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

11. Refer to paragraph 6 above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. This recommendation aligns with the Maori Land Remission Policy within the LTCCP. This is only relevant on Maori land where rates are payable and deemed collectable, but meet the provisions of the policy to be remitted.

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

13. Not applicable.

ALIGNMENT WITH STRATEGIES

14. Not applicable.

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

15. Not applicable.

CONSULTATION FULFILMENT

16. Not applicable.

STAFF RECOMMENDATION

It is recommended:

- (a) That the Council approve the write-off of Maori Land rates for the 41 properties totalling \$219,903.62.
- (b) That officers report back to the Council on a strategy to reduce the level of Maori freehold land rates debt in June 2008.

11 Cont'd

BACKGROUND (THE ISSUES)

17. Maori Freehold Land is defined under the Te Ture Whenua Maori Act 1993. This act is to facilitate and promote the retention, use, development and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu, and their descendants.
18. The act defines Maori freehold land as *"Land, the beneficial ownership of which has been determined by the Maori Land Court by freehold order, to have the status of Maori freehold land"*. In contrast, land that is held by Maori in accordance with tikanga Maori is defined as Maori customary land and is non-rateable.
19. The Maori Land Court has the primary objective of promoting and assisting in the retention of Maori land in the hands of the owners, and the effective use, management and development of Maori land.
20. Maori freehold land differs from general land in that it must stay in Maori ownership unless a change of status is granted by the Maori Land Court. There are also special provisions in the Local Government (Rating) Act 2002 that specify what recovery action can be taken for unpaid rates on this land.
21. The bulk of the Maori freehold land contained within the city is in the Banks Peninsula Ward (there is only one Maori freehold land property within the old city boundaries).
22. In many cases, the rates on the land are paid in full by the owners. There are currently 41 properties where there are significant rate arrears owing. These properties are owned by multiple owners, and in some cases, the owner is listed as a deceased estate (pending a succession order from the Maori Land Court). The amount of the rates liability is increasing significantly each year, owing to penalty charges of 10% in the first year and 20% compounding annually each following year.
23. The Council could apply to the Maori land court for a charging order. Charging orders can be difficult to obtain where the land is in multiple ownership or is unoccupied and unimproved. In some cases, the ownership records include multiple owners that are unable to be traced, or deceased owners for which there are no succession applications.
24. A charging order can be enforced by the court by appointing a receiver or trustees under provisions of the Te Ture Whenua Maori Act 1993. However it must take into consideration whether the land is capable of producing an income that would enable payment of rates in the future; and, hear evidence and submissions put forward by owners.
25. The Council has a remission and postponement policy for rates on Maori freehold land that recognises the special nature of this land. This policy states:

"The city contains a number of Multiple Owned Maori Freehold Land properties which are unoccupied and unimproved. In some cases these are creating a significant rating burden on the Maori owners who often do not have the means nor, in some cases, the desire to make economic use of the land. Often this is because of the nature of the ownership or because the land has some special significance which would make it undesirable to develop or reside on, or is isolated and marginal in quality. In addition, it is recognised that significant rate arrears can act as a disincentive to any new occupation of the Multiple Owned Maori Freehold Land, where a new occupier could become responsible for the payment of any arrears of rates on the land."
26. The Council has recognised that the nature of this Maori land is different to General Land and has therefore formulated this policy to deal with some of the issues that this raises.
27. The Council has recognised that certain Maori-owned lands have particular conditions, ownership structures or other circumstances which make it appropriate to remit or postpone rates for defined periods of time.

11 Cont'd

28. The Council and the community benefit through the improved collection of rates that are collectable and the removal from the rating debt of that debt which is considered non collectable.
29. The Council is required to consider every application for remission and/or postponement of rates on Maori Owned Land pursuant to Section 114 of the Local Government (Rating) Act 2002 and will then consider the most appropriate tool if any, including either remission or postponement, to assist in making ownership and occupancy of the land feasible.
30. Staff are contacting the owners of the land and working with the Maori Land Court, with the aim of promoting the policy where appropriate.
31. Unpaid rates on Maori freehold land is an issue that many other Councils are currently dealing with and a number of submissions have been made to the Local Government Rating Commission regarding this.

THE OBJECTIVES

32. The objectives are:
 - To ensure that the Council's ledger correctly records the rate debt liability that is collectable; and
 - To develop a strategy that will increase the level of rates paid on Maori freehold land.

**12. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD:
MEETING OF 15 AUGUST 2007**

Attached.

**13. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD:
MEETING OF 14 AUGUST 2007**

Attached.

**14. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD:
MEETING OF 27 AUGUST 2007**

Attached, together with an associated memorandum from the Legal Services Manager regarding the recommendation made by the Board in respect of an extension of the one month period for outgoing Council appointees to the Riccarton Bush Trust.

**15. REPORT BY THE CHAIRPERSON OF THE RICCARTON/WIGRAM COMMUNITY BOARD
REGARDING PROPOSED STOPPING OF PART OF FOSTER STREET**

Attached.

**16. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD:
MEETING OF 15 AUGUST 2007**

Attached.

**17. REPORT BY THE CHAIRPERSON OF THE SHIRLEY/PAPANUI COMMUNITY BOARD
REGARDING APPLICATION FOR PRIVATE PLAN CHANGE**

Attached.

**18. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD:
MEETING OF 21 AUGUST 2007**

Attached.

**19. REPORT BY THE CHAIRPERSON OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD
REGARDING APPLICATION FOR PRIVATE PLAN CHANGE**

Attached.

20. NOTICES OF MOTION

21. QUESTIONS

22. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.