



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 6 SEPTEMBER 2007

AT 9.30AM

IN THE COUNCIL CHAMBER, CIVIC OFFICES

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

ITEM NO	DESCRIPTION
1.	APOLOGIES
2.	CONFIRMATION OF MINUTES - COUNCIL MEETING OF 30.8.2007
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	HOSPITAL PARKING CHARGES
6.	REPORT OF THE LICENSED WASTE HANDLING FACILITIES BYLAW REVIEW HEARINGS PANEL
7.	REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 25 JULY 2007
8.	JOINT REPORT BY THE CHAIRMEN OF THE AKAROA/WAIREWA COMMUNITY BOARD AND LYTTTELTON/MT HERBERT COMMUNITY BOARD REGARDING BANKS PENINSULA RESERVE MANAGEMENT COMMITTEES
9.	REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 8 AUGUST 2007
10.	REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 7 AUGUST 2007
11.	NOTICES OF MOTION
12.	QUESTIONS
13.	RESOLUTION TO EXCLUDE THE PUBLIC

1. APOLOGIES

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 30.8.2007

Attached.

3. DEPUTATIONS BY APPOINTMENT

(a) HOSPITAL PARKING CHARGES

Representatives of the Primary Health Organisation will make submissions regarding hospital parking charges, which is the subject of a report to the present Council meeting.

4. PRESENTATION OF PETITIONS

5. HOSPITAL PARKING CHARGES

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport & Greenspace Manager
Author:	Michael Aitken

PURPOSE OF REPORT

1. The purpose of this report is to approve a variation to the application of the on-site charges for parking at Christchurch Hospital as resolved in the 2006/2016 LTCCP, City Council Fees & Charges: Appendix B and confirmed in the 2007/2008 Annual Plan.

EXECUTIVE SUMMARY

2. The Council manages the Christchurch Hospital Car Park building and the on-site parking at the hospital through a Parking Management Agreement and a Deed of Sublease. Both these documents make it clear that the car parking charges shall be set by the Council and have requirements for consultation with the CDHB.

3. The Council sets charges through the LTCCP and Annual Plan. In the 2004/14 LTCCP the off-street parking fees were set covering both the building and the on-site charges:

• Hospital Parking	2003/04	2004/05
• Basic Charge	Up to \$0.70/half hour	Up to \$1.00/half hour

4. From 2004 the charges levied were \$0.50c/half hour in the building and \$0.75c/half hour on site.

5. In the 2006/16 LTCCP, Appendix B (under section 83 of the LGA 2002) the Council set new charges, separately identified the building and on-site charges and removed the discretion to charge less than the full fee.

• Hospital Car Parking	2005/06	2006/07
• Building	\$1.00/half hour	\$1.10/half hour
• Main Site	\$1.00/half hour	\$1.10/half hour

6. These fees were not implemented at the time and the status quo of \$0.50c/half hour in the building and \$0.75c/half hour on site continues.

7. In consideration of the 2007/08 Annual Plan the issue of the gap between the printed rates and the actual charges levied was raised as part of the omnibus report. The Council resolved, at its extraordinary meeting on 23 February 2007, to collect the charges as set out in the LTCCP. The notes from the meeting read:

"It was resolved to note that, subject to consultation with the Canterbury District Health Board, the charges for the hospital car park would increase from 1 July 2007, in line with other car parks and Council policy."

8. Following informal contact with the CDHB a formal notification of the Council decision was made on 15 May 2007. This letter also sought consultation with the CDHB on the proposed changes. In response to this the CDHB undertook consultation by email on 19 June 2007. The email to staff states *"We [CDHB] intend to oppose the proposed increases and are very keen to have the views of both staff and patients to pass onto the Council"*. All but one of the nearly 200 responses expressed negative views about the proposal with 50% focusing on the impact on patients and their families, 21% focusing on the impact on CDHB staff and a further 19% concerned about both groups. This was followed by two meetings with the CDHB staff to discuss a way forward.

5 Cont'd

9. In response to the feedback from the CDHB and their staff we identified the concerns regarding patient and visitor access to the hospital and the impact of a price increase on this group. We then proposed, subject to Council approval and the CDHB enacting the necessary parking restrictions, that we would raise the car parking building charges to the level already resolved by the Council, that is to say \$1.10 per half hour. On the hospital site we would raise the charge to a lesser extent than that resolved to date, that is to \$0.80 per half hour but in conjunction with this small increase we would restrict parking on the site to patients and visitors only, other than for specifically designated staff car parking, and place a time restriction of P120 for all patient and visitor parking on site.
10. We further propose to cap the charges in the car park building at a maximum of \$17 per day.
11. We have compared our charges with those at comparable hospitals in Auckland, Wellington and Dunedin. At Auckland City Hospital the charges are \$3 for the first hour increasing to \$17 for over six hours. At the Wellington Hospital car park the charges are \$3 for the first hour increasing to \$8.00 for over 4 hours. In Dunedin the hospital does not have its own car park but the nearest Council car park is in Great King Road and charges \$1.60 per hour.
12. The CDHB has formally responded to our proposal in a letter dated 7 August 2007. They state: *"In summary we remain disappointed with the Council's approach and response to our submissions and suggestions. We acknowledge that a lesser increase in charges for the parking on the site is obviously a better position than had originally been targeted by the Council for patients and visitors (together with the time restriction). However, we remain generally of the view that we do not agree with the Council seeking to increase its overall revenues through the medium of parking facilities for Christchurch Hospital..."*
13. In the 2007/08 Annual Plan the budgeted revenue for the hospital car parks was increased by \$557K. This was a conservative estimate of the impact of the fully implemented charges and reflects an assumption that there would be an initial decrease in patronage, particularly in the building. We believe that, given the conservative estimates of revenue used in the budget, we will achieve the targeted increased revenue over all by the end of the financial year and there should be no impact on the Council's planned budget over all.
14. It is important to draw the following to the Council's attention:
 - The CDHB provide a dedicated staff car park in close proximity to Christchurch Hospital.
 - The Council-run parking building across the road from the hospital is connected by an underground tunnel to the main hospital building and wheelchairs are available if required.
 - In emergency situations, patients and families who are forced to exceed parking limits in the hospital grounds can seek relief from the infringement notice from the Council on compassionate grounds.
 - Where patients and families are high users or long term users of the parking they can apply to the CDHB for a Council-funded concession for parking.

FINANCIAL IMPLICATIONS

15. With the changes proposed in this report the impact will be a reduction in the increase in revenue from the on-site parking of \$223K. Given the conservative estimates of revenue used in the budget, we will achieve the targeted overall increased revenue by the end of the financial year and there should be no impact on the Council's planned budget over all.

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

16. Yes.

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LEGAL CONSIDERATIONS

17. The obligations between the CCC and the CDHB (as the successors to Canterbury Health Limited CHL) in relation to the parking building at Christchurch Hospital are set out in the Deed of Sublease dated 2 March 1999 (DOS) between Christchurch Hospital Parking Ltd. (CHPL) and the CCC and in the Parking Management Agreement (PMA) between CHL and the CCC.
18. Clause 4.1 of the PMA states *“Car parking charges shall be set by the Council in consultation with CHL. The Council may review car parking charges from time to time in consultation with CHL. In the event of a dispute between CHL and the Council upon the setting or review of charges, the decision of Council shall be final and binding.”*
19. Under clause 1.3 of the head lessor’s consent to the DOS the Council is required to *“manage the car parking building as a public car park and included within such use to be available to cater for the Head Lessor’s (ie CDHB) staff and visitors to the Head Lessor’s Hospital ...”*
20. As part of the head lessor’s consent attached to the DOS there is record of an agreement to (Clause 1.4) *“...the establishment of a committee with the express purpose that the committee shall act in an advisory role to the Sublessee and its management of the car parking premises...the aforementioned committee will not have the authority to direct the management of the car park or set the level of fees for car parking but, nevertheless, the committee is expected to be consulted in respect to such matters.”* It is unclear whether this committee has been established as it certainly is not currently operative.
21. As indicated earlier, the level of charges in respect of the hospital car parks has been set in the Council’s 2006/16 LTCCP. The variations recommended in this report are inconsistent with that document.
22. The decision to be made by the Council therefore needs to be considered in the light of Section 80 of the Local Government Act 2002. If the decision is significantly inconsistent with the Council’s LTCCP, then that needs to be identified and steps taken to deal with it.
23. Whilst there will be a drop in income from the revised charges, it is the view of the Legal Services Unit that the difference is not significantly inconsistent with the provisions in the 2006/16 LTCCP. This is because the overall revenue to be derived from the hospital car parks is expected to be very close to that budgeted for. If that is found not to be the case, then the matter can be dealt with by a future amendment to the LTCCP, and publicly notified through that process.
24. The Council can then resolve to implement less than the schedule rates without recourse to a Special Consultative Process.

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

25. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

26. 2006/16 LTCCP, Fees & Charges, Appendix B.

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

27. Yes, increased revenue included in 2007/08 Annual Plan budget.

5 Cont'd

ALIGNMENT WITH STRATEGIES

28. Parking Strategy for the Garden City 2003.

Do the recommendations align with the Council's strategies?

29. Policy 4O (page 12) confirms that the Council *"may become involved with off-street parking for the public where there are benefits to the wider community examples include providing off-street parking around public hospitals"*.
30. Policy 4Q (page 12) directs us to *"provide convenient and effective parking facilities for disabled persons in order to support their access"*.

CONSULTATION FULFILMENT

31. Consultation with the CDHB has been undertaken. Consultation with the wider community is not required.

STAFF RECOMMENDATION

It is recommended that, subject to the CDHB imposing the P120 and Patient & Visitor Parking Only restrictions on the Christchurch Hospital main site, the Council resolves, effective 1 October 2007, to:

- (a) Modify the charges as set out in the 2006/16 LTCCP for parking in the Christchurch Hospital car park building so that they read:
- Hospital Car Park Building 2007/2008
 - Basic Charge \$1.10 per half hour or part thereof
 - Maximum Daily Charge \$17.00
- (b) Confirm the reduction in the charges set out in the 2006/16 LTCCP for Christchurch Hospital on-site parking to \$0.80c/half hour instead of the published \$1.10/half hour so that it reads:
- Hospital on-site Parking \$0.80 per half hour

6. REPORT OF THE LICENSED WASTE HANDLING FACILITIES BYLAW REVIEW HEARINGS PANEL

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	City Water and Waste Manager
Author:	Kevin Roche, Assistant Council Secretary

PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the outcome of the special consultative procedure undertaken in respect to the proposed amendments to the Christchurch City Licensed Waste Handling Facilities Bylaw 2005, and to recommend that the Council now resolve to adopt the amended Bylaw.

EXECUTIVE SUMMARY

2. At its meeting on 5 April 2007 the Council approved the draft of an amended Christchurch City Council Licensed Waste Handling Facilities Bylaw to allow for the removal of the reference to waste levies and to make the Bylaw also applicable to the Banks Peninsula area.
3. A Hearings Panel consisting of Councillors Pat Harrow, Bob Shearing and Graham Condon was also appointed at this meeting (and the meeting of 21 June 2007) to hear and consider submissions on the draft Bylaw and report to an August 2007 meeting of the Council.
4. The period during which the public were invited to make submissions was between 18 April and 23 May 2007 and public notice of the special consultative procedure was given in the Press and Star newspapers and the Bay Harbour News on 18 April 2007.
5. A total of three submissions were received on the amended Bylaw from:
 - Canterbury Waste Services Limited
 - Waste Management NZ Limited
 - METANZ Limited

The Hearings Panel met on 20 July 2007 to hear and consider the submissions and Mr Gareth James, Manager Canterbury Waste Services Limited, Mr Ray Harris, Regional Manager, Waste Management NZ Limited, and Mr Adrian Marsh, General Manager METANZ Limited attended and spoke further to their submissions.

6. As a consequence of consideration of the submissions the Hearings Panel recommends one amendment be made to the revised draft Bylaw to allow for licensees to recover reasonable costs in the keeping of records and supply of data to the Council. It is proposed that a revision of the existing Clause 4.4 in the 2005 Bylaw be inserted into the Bylaw to read as follows:

"5.4 To compensate the licensee for the costs of complying with its obligations under Clause 5.2(d) the Chief Executive may from time to time specify an amount to be paid to the licensee."

FINANCIAL IMPLICATIONS

7. When the Waste Minimisation Levy provision of the 2005 Bylaw was declared ultra vires by the High Court in March 2006, it meant a loss of more than \$2 million of revenue per annum for which adjustments were made in the Council's 2006/07 budget. The introduction of a clause allowing for recovery of data collection costs by licensees will have some financial implications. It is difficult to quantify these as the effort required by the Refuse Station operator to obtain the required data will vary depending on the detail of the information sought. However, as a guide when the Cleanfill Bylaw was fully operative six percent of the waste levy was provided direct to cleanfill operators to cover their costs for data collection. For the approximate 200,000 tonnes of waste that goes to landfill via the four main refuse stations this would convert to a reimbursement cost of about \$54,000 for the Council. This scale of cost could be managed within the solid waste budget for waste analysis. Discussion would take place with the station operators prior to any requirements for data collection being imposed to ensure costs were kept within budget.

6 Cont'd

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

- 8 See above - can be managed within existing budgets.

LEGAL CONSIDERATIONS

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

9. Section 146 of the Local Government Act 2002 provides a specific Bylaw making power in respect of the regulating of waste management. Part XXXI of the Local Government Act 1974 is also still in force and applies to waste management issues and specifically provides for the power to make a Bylaw under Section 542.
10. Section 155 of the Local Government Act 2002 ("the Act") requires the Council to determine whether the making of a bylaw (including the review of an existing bylaw) is "the most appropriate way to address the perceived problem". The problem in this particular instance is to achieve optimal recovery and/or diversion of material at waste sorting facilities and collect specified waste data.
11. Section 77 of the Act requires the Council, in the course of a decision making process on new objectives, to seek to identify and assess all reasonably practicable options for the achievement of the objectives. In August 2004 the Council determined that the following options existed:
- (a) Do nothing; ie allow refuse stations to continue sorting and consolidating waste without regulation or controls. This was deemed unacceptable by the Council in 2004, and the Bylaw has since proved to work well, however, it does not apply to the Banks Peninsula area.
 - (b) Seek voluntary cooperation, this was deemed impractical by the Council in 2004 and the Bylaw has since proved to work well;
 - (c) Make a bylaw requiring refuse stations to obtain a licence in order to operate, with the licence conditions requiring appropriate sorting of refuse and reporting of specified waste data. This option was recommended in 2004. Under Section 538 of the Local Government Act 1974 Councils have the duty to encourage efficient and effective waste management. It is considered that this option meets that duty more effectively than either of the other options.
12. After considering these options the Council in August 2004 resolved that, as is required in terms of Section 155 of the Local Government Act 2002, a Bylaw was the most appropriate way to address the issues of; firstly, regulating waste sorting at all waste handling facilities, and secondly, collecting waste minimisation levies (which was terminated by the Council as from 31 March 2006 after the High Court judgement).
13. The regulatory framework for Councils has not changed since 2004, and it therefore follows that the need for retaining the Bylaw, but with some amendments, still exists.
14. There are no provisions in the New Zealand Bill of Rights Act 1990 which have a bearing on the draft Waste Handling Facilities Bylaw 2007 and therefore there are no inconsistencies between the draft Bylaw and the statute.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Page 140 of the LTCCP, level of service under "Refuse Minimisation and Disposal" refers.

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

16. As above.

6 Cont'd

ALIGNMENT WITH STRATEGIES

17. The proposed new Bylaw aligns with the Council's Waste Management Plan 2006.

Do the recommendations align with the Council's strategies?

18. As above.

CONSULTATION FULFILMENT

18. Section 156(1) of the LGA 2002 provides that the Council, must follow the special consultative procedures set out in Section 86 of the Local Government Act 2002 when adopting a Bylaw. This procedure has now been completed in respect to the amended Bylaw.
20. Three submissions were received from the consultation process on the proposed Bylaw and as a consequence an amendment has been recommended by the Hearings Panel.

HEARINGS PANEL RECOMMENDATION

It is recommended that the Council resolve:

- (a) to adopt the amended Christchurch City Licensed Waste Handling Facilities Bylaw 2007, as attached and to revoke the previous 2005 Bylaw.
- (b) that public notice of the adoption of the Bylaw, and subsequent ramifications be given in the "Press" and the "Christchurch Star" newspapers and on the Council's website.
- (c) that the subsequently revoked Bylaw be removed from the list of Christchurch City Council Bylaws on the Council's website.

6 Cont'd

BACKGROUND ON CHRISTCHURCH CITY LICENSED WASTE HANDLING FACILITIES BYLAW 2007

21. Waste handling facilities (also called refuse stations) in the Christchurch City area operate under the Licensed Waste Handling Facilities Bylaw 2005. No such provisions exist for the Banks Peninsula area.
22. The purpose of the Waste Handling Facilities Bylaw 2005 was to licence all waste handling facilities and through the provisions of the licence regulate waste sorting to achieve a level playing field regarding diversion of recoverable materials from the waste stream. In addition operators are required to collect specified waste data to be passed on to the Council. It has not yet been necessary to implement the provisions regulating the sorting of waste. The requirement for collecting and passing on waste data to the Council works well and assists in planning for waste minimisation. It is advisable that the same rules also apply to the Banks Peninsula area. In addition references to waste minimisation levies, which are contained in the Bylaw as it was passed in 2005, should now be deleted from the existing Bylaw in accordance with the High Court decision of March 2006.
23. The Bylaw is an important tool in monitoring diversion of waste away from disposal in accordance with the Council's Solid & Hazardous Waste Management Plan 2006. The amended Bylaw does not refer to the 2003 Waste Management Plan targets but rather to whatever waste management plan targets have been approved by the Council from time to time after a special consultative procedure for the Waste Management Plan.
24. At its meeting on 5 April 2007 the Council approved for consultation the draft of an amended Christchurch City Council Licensed Waste Handling Facilities Bylaw to allow for the removal of the reference to waste levies, to make the Bylaw also applicable to the Banks Peninsula area, and remove the reference to the 2003 Waste Management Plan targets as above.
25. A Hearings Panel consisting of Councillors Pat Harrow, Bob Shearing and Graham Condon was also appointed at this meeting (and the meeting of 21 June 2007) to hear and consider submissions on the draft Bylaw and report to an August 2007 meeting of the Council.
26. The period during which the public were invited to make submissions was between 18 April and 23 May 2007 and public notice of the special consultative procedure was given in the Press and Star newspapers and the Bay Harbour News on 18 April 2007.
27. A total of three submissions were received on the proposed revised Bylaw from:
 - Canterbury Waste Services Limited
 - Waste Management NZ Limited
 - METANZ Limited

The Hearings Panel met on 20 July 2007 to hear and consider the submissions on the amended Bylaw and Mr Gareth James, Manager Canterbury Waste Services Limited, Mr Ray Harris, Regional Manager Waste Management NZ Limited, and Mr Adrian Marsh, General Manager METANZ Limited attended and spoke further to their submissions.

28. Copies of submissions from the above three organisations are attached as Attachment 2 and an analysis of the submissions and staff comments on these is as follows:

Canterbury Waste Services Limited

ISSUE 1 – LICENSEE'S OBLIGATION TO SUPPLY DATA TO THE COUNCIL

The submitter proposes a new Clause to the Bylaw to permit licence holders to charge the Council for labour and materials costs incurred in providing data to the Council.

Staff do not support the wording as proposed by the submitter as it would be difficult to assess and administer different costing approaches by individual licence holders and instead propose that the provision in Clause 4.4 of the existing Bylaw be amended to read as follows and inserted into the 2007 Bylaw:

6 Cont'd

"5.4 To compensate the licensee for the costs of complying with its obligations under Clause 5.2 (d) the Chief Executive may from time to time specify an amount to be paid to the licensee."

ISSUE 2 – APPLICATION OF TARGETS FOR WASTE MINIMISATION

The submitter does not propose any changes and therefore no staff response is required. The submitter does identify issues that would need to be considered if the Council in future decides to proceed with implementing Clause 5 of the Bylaw which makes provision for meeting diversion targets.

Waste Management NZ Limited / Transpacific Industries Group

ISSUE 1 – DELETION OF LEVIES

The submitter supports the deletion of levies as proposed by the Council. The submitter holds the view that the Council has the obligation to refund all the levies previously collected. As this falls outside the Bylaw review staff do not offer a comment.

ISSUE 2 – LICENSEE'S OBLIGATION TO SUPPLY DATA TO THE COUNCIL

The submitter requests that the draft Bylaw be amended to enable licensees to recover reasonable costs.

Staff proposes that the provision in Clause 4.4 of the existing Bylaw be amended as above and inserted into the 2007 Bylaw:

ISSUE 3 – APPLICATION OF TARGETS FOR WASTE MINIMISATION

The submitter does not propose any changes and therefore no staff response is required. The submitter does identify issues that would need to be considered if the Council in future decides to proceed with implementing Clause 5 of the Bylaw which makes provision for meeting diversion targets.

METANZ Limited

The submitter agrees with all the proposed changes to the Bylaw, and offers detailed advice to be considered if the Council in future decides to proceed with implementing Clause 5 of the Bylaw which makes provision for meeting diversion targets. The submitter is of the view that Council should be implementing the provisions of Clause 5 as soon as possible.

SUMMARY

29. The report seeks approval to the amended Christchurch City Licensed Waste Handling Facilities Bylaw 2007 and the revocation of the previous Bylaw as recommended by the Hearings Panel, appointed by the Council.

**7. REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD:
MEETING OF 25 JULY 2007**

Attached.

**8. JOINT REPORT BY THE CHAIRMEN OF THE AKAROA/WAIREWA COMMUNITY BOARD AND
LYTTELTON/MT HERBERT COMMUNITY BOARD REGARDING BANKS PENINSULA RESERVE
MANAGEMENT COMMITTEES**

Attached.

**9. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:
MEETING OF 8 AUGUST 2007**

Attached.

**10. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD:
MEETING OF 7 AUGUST 2007**

Attached.

11. NOTICES OF MOTION

12. QUESTIONS

13. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.