

CHRISTCHURCH CITY COUNCIL AGENDA

FRIDAY 19 DECEMBER 2008

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL

**Friday 19 December 2008 at 9.30am
in the Council Chamber, Civic Offices**

Council: The Mayor, Bob Parker (Chairperson).
Councillors Helen Broughton, Sally Buck, Ngaire Button, Barry Corbett, David Cox, Yani Johanson,
Claudia Reid, Bob Shearing, Gail Sheriff, Mike Wall, Sue Wells, Chrissie Williams and Norm Withers.

ITEM NO	DESCRIPTION
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| 1. | APOLOGIES |
| 2. | CONFIRMATION OF MINUTES - COUNCIL MEETING OF 27.11.2008 |
| 3. | DEPUTATIONS BY APPOINTMENT |
| 4. | PRESENTATION OF PETITIONS |
| 5. | NAMING STEWART PLAZA - CITY MALL |
| 6. | PROPOSED STANMORE ROAD CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL
TRAFFIC AND PARKING AMENDMENT (STANMORE ROAD) BYLAW 2009 |
| 7. | PROPOSED KILMORE STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL
TRAFFIC AND PARKING AMENDMENT (KILMORE STREET) BYLAW 2009 |
| 8. | PROPOSED LINWOOD AVENUE CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL
TRAFFIC AND PARKING AMENDMENT (LINWOOD AVENUE) BYLAW 2009 |
| 9. | ISAAC CONSERVATION AREA MANAGEMENT PLAN |
| 10. | HALSWELL QUARRY PARK SISTER CITIES KOREAN AND CHINESE AREAS |
| 11. | POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW |
| 12. | NORTHWATER DRIVE –ROAD LEGISLATION |
| 13. | PROVISION OF KERBSIDE COLLECTION SERVICES TO PROPERTIES FOR WHICH A
RATES REMISSION HAS BEEN GRANTED |
| 14. | TERMS AND CONDITIONS FOR THE USE OF THE KERBSIDE COLLECTION SERVICES
AND WASTE COLLECTION POINTS |
| 15. | HARPER AVENUE AND DEANS AVENUE – NO STOPPING (11PM TO 5AM) RESTRICTION |
| 16. | RECESS COMMITTEE |
| 17. | EARLY PROCESSING AND ORDERING OF CANDIDATES' NAMES ON VOTING
DOCUMENTS: ELECTION OF ONE MEMBER OF THE SHIRLEY/PAPANUI COMMUNITY
BOARD |
| 18. | APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE CANTERBURY REGIONAL
TRANSPORT COMMITTEE |
| 19. | METROPOLITAN DISCRETIONARY RESPONSE FUND APPLICATIONS |
| 20. | APPROVAL OF CHANGES TO PROVISIONS IN THE CITY PLAN |

ITEM NO DESCRIPTION

**21. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 4 DECEMBER 2008**

1. Gambling Consent Application – Sumner RSA
2. Terms of Reference for Strategic Review of Heritage Policy
3. Akaroa Harbour Basin Settlements Study – Preferred Options for Consultation
4. Parking Enforcement Issues Arising from the 2008 Review of the Traffic & Parking Bylaw
5. Planning Administration Monthly Report for October 2008
6. Deputations by Appointment

22. NOTICES OF MOTION

23. RESOLUTION TO EXCLUDE THE PUBLIC

1. APOLOGIES

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 27.11.2008

Attached.

3. DEPUTATIONS BY APPOINTMENT

(a) ISAAC CONSERVATION AREA MANAGEMENT PLAN

Diana, Lady Isaac will be in attendance to speak to the item regarding Isaac Conservation Area Management Plan (item 9).

(b) HALSWELL QUARRY

Forbes Taylor will be in attendance to speak to the item regarding Halswell Quarry (item 10).

It is expected that there will be other deputations on this matter.

4. PRESENTATION OF PETITIONS

5. NAMING STEWART PLAZA - CITY MALL

General Manager responsible:	General Manager City Environment DDI 941-8608
Officers responsible:	Transport & Greenspace Manager Asset and Network Planning Manager
Author:	Richard Holland, Planning and Investigations Team Manager

PURPOSE OF REPORT

1. The purpose of this report is to formally adopt the name The Stewart Plaza for the triangle of land on the corner of High, Colombo, and Hereford Streets as part of City Mall (refer **attached** map) but also the site of the former Stewart Fountain and held under the Christchurch City (Reserves) Empowering Act 1971.

EXECUTIVE SUMMARY

2. Officers are recommending that the Council approve the naming of the area of City Mall on the corner of High, Hereford and Colombo Streets as Stewart Plaza.
3. The land with an address of 291F High Street is held under the City Plan as Conservation 2 Zone for Garden and Heritage Parks and under the Christchurch City (Reserves) Empowering Act 1971.
4. Following the City Mall redevelopment consultation process, the Christchurch City Council approached the Stewart Family seeking agreement to dedicate and name the area formerly occupied by the Stewart Fountain as 'Stewart Plaza'. At this entry to City Mall the newly erected sculpture Flour Power, by Regan Gentry, is the first new public sculpture to be commissioned by the Christchurch City Council's Public Art Advisory Group. Funding for the work has been made available from the Council's Public Art Fund and a substantial donation from Adrienne, Lady Stewart and the Estate of the late Sir Robertson Stewart.
5. The Council as the administering body for the reserve can agree to name the reserve as agreed by the Stewart family given the long history of involvement with the site. This bequest comes with the additional understanding that the sculpture will be placed there permanently and the area should be officially designated and known in perpetuity as the Stewart Plaza.

FINANCIAL IMPLICATIONS

6. There are no financial implications of naming this section of the City Mall and the corner reserve held under the Christchurch City (Reserves) Empowering Act 1971.

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

7. The recommendations will have minimal impact upon the 2008/09 plan or the 2006-2016 LTCCP budgets.

LEGAL CONSIDERATIONS

8. The land in question on the corner of Colombo and High Streets is held under the Christchurch City (Reserves) Empowering Act 1971 and amended in 1974. It is covered under the Act by parcels described in Schedule 3, and covered by Section 7 hereby declared the land to be vested as reserve for the use of the inhabitants of City of Christchurch for the purposes of lawns, ornamental gardens and ornamental buildings. This Act came into force before the Reserves Act 1977 but for avoidance of doubt this site was held and administered as public reserve under the provisions of the previous Reserves and Domains Act 1953 and these provisions was replaced by the Reserves Act 1977.
9. There is an existing Council Policy (1993) for the naming of reserves where proposed names shall be approved by resolution of Council and for existing reserves where named through common usage these names shall be retained. The name for this site was always known as the 'Stewart Fountain' by the general public in Christchurch and that perception remains very strong on this reserve site.

5 Cont'd

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

10. Yes – see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Provide and manage garden and heritage parks throughout the city and provide amenity values, areas for recreation, garden environments, and green corridors that contribute to the city's natural form, character, heritage and garden city image.
12. The naming of this existing reserve does not trigger an Activity Management Plan level of service although the Naming of Parks and Reserves Policy 1993 states that all reserves vested in or under the control of the City Council shall be given an appropriate name.

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

13. Yes – see above.

ALIGNMENT WITH STRATEGIES

14. The LTCCP's strong communities, healthy environment, and liveable city strategic directions section prioritises: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer.
15. By providing and supporting a range of arts, festivals and events; and protecting and promoting the heritage character and history of the city. The provision of art and features within the city through private contributions improves the public spaces further. By approving this application the Council will support and add to the range of experiences people are able to enjoy and experience, within the inner city.

Do the recommendations align with the Council's strategies?

16. Yes –see above.

CONSULTATION FULFILMENT

17. Public consultation is not required under Reserves Act 1977 or under the Council Policy adopted on 27 July 1993. This is a metropolitan reserve under this policy and accordingly is reported to the Council for approval.

CONCLUSION

18. As part of the City Mall revitalisation project it was decided by the Council that new seating and a signatory public art piece should replace the Stewart Fountain. Key features of the design of the project identified by the project team included the creation of a new Stewart Plaza. During the consultation process between the Council and the general public it was agreed that any sculpture in this area should be a vertical structure. As part of this consultation process Christchurch City Council also approached the Stewart Family seeking agreement to dedicate and name the area 'Stewart Plaza'.
19. Sir Robertson Stewart died on 13 August 2007 and before his passing he created a bequest providing part funding for the proposed sculpture on the site where the Stewart Fountain was. The site has long been known locally as the Stewart Fountain site and officially naming the reserve The Stewart Plaza is entirely appropriate.

5 Cont'd

STAFF RECOMMENDATION

It is recommended:

- (a) That that the area of the former Stewart Fountain be officially designated and known in perpetuity as: The Stewart Plaza.
- (b) It is also a recommendation and a requirement of the bequest that a suitable plaque identifying the Stewart family contribution be placed at the foot or alongside the sculpture.

5 Cont'd

BACKGROUND

20. In 1966 Mr Robertson H Stewart, well-known industrialist and then City Councillor, offered £5,000 for the design and construction of a fountain on the corner of Hereford, Colombo and High Streets. By 1970 a final design had been approved and Mr Stewart had increased his funding to \$14,000. The donation of the fountain on this spot was one of his first contributions to Christchurch.
21. The fountain was designed by Laurie Karasek, a lecturer in sculpture and design at the School of Fine Arts. It featured a stainless steel wall on four levels which had water flowing down it, a pool and several jets of water. By 1978 the fountain needed to be dismantled and cleaned to enable it to keep working and in 1981 the Christchurch City Council decided that it would become a feature of the new 'City Mall'.
22. It took until 1982 for repairs to be undertaken, at which point Sir Robertson Stewart, as he was by then, provided \$7,000 for the works. In 1987 the Council decided the fountain needed redesigning, to provide a water jet and to try and mitigate some of the ongoing maintenance issues. This happened in 1988 but by 1993 the Council had decided that the structure needed to be replaced due to ongoing problems with maintenance.
23. A further contribution of \$220,000 was provided by Sir Robertson Stewart to commission the new fountain. The replacement fountain was always known as the 'Stewart Fountain' by the general public in Christchurch and that perception remains very strong on this reserve site. The replacement fountain was demolished towards the end of 2007 as part of the new City Mall redevelopment.

New Sculpture Commissioned

24. As part of the City Mall revitalisation project it was decided by the Council that new seating and a signatory public art piece should replace the Stewart Fountain. Key features of the design of the project identified by the project team included the creation of a new Stewart Plaza. During the consultation process between the Council and the general public it was agreed that any sculpture in this area should be a vertical structure. As part of this consultation process Christchurch City Council also approached the Stewart Family seeking agreement to dedicate and name the area 'Stewart Plaza'.
25. The new sculpture for this site "Flour Power" was unveiled on 18 September 2008 as part of the SCAPE Christchurch Biennial of Art in Public Space. The new work has been designed specifically for the site and has a very definite Christchurch and Canterbury flavour.
26. Sir Robertson Stewart died on 13 August 2007 and before his passing he created a bequest providing part funding for the proposed sculpture on the site where the Stewart Fountain was. This bequest comes with the additional understanding that the sculpture will be placed there permanently and the area should be officially designated and known in perpetuity as the Stewart Plaza. It is also a requirement that a suitable plaque identifying the Stewart family contribution be placed at the foot or alongside the sculpture.

THE OBJECTIVES

27. The aim of the proposal is to permanently recognise the contribution of the Stewart family to the city of Christchurch and this site is the optimum site for such recognition, as it already has such a well known connection to the family in the minds of the people of Christchurch.

THE OPTIONS

28. Option 1: Approve the naming of the land with an address of 291F High Street is held under the City Plan as Conservation 2 Zone for Garden and Heritage Parks and under the Christchurch City (Reserves) Empowering Act 1971.
29. Option 2: Not approve the naming.

5 Cont'd

PREFERRED OPTION

30. Option 1.

Option 1: To formally adopt the name Stewart Plaza for the triangle of land on the corner of High, Colombo, and Hereford Streets as part of City Mall but also the site of the former Stewart Fountain and held under the Christchurch City (Reserves) Empowering Act 1971.

	Benefits (current and future)	Costs (current and future)
Social	Providing a variety of recreational opportunities that are accessible, safe, welcoming and enjoyable to use as well as providing areas for social interaction.	Nil.
Cultural	Providing artworks and areas that create pleasant settings and conserve the heritage features of the city.	Nil. Ongoing maintenance of the sculpture which will be less than the fountain.
Environmental	Strengthening the Garden City image through providing well designed parks that enhance the natural character and visual amenity of the city.	Nil. Ongoing maintenance of the City Mall space which should be less than current due to higher fountain maintenance costs.
Economic	Providing parks to maintain the Garden City image, attracting business and tourism. Provision of private bequest artworks to enhance the city.	City Mall upgrade costs are included in the LTCCP 2006/16 and the ongoing maintenance costs should not be greater.
Extent to which community outcomes are achieved: See report. Consistency with existing Council policies: See report. Views and preferences of persons affected or likely to have an interest: Other relevant matters:		

6. PROPOSED STANMORE ROAD CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (STANMORE ROAD) BYLAW 2009

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport and Greenspace General Manager
Author:	Transportation Consultation Team Leader, Rod Whearty

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to commence the Special Consultative Procedure recommending the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Stanmore Road between Avonside Drive and North Avon Road, and amendment of the Christchurch City Council Traffic & Parking Bylaw 2008.
2. This report went before the Council meeting of 27 November 2008. The Council resolved to send this report to the Hagley Ferrymead Community Board for its consideration and Part A recommendation to Council. The Hagley/Ferrymead Community Board is meeting on Wednesday 17 December 2008. A recommendation will be forwarded prior to the Council meeting on 19 December 2008.

EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Stanmore Road between Avonside Drive and North Avon Road. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic & Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008
3. Under the Council's bylaw making powers in section 72(1)(kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. To ensure that the proposed cycle lane can be enforced it needs to be specified by inclusion in Schedule 2 of the Bylaw, and following a special consultative procedure for making amendments to the Bylaw.
4. Stanmore Road is a "collector road" with an average annual daily traffic count of approximately 15,500 vehicles. In the last five years there have been four reported cycle accidents (three minor injury/one non-injury) in this section of Stanmore Road.
5. The northern section of Stanmore Road recorded over 80 trips per day (the highest use category) in the 2006 Christchurch Cycle Network Plan: Cyclist Survey (CCNP:CS). Other sections of Stanmore Road recorded either 21-40 or 41-80 trips per day.
6. The CCNP:CS surveyed trips made by 400 cyclists over a week long period during May-June and October-November 2006. It should be noted that the recorded trips are not overall cycling counts, but the recorded trips of a small representative sample of cyclists. The actual number of cyclists using this road is potentially much higher.
7. The length of road within this cycle lane project has adjacent land uses split between retail and residential with a local park in the centre. The retail areas have a relatively high level of on-street parking, driveways and minor intersections. Several pedestrian islands have been constructed in recent years. The figures indicate that Stanmore Road is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
8. The Council's Cycling Strategy 2004 aims to create a cycle friendly city with the three objectives of increasing cycling, increasing the enjoyment of cycling and improving the safety of cycling in Christchurch. The Strategy recognises the need to consider the National Engineering Design Guide when developing a cycle network for Christchurch and that enhancing the physical environment is a key method towards achieving the Strategy objectives.

6 Cont'd

9. The provision of an improved physical cycling environment is also aligned with the New Zealand Land Transport Strategy and the National Walking and Cycling Strategy. The cycle network is made up of a mix of on road and off road cycle routes and the priority of provision is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.
10. Opportunities are also taken to coordinate cycle lane construction with other road network improvement projects such as road reconstructions, kerb and channel renewal, safety improvements etc to create a network of continuous routes for existing use and anticipated future growth.
11. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
12. The process for making the amendments to the Bylaw is as follows:
 - (a) The Council resolves that the amendments to the Bylaw are the most appropriate way to address the perceived problems (which are identified below), they are in the most appropriate form, and that there are no inconsistencies with the New Zealand Bill of Rights Act (See recommendations below);
 - (b) The Council approves the statement of proposal and summary of information and publicises it for public submissions, and appoints a hearings panel to hear submissions (See recommendations below);
 - (c) The special consultative procedure will be from Monday 12 January 2009 to Friday 13 February 2009;
 - (d) If any submitters wish to be heard, hearings will take place during the week of 9 March 2009; and
 - (e) The Council will then receive a report from the hearings panel to consider the recommendations of the panel, and adopt the amendments to the Bylaw (**Attachment 1**). Construction of the cycle lane may then take place.

FINANCIAL IMPLICATIONS

13. Funding is provided in the Transport and Greenspace Capital Work Programme as follows.
 - (a) Stanmore Road Cycle lane 2008/09 \$270,000
 - (b) The funding for this project covers all costs from design and consultation through to construction and implementation.

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

14. Not affected by the proposed changes.

LEGAL CONSIDERATIONS/SECTION 155

15. Section 155 of the Act requires the Council to determine whether the making or amending of a bylaw is *"the most appropriate way to address the perceived problem"*. The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).

6 Cont'd

Appropriate way to address problem

16. The proposed Stanmore Road cycle lane project (between Avonside Drive and North Avon Road) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. The proposed project supports the Council's Vision in the Cycling Strategy towards helping Christchurch to be a cycle friendly city and specifically assists in the targets of increasing cycling and making it safe to cycle. The figures indicate that Stanmore Road is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.

17. The following options exist for the Council in relation to managing cycle use on Stanmore Road:

- (a) Status quo ie Do nothing. Make no specific provision and leave cyclists with the responsibility for moving and maintaining their own space within the road corridor and traffic flow.

This option is not preferred because it does not support the strategies identified in paragraph 26 of this report. There are a number of school children using this road and this option does not provide any additional safety benefits for cyclists using this road.

- (b) Create an off road cycle path or shared cycle/pedestrian path along all or parts of the route.

This option is not preferred because there is insufficient area to accommodate the shared path within the existing legal road boundary and property purchase would be required in some areas to achieve this option. The distribution of retail and commercial areas along the route and the high number of pedestrians associated with schools and shops in this area poses potential conflict with a shared cycle/pedestrian path,

- (c) Provide a dedicated and marked cycle lane as part of the road layout on Stanmore Road between Avonside Drive and North Avon Road for increased safety of the cyclists as shown on **Attachment 2**.

This is the preferred option. This option is aligned to and meets the objectives in the Cycle Strategy, sustainable transport modes and provides additional safety benefits for cyclists in this section of Stanmore Road.

This option creates a Special Vehicle Lane. Under the Transport Act, Special Vehicle Lanes must be specified in a Bylaw. The Local Government Act prescribes that any alterations or additions to a Bylaw may only be undertaken using the Special Consultative Procedure.

The Council's intention is to make an amendment by way of addition to Schedule 2 of the Traffic and Parking Bylaw 2008 to allow a marked cycle lane on both sides of Stanmore Road between Avonside Drive and North Avon Road.

There is no other way of creating a legally enforceable cycle lane on the road; therefore the bylaw amendment is the most appropriate way of addressing this problem.

Appropriate form of bylaw

18. The form in which the proposed amendment to the second schedule of the Bylaw has been drafted is considered appropriate, in specifying the road where the special vehicle lane will be and the approximate location in the road, and is in accord with the format used in the proposed new second schedule in the amendment to the Traffic and Parking Bylaw 2008 which is currently out for consultation.

6 Cont'd

19. If a greater level of detail was specified then if any changes were made to the road in the future, which required the alteration of the special vehicle lane, and then each time that happened the bylaw would need to be amended. If the bylaw was not amended and the changes on the road were made, then that may make enforcement of the bylaw more difficult. The proposed new second schedule contains wording which provides that lanes will be marked as required/prescribed under the Land Transport legislation or at the officer's discretion in accordance with best practice guidelines.

New Zealand Bill of Rights Act 1990 (NZBORA)

20. The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating special vehicle lanes provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city, and in fact creating cycle lanes may uphold another right under the NZBORA: freedom from discrimination (cycle lanes may provide a safe option for those who cannot drive cars because of a disability or age). Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

Legal requirements of a special consultative procedure

21. The special consultative procedure under the Act requires that the Council prepare a statement of proposal that must include:

“(a) as the case may be,—

- (i) a draft of the bylaw as proposed to be made or amended; or
- (ii) a statement that the bylaw is to be revoked; and
- (iii) the reasons for the proposal; and
- (iv) a report on any relevant determinations by the local authority under section 155.”

22. The Act also requires the Council to determine the form of the summary of information. Section 89(c) requires that it be distributed "*as widely as reasonably practicable (in such a manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates)...*" Section 83(e) of the Act also requires that the Council must give public notice of the proposal and the consultation being undertaken.

23. The proposed amendment to the Bylaw concerns a road in one part of the Council's district. It is therefore proposed that the summary of information be distributed to all properties and businesses along the route and nearby properties in adjacent streets and any absentee owners identified within the distribution area. The summary of information should also be sent to other relevant stakeholders, including Spokes, Taxi Federation, Transport Groups, and Residents Groups in the distribution area. Public notice of the proposal will be published in a local newspaper with a wide circulation in the Council's district. Copies of the consultation documents will be available from the Civic Offices, and all Council service centres and libraries.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Yes.

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

25. Yes.

6 Cont'd

ALIGNMENT WITH STRATEGIES

26. The proposed cycle lane is aligned to the following strategies:

- (a) Cycle Strategy 2004
- (b) New Zealand Land Transport Strategy
- (c) National Walking and Cycling Strategy
- (d) Metro Strategy
- (e) Sustainable Energy Strategy
- (f) Physical Recreation and Sport Strategy
- (g) Road Safety Strategy

CONSULTATION FULFILMENT

27. Internal consultation has taken place between relevant units. Details of the proposed Stanmore Road cycle lane were presented as a seminar to the Hagley/Ferrymead Community Board on 16 July 2008. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Stanmore Road, is the most appropriate way to address the perceived problems identified in paragraphs 16 & 17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the draft amendments to the Bylaw are in the most appropriate form.
- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the attached Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets as shown on the distribution plan within the summary of information, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to consider submissions on the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009.
- (g) Note that this report is included in the Council agenda of 19 December 2008.
- (h) Note that, in order to meet the consultation and hearing timetable outlined in the Statement of Proposal and the Summary of Information, staff advise that the Board's recommendation will be forwarded to the 19 December 2009 Council meeting by way of memorandum from the Community Board Adviser.

HAGLEY/FERRYMEAD COMMUNITY BOARD RECOMMENDATION

This will be forwarded to the Council on 18 December 2008.

6 Cont'd

BACKGROUND

THE OBJECTIVES

28. The primary (must do) objectives for the project are as follows:

- (a) To provide cycle facilities on Stanmore Road between Avonside Drive and North Avon Road which will enhance safety for cyclists.
 - (i) Cycles lanes have been proposed on both sides of Stanmore Road for the entire length between North Avon Road and Avonside drive
- (b) Maintain the collector function of Stanmore Road.
 - (i) The road design is consistent with maintaining the collector function of Stanmore Road.
- (c) To complete the construction within the 2008/09 financial year.
 - (i) This objective will not be achieved. The project is scheduled to be constructed in the 2009/2010 financial year. Construction has been delayed due to the time required to complete the special consultative procedure.
- (d) To maintain or improve safety for all road users, including pedestrians.
 - (i) The proposal will improve safety for pedestrians at some locations and will maintain or improve safety through out. Cyclist safety will be improved through the whole length of Stanmore Road that the project covers. Driver and vehicle safety is maintained, with driver / cyclist interaction reduced.

29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:

- (a) To maintain as much parking as possible adjacent to the businesses.
 - (i) The proposed design retains as much kerb side parking as possible adjacent to businesses, whilst providing safe facilities for pedestrians, cyclists and vehicles.
- (b) Ensure the street lighting and signage is adequate for route.
 - (i) A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project.
- (c) To provide extra pedestrian facilities over and above the existing facilities to cater for the high number of school age and elderly pedestrians that use Stanmore Road to access schools in the area and for shopping.
 - (i) The proposal will improve pedestrian links with a kerb build out proposed opposite the supermarket where it will improve pedestrian sight lines at a heavily used crossing point. Tactile pavers for the partially sighted are also proposed at the pedestrian crossing facilities across Stanmore Road and at the North Avon Road signalised intersection.

6 Cont'd

Key features of the proposed Stanmore Road Cycle Lane are as follows

- (a) Inclusion of cycle lanes varying between 1.5-1.8 metres wide on both sides of Stanmore Road between Avonside Drive and North Avon Road.
- (b) Maintain the "Collector Road" status of Stanmore Road.
- (c) Complete construction within 2009/10 financial year.
- (d) Adding a kerb build out opposite the supermarket to improve pedestrian crossing facilities at that point.
- (e) Including tactile pavers at the pedestrian islands and pedestrian crossing.
- (f) Removal of three existing kerb "Build outs" to make room for the proposed cycle lane.
- (g) Three new pedestrian Islands added at various points between Avonside Drive and North Avon Road.
- (h) Removal of two Bus Stops. One south of Warwick Street and one south of North Avon Road.
- (i) Relocation of the existing Taxi Stand to the opposite side of the road to share the space with the Mobile Library.
- (j) Removal of 36 existing car park spaces at various locations, Car parks in high demand areas are largely retained
- (k) Two metre wide central flush median retained in some locations.

THE PREFERRED OPTION

- 30. Commence the special consultative procedure to make the recommended amendments to the Bylaw.

7. PROPOSED KILMORE STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (KILMORE STREET) BYLAW 2009

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace General Manager
Author:	Peter Barnes, Transportation Consultation Leader

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to commence the Special Consultative procedure recommending the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Kilmore Street between Fitzgerald Avenue and Madras Street, and to make a bylaw to amend the Christchurch City Council Traffic and Parking Bylaw 2008.
2. This report went before the Council meeting of 27 November 2008. The Council resolved to send this report to the Hagley Ferrymead Community Board for its consideration and Part A recommendation to Council. The Hagley/Ferrymead Community Board is meeting on Wednesday 17 December 2008. A recommendation will be forwarded prior to the Council meeting on 19 December 2008.

EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Kilmore Street between Fitzgerald Avenue to Madras Street. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
3. Under the Council's bylaw making powers in section 72(1) (kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. To ensure that the proposed cycle lane can be enforced it needs to be specified by inclusion in Schedule 2 of the Bylaw. Any amendments to a bylaw can only be done by way of the special consultative procedure.
4. Kilmore Street is a "minor arterial road" used by approximately 9,500 vehicles per day. In the five year period between 2002 and 2006 there were two reported cycle accidents in this section of Kilmore Street.
5. Data from cycling surveys carried out between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. From issues raised to the Council Cycling Transport Planner, there is anecdotal evidence that, due to the existing traffic lane and parking layout, the Kilmore Street/Barbadoes Street intersection is one of the most dangerous intersections in Christchurch.
6. The length of road within this cycle lane project has adjacent land uses split between retail, commercial and residential. The figures indicate that Kilmore Street is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
7. The Council's Cycling Strategy 2004 aims to create a cycle friendly city with the three objectives of increasing cycling, increasing the enjoyment of cycling and improving the safety of cycling in Christchurch. The Strategy recognises the need to consider the National Engineering Design Guide when developing a cycle network for Christchurch and that enhancing the physical environment is a key method towards achieving the Strategy objectives.
8. The provision of an improved physical cycling environment is also aligned with the New Zealand Land Transport Strategy and the National Walking and Cycling Strategy. The cycle network is made up of a mix of on-road and off-road cycle routes and the priority of provision is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.

7 Cont'd

9. Opportunities are also taken to coordinate cycle lane construction with other road network improvement projects such as road reconstructions, kerb and channel renewal, safety improvements etc to create a network of continuous routes for existing use and anticipated future growth.
10. **Attachment A** is a statement of proposal (including the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009) and **Attachment B** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
11. The process for making the Amendment Bylaw (which will amend Schedule 2 of the Traffic and Parking Bylaw 2008) is as follows:
 - (a) The Council resolves that the Amendment Bylaw is the most appropriate way to address the perceived problems (which are identified below), the bylaw is in the most appropriate form, and that there are no inconsistencies with the New Zealand Bill of Rights Act (See recommendations below);
 - (b) The Council approves the statement of proposal and summary of information and publicises it for public submissions, and appoints a hearings panel to hear submissions (See recommendations below);
 - (c) The special consultative procedure will be from Monday 12 January 2009 to Friday 13 February 2009;
 - (d) If any submitters wish to be heard, hearings will take place during the week beginning 9 of March 2009; and
 - (e) The Council will then receive a report from the hearings panel to consider the recommendations of the panel, and adopt the Amendment Bylaw (**Attachment A**). Construction of the cycle lane may then take place.

FINANCIAL IMPLICATIONS

12. Funding is provided in the Transport and Greenspace Capital Work Programme as follows.
 - (a) Kilmore Street Cycle Lane for 2008/09 is \$260,000
 - (b) The funding for this project covers all costs from design and consultation through to construction and implementation.

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

13. Not affected by the proposed changes.

LEGAL CONSIDERATIONS/SECTION 155

14. Section 155 of the Local Government Act 2002 requires the Council to determine whether the making or amending of a bylaw is *"the most appropriate way to address the perceived problem"*. The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).

Appropriate way to address problem

15. Kilmore Street is a "minor arterial road" used by approximately 9,500 vehicles per day. In the five year period between 2002 and 2006 there were two reported cycle accidents in this section of Kilmore Street. Data from cycling surveys carried out between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. From issues raised to the Council Cycling Transport Planner, there is anecdotal evidence that, due to the existing traffic lane and parking layout, the Kilmore Street/Barbadoes Street intersection is one of the most dangerous intersections in Christchurch.

7 Cont'd

16. The proposed Kilmore Street cycle lane project (between Fitzgerald Avenue to Madras Street) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. The proposed project supports the Council's Vision in the Cycling Strategy towards helping Christchurch to be a cycle friendly city and specifically assists in the targets of increasing cycling and making it safe to cycle. The figures above indicate that Kilmore Street is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
17. The following options exist for the Council in relation to managing cycle use on Kilmore Street:
 - (a) Status quo – ie: Do nothing. Make no specific provision and leave cyclists with the responsibility for moving and maintaining their own space within the road corridor and traffic flow.
 - This option is not preferred because it does not support the strategies identified in paragraph 26 of this report. This option does not provide any additional safety benefits for the high number of cyclists using this road.
 - (b) Create an off-road cycle path or shared cycle/pedestrian path along all or parts of the route.
 - (i) This option is not preferred because there is insufficient area to accommodate the shared path within the existing legal road boundary and property purchase would be required in some areas to achieve this option. The distribution of retail and commercial areas along the route and the high number of pedestrians associated with the activity and shops in this area poses potential conflict with a shared cycle/pedestrian path,
 - (c) Provide a dedicated and marked cycle lane over the sections of Kilmore Street where this can be achieved without reducing the traffic capacity of the road; and, provide a space for cyclists to use by creating a clearway at peak traffic times (between 7am and 9am on Monday to Friday) on the Southern side of Kilmore Street between Dawson Street and the Fire Station, for increased safety of the cyclists as shown on **Attachment B**.
 - (i) This is the preferred option. It provides the best compromise for the competing road space requirements as it allows space for cyclist safety, maintains traffic capacity at the peak traffic times and provides on-street parking near the businesses. This option is aligned to and meets the objectives in the Cycle Strategy, sustainable transport modes and provides additional safety benefits for cyclists in this section of Kilmore Street, and will require the creation of a special vehicle lane.
 - (ii) Under the Transport Act 1962, the Council can only create special vehicle lanes by specifying the road on which the lane is on in a bylaw. The Local Government Act 2002 prescribes that making or amending a Bylaw can only be done by using the special consultative procedure.
 - (iii) The Council's intention is to make an Amendment Bylaw to amend Schedule 2 of the Traffic and Parking Bylaw 2008 to include a cycle lane on both sides of Kilmore Street between Madras Street and Fitzgerald Avenue, which will address the problems of cycle safety on Kilmore Street as well as increasing the number of cyclists using Kilmore Street and will also mean there is a legally enforceable cycle lane on Kilmore Street.

7 Cont'd

Appropriate form of bylaw

18. The form in which the proposed Amendment Bylaw has been drafted is considered appropriate, in that specifying the road where the special vehicle lane will be and the approximate location in the road, is in accord with the format used in the proposed new second schedule in the amendment to the Traffic and Parking Bylaw 2008 which is currently out for consultation.
19. If a greater level of detail was specified then if any changes were made to the road in the future, which required the alteration of the special vehicle lane, and then each time that happened the bylaw would need to be amended. If the bylaw was not amended and the changes on the road were made, then that may make enforcement of the bylaw more difficult. The proposed new second schedule contains wording which provides that lanes will be marked as required/prescribed under the Land Transport legislation or at the officer's discretion in accordance with best practice guidelines.

New Zealand Bill of Rights Act 1990 (NZBORA)

20. The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating special vehicle lanes provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city, and in fact creating cycle lanes may uphold another right under the NZBORA: freedom from discrimination (cycle lanes may provide a safe option for those who cannot drive cars because of a disability or age). Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

Legal requirements of a special consultative procedure

21. The special consultative procedure under the Act requires that the Council prepare a statement of proposal that must include:

“(a) *as the case may be,—*

 - (i) *a draft of the bylaw as proposed to be made or amended; or*
 - (ii) *a statement that the bylaw is to be revoked; and*
 - (iii) *the reasons for the proposal; and*
 - (iv) *a report on any relevant determinations by the local authority under section 155.”*
22. The Act also requires the Council to determine the form of the summary of information. Section 89(c) requires that it be distributed "*as widely as reasonably practicable (in such a manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates)...*" Section 83(e) of the Act also requires that the Council must give public notice of the proposal and the consultation being undertaken.
23. The proposed Amendment Bylaw concerns a road in one part of the Council's district. It is therefore proposed that the summary of information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area. The summary of information should also be sent to other relevant stakeholders, including Spokes, Taxi Federation, Transport Groups, and Resident Groups in the distribution area. Public notice of the proposal will be published in a local newspaper with a wide circulation in the Council's district. Copies of the consultation documents will be available from the Civic Offices, and all Council service centres and libraries.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Yes.

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

25. Yes.

7 Cont'd

ALIGNMENT WITH STRATEGIES

26. The proposed cycle lane is aligned to the following strategies:

- Cycle Strategy 2004
- New Zealand Land Transport Strategy
- National Walking and Cycling Strategy
- Metro Strategy
- Sustainable Energy Strategy
- Physical Recreation and Sport Strategy
- Road Safety Strategy

CONSULTATION FULFILMENT

27. Internal consultation has taken place between relevant units. Details of the proposed Kilmore Street cycle lane were presented as a seminar at the Hagley/Ferrymead Community Board on 16 July 2008. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009, amending the Christchurch City Council Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Kilmore Street, is the most appropriate way to address the perceived problems identified in paragraphs 15 to 17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the draft amendments to the Bylaw are in the most appropriate form.
- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the attached Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website, noting that the submissions will close at 5pm on Friday 13 February 2009.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to consider submissions on the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009, during the week beginning Monday 9 March 2009.
- (g) Note that this report is included in the Council agenda of 19 December 2008.
- (h) Note that, in order to meet the consultation and hearing timetable outlined in the Statement of Proposal and the Summary of Information, staff advise that the Board's recommendation will be forwarded to the 19 December 2009 Council meeting by way of memorandum from the Community Board Advisor.

HAGLEY/FERRYMEAD COMMUNITY BOARD RECOMMENDATION

This will be forwarded to the Council on 18 December 2008.

7 Cont'd

BACKGROUND

THE OBJECTIVES

28. The primary (must do) objectives for the project are as follows:

1. Improve facilities to enhance safety for cyclists.
 - Dedicated and marked cycle lanes have been provided on both sides of Kilmore Street for the majority of this section. Where a dedicated and marked cycle lane is not included, a clearway is proposed to provide space for cyclists to ride in. Street signage and road markings will also be improved along this section to enhance the safety for cyclists.
2. Ensure that street lighting and signage is adequate for facilities provided.
 - A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project. The proposal also improves the signage and street markings for all road users throughout this section to provide safe and efficient movement of traffic.

29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:

1. Maintain level of service for other road users (all modes).
 - The proposal provides the best compromise for the competing road space requirements when considering all road users. It provides marked cycles lanes or space for cyclist safety, provides traffic capacity to cater for peak traffic flows, provides on-street parking near the businesses in business hours and includes a new pedestrian island to improve pedestrian safety.
2. Improve environment for pedestrians where possible.
 - A pedestrian island is included to provide safe refuge for pedestrians and cyclists following the path running alongside Oxford Terrace and the Avon River.

30. Key features of the proposed Kilmore Street Cycle Lane are as follows:

- Provision of a continuous and marked eastbound cycle lane on Kilmore Street between Madras Street and Fitzgerald Avenue.
- Provision of a west bound marked cycle lane on Kilmore Street between Madras Street and Fitzgerald Avenue, apart from the 235m section between Dawson Street and the Fire Station.
- Provision of space for cyclists to ride in when travelling west on Kilmore Street between Dawson Street and the Fire Station. This is achieved by creating a parking clearway between 7am and 9am on Monday to Friday over this section – see below for further explanation of the Clearway.
- Improved street signage and road markings to provide clear and safe instructions for all traffic movements. This includes the addition of a variable overhead sign to indicate the traffic lane layout through the clearway section and an increase in cycle lane road markings.
- Rationalisation of the parking layout and restrictions to maximise parking and accommodate the clearway. Approximately five parking spaces will be gained on the south eastern corner of the Kilmore Street/Barbadoes Street intersection.
- Inclusion of a 2.0m wide physical island to the east of the Kilmore Street Bridge, with a wide cut-through to provide safe refuge for pedestrians and cyclists following the path running alongside Oxford Terrace and the Avon River.
- Inclusion of a 1.5m wide flush median between Fitzgerald Avenue and No. 260 Kilmore Street.
- Complete construction within 2009/10 financial year.

7 Cont'd

Clearway Explanation

31. A clearway is proposed on the south side (westbound lane) of Kilmore Street between Dawson Street and the Fire Station (approximately 235m). There are several competing requirements for road width on this section of Kilmore Street and only a limited road width available. These are:
- peak traffic demands on this section are between 7am and 9am and two westbound traffic lanes are required over this time;
 - on-street parking demands to support the businesses in this area. Note: most of these businesses open after 9am; and,
 - there is the need to provide sufficient road space so it is safe for cyclists to ride through this section.
32. The clearway design provides the best compromise for all road users over this section of road.

Clearway Operation

33. Between 7am and 9am on Monday to Fridays, when the clearway is operating, there will be no kerbside parking on this section of Kilmore Street. This creates sufficient space for two westbound traffic lanes and a cyclist to ride adjacent to the kerb through this section.
34. For the rest of the time, between 9am and 7am, when the clearway is not operating, there will be kerbside parking along this section, only one westbound traffic lane and a space for cyclists to ride between the parked cars and the traffic lane.
35. An automated hinged gantry sign will be erected at the start of this section and will display the lane layout.

THE PREFERRED OPTION

36. Commence the special consultative procedure to make the recommended amendments to the Bylaw.

8. PROPOSED LINWOOD AVENUE CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (LINWOOD AVENUE) BYLAW 2009

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport and Greenspace General Manager
Author:	Transportation Consultation Leader, Peter Barnes

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to commence the Special Consultative procedure recommending the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Linwood Avenue between Worcester Street to Tilford Street and to make a bylaw to amend the Christchurch City Council Traffic and Parking Bylaw 2008.
2. This report went before the Council meeting of 27 November 2008. The Council resolved to send this report to the Hagley Ferrymead Community Board for its consideration and Part A recommendation to Council. The Hagley/Ferrymead Community Board is meeting on Wednesday 17 December 2008. A recommendation will be forwarded prior to the Council meeting on 19 December 2008.

EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Linwood Avenue between Worcester Street to Tilford Street. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
3. Under the Council's bylaw making powers in section 72(1) (kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. To ensure that the proposed cycle lane can be enforced it needs to be specified by inclusion in Schedule 2 of the Bylaw. Any amendments to a bylaw can only be done by way of the special consultative procedure.
4. Linwood Avenue is a "major arterial road" used by approximately 29,000 vehicles per day. In the five year period between 2002 and 2006 there were seven reported cycle accidents in this section of Linwood Avenue.
5. Data from cycling surveys carried between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. A 2006 survey also found that the Linwood Avenue/Buckleys Road intersection had received considerable negative comments about cyclist safety and is one of the key areas for improvement.
6. The length of road within this cycle lane project has adjacent land uses split between retail and residential with a local park in the centre. The retail areas have a relatively high level of on-street parking, driveways and minor intersections. There is an existing central median island for the full length of this section of Linwood Avenue. The figures indicate that Linwood Avenue is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
7. The Council's Cycling Strategy 2004 aims to create a cycle friendly city with the three objectives of increasing cycling, increasing the enjoyment of cycling and improving the safety of cycling in Christchurch. The Strategy recognises the need to consider the National Engineering Design Guide when developing a cycle network for Christchurch and that enhancing the physical environment is a key method towards achieving the Strategy objectives.
8. The provision of an improved physical cycling environment is also aligned with the New Zealand Land Transport Strategy and the National Walking and Cycling Strategy. The cycle network is made up of a mix of on-road and off-road cycle routes and the priority of provision is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.

8 Cont'd

9. Opportunities are also taken to coordinate cycle lane construction with other road network improvement projects such as road reconstructions, kerb and channel renewal, safety improvements etc to create a network of continuous routes for existing use and anticipated future growth.
10. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
11. The process for making the Amendment Bylaw (which will amend Schedule 2 of the Traffic and Parking Bylaw 2008) is as follows:
 - (a) The Council resolves that the Amendment Bylaw is the most appropriate way to address the perceived problems (which are identified below), the bylaw is in the most appropriate form, and that there are no inconsistencies with the New Zealand Bill of Rights Act (See recommendations below);
 - (b) The Council approves the statement of proposal and summary of information and publicises it for public submissions, and appoints a hearings panel to hear submissions (See recommendations below);
 - (c) The special consultative procedure will be from Monday 12 January 2009 to Friday 13 February 2009;
 - (d) If any submitters wish to be heard, hearings will take place during the week beginning 9 March 2009.
 - (e) The Council will then receive a report from the hearings panel to consider the recommendations of the panel, and adopt the Amendment Bylaw (**Attachment 1**). Construction of the cycle lane may then take place.

FINANCIAL IMPLICATIONS

12. Funding is provided in the Transport and Greenspace Capital Work Programme as follows.
 - (a) Linwood Avenue Cycle Lane for 2008/09 is \$230,000
 - (b) The funding for this project covers all costs from design and consultation through to construction and implementation.

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

13. Not affected by the proposed changes.

LEGAL CONSIDERATIONS/SECTION 155

14. Section 155 of the Local Government Act 2002 requires the Council to determine whether the making or amending of a bylaw is *"the most appropriate way to address the perceived problem"*. The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).

Appropriate way to address problem

15. Linwood Avenue is a "major arterial road" used by approximately 29,000 vehicles per day. In the 5 year period between 2002 and 2006 there were 7 reported cycle accidents in this section of Linwood Avenue. Data from cycling surveys carried between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. A 2006 survey also found that the Linwood Avenue/Buckleys Road intersection had received considerable negative comments about cyclist safety and is one of the key areas for improvement.

8 Cont'd

16. The proposed Linwood Avenue cycle lane project (between Worcester Street to Tilford Street) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. The proposed project supports the Council's Vision in the Cycling Strategy towards helping Christchurch to be a cycle friendly city and specifically assists in the targets of increasing cycling and making it safe to cycle. The figures above indicate that Linwood Avenue is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
17. The following options exist for the Council in relation to managing cycle use on Linwood Avenue:
 - (a) Status quo. – i.e.: Do nothing. Make no specific provision and leave cyclists with the responsibility for moving and maintaining their own space within the road corridor and traffic flow.
 - (i) This option is not preferred because it does not support the Strategies identified in paragraph 26 of this report. There are a number of school children using this road and this option does not provide any additional safety benefits for cyclists using this road.
 - (b) Create an off-road cycle path or shared cycle/pedestrian path along all or parts of the route.
 - (i) This option is not preferred because there is insufficient area to accommodate the shared path within the existing legal road boundary and property purchase would be required in some areas to achieve this option. The distribution of retail and commercial areas along the route and the high number of pedestrians associated with the activity and shops in this area poses potential conflict with a shared cycle/pedestrian path,
 - (c) Provide a dedicated and marked cycle lane as part of the road layout on Linwood Avenue between Tilford Street and Worcester Street for increased safety of the cyclists as shown on **Attachment 2**.
 - (i) This is the preferred option, which will require the creation of a special vehicle lane.
 - (ii) Under the Transport Act 1962, the Council can only create special vehicle lanes by specifying the road on which the lane is on in a bylaw. The Local Government Act 2002 prescribes that making or amending a Bylaw can only be done by using the special consultative procedure.
 - (iii) The Council's intention is to make an Amendment Bylaw to amend Schedule 2 of the Traffic and Parking Bylaw 2008 to include a cycle lane on both sides of Linwood Avenue between Tilford Street and Worcester Street, which will address the problems of cycle safety on Linwood Avenue as well as increasing the number of cyclists using Linwood Avenue and will also mean there is a legally enforceable cycle lane on Linwood Avenue.

Appropriate form of bylaw

18. The form in which the proposed Amendment Bylaw has been drafted is considered appropriate, in that specifying the road where the special vehicle lane will be and the approximate location in the road, is in accord with the format used in the proposed new second schedule in the amendment to the Traffic and Parking Bylaw 2008 which is currently out for consultation.

8 Cont'd

19. If a greater level of detail was specified then if any changes were made to the road in the future, which required the alteration of the special vehicle lane, and then each time that happened the bylaw would need to be amended. If the bylaw was not amended and the changes on the road were made, then that may make enforcement of the bylaw more difficult. The proposed new second schedule contains wording which provides that lanes will be marked as required/prescribed under the Land Transport legislation or at the officer's discretion in accordance with best practice guidelines.

New Zealand Bill of Rights Act 1990 (NZBORA)

20. The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating special vehicle lanes provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city, and in fact creating cycle lanes may uphold another right under the NZBORA: freedom from discrimination (cycle lanes may provide a safe option for those who cannot drive cars because of a disability or age). Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

Legal requirements of a special consultative procedure

21. The special consultative procedure under the Act requires that the Council prepare a statement of proposal that must include:
- “(a) as the case may be,—
- (i) a draft of the bylaw as proposed to be made or amended; or
 - (ii) a statement that the bylaw is to be revoked; and
 - (iii) the reasons for the proposal; and
 - (iv) a report on any relevant determinations by the local authority under section 155.”
22. The Act also requires the Council to determine the form of the summary of information. Section 89(c) requires that it be distributed "*as widely as reasonably practicable (in such a manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates)...*" Section 83(e) of the Act also requires that the Council must give public notice of the proposal and the consultation being undertaken.
23. The proposed Amendment Bylaw concerns a road in one part of the Council's district. It is therefore proposed that the summary of information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area. The summary of information should also be sent to other relevant stakeholders, including Spokes, Taxi Federation, Transport Groups, and Resident Groups in the distribution area. Public notice of the proposal will be published in a local newspaper with a wide circulation in the Council's district. Copies of the consultation documents will be available from the Civic Offices, and all Council service centres and libraries.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Yes.

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

25. Yes.

8 Cont'd

ALIGNMENT WITH STRATEGIES

26. The proposed cycle lane is aligned to the following strategies:

- (a) Cycle Strategy 2004
- (b) New Zealand Land Transport Strategy
- (c) National Walking and Cycling Strategy
- (d) Metro Strategy
- (e) Sustainable Energy Strategy
- (f) Physical Recreation and Sport Strategy
- (g) Road Safety Strategy

CONSULTATION FULFILMENT

27. Internal consultation has taken place between relevant units. Details of the proposed Linwood Avenue Cycle lane were presented as a seminar to the Hagley/Ferrymead Community Board on 16 July 2008. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Linwood Ave) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Linwood Ave, is the most appropriate way to address the perceived problems identified in paragraphs 15-17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the proposed Amendment Bylaw is in the most appropriate form.
- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the attached Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Linwood Ave) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to consider submissions on the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009.
- (g) Note that this report is included in the Council agenda of 19 December 2008.
- (h) Note that, in order to meet the consultation and hearing timetable outlined in the Statement of Proposal and the Summary of Information, staff advise that the Board's recommendation will be forwarded to the 19 December 2009 Council meeting by way of memorandum from the Community Board Advisor.

HAGLEY/FERRYMEAD COMMUNITY BOARD RECOMMENDATION

This will be forwarded to the Council on 18 December 2008.

8 Cont'd

BACKGROUND

THE OBJECTIVES

28. The primary (must do) objectives for the project are as follows:
- (a) Improve facilities to enhance safety for cyclists.
 - (i) Continuous cycle lanes are proposed on both sides of Linwood Avenue between Tilford Street and Worcester Street. Street signage and markings will also be improved along this section to enhance the safety for cyclists.
29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:
- (a) Ensure that street lighting and signage is adequate for facilities provided.
 - (i) A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project. It also improves the signage and street markings for all road users throughout this section to provide safe and efficient movement of traffic.
 - (b) Maintain level of service for other road users (all modes).
 - (i) The proposal maintains level of service for all road users. It provides adequate and continuous lanes throughout the study section to allow safe movement of all vehicles. It also preserves the existing pedestrian facility which includes continuous 2.0 m wide footpath with safe crossing points at all intersections.
30. Key features of the proposed Linwood Avenue Cycle Lane are as follows
- (a) Inclusion of cycle lanes varying between 1.6-1.8 metres wide on both sides of Linwood Avenue between Tilford Street and Worcester Street.
 - (b) Commence construction within 2009/10 financial year.
 - (c) Realignment of traffic lanes in some locations to incorporate the cycle lanes and to provide continuous traffic flow.
 - (d) Provision of a special 'WATCH FOR DOORS' sign south of the Buckleys Road/Linwood Ave intersection.
 - (e) Provision of cyclist advanced stop boxes for through movements on Linwood Avenue at the Buckleys Road/Aldwins Road intersection and at the Linwood Avenue/Hereford St intersection.
 - (f) Repair and/or replacement of road signage to maintain the efficiency and safety for all traffic movements.
 - (g) Addition of red paint markings of the cycle lane at potential vehicle/cyclist conflict points.
 - (h) The majority of on street parking along this section is retained. The existing on street parking on Linwood Avenue between Cashel Street and Hereford Street is removed.
 - (i) The existing pedestrian facilities are retained.
 - (j) The existing bus stops will be retained along this section.

THE PREFERRED OPTION

31. Commence the special consultative procedure to make the recommended amendments to the Bylaw.

9. ISAAC CONSERVATION AREA MANAGEMENT PLAN

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	City Plan Team Leader
Author:	Keri Davis-Miller, Planner

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council approve the Isaac Conservation Park Management Plan with a proviso that a Bird Hazard Management Plan is completed by December 2009 and that it is consistent with the Christchurch City Council Biodiversity Strategy and the Wildlife Act 1953.

EXECUTIVE SUMMARY

2. The Council recently provided for mineral extraction activities within the Isaac Conservation Area (ICP/Q) as part of Variation 93. The Variation provided for the expansion and amendment of the existing Open Space 3D zone through the creation of a Conservation Park on the lands owned by the Isaac Wildlife Trust and the expansion of the Clearwater Resort. The Variation also extended quarrying on land adjacent to the existing Rural Quarry zone at Peacock Springs. The park encompasses approximately 1200ha of land.
3. The requirement for a management plan for the park can be found in Volume 3: Part 6 Open Space Zones: Critical standards, clause 2.4.19 Management Plan – Open Space 3D. The purpose of the management plan is to provide a management tool to manage the competing uses and range of activities within the park including the staged development of mineral extraction and the rehabilitation of the land. Critical Standard 2.4.19 identifies over 20 issues that should be addressed in the management plan (see **attached**).
4. Volume 3: Part 6 Open Space Zones, reasons for the rule, clause 4.31, explains that:

Any application to extend mineral extraction activity beyond the boundaries of the former Rural Quarry Zone within the Isaac Conservation Park will therefore trigger the requirement to develop a comprehensive management plan “ (sic).
5. However, this requirement can be avoided by applying for a resource consent. There is currently a resource consent being processed, as a non-complying activity, for mineral extraction in the Isaac Conservation Park (Open Space 3D) prior to a management plan having been approved by the Council.
6. As required by Critical Standard 2.4.19, mineral extraction shall be a non complying activity unless a management plan for the Isaac Conservation Park (ICP) has been approved by the Council. Once the management plan is in place any mineral extraction which results in an area of excavation exceeding 2ha will be a restricted discretionary activity, with the Council's discretion limited to:
 - (a) the visual impacts of the mineral extraction and any associated activities
 - (b) methods of screening the activity from public places and adjacent properties
 - (c) methods to be employed to prevent dust nuisance
 - (d) the volume and area extent of the excavation when completed
 - (e) the length of time the area is to be left unsoiled and/or unvegetated
 - (f) the rehabilitation methods proposed including the timeframe for these
 - (g) traffic effects associated with heavy vehicles
 - (h) the provisions of any approved Isaac Conservation Park Management Plan.

9 Cont'd

7. Quarrying activities will always be subject to the resource consent process. The detail required specifically by the management plan, which would not otherwise be addressed through the resource consent process, is the higher expectation of land rehabilitation in the Open Space 3D zone after mineral extraction has completed. The minimum requirement through the resource consent is that the land will be rehabilitated to a flat to gently undulating landform, not rehabilitated back to the original natural ground level through filling. As a minimum the land will be covered with silt and topsoil and grassed. However the ICP management plan has an objective of establishing a Conservation Park over the next 50 years and will include the creation of a wildlife habitat from quarried wasteland and the breeding of threatened and endangered bird and plant species.
8. The management plan is for the Trust's purpose and use in achieving the Trust's objective of rehabilitating the quarried land to a conservation park, an objective far beyond the requirement of a resource consent. The management plan is the Trust's tool for managing the park and places no financial obligations on the Council .
9. It is also a requirement of Critical Standard 2.4.19 that the management plan be prepared in consultation with Christchurch International Airport (CIAL) on issues of bird hazard management.
10. Isaac Conservation Trust and the CIAL have started the process of drawing up a Bird Hazard Management Plan that will run alongside the Isaac Conservation Park Management Plan. It is intended that the Bird Hazard Management Plan will be completed by December 2009. This timeframe is based on the establishment of the Bird Hazard Management Plan for Clearwater.
11. As the Bird Hazard Management Plan is the only outstanding requirement of Critical standard 2.4.19 and is to sit as an independent document outside of the management plan, the Management Plan is being deemed complete and ready for submission to the Council.

FINANCIAL IMPLICATIONS

12. Within City Plan budget.

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

13. Covered by existing unit budgets.

LEGAL CONSIDERATIONS

14. No particular legal issues arise. By approving the management plan the granting of resource consent for quarrying activities changes from a non complying activity to a restricted discretionary activity.

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

15. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Aligned with City Plan Activity Management Plan.

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

17. As above.

9 Cont'd

ALIGNMENT WITH STRATEGIES

18. Yes.

Do the recommendations align with the Council's strategies?

19. Yes.

CONSULTATION FULFILMENT

21. Consultation has been carried out by Isaac Conservation Park with CIAL and with Environment Canterbury.

STAFF RECOMMENDATION

It is recommended that the Council approve the **attached** Isaac Conservation Park Management Plan, subject to the proviso that this approval shall lapse unless the Bird Hazard Management Plan has been completed within 12 months of approval of the Park Management Plan in consultation with Christchurch International Airport Ltd and to the satisfaction of the General Manager Strategy and Planning.

10. HALSWELL QUARRY PARK SISTER CITIES KOREAN AND CHINESE AREAS

General Manager responsible:	General Manager City Environment, DDI: 941 8608
Officer responsible:	Transport and Greenspace Manager
Authors:	Tara Smith, Consultation Leader Greenspace; Peter Mitchell, General Manager Regulation & Democracy services

PURPOSE OF REPORT

1. The purpose of this report is for the Council to make a decision on whether to implement the draft plans for the Korean and Chinese Gardens at Halswell Quarry Park, (**Attachments 1 and 2**).

EXECUTIVE SUMMARY

2. Halswell Quarry Park is a 55 hectare regional park located between Cashmere Road and Kennedy's Bush Road in Halswell. This park currently contains recreational walks, historical sites and botanical gardens.
3. The Sister Cities areas at Halswell Quarry Park were a millennium project initiated by Turning Point 2000. Due to the Christchurch Botanical Gardens being filled to capacity Halswell Quarry Park was identified as a suitable site for the Sister City areas. The Sister Cities Garden Park became part of the Halswell Quarry Park Management Plan when it was reviewed in 1998. For each collection an area of up to 10,000m² (approximately) is available to suit the plant type from each Sister City using botanical plantings.
4. Each of Christchurch's Sister City relationships is co-ordinated by a committee. These committees are made up of volunteers from many different backgrounds such as school teachers, Councillors, media and sports people. The Christchurch City Council employs three International Relations Co-ordinators, who advise and support the Sister City Committees.
5. The objectives of the Sister Cities programme are:
 - (a) To promote relationships between the people of Christchurch and the people of her Sister Cities.
 - (b) To continue to increase international understanding and opportunities for wider reaching relationships through the promotion of our Sister Cities in Christchurch.
 - (c) To involve a range of community groups including (but not limited to) organisations and other interest groups and, where appropriate, local business under the auspices of key business facilitators.
 - (d) To promote Christchurch as a city welcoming tourism and visitation, and international economic development.
6. According to the Halswell Quarry Park Management Plan (1998) the goal for Halswell Quarry Park is to optimise the potential of the physical, biological and historical characteristics of the Halswell Quarry Reserve, for a wide variety of recreation activities and public uses and enjoyment, consistent with its location at the foot of the Port Hills.
7. The objectives of the Management Plan (1998) are:
 - (a) To progressively develop the reserve for various extensive recreation uses, both active and passive, compatible with the area's character and historic activities.
 - (b) To enhance the landscape qualities and biological diversity of the site and to retain its rural atmosphere.
 - (c) To promote an awareness and appreciation of the historic significance of the area to the early growth of Christchurch and to preserve the historic areas of the quarry and its buildings.
 - (d) To restore the Halswell Quarry to enable safe public access and develop its recreational and educational potential.
 - (e) To develop the reserve in a way that is consistent with past activities and neighbouring land uses.

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8. The priorities for the development and management of Halswell Quarry according to the Management Plan (1998) are:
 - (a) Continued promotion of Halswell Quarry Park's rich historical resource and the part it has played in the formation of Christchurch.
 - (b) Preservation and enhancement of Halswell Quarry Park's rural character, open space and its value as a place for passive recreation.
 - (c) Continued emphasis on native revegetation plantings to provide a framework for the site, including a native wetland and kahikatea forest.
 - (d) Creation of the Sister Cities Garden Park; a satellite botanical collection of plants from Christchurch's six sister cities will build an impressive exotic collection mainly within the central core of Halswell Quarry Park. The Canterbury botanical collection will be represented by a large area of native wetland and kahikatea forest.
9. At its meeting held on Thursday 28 August 2008 the Council considered a report (**Attachment 7**) and resolved:
 - (a) Until the new management plan review is complete, use its authority to depart from the Halswell Quarry Management Plan to approve a shorter process for the approval of proposed structures from the Sister Cities Gardens Committees, whereby plans are submitted for approval before a Council subcommittee comprising Councillors Sally Buck and Mike Wall, Senior Transport and Greenspace staff and the General Manager Public Affairs.
 - (b) That the proposed buildings are subject to appropriate building consents and approval from NZHPT (New Zealand Historic Places Trust) and that public stakeholder input is provided through a standard project information leaflet.
10. While the Council's 28 August 2008 resolution contemplated the proposed structures being approved by the Subcommittee appointed by the Council as a result of the public stakeholder input submissions to be considered by the subcommittee were received from the Songpa-Gu and Gansu Sister City Committees. Given that the 2 Councillor members of the subcommittee, Councillors Buck and Wall, are also Council appointees on each of those sister city committees a conflict of interest as described by the Auditor-General in his publication "[Guidance for members of local authorities about the law on conflicts of interest](#)" arose and the General Manager Regulation & Democracy Services advised the 2 councillors not to participate in the Subcommittee's consideration of the submissions received. Consequently the submissions have not been before the subcommittee and are before the Council now.
11. However for the same reason the General Manager has advised the 2 Councillors not to discuss or vote on this report at this Council meeting. This same advice does not apply to other Councillors who are members of those other sister city committees. Those other sister city committees are not involved in making submissions on the Korean or Chinese Gardens and to staff's knowledge the Councillor members of other sister city committees do not have a close involvement or relationship with the Songpa-Gu or Gansu sister city committees. Further to staff's knowledge the Councillor members of the other sister city committees have not made statements or conducted themselves to indicate they have predetermined views on this issue or on the recommendations in this report before considering all relevant information, including any deputations that may choose to address the Council on this matter. The fact that Councillors are members of other sister city committees does not, and should not, of itself disqualify those other Councillors from discussing and voting on this report.
12. Given the staff recommendation to approve the Korean and Chinese landscape plans, with the size of structures to be reduced, there is a continuing need to retain the Sister city Gardens subcommittee to approve the revised plans.
13. Regarding resolution (b) the written approval has not yet been provided by the New Zealand Historic Places Trust as referred to in the 28 August 2008 resolution.

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The Trust has advised the Council:

The Halswell Quarry Park management plan identifies the park itself as an archaeological site (Policies 4.1.10); within the park, there are various archaeological features, some of which date prior to 1900 and are therefore subject to the archaeological consent process of the Historic Places Act.

Three archaeological sites are recorded with the NZ Archaeological Association within the boundaries of the park. One of these (M36/97) relates to the historic quarrying activities and refers to such features as the quarry faces, buildings and other associated historic features identified in the management plan. The other two (M36/29 & 96) relate to archaeological sites of Maori origin, being ovens and artefacts; these two sites were first recorded in the 1960s, were not able to be relocated in 2003 and may well have been destroyed by earthworks in the last 40-odd years. However, because of changes in accuracy of mapping and the relative vagueness in the instructions for relocation that were given in the 1960s, the features may still be present but unable to be located due to error in the map co-ordinates.

Regardless of whether the sites can be relocated, the records are sufficient to indicate the presence of sub-surface archaeological remains within the park and that artefacts have previously been found during earthworks.

From the details that have been provided to the NZ Historic Places Trust to date it is not possible to rule out the possibility that a consent application under the Historic Places Act may be required for the proposed installation of the two structures – that will depend on the location and extent of earthworks involved and the degree of previous surface modification to the specific building sites. As preliminary advice and in lieu of any additional details of construction, I would recommend Christchurch City Council retain a consultant archaeologist to undertake an archaeological assessment, which would involve survey of the proposed building sites and reference to the historic records available, resulting in a statement of heritage values and an assessment of potential effects.

Given this advice from the Trust regarding the possible need for a consent to be obtained under the Historic Places Act 1993 the Council will advise the 2 sister cities involved to engage a consultant archaeologist during the construction period if the staff recommendations below are adopted by the Council.

FINANCIAL IMPLICATIONS

14. The cost and maintenance of each of the Korean and Chinese Sister City areas will be provided by the Sister City Garden Committees from funds raised.

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

15. Not applicable, as funding is provided by each Sister City Committee. The existing \$45,000 per year for Halswell Quarry Park new assets development will not be affected

LEGAL CONSIDERATIONS

16. Any work approved by the Subcommittee will be carried out by a Council-approved contractor.
17. Halswell Quarry Park is zoned Conservation 2 (C2) and under the operative City Plan, the structures proposed by the Sister City Gardens Committees must meet any building consent conditions. A resource consent will not be required for the structures. Building consents will be required.
18. Halswell Quarry Park is not legally a reserve under the Reserves Act, and consequently does not legally require a management plan. However in 1998 the Council voluntarily chose to adopt a "management plan" for the Halswell Quarry Park, and this "management plan" is what is now referred to as the Halswell Quarry Park Management Plan 1998.

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20. The Halswell Quarry Park Management Plan does not provide for or contemplate the types of structures contained in the Korean and Chinese plans (as amended) recommended by staff in this report.
21. Section 80 of the Local Government Act 2002 provides that where a Council decision is significantly inconsistent with any policy adopted by the council (in this case the Halswell Quarry Park Management Plan 1998) then the Council must, when making its decision, clearly identify:
 - the inconsistency;
 - the reasons for the inconsistency
 - any intention by the Council to amend the policy to accommodate the decision.
22. Here, as noted, the Korean and Chinese plans attached to this report are inconsistent with the Halswell Quarry Park Management Plan. The reason for this inconsistency is that the 1998 Plan does not provide for or contemplate the Korean and Chinese Gardens as recommended in this report. It is staff's recommendation that the Council amend the 1998 Management Plan so as to accommodate the Korean and Chinese Gardens. A report on this matter will be brought to the Council in July next year.
23. Section 79 states that it is "the responsibility of the local authority as to how it will comply with the decision-making requirements of section 77 (consideration of reasonable options) and section 78 (consideration of community views at each stage of decision-making).
24. Section 79 of the Act provides the Council with a discretion to make judgments as to how to achieve compliance with Sections 77 and 78. This is largely in proportion to the significance of the matter affected by the decision, the extent to which different options are to be identified and assessed, the extent to which costs and benefits can be quantified, the extent and details of the information to be considered and the extent and nature of any written record to be kept.
26. The Council's Policy on Significance provides that a significant decision is one that has a high degree of significance either in terms of its impact on the wellbeing of Christchurch and/or persons likely to be affected by or with an interest in that decision and/or the costs to or capacity of the Christchurch City Council to provide for the wellbeing of the city.
27. Council policy is that in making significant decisions, the decision-maker should consider information on the reasons for the decision, the options and their relative costs and benefits, and the views of those that are affected by or with an interest in the decision that are commensurate with the significance of that decision. It is the responsibility of the maker of the substantive decision(, in this case the Council, to satisfy itself that the requirements of this policy are complied with.
28. Criteria that will be considered in determining the significance of the decision that are relevant here include:
 - (a) Magnitude of the decision in terms of its net cost to the Council.

The implementation of the 2 plans are funded by the relevant sister city committees and there is no net cost to the Council.
 - (b) Extent to which options identified have radically different effects.

None of the options have radically different effects.
 - (c) Extent to which matter is controversial within the community.

While this matter is controversial in a local part of Christchurch it is not controversial for the Christchurch community as a whole.

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- (d) Reversibility test. The more difficult to reverse the greater its significance.

A decision to implement the Chinese and Korean plans as recommended in this report would be difficult to reverse.

- (e) Precautionary principle – Where the significance of a matter is unclear the Council will err on side of treating the issue as more, rather than less, significance.

It is considered this decision is not “significant” for the purpose of the Policy on Significance. In that context the significance is not unclear.

- (f) Practicality – Council can take into account circumstances under which a decision is taken.

The circumstances here that are also relevant are the relationship the Council has with the 2 sister cities involved and the need to maintain those relationships.

29. The Policy notes that a high level of significance in one or more of the criteria may or may not result in the decision itself being assessed as having a high level of significance. In conclusion staff do not believe this is a significant decision. Even if staff were wrong in that assessment the Council has already chosen to seek the views of those persons who are interested. Those views are discussed later in this report.

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

30. Yes, as per above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

31. LTCCP 2006-16

Parks, Open Spaces and Waterways – page 123

- (a) Community – By providing welcoming areas for communities to gather and interact
- (b) Safety – By ensuring our parks, open spaces and waterways are healthy and safe places
- (c) Environment – By offering opportunities for people to contribute to projects that improve our city's environment
- (d) Governance – By involving people in decision-making about parks, open spaces and waterways
- (e) Prosperity – By contributing to Christchurch's garden city image and attracting business, skills and tourism
- (f) Health – By providing areas for people to engage in healthy activities
- (g) Recreation – By offering a range of active and passive recreation and leisure opportunities in parks, open spaces and waterways
- (h) Knowledge – By providing the opportunity to learn through social interaction and recreation
- (i) City Development – By providing inviting, pleasant and well cared-for environments

32. Parks and Open Spaces Activity Management Plan – The Council's objective with urban parks is to provide and manage Community Parks, Gardens and Heritage Parks, Sports Parks, Riverbanks and Conservation Areas throughout the city that provide amenity values, areas for recreation and organised sport, garden environments and green corridors, that contribute to the city's natural form, character, heritage and Garden City image.

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

34. Yes, as per above.

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ALIGNMENT WITH STRATEGIES

35. Social Wellbeing – cultural diversity is respected. People and communities participate in decision-making and political processes.
- (a) Safer Christchurch Strategy 2005 – Aims to make Christchurch “the safest city in New Zealand” for both residents and visitors.
 - (b) Biodiversity Strategy 2008 - promotes the need for countries to work together and to co-ordinate efforts to tackle biodiversity issues using a variety of approaches including science and research, information exchange, national planning, education and training.
 - (c) Port Hills Recreation Strategy 2004 – to protect and enhance the natural and cultural values and recreation assets of the Port Hills reserves to support their use for a diverse range of complementary recreation activities.

Do the recommendations align with the Council’s strategies?

36. Yes, as per above.

CONSULTATION FULFILMENT

37. At its 28 August meeting the Council resolved that “ ... public stakeholder input is provided through a standard project information leaflet.”
38. In October 2008 a publicity pamphlet was distributed to approximately 600 residences and key stakeholders (**Attachment 3**). It was also made available at Council libraries and service centres, as well as featuring on the Council “Have your say” website. An article was also written in the “Our Christchurch” page in the Christchurch Star (22 October 2008) inviting residents to participate in the consultation process. The publicity pamphlet that was distributed included a summary of the concept, initial concept plans and a feedback form. Feedback was sought from the community to see whether each proposal was generally supported.

Consultation Outcome - Public Information Leaflet

39. The consultation received a 31 per cent response rate (186 responses) and community feedback was mostly in support of both plans (**Attachment 4**).
- 111 submitters (59 per cent) Korean Garden - responded “YES – I support the concept plan”.
 - 76 submitters (40 per cent) Korean Garden - responded “NO – I do not support the concept plan”.
 - 2 submitters (1 per cent) Korean Garden – position not indicated.
 - 103 submitters (55 per cent) Chinese Garden- responded “YES – I support the concept plan”.
 - 85 submitters (45 per cent) Chinese Garden - responded “NO – I do not support the concept plan”.
 - 1 submitter(1 per cent) not indicated.
40. Eight late submissions were received - date stamped after **Friday 7 November 2008** (closing date of consultation). Five were in support of the Korean area and three were not in support of the Korean area. Three were in support of the Chinese area and five were not in support of the Chinese area. Even If these submissions had been received in time they would still not have had an effect on the overall results above.

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41. In addition to the 600 information leaflets distributed, staff also held two targeted workshops, the first one for local residents and the second one for local residents' associations and key stakeholders. On 3 November 6 of November two workshops were run with the purpose of "discussing residents' views on the draft plans for the Korean and Chinese gardens at Halswell Quarry as part of the public consultation process". Invitations for the first workshop were limited to those who reside directly near the area of the Quarry where the existing Korean area and proposed Chinese Sister City area are located. Residents' Associations and Key Stakeholders invited to the second workshop were selected as having an interest in Halswell Quarry Park and were not selected for geographical reasons. These groups included Halswell Lions Club, Athletics Canterbury, Christchurch Korean School, Halswell Residents' Association, Kennedys Bush Road Neighbourhood Association and Christchurch Combined Residents Association'.
42. The workshops included the following process:
 - (a) Review of the proposed plans with clarification of items on each plan and background on why these items were chosen.
 - (b) Critique of the plans by the community, using the following techniques:
 - (i) Activity 1: 'Dot voting' to identify issues and areas of agreement. Green stickers used to indicate "parts of the plan you like", red stickers to indicate "parts of the plan you do not like" and orange stickers to indicate parts of the plan "you could live with". (Used for both workshops and plans).
 - (ii) Activity 2: 'Card sorting' to identify pros, cons and ideas for improvement for the plans. Small groups worked together to come up with a list of pros, cons and ideas for improvement. These were then discussed amongst the larger group (used for Chinese plan for 3 November workshop).
 - (iii) Activity 3: 'Full circle' to identify pros, cons and ideas for improvement for plans. Groups circulated around three tables to come up with a list of pros, cons and ideas for improvement. Each table was visited twice, on the second visit ticks were used to indicate the top three for the list of pros, cons and ideas for improvement. (used for Chinese plan for 6 November workshop).
 - (iv) Activity 4: A facilitated discussion after each activity (used for all plans at each workshop).
43. Issues with the above workshops:
 - (a) Dot voting: Strength – provides a good visual snapshot of how the attendees feel. Weakness – is open to influence from more dominating attendees with use of extra dots (over the assigned three dots of each colour for each plan limit).
 - (b) Card sorting: Strength – provides constructive feedback in a more positive light, provides more detail than dot voting. Weakness – time-consuming, took longer than expected.
 - (c) Full circle: Strength – efficient and active way of collecting data. Weakness – people can be influenced by what has previously been written down.
 - (d) Attendance – it would have been preferable to have had different attendees at each workshop, to canvass a wider range of views.

Consultation Outcome - Workshops

44. The key issues identified by submitters from the 3 November Workshop for immediate residents (refer attachment 5) relate to:

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Korean Area

- The gateway – size and location
- The structures do not comply with the Management plan
- Potential for graffiti issues

Chinese Area

- The plan does not fit with the natural rural setting of the park
- The size of the structures (too large)
- The location of the steps on the hillside
- The formality of the plan
- The structures do not comply with the Management plan

45. The key issues identified by submitters from the 6 November Workshop for residents' associations and key stakeholders (**Attachment 6**) relate to:

Korean Area

- The gateway – size/appearance

Chinese Area

- The stairway – size/location/safety
- The structures being against the Management Plan
- The plan does not fit with the natural rural setting of the park

46. Ideas from both workshops for improving the plan include:

- (a) Reducing the size of the structures on each plan
- (b) Removing the structures from the plans and implementing a botanical area instead, as per the Management Plan.
- (c) Changing the location of the Chinese area – move it to a flatter area of the Quarry
- (d) Relocate the gardens to another Park within Christchurch
- (e) Increase vegetation
- (f) Use only one structure of a smaller size
- (g) Include access for the disabled and prams
- (h) Incorporate sporting trails into the plans
- (i) Use native plantings
- (j) Amend the stair design to reduce size and visual impact (use more vegetation/make stairs curvier)
- (k) Use older plant species that are already a larger size.

47. As the Council has consulted to get stakeholder input, it must consider the information from that consultation process. However, it is not bound by the results of the consultation. The Council is not under any obligation to give effect to the majority view represented by submissions. It is the quality of the submissions and not the quantity that is important.

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STAFF RECOMMENDATION

It is recommended that the Council resolve:

- (a) To approve the landscape plan for the Korean area at Halswell Quarry Park, subject to the size of the Korean gate being reduced, and proceed to detailed design and construction
- (b) To approve the landscape plan for the Chinese area at Halswell Quarry Park, subject to the size of the structures on the plan being reduced and materials natural to the area of the Quarry being used for the structures (where possible), and proceed to detailed design and construction.
- (c) To note that pursuant to s. 80 of the Local Government Act 2002:
 - (i) The Korean and Chinese plans attached to this report are inconsistent with the 1998 Halswell Quarry Park Management Plan;
 - (ii) The reason for this inconsistency is that the Halswell Quarry Park Management Plan does not provide for or contemplate the Korean and Chinese Gardens.
 - (iii) That the Council give consideration to amending the Halswell Quarry Park Management Plan so as to accommodate the Korean and Chinese Gardens.
- (d) That a report to consider amending the 1998 Halswell Quarry Park Management Plan so as to accommodate the Korean and Chinese Gardens be brought to the Council in July 2009.
- (e) That in the Council's judgment the process followed by the Council in consideration of this report meets the requirements of Sections 76 to 78 of the Local Government Act 2002.
- (f) That the Council does not consider that the decisions contained in this resolution are significant for the purpose of the Council's Policy on Significance.
- (g) To note that a consent may be required under the Historic Places Act to give effect to the landscape plans for the Korean area and the Chinese area.
- (h) To disestablish the Subcommittee appointed on 28 August 2008.
- (i) To appoint a new Sister Cities Gardens Subcommittee to approve the revised plans referred to in recommendations (a) and (b) above.
- (j) To appoint two Councillors to the Subcommittee.

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BACKGROUND (THE ISSUES)

48. As the Christchurch City Council is the owner of Halswell Quarry Park it has authority to develop and manage the park subject to the Halswell Quarry Park Management Plan (1998) and the City Plan.
49. The main objective of Halswell Quarry Park Management Plan is to preserve and enhance its rural character and historic values while enabling passive recreation. This includes providing a botanical collection in Halswell Quarry Park of the Sister Cities Gardens representing each country of origin.
50. The direction and management of the current objectives of Halswell Quarry Park can be maintained or amended via the appropriate statutory and transparent public process. This will occur when the Halswell Quarry Park Management Plan is reviewed in 2009.
51. The current proposed structures for the Korean and Chinese areas at Halswell Quarry Park fall outside what is allowed for in the Halswell Quarry Park Management Plan. However they do fit within the City Plan rules for the park (C2 zone).
52. At the 23 September 2008 meeting of the Halswell Quarry Park Sister City Garden Subcommittee meeting (minutes to be approved) it was resolved:

Korean area

- (a) That staff undertake consultation on the gate and interpretation board outlined in the plan.
- (b) That existing structures which require replacement, and any other proposed structure which is within the management plan, proceed after staff have checked these comply with the Management Plan (totem poles, fence around lantern and wall).

Chinese area

- (a) That the plans for the Gansu Province Garden should go out for public consultation.
- (b) That the consultation material should provide measurements and show the scale of the proposed structure.

THE OBJECTIVES

53. The objectives are to make a decision on whether to implement the Korean and Chinese area plans for Halswell Quarry Park.

THE OPTIONS

54. The options are:
 - (a) Approve the current plans for the Korean and Chinese areas at Halswell Quarry Park
 - (b) Not approve the current plans for the Korean and Chinese areas at Halswell Quarry Park
 - (c) Ask for amendments to the Korean and Chinese plans as a condition of the approval of the plans.

THE PREFERRED OPTION

55. Option (c) Ask for amendments to the Korean and Chinese plans as a condition of the approval of the plans.

10 Cont'd

ASSESSMENT OF OPTIONS**The Preferred Option**

56. Option C Ask for amendments to the Korean and Chinese plans as a condition of the approval of the plans.

	Benefits (current and future)	Costs (current and future)
Social	Providing safe and welcoming areas for communities to gather and interact, encouraging participation in healthy activities, to provide scenic values and encourage a sense of community ownership by working with the community	
Cultural	By contributing to Christchurch's Garden City Image and attracting tourism. By providing a cultural link through the Sister City plantings and structures and creating learning opportunities for park users.	
Environmental	By managing the park to minimise damage to the environment.	
Economic	Providing positive economic and business benefits to the city through its involvement in Sister City Relations through tourism and by providing a cultural and educational link.	
<p>Extent to which community outcomes are achieved:</p> <p>Community outcomes are achieved through a park that provides activities which contribute to our economy, identity, health and well-being. Also the learning opportunities gained from the creation of a Sister City Garden helps users to participate in the community and the economy. It also provides the opportunity to learn through social interaction and recreation.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>The Sister City areas have been established as part of Halswell Quarry Park to strengthen international civic relationships.</p> <p>Effects on Maori:</p> <p>Protecting biodiversity and indigenous plant associations.</p> <p>Consistency with existing Council policies:</p> <p>A city of people who value and protect the natural environment, a city of inclusive and diverse communities, a well governed city, a prosperous city, a healthy city, a city for recreation, fun and creativity, a city of lifelong learning and an attractive and well designed city.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Community and stakeholder preferences are outlined in the consultation portion of this report. By choosing this option we are meeting a compromise for both parties. Consultation carried out as required by the Halswell Quarry Management Plan (1998).</p> <p>Other relevant matters:</p> <p>The Halswell Quarry Management Plan will go out for consultation in 2009, this is when it is due for its next review.</p>		

10 Cont'd

Maintain the Status Quo (if not preferred option)

57. Option B Not approve the current plans for the Korean and Chinese areas at Halswell Quarry Park.

	Benefits (current and future)	Costs (current and future)
Social	Providing safe and welcoming areas for communities to gather and interact, encouraging participation in healthy activities.	
Cultural	None.	
Environmental	By managing the park to minimise damage to the environment.	
Economic	None.	
<p>Extent to which community outcomes are achieved:</p> <p>Community outcomes are achieved through a park that provides activities which contribute to our economy, identity, health and well-being.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>The Sister City areas have been established as part of Halswell Quarry Park to strengthen international civic relationships. By not approving the plans this may have an effect on our current relationships with our Sister Cities.</p> <p>Effects on Maori:</p> <p>Protecting biodiversity and indigenous plant associations.</p> <p>Consistency with existing Council policies:</p> <p>A safe city, a city of people who value and protect the natural environment, a well governed city, a healthy city, a city for recreation, fun and creativity and an attractive and well designed city.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Community and stakeholder preferences are outlined in the consultation portion of this report. By choosing this option it is going against the majority of the feedback from submitters, who will be dissatisfied with the result. Consultation carried out as required by the Halswell Quarry Management Plan (1998).</p> <p>Other relevant matters:</p> <p>The Halswell Quarry Management Plan will go out for consultation in 2009, this is when it is due for its next review.</p>		

10 Cont'd

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

58. Option A Approve the current plans for the Korean and Chinese areas at Halswell Quarry Park

	Benefits (current and future)	Costs (current and future)
Social	Providing safe and welcoming areas for communities to gather and interact, encouraging participation in healthy activities, to provide scenic values and encourage a sense of community ownership by working with the community	
Cultural	By contributing to Christchurch's Garden City Image and attracting tourism. By providing a cultural link through the Sister City plantings and structures and creating learning opportunities for park users.	
Environmental	By managing the park to minimise damage to the environment.	
Economic	Providing positive economic and business benefits to the city through its involvement in Sister City Relations through tourism and by providing a cultural and educational link.	
<p>Extent to which community outcomes are achieved:</p> <p>Community outcomes are achieved through a park that provides activities that contribute to our economy, identity, health and well-being. Also the learning opportunities gained from the creation of a Sister City Garden help users to participate in the community and the economy. It is also provides the opportunity to learn through social interaction and recreation.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>The Sister City areas have been established as part of Halswell Quarry Park to strengthen international civic relationships.</p> <p>Effects on Maori:</p> <p>Protecting biodiversity and indigenous plant associations.</p> <p>Consistency with existing Council policies:</p> <p>A city of people who value and protect the natural environment, a city of inclusive and diverse communities, a well governed city, a prosperous city, a healthy city, a city for recreation, fun and creativity, a city of lifelong learning and an attractive and well designed city.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Community and stakeholder preferences are outlined in the consultation portion of this report. By choosing this option it is going against the minority of the community feedback, (although they still make up a large proportion of the feedback), who will be dissatisfied with the result. Without this community buy in for the plan it makes it difficult for them to take ownership of the project. Consultation carried out as required by the Halswell Quarry Management Plan (1998).</p> <p>Other relevant matters:</p> <p>The Halswell Quarry Management Plan will go out for consultation in 2009.</p>		

11. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW

General Manager responsible:	General Manager, City Environment DDI 941-8608
Officer responsible:	Asset Planning & Network Manager
Author:	Weng Kei Chen, Asset Policy Engineer

PURPOSE OF REPORT

1. The purpose of this report is in response to the Council's resolution passed at the meeting of 13 March 2008 *"that the Council undertake a review of the existing policy of vehicle entrances and footpaths"*.

EXECUTIVE SUMMARY

2. The current Council policy "That the Council will maintain vehicle entrances on roads with a footpath" was adopted on 25 May 2001. The reasons for the policy are:
 - (a) Vehicle crossing adjacent to footpaths is recognised as an integral part of the footpath system and thus registered as a footpath asset.
 - (b) Vehicle crossing where there is no footpath is directly attributable to the property owner rather than to the public good.
3. The Council's Traffic and Parking Bylaw 2008 Part 4 Vehicle Crossing and Section 335 of the Local Government Act 1974 requires owners of properties to form vehicle crossings.
4. A review of the policy was carried out in 2004 and the Council at its meeting of 23 September 2004 resolved *"that the current policy be confirmed"*. The reports of May 2001 and September 2004 are **attached**.
5. The maintenance and resurfacing of vehicle entrances, not adjacent to footpaths, was raised by the Riccarton/Wigram Community Board as well as the Fendalton/Waimairi Community Board in 2007. A seminar on the policy was carried out on 28 September 2007. The views of elected representatives on the policy matters were mixed and staff did stress that any increased level of service would require additional funding.
6. As part of this review external consultant Montgomery Watson Harza (MWH) was commissioned to report on the cost implications of changing the level of service associated with the footpath re-surfacing programme. "Where there is a footpath on only one side of the road the current level of service is to only resurface driveways on the footpath side of the road. The driveways on the opposite side of the road do not get resurfaced."
7. In this review the footpath resurfacing programme 2008/09 excluding the rural area was used to estimate the additional funding required to resurface driveways on the opposite side where there are no footpaths. An estimated cost of \$250,000 was attributed to resurfacing of these vehicle crossings. No cost estimates were made for pipes, culverts, bridges and retaining walls replacements. The 2008/09 programme has no footpath resurfacing work programmed along the frontages of properties adjacent to waterways or in the older hill areas where long vehicle entrances are frequently encountered on legal roads.
8. There are a number of property accesses across waterways and the existing structures e.g. pipes, culverts, or bridges that will require some maintenance works or their replacements prior to resurfacing and likewise for hill properties' accesses with retaining structures within the road reserve. It is estimated that at least \$150,000 per annum will be required for upgrading these structures.
9. If there is a change to the existing policy that includes resurfacing of all vehicle entrances on legal roads there will be a need to increase the current resurfacing budget. The current resurfacing budget to resurface approximately 90km of footpath annually is \$4.45M and this would need to be increased by \$400,000 per annum.

11 Cont'd

10. For any change to the existing policy there will also be a need to review the current footpath operational maintenance budget of \$1.45M p.a. Currently it is estimated that \$500,000 of the \$1.45M is attributed to maintaining the vehicle crossings that formed the footpath network. If there is a change of policy to include resurfacing vehicle entrances as stated in paragraph 9 an increase of \$300,000 p.a. will be required for the maintenance budget. Currently these stand alone vehicle entrances i.e. without footpath adjacent to them are not considered to be the Council's infrastructural assets to maintain and hence are not included in the Council's asset register. Any change of policy will require these "new " assets to be identified. Depreciation cost for these assets will need to be included for any increase to the current level of service.
11. The change of service level without any increase in funding will lead to a decreased level of service increasing the current resurfacing cycle from 23 years to approximately 26 years and this option is not supported by staff.
12. The current policy has satisfied the majority of the city residents. However, from time to time staff do receive some complaints from residents, but by and large the majority of them reluctantly accept the staff's explanation of the policy.
13. It must be noted that if the change of policy was agreed there will be a significant change to the management of this section of the Council's asset. The safe use of the entrances over waterways and supports to driveways will become the Council's responsibility. The management of these new assets will be complex, in particular the responsibility of structural integrity of timber bridges across waterways, 'dry rock 'walls supporting driveways on legal roads. There will also be a need to review staff resources to manage these structures.
14. The responsibility of maintaining vehicle entrances on legal roads has always been a contentious issue and it is for this reason that the Council formally adopted its practice as policy in 2001.
15. Any change of policy will potentially generate additional requests to maintain vehicle entrances from residents residing on roads that have no footpath.
16. In the consultant's review it included a survey of five other councils' policies and the findings were:
 - (a) Waimakariri, North Shore and Wellington Councils have similar policies as Christchurch's existing policies.
 - (b) Napier has a policy to maintain driveways on legal roads for visual appearance.
 - (c) Auckland City Council is replacing asphaltic concrete footpaths with exposed aggregate concrete and will be replacing the old driveways to achieve uniformity.
17. It must be noted that any change of the present policy will require changes to both Operation and Capital Works budget for footpath resurfacing. Without appropriate budgets staff will not be able to deliver the change of level of service required.

FINANCIAL IMPLICATIONS

18. If the Council is to increase the current level of service to include resurfacing of all vehicle entrances on legal roads there will be a need to increase the annual capital budget for footpath resurfacing of \$4.45M by \$400,000 and the footpath maintenance of \$1.45M by \$300,000 and provide for additional depreciation costs of \$200,000.

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

19. The projected increased costs for the change of the current footpath resurfacing policy to include resurfacing of all vehicle entrances on legal roads have been included in the aspiration list in the LTCCP process.

11 Cont'd

LEGAL CONSIDERATIONS

20. The Council received the following legal opinion in 1975:

“The Council has no legal obligation to maintain the surface of the access track any more that it has an obligation to maintain any other part of the public highway.”

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

21. Yes.

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

22. This review is to consider the change of level of service.

Do the recommendations align with the Council's strategies?

23. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council confirm the existing Footpath Policy.

12. NORTHWATER DRIVE –ROAD LEGISLATION

General Manager responsible:	General Manager City Environment DDI 941-8608
Officer responsible:	Asset and Network Planning Manager
Author:	Weng Kei Chen, Asset Policy Engineer

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to authorise the existing road reserve Lot 15 DP 340443 to be dedicated as road pursuant to Section 111 of the Reserve Act 1977.

EXECUTIVE SUMMARY

2. The newly constructed Northwater Drive that serves the development by Johns Road Trust and Robox Development Ltd has now been completed. The new road is as shown in the **attachment**.
3. This road is constructed on a parcel of land vested in Council as 'road reserve' (Lot 15 DP 340443).
4. The installation of all essential infrastructures and the road serving the 36 residential lots have now been completed and a Council resolution is required to dedicate the 'road reserve' as legal road.
5. The dedication of "Road Reserve" as legal road will need to occur prior to the subdivision plan being deposited enabling individual; land titles to be issued.

FINANCIAL IMPLICATIONS

6. The costs associated with the dedication process are approximately \$1,500, and these will be met by the developer.

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

7. Not applicable.

LEGAL CONSIDERATIONS

8. Section 111 of the Reserves Act 1977- Road Reserve may be dedicated as a road. This section states that:
 - (1) Where any land is vested in the Crown or in any local authority for the purposes of a road reserve and the land is required for the purposes of a road, the land may be dedicated as a road by notice under the hand of the Minister or, as the case may be, by resolution of the local authority, and lodged with the District Land Registrar.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. This report is in alignment with the Council's core function to manage the roading network.

STAFF RECOMMENDATION

It is recommended that pursuant to Section 111 of the Reserves Act 1977, the Christchurch City Council hereby resolves to dedicate the existing road reserve more particularly described as Lot 15 DP 340443.

13. PROVISION OF KERBSIDE COLLECTION SERVICES TO PROPERTIES FOR WHICH A RATES REMISSION HAS BEEN GRANTED

General Manager responsible:	General Manager City Environment DDI 941-8608
Officer responsible:	City Water and Waste Manager
Author:	Tim Scott, Project Manager

PURPOSE OF REPORT

1. The purpose of this report is to seek a Council resolution:
 - (a) To allow Places of Worship, occupying properties for which a rates remission has been granted, to participate in the Council kerbside collection.
 - (b) The participation of Places of Worship in the service be funded by an annual charge commensurate with the cost of providing the service.

EXECUTIVE SUMMARY

2. The Waste Management Bylaw 2009 adopted by the Council on 27 November 2008, and the Kerbside Collection Terms and Conditions report following in this agenda, define the criteria for receiving the kerbside collection service to be all occupiable properties paying a Uniform Annual General Charge (UAGC) and a full Waste Minimisation Charge. Non-rateable properties and properties for which a remission has been granted, under this entitlement regime, do not receive a kerbside collection service.
3. Occupied properties which under the current entitlement rules which don't receive a service include:
 - (a) Non rateable properties – Crown land such as schools and DHB land. It should be noted that schools will continue to receive a recycling collection service under the recycling in schools programme.
 - (b) Properties receiving a rates remission.
 - (c) Tenants in properties for which a rates remission has been granted.
 - (d) Organisations occupying properties for which a rates remission has been granted include:
 - (i) Places of Worship
 - (ii) Community Organisations
 - (iii) Cultural Organisations
 - (iv) Sporting Organisations
4. The Zero Waste Working Party has received a number of approaches from organisations (for which a rates remission has been granted) to participate in the service. Under the current system they are able to participate by the purchase of black bags and crates which are then placed at the kerbside.
5. The Zero Waste Working Party asked City Water and Waste staff to investigate the feasibility of providing a service to Places of Worship and how the costs of such a service would be recovered through a direct charge or through the rates payable.

13 Cont'd

6. Places of Worship are generally eligible for a rates remission under the Council's current Rates Remission Policy. The wording of this policy allows remission of general rates on places of religious worship, but states that the remission does not apply to some specifically named targeted rates. Under this policy it is unclear whether the Council could legally continue to grant rates remissions to Places of Worship but exclude the waste minimisation targeted rate from that remission. If the Council determines that Places of Worship, or other organisations eligible for rates remission, should receive the kerbside collection service it is recommended that they not be rated for the service until such time as the Rates Remission Policy can be clarified. This policy is being updated as part of the LTCCP, and any changes will not become operative until 1 July 2009.
7. It is possible to introduce a charge that equates to the waste minimisation targeted rate and the rubbish component of the general rate. The use of a charge would enable the kerbside collection service to be introduced to properties currently receiving a rates remission prior to 1 July 2009.

FINANCIAL IMPLICATIONS

8. The full cost of providing and administering the service would be recovered through the annual charge.
9. The charge for the 2008/09 year would be \$102 inclusive GST.
10. The charge for the first full from 30 June 2009 for the 2009/10 year would be set on Council approval of the 2009/10 budget.

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

11. The financial implications of the new wheelie bin collection service were signed off by the Council in the 2008/09 Annual Plan but did not include provision for the collection service to be provided to properties for which a rates remission has been granted.

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

12. Yes.

ALIGNMENT WITH STRATEGIES

13. Allowing Places of Worship to participate in the kerbside collection service is supportive of the waste minimisation goals and targets of the Council's Waste Management Plan 2006 which aligns with the New Zealand Waste Strategy 2002.

CONSULTATION FULFILMENT

14. Public consultation on the funding of the of the Council's waste collection service formed part of the 2008/09 Annual Plan consultation.
15. During the consultation for the Waste Management Bylaw and the lead in for the distribution of the wheelie bins, the Council has received requests from organisations who have applied for and been granted a rates remission to participate in the Council's kerbside collection.

13 Cont'd

OPTIONS

16. Under the current entitlement regime properties have a number of options for disposing of their including.
 - (a) Engaging a waste management contractor to collect and dispose of their rubbish and recyclables.
 - (b) Organisations which produce small quantities of rubbish will probably take the rubbish home and dispose of through the Council collection.
17. The Council enables Places of Worship to participate in the Council kerbside collection by paying an annual charge commensurate with the cost to the Council of providing that service.
18. The Council enables all properties for which a rates remission has been granted to participate in the kerbside collection by paying an annual charge commensurate with the cost to the Council of providing that service. However it is not recommended that this option be followed as:
 - (a) Other options are available.
 - (b) Independent contractors are well placed to provide a tailored service which meets the specific needs of a diverse range of organisations and the removal of this business would have a substantial impact in the viability of their businesses.

STAFF RECOMMENDATION

It is recommended that the Council resolve:

- (a) To allow Places of Worship, occupying properties for which a rates remission has been granted, to participate in the Council's kerbside collection.
- (b) That the kerbside collection service to Places of Worship, occupying properties for which a rates remission has been granted, be funded by an annual charge payable by the applicant for the service.

14. TERMS AND CONDITIONS FOR THE USE OF THE KERBSIDE COLLECTION SERVICES AND WASTE COLLECTION POINTS

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	City Water and Waste Manager
Authors:	Tim Scott and Zefanja Potgieter

PURPOSE OF REPORT

1. The purpose of this report is to present to the Council for consideration and adoption the terms and conditions for the new kerbside collection services and waste collection points as referred to in the Waste Management Bylaw 2009.

SUMMARY

2. On 27 November 2008 the Council adopted the Waste Management Bylaw 2009. The operation of the kerbside collection service and Council waste collection points, set up under the bylaw, requires the Council to adopt detailed operational terms and conditions as presented in **Attachment A** to this report (see clauses 4 and 6 of the Bylaw). In addition there are certain operational delegations, as set out in this report, that need to be considered.

BACKGROUND

3. The new kerbside collection service will commence in early 2009 and the new Waste Management Bylaw 2009 will replace the existing Refuse Bylaws of both the former City and Banks Peninsula areas. The new bylaw has been drafted so it does not include detailed operational matters like those contained in the existing two bylaws. Operational matters might need to be altered more frequently than a bylaw and a separate but parallel terms and conditions document provides opportunity to separate the legal basis of the bylaw from the operational detail (although some of the operational matters still have "legal" content, as noted below).
4. Different contracts have been entered into with Transpacific Industries Ltd (collection services), META NZ (materials recovery facility) and Living Earth Ltd (composting facility). These contracts contain certain fixed operational requirements which have been incorporated into the terms and conditions, and are flagged as contract issues in **Attachment A**. The rest of the terms and conditions are not fixed in the contract.
5. The Council on 27 November 2008 asked for this report to be resubmitted to the 19 December meeting with a number of the terms clarified and further information as to the necessity of some of the terms and conditions. The terms and conditions largely deal with the practicalities of operating an efficient collection service in an urban area, the quality of the waste being diverted from landfill and also provide the Council with the means for managing public nuisance associated with the bins and the contents.
6. To enable the contractor to plan his collection routes to visit streets when the collection will have the least effect on traffic, be least affected by on street parking, able to avoid passing schools during drop off and pick up times, and generally operate an efficient and safe service the standard collection hours have been set at 6am to 6pm. The timing of the collection is reflected in the clauses stating when bins should be placed for collection and retrieval.
7. Provision has been included within the contract for assistance to be provided to households unable to take and return bins to the kerbside due to illness, frailty or disability. Assistance will be in the form of a fortnightly back door collection of the rubbish wheelie bin. City Water and Waste will be working with Council's Community Support Group to set criteria for receiving assistance which ensures that all households which need this service receive it.

14 Cont'd

LEGAL CONSIDERATIONS**Terms and conditions**

8. The Waste Management Bylaw 2009 provides that "any person using a [kerbside collection service/council waste collection point] must comply with the terms and conditions for that service as determined by the council by resolution including, but not limited to, the following operational matters:..." (see clauses 4 and 6 of the Bylaw). This means the Council must adopt a set of terms and conditions to allow the bylaw to be operational and effective. The detail of the terms and conditions are matters that do not need to be included in the bylaw. Under section 151 of the Local Government Act 2002 (and section 13 of the Bylaws Act 1910) they are a matter that can properly be left to the discretion of the Council to determine, applying the decision-making requirements in sections 77-82 of the Local Government Act 2002.
9. It is a reasonable discretion which is left to the Council to determine because the terms and conditions must also come within the scope of the "operational matters" detailed in the bylaw. As well as covering such matters as geographical areas, the need for separation of waste, etc both clauses 4 and 6 of the Bylaw provide that the terms and conditions may include any "additional rules ... required for the efficient operation of" the respective collection systems or facilities. This means that everything included in the proposed terms and conditions, which all relates to the efficient operation of the collection services and waste collection points, comes within the scope of the bylaw, and the discretion left to the Council.

Delegations

10. Clause 5 of the Waste Management Bylaw 2009 set out what options the Council has in relation to any non-compliance with the conditions of the Kerbside Collection Service (clause 7 also sets out enforcement options for the use of Council Waste Collection points). The first two options in clause 5 are:

"(1) The rejection (non-collection) of the contents of any approved container left out for kerbside collection, if the contents or placement of the container is non-compliant;

(2) The withdrawal or suspension of the kerbside collection service being provided to that person;.."
8. These are matters which it is appropriate to delegate, to and/or involve the contractors in, who will be performing the collection services for the Council. Detail on the process for rejecting bins and taking steps leading to the withdrawal or suspension of the service are set out in the terms and conditions (clause 11). The conditions include that if three non-compliance notices in a 12 month period have been given by the contractor, the Council may remove the collection service to that property. Reinstatement of the service is at Council discretion in consultation with the contractor.
9. The Council's recent practice has been to delegate all its powers under a bylaw that are of a management or administrative nature to the Chief Executive. The Council has already delegated to the Chief Executive (on 26 June 2008) the power "*to institute any enforcement action, including a prosecution for an offence against any of the Council's bylaws, together with the power to make any decision pertaining to any such enforcement or prosecution*".
10. This means no other delegation is required to be made by the Council under the Waste Management Bylaw in relation to the enforcement of that bylaw. The Chief Executive can sub-delegate the powers of enforcement in clauses 5(1), and for any appropriate actions, in line with the terms and conditions under clause 5(2) to the appropriate contractors. Clause 32(3) of the Seventh Schedule of the Local Government Act 2002 authorises the Chief Executive to sub-delegate any powers delegated to him to any subcommittee or person subject to any conditions, limitations or prohibitions that the Council imposed in making the original delegation (in this case there are no limitations).

14 Cont'd

11. The only other power in the bylaw that Council can exercise, that does not relate to enforcement of the bylaw, is the power to, by resolution, "*prohibit certain materials from being deposited in an approved container or at a Council waste collection point or in a recyclable materials bin or a litter bin provided by the council in a public place.*" This power is one that can be left with the Council or could be delegated to a subcommittee or committee, such as the Zero Waste Working Party. However, at this stage there seems to be no need to provide for such a delegation.

FINANCIAL IMPLICATIONS

12. The financial implications of the new wheelie bin collection service were signed off by the Council in the 2008/09 Annual Plan.

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

13. See above.

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

14. Yes.

ALIGNMENT WITH STRATEGIES

15. The Waste Management Bylaw 2009 and these terms and conditions are supportive of the waste minimisation goals and targets of the Council's Waste Management Plan 2006 which aligns with the New Zealand Waste Strategy 2002.

CONSULTATION FULFILMENT

16. The Council undertook extensive public consultation when it developed the preferred option for a new kerbside collection service. This included consultation on the Draft Waste Management Plan in 2005, consultation on the Waste Minimisation Plan as part of the Draft Annual Plan 2008/09, and consultation on the Proposed Waste Management Bylaw 2009.
17. Following discussions with a range of stakeholders, a number of features that reflect community views have been considered in formulating the terms and conditions for this service. The terms and conditions largely deal with the practicalities of operating an efficient collection service in an urban area, the quality of the waste being diverted from landfill and also provide the Council with the means for managing public nuisance associated with the bins and the contents.
18. The three bin system selected by the Council went through a Special Consultative Process (SCP) as part of the 2008/09 Annual Plan consultation. Since the three bin collection was confirmed as the system to be used, Council officers and elected members have presented to a wide range of groups and through the question and answer sessions have obtained extensive feedback as to the concerns which residents have on the introduction of the service.
19. Groups which Council officers and Councillors have met include: Grey Power, Aged Concern, various ratepayers associations, seminars with the combined community boards, Lions and other community organisations.
20. The Zero Waste Working Party continued to meet monthly throughout 2008 and have been continually briefed on aspects of the collection contract documentation and tender process which would have impacts on the community, and which now make up a large number of the terms and conditions.

14 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the **attached** terms and conditions.
- (b) Note that the Chief Executive will make appropriate sub-delegations to the Council's contractors to enable them to enforce clauses 5(1) and 5(2) of the Waste Management Bylaw 2008, as may be required.

15. HARPER AVENUE AND DEANS AVENUE – NO STOPPING (11PM TO 5AM) RESTRICTION

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Barry Cook, Network Operations and Traffic Systems Team Leader

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to install a "No Stopping 11pm to 5am" restriction on Harper Avenue and Deans Avenue.

EXECUTIVE SUMMARY

2. The Fendalton/Waimairi Community Board received a deputation on 18 November 2008 from Steve Ellis and Shirley Ferguson, residents of Holmwood Road, expressing concerns regarding the congregation of "boy racers" in Harper Avenue and the racing occurring in the neighbouring residential streets.
3. The result of these activities is a safety concern, property damage, litter, vandalism, noise issues and a poor image for the city particularly from tourists that use Harper Avenue to connect with late flights.
4. The Fendalton/Waimairi Community Board arranged a meeting with the Mayor, Inspector Derek Erasmus from the Police, the Chair and representatives from Fendalton/Waimairi and Hagley/Ferrymead Community Boards and staff.
5. It was agreed that the problem created by 'boy racers' was not going to be easily solved but it was appropriate to deal with the problem in Harper Avenue with whatever means deemed appropriate.
6. The introduction of the extended central city alcohol ban is likely to solve the problem but this will not be brought into effect until July 2009 and action needs to be taken in the interim.
7. A "No Stopping 11pm to 5am" was seen as being the best option available at this stage to deal with the problem during this period.
8. Concern was then expressed that this would just push the problem around the corner to Deans Avenue.
9. To prevent this, it was decided to include Deans Avenue in the "No Stopping 11pm to 5am" restrictions.
10. A media release has been released to inform the wider community of this proposal.
11. It was also seen that this media release should give a strong message to the wider community that the Council would use any means available to deal with the 'boy racer' issues, or at least move them on.
12. These activities are supported by a wide range of people within the community from parents who help fund the vehicles to the various business that make a profit from these people.

FINANCIAL IMPLICATIONS

13. The estimated cost to install posts and signs and remove then again next year is \$30,000.

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

14. The installation of road markings and signs is within the LTCCP Streets and Transport Operational Budgets. However, this unexpected amount will have to be managed.

15 Cont'd

LEGAL CONSIDERATIONS

15. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides the Council with the authority to install parking restrictions by resolution.
16. The installation of these parking restriction signs comply with the Land Transport Rule: Traffic Control Devices 2004.

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

17. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes-Safety and Community.

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

19. As above.

ALIGNMENT WITH STRATEGIES

20. The recommendations align with the Council Strategies including the Parking Strategy 2003, Safer Christchurch Strategy 2005

Do the recommendations align with the Council's strategies?

21. As above.

CONSULTATION FULFILMENT

22. Community Board representatives from Fendalton/Waimairi and Hagley/Ferrymead were involved in the development of this proposal.
23. Community Board members from the Fendalton/Waimairi, Hagley/Ferrymead and Riccarton/Wigram have been informed of this report. The Community Board Chairs of these three Boards have given their support to the proposal, noting that timing constraints mean this report could not be considered through normal the normal Board meeting process.
24. Residents near Harper Avenue requested action.
25. The Deans Avenue Precinct Society, the Rastrick Area Association and the Merivale Precinct Society, and ICON-Inner City West Neighbourhood Association (the residents' associations most affected by this proposal) have been sent copies of this report.
26. Other residents will have been informed through a media release.

STAFF RECOMMENDATION

It is recommended that the Council approve:

- (a) That the stopping of vehicles be prohibited between the hours of 11pm and 5am on both sides of Harper and Deans Avenue for their entire lengths.
- (b) That this restriction be uplifted when the proposed extended liquor ban has come into effect in this area.

16. RECESS COMMITTEE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Clare Sullivan, Council Secretary

PURPOSE OF REPORT

1. The purpose of the report is to seek the Council's approval to establish a Council Recess Committee to consider any issues normally dealt with by the Council, to cover the period following its last scheduled meeting for 2008 (being 19 December) up until 11 February 2009.

EXECUTIVE SUMMARY

2. As there is a period of up to two months between meetings of the Council, it is recommended that a Recess Committee with power to act, be appointed to deal with any issues requiring a decision that would otherwise go to a Council meeting for a decision.

FINANCIAL IMPLICATIONS

3. There are no financial implications regarding the cost of a recess committee.

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

4. Yes.

LEGAL CONSIDERATIONS

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

5. Yes.

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?

6. Yes. Democracy and Governance.

ALIGNMENT WITH STRATEGIES

7. Not applicable.

Do the recommendations align with the Council's strategies?

8. Not applicable.

CONSULTATION FULFILMENT

9. Not applicable.

STAFF RECOMMENDATION

It is recommended:

- (a) That the Council establish a Recess Committee comprising the Mayor or Deputy Mayor and three Councillors authorised to make any decisions of the Council for the period from 20 December 2008 to 11 February 2009.
- (b) Any decisions made be reported to the Council for record purposes.
- (c) That notice of any Recess Committee be publicised and forwarded to all Councillors.

17. EARLY PROCESSING AND ORDERING OF CANDIDATES' NAMES ON VOTING DOCUMENTS: ELECTION OF ONE MEMBER OF THE SHIRLEY/PAPANUI COMMUNITY BOARD

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Clare Sullivan, Electoral Officer

PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the early processing of the returned voting documents used at the election to be held on Tuesday 10 March 2009 to elect one member of the Shirley/Papanui Community Board. A decision is also sought as to the order in which the candidates' names are to be shown on the voting documents used at that election.

EXECUTIVE SUMMARY

Early Processing

2. Section 79 of the Local Electoral Act 2001 permits a local authority to process (but not count) returned voting documents over the voting period.
3. Early processing of voting documents was introduced for the 1998 Christchurch City elections (but restricted to the 84 hours before the close of voting) and was used very successfully throughout the country. Because of the success of early processing in 1998 and the benefits which early processing provides, the early processing period was subsequently increased to the entire three week voting period now provided under the current legislation. The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time-consuming task of extracting and checking the voting documents is undertaken progressively over the three week voting period (under strict security and under the supervision of a Justice of the Peace). This means a quicker and more accurate result can be achieved on polling day.

Order of Candidates' Names on Voting Documents

4. Clause 31(1) of the Local Electoral Regulations 2001 allows the Council to decide whether the names are to be arranged on the voting documents in alphabetical order of surname, pseudo-random order or random order. In the absence of any Council resolution approving another arrangement, the candidates' names must be arranged in alphabetical order of surname.
5. The features of each arrangement are described below:
 - (a) **Arrangement 1 - Alphabetical Order of Surname**

This is the order which was used for all local authority elections prior to 2004, and is self-explanatory.
 - (b) **Arrangement 2 - Pseudo-Random Order**

Under this arrangement, the candidates' names for each issue are placed in a hat (or similar receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being placed on all voting documents in the order in which they are drawn.
 - (c) **Arrangement 3 - Random Order**

Under this arrangement, the names of the candidates are shown in a different order on each and every voting document, utilising software which permits the names of the candidates to be laser printed in a different order on each document.

17 Cont'd

FINANCIAL IMPLICATIONS

6. The total cost of the by-election will amount to approximately \$75,000. Specific provision has not been made for such costs in the 2008/09 Annual Plan, therefore these costs will need to be absorbed within existing operational budgets.

LEGAL CONSIDERATIONS

7. The early processing of the returned voting documents is provided for in section 79 of the Local Electoral Act 2001 and clause 101 of the Local Electoral Regulations 2001.
8. The ability to choose between alphabetical order of surname, pseudo-random order or random order for arranging the candidates' names on the voting documents is provided for in clause 31(1) of the Local Electoral Regulations 2001.
9. The regulations provide that if a local authority has determined that pseudo-random order or random order is to be used, the electoral officer must state, in a public notice required to be given, the date, time and place at which the order of the candidates' names will be arranged. Any person is then entitled to attend while the arrangement is in progress.

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?

10. Yes, page 113 refers to "conducting triennial elections and any intervening by-elections and polls"..

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. Not applicable.

STAFF RECOMMENDATION

It is recommended that:

- (a) The returned voting documents for the election to be held on 10 March 2009 to elect one member of the Shirley/Papanui Community Board be processed during the voting period, with such early processing to be undertaken in accordance with section 79 of the Local Electoral Act 2001; the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.
- (b) The names of the candidates be arranged in random order.

18. APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE CANTERBURY REGIONAL TRANSPORT COMMITTEE

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Clare Sullivan, Council Secretary

PURPOSE OF REPORT

1. The purpose of this report is to seek the nomination of an alternate to the Canterbury Regional Transport Committee (RTC).

EXECUTIVE SUMMARY

2. At the Council meeting on 24 July 2008 the Council resolved *to appoint the Mayor to the Canterbury Regional Transport Committee* (RTC). At that meeting the Council sought advice from Environment Canterbury as to whether or not alternates were able to be appointed.
3. Environment Canterbury has since received a legal opinion from its in-house solicitor which stated "there is no provision for alternates at all, either under the Land Transport Management Act 2003 (as amended) or the Local Government Act 2002". However, Environment Canterbury has also received advice from the Ministry of Transport that alternates are acceptable for the New Zealand Transport Agency and local authority members of the RTC, but not community representatives.
4. As a result, at its meeting on 21 November, the Canterbury Regional Transport Committee resolved that only the regional council, territorial local authorities and the NZTA may each nominate an alternate to the Canterbury Regional Transport Committee for approval by Environment Canterbury. The minutes from this meeting are being considered by Environment Canterbury at its meeting on 11 December. Therefore, this report seeks a nomination of a Council alternate to the RTC.

FINANCIAL IMPLICATIONS

5. There are no financial implications.

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

6. Not applicable.

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

7. There are no legal implications.

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

8. Not applicable.

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

9. Not applicable.

CONSULTATION FULFILMENT

10. Not required.

STAFF RECOMMENDATION

It is recommended that the Council nominate an alternate representative to the Canterbury Regional Transport Committee.

19. METROPOLITAN DISCRETIONARY RESPONSE FUND APPLICATIONS

General Manager responsible:	General Manager Community Services, DDI 941-8607
Officer responsible:	Community Support Manager
Author:	Matthew Pratt, Community Grants Team Leader

PURPOSE OF REPORT

1. The purpose of this report is for the Council to consider 16 applications, requesting a total of \$263,104, to the December round of the 2008/09 Metropolitan Discretionary Response Fund.

EXECUTIVE SUMMARY

2. The Metropolitan Discretionary Response Fund consists of \$170,000. The purpose of the fund is to assist community groups where the project and funding request falls outside other Council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
3. Applications requesting over \$15,000 require consideration by the Metropolitan Funding Committee.
4. For the December round of the fund, two applications have been received requesting over \$15,000 and therefore requiring a decision from the Council.
5. These applications are from:
 - Dance and Physical Theatre Trust
 - Ka Wahine Ki Otautahi Trust
6. An additional 14 applications have also been received requesting under \$15,000. These applications are from:
 - Alzheimer's Disease and Related Disorders Society (Canterbury)
 - Birthright Christchurch Inc
 - Brain Injury Association (Canterbury/West Coast) Inc
 - Canterbury Neighbourhood Support
 - Canterbury Upp Club
 - Christchurch Resettlement Services
 - DARE Canterbury Inc.
 - New Zealand Spinal Trust
 - Olympia Gymnastic Sports
 - Otamahua/Quail Island Ecological Restoration Trust
 - Positive Directions Trust
 - Project Port Lyttelton
 - SEEDS (Young 1s and Shuffle Bumz)
 - Step Ahead Trust
7. In order for the assessment process to be seen as fair and transparent, all applications for the December round should be considered against each other, on a project by project basis. As a result, the Council will be required to make recommendations for all 16 applications to the December round of the Metropolitan Discretionary Response Fund.
8. A Decision Matrix is **attached** as Appendix A to assist the Council in its deliberations. The Decision Matrix details the funding request from each applicant organisation and provides information, commentary and recommendations from staff.
9. There is currently \$87,200 available to allocate in the Metropolitan Discretionary Response Fund. Staff recommend the Council approve funding for 10 of the applicants totalling \$87,200. This would leave \$0 available for the remainder of the 2008/09 funding year.

19 Cont'd

FINANCIAL IMPLICATIONS

10. Accepting staff recommendations would grant \$87,200 to 10 applicants, leaving \$0 available in the Metropolitan Discretionary Response Fund for the remainder of the 2008/09 funding year.

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

11. Yes.

LEGAL CONSIDERATIONS

12. None.

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

13. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Yes, Community Support.

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

15. Yes, Community Grants.

ALIGNMENT WITH STRATEGIES

16. Strengthening Communities Strategy.

Do the recommendations align with the Council's strategies?

17. Yes, Strengthening Communities Strategy.

CONSULTATION FULFILMENT

18. N/A

STAFF RECOMMENDATION

It is recommended that the Council consider and approve the recommendations contained in the **attached** Metropolitan Discretionary Response Fund Decision Matrix (December Round 2008/09).

19 Cont'd

BACKGROUND

20. The Council adopted the Strengthening Communities Strategy on 12 July 2007.
21. The strategy incorporated the Community Group Grants Review which provided the framework, principles and funding outcomes for the new Strengthening Communities Grants Funding Programme.
22. The Strengthening Communities Grants Funding Programme comprises four funding schemes. The schemes are:
 - I. Strengthening Communities Fund
 - II. Small Projects Fund
 - III. Discretionary Response Fund
 - IV. Community Organisations Loan Scheme
23. The Metropolitan Discretionary Response Fund consists of \$170,000.
24. The purpose of the fund is to assist community groups where the project and funding request falls outside other Council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
25. Applications to the fund for \$15,000 or under are assessed by staff and discussed by a cross-unit Council staff team. The cross-unit team meet on a monthly basis to discuss applications.
26. After discussions, recommendations are made to the Community Support Manager. The Community Support Manager currently has delegation to approve applications to the fund up to the amount of \$15,000.
27. Applications requesting over \$15,000 go before the Metropolitan Funding Committee for consideration.
28. As a result of findings in the Strengthening Communities Grants Programme Evaluation 2008/09, staff have been tasked with investigating options that will make the process more robust and include elected member input for all decisions. Staff will report back with a number of options to the Council. The new process will be in place for the 2009/10 funding year.
29. As of 1 November 2008, 26 applications to the fund, requesting a total of \$174,670, have been made and assessed by staff.
30. \$82,800 has been granted to date. A total of \$87,200 remains in the fund.
31. A summary of the 2008/09 Metropolitan Discretionary Response Fund is **attached** for information as Appendix B.
32. For the December round of the Fund, two applications have been received requesting over \$15,000 and therefore requiring a decision from the Council.
33. These applications are from:
 - Dance and Physical Theatre Trust
 - Ka Wahine Ki Otautahi Trust
34. An additional 14 applications have also been received requesting under \$15,000. These applications are from:
 - Alzheimer's Disease and Related Disorders Society (Canterbury)
 - Birthright Christchurch Inc
 - Brain Injury Association (Canterbury/West Coast) Inc

19 Cont'd

- Canterbury Neighbourhood Support
 - Canterbury Upp Club
 - Christchurch Resettlement Services
 - DARE Canterbury Inc.
 - New Zealand Spinal Trust
 - Olympia Gymnastic Sports
 - Otamahua/Quail Island Ecological Restoration Trust
 - Positive Directions Trust
 - Project Port Lyttelton
 - SEEDS (Young 1s and Shuffle Bumz)
 - Step Ahead Trust
35. In order for the assessment process to be seen as fair and transparent, all applications for the December round should be considered against each other, on a project by project basis. As a result, the Council will be required to make recommendations for all 16 applications to the December round of the Metropolitan Discretionary Response Fund.
36. A Decision Matrix is **attached** as Appendix A to assist the Council in its deliberations. The Decision Matrix details the funding request from each applicant organisation and provides information, commentary and recommendations from staff.
37. Staff recommend the Council approve funding for 10 of the applicants totalling \$87,200. This would leave \$0 available for the remainder of the 2008/09 funding year.
38. \$7,932 remains unallocated from the 2008/09 Metropolitan Small Projects Fund. At the Decision meeting, staff were given discretion to allocate this funding with the approval of the Chair and Deputy Chair of the Small Projects Assessment Committee.
39. Four of the applications received for the Metropolitan Discretionary Response Fund have been recommended 2.2 due to insufficient funding. However, for three of the four applications, staff are recommending that grants be made to these organisations using the unallocated funds that currently exist in the Metropolitan Small Projects Fund.
40. These recommendation are as follows and can be seen on the Decision Matrix:
- Canterbury Upp Club \$3,000
 - Birthright Christchurch Inc \$2,000
 - DARE Canterbury Inc. \$2,932
41. All applications appearing on the Decision Matrix have been assigned a Priority Rating. The Priorities Ratings are as follows:
- P1** Meets all eligibility and criteria and contributes **significantly** to Funding Outcomes and Priorities.
- Highly recommended for funding.
- P2.1** Meets all eligibility and criteria and contributes to Funding Outcomes and Priorities.
- Recommended for funding
- P2.1** Meets all eligibility and criteria and contributes to Funding Outcomes and Priorities.
- Not recommended for funding due to insufficient funding being available.
- P3** Meets all eligibility and criteria and has **minimum** contribution to Funding Outcomes and Priorities and/or other funding sources are more appropriate.
- Not recommended for funding.

19 Cont'd

42. Priority 1 recommendations generally meet the following criteria:

- Impact the project has on the city
- Reach of the project
- Depth of the project
- Political sensitivity
- Value for Money
- Best Practice
- Innovation
- Strong alignment to Council Outcomes and Priorities
- Noteworthy leverage or partnership/match funding from other organisations or government departments.

43. Priority 2.1 recommendations generally meet the following criteria:

- Value for money
- Impact of the project (both reach and depth of project)
- Best Practise
- Innovation
- Alignment to Council Outcomes and Priorities
- Noteworthy leverage or partnership/match funding from other organisations or government departments.

20. APPROVAL OF CHANGES TO PROVISIONS IN THE CITY PLAN

General Manager responsible:	General Manager Strategy and Planning DDI 941-8281
Officer responsible:	Team Leader City Plan
Author:	David Punselie

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council approve changes to the City Plan introduced by the Council's decision on Plan Change 1/Variation 95.

EXECUTIVE SUMMARY

2. Plan Change 1/ Variation 95 to the City Plan changed the status of rules for the subdivision and development of sites in the Living 1A zone with an area of less than 1500m² where those sites adjoin sites in specific Rural and Cultural zones. Plan Change 1/ Variation 95 changed the status of such activities from prohibited to non-complying.
3. The matter was heard by a Council Hearings Panel in February 2008. The panel's recommendation that the plan change and variation be adopted was accepted by the Council at its meeting held on 24 July 2008.
4. There have been no appeals against the Council's decision. The Council can now formally approve the changes to the City Plan introduced by its decision.

FINANCIAL IMPLICATIONS

5. There are no financial implications.

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

6. Not applicable.

LEGAL CONSIDERATIONS

7. Approving provisions in the City Plan is a formal procedural step required by the Resource Management Act 1991 before those provisions can be made operative.

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

8. Yes. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Aligns with City Plan Activity Plan.

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

10. Yes. Supports the maintenance and review of the City Plan project.

ALIGNMENT WITH STRATEGIES

11. Yes.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. This is a procedural step required by statute. Consultation is not required.

20 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991, the changes to City Plan provisions introduced by its decision on Plan Change 1/Variation 95.
- (b) Authorise the General Manager Strategy and Planning to determine the date on which the changes become operative.

19. 12. 2008

- 70 -

**21. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 4 DECEMBER 2008**

Attached.

19. 12. 2008

- 71 -

22. NOTICES OF MOTION

23. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

FRIDAY 19 DECEMBER 2008

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 24-35.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
24. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 27.11.2008)	
25. THE DOME STRUCTURE: CONSIDERATION OF PURCHASE)	
26. THE WORLD BUSKERS FESTIVAL: PROPOSED COMMERCIAL TRANSACTION))	
27. PLAN CHANGE 18 – ZONING OF 420-426 HAGLEY AVENUE)	
28. PLAN CHANGE 37 TO REZONE 458–464 FERRY ROAD)	
29. CASH INVESTMENTS UNDER THE RETAIL DEPOSIT GUARANTEE SCHEME)	
30. VBASE FUNDING)	
31. WELLES STREET PROPERTIES)	
32. 6 NUTFIELD LANE & ERNLEA TERRACE HERITAGE GARDEN PARK PURCHASE)	
33. AIDANFIELD FARM BUILDINGS ENVIRONMENT COURT APPEAL)	
34. REPORT BY THE DEPUTY CHAIRPERSON OF THE SHIRLEY/ PAPANUI COMMUNITY BOARD: MEETING OF 19 NOVEMBER 2008)	
35. REPORT OF THE SHIRLEY/ PAPANUI COMMUNITY BOARD: MEETING OF 15 OCTOBER 2008)	
	GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 24	Commercial Activities	(Section 7(2)(h))
Item 24	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 24	Maintain Legal Professional Privilege	(Section 7(2)(g))
Item 25	Commercial Activities	(Section 7(2)(h))
Item 26	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 26	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 27	Council to Make a Recommendation	(Section 48(1)(d))
Item 27	Right of Appeal Exists	(Section 48(2)(a)(i))
Item 28	Council to Make a Recommendation	(Section 48(1)(d))
Item 28	Right of Appeal Exists	(Section 48(2)(a)(i))
Item 29	Conduct of Negotiations	(Section 7(2)(i))
Item 30	Conduct of Negotiations	(Section 7(2)(i))
Item 31	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 32	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 33	Maintain Legal Professional Privilege	(Section 7(2)(g))
Item 34	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 35	Protection of Privacy of Natural Persons	(Section 7(2)(a))

19. 12. 2008

- 73 -

Chairman's

Recommendation: That the foregoing motion be adopted.

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”