

**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 9.30AM ON THURSDAY 13 DECEMBER 2007**

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

GRANTING OF AWARD TO LEGAL SERVICES UNIT

The Mayor advised that the Council's Legal Services Unit had recently received the 2007 Lexis-Nexis in-house counsel team of the year award. The Legal Services Manager and his staff were then congratulated by the Council for their success in winning the award.

1. APOLOGIES

An apology for absence was received from Councillor Gail Sheriff.

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the apology be accepted.

2. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 7 NOVEMBER 2007

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Buck:

1. That the minutes of the Council meeting held on Wednesday 7 November 2007 be confirmed.
2. That in future Council minutes include:
 - The full text of all resolutions adopted by the Council, irrespective of whether or not the relevant staff recommendations were adopted without amendment.
 - The movers and seconders of all motions and amendments.

EXTRAORDINARY COUNCIL MEETING OF 19 NOVEMBER 2007

It was **resolved** on the motion of Councillor Wall, seconded by Councillor Broughton, that the minutes of the extraordinary Council meeting held on Monday 19 November 2007 be confirmed.

27. SUPPLEMENTARY REPORT

The Mayor referred to the following supplementary item which had been separately circulated after the main agenda had been distributed:

- Report by Acting General Manager Corporate Services on key dates for 2008/09 Annual Plan

The Mayor advised that it had not been possible to circulate this report with the agenda as the required information was not available at that time, but that it was necessary for the report to be dealt with at the present meeting.

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Shearing, that the report be received, and considered at the present Council meeting.

3. DEPUTATIONS BY APPOINTMENT

(a) SAFETY ISSUES AT McLEANS ISLAND

The Chairperson of the Fendalton/Waimairi Community Board (Val Carter) made submissions regarding the activities of "boy racers" on McLeans Island Road. Concerns had been expressed to the Community Board regarding the safety of road users and animals in the nearby Orana Wildlife Park, where some animals had suffered injury as a result of becoming frightened. There was also a serious fire risk, particularly over the summer season as flares and fireworks were often lit, diesel poured on the road and cigarette butts discarded. Litter was also an issue in the area.

In reply to a question the Network Operations and Traffic Systems Team Leader (Barry Cook) advised that it would not be possible to implement a recommendation by the Community Board that clause 68A (Prohibition Times on Roads) of the Traffic and Parking Bylaw 1991 be extended to include all the street names previously forwarded to the Council by the Board in 2006, for the reason that McLeans Island Road was an arterial road, and a legal opinion had previously been obtained to the effect that the imposition of such a restriction on an arterial road would breach the provisions of the Bill of Rights.

It was therefore **resolved** on the motion of Councillor Corbett, seconded by Councillor Wall, that the Council ask staff to report back on the safety problems regarding McLeans Island, especially in the area of Orana Park.

(b) SOUTH CHRISTCHURCH LEARNING CENTRE

The Chairperson (Phil Clearwater) and Deputy Chairperson (Chris Mene) of the Spreydon/Heathcote Community Board made submissions in support of the Board's proposal to allocate a one-off grant of up to \$50,000 from the Community Board's discretionary and SCAP funds to enable the continuation of the South Learning Centre's services to schools, while other solutions for the funding of such services were explored.

The Council also considered the report by the Chairperson of the Board included in clause 18 of the agenda, and the separately circulated report of the Chief Executive regarding the proposed funding arrangements.

Following the presentation of the submissions, and consideration of the reports by the Chief Executive and the Chairperson of the Spreydon/Heathcote Community Board, it was **resolved** on the motion of Councillor Wells, seconded by Councillor Corbett, that the Council:

- (a) Note the Spreydon/Heathcote Board places considerable value on the operation of the service provided at the South Learning Centre to the schools in the Spreydon/Heathcote ward.
- (b) Note the steps currently being undertaken to ensure long term sustainability of programmes to schools through the exploration of alternative sources of funding.
- (c) Support the steps being taken by libraries staff to enable the provision of school programmes on a user-pays basis.
- (d) Note that the community programmes provided at the Learning Centre were never affected by this decision.
- (e) Ask staff to report back in February on the life-long learning strategy, its timing and the proposed process for its development.
- (f) Alter resolution 23(b) of the Council's resolution of 21 June 2007 to the effect that, while the Christchurch City Council will not fund the service beyond the end of the 2007 school year (as per its 21/6/07 resolution), the Council advise the community board that its discretionary fund expenditure can be reconsidered in light of the above recommendations.

4. PRESENTATION OF PETITIONS

HUSSEY ROAD SPEED LIMIT

Councillor Button tabled a petition signed by 123 residents of the Styx Mill, Hampton Grange, Willowbank, Hussey Road, Wilkinson Road and Gardiners Road areas, requesting that the Council designate the entire length of Hussey Road a 50km/hr zone, in the interests of public safety.

It was **resolved** on the motion of Councillor Button, seconded by Councillor Withers, that the report be referred to staff for investigation, and report back to the Council.

(Note: Councillor Wells declared an interest in this item, and retired from the voting and discussion thereon.)

5. CENTRAL PLAINS WATER TRUST ISSUES

The Council also considered a tabled copy of an email which had been sent to all Councillors by Mr David Lynch of Momentus Public Relations Ltd and a letter dated 12 December 2007 which had been sent to the Council's Chief Executive by Mr Michael Parker, a solicitor acting for the Malvern Hills Protection Society.

Councillor Cox moved "*That the Council:*

- (a) *Appoint Mr Vivian Smart as a trustee of the Central Plains Water Trust Board for a term of three years commencing 1 July 2007.*
- (b) *Receive the:*
 - (i) *report for the quarter ending September 2007*
 - (ii) *Annual Report for the year ending 30 June 2007*
- (c) *Meet with the Trustees in June and November each year.*
- (d) *Discuss with the Selwyn District Council the appointment of a Joint Committee of the two Councils to discuss issues of mutual interest such as Central Plains.*
- (e) *Note that the information contained in the section of this report regarding the deputation by the Malvern Hills Protection Society meets the concerns expressed by the Malvern Hills Protection Society with regard to loan documentation entered into by Central Plains Water Trust, Central Plains Water Limited and Dairy Holdings Limited.*
- (f) *Advise the Society accordingly."*

The motion was seconded by Councillor Shearing.

The General Manager Regulation and Democracy Services (Peter Mitchell) advised that the section of his report responding to the submissions made by the Malvern Hills Protection Society to the Council on 7 November 2007 had been prepared in conjunction with Mr Paul Rogers, as the Council's external legal adviser, and that he would approach the Chairman of the Central Plains Water Trust, with a view to seeking the correction and/or amendment of some errors and injudicious phraseology contained in the Trust's report to councils for the quarter ended September 2007.

Following a further discussion, a number of amendments were made to the wording of the motion moved by Councillor Cox and seconded by Councillor Shearing.

The following amended motion was then put to the meeting:

"That the Council:

- (a) *Support the appointment of Mr Vivian Smart as a trustee of the Central Plains Water Trust Board for a term of three years commencing 1 July 2007.*

- (b) *Receive the:*
- (i) *report for the quarter ending September 2007*
 - (ii) *Annual Report for the year ending 30 June 2007*
- (c) (i) *Hold joint meetings with Selwyn District Council (including the trustees) in March and September of each year.*
- (ii) *Hold meetings with the trustees in June and November each year.*
- (d) *Discuss with the Selwyn District Council the appointment of a Joint Committee of the two Councils to discuss issues of mutual interest such as Central Plains.*
- (e) *Note that the information contained in the section of this report regarding the deputation by the Malvern Hills Protection Society meets the concerns expressed by the Malvern Hills Protection Society with regard to loan documentation entered into by Central Plains Water Trust, Central Plains Water Limited and Dairy Holdings Limited.*
- (f) *Advise the Society accordingly.*
- (g) *That the Council request the Central Plains Water Trust to provide all Councillors with a copy of the proposed Sustainable Farming Agreement prior to 1 January 2008 and that the Council meet to discuss this by March 2008."*

Each clause of the foregoing motion was then put to the meeting separately.

On being put to the meeting clause (a) of the motion was declared **carried** on division no 1 by 10 votes to 3, the voting being as follows:

For (10): Councillors Broughton, Buck, Cox, Reid, Shearing, Wall, Wells, Williams, Withers and the Mayor.

Against (3): Councillors Button, Corbett and Johanson.

On being put to the meeting clause (b) of the motion was declared **lost** on division no 2 by 6 votes to 7, the voting being as follows:

Against (7): Councillors Buck, Button, Corbett, Johanson, Wall, Williams and Withers.

For (6): Councillors Broughton, Cox, Reid, Shearing, Wells and the Mayor.

On being put to the meeting clause (c) of the motion was declared **carried**.

On being put to the meeting clause (d) of the motion was declared **carried**.

On being put to the meeting clause (e) of the motion was declared **lost** on division no 3 by 8 votes to 5, the voting being as follows:

Against (8): Councillors Broughton, Button, Buck, Corbett, Johanson, Wall, Williams and Withers.

For (5): Councillors Cox, Reid, Shearing, Wells and the Mayor.

On being put to the meeting clause (f) of the motion was declared **carried**.

On being put to the meeting clause (g) of the motion was declared **carried**.

15. PUBLIC PLACES BYLAW REVIEW 2007

This clause was taken at this point in the meeting.

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Buck, that the Council:

- (a) Resolve that under section 155(1) of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the potential problems relating to public places identified in this report, and that a bylaw is required to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.
- (b) Agree that a draft public places bylaw be prepared for consideration by Council, the purpose of which would be to manage public places in such a way as to balance the various different, and sometimes competing, uses for which public places may be used.
- (c) Agree that the draft bylaw will generally cover the regulation of:
 - commercial activities in public places
 - obstructions in public places
 - Council declaring public places Special Use Areas
 - temporarily residing in public places
 - some aspects of building and construction near or over public places.
 - playing of games
 - poster pasting/graffiti/tagging/etching
 - damage to public places
 - depositing rubbish or litter
 - substance abuse
 - other issues that may arise during further analysis
- (d) Agree that a range of other issues that are currently in the three public places bylaws, no longer need to be covered in a new bylaw going forward.
- (e) Request staff to report back on the possibility of the present ban on the possession or consumption of liquor in certain public places being extended to include all public places throughout the city.

6. LAND TRANSPORT MANAGEMENT AMENDMENT BILL

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Corbett, that the Council:

- (a) Approve the draft submission appended to the report.
- (b) Appoint Councillor Shearing to appear before the Transport and Industrial Relations Select Committee in support of the Council's submission.

7. COUNCIL DELEGATIONS TO COMMUNITY BOARDS

It was **resolved** on the motion of Councillor Johanson, seconded by Councillor Wells:

- (a) That the Council delegate to Community Boards the delegations set out in Attachment A to the report.
- (b) That the Council review these Community Board delegations and terms of reference by 30 June 2008.
- (c) That the further delegations approved by the Council in August 2007 in respect of the Banks Peninsula community boards be added to the delegations set out in Attachment A.

8. APPOINTMENT OF COUNCIL COMMITTEES, COUNCIL HEARINGS PANEL, COUNCIL AND OFFICER SUB COMMITTEES AND BOARDS

(2.14pm the Mayor retired, when the Deputy Mayor (Councillor Norm Withers) assumed the Chair)

The following additional related documents were tabled at the meeting:

- Draft list setting out the proposed membership of individual committees/working parties, standing subcommittees, joint standing committees, working parties and appointments to outside bodies.
- Paper setting out proposed delegations and terms of reference for the Regulatory and Planning Committee, and the Long-Term Council Community Plan Working Party.

The Council Secretary also requested that the proposed membership of the Tenancy Officer Subcommittee be amended to comprise the Community Support Unit Manager and the Manager City Housing, as the two positions shown on page 91 of the agenda had been disestablished.

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Wall:

(a) That the Council, pursuant to Clause 30 of the Seventh Schedule of the Local Government Act 2002 appoint the Joint Committees, Committees, Sub-committees and Working Parties of the Council listed in Attachments A, B and C attached to this report (as amended), with the terms of reference and delegations as described in each case, subject to:

- The terms of reference/delegations for the CEO Performance Review and Remuneration Subcommittee being amended to:

“To manage a performance agreement with the Chief Executive Officer and his ongoing relationship with the Council, and recommend to the Council reviews to the remuneration package of the Chief Executive Officer, taking into account advice from an external adviser.”

- The adoption of the following revised terms of reference for the Metropolitan Funding Subcommittee, in substitution for the terms of reference included in Attachment A:
 1. To allocate the Strengthening Communities Fund – Metropolitan, to community organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP.
 2. To consider recommendations from Community Boards and allocate funding for Key Local Organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP.
 3. In conjunction with community representatives allocate the Small Projects Fund – Metropolitan, to community organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP.
 4. To allocate the Community Organisations Loan Scheme funding consistent with the Council’s Strengthening Communities Strategy and LTCCP.
 5. To allocate the Discretionary Response Fund – Metropolitan, for projects over \$15,000 to community organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP.*

* The Community Support Unit Manager has delegated power to approve grants of up to \$15,000.

(b) That the terms of reference and delegations listed in Attachment D for the Regulatory and Planning Committee and the LTCCP Working Party be adopted.

(c) That it be noted that the Regulatory and Planning Committee will review its terms of reference and report back to the Council.

- (d) That the members of the Council listed in Attachment E be appointed to each of those committees, subcommittees and working parties.
- (e) That each subcommittee be delegated power to appoint its own chairperson (if not already appointed by the Council).
- (f) That pursuant to Clause 30(7) of the Seventh Schedule of the Local Government Act 2002 the Officer Subcommittees in Attachment C not be discharged upon the coming into office of the members of the Council following the triennial general election of those members in 2010.
- (g) That Councillor Wells be appointed Chairperson of the Regulatory and Planning Committee.
- (h) That a housing working party be established comprising Councillors Buck, Button, Johanson, Wall, Williams and Withers.

9. APPOINTMENT OF COUNCIL REPRESENTATIVES TO OUTSIDE BODIES

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Johanson:

- (a) That the appointments in respect of the following organisations be held over, pending further consultation with Community Boards:

Canterbury Hockey Foundation
Christchurch Civic Music Council
Christchurch Olympic City Committee
- (b) That the appointment in respect of Orton Bradley Park also be held over, pending clarification of the requirements relating to this appointment.
- (c) That Mr Phil Clearwater be confirmed as the Council's representative on the Music Centre of Christchurch Trust.
- (d) That the remaining appointments listed in the tabled schedule be confirmed.
- (e) That, in addition to the appointments listed in the schedule, the following additional appointments also be approved, in respect of the organisations shown:

Organisation	Council Representative
TRAFINZ	Councillor Shearing
Keep Christchurch Beautiful	Councillor Johanson
Ethnic Council	Councillor Button

10. NZ COMMUNICATIONS LIMITED – NEW TELECOMMUNICATION COMPANY

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Johanson:

- (a) That the Corporate Support Manager be delegated authority to enter into a licence/protocol agreement with NZ Communications Limited on the same basis as the other telecommunication companies.
- (b) That the Corporate Support Manager be given authority to approve individual sites on Council owned property including street assets.

11. VARIATION TO BANKS PENINSULA PROPOSED DISTRICT PLAN

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Broughton, that the report be referred to the Regulatory and Planning Committee, for consideration in February 2008, and report back to the Council.

12. APPEAL REGARDING CHAPTER 3 OF NRRP

It was **resolved** on the motion of Councillor Buck, seconded by Councillor Shearing, that the Council approve the Notice of Appeal to the Environment Court on the provisions of the Proposed Canterbury Natural Resources Regional Plan, Chapter 3: Air Quality, previously lodged on 9 November 2007.

13. PRIVATE (PROPOSED) PLAN CHANGE 20: TO REZONE 250 CRANFORD STREET AND 215 INNES ROAD FROM LIVING 1 TO BUSINESS 1

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Shearing, that the Council:

- (a) Approve the Private Plan Change 20 pursuant to section 29(4) of the First Schedule to the Resource Management Act 1991, for the reasons set out in the explanation to the change, shown as Attachment 1 to the report.
- (b) Delegate to the General Manager Strategy and Planning the authority to determine the date on which the provision becomes operative.

14. CORRECTION OF MINOR ERRORS IN THE CITY PLAN AND IN THE PROPOSED BANKS PENINSULA DISTRICT PLAN

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Reid, that the Council, without further formality and pursuant to clauses 16(2) and 20A of the First Schedule to the Resource Management Act 1991, correct errors in the Banks Peninsula Proposed District Plan and in the Christchurch City Plan by making the amendments set out in the table attached to the report.

15. PUBLIC PLACES BYLAW REVIEW 2007

Dealt with earlier in the meeting.

16. DRAFT DOG CONTROL POLICY AND BYLAW REVIEW

This report was withdrawn from the agenda.

17. EARLY PROCESSING AND ORDERING OF CANDIDATES' NAMES ON VOTING DOCUMENTS: ELECTION OF ONE AKAROA MEMBER OF AKAROA-WAIREWA COMMUNITY BOARD

It was **resolved** on the motion of Councillor Reid, seconded by Councillor Wall:

- (a) That the returned voting documents for the election to be held on 12 February 2008 to elect one Akaroa member of the Akaroa/Wairewa Community Board be processed during the voting period, 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) That the names of the candidates be arranged in random order.

18. REPORT BY THE CHAIR OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD REGARDING SOUTH CHRISTCHURCH LEARNING CENTRE

This clause was dealt with earlier in the meeting.

19. NOTICES OF MOTION

(a) MICROPHONES: COMMUNITY BOARD MEETINGS

With the leave of the meeting, Councillor Johanson amended his Notice of Motion to read:

"1. That the Council notes:

(a) There are currently no microphones installed at the meeting rooms of Community Boards

(b) The public have expressed concern that they cannot hear at some Board meetings

(c) Staff have advised there is no money budgeted for microphones at Board meeting rooms

2. That staff report back at the first Council meeting in 2008 on the possible installation and costs of microphones at community board meetings."

The amended Notice of Motion was seconded by Councillor Wall, and when put to the meeting was declared **carried**.

(Note: Councillor Cox recorded his vote against the adoption of the amended Notice of Motion.)

20. QUESTIONS

Nil.

28. KEY DATES FOR 2008-09 ANNUAL PLAN

It was **resolved** on the motion of Councillor Wall, seconded by Councillor Cox:

(a) That the Council adopt the following dates for the 2008/09 Annual Plan process:

Monday 10 March–Wednesday 16 April 2008: Community consultation

Monday 12–Wednesday 14 May 2008: Council hearings

Wednesday 25 June 2008: Council workshop and meeting for final approval of Annual Plan.

(b) That the Mayor and Chief Executive be delegated power to finalise the dates to be set aside for the:

- Council workshop to consider the first cut of the draft Annual Plan.
- Council workshop and meeting to consider and formally adopt the draft Annual Plan.

26. SOUTH LEARNING CENTRE - REPORT OF THE CHIEF EXECUTIVE

This report was considered earlier in the meeting, in conjunction with clause 3(b).

21. RESOLUTION TO EXCLUDE THE PUBLIC

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Shearing:

- (a) That the public be excluded from the following parts of the proceedings of this meeting, namely items 22, 23, 24 and 25.
- (b) 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
22. CONFIRMATION OF MINUTES OF EXTRAORDINARY COUNCIL MEETING: 19 NOVEMBER 2007)))	
23. NOTICE OF MOTION: PROPOSED UNDERWRITING FACILITY) GOOD REASON TO) WITHHOLD EXISTS	SECTION 48(1)(a)
24. WASTE MANAGEMENT PLAN IMPLEMENTATION CONTRACT) UNDER SECTION 7)	
25. REPORT OF COUNCIL APPOINTMENTS COMMITTEE))	

- (c) 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 22	Conduct of Negotiations	(Section 7(2)(i))
Item 23	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 24	Conduct of Negotiations	(Section 7(2)(i))
Item 25	Protection of Privacy of Natural Persons	(Section 7(2)(a))

- (d) That the following persons be permitted to remain at the meeting following the exclusion of the public, to allow them to assist the Council in their capacity as professional advisers to the Council in respect of item 24, relating to the Waste Management Plan Implementation Contract:

Michael Weatherall, Simpson Grierson
Jane George, Beca

CONFIRMED THIS 14TH DAY OF FEBRUARY 2008

MAYOR