

**MINUTES OF AN EXTRAORDINARY MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 9.30AM ON THURSDAY 20 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, Gail Sheriff, Sue Wells, Chrissie Williams
and Norm Withers.

1. APOLOGIES

An apology for absence was received from Councillor Mike Wall. An apology for her early departure from the meeting was also received from Councillor Sue Wells, who retired at 10.30am.

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

3. DEPUTATIONS BY APPOINTMENT

(a) **SPECIAL AMENITY AREA: HAWKESBURY AVENUE**

Catherine McClean made submissions on behalf of a group of Hawkesbury Avenue residents, in which she expressed concern that the planned expansion of the Metlifecare Retirement Village would impact on the heritage integrity of Hawkesbury Avenue, and result in the removal of some historic houses. The General Manager Strategy and Planning (Mike Theelen) advised that although demolition permits would be needed, resource consent would not be required in respect of the planned removal of any of the existing houses in Hawkesbury Avenue, given the current zoning. He advised that although special amenity areas were currently under review, it would not be possible for the Council to take any short term measures in respect of the group's concerns regarding Hawkesbury Avenue, which needed to be considered as part of the wider review.

It was therefore **resolved** on the motion of Councillor Wells, seconded by Councillor Sheriff, that staff write to the group in response to their submission, reiterating the advice given to the meeting by Mr Theelen, and confirming that Hawkesbury Avenue would be included in the current review of special amenity areas.

(b) **CENTRAL PLAINS WATER: MALVERN HILLS PROTECTION SOCIETY**

The Mayor referred to a request for speaking rights which had been lodged by Mr David Lynch on behalf of the Malvern Hills Protection Society.

Councillor Buck moved "*That the group's request for speaking rights be granted*". The motion was seconded by Councillor Williams and when put to the meeting was declared **carried** on division no 1 by 7 votes to 6, the voting being as follows:

For (7): Councillors Broughton, Buck, Button, Corbett, Johanson, Williams and Withers.

Against (6): Councillors Cox, Reid, Shearing, Sheriff, Wells and the Mayor.

It was then **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the group's submissions be heard later in the meeting.

4. SUPPLEMENTARY REPORTS

The Mayor referred to reports on the following topics, which had been separately circulated after the agenda had been distributed:

- Appointment of Representatives to Local Government New Zealand Zone 5
- Audit and Risk Management Subcommittee: Appointment of External Members
- Heritage Covenant Officer Subcommittee: Delegations

The Mayor advised that it had not been possible to include these reports in the agenda as they were not available at the time the agenda was prepared and circulated, but that it was desirable for the reports to be considered at the present meeting.

It was therefore **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the reports be received, and considered at the present meeting.

(Note: Councillor Johanson recorded his vote against the adoption of the foregoing resolution.)

2. RESOLUTION TO EXCLUDE THE PUBLIC

The Mayor moved:

“That the public be excluded from the following parts of the proceedings of this meeting, namely item 3.

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
3. REQUEST FOR SUPPORT - LOCAL SPORTING ORGANISATION) 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 3 Prejudice Commercial Position (Section 7(2)(b)(ii))”

The motion was seconded by Councillor Withers and when put to the meeting was declared **carried**.

(9.57am Members of the public were then excluded from the meeting until 11am, when they were readmitted for consideration of the remaining items listed below.)

5. APPOINTMENT OF REPRESENTATIVES TO LOCAL GOVERNMENT NEW ZEALAND ZONE 5

Councillor Corbett moved *“That the Council confirm the appointment of Yvonne Palmer, Shirley/Papanui Community Board member, as its fifth representative to Local Government New Zealand Zone 5 with effect from 1 January 2008, for a three year term”*. The motion was seconded by Councillor Withers.

Councillor Johanson moved by way of amendment *“That the appointment of Yvonne Palmer, Shirley/Papanui Community Board member, as its fifth representative to Local Government New Zealand Zone 5 with effect from 1 January 2008 for a three year term, be deferred until further discussion with Community Boards”*. The amendment was seconded by Councillor Williams and when put to the meeting was declared **lost** on division no 2 by 2 votes to 10, the voting being as follows:

Against (10): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff, Withers and the Mayor.

For (2): Councillors Johanson and Williams.

The motion moved by Councillor Corbett and seconded by Councillor Withers was then put to the meeting and declared **carried**.

(Note: Councillor Johanson recorded his vote against the adoption of the foregoing resolution.)

6. AUDIT AND RISK MANAGEMENT SUBCOMMITTEE: APPOINTMENT OF EXTERNAL MEMBERS

It was noted that a minor correction was needed to the report, in that clause 2 should refer to Councillor Williams, rather than Councillor Withers.

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

- (a) Appoint John Hooper and Michael Rondel as external members of the Audit and Risk Management Subcommittee for a three year term from 1 January 2008.
- (b) Note that the schedule of appointments to committees and subcommittees tabled at the Council meeting on 13 December 2007 should have noted in respect to the membership of the Creative Communities Funding Subcommittee that membership also included "*co-opted community advisory members*".

7. HERITAGE COVENANT OFFICER SUBCOMMITTEE: DELEGATIONS

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Button:

1. That the Council grant to the Heritage Covenant Officer Subcommittee the delegations listed below:
 - (a) The power to enter into conservation covenants under section 77 of the Reserves Act 1977 or other appropriate legal instruments for the protection of heritage buildings, places or objects listed in the City Plan or the Banks Peninsula District Plan on such terms and conditions as the subcommittee thinks fit from time to time.
 - (b) The power to enter into conservation covenants under section 77 of the Reserves Act 1977 or other appropriate legal instruments for the protection of buildings, places and objects which have community and heritage values consistent with the policy for covenants on non-heritage properties and on such terms and conditions as the subcommittee thinks fit from time to time.
 - (c) The power to approve or decline any application made pursuant to a conservation covenant or other legal instrument entered into for heritage purposes (excluding an application for consent for demolition).
 - (d) The power to approve or decline a conservation plan prepared pursuant to a conservation covenant or other legal instrument entered into for heritage purposes.
 - (e) The power to exercise any discretion of the Council given by any conservation covenant or other legal instrument entered into for heritage purposes to enforce the terms of any such conservation covenant or other legal instrument or to require any act or thing on the part of the landowner or person giving such conservation covenant or other legal instrument following any breach of its terms and conditions.
 - (f) The power to institute enforcement proceedings where the terms and conditions of any conservation covenant or instrument entered into for heritage purposes have been breached by the landowner or the person giving such conservation covenant or instrument.
 - (g) The power to issue a dispute notice and to refer any dispute or difference arising with a party to a conservation covenant or other legal instrument entered into by the Council for heritage purposes to mediation or arbitration in terms of such conservation covenant or other legal instrument and the power to negotiate a resolution to such dispute on behalf of the Council.
 - (h) The power to approve individual heritage grants to owners of heritage buildings, places or objects listed in the City Plan or the Banks Peninsula District Plan of up to \$50,000, on such terms and conditions as provided by the Council's heritage grant policies, provided that:

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- (i) applications for such grants in excess of \$50,000 be referred to the Council for approval, or otherwise; and
- (ii) staff be requested to report back twice a year, listing heritage grants which have been approved by the Subcommittee pursuant to its delegated power within the preceding six months.

2. That the Council revisit the limit of \$50,000 in clause 8 of this delegation and any other issues arising from the delegations at its February meeting.

(11.30am Councillors Button and Shearing retired)

3. DEPUTATIONS BY APPOINTMENT (Cont'd)

(b) CENTRAL PLAINS WATER: MALVERN HILLS PROTECTION SOCIETY

Mr David Lynch and Mr Barry Mathers presented a submission on behalf of the Malvern Hills Protection Society, requesting that the Council commission an independent inquiry into a number of issues which the society had raised in respect of the Central Plains Water Trust, which they stated were now regarded by the society as moral rather than legal issues.

The Mayor asked the society's representatives for a copy of their submission, so that it could be photocopied and distributed to Councillors at the present meeting. The society's representatives declined the request, and stated that they would instead provide an edited copy of their submission for later distribution.

Councillor Buck moved *"That staff report to the February 2008 Council meeting on the options available to the Council, to conduct an independent review including a second legal opinion on the matters raised by the Malvern Hills Protection Society, addressing specifically the cost, timing, scope and implications of conducting such a review"*. The motion was seconded by Councillor Williams and when put to the meeting was declared **carried** on division no 3 by 7 votes to 2, the voting being as follows:

For (7): Councillors Broughton, Buck, Corbett, Johanson, Reid, Williams and Withers.

Against (2): Councillors Cox and the Mayor.

8. CONCLUSION

The meeting concluded at 12 noon.

CONFIRMED THIS 14TH DAY OF FEBRUARY 2008

MAYOR