



# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 28 FEBRUARY 2008**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

# AGENDA - OPEN



## CHRISTCHURCH CITY COUNCIL

**Thursday 28 February 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	PAGE NO
1.	APOLOGIES	1
2.	CONFIRMATION OF MINUTES - COUNCIL MEETING OF 14.2.2008	3
3.	DEPUTATIONS BY APPOINTMENT	-
4.	PRESENTATION OF PETITIONS	-
5.	VBASE GROUP AMALGAMATION	9
6.	CCHL ACQUISITION OF ADDITIONAL SHARES IN LYTTELTON PORT COMPANY LTD AND AMI STADIUM LTD - NAME PROTECTION COMPANY	13
7.	LYTTELTON MARINA LTD DEBT WRITE-OFF	17
8.	DELEGATION TO ENGINEER TO CONTRACT UNDER NZS 3910:2003 CONDITIONS OF CONTRACT FOR BUILDING AND CIVIL ENGINEERING CONSTRUCTION	19
9.	TRIENNIAL AGREEMENT BETWEEN LOCAL AUTHORITIES IN THE CANTERBURY REGION	25
10.	HOUSING WORKING PARTY TERMS OF REFERENCE	33
11.	PRIVATE (PROPOSED) PLAN CHANGE 21 –TO EXTEND THE COMMUNITY FOOTPRINT OVER 11 EVERARD STREET, SPREYDON	35
12.	SUBMISSION ON THE LAND TRANSPORT (DRIVER LICENSING) AMENDMENT BILL	69
13.	PROHIBITION TIMES ON ROADS	81
14.	HERITAGE COVENANT OFFICERS SUBCOMMITTEE	97
15.	HERITAGE INCENTIVE GRANTS POLICY	105
16.	APPOINTMENT OF CHAIRPERSON TO CANTERBURY DEVELOPMENT CORPORATION TRUST	123
17.	ESTABLISHMENT OF COMMITTEES AND APPOINTMENTS TO OUTSIDE ORGANISATIONS	125
18.	SUBMISSION ON THE AFFORDABLE HOUSING: ENABLING TERRITORIAL AUTHORITIES BILL	131
19.	REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 29 JANUARY 2008	135
20.	REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 7 FEBRUARY 2008	143

28. 2. 2008

- 3 -

<b>ITEM NO</b>	<b>DESCRIPTION</b>	<b>PAGE NO</b>
21.	REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 13 FEBRUARY 2008	195
22.	NOTICES OF MOTION	-
23.	QUESTIONS	-
24.	RESOLUTION TO EXCLUDE THE PUBLIC	203

**28. 2. 2008**

- 4 -

- 1. APOLOGIES**
  
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 14.2.2008**  
Attached.
  
- 3. DEPUTATIONS BY APPOINTMENT**
  
- 4. PRESENTATION OF PETITIONS**

## 5. VBASE GROUP AMALGAMATION

<b>General Manager responsible:</b>	General Manager Corporate Services, DDI 941-8540
<b>Officer responsible:</b>	Corporate Finance Manager
<b>Author:</b>	Diane Brandish

### PURPOSE OF REPORT

1. The purpose of this report is to present a proposal to the Council, as 100% shareholder and secured creditor of the Vbase group of companies, to simplify the legal structure of the Vbase group.

### EXECUTIVE SUMMARY

2. The present legal structure of the Vbase group of companies is cumbersome and is not consistent with the way in which the group is governed and managed. Under the terms of the loans that are in place with Vbase No. 2 Ltd, (the company that owns and develops AMI Stadium) the Council is required to approve an amalgamation of that company. The directors of the group have approached the Council requesting approval to proceed with the restructure.

### FINANCIAL IMPLICATIONS

3. There are no financial or tax implications for the Council.

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

4. Amalgamation of three companies within the Vbase group has no impact on the 2006-16 LTCCP budgets.

### LEGAL CONSIDERATIONS

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

5. The issue has been considered by the Council's in-house legal team and Vbase have received advice from their own legal advisors. There are no adverse legal implications for either the Council or Vbase.

### ALIGNMENT WITH STRATEGIES

#### Do the recommendations align with the Council's strategies?

6. This matter does not fall within any of the Council's strategies.

### STAFF RECOMMENDATION

It is recommended that the Council:

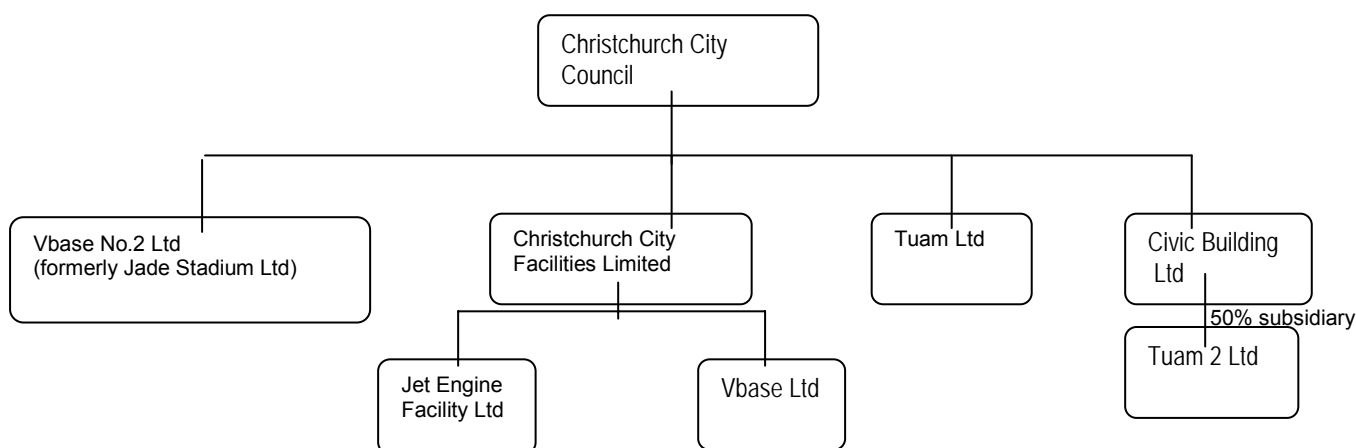
- (a) Approve the amalgamation of Vbase Ltd, Christchurch City Facilities Ltd and Vbase No. 2 Ltd, with Christchurch City Facilities Ltd being nominated as the recipient entity.
- (b) Subsequent to the amalgamation being completed, approve the change in name of Christchurch City Facilities Ltd to Vbase Ltd.
- (c) Authorise the General Manager Corporate Services to sign all documents, including any special resolutions of shareholders, necessary to give effect to the amalgamation.

## 5 Cont'd

## BACKGROUND (THE ISSUES)

## Current Structure

7. The following table describes the current legal structure of the Vbase group. It is cumbersome and, following Council's decision to merge AMI Stadium with the three other venues, no longer reflects the way in which the group is governed and managed.



8. The role of each entity is as follows:

**Christchurch City Council** – 100% Shareholder.

**Vbase No.2 Ltd** – Owns AMI Stadium Improvements, conducts trading for stadium.

**Christchurch City Facilities Ltd, (CCFL)** – Owns Westpac Arena, Convention Centre and leases Christchurch Town Hall from CCC for \$100,000 per year.

**Vbase Ltd** – conducts trading for business located at venues owned by CCFL.

**Jet Engine Facility Ltd** – Owns and leases the jet engine test cell facility located at Christchurch International Airport.

**Tuam Ltd** – owns Tuam St Civic building and carpark.

**Civic Building Ltd** – owns 50% of Tuam 2 Ltd and provides funding for Civic Building project.

**Tuam 2 Ltd** – 50/50 joint venture with Ngai Tahu- developing and owning the new Civic building.

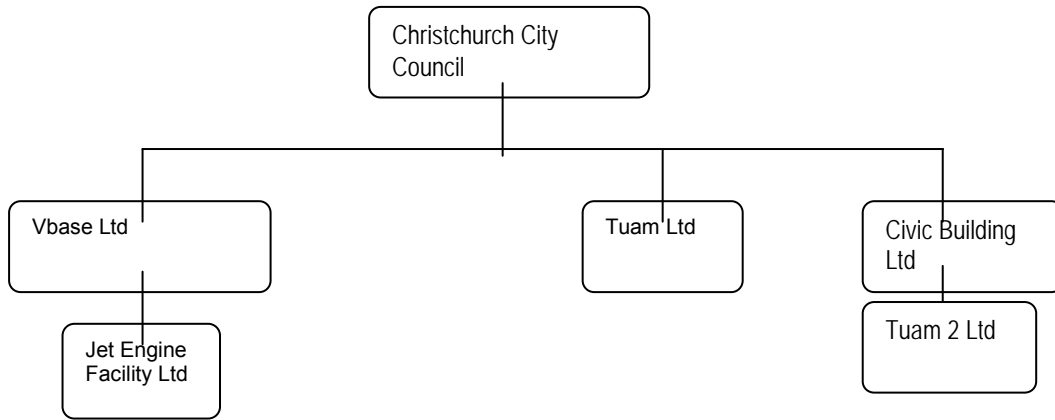
9. Vbase, Vbase No.2 and CCFL all trade as Vbase. Christchurch City Holdings Ltd monitors the group on behalf of the Council.
10. With the exception of Tuam 2 Ltd, all of the companies are either directly or indirectly owned by the Council.

## Changes Proposed

11. It is proposed that Vbase Ltd, Vbase No. 2 Ltd and CCFL be merged into a single entity using the short form amalgamation process available under the Companies Act 1993. Vbase Ltd and Vbase No.2 Ltd will cease to exist and CCFL will become the surviving entity. CCFL will be renamed as Vbase Ltd. The benefit is two less sets of accounts to produce with savings in time and audit fees. The profitability of each of the venues will continue to be measured by maintaining separate divisional accounts.
12. The activities of Jet Engine Facility Ltd, Tuam Ltd, Tuam 2 Ltd and Civic Building Ltd are quite distinct and these companies will be left as separate entities.

5 Cont'd

Proposed Structure



**6. CCHL ACQUISITION OF ADDITIONAL SHARES IN LYTTTELTON PORT COMPANY LTD AND AMI STADIUM LTD - NAME PROTECTION COMPANY**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Peter Mitchell
<b>Author:</b>	Peter Mitchell

**PURPOSE OF REPORT**

1. The purpose of this report is to bring Councillors up to date on two issues relating to Christchurch City Holdings Limited (CCHL):
  - Acquisition of additional shares in Lyttelton Port Company.
  - AMT Stadium Ltd - Name protection company.

**BACKGROUND**

2. The CCHL Statement of Intent enables CCHL to acquire shares in existing subsidiaries up to a maximum of 2% of CCHL's total assets provided the acquisitions are subsequently advised to the Council. See attachment for a full update.
3. When the naming rights for AMI Stadium Ltd were re-negotiated in 2007, it was a requirement of AMI Insurance that the name AMI Stadium Ltd be protected from use by another party. See attachment for a full update.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Receive the report from CCHL regarding the acquisition of additional shares in Lyttelton Port Company Ltd and AMI Stadium Ltd - Name protection company.
- (b) Note the additional shares in LPC acquired by CCHL in terms of the CCHL Statement of Intent.
- (c) Approve the transfer of name protection company AMI Stadium Ltd from CCHL to Vbase No 2 Ltd.



**7. LYTTTELTON MARINA LTD DEBT WRITE-OFF**

<b>General Manager responsible:</b>	General Manager, Corporate Services, DDI 941-8540
<b>Officer responsible:</b>	Corporate Services Manager
<b>Author:</b>	Fran Maguire, Team Leader Rates & Debt Management

**PURPOSE OF REPORT**

1. The purpose of this report is to seek Council approval to write-off a \$537,439.99 debt owed by Lyttelton Marina Ltd.

**EXECUTIVE SUMMARY**

2. Lyttelton Marina Ltd (LML) (in receivership) has a debt of \$537,439.99 relating to lease charges at Naval Point and loan interest charged by the former Banks Peninsula District Council. The receiver has advised that there are no funds for repayment of this debt.
3. LML was put into receivership on 13 November 2000 following the October storm that substantially destroyed the assets. LML had been sold to Thornton Estates Ltd in October prior to the storm. The sale was cancelled and settlement with the purchaser and insurers has resulted in a partial settlement with BPDC from the receivers. The debt of \$537,439, recorded in the ledgers of CCC, was taken over from BPDC on the merger in March 2005 and represents monies owing by LML. The receivership statement as at March 2006 discloses costs of \$1.985M payable to BPDC, part of which remains unpaid. The receiver has advised there are no funds to pay Council.

**FINANCIAL IMPLICATIONS**

4. There is a provision on the balance sheet that was transferred to the CCC ledgers at the time of the amalgamation and which recognises that the debt is unrecoverable. This provision will be used to off-set the debt. This is in accordance with Council's usual procedure for bad debts. However, as this amount is in excess of delegated authority it is necessary for the Council to approve the writeoff. There will be no impact on rates.

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

5. Covered by bad debt provision.

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

7. The write-off has been discussed with the Legal Services Team who concur with the recommendation.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. Not applicable.

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

9. Not applicable.

**ALIGNMENT WITH STRATEGIES**

10. Not applicable.

**Do the recommendations align with the Council's strategies?**

11. Not applicable.

**7 Cont'd**

**CONSULTATION FULFILMENT**

12. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council approve the write-off of Lyttelton Marina Ltd debt totalling \$537,439.99.

## 8. DELEGATION TO ENGINEER TO CONTRACT UNDER NZS 3910:2003 CONDITIONS OF CONTRACT FOR BUILDING AND CIVIL ENGINEERING CONSTRUCTION

<b>General Manager responsible:</b>	General Manager, Capital Programme, DDI 941-8235
<b>Officer responsible:</b>	Legal Services Manager
<b>Author:</b>	Chris Gilbert, Legal Services Manager

### PURPOSE OF REPORT

1. To delegate the appointment of "Engineer to Contract" under NZS 3910:2003 - Conditions of Contract for Building and Civil Engineering Construction, to the General Manager Capital Programme.
2. The relevant existing delegations are in Attachment A to this report

### EXECUTIVE SUMMARY

2. NZS 3910:2003, Conditions of Contract for Building and Civil Engineering Construction [known as "NZS 3910"], is the standard contract used by the Council, other Councils and similar organisations for the supply of construction work. It is the accepted industry standard and universally accepted. The Council has used the NZS 3910 format, with some local variations, for many years and the capital programme and supply of other Council funded construction work is performed under these terms. The terms have been approved by external legal advisers and our insurers.
3. A feature of NZS 3910 is that the parties appoint an "Engineer to the Contract" to perform various functions in the administration of the contract. These are primarily to act as an expert advisor to the principal - Council - giving directions to the contractor on behalf of Council and issuing payment schedules as per the contract. The Engineer also acts independently of either contracting party to fairly and impartially make various technical assessments and decisions, to value the work and to issue various certificates.
4. All NZS 3910 contracts have a named "Engineer to Contract". The "Engineer to Contract" in a NZS 3910 contract is identified as a named individual not as a role or position description. For this reason the Council should delegate the power of appointment specifically to a senior manager. Kevin Mara was the Council's "Engineer to Contract" by a specific delegation from the Council dated 27 September 2001 with the ability to sub-delegate.
5. The delegation to Mr Kevin Mara states *"That if Mr Kevin Mara is unavailable or unable to appoint another officer as the Engineer for a contract the General Manager Strategic Development be authorised to appoint another Council officer in any Council unit as Engineer for that contract"*.
6. With the departure of Mr Kevin Mara it is necessary for the Council to formally appoint a suitable person to appoint the "Engineer to Contract" and it is recommended that Jane Parfitt, Acting General Manager Capital Programme, be delegated to make this appointment where required.
7. To facilitate the administration of the many existing contracts and new ones that will occur in the NZS 3910 format it is recommended that until a General manager capital programme is appointed, Jane Parfitt Acting General Manager Capital Programme is able to appoint either an internal or an external Engineer to the contract as appropriate. The Engineer is required to act impartially within the NZS 3910 terms and by using an external engineer the potential for dispute can be lessened. Where the value or complexity of the work is substantial the role of the engineer can be crucial and it is prudent to have the ability to employ an external engineer for the role. This is also recommended practice where the potential for conflict of interest is high.

**8 Cont'd**

**FINANCIAL IMPLICATIONS**

8. Nil.

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

9. Expenditure approved by the "Engineer to Contract" is approved either as the work programme is part of the capital programme or is otherwise budgeted and approved in specific maintenance and renewal budgets included in the Annual Plan and LTCCP budgets.

**LEGAL CONSIDERATIONS**

10. The Council must appoint an "Engineer to Contract" to comply with contractual terms under existing and future NZS 3910 contracts. The role of Engineer to Contract should not remain vacant if the Council is to comply with existing commitments under NZS 3910 and future commitments it will enter into for new works.

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

11. Yes as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. N/A.

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

13. Yes.

**ALIGNMENT WITH STRATEGIES**

14. N/A.

**Do the recommendations align with the Council's strategies?**

15. N/A.

**CONSULTATION FULFILMENT**

16. N/A.

**STAFF RECOMMENDATION**

It is recommended that the Council delegate Council power of appointment in respect of the role of "Engineer to Contract" under NZS 3910:2003, Conditions of Contract for Building and Civil Engineering Construction, to the General Manager Capital Programme in all the Council's existing and future contracts under NZS 3910 and further authorise the appointment of a suitably qualified Council external contractor if necessary to act in the role of "Engineer to Contract" in any of the Council's present and future contracts where the Council is the principal.

## 8 Cont'd

**BACKGROUND (THE ISSUES)**

17. The Council must appoint an individual to the "Engineer to Contract" role to replace Mr Kevin Mara .

**THE OBJECTIVES**

18. To fulfil contractual requirements created by NZS 3910.

**THE OPTIONS**

19. Appoint the General Manager, Capital Programme or some other person to the role of Engineer to Contract.

**THE PREFERRED OPTION**

17. Appoint the General Manager, Capital Programme.

**ASSESSMENT OF OPTIONS****The Preferred Option**

18. Appoint the General Manager, Capital Programme.

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	NA	
<b>Cultural</b>	NA	
<b>Environmental</b>	NA	
<b>Economic</b>	NA	
<b>Extent to which community outcomes are achieved:</b>		
NA		
<b>Impact on the Council's capacity and responsibilities:</b>		
NA		
<b>Effects on Maori:</b>		
NA		
<b>Consistency with existing Council policies:</b>		
The Council needs to make an appointment to comply with existing and future contractual commitments.		
<b>Views and preferences of persons affected or likely to have an interest:</b>		
NA		
<b>Other relevant matters:</b>		
NA		

## 9. TRIENNIAL AGREEMENT BETWEEN LOCAL AUTHORITIES IN THE CANTERBURY REGION

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Legal Services Manager
<b>Author:</b>	Ian Thomson, Solicitor

### PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval of the triennial agreement currently in force between local authorities in the Canterbury region (attached).

### EXECUTIVE SUMMARY

2. Section 15 of the Local Government Act 2002 requires all local authorities within a region to enter into an agreement containing protocols for communication and co-ordination among them during the period until the next triennial general election.
3. The agreement must be entered into no later than 1 March 2008.
4. The Local Authorities in the Canterbury region agreed to use the Canterbury Mayoral Forum for discussions on the terms of their triennial agreement.
5. At its meeting on 24 February 2005 the Christchurch City Council agreed to execute, along with the other local authorities within the Canterbury region, the current triennial agreement. This was after the document was reviewed by the Canterbury Mayoral Forum.
6. After 1 March 2008, but before the next triennial general election, all parties to the agreement may meet and agree to amendments to the protocols. An agreement remains in force until replaced by another one.
7. The Canterbury Mayoral Forum met in December 2007. Members agreed the terms of the triennial agreement should remain unchanged.

### FINANCIAL IMPLICATIONS

8. There are no financial implications for the participating councils. The triennial agreement contains protocols for communication and co-ordination among them.

### LEGAL CONSIDERATIONS

9. Section 15 of the Local Government Act 2002 states as follows:
  - (1) *Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement containing protocols for communication and co-ordination among them during the period until the next triennial general election of members.*
  - (2) *Each agreement must include a statement of the process for consultation on proposals for new regional council activities.*
  - (3) *After the date specified in subsection (1), but before the next triennial general election of members, all local authorities within each region may meet and agree to amendments to the protocols.*
  - (4) *An agreement remains in force until replaced by another agreement.*
10. It is recommended that the Council agrees to enter into the triennial agreement on the same terms as those contained in the current document.
11. After 1 March 2008, but before the next triennial general election, the parties may agree to amend those terms.

**9 Cont'd**

**CONSULTATION FULFILMENT**

12. There has been no indication so far that any of the parties to the triennial agreement wish to make amendments to it. However, if amendments are sought then a meeting will need to be arranged for these to be discussed and agreement reached.

**STAFF RECOMMENDATION**

It is recommended that the Council resolve to agree to enter into a triennial agreement with the other local authorities in the Canterbury region on the same terms that are contained in the current triennial agreement.

**BACKGROUND (THE ISSUES)**

13. The first triennial agreement was entered into by local authorities within the Canterbury region in late 2003. The document reflected discussions held by the Canterbury Mayoral Forum and was based on advice provided by Local Government New Zealand. It was the view of the participating councils at the time that the agreement be a simple and straightforward document that did not aim to break new ground.
14. The local authorities that have entered into the triennial agreement are committed to keeping each other informed about matters which may have cross-boundary implications or which could potentially lead to disagreement between them. It also defines the process to be followed should the Canterbury Regional Council consider proposals for undertaking new activities. Local authorities are not prevented from entering into other agreements amongst themselves or outside their region to facilitate their responsibilities.
15. The current triennial agreement was reviewed by the Canterbury Mayoral Forum at a meeting in December 2007. The forum agreed that the terms of the document should remain unchanged.
16. In order to comply with the provisions of Section 15 of the Local Government Act 2002 the Council should decide to enter into the triennial agreement on the same terms that are contained in the current document.

## 10. HOUSING WORKING PARTY TERMS OF REFERENCE

<b>General Manager responsible:</b>	Acting General Manager Community Services, DDI 941 8539
<b>Officer responsible:</b>	Community Support Manager
<b>Author:</b>	Catherine McDonald

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend to the Council terms of reference for the Housing Working Party.

**EXECUTIVE SUMMARY**

2. At its meeting on 13 December 2007 the Council established a Housing Working party. No terms of reference were agreed at this time. The following members were appointed:

Membership: Councillors Sally Buck, Ngaire Button, Yani Johanson, Mike Wall, Chrissie Williams, Norm Withers

3. At a meeting of the Housing Working Party on 15 February 2008, the working party elected Councillor Chrissie Williams as Chairperson and developed a draft terms of reference for consideration by the Council.
4. The draft terms of reference were prepared as follows:

**Draft Terms of Reference  
Housing Working Party**

**Purpose:** The purpose of the Housing Working Party is to monitor and support the Council's Social Housing Strategy 2007.

**Scope:** The Working Party will monitor and support the Social Housing Strategy 2007 through:

- Identifying and exploring options for the development of partnerships for housing provision consistent with the Council's Social Housing Strategy 2007.
- Developing a draft housing partnership protocol, consistent with the Social Housing Strategy, for consideration by the Council.
- Assisting with the preparation of submissions on Central Government Housing policy for consideration by Council.
- Assisting with the preparation of the submission to Central Government for partnership opportunity to refurbish and grow CCC Social Housing Provision for consideration by Council
- Reviewing the proposed implementation plan relevant to the Council's Social Housing Strategy for consideration by Council.
- Making recommendations to Council on Housing rentals which fall outside the delegations to the General Manager.

**Milestones:** Monitor the implementation plan every six months

**Staff Support:** Advice to the Working Party will be provided by the General Manager Community Services, the Community Support Manager, the Strong Communities Programme Manager and other staff as necessary



**10 Cont'd**

**FINANCIAL IMPLICATIONS**

6. There are no financial or legal considerations associated with this report.

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

7. N/A

**LEGAL CONSIDERATIONS**

8. N/A

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

9. N/A

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. Yes, aligns with the Community Support Activity.

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

11. Yes, aligns with the Social Housing Levels of service

**ALIGNMENT WITH STRATEGIES**

12. Yes

**Do the recommendations align with the Council's strategies?**

13. Social Housing Strategy 2007.

**CONSULTATION FULFILMENT**

14. N/A

**STAFF RECOMMENDATION**

It is recommended that the Council adopt the draft terms of reference for the Housing Working Party as detailed in paragraph 4 of this report.

**BACKGROUND (THE ISSUES)**

15. An assessment of options has not been completed as this report complies with a Council decision to develop a terms of reference for a Housing Working Party. Any options available relate to the composition of the actual terms of reference.

## 11. PRIVATE (PROPOSED) PLAN CHANGE 21 –TO EXTEND THE COMMUNITY FOOTPRINT OVER 11 EVERARD STREET, SPREYDON

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8177
<b>Officer responsible:</b>	City Plan Team Leader
<b>Author:</b>	Elizabeth Black

### PURPOSE OF REPORT

1. The purpose of this report is to provide advice to the Council in order for it to give its decision on Private Plan Change (Plan Change 21) to the City Plan. The Council may either decline or approve the change with reasons.

### EXECUTIVE SUMMARY

2. Planning consultants Planit lodged a plan change request to:
  - Enable the expansion of the adjoining community footprint to include 11 Everard Street Spreydon; and
  - Limit traffic movement accessing 11 Everard Street which could be generated by the expansion of the community footprint.

The adjoining community footprint, located opposite Barrington Mall, currently includes Barrington Health Centre, Cameron and Co Solicitors and associated car parking for both activities.

3. A community footprint allows the establishment of community facilities such as health, spiritual, education and other community type activity within a Living zone close to existing business facilities and along arterial roads. As the community footprints are located within the residential areas they are subject to the Living City Plan Rules (Volume 3) with exceptions that allow them to operate as a community facility.
5. At its meeting on 20 September 2007 the Council resolved to publicly notify this private plan change. A copy of the requested private plan change is attached to this report (Attachment 1).
6. The plan change was publicly notified in the Star and Christchurch Press on 17 October 2007 and neighbours were informed by letter. The submission period ran from 17 October to 15 November 2007. No submissions were received.
7. The request conforms with the Council's policy on applications for plan changes in that:
  - the costs incurred by the Council in processing the application will be recovered from the applicant
  - the application does not involve an important strategic or policy issue
  - the proposed plan change does not affect a significant area of land that would pre-empt options for urban growth
  - the sites are not within a Priority 1 Area Plan
8. The Plan Change and the applicants Section 32 analysis are attached to this report.
9. A Council planners section 32 analysis is detailed in the body of this report. The analysis concludes that the plan change achieves the relevant objectives and policies in terms of :
  - **Location:** The subject site is in an accessible location and promotes co-location of services. It's located adjoining a community footprint, is close to public transport and a district centre. It is anticipated by the plan that community footprints can be established within the Living Zones adjoining district centres in these locations.
  - **Residential Cohesion:** The adjoining residential dwellings (3 and 5 Everard Street) will have one residential neighbour and therefore the plan change will not isolate residential dwelling.

11 Cont'd

- **Residential amenity:** Living 2 rules will still apply to any future development. It's anticipated that these rules will ensure that future development will be of consistent with the surrounding residential character. It's anticipated that the Living 2 rules for building height, recession plans, setback and screening will protect the neighbouring residential amenity.
- **Traffic:** A site within a community footprint is permitted to generate 200 traffic movements. This would cause adverse effects for residents in Everard Street and it may also result in a short cut from Milton to Athelstan Street. The applicant aims to mitigate the effect by introducing a change to the traffic generation rule (see attached). This change aims to restrict traffic movements in Everard Street, generated from the site, to a maximum of 32 movements. This may allow for three parking spaces at the front of the property on Everard Street, but no access through the property to the rest of the community footprint. Customer parking would need to access the rear of the property via the health care facilities current entrance off Athelstan Street. This is consistent with the current resource consent which permits only staff car parking on Everard Street with all other parking via the existing carpark off Athelstan Street.
- **Noise:** An environmental health officer has assessed the impact of additional traffic on site. The officer concluded that the increase in potential noise would be unsubstantial given that Athelstan Street would still generate the majority of background noise.

**FINANCIAL IMPLICATIONS**

10. As the proposed plan change is private, the property owner is funding the preparation of the plan change. This includes the public notification, reviewing of the plan change and Council reports. Therefore there should be little cost to the Council.
11. There may be costs incurred to the Council if the applicant chooses to challenge the Council's decision in the Environment Court.

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

12. The recommendation will have no cost to the Council and therefore will not impose on the LTCCP budget.

**LEGAL CONSIDERATIONS**

13. After considering the plan change, the Council may decline or approve the plan change and provide reasons for its decision.
14. Under the Resource Management Act 1991 (RMA) schedule 1, clause 29(6), the requester may appeal the decision to the Environment Court.
15. If the Council approves the private plan change this will result in the plan change coming into effect.

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

16. A Council decision to decline this plan change, can be challenged by the applicant in the Environment Court.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

17. City Development - ongoing programme of improvements (page 145 of the LTCCP) to enhance the planning documents of the city, to ensure an attractive built environment and minimise adverse effects on the environment.

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

18. Yes.

**11 Cont'd**

**ALIGNMENT WITH STRATEGIES**

19. Yes - A key approach of the Urban Development Strategy (UDS) is to encourage and promote accessibility for all including people with disabilities, youth, older people and families with young children. (page 48)

**Do the recommendations align with the Council's strategies?**

20. Yes.

**CONSULTATION FULFILMENT**

21. The plan change was publicly notified in the Star and Christchurch Press on 17 October 2007 and neighbours were informed by letter. The submission period ran from 17 October to 15 November 2007. No submissions were received.
22. It should be noted that the applicant had carried out previous consultation with the residents as part of their application in May 2007. The residents were concerned with the increase in traffic movement. To address this concern the applicant introduced a plan change which restricts vehicular movements accessing Everard Street from 200 to 32 movements a day. This is the same level which is currently permitted for the subject site.

**STAFF RECOMMENDATION**

It is recommended that Council:

- (a) Decide, pursuant to 29(4) of the First Schedule to the Resource Management Act 1991, to approve the Private Plan change 21 for the reasons set out in the "Purpose and Reasons for the Plan Change" (shown at Attachment 1 to this report).
- (b) Delegate to the General Manager Strategy and Planning the authority to determine the date on which the provision becomes operative.

11 Cont'd

**BACKGROUND AND DISCUSSION**

**The Application**

23. This application seeks to extend the community footprint to include 11 Everard Street, and to limit the traffic accessing the site from Everard Street to 32 vehicle movements. The subject site is 658m<sup>2</sup> and is currently occupied by a single storey residential dwelling. The site is zoned Living 2 (Inner Suburban). It is adjoining an existing community footprint and is located close to Barrington Mall and good public transport. The purpose of a Living 2 areas is to allow for medium building densities close to district centres. The zone anticipates that community services, of a similar scale and character to the surrounding residential area, would be permitted in the Living 2 areas adjoining the district centres. A community footprint will allow for a number of exceptions to the Residential 2 rules. This is discussed further in the Section 32 analysis section of this report. A copy of the application is attached (Attachment 2).

**Resource Management Act Timeframes**

24. The application was received in full on 8 June 2007. Further information was requested on 19 June 2007 on traffic matters. The report was amended on 16 July 2007. The Spreydon/Heathcote Community Board was advised but at the time did not provide comment. The Council made a decision to publicly notify the change on 20 September 2007. Public notification was from 17 October until 15 November 2007. No submissions were received.

**Description of Proposal and Site**

25. The subject site is located in a residential cul-de-sac adjoining an existing community footprint to the rear and north of the site. The existing community footprint is occupied by Barrington Community Health Centre and Cameron and Co Solicitors and associated car parking for both activities. The entrance and exit to the existing community footprint is on Athelstan Street (see Location Map in attached application). The area, around Barrington Mall, has experienced a high growth of Elderly Persons Housing, since 2002 (over 65) (*IM&CT Elderly Persons Housing in Christchurch City – Building Consent year of issue 22-06-2006*) (see Attachment 3). This indicates that the changing demographics of this area may lead to an increased pressure on health services in this location.
26. The subject site was granted a resource consent in 2005 to allow it to be used as a medical facility. The consent conditions include retaining the existing dwelling and boundary landscaping to neighbouring properties, limiting the number of professionals operating from the site, limiting parking at Everard Street to staff car parking with customer parking accessed via Athelstan Street, and not allowing signage on Everard Street.
27. The private plan change application now seeks to extend the community footprint. This will allow flexibility, in developing the site, provided by the community footprint standards (rules) in order that improvements and possible future expansion of the existing medical centre, adjacent to the site, can be carried out without the need for a resource consent. Currently any changes to the building form would result in further resource consents.
28. Community footprints allow for community facilities, which are consistent with maintaining a high standard of amenity in living areas, to establish in residential areas close to suburban centres. These facilities are recognised, under the City Plan (Volume 2) policies and objectives, as being necessary for the practical, efficient and pleasant functioning of the living area. Examples of such activities include health services, educational and day-care establishments which meet the needs of residents, principally within the surrounding living environment.
29. The proposed plan change also seeks to limit traffic movements into and from Everard Street to 32 movements, this is consistent with the conditions of the approved resource consent, by making an amendment to the Volume 3, Part 2 – Community Standard Rule 2.3.4 – Traffic Generation Other Activities. This aims to prevent through traffic from Athelstan Street and to ensure that traffic movements is consistent with Everard Street's status of a local road. The objective being that the surrounding residential amenity will not be significantly affected by traffic generated by this proposal.

## 11 Cont'd

### Description of the Community Footprint Exceptions

30. A building/development within a community footprint will still need to meet the following Living 2 rules:
- Recession planes
  - Open space
  - Building height, setback and length
  - Street scene
  - Screening from neighbours
31. The following exceptions to the Living 2 rules are permitted within community footprints.
- At least one person engaged in the activity does not have to reside permanently on the site.
  - More than one full-time equivalent person who permanently resides elsewhere than on the site, may be employed.
  - The maximum net area for any site may be larger than 1100msq
  - A single building can exceed the maximum Gross Floor Area (GFA) of 550msq
  - Where buildings are located on the same site and both have a GFA of 100msq, the usual setback between buildings on the same site of 3.6m shall not apply.
  - Allow for a total sign area from 0.5sqm (non-residential) to 1msq
  - Generation of up to 200 traffic movements per site
32. The reasons that the exceptions are permitted is that it is considered that:
- Community footprints should have a greater capacity, due to their location alongside business centres, to accommodate community facilities whilst remaining in character with the scale of other buildings, sites and activities in the vicinity;
  - Allow the community facility to establish and operate effectively.

### Description of Issues

33. The main difference in effects between the current Living 2 zone standards and the community footprint exceptions is the increase and type of activity, signage, building coverage and increased traffic generation. However, a building in a community footprint will still be required to meet the Living 2 standards for building height, recession plans, continuous building length, building setbacks, screening from neighbours and site coverage. Taking this and the site size (650m<sup>2</sup>) into account any new building or additions to existing buildings should be similar in character (height and setback) to other residential development within the Living 2 zone. Any additional car parking or outdoor space will still need to be screened from the street and adjoining neighbours in accordance with the Living 2 rules. A larger area of signage is permitted in a community footprint (1m<sup>2</sup>). However, for sites fronting a local road a single sign can only be 0.2m<sup>2</sup>. This would help to mitigate the effects of a single advertisement viewed from residential properties.
34. The community footprint also allows for higher volumes of traffic which may adversely affect the surrounding residential area. Sites within a community footprint are permitted to generate up to 200 traffic movements per day. It was also considered that through traffic could use Everard Street as an alternative access route from Milton Street to Athelstan Street and Barrington Mall.

### Discussion of Proposed Methods

35. This Plan Change aims to mitigate any adverse effects on the Everard Street residents which may arise as a result of the plan change. The applicant aims to restrict traffic movement to the site from Everard Street to 32 movements. This would result in the main access to the site being from Athelstan Street. It's also considered that the new rule should prevent the through access from Everard Street to Athelstan Street and Barrington Mall.

**11 Cont'd**

36. The residential character of the street should be maintained as the Living 2 rules will still apply. These are open space, street scene, screening from neighbours, recession plans, building setbacks, building length and building height.
37. The applicant has noted that whilst the plan change does restrict traffic generation from Everard Street to 32 vehicle movements per day, that any further traffic movements from Athelstan Street would also trigger a resource consent for the High Traffic Generation Rule.

**Planners Analysis of Private Plan Change Section 32 Assessment**

38. Under Section 32 of Resource Management Act 1991 a local authority before making a decision under clause 29(4) of the Schedule 1 must undertake an Section 32 evaluation.

This evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

The evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

39. This plan change does not intend to alter the objectives of the proposed City Plan. This evaluation examines the extent to which the method chosen (extending the community footprint) and the amendment to the rules to mitigate the effects of traffic generation on Everard Street (V3, Part 2 – Community Standard Rule 2.3.4 – Traffic Generation Other Activities) achieves the relevant objectives of the Plan.

**Assessment of Objectives**

40. The applicant has examined this proposal against a wide range of objectives and policies. These are contained within Volume 2 of the Plan in Section 4 City Identity, Section 7 Transportation, Section 9 Community Facilities, Section 11 Living (please see Section 32 attached). The applicant concluded that the Plan Change is consistent with these objectives.
41. The most relevant of these objectives are found in Section 9 Community Facilities and Section 11 Living. A Council planning officers assessment of these objectives is as follows:

**Location and Residential cohesiveness:**

**9.1 Objective : Local community facilities**

Provision for accessible community facilities to meet educational, spiritual, health, and other local needs.

*9.1.1 Policy : Location*

*To provide for local community facilities to locate within living areas of the City, but particularly in close proximity to suburban centres or on arterial roads.*

**11.3 Objective : Non-residential activities**

Non-residential activities located within living areas which meet community needs, and are consistent with maintaining a high standard of amenity in living areas.

*11.3.1 Policy : Local community facilities and services*

*To provide for local community facilities and services to locate within living areas, subject to compatibility with the existing character of different parts of the living environment, and maintaining residential coherence and amenity.*

## 11 Cont'd

The City Plan has a number of objectives (9.1 and 11.3) which aim to meet local residential needs by providing community facilities in convenient and accessible locations. This is achieved through locating the facilities close to suburban centres or on arterial roads within living areas (policy 9.1.1). The location of these services is to promote public convenience, by being close to public transport and other services, whilst minimising the adverse impacts on character cohesiveness and pleasantness of the living environment (policy 9.1.5). These factors are achieved by maintaining a pattern of residential activity whereby households are not isolated from residents by activities on adjoining sites.

The subject site is well located close to public transport, along side a business area and arterial road. Its location promotes public convenience as anticipated by objective 9.1, 11.3 and policy 9.1.1.

The requested plan change should achieve policies 9.1.1, 9.1.5 and 11.3.1 in terms of residential cohesiveness. The properties located to the north and west are predominantly commercial whilst the properties to the east and south are residential. The two residential units to the south will have one residential neighbour to the south and therefore the requested plan change will not isolate these residential dwellings.

**Residential amenity:***9.1.5 Policy : Managing effects*

*To ensure the effects of local community facilities are managed in a way which maintains amenity and in particular residential amenity and coherence.*

Policy 9.1.5 aims to ensure that community facilities are managed as to protect the residential amenity. This is mainly achieved by imposing living rules on community facilities within the community footprint. In terms of future development at 11 Everard Street the rules for Living 2 would still apply. These include height, setback, open space, street scene, screening from neighbours and recession planes. These rules aim to maintain the residential character of 11 Everard Street as viewed from the street.

Under the community footprint provisions Rule 10.3.4.1 Area and Number of signage permitted can increase from 0.5m<sup>2</sup> to 1m<sup>2</sup> within a community footprint. However, any single signage facing a local road can only be 0.2m<sup>2</sup>. It is considered that the small size of a permitted single sign should not impact adversely on the residential street.

The greatest issue for residential amenity that the afore mentioned exceptions permit is an increase in the permitted number of vehicular movements from 32 to 200. Due to the length and that it is a local road, this amount of traffic could impact adversely on the residential amenity. This exception may also lead to Everard Street being used for through traffic from Milton Street to Barrington Mall. The applicant has proposed a measure to mitigate these effects by introducing a new rule. This rule aims to limit traffic movement to 11 Everard Street to 32 vehicular movements that are currently permitted. It is anticipated that this rule will prevent through traffic from Athelstan Street.

**Noise:***11.4.9 Policy : Noise*

*To ensure noise levels associated with non-residential activities are consistent with maintaining a high standard of amenity within living areas.*

To achieve policy 11.4.9 the noise levels of the proposed community footprint extension would need to be at a level that will not be intrusive as to impact on the liveability of neighbouring properties. The neighbouring properties which may be affected by noise generated by this plan change are 3 and 5 Everard Street. The noise levels from a potential community facility and its associated car parking have been assessed by a Senior Environmental Health Officer. It was concluded that these properties are already affected by noise from Athelstan Street and if the main entrance was to remain on Athelstan Street that the noise levels would not significantly increase.



## 11 Cont'd

It is anticipated that the rule to limit traffic movement into Everard Street would result in the majority of traffic movement to the site being from the existing entrances off Athelstan Street.

**Cost and Benefit Analysis:**

The applicant's reason for the plan change is to allow for the expansion and improvement of Barrington Health Centre. The applicant has a resource consent for one professional staff and three other staff on the subject site, but any further changes that deviate from this consent would require additional resource consent. The plan change would permit a greater level of flexibility and certainty and allow for the applicant to develop the site up to the permitted baseline without the need for a resource consent. This provides more certainty for the applicant but less certainty for Council.

The applicant's cost and benefit analysis examines three scenarios. These are:

Option 1. Extend the community footprint

Option 2. Not extend the community footprint (and enact on the current resource consent)

**Option 1: Plan Change to Extend the Community Footprint**

Benefit	Cost
<ul style="list-style-type: none"> <li>• It allows for the health centre flexibility/certainty to expand in response to the changing needs of the community.</li> <li>• The site is well located in terms of convenience to public transport and other attractors (such as Barrington Mall)</li> <li>• That the form of development should be within the character of the adjoining residential area, due to development being subject to Living 2 rules.</li> <li>• That the expansion of the community footprint should still maintain residential coherence for Everard Street residents.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential loss of original dwelling which currently is protected under the resource consent, however, any future building would need to apply with Living 2 controls.</li> <li>• Potential loss of tighter controls of location of signage, colour of dwelling, landscaping, parking spaces, imposed as a conditions of the resource consent.</li> </ul>

**Option 2: Not extend community footprint (and enact Resource Consent) (status quo)**

Benefit	Cost
<ul style="list-style-type: none"> <li>• Tighter controls over appearance and operation of site. This provides more certainty for the residents and council as to the appearance and function of the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced flexibility as site is limited to granted resource consent. Any future changes to site would require resource consent. This reduces certainty for property owners and may impact on the efficiency of the community facilities to respond to the communities changing needs.</li> </ul>

**Processing of Private Plan Changes**

42. The processing of private plan changes is set out in clauses 21-29 of the 1st Schedule to the RMA. In summary this provides:

- Clause 21: Any person may make an application for a change to an operative district plan. The City Plan is operative.
- Clause 22: Request to be in writing, with reasons, Assessment of Environmental Effects and assessment under section 32 of the RMA
- Clause 23: Further information may be required. Council has done this in this case
- Clause 24: Council may modify the proposal but only with the consent of the applicant.

**11 Cont'd**

- Clause 25: Council must consider the request, and make a decision to either
  - “accept” it and proceed to public notification, or
  - “adopt” it as if it were its own proposal, and publicly notify it, or
  - treat it as if it were a resource consent or
  - reject it.
- Clause 26: Where Council accepts the change it must publicly notify it within 4 months
- Clause 27: The applicant may appeal the decision under clause 26.
- Clause 28: Applications may be withdrawn
- Clause 29: Unless rejected, the application is put through the standard process of public notification, submission, hearing, decision, and appeal (if any).
- Clause 29(4): Council decides whether to decline, approve, or approve with modifications (if Council has made an earlier submission during public consultation), the plan or change, and shall give reasons for its decision.

**THE OPTIONS**

43. The Council's options for this plan change is to:

- a) Decline
- b) Approve

**THE PREFERRED OPTION**

44. The preferred option is Option b, to approve the plan change. There is no status quo, ie do nothing option. The application must be considered and either declined or approved.

45. There are a number of reasons for choosing option b as the preferred option. These are as follows:

- The main effect, that the plan change would allow for a permitted increase in traffic generation in Everard Street, was resolved through an amendment to City Plan rules (v3). The amendment (see attached) restricted vehicle movement to the same level as permitted under the existing resource consent. The aim of the amendment was to also ensure that the site could not be used for through traffic travelling through the site from Athelstan Street to Milton Street.
- The location, residential cohesiveness and amenity is consistent with the objectives and policies
- Living 2 rules will still apply to the development of the future building and/or screening of car parking.
- No submissions were received against the proposal.

**12. SUBMISSION ON THE LAND TRANSPORT (DRIVER LICENSING) AMENDMENT BILL**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Legal Services Manager
<b>Author:</b>	Judith Cheyne

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend to the Council that it adopt the attached submission on the Land Transport (Driver Licensing) Amendment Bill.

**EXECUTIVE SUMMARY**

2. This Bill is very short (see Attachments 1 and 2). Its purpose is to raise the minimum driver licensing age from 15 to 16 years and to extend the length of the learner licence period from six months to 12 months.
3. Several Councillors, prior to the elections, indicated that they wished the Council to make a submission on this Bill, and that the minimum driver licensing age should be raised to higher than 16. The Select Committee has not called for submissions or indicated that it will be holding hearings on this Bill, although we have been told that we can send a submission in to the Select Committee as soon as one is ready. The report is due on 17 April 2008.
4. The proposed submission for the Council on the Bill outlines the Council's support for the intent of the Bill, but notes that the Council supports a greater increase in the minimum driver licensing age; from 15 years to 17 years, and supports extending the length of the learner licensing period on the basis that a more stringent licensing process also be adopted.

**FINANCIAL IMPLICATIONS**

5. There are no financial implications in making a submission on this Bill.

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

6. No effect on the budget.

**LEGAL CONSIDERATIONS**

7. There are no legal considerations in relation to making a submission on this Bill.

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

8. No legal implications.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. Making this submission will align with the Council's aims in relation to road safety issues, and its "A Safe City" community outcome.

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

10. No.

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

11. Potential for alignment with the Healthy City strategic direction, in that this submission is aimed at improving road safety.

**12 Cont'd**

**CONSULTATION FULFILMENT**

12. Consultation has been undertaken internally with Council units and with elected members on the form of the submission.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Adopt the submission.
- (b) Decide whether the Council wishes to appear in support of the submission (if the Committee is to hear submissions), and if so, who will appear on behalf of the Council.

## 13. PROHIBITION TIMES ON ROADS

<b>General Manager responsible:</b>	Michael Aitken, Acting General Manager City Environment, DDI 941- 8656
<b>Officer responsible:</b>	Ross Herrett, Acting Unit Manager Transport and Greenspace
<b>Author:</b>	Barry Cook, Network Operations and Traffic Systems

**PURPOSE OF REPORT**

1. The purpose of this report is to:
  - Provide a response to the Council's request with respect to a deputation from the Chairperson of the Fendalton/Waimairi Community Board
  - Provide information on the Mayor's emergency powers that were used over the Christmas period.
  - Seek Council approval for more long term measures.

**EXECUTIVE SUMMARY**

2. At the 13 December 2007 Council meeting the Chairperson of the Fendalton/Waimairi Board, Val Carter, presented a deputation requesting Chattertons Road and McLeans Island Road be added to the Ninth Schedule of the Christchurch City Traffic and Parking Bylaw 1991.
3. This was due to the request made by a deputation to the Community Board and concern from Orana Park for the safety of animals due to the behaviour of 'boy racers' that gathered in this area.
4. At that meeting staff answered questions from the Council and it was clear that the process of including these two roads in the Ninth Schedule was not straight forward. It was therefore resolved *"That the Council ask staff to report back on the safety problems regarding McLeans Island, especially in the area of Orana Park"*.
5. Since the council meeting the Police have contacted the Mayor expressing concern that the Christmas holiday period was seen as being an ideal time for greater 'boy racer' activity in this area.
6. Investigations by the Legal Services Unit discovered that on receipt of a formal request from the Police, indicating that there was a high probability of *"Civil disobedience"* in a specific location, the Mayor could invoke special emergency powers that would allow the "light vehicles ban at night" to be implemented in that location for a limited period sufficient to allow the formal process to be undertaken. Because of the delays that the Christmas break was going to cause, these emergency powers were used to implement a "light vehicles ban at night."
7. Because of the high probability of civil disobedience the issue relating to the New Zealand Bill of Rights Act did not apply to these emergency procedures.
8. In addition to this, the Police were of the opinion that if the signs were erected on Chattertons Road and McLeans Island Road that civil disobedience would also occur on:
  - Dickies Road
  - Miners Road
  - Kainga Road
  - Lower Styx Road
  - Spencerville Road
9. All these roads were listed in the original submission to Council by the Community Boards in June 2007.
10. Signs banning light vehicles at night were installed on all of these roads, commencing 10 pm Friday 21 December 2007 and ending 5 am Monday 10 March 2008. (See Attachments 1 and 2).
11. This report discusses the options available to deal with the "boy racers" issues on the roads currently covered by the signs installed under the Mayor's emergency powers.

13 Cont'd

12. In addition to these seven roads the Riccarton/Wigram Community Board have concerns about 'boy racer' problems on McTeigue Road and Wilmers Road.

**FINANCIAL IMPLICATIONS**

13. The cost to install and maintain the twelve signs under the emergency powers was \$15,000. The cost to relocate these signs and install "no stopping" at night signs in the remaining roads is estimated to be in the order of \$60,000. A staged implementation is recommended to minimise the total costs as this work has to be funded out of existing operational budgets.
14. There is also likely to be a high ongoing maintenance cost for these signs due to their remote locations and the behaviour of people these signs are targeting.
15. Any significant longer term physical works would have to be separately funded.

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

16. Installation of these traffic signs is not specifically allowed for but will have to be managed with the LTCCP Streets and Transport operational budgets.

**LEGAL CONSIDERATIONS**

17. Clause 68A of the Bylaw provides that no person may use a motor vehicle weighing less than 3,500 kg on any part of a road described in the Ninth Schedule to that bylaw during the times specified in that schedule. Clause 68A(4) provides that the Council may, by resolution, make additions to the Ninth Schedule of the Bylaw. Clause 68A is set out in full in the section of this report headed "Background".
18. A matter which must be considered here is whether or not the proposed additions to the Ninth Schedule, as set out in the staff recommendation in this report, would be inconsistent with the provisions of the New Zealand Bill of Rights Act 1989 (NZBOR). The NZBOR protects certain rights and freedoms. These include the freedom of expression, the freedom of association, the freedom of movement and freedom from discrimination.
19. Of relevance here is whether or not adding the roads in question to the Ninth Schedule would be consistent with the freedom of movement which is protected by section 18(1) of the NZBOR. That section provides:
  - *"18(1) Everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand."*
20. "Freedom of movement entails the right to be able to go where one pleases and along a route of one's choosing". (The New Zealand Bill of Rights Act: A Commentary, Andrew Butler & Petra Butler, Lexis Nexis 2005). Amongst other things this reflects the common law right of persons to use public roads for the purposes of passage.
21. It is clear that adding the roads in question to the Ninth Schedule is not consistent with the freedom of movement protected by the NZBOR. However, section 5 of the NZBOR provides:
  - *"(5) Subject to section 4 of this Bill of Rights, the rights and freedom contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."*
22. Consequently it needs to be considered whether or not adding the roads in question to the Ninth Schedule, which would result in a breach of the right to freedom of movement, can be justified as a reasonable limit on that right under section 5. In order to meet this requirement:
  - (a) The objective of the measure (that is the problems the proposed additions to the Ninth Schedule seek to address) must be important and significant; and
  - (b) The measure (that is adding the roads in question to the Ninth Schedule) must be proportionate to that objective.

13 Cont'd

23. Considering each of these in turn, firstly it is considered that the objective is both important and significant. The problem is outlined in detail in this report in the section headed "Background". In summary it is:
- the damage to the specified roads caused by illegal street racing activities;
  - the danger those activities pose to those participating in or watching those activities;
  - the danger to other road users on those roads while such activities are occurring;
  - the nuisance caused to persons living along those roads as a result of those activities;
  - the threats of physical harm, intimidation and property damage which persons living along those roads are being subject to by persons involved in or associated with those activities.
24. Secondly, it is considered that the measure is proportionate to the objective. The measure has a rational relationship with the objective. The objective is to eliminate the problems referred to above which are being created by persons entering upon the roads in question, in motor vehicles, either for the purpose of participating in or watching the illegal street racing of motor vehicles. The measure is the prohibition of motor vehicles upon those roads, other than those motor vehicles driven by persons who reside on those roads, or their invitees, during the times when unlawful street racing is likely to occur.
25. Further, in relation to this second point, it is considered that in seeking to achieve the objective the measure has been designed to interfere as little as possible with the right to freedom of movement. In this regard:
- (a) None of the roads in question are classified as major arterials, minor arterials or collector roads in the City Plan. They are all classified as local roads.
  - (b) The roads in question are very limited in extent. There are alternative roads upon which through traffic may avoid the roads in question without any significant degree of inconvenience.
  - (c) The roads which are already listed in the Ninth Schedule are not in the vicinity of the roads in question consequently there will be no adverse cumulative effects to road traffic in general by adding the roads in question to that schedule.
  - (d) The prohibition only applies to motor vehicles weighing less than 3,500 kg.
  - (e) Some vehicles are exempted from the prohibition. These exemptions are set out in clause 68A(2) of the bylaw. This clause is set out below.
  - (f) The prohibition is to apply only during limited times, in particular: – Friday – Saturday 9pm-5am; Saturday–Sunday 9pm–5am; Sunday–Monday 9am-5pm; and from 9pm on the day preceding any public holiday until 5am on that statutory holiday. These are the times during which, having regard to past experience, illegal street racing is likely to occur.
26. Lastly, in relation to the second point it is considered that the limitation on the right of freedom of movement is justifiable in light of the objective. In this regard it is considered that the benefits of the measure, namely the elimination of the problems referred to above, outweigh the negative but limited effects upon the general right to freedom of movement.
27. The Christchurch City Traffic and Parking Bylaw 1991, clause 4, enables the Council to impose parking or stopping restrictions on roads controlled by the Council. This is carried out in accordance with the Land Transport Rule Traffic Control Devices 2004 Part 12.1 "Requirement to indicate prohibition on stopping" and Part 12.2 "Means of indicating prohibition on stopping".

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

28. See above.

13 Cont'd

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

29. 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?**

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

**ALIGNMENT WITH STRATEGIES**

31. Christchurch Road Safety Strategy and Safer Christchurch Strategy.

**Do the recommendations align with the Council's strategies?**

32. Aligns with the Road Safety and the Safer Christchurch Strategy.

**CONSULTATION FULFILMENT**

33. Consultation with Police, Ministry of Transport, and Land Transport NZ has been carried out. The request originally came from residents through the Community Boards. There is no knowledge of any opposition to these proposals.

**STAFF RECOMMENDATION**

It is recommended:

- (a) That the Council resolve, pursuant to clause 68A (4) of the Christchurch City Traffic and Parking Bylaw 1991, that the following roads be added to paragraph A of the Ninth Schedule of the Bylaw:
- Miners Road
  - McTeigue Road
  - Wilmers Road
  - Dickies Road
- (b) That the stopping of vehicles be prohibited at any time on both sides of the following roads between the hours 10 pm and 5 am seven days a week:
- McLeans Island Road from Chattertons Road for a distance of 5.2 km in a southerly direction generally.
  - Spencerville Road commencing at a point 1.9 kilometres from Lower Styx Road and extending in an Westerly direction generally for a distance of 1.3 kilometres (at Farrells Road intersection).
- (c) That the stopping of vehicles be prohibited at any time on both sides of the following roads between the hours of 10 pm and 5 am 7 days a week, at the discretion of the Transport and Greenspace Manager:
- (i) Chattertons Road from Old West Coast Road to McLeans Island Road.
  - (ii) McLeans Island Road from a point 5.2 km south of Chattertons Road to Pound Road.
  - (iii) Spencerville Road from Lower Styx Road for a distance of 1.9 km in a westerly direction generally.
  - (iv) Spencerville Road from Main North Road to Farrells Road.
- (d) That the emergency measures put in a place over the Christmas holiday period be allowed to lapse at the end of the temporary measures that finish on 5 am Monday 10 March 2008 in the following roads:
- Chattertons Road from West Coast Road to Old West Coast Road
  - Kainga Road
  - Lower Styx Road



13 Cont'd

**BACKGROUND (THE ISSUES)**

34. On 9 July 2001 clause 68A of the Christchurch City Traffic and Parking Bylaw 1991 came into force. It provides:

**CLAUSE 68A PROHIBITION TIMES ON ROADS**

- (1) *No person shall use a motor vehicle weighing less than 3,500 kilograms on any part of a road described in the Ninth Schedule during the times and day specified in the Ninth Schedule.*
- (2) *Nothing in sub clause (1) above shall apply to:*
- (a) *the owner or occupier of any land having a frontage to the road described in the Ninth Schedule or to his or her bona fide visitors;*
- (b) *any fire appliance, ambulance, police or medical motor vehicle;*
- (c) *any trade or service authority vehicle for the provision or maintenance of a utility on the road or on land having a frontage to the road;*
- (d) *any vehicle owned by the Council;*
- (e) *any vehicle operated by a security service*
- (3) *The Council shall erect signs on the roads described in the Ninth Schedule advising the times and days of the prohibition under sub clause (1) and that the prohibition applies to motor vehicles weighing less than 3,500 kilograms.*
- (4) *The Council may from time to time by resolution publicly notified, and subject to the erection of the signs referred to in clause 68A (3), make additions alterations or deletions to the Ninth Schedule.*
- (5) *The Council shall review the roads listed in the Ninth Schedule within 5 years of the commencement of this Bylaw.*
35. The Council resolved to include a number of industrial cul-de-sacs in the Wigram area in the Ninth Schedule of The Bylaw. This had an immediate affect as the Police targeted these streets and the problem in these streets went away. However, this resulted in the problem being moved on to other areas.
36. More recently on 21 June 2007 the Council considered a list of roads that Community Boards had requested to be added to the Ninth Schedule. These roads are scheduled below:

***Riccarton/Wigram***

- Barters Rd – Waterloo to end
- Hasketts Rd – Barters to end
- Leggetts Rd – Hasketts to end
- Maddison Rd – Barters to Kirk
- Waterloo Rd – Barters to Brixton
- Jones Rd – Kent to Boundary
- Roberts Rd

13 Cont'd

***Fendalton/Waimairi***

- Pound Rd
- Ryans Rd
- Savills Rd
- Guys Rd
- Chattertons Rd
- Miners Rd
- McLeans Island Rd
- Coutts Island Rd
- Consevators Rd
- Grays Rd

***Shirley/Papanui***

- Kainga Rd
- Spencerville Rd
- Lower Styx Rd
- Husseys Rd
- Coutts Island Rd
- Blakes Rd
- Guthries Rd
- Dickies Rd

37. Clause 68A was specifically formulated to address antisocial behaviours that were occurring in industrial roads, the majority of which were cul-de-sacs or roads with no through traffic.
38. The roads scheduled above are not industrial roads that clause 68A was designed to address. These roads are semi-rural or "lifestyle" in nature.
39. This presented a range of new issues that had to be addressed before these roads could be added to the Ninth Schedule.
40. A key issue which had to be considered at that time was whether or not the proposal to add these roads to the Ninth Schedule would be inconsistent with the provisions of the New Zealand Bill of Rights Act 1989. (see LEGAL CONSIDERATIONS)
41. The report carefully considered the issues and after further discussions with the Police and evaluations by the Council's legal team, four roads out of the original twenty five roads submitted to the Council by the boards were added to the Ninth Schedule. (See Attachment 3.) These four roads were the only ones that met all the necessary criteria, and are: -
  - Barters Rd
  - Hasketts Rd
  - Leggett Rd
  - Roberts Rd
42. The criteria as set out in that report were:
  - That there is a known problem;
  - That the problem has persisted for a considerable period of time even though enforcement has been carried out;
  - That only key streets within an area are restricted in such a way as to eliminate the possibility of vehicles doing circuits;
  - That arterial roads are not included;
  - That the number of roads are limited even to the extent of removing roads from the Ninth Schedule after a few years to achieve this.
43. These four roads had experienced long term (3-4 years) issues where regular Police enforcement had not removed the problems and that residents were in effect being held hostage in their own homes on Thursday, Friday and Saturday nights.

**13 Cont'd**

44. Although they are through roads, there are adequate alternative routes in the area for the general public to use.
45. A careful weighing up of the effects of this behaviour on the residents and the rights of ordinary people to travel along these 'through' roads had to be undertaken.
46. Because of the severity of the problems in these four roads the balance went in favour of adding them to the Ninth Schedule.

**THE OBJECTIVES**

47. There are many streets in Christchurch where tyre rubber is laid on the road surface on a regular basis as evidence of "boy racer" activities. The Council also receives many calls from residents experiencing speeding traffic.
48. The objective is to determine the severity of the problem and to implement the most appropriate measures to counteract that problem.
49. The following roads are addressed in this report:-
  - McLeans Island Rd
  - Chattertons Rd
  - Dickies Rd
  - Miners Rd
  - Spencerville Rd
  - Kainga Rd
  - Lower Styx Rd
  - McTeigue Rd
  - Wilmers Rd
50. These roads were the ones the Police considered had a problem or where the problem would move to after the installation of signs, with the addition of McTeigue Road and Wilmers Road.

**THE OPTIONS**

**(a) Light vehicle ban at night**

- Where the criteria is met roads can be closed to motor vehicles weighing less than 3,500 kilograms on Thursday, Friday, Saturday and Sunday nights and statutory holidays by including them in the Ninth Schedule and the installation of signs.
- This was initially done in industrial cul-de-sacs in the Hornby area with great success. More recently this option has been used for roads in the Hasketts Road area. (See Attachment 3.)

**(b) "No Stopping" at night**

- "Boy Racer" behaviours are promoted by large numbers of spectators watching on from parked vehicles (numbering up to 300 vehicles).
- The installation of "no stopping" signs from 10 pm to 5 am has proven very effective for residential areas or where through traffic is essential. This was used in Colombo Street either side of Brougham Street and the problems disappeared. It has also been used in newly developed hillside subdivisions where people have not yet moved into their houses with similar success.
- This is a viable option for situations where the criteria can not be met for "light vehicle ban at night."
- The ongoing maintenance costs for these signs are expected to be high due to the remote locations and the behaviour of the people these signs are targeting.

13 Cont'd

(c) **Physical Works**

- In residential areas the installation of traffic calming measures has been very successful in slowing the average speed of traffic. However, the construction of "speed humps," "platforms" and "chicanes" has often attracted "boy racers" as these structures become a challenge. These structures are often used as a part of a regular "circuit." The "boy racers" also use these structures to back their vehicles up against or on top of to do "burnouts."
- However, on the Summit Road where "burnouts" were regularly carried out in the car parking areas, physical structures in the form of landscaping with tussocks and rocks virtually eliminated the problem. The Council owned the adjoining land and landscaping enhanced the access to the many tracks in these areas. This sort of treatment can be done in addition to the two options above.

(d) **Do Nothing Option**

- Since clause 68A of the Bylaw was created there has been a number of law changes that give the Police more powers to enforce 'boy racer' problems. Offences relating to loss of traction and racing were enacted and the fine for operating a noisy vehicle went from \$150 to \$200. Demerit points were also added to the operation of noisy vehicles. Later this year a new objective noise test is expected to become law. The Christchurch City Council was instrumental in initiating these law changes through the system. New breach of licence rules which will also assist Police are expected to come into force this year also. The do nothing option is a viable option when Police enforcement can control the problem or the problem is not sufficient to justify one of the other options.

**DISCUSSION**

51. On the inspection of the nine roads, it was found that the worst area for tyre marks and diesel was in McLeans Island Road in close proximity to Orana Park.
52. To a lesser extent there were obvious signs of "boy racer" activity in Spencerville Road.
53. Both these areas have surrounding forest like environments and therefore posed the real threat of fire.
54. Some of the other nine roads had an occasional tyre mark.
55. It was also observed that some of these roads had little or no private dwelling accessing them.
56. There is a concern that continually moving these "boy racer" activities onto other areas will eventually lead to them moving into more residential areas.
57. There is also the concern of large numbers of roads having "light vehicle ban at night" may make some residents of Christchurch frightened to cross the city at night or give tourists the impression that Christchurch is an unsafe place due to the night time "curfew."
58. Because of this, it is recommended that only the areas with the actual problem be addressed and a process put in place to deal with locations when a problem occurs.

**McLeans Island Road**

- (a) There is obvious sign of regular "boy racer" activities in McLeans Island Road in the area between Orana Park and the Caravan Park.
- (b) Because McLeans Island road is designated a "collector" and is a desire line for people including tourists with no nearby alternative, it is not appropriate to maintain the "light vehicle ban at night." There are no private residences in this area.

**13 Cont'd**

- (c) It is recommended that a “no parking at night” restriction be installed on Pound Road in the area between the stop bank west of Lady Isaacs and Chattertons Road. Because of the probability of this behaviour moving closer to the city after the installation of the no parking signs, it is proposed that the Council approve a “no parking at night” in the section of McLeans Island Road from the stop bank west of Lady Isaacs to Pound Road with the signs to be installed at the discretion of the Transport and Greenspace Manager after discussions with the Police to confirm the need.

**Chattertons Road**

- (a) Chattertons Road between McLeans Island Road and Old West Coast Road is a “minor arterial” road. There are occasional tyre marks with a small concentration near the Clay Target Gun Club. The only private residence is at the corner of Old West Coast Road. “boy racers” have used this area previously, but Police confirm there is not so much activity in Chattertons Road currently.
- (b) Logically this would not have any restrictions installed until a more serious problem occurred. However, the installation of “no parking at night” in McLeans Island Road would probably move the problem into Chattertons Road. It is therefore recommended that a “no stopping at night” be approved by the Council but that the signs only are installed at the discretion of the Transport and Greenspace Manager after discussions with the Police to confirm the need.
- (c) Chattertons Road between Old West Coast Road and West Coast Road is a “local” road and has a concentration of “lifestyle” properties. There are no obvious signs of “boy racer” activities. Until such time as a significant long term “boy racer” problem has been established, it is recommended that the Council “do nothing.” (See Attachment 4.)

**Dickies Road**

- (a) Dickies Road is designated a “collector” road and provides access to Coutts Island Road, the Waimakariri River and the stop banks. At night the Canterbury Regional Council restrict access by gating off the River and stop banks due to other undesirable behaviour. This means that there is no through traffic at night. There are a number of residential properties in Dickies Road and Coutts Island Road but the people living there and their visitors are exempt from a “light vehicle ban at night.” It is therefore recommended that Dickies Road be added to the Ninth Schedule of the Bylaw (i.e. “light vehicle ban at night,” see Attachment 5).

**Miners Road**

- (a) Miners Road is a “local road” and has a number of residences along its length. Although there is little obvious sign of “boy racer” activities, there is no need for other than residents and their visitors to use these roads at night. It is therefore recommended that Miners Road be added to the Ninth Schedule of the Bylaw (i.e. “light vehicle ban at night,” see Attachment 4).

**Spencerville Road**

- (a) Spencerville Road is designated a “collector road” and there is no nearby alternative for access to the residential areas of Brooklands and Spencerville, plus tourists accessing Spencer Park. It is therefore not appropriate to install a permanent “light vehicle ban at night.” Because there is an obvious “boy racer” problem in Spencerville Road it is recommended to install a “no stopping at night” in the affected area. It is also proposed to ask the Council to approve the installation of “no stopping at night” either side of the affected area with the signs being installed at the discretion of the Transport and Greenspace Manager. (See Attachment 5.)

13 Cont'd

**Kainga Road**

- (a) Kainga Road is designated a "Collector" road. There is no nearby alternative for the residents of Stuarts Gully and Brooklands who do not front Kainga Road. These areas are developing rapidly and a "light vehicle ban at night" is not appropriate. There are residences along the majority of its length. There are no obvious signs of "boy racer" behaviour. Kainga Road is approximately 4.5 km long. A "night time parking ban" would require large numbers of signs to be installed and maintained. Until such time as a significant, long term "boy racer" problem has been established it is recommended that Council "do nothing." (See Attachment 5.)

**Lower Styx Road**

- (a) Lower Styx Road is designated a "minor arterial" road from Marshland Road to Heyders Road. Lower Styx Road from Heyders Road to Kainga Road is designated "collector." It therefore has an important function of access from the City to Spencerville and Brooklands and Spencer Park the Beach and recreational areas. There are numerous residential properties fronting Lower Styx Road with few uninhabited areas where "boy racer" activity would be expected. On inspection, there were no obvious areas where a "long term" problem existed. It is not appropriate to maintain the "light vehicle ban at night" and installing a "no stopping at night" in the areas where residents were not directly affected would be messy and expensive. Until such time as a significant long term "boy racer" problem has been established it is recommended that the Council "do nothing." (See Attachment 5.)

**McTeigue Road**

- (a) The Riccarton/Wigram Community Board has requested that McTeigue Road be considered for inclusion in the Ninth Schedule. The "boy racer" activities are reported to occur at the bend half way along McTeigue Road or towards Carrs Road. Diesel has been used on the road and although the problem is not that obvious, the Police have confirmed that there has been a long term problem. McTeigue Road is a "local" road and there are alternative routes for the general public who wish to travel through this area at night. There are a number of residences fronting McTeigue Road mainly between Halswell Junction Road and the bend. Because McTeigue Road complies with the criteria, it is recommended that it be added to the Ninth Schedule (i.e. light vehicle ban at night, see Attachment 6).

**Wilmers Road**

- (a) Wilmers Road is a "local" road with alternative access nearby for the general public. There are a small number of residences fronting Wilmers Road. It was the Police that indicated that there were problems in Wilmers Road when they were contacted about McTeigue Road. The SPCA had reported vandalism over a long period of time. Again the problem is not that obvious but the Police have confirmed that there has been a long term problem. Wilmers Road also complies with the criteria so it is recommended that it is added to the Ninth Schedule (i.e. "light vehicle ban at night," see Attachment 6).

**14. HERITAGE COVENANT OFFICERS SUBCOMMITTEE**

<b>General Manager responsible:</b>	General Manager Strategy and Planning DDI 941-8177
<b>Officer responsible:</b>	Programme Manager Liveable City
<b>Author:</b>	Neil Carrie, Principal Adviser, Heritage and Urban Design

**PURPOSE OF REPORT**

1. The purpose of this report is to review the Heritage Covenant Officers Subcommittee, its current membership and delegated financial responsibilities and to recommend an alternative subcommittee structure to administer certain Heritage grants and covenants.

**EXECUTIVE SUMMARY**

2. Heritage Incentive Grants, currently administered by the Heritage Covenant Officers Subcommittee, provide financial assistance to heritage property owners to promote the retention of listed heritage buildings and objects through a recognition that heritage retention incurs additional costs and constraints to the owner, while providing a public benefit to the community.
3. The current Heritage Covenant Officers Subcommittee is constituted as a subcommittee of the Council with the membership and delegated authority detailed in paragraphs 25 and 26 of this report.
4. At the extraordinary meeting of the Council held on 20 December 2007 the Council requested that a review of the current delegated authority of the Heritage Covenant Officers Subcommittee be undertaken and that the results of that review be reported back to the Council.
5. Council officers have undertaken the requested review and recommend that:
  - (a) The existing Heritage Covenant Officer Subcommittee be discharged; and
  - (b) A new Heritage Grants and Covenants Subcommittee (renamed to better reflect the activities of the Subcommittee) be constituted as a subcommittee of the Regulatory and Planning Committee; and
  - (c) The membership of the new Heritage Grants and Covenants Subcommittee comprise three Councillors; and
  - (d) The new Heritage Grants and Covenants Subcommittee be granted the delegated authority specified in the staff recommendations section of this report. (These delegations are identical to the delegations currently granted to the Heritage Covenant Officers Subcommittee, with the exception that the limit of the Subcommittee's jurisdiction in respect of approving cash grants is proposed to be increased from the current \$50,000 to \$100,000 to recognise the proposed Councillor membership of the new Subcommittee.)

**FINANCIAL IMPLICATIONS**

6. There are no financial implications.

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

7. Yes, grant funding is provided in 2006-16 LTCCP budgets.

**LEGAL CONSIDERATIONS**

8. A Council may appoint committees, subcommittees, other subordinate decision making bodies and joint committees (clause 30, 7th Schedule LGA 2002). The Council also has the power to appoint or discharge any member of a committee or a subcommittee (clause 31(1)).

**14 Cont'd**

9. A "committee", as defined in the LGA 2002, includes:
- (a) a committee comprising all the members of that local authority; and
  - (b) a standing committee or special committee appointed by that local authority; and
  - (c) a joint committee appointed under clause 30 of Schedule 7; and
  - (d) any subcommittee of a committee described in paragraph (a) or paragraph (b) or paragraph (c).
10. The quorum for any meeting of a committee is prescribed by clause 23 of the 7th Schedule of the LGA 2002. This states that a committee quorum:
- "(i) is not fewer than 2 members of the committee (as determined by the local authority or committee that appoints the committee); and
  - (ii) in the case of a committee other than a subcommittee, must include at least 1 member of the local authority."
11. This provision may not apply to subcommittees appointed directly by Council (because of the definition of "committee") but in any case the Council may wish to have a quorum greater than two members for some subcommittees. The Council should therefore ensure that quorums for the various subcommittees are clear.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. The Heritage Incentive Grants Scheme and associated policy requirement to covenant properties receiving Incentive Grant funding of \$5,000 or more is aligned to the Community Outcome 'An Attractive and Well-designed City'. This provides for, among other things, ensuring "our lifestyles and heritage are enhanced by our urban environment".
13. One of the objectives under the Strategic Direction 'Strong Communities' provides for "protecting and promoting the heritage character and history of the city" (Goal 7, Objective 4).
14. 'City Development Activities and Services' aims to help improve Christchurch's urban environment, among other things. One activity under City Development provides for heritage protection. Heritage incentive grants and conservation covenants are non-regulatory mechanisms aimed towards achieving this end.

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

15. Yes. The measure is heritage awareness. The most recent survey (2006) showed 68% of the population were satisfied with Council's Heritage activity.

**ALIGNMENT WITH STRATEGIES**

**Do the recommendations align with the Council's strategies?**

16. There are a number of strategies which recognise the importance of heritage retention and protection to the fabric of the city and our sense of identity:

**Greater Christchurch Urban Development Strategy (UDS)**

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



14 Cont'd

**Christchurch City Plan**

Heritage redevelopment projects are consistent with the Heritage provisions of the City Plan: Volume 2, Section 4, City Identity, Objective 4.3 Heritage Protection provides for objectives and policies in relation to Heritage protection. It recognises that Christchurch is a cultural and tourist centre, a role mainly dependent on its architectural, historic and scenic attractions. Much of its distinctive character is derived from buildings, natural features, other places and objects which have over time, become an accepted part of the cityscape and valued features of the city's identity. The protection of heritage places and values can be for cultural, architectural, scientific, ecological and other special interest, areas of character, intrinsic or amenity value, visual appeal or of special significance to the Tangata Whenua, for spiritual, cultural or historical reasons. This protection may extend to include land around that place or feature to ensure its protection and reasonable enjoyment. A heritage item may include land, sites, areas, buildings, monuments, objects, archaeological sites, sacred sites, landscape or ecological features in public or private ownership.

**Central City Revitalisation Strategy**

Inner city heritage improvement projects are consistent with the vision for the central city to cultivate a distinct identity that is unique to the city's environment and culture. This strategy places particular emphasis on the heritage of our central city; the central city contains over half of the city's entire heritage assets. The projects will also contribute towards improving the visual amenity and uniqueness of the central city, which will enhance revitalisation objectives.

**New Zealand Urban Design Protocol**

Heritage projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The Limited Covenants will contribute towards the implementation of the New Zealand Urban Design Protocol of March 2005 of which the Council is a signatory.

**CONSULTATION FULFILMENT**

17. Not required.

**STAFF RECOMMENDATIONS**

It is recommended that the Council resolve that:

- (a) The existing Heritage Covenant Officer Subcommittee be discharged with effect from the date of this resolution.
- (b) A new Heritage Grants and Covenants Subcommittee be constituted with effect from the date of this resolution as a subcommittee of the Regulatory and Planning Committee.
- (c) Membership of the Heritage Grants and Covenants Subcommittee shall comprise three Councillors, to be appointed by the Council from time to time.
- (d) The quorum for meetings of the Heritage Grants and Covenants Subcommittee shall be any two Councillor Subcommittee members.
- (e) The Heritage Grants and Covenants Subcommittee be granted the following delegated authority:
  - (i) 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.
  - (ii) 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.

14 Cont'd

- (iii) 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).
- (iv) The power to approve or decline a conservation plan prepared pursuant to a conservation covenant or other legal instrument entered into for heritage purposes.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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 \$100,000, on such terms and conditions as provided by the Council's heritage grant policies, provided that:
  - applications for such grants in excess of \$100,000 be referred to the Council for approval, or otherwise; and
  - the Subcommittee be requested to report back to the Council twice a year, listing heritage grants which have been approved by the Subcommittee pursuant to its delegated powers within the preceding six months.

14 Cont'd

**BACKGROUND (THE ISSUES)**

18. The existing Heritage Covenant Officers Subcommittee was originally constituted by resolution of the Council at its meeting on 26 April 2001. In general terms, these delegations have permitted the Heritage Covenant Officers Subcommittee to make grants within certain prescribed limits, to enter into conservation covenants, to approve or decline consents and covenant conservation plans and to exercise a discretion granted to the Council in relation to the enforcement of the terms of conservation covenants (including references to mediation or arbitration). The full text of the current delegations granted to the Heritage Covenant Officers Subcommittee is contained in paragraph 26 of this report.
19. At the Council meeting of 13 December 2007 the Heritage Covenant Officers Subcommittee was formally reconstituted following the recent Council election on the same basis as it existed before the election.
20. At the extraordinary meeting of the Council on 20 December 2007 the delegations previously granted to the Heritage Covenant Officers Subcommittee prior to the election were re-granted in the same form as existed before.
21. The resolution of the Council passed on 20 December 2007 also requested that a review of the current delegated authority grant limit of \$50,000 exercised by the Heritage Covenant Officers Subcommittee be undertaken by Council officers and reported back to the Council.
22. As the existing Heritage Covenant Officers Subcommittee is constituted as a subcommittee of the Council it is consequently subject to the Council's Standing Orders, the Local Government Official Information and Meetings Act 2002 and the Local Government Act 2002. Accordingly, meetings of the Heritage Covenant Officers Subcommittee are publicly notified and attendance is open to the public. It is therefore considered that the current decision making process operated through the medium of the Heritage Covenant Officers Subcommittee is open and transparent. Currently meetings are scheduled on a monthly basis.
23. As discussed above, the Heritage Covenant Officers Subcommittee is currently constituted as a subcommittee of the Council. However, in the circumstances of the Council having recently established the Regulatory and Planning Committee it may be more appropriate to re-constitute the Heritage Covenant Officers Subcommittee as a subcommittee of the Regulatory and Planning Committee rather than as a subcommittee of the Council itself.
24. Concurrently with this review, Council officers have also undertaken a review of the Council's Heritage Incentives Grants Policy. The proposed Grants Policy, is also dealt with in this Council agenda.
25. The current Heritage Officers Covenant Subcommittee is constituted as follows:
  - General Manager Strategy and Planning
  - Programme Manager Liveable City
  - Corporate Support Manager
  - Their nominees  
(Quorum: any two members)
26. The existing delegations granted to the Heritage Covenant Officer Subcommittee are detailed as follows:
  - "1. *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.*

14 Cont'd

2. *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.*
3. *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).*
4. *The power to approve or decline a conservation plan prepared pursuant to a conservation covenant or other legal instrument entered into for heritage purposes.*
5. *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.*
6. *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.*
7. *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.*
8. *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:*
  - (a) *applications for such grants in excess of \$50,000 be referred to the Council for approval, or otherwise; and*
  - (b) *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."*

**THE OPTIONS**

27. There are a number of options for structuring the membership of the new Subcommittee:
  - (a) Council officers only; or
  - (b) Both Councillors and Council officers; or
  - (c) Councillors only.

Table 1 identifies a range of benefits and constraints for each option:

## 14 Cont'd

Table 1: Subcommittee Membership Options Analysis

Membership Options	Benefits	Constraints
Council Officers	Reduced lead time for Subcommittee reports. Can ensure integration with other appropriate heritage initiatives.	Perceived conflict of interest in report monitoring and decision making. Councillors not involved in most decision-making
Council Officers and Councillors	Councillors involved in grant approvals, covenants and consents with advice from Council staff in relation to heritage policies and practice	The unavailability of Councillors at some times may slow the transaction of the Subcommittee's business
Councillors	Councillors involved in all grant and conservation covenant decision making	The unavailability of Councillors at some times may slow the transaction of the Subcommittee's business. Councillors involvement with detail of covenant consents and large numbers of small grants could cause frustration (over 80% of grants are \$50,000 or less)

28. The functions of the Heritage Covenant Officers Subcommittee include both heritage grants and covenants and consideration of all their ancillary aspects such as covenant consents and conservation plans.
29. The reconstitution of the subcommittee to comprise three Councillors would be appropriate. This would be consistent with councillors being members of other grant funding subcommittees such as the Creative Community, Metropolitan Funding and Strengthening Communities Subcommittees. The membership of these subcommittees is confined to Councillors only.
30. It is suggested that the existing delegations granted to the existing Heritage Covenant Officer Subcommittee are in an appropriate form to be re-granted to the proposed new Heritage Grants and Covenants Subcommittee. However, if the Subcommittee were to comprise three Councillors then consideration could be given to increasing the delegated financial responsibility of the Subcommittee from \$50,000 to \$100,000 in recognition of the direct Council overview of the grant approval process.
31. It is recommended that, to better reflect its activities, the name of the subcommittee be the 'Heritage Grants and Covenants Subcommittee'.

**THE OBJECTIVES**

32. The objectives are to maintain heritage buildings as links from the past for present and future generations through non-regulatory means, to assist and enhance the sense of place, sense of identity, the character of Christchurch City and to encourage income-generating tourists to these places of interest.

**15. HERITAGE INCENTIVE GRANTS POLICY**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8177
<b>Officer responsible:</b>	Programme Manager Liveable City
<b>Author:</b>	Neil Carrie, Principal Adviser Heritage and Urban Design

**PURPOSE OF REPORT**

1. The report proposes that the Council replace paragraph 8.1 of the Heritage Conservation Policy 1998 (including all amendments subsequent to its adoption) with an updated paragraph. This update provides clarity, transparency and improved operational guidelines to ensure more consistent and effective policy application. It does not change the intent, eligibility or approval process.

**EXECUTIVE SUMMARY**

2. The Heritage Conservation Policy 1998 included a general provision for heritage grants for heritage properties listed in the City Plan. The operation of this policy provision has developed since that time, and the 1998 document was revised in 2002 and 2006 in relation to grants including to extend the scope of the heritage grants to include properties in the Banks Peninsula territorial area.
3. The Council resolved on 7 June 2007 and again on 20 December 2007 that delegated authority be given to the Heritage Covenant Officers Subcommittee for the approval of Heritage Incentives Grants of up to \$50,000. The effect of this delegation is that the Council has retained the power to grant approvals greater than \$50,000 (refer to paragraph 26 of the agenda item on the Heritage Covenant Officers Subcommittee).
4. This proposed revised grants policy provision has been developed to reflect and document current practice for the assessment and administration of the Heritage Incentive Grants and to provide more explicit guidance to decision-makers and applicants regarding the application, approvals and payments from the Incentive Grants funds. It does not change the intent, eligibility or approval process.
5. Prior to reviewing the policy, an external audit of current financial and administrative practice of the grants programme was undertaken by PriceWaterhouseCoopers and the recommendations from that review have been implemented and incorporated into the revised policy and administrative processes. The need to fully document the heritage grants decision making process was identified. This update of the policy provision is in part a response to that recommendation.

**THE REVISED POLICY (ATTACHMENT 1)**

6. The proposed Policy provision applies to the Heritage Incentive Grants which rely on operational funding to assist the owners of listed heritage properties for the maintenance and conservation of the property. There are four sections to the policy provision:

**Section 1 Introduction**

7. This provides the context for the heritage conservation policies. A policy map is provided to identify and relate all current or proposed policies heritage. The Heritage Incentive Grants Policy statement is included in this section.

**Section 2 Operational Guidelines**

8. The Operational Guidelines provide detailed directions on the operation and application of the policy. One of the most important objectives was to clarify the identification of the scope of works for grant funding, criteria for approvals, grant application and payment procedures.

**Section 3 Terms and Conditions**

9. This section provides general terms and conditions to be considered for specific applications .

**Section 4 Definitions**

10. This section provides a glossary of definitions, which would be applicable to all revised heritage policies. The definitions are consistent with the proposed heritage plan change definitions.

15 Cont'd

**Consideration of Grant Repayment**

11. The Council at its meeting of 20 December 2007 discussed the option for re-payment of grants when a property was on-sold. This option has not been included in the proposed Heritage Grants Incentive Policy provision update as the grant is for the purpose of ensuring the continued protection and use of the building regardless of ownership. This is discussed more fully below.

**FINANCIAL IMPLICATIONS**

12. The Policy operates within the financial provision of the Annual Plan.

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

13. Yes, heritage incentive grant funding is provided in the 2006-16 LTCCP.

**LEGAL CONSIDERATIONS**

**Legal Requirements under the LGA for consultation.**

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

14. Consideration has been given to the matter of consultation. On the basis that the proposed changes to the Heritage Conservation Policy involve internal administrative processes only, the Legal Services Unit has advised that public consultation is not required. The criteria for applying for and receiving grant monies remain the same.
15. The people within the Council who deal with incentive grants, including the Heritage Grants Officer Subcommittee, have been consulted during the development of the operational guidelines, which had previously been reviewed by external advisors.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

16. The Heritage Incentive Grants Scheme and associated policy requirement to covenant properties receiving Incentive Grant funding of \$5,000 or more is aligned to the Community Outcome 'An Attractive and Well-designed City'. This provides for, among other things, ensuring "our lifestyles and heritage are enhanced by our urban environment". The requirement for Conservation Covenants is determined by the grant quantum, which stems from the Heritage Conservation Policy under the outcome.
17. One of the objectives under the Strategic Direction 'Strong Communities' provides for "protecting and promoting the heritage character and history of the city" (Goal 7, Objective 4).
18. 'City Development Activities and Services' aims to help improve Christchurch's urban environment, among other things. One activity under City Development provides for Heritage Protection. Heritage Incentive Grants and Conservation Covenants are non-regulatory mechanisms aimed towards achieving this end.

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

19. Yes. The measure is heritage awareness. The most recent survey (2006) showed 68% of the population were satisfied with Council's Heritage activity

**ALIGNMENT WITH STRATEGIES**

**DO THE RECOMMENDATIONS ALIGN WITH THE COUNCIL'S STRATEGIES?**

20. Alignment of the requirement for Heritage Incentive Grants and Conservation Covenants stems from the Heritage Conservation Policy which in turn is relevant to:

15 Cont'd

**Greater Christchurch Urban Development Strategy (UDS)**

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

**Christchurch City Plan**

Heritage redevelopment projects are consistent with the Heritage provisions of the City Plan: Volume 2, Section 4, City Identity, Objective 4.3 Heritage Protection provides for objectives and policies in relation to Heritage protection. It recognises that Christchurch is a cultural and tourist centre, a role mainly dependent on its architectural, historic and scenic attractions. Much of its distinctive character is derived from buildings, natural features, other places and objects which have over time, become an accepted part of the cityscape and valued features of the City's identity ... Protection of heritage places includes cultural, architectural, ... areas of character, intrinsic or amenity value, visual appeal or of special significance to the Tangata Whenua, for spiritual, cultural or historical reasons. This protection may extend to include land around that place or feature to ensure its protection and reasonable enjoyment. A heritage item may include land, sites, areas, buildings, monuments, objects, archaeological sites, sacred sites, landscape or ecological features in public or private ownership.

**Central City Revitalisation Strategy**

Inner city Heritage improvement projects are consistent with the vision for the Central City to cultivate a distinct identity that is unique to the city's environment and culture. This strategy places particular emphasis on the heritage of our Central City; the Central City contains over half of the city's entire heritage assets. The projects will also contribute towards improving the visual amenity and uniqueness of the Central City, which will enhance revitalisation objectives.

**New Zealand Urban Design Protocol**

Heritage projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The Limited Covenants will contribute towards the implementation of the New Zealand Urban Design Protocol of March 2005 of which the Council is a signatory body.

**CONSULTATION FULFILMENT**

21. N/A

**STAFF RECOMMENDATION**

It is recommended that the Council resolves as follows:

- (a) To delete paragraph 8.1 of the Heritage Conservation Policy 1998 (including all amendments subsequent to its adoption).
- (b) To replace paragraph 8.1 with the attached proposed Heritage Incentives Grant provisions in the attached form (as amended, if appropriate, by resolution (c) below).
- (c) If Recommendation (b) of the Heritage Covenant Officers Subcommittee report is adopted and the Heritage Covenant Officer Subcommittee is discharged and the recommended new Heritage Grants and Covenants Subcommittee is constituted then references in the Heritage Incentive Grants provisions referred to in paragraph (b) of this resolution to the "Heritage Covenant Officer Subcommittee" shall be deemed to be references to the "Heritage Grants and Covenants Subcommittee".



15 Cont'd

**BACKGROUND**

22. The assessment and administration of the heritage incentive grants programme has been the subject of a recent internal and external review process. The policy development incorporated in the proposed Heritage Conservation Policy has been an essential part of this process, ensuring that decision-making for heritage grant approvals by both the Heritage Covenant Officers Subcommittee and Council is open and transparent.
23. The review and proposed recommendations related to the re-structure of the of the Heritage Covenant Officers Subcommittee also considered in this Council agenda are therefore complementary to this Policy provision and should be read in conjunction with the updated Heritage Incentive Grants Policy provisions.
24. In addition the following initiatives and analyses, which have been completed or are in process, are intended to provide a wider strategic context with regard to future consideration of heritage grant funding:
  25. An external audit by PriceWaterhouseCoopers of the complete heritage grant processes, including funding forecasting, recording, and reconciliation, and the documentation and procedural tracking of grant assessments, approvals, and payments. This audit was completed and recommendations implemented in August/September 2007, apart from the adoption of the updated Heritage Incentive Grants provisions.
  26. The development of registered heritage conservation covenants or other legal instruments as a requirement of the incentive grants programme to ensure the continued protection of heritage properties. This includes assessments of application consents under the covenants as appropriate and approvals for Conservation Plans where these are a requirement of the conservation covenant.
  27. A review of the historical uses of the heritage grants, in particular in relation to Building Code Compliance requirements and of the heritage provisions of the Council's Earthquake Prone Buildings Policy. This includes the identification and financial analysis of overall Building Code Compliance costs for Christchurch heritage building stock. This analysis indicates that around 60% of grant funding is utilised for building code compliance (earthquake strengthening, fire, etc), rather than for the retention of heritage fabric.
  28. A review of the order of additional costs, Building Code Compliance, rate of building depreciation and maintenance costs, development constraints and lost development opportunity costs where retention of a heritage building is to be considered in comparison with demolition of the heritage building and replacement by a new building. The amount of the heritage incentive grants in relation to overall development costs has also been investigated and is typically 5-8% of total project costs.
  29. Consideration of the economic benefits through cultural tourism for Christchurch and the multiplier effect of the visitor grant dollar on retention of Christchurch and Banks Peninsula heritage buildings and streetscapes. 29% of visitors stated that Christchurch's unique history and heritage contributed to visitors decision to visit. Visiting historic buildings was in the top six specific activities identified in the survey (Regional Visitor Monitor 2005-07). The added value of tourism for Christchurch in 2005 was estimated at \$19 million per annum.
  30. Consideration in future residents' surveys of the perceived contribution that heritage retention has on the communities' sense of City identity as a cultural benefit.

**CONSIDERATION OF GRANT REPAYMENT**

31. Grant repayment has not been given further consideration as a requirement of the Council Heritage Incentive Grants provisions for the following reasons: -
32. The heritage grant is for the purpose of ensuring the protection and continued use of the building, no matter who is the owner at any particular time.

15 Cont'd

33. A major use of the grants is to meet Building Code compliance. If this cannot be met with retention of the building through grant assistance, then there is a high risk of demolition.
34. The re-development of heritage buildings, and in particular central city buildings are relatively high risk ventures where the level of risk is difficult to determine at the outset of a project. The additional constraints involved in heritage building re-development, means that in many instances a commercially cautious approach is taken through the demolition and re-placement with a new building in favour of heritage retention.
35. Re-development of a heritage building is more sustainable than the construction of a new building.
36. The leverage provided by grant assistance to an owner or developer increases the possibility of retention of a heritage building rather than demolition.
37. The grant dollar is a very small percentage of the total project costs of redevelopment (typically around 5%), but the leverage value of the grant dollar, from anecdotal information, is considerably greater than the actual cost in promoting retention.
38. Re-development of heritage buildings, particularly in the central city, is carried out by developers whose intention is predominately to complete and on-sell the project. Re-payment of a grant under these circumstances of on-selling would substantially compromise the willingness of developers to undertake heritage retention.
39. All grants of \$5000 and over require a heritage conservation covenant or other legal instrument of which one condition (at the discretion of the Heritage Officers Covenant officers Subcommittee) is for full or partial re-payment (including interest) of the grant if the recipient fails to comply with the requirements of the covenant.
40. The benefits of heritage building retention through grant assistance provide considerable value in increasing community and city identity.
41. The benefits of heritage building retention contribute to the promotion and branding of the city to visitors should be recognised as having a direct economic benefit to the city and the community.
42. The introduction of such a provision for heritage grant re-payment other than through the conservation covenant condition would therefore be considered as counter-productive for heritage retention. The current covenant condition for repayment is an area for concern for a number of potential grant applicants.

**THE OBJECTIVES**

43. The objectives are to maintain Heritage buildings as links from the past for present and future generations through non-regulatory means by the way of heritage incentive grants, to assist and enhance the sense of place, sense of identity, the character of Christchurch City and to encourage income-generating tourists to these places of interest.

**16. APPOINTMENT OF CHAIRPERSON TO CANTERBURY DEVELOPMENT CORPORATION TRUST**

<b>General Manager responsible:</b>	Peter Mitchell General Manager Regulation and Democracy Services, DDI 941 8462
<b>Officer responsible:</b>	General Manager Regulation and Democracy Services
<b>Author:</b>	Kevin Roche Assistant Council Secretary

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the confirmation of the Council to the appointment of Mr Martin Hadlee as Chairperson of the Canterbury Development Corporation Trust, as required by its trust deed.

**EXECUTIVE SUMMARY**

2. The Canterbury Development Corporation Trust (CDC Trust) was formed in 1995 and holds the shareholding in the Canterbury Development Corporation (CDC), and is also responsible for the appointment of directors to the Board of the CDC.
3. The Trust is administered by a Board of not more than four and not less than two trustees of which one is directly appointed by the Christchurch City Council. At its meeting on 13 December 2007 the Council appointed Councillor Norm Withers as its representative on the CDC Trust. The remaining two trustees on the CDC Trust are Mr Martin Hadlee and Mr Malcolm Corbett, whose terms will expire on 31 March 2011.
4. In terms of Clause 8.4 of the Trust's constitution: *"The chairman of the board shall be appointed by the Council"*. The Chairman of the Trust during the previous Council term was Mr Martin Hadlee, and the trustees have agreed that they wish to see Mr Hadlee continue in this role. Mr Hadlee has confirmed his acceptance of this position, which is now required to be formally ratified by the Council to comply with the requirements of the Trust Deed.

**FINANCIAL IMPLICATIONS**

5. There are no direct financial implications. No meeting fees or allowances are paid to members of the CDC Trust.

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

6. N/A

**LEGAL CONSIDERATIONS**

7. The trust deed for the CDC Trust (Clause 8.4) requires the Council to appoint the chairperson of the Board. This does not mean that the one trustee the Council is responsible for appointing is to be chairperson, but that the final approval of the chairperson must be made by the Council.

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

8. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. Page 117 the LTCCP, levels of service under economic development refers.

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

10. As above.

**16 Cont'd**

**ALIGNMENT WITH STRATEGIES**

11. N/A

**Do the recommendations align with the Council's strategies?**

12. N/A

**CONSULTATION FULFILMENT**

13. N/A

**STAFF RECOMMENDATION**

It is recommended that the Council confirm the appointment of Mr Martin Hadlee as chairperson of the CDC Trust.

## 17. ESTABLISHMENT OF COMMITTEES AND APPOINTMENTS TO OUTSIDE ORGANISATIONS

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Democracy Services Unit Manager
<b>Author:</b>	Kevin Roche Assistant Council Secretary

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the approval of the Council in respect of a number of outstanding issues relating to the establishment of committees and subcommittees by the Council and the appointment of Council representatives to outside organisations and delegations.

**EXECUTIVE SUMMARY**

2. At its meeting on 13 December 2007 the Council considered three reports relating to delegations, the appointment of Council committees and subcommittees, and the appointment of representatives to outside organisations.
3. There are still a number of issues outstanding in relation to the above matters which require consideration by the Council. In some cases these are only of a minor nature requiring a Council resolution for completeness. The issues involved are detailed below:

**(a) Council Committees and Subcommittees****(i) Character Housing Grants Panel**

In the report of 13 December 2007 the Council resolved to appoint the Character Housing Grants Panel with delegated power to approve individual grants of up to \$5,000 for external maintenance work done on character residential properties in the Christchurch City Council area. It did not, however, make any appointments to this Panel.

Previously the Panel has consisted of one representative from each community board and it is recommended that the Council resolve that membership of the Panel for the 2008-2010 term again be on this basis.

**(ii) Libraries 2025 Working Party**

This working party was originally established by the Council at its meeting on 30 August 2007. At its meeting on 13 December 2007 the Council re-established this working party and appointed Councillor Sue Wells to it. The membership of the working party, however, as agreed by the Council on 30 August 2007, also consisted of:

External Chair	Councillor Carole Evans
Councillors	Councillor Sue Wells
Community Board Chairperson	Yvonne Palmer
Community Advocate	Bruce Tulloch
Education IT Representative	Nicki Page
Community Group Representative	Michael Gorman, City Mission
Business Community Representative	Peter Townsend, CEO, CECC
General Manager Community Services (Ex officio)	Position vacant
Libraries Manager (Ex officio)	Caroline Robertson

The Council should resolve that membership of the working party also consist of the above members. It is expected that the work of the working party will shortly be completed.

## 17 Cont'd

(b) **Appointments to Outside Organisations**(i) *Summit Road Protection Authority*

The Summit Road Protection Authority is established by the Summit Road (Canterbury) Protection Act 2001 and has the status of joint committee of the Christchurch City Council and Selwyn District Council. The Christchurch City Council appoints two members (one by virtue of its original status and one as a consequence of the amalgamation with the Banks Peninsula District Council). At its meeting on 13 December 2007 the Council resolved to appoint Councillor Buck as its representative to the Summit Road Protection Authority. A further member is still required to be approved by the Council. It should be noted that previously the other Council representative to the Summit Road Protection Authority was a member of the Lyttelton/Mt Herbert Community Board (Mr Jeremy Agar).

(ii) *Summit Road Protection Advisory Committee*

The Act also requires the Summit Road Protection Authority to appoint an Advisory Committee. The Christchurch City Council appoints one member to this, and at its meeting on 13 December 2007, Councillor Sally Buck was appointed to this role. In addition, however, the Christchurch City Council and the Selwyn District Council also appoint jointly a further member, who is required to have '*knowledge of open space management*'. This role is currently filled by the "Transport and Greenspace Manager, Christchurch City Council, or their nominee", and it is proposed that this arrangement continue.

(iii) *Partnership Health Canterbury PHO*

Partnership Health Canterbury is New Zealand's largest PHO and was established in 2004. The trust deed for the PHO provides for the Christchurch City Council to appoint one trustee. Previously this role was undertaken on an informal basis by the former Deputy Mayor Lesley Keast who has now advised she no longer wishes to continue.

As the appointment of a trustee is by the Council it is recommended that the Council make an appointment to this position, which does not have to be an elected representative.

(iv) • *Canterbury Hockey Foundation*  
• *Canterbury Civic Music Council*  
• *Christchurch Olympic Civic Committee*

At its meeting on 13 December 2007 the Council considered the appointment of representatives to the above organisations. As these appointments were not filled at that time, community board members were invited to indicate if they would be interested in representing the Council on these organisations. The position with each organisation is as follows:

• *Canterbury Hockey Foundation*

While there is no requirement in the constitution of this organisation for a Christchurch City Council appointment, the Council has previously made an appointment and this role has been undertaken in the past on behalf of the Council by Mr Kevin Boyce. No interest has been expressed in the position by the community board members, and as Mr Boyce (Principal of St Michaels School) is willing to continue in this role and is highly regarded by the Foundation, it is recommended that his appointment be renewed.

17 Cont'd

• *Christchurch Music Council*

While the constitution of this society provides for the Christchurch City Council to appoint a member to its committee, it does not have to be an elected representative. Previously this role was filled by a staff member, Marlene Le Cren, Arts Adviser, and Ms Le Cren has indicated that she is willing to continue in this role for the new Council term. No community board members have expressed an interest in this position.

• *Christchurch Olympic City Committee*

There is no constitutional requirement that there be a Christchurch City Council representative on this organisation. A number of community board members have, however, indicated interest in serving as the Council representative on this committee. It is suggested therefore that the Council appoint one of the following community board members who have expressed an interest:

- Peter Laloli
- Beth Dunn
- Mike Mora
- Jimmy Chen

(v) *Orton Bradley Park Trust Board*

Appointments to the Orton Bradley Park Trust Board are made pursuant to the R O Bradley Estate Act 1972, which is a private act of Parliament.

This originally provided for appointments to the Trust Board to be made as follows:

- *A person appointed by the Christchurch City Council*
- *A person appointed by the Lyttelton Borough Council*
- *A person appointed by the Mt Herbert County Council*
- *A person appointed by the Akaroa County Council*

At its meeting on 13 December 2007 the Council delegated to the Akaroa/Wairewa and the Lyttelton/Mt Herbert Community Boards, the power to appoint three representatives to the Orton Bradley Park Trust Board. The appointment of a representative by the Council was, however, held over to a subsequent meeting. Previously, the position of Christchurch City Council representative on the Orton Bradley Park Trust Board was held by the Transport and Greenspace Manager or their nominee, and it is proposed that this arrangement continues.

(vi) *Public Art Advisory Group*

At its meeting on 4 October 2007 the Council adopted the terms of reference and approved the composition for the Public Art Advisory Group to advocate and encourage the commissioning of public works of art.

While the proposed composition of the group was amended at that meeting to include one elected member, no appointment was made at that time.

The Mayor has suggested the appointment of Councillor Claudia Reid to the Advisory Group and the confirmation of the Council to this is now sought.

17 Cont'd

(vii) *Canterbury Development Corporation and Christchurch and Canterbury Marketing Limited*

Last year the Council appointed the Mayor as a Trustee of Christchurch Destination Trust. This Trust in turn appoints Directors of Christchurch and Canterbury Marketing Ltd.

The Constitution of Christchurch and Canterbury Marketing Ltd provides that two of those Directors are to be nominated by the Council. Last term Councillors Creighton and Withers were the Council's nominees who were appointed to Christchurch and Canterbury Marketing Limited by the Trust.

At this meeting, the Council needs to nominate two Councillors for the 2007/2010 Council term. The Council may nominate more than two directors. Those nominations will then be passed on to Destination Christchurch Trust, which will need to meet and appoint two persons to be Directors of Christchurch and Canterbury Marketing Ltd.

In a similar manner, the Council has appointed Councillor Withers to the CDC Trust, which appoints Directors to the CDC (The company) (four appointments are external and three are made from persons nominated by the Council). Last term the Council's nominees to CDC (The company) were Garry Moore and Councillors Harrow and Shearing. In a similar manner, the Council will be asked to make nominations at this meeting to CDC (The Company). Again the Council may nominate more than three persons. These nominations will then be passed on to the CDC Trust which will then need to meet and decide on them.

(c) **Delegations**

(i) *Council Hearings Panel*

At its meeting on 7 November 2007 the Council made delegations to the Council Hearings Panel. Omitted from the delegations contained in the attachments to that report, however, were delegations relating to:

- *The Litter Act of 1971*  
“(i) the power to hear and determine any objections under section 10 of the Liquor Act 1979.
- *Housing Improvement Regulations 1947*  
”(i) the power to hear and determine any objections made pursuant to regulation 21(4) of the Housing Improvement Regulations 1947.

These two delegations should also be given to the Council Hearings Panel.

(ii) *Selwyn District Council Water Race Subcommittee*

This is a subcommittee established by the Selwyn District Council to provide governance for the Selwyn District Council Water Race Policy and Bylaw and the operation of the water race system. It consists of twelve members with one member appointed by the Christchurch City Council, representing the Waimairi and Wigram wards of the City.

Previously this appointment has been made by the Riccarton/Wigram Community Board alone and the representative in the previous Council term was Mr Mike Mora. As, however, the terms of reference for the subcommittee provide for the Christchurch City Council to make this appointment it is considered appropriate to formally delegate the power to make this appointment jointly to both the Riccarton/Wigram Community Board and the Fendalton/Waimairi Community Board.



17 Cont'd

**FINANCIAL IMPLICATIONS**

5. In respect of the appointment of Christchurch City Council representatives to outside organisations and Councillors to subcommittees, there are no direct financial implications as payment of meeting fees does not apply. The only financial implication is the payment of mileage to the elected representatives attending meetings of outside bodies and Council committees, which is covered within existing Council budgets.

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

6. Yes.

**LEGAL CONSIDERATIONS**

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

7. The Council has, in terms of Clause 30, 7th schedule, Local Government Act 2002, the authority to appoint committees and subcommittees and appoint members to them. In addition, the Council has a statutory duty to make appointments to the Summit Road Protection Authority and the Summit Road Advisory Committee. In respect of granting delegations the Council may, in terms of Clause 32, 7th schedule, Local Government Act 2002, make delegations to a community board, committee or any officer, of any of its responsibilities duties or powers.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. Page 111 of the LTCCP, level of service under democracy and governance refers.

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

9. As above.

**ALIGNMENT WITH STRATEGIES**

10. N/A

**Do the recommendations align with the Council's strategies?**

11. N/A

**CONSULTATION FULFILMENT**

12. N/A

17 Cont'd

**STAFF RECOMMENDATION**

That the Council:

1. Resolve that the membership of the Character Housing Grants Panel consist of one representative, to be nominated by each Community Board.
2. Confirm that the membership of the Libraries 2025 Working party also consist of the representatives appointed in the previous term.
3. Appoint a member of the Lyttelton/Mt Herbert Community Board as an additional member of the Summit Road Protection Authority.
4. Appoint at the present meeting a representative to the Partnership Health Canterbury PHO for a three-year term.
5. Confirm the appointment of Mr Kevin Boyce for a further three-year term as the Council's representative on the Board of the Canterbury Hockey Foundation.
6. Appoint one of the following:
  - Peter Laloli
  - Beth Dunn
  - Mike Mora
  - Jimmy Chenas the Council's representative to the Christchurch Olympic City Committee for a three-year term.
7. Appoint Councillor Claudia Reid to the Public Art Advisory Group.
8. Note that the Akaroa/Wairewa and the Lyttelton/Mt Herbert Community Boards will appoint three representatives to the Orton Bradley Park Trust Board.
9. Nominate:
  - (a) Directors for Christchurch and Canterbury Marketing Limited
  - (b) Directors to Canterbury Development Corporation (The company)
10. Delegate to the Council Hearings Panel the following powers:
  - (a) Under the Litter Act 1979, "the power to hear and determine any objections under section 10 of the Litter Act 1979".
  - (b) Under the Housing Improvement Regulations Act 1947 "the power to hear and determine any objections made pursuant to regulations 21(4) of the Housing Improvement Regulations 1947".
11. Delegate jointly to the Riccarton/Wigram Community Board and the Fendalton/Waimairi Community Board, the power to make one appointment to the Selwyn District Council Water Race Subcommittee.

## 18. SUBMISSION ON THE AFFORDABLE HOUSING: ENABLING TERRITORIAL AUTHORITIES BILL

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941- 8549
<b>Officer responsible:</b>	Legal Services Manager
<b>Authors:</b>	Judith Cheyne, Solicitor, Legal Services Unit, DDI 941-8649 Paul Cottam, Principal Advisor Social Policy, Strategic Support Unit, DDI 941 6385 Janine Sowerby, Senior Policy Planner, Strategic Support Unit, DDI 941 8814

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend to the Council that it adopt the submission on the Affordable Housing: Enabling Territorial Authorities Bill which will be tabled at the Council meeting.

**EXECUTIVE SUMMARY**

2. Housing is a significant component in building strong communities, and in social and economic well-being generally. The Council has made commitments through its City Housing programme, and through the Urban Development Strategy, to improve and increase affordable housing options in Christchurch. However, the issue of affordable housing has grown to the point where decreasing levels of home ownership may become a permanent structural feature of New Zealand society. A well developed central government affordable housing policy response is needed to enable local government to effectively respond to this issue.
3. Affordable housing has been a topic which the Council has previously given its views on. In June last year the Council made a submission to the Commerce Select Committee Inquiry into Housing Affordability in New Zealand (and is still to appear in support of its submission before the Committee). The Inquiry covered a wide range of topics relating to affordable housing - this Bill only relates to one area covered by the Inquiry. Local Government New Zealand has made it clear that, in their submission on this Bill, they will be asking the Government to clarify its other initiatives to address affordable housing, since this Bill only addresses one possible tool for territorial authorities. It does not mention what steps, incentives or funds central government is prepared to provide to assist councils with affordable housing, other than making provision for Housing New Zealand to provide support for them (although the exact nature of and timeframe for this is not determined in the Bill).
4. The purpose of the Bill is to introduce a tool which Councils could use to require the provision of, or funding for, affordable housing as part of new residential and business developments. Such a tool has apparently been requested by some Councils. The Bill enables territorial authorities to use this tool, but does not require it.
5. The Bill also provides that, before a Council decides to use this tool, it must assess the level of affordable housing in its district, and develop an affordable housing policy.
6. Under the Bill, before implementing an affordable housing policy, a Council must:
  - Make a decision to undertake a housing needs assessment;
  - Undertake a housing needs assessment; and
  - Develop, in consultation with its community, an affordable housing policy that sets out:
    - The outcomes and objectives sought;
    - Criteria for determining developments to which it will apply;
    - Any actions required of a developer;
    - Any actions that the territorial authority may do to help the developer;
    - Eligibility criteria for allocation of the affordable housing;
    - How affordable housing is to be retained; and
    - The objection and appeals process.

18 Cont'd

7. Provision is made in the Bill for appeals to the Environment Court about Council's decisions in relation to the policy. The Bill also addresses the use of restrictive covenants that have the principal purpose of stopping the provision of affordable and social housing.
8. The proposed submission by the Council on the Bill (attached) notes that the Council generally supports the intent of the Bill, with the enabling approach and flexibility of the Bill being positive features. It needs, though, to be part of a wider social and economic response by central government to the issue of affordable housing. The proposed submission comments on a number of matters of concern and recommends several changes. The following is a summary of the main points of Council's submission:
  - There is, in places, a disassociation between the Bill's explanatory note and summary of the Bill with the provisions of the Bill itself.
  - The submission highlights that the CCC is a longstanding, and the second largest, social housing provider in the country.
  - None of the incentives proposed by the Bill are free from problems and some would be extremely difficult for the Council to provide.
  - The Bill assumes that territorial authorities have sufficient staff, time and financial resources to fund both the significant compliance costs of preparing, implementing and administering the Bill once enacted and the proposed financial and other incentives. It does not offer any assistance to territorial authorities except limited assistance in the form of best practice guidelines and regulations to be provided by Housing New Zealand Corporation and the Governor-General, at the latter's discretion and not within any specified timeframe. It seems that councils will be required to invent/reinvent the wheel if there is insufficient assistance/guidance provided by central government.
  - The provisions that seek to make certain restrictive covenants void (those that have the principal purpose of preventing affordable or social housing) are poorly worded and will be ineffectual.
  - The Bill does not appear to be justified in light of the significant compliance costs of preparing, implementing and administering it once enacted (for those Councils who do decide to use its enabling powers), relative to the apparent provision of affordable and social housing likely to result.
  - The Bill is poorly drafted in a number of clauses, including the interpretation section. It requires either the redrafting of existing provisions and/or the addition of new provisions in order to be effective.
  - The Bill promotes inequity by focussing on developers, over the community generally, and by favouring one developer over another.
  - The process for objections and appeals proposed by the Bill is inconsistent in comparison to other council policies, such as the Development Contributions Policy, and the way these are developed. Appeals are (somewhat oddly, given its field of expertise) to the Environment Court, rather than to the High Court via judicial review only. The provision for third party objections and appeals by adjoining landowners is also questionable.
  - The proposals in the Bill do not appear to prevent developers, at least in the short term, from building affordable housing in undesirable areas both in relation to distance from services/amenities or socially. The Bill appears to send a signal to developers to continue developing greenfield land, rather than inner city land, which will perpetuate urban sprawl, and exacerbate the adverse environmental, economic and social effects of it. This (among other things) is not factored into the costs/benefit analysis of the preferred option, i.e. the Bill.
9. The Select Committee has called for submissions on this Bill. These are due on 29 February 2008.

**18 Cont'd**

**FINANCIAL IMPLICATIONS**

10. There are no financial implications in making a submission on this Bill. If the Bill is passed Council can then consider whether to take any action under the legislation. Considerations at that time will include analysis of the financial implications of any decision.

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

11. No effect on the budget.

**LEGAL CONSIDERATIONS**

12. The legal considerations in relation to making a submission on this Bill are outlined in the submission, including such things as badly drafted clauses of the Bill, and inadequate definitions.

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

13. No legal implications in making this submission.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. In general, submitting on central government issues of importance to the Council aligns with the Council's "A Well Governed City" community outcome.

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

15. No.

**ALIGNMENT WITH STRATEGIES**

**Do the recommendations align with the Council's strategies?**

16. There is potential for alignment with the Strong Communities strategic direction, as the Bill once enacted will feed into the Urban Development Strategy, the Central City Revitalisation Strategy, and the proposed Housing Strategy.

**CONSULTATION FULFILMENT**

17. Consultation has been carried out internally within Council's units and has also taken place with the Council's new Housing Working Party, prior to the Council meeting, on the form of the submission.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Adopt the submission (as separately tabled).
- (b) Decide whether the Council wishes to appear in support of the submission (if the Committee is to hear submissions), and if so, who will appear on behalf of the Council.

**19. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 29 JANUARY 2008**

Attached.

**20. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 7 FEBRUARY 2008**

Attached.

**21. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 13 FEBRUARY 2008**

Attached.

**22. NOTICES OF MOTION**

**23. QUESTIONS**

**24. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.

THURSDAY 28 FEBRUARY 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 item 25.

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
25. 2007 CHRISTCHURCH CIVIC AWARDS	) GOOD REASON TO	
26. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 7 FEBRUARY 2008	) 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 25	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 26	Conduct of Negotiations	(Section 7(2)(i))

**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.”