



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 24 JULY 2008

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

AGENDA - OPEN



CHRISTCHURCH CITY COUNCIL

Thursday 24 July 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.

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24. 7. 2008

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1. **APOLOGIES**

2. **CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 19.6.2008, 25.6.2008, 26.6.2008 AND 10.7.2008**

Attached.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PRESENTATION OF PETITIONS**

5. HERITAGE INCENTIVE GRANT GREATER THAN \$100,000

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager, Liveable City
Authors:	Neil Carrie, Principal Adviser Heritage and Urban Design; Victoria Bliss, Heritage Conservation Projects Planner

PURPOSE OF REPORT

1. The purpose of this report is to obtain approval for a Heritage Incentive Grant for the Public Trust Office, 152-156 Oxford Terrace.

EXECUTIVE SUMMARY

2. A retrospective Heritage Incentive Grant application has been received from the owners of the Public Trust Building at 152-156 Oxford Terrace. The building has a City Plan Group 3 listing and a Category II listing on the Historic Places Trust Register. The building is significant in particular for its historical, cultural, architectural, group, landmark and technological heritage values. The Statement of Heritage Significance is included as **Attachment 1**.
3. The five-storied neo-classical office building was designed by the architect Cecil Wood in 1922. He was a leading New Zealand architect between the wars. The building has a symmetrical facade on a substantial base with engaged columns and has an attic level on top. Facade details include recessed mid-section spandrels emphasising the verticality of the elevation and large windows between the columns. A significant interior feature of this building constructed of reinforced concrete, steel and marble is the entrance foyer, which will be restored to its original design. The building is one of a number of Public Trust offices built throughout New Zealand between the wars in a stripped classical style which was intended to convey an impression of stability and reliability. Its location on Oxford Terrace facing a broad area of river bank reserve gives this building prominence and especial landmark significance. Conservation works for this building are to restore the building more closely to its original design, including opening up the main interior chamber by removal of later alterations and sections of the mezzanine, exposing and restoring the original chamber ceiling and the street lobby.
4. A summary of conservation, maintenance and Building Code compliance works include:
 - (a) Remedial maintenance – also noting that the building has been poorly tenanted for some time
 - (b) Structurally strengthen the building to meet current code requirements
 - (c) Upgrade the fire safety compliance to meet current code requirements
 - (d) Conservation and restoration of the original staircase and stairwell
 - (e) Restoration, where possible and practicable, of the original steel window frames
 - (f) Conservation and restoration of the original ground floor banking chamber including the removal of alterations and mezzanine floor of the 1960s and 70s
 - (g) Conservation and restoration of the features of the original entrance lobby previously covered over in the 1960s-70s alterations
5. Costs for conservation, code compliance and maintenance works are outlined in the table below

Particulars	Cost
Earthquake strengthening	\$524,272
Fire Alarm and sprinkler system	\$156,368
Interior restoration	\$90,823
Total heritage-related works	\$771,463
Proposed grant (30%)	\$231,439

5 Cont'd

6. One-third of the works which are described above, have already been completed and the remainder are in progress. These retrospective circumstances are recommended as acceptable as the resource consents were approved on the basis of a detailed heritage assessment and advice from a recognised heritage conservation architect provided with the applications, and the provision of further advice with the construction and conservation works which are being monitored by the Council.
7. Approval is sought for a heritage incentive grant of \$231,439, subject to the applicant entering into a full conservation covenant and the affixing of the Council seal.

FINANCIAL IMPLICATIONS

8. An annual heritage grants budget is available to support citywide heritage maintenance and retention. Larger heritage renovation projects may cover more than one financial year. For these projects it is important that the recipient has confirmation that Council support will be provided for the length of the project before commencement. The 2008/09 grants budget available after adjustments for anticipated carry forwards is \$691,505. The grant request which is the subject of this report can be accommodated within the budget.

Annual Budget	08/09 \$595,000
Carried Forward from Previous year	\$787,829
Less Total Grant fund commitment 07/08 (grants approved, funding awaiting uplifting)	(\$691,324)
Total Available Funds 08/09	\$691,505
Public Trust grant payment - subject to approval	\$231, 439

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

9. Yes. The Heritage Incentive Grant budget is an annual fund provided for in the 2006-16 LTCCP.

LEGAL CONSIDERATIONS

10. A full conservation covenant is required under the Heritage Conservation Policy for listed heritage properties receiving heritage incentive grants of \$50,000 or more.

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

11. There are no further legal implications with regard to this grant.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Heritage protection 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 success measure is that "our lifestyles and heritage are enhanced by our urban environment". Heritage incentive grants contribute towards the number of protected heritage buildings, sites and objects, which is the measure of the outcome.
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).

5 Cont'd

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, whereby the Council provides "leadership, advocacy, resources, grants and conservation covenants to conserve and rehabilitate heritage items". One of the Council's contributions is to ensure the city's heritage is protected for future generations. The Council provides information, advice and funding for city heritage and heritage conservation, and will be expected to continue to do so, as part of its objective to retain heritage items.

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

15. Yes.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

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

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 city scape and valued feature 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.

New Zealand Urban Design Protocol

Heritage redevelopment 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 retention of Heritage will contribute towards the implementation of the New Zealand Urban Design Protocol, to which the Council is a signatory.

Heritage Conservation Policies

Heritage Incentive Grants are provided for under the Heritage Incentive Grants Policy section of the Council's Heritage Conservation Policies. Heritage Conservation Policies align with Community Outcome "An attractive and Well-designed City" through the indicator "Number of heritage buildings, sites and objects.

Heritage Conservation Policies are also aligned with Council's Strategic Directions, Strong Communities Goal 7: *"Celebrate and promote Christchurch's identity, culture and diversity by protecting and promoting the heritage character and history of the city."* and Liveable City Goal 4 of: *"Maintain and enhance the quality of development, and renewal of the city's built environment by protecting Christchurch heritage buildings and neighbourhood character."*

The Heritage Grants Policy is aligned with the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, of which the Christchurch City Council is a signatory.

5 Cont'd

CONSULTATION FULFILMENT

17. There is no requirement for community consultation for heritage incentive grants.

THE OBJECTIVES

18. The objectives are to work in partnership with private investors for the betterment of Christchurch City at present and into the future. The Heritage Grants Scheme is an effective non-regulatory tool towards this end. Heritage is a significant factor in the tourism sector which is one of the city's main income generators. It is in the city's interests to preserve its heritage for economic and social reasons; it is thus in its interests to protect its investment towards this end by approving the grant.

STAFF RECOMMENDATION

It is recommended that the Council approve a heritage incentive grant to the Public Trust building of \$231,439, subject to a full conservation covenant being registered on the title in accordance with the Heritage Incentives Grants Policy, and the affixing of the Council seal.

6. APPOINTMENT OF NEW ELECTORAL OFFICER FOR THE CHRISTCHURCH CITY COUNCIL

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Lisa Goodman, Democracy Services Manager

PURPOSE OF REPORT

1. To seek the Council's approval to appoint a new Electoral Officer for the Christchurch City Council.

EXECUTIVE SUMMARY

2. The resignation of Max Robertson as Electoral Officer will be effective from 1 August 2008. Section 12(1) of the Local Election Act 2001 requires every local authority to have at all times an electoral officer appointed to exercise the powers and carry out the duties conferred on the electoral officer by that Act.
3. An electoral officer, unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office.
4. The general duties of an electoral officer apply to all election and polls for which the electoral officer is responsible, and include:
 - the compilation and certification of electoral rolls
 - the publication of any public notice in relation to elections and polls
 - receiving nominations, candidate profile statements and deposit required to be paid
 - issuing and receiving ordinary and special votes and other official documents
 - the processing and counting of votes
 - the declaration of results
 - receiving returns of electoral expenses
 - investigating and reporting on offences.
5. When appointing an electoral officer a local authority should consider people with appropriate attributes, characteristics and competencies. An electoral officer should be able to demonstrate, amongst other attributes: integrity, honesty, impartiality, ability to deal with difficult issues, ability to deal with the public and the media, attention to detail, and common sense.
6. It is considered that Clare Sullivan, the Council Secretary, has the appropriate attributes, competencies and experience to be appointed. Clare is currently the Council's Deputy Electoral Officer.

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

7. Not applicable.

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

8. Yes. As noted above, a local authority must have an appointed electoral officer at all times. There are few restrictions on the appointment of an electoral officer. The appointee may be a council officer (with the exception of the Chief Executive unless there are no other reasonably practicable options), but does not have to be.
9. The Public Health and Disability Act 2000 does require that the person appointed as electoral officer for a DHB must also be the electoral officer of a territorial authority in the district of the DHB. Furthermore, one person may be appointed electoral officer for more than one local authority. Currently Max Robertson is the Electoral Officer for the Christchurch District Health Board and for the Canterbury Regional Council, in addition to the Christchurch City Council.

6 Cont'd

10. It should be noted that neither the Chief Executive nor the Council can direct the Electoral Officer in undertaking their role, other than under sections 8(a) and 9(a) of the Local Electoral 2001 Act (which refer to the holding of referendums, or the holding of any poll or election not held under that Act).

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

11. Yes, under Democracy and Governance the conduct of triennial elections and any intervening by-elections and polls is covered.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. No consultation is required.

STAFF RECOMMENDATION

That pursuant to Section 12(1) of the Local Electoral Act 2007, Clare Margaret Sullivan is appointed as the Christchurch City Council's Electoral Officer, with effect from 1 August 2008.

7. APPOINTMENT OF PRINCIPAL RURAL FIRE OFFICER

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Manager, Civil Defence Emergency Management
Author:	Murray Sinclair

PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the appointment of a Principal Rural Fire Officer, in accordance with the Forest and Rural Fires Act 1977.

EXECUTIVE SUMMARY

2. The Forest and Rural Fires Act provides that where a Fire Authority appoints one or more persons as a Rural Fire Officer, the Fire Authority must appoint one of these officers as Principal Rural Fire Officer. The Council currently has 29 persons holding Rural Fire Officers warrants and is therefore required to appoint a Principal Rural Fire Officer.
3. Under the Forest and Rural Fires Act the Council is a Fire Authority and is required to promote and carry out fire control measures for those rural areas that are outside the gazetted Urban Fire District ie, outside the NZ Fire Service's area of responsibility.
4. The Forest and Rural Fire Regulations requires all Rural Fire Officers to be issued with a warrant of appointments. The warrant of appointment must be signed by the chief executive of the local authority if the Fire Authority for the district in which the Rural Fire Officer is employed is the local authority. The warrants of appointment for Rural Fire Officers are in force for 10 years, or until the person ceases to be a Rural Fire Officer.
5. The Council first appointed Mr Keith Marshall as Principal Rural Fire Officer on 1 July 2002 for a term of three years and he was reappointed to this position again on 30 June 2005 for a further three years. Mr Marshall has more than 30 years experience as a Rural Fire Officer including 13 years with the Council. He was Deputy Principal Rural Fire Officer prior to July 2002.

FINANCIAL IMPLICATIONS

6. Nil.

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

7. Yes.

LEGAL CONSIDERATIONS

8. As well as the Forest and Rural Fires Act 1977 (being the principal Act relating to this appointment) there are additional provisions in the following legislation relating to this appointment, and to forest and rural fires:
 - (a) Local Government Act 2002
 - (b) Fire Service Act 1975
 - (c) Forest and Rural Fires Regulations 2005

STAFF RECOMMENDATION

It is recommended that the Council agree to the appointment of Keith Marshall as Principal Rural Fire Officer in accordance with the Forest and Rural Fires Act and Forest 1977 and the Forest and Rural Fires Regulations 2005 reporting directly to the Manager, Civil Defence Emergency Management.

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

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Lisa Goodman, Democracy Services Manager

PURPOSE OF REPORT

1. The purpose of this report is to seek the appointment of a Council representative (and alternate) to the Canterbury Regional Transport Committee (RTC).

EXECUTIVE SUMMARY

2. As a result of a recent change in legislation, Environment Canterbury is required to reconstitute the Canterbury Regional Land Transport Committee. The new committee will be called the Canterbury Regional Transport Committee (RTC) and its membership must comprise:
 - Two Councillors from Environment Canterbury (to be Chair and Deputy Chair of the Committee)
 - One Councillor from each local territorial authority
 - One member from the New Zealand Transport Agency
 - Six members from the wider Canterbury community.
3. Environment Canterbury is now seeking confirmation by 11 August 2008 of who will represent the Christchurch City Council on this committee until the next local body elections in 2010. Environment Canterbury is currently seeking a legal opinion from the Ministry of Transport regarding the appointment of alternate members to RTCs. In the meantime Environment Canterbury is suggesting that the Council also nominates an alternate in the event they are permitted under the new legislation.
4. Meetings of the RTC are likely to be scheduled on a quarterly basis. Remaining meetings in 2008 are currently scheduled for 17 September and 3 December.
5. Further background information on the Committee's composition is **attached** to this report.

FINANCIAL IMPLICATIONS

6. There are no financial implications.

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

7. Not applicable.

LEGAL CONSIDERATIONS

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

7. There are no legal implications.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

8. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

9. Not applicable.

8 Cont'd

CONSULTATION FULFILMENT

10. Not required.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Appoint a representative to the Canterbury Regional Transport Committee.
- (b) Appoint an alternate representative to the Canterbury Regional Transport Committee in the event that they are permitted under the new legislation.

9. DELEGATED AUTHORITY - SMALL PROJECTS FUND ASSESSMENT COMMITTEE (LOCAL)

General Manager responsible:	General Manager Community Services, DDI 941 8986
Officer responsible:	Community Support Manager
Author:	Lincoln Papali'i – Community Development Manager

PURPOSE OF REPORT

1. The purpose of the report is to recommend the Council's consideration of an additional financial delegation to that currently delegated to Community Boards in respect of community grant funding allocations.
2. This report proposes that the Small Projects Fund Assessment Committee for each Community Board be given the delegated authority to fully determine the allocation decisions for their respective small project applications.
3. The Council is also advised that the proposal to grant the additional financial delegated authority to the Small Projects Assessment Committees also maintains the Council's procedure that any exercise of any delegated authority must be within any policies or standards set by the Council.
4. In keeping subject to their decision making being compliant with the Council approved criteria, policies, funding outcomes, funding priorities, eligibility rules and operational requirements for the Small Project Funding Scheme. In addition, the Small Projects Fund Assessment Committee will also have local Board objectives to assist in their funding determinations, subject to these being consistent with the Council's policies and standards.

EXECUTIVE SUMMARY

5. The Council agreed to the following operational procedures for the Small Projects Funding Scheme at its 4 October 2007 meeting when it resolved to adopt the Strengthening Communities Grants Funding Programme operational procedures.
 - There be one annual funding allocation round per annum.
 - The closing date for all Small Projects Fund applications will be 31 May.
 - That the Community Boards establish Assessment Committees, comprising both Community Board members and community representatives. Community representatives can come from the areas of sport and recreation, arts and culture, welfare and social services, disabled, Maori, ethnic groups environmental and heritage.
 - The Assessment Committees will have the ability to recommend all local Small Projects Fund applications that have been referred to them for decision, with confirmation by Council following adoption of the Part A report submitted by the Community Board.
 - The term of the delegation to the Assessment Committee shall be for the period determined in the Delegations Register by each new Council at the commencement of its term in office.
 - All eligible applications will be assessed, prioritised and reported to the Assessment Committee for recommendations, having regard for the criteria, funding outcomes, funding priorities and eligibility rules that relate to the Small projects Fund.
 - In addition to the foundation Council outcomes and policies, it is expected that each Community Board will have developed local outcomes and priorities relative to their community and specific communities of interest to assist in their funding determinations, subject to being consistent with the Council's policies and standards.
 - Ineligible applications will not be put forward for assessment or consideration. However the reason for lack of qualification will be noted in the report to the Assessment Committees.
 - Any Small Projects grants funds still with Community Boards in fiscal month seven (7) of the financial year (January), whether by way of funding not being allocated at the time of the meeting or not being uplifted by grant recipients, without good reason, will remain in the Small Projects Fund and a further allocation round shall be convened.
 - Any monies returned from Small Projects Fund recipients to the Community Board shall remain as Small projects Fund monies. No remaining, unallocated or returned Small projects Fund monies will be diverted or transferred to the Discretionary Response Fund or the Strengthening Communities Fund.

9 Cont'd

- 6 The existing delegation from the Council to the Community Boards for the Small Projects Fund Scheme requires that each of the local funding subcommittees make their allocation decisions on the decision matrix information and recommendations from appropriate local advisory staff. The allocation decisions are then referred through to the Council from the subcommittee as a Part A recommendation, requiring Council approval before the decisions are full and final determinations of the Council.
- 7 The local Small Projects Fund Schemes provide an amount of \$85,000 per annum to each of the six city-based Community Boards and \$14,000 and \$8,000 per annum respectively to the Lyttelton/Mt Herbert and Akaroa/Wairewa Community Boards.
- 8 This report seeks no increase in the amount of the funding allocations currently provided to the Community Boards for local allocation. However, the impact will be that the Community Boards will then have the authority to determine funding decisions for both the Small Projects Fund Scheme and the Discretionary Response Fund of \$60,000 per annum for the city-based Boards and \$15,000 per annum for the two Banks Peninsula based Boards, without the requirement for a Part A recommendation to the Council.
- 9 The rationale for seeking the Council's consideration of making an additional financial delegated authority to the Small Projects Fund Assessment Committee is that this is in keeping with the intent of the Small Projects Fund which seeks to provide opportunities for not-for-profit groups and organisations who deliver projects and services under \$5,000 for the benefit of the local community and communities of interest. The combination of elected Board members and community representatives being able to fully determine allocations for these small and locally focused projects and services is also in keeping with the effective and efficient process of the Council's business as provided for in the Local Government Act 2002.
- 10 The existing financial delegations and the proposed addition to the financial delegations to the Community Boards as noted for consideration in this report are set out in **Attachment A**.

FINANCIAL IMPLICATIONS

- 11 None.

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

12. Yes, as no funding increase is being sought.

LEGAL CONSIDERATIONS

13. The Local Government Act 2002 provides that the Council "... for the purposes of efficiency and effectiveness in the conduct of the (Council's) business ..." can delegate to the Community Boards almost all of its responsibilities, duties or powers. The Council is also able to impose any conditions, limitations or prohibitions on any delegations it may make.
14. The Local Government Act also provides that whereby the Council has a legal duty to "consider whether or not to delegate to a Community Board if the delegation would enable the Community Board to best achieve its role".
15. The Act provides that once delegation has been made by the Council to a Community Board then that Board is legally able to make a decision within the delegation as if it were the Council itself. This means that decisions made by a Community Board within the delegations legally bind the Council. If a matter or issue does not fall within these delegations, as a default position, a decision on that matter or issue is one for Council itself.
16. It is also noted that it has been the Council's procedure for many years that any exercise of delegated authority by the Boards must be within any policies or standards set by the Council. So if the Council has resolved a particular position then it is not open to a Community Board to make a decision which conflicts with that Council position.

9 Cont'd

17. The Act provides that the Council itself cannot rescind or amend a decision made by a Community Board made under delegated authority. The Council can at any time amend or revoke a delegation so as to apply any future decisions.

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

18. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. Yes

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

20. Yes.

ALIGNMENT WITH STRATEGIES

21. Strengthening Communities Strategy.

Do the recommendations align with the Council's strategies?

22. Yes.

CONSULTATION FULFILMENT

23. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council amend its current Community Boards delegations with the following additional 'financial delegation' noted as new point 9 under the existing schedule of delegations to Community Boards:

"That each of the Community Boards 'Small Projects Fund Assessment Committees' have full authority to determine final funding decisions for their respective Community Boards 'Small Projects Fund Scheme' subject to full compliance with the Council's rules, policies, criteria and processes for the 'Small Projects Fund Scheme.'"

10. NEW STANDING ORDERS AND CODE OF CONDUCT

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Unit Manager
Author:	Ian Thomson - Solicitor

PURPOSE OF REPORT

1. The purpose of this report is to report on the outcome of recent workshops held to discuss amendments to the current Standing Orders and Code of Conduct and to present draft documents to councillors for their approval.

EXECUTIVE SUMMARY

2. The current Standing Orders are based on New Zealand standard 9202:1992, with local amendments.
3. In 2003 Standards New Zealand issued a revised model (NZS9202:2003). This model has been used as the basis for the draft Standing Orders **attached** to this report.
4. The draft Code of Conduct was prepared following a review by the Office of the Auditor General of codes adopted by local authorities in New Zealand.
5. Both the Standing Orders and Code of Conduct were discussed at a workshop held for councillors on 15 May 2008. They reflect the issues raised and discussed at that workshop.

FINANCIAL IMPLICATIONS

6. There are no financial implications arising from this report.

LEGAL CONSIDERATIONS

7. Clause 27, schedule 7 of the Local Government Act 2002 requires the Council to adopt a set of Standing Orders for the conduct of its meetings and those of its committees. Those Standing Orders must not contravene that Act, the Local Government Official Information and Meetings Act 1987, or any other Act.
8. Schedule 7 of the Act requires the Council to adopt a Code of Conduct for members.
9. It is the advice of the Legal Services Unit that the draft documents **attached** to this report comply with the Council statutory obligations.
10. The adoption of a new set of Standing Orders and amendment of the Code of Conduct requires a vote of not less than 75 per cent of Councillors present and voting.
11. The new Standing orders will also apply to all the Community Boards in the Council's district. However, the Code of Conduct binds Councillors only.
12. Community Board members have agreed to adopt a Code of Conduct that is modelled on the Council's current code. They have also agreed to use the Council's Ethics Subcommittee procedure, with Councillors replaced by members of the Community Board whose members are involved in the matter referred to the Subcommittee.

CONSULTATION FULFILMENT

13. Before presenting the draft Standing Orders and Code of Conduct to elected members for approval the following process has been adopted:
 - (a) The draft Standing Orders reflects the New Zealand standard for meetings of local authorities and community boards (NZS9202:2003).
 - (b) The amendments to the Code of Conduct followed a report by the Office of the Auditor General on codes adopted by local authorities in New Zealand.

10 Cont'd

- (c) Workshops for elected members were held in September 2006, July 2007, August 2007 and May 2008. Issues were raised and discussed by elected members.
- (d) As a result of these deliberations, staff prepared the **attached** documents. **(Attachment A: Standing Orders) (Attachment B: Code of Conduct)**

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopts new Standing Orders in the form presented to the Council at its meeting on 24 July 2008.
- (b) Adopts an amended Code of Conduct in the form presented to the Council at its meeting on 24 July 2008.
- (c) Notes that approval of each document requires a vote in support of not less than 75 per cent of the members present.
- (d) Authorises the General Manager Regulation and Democracy Services to make any minor adjustments to the drafts to correct any clerical errors before the Standing Orders and Code of Conduct are published in their final form.
- (e) Notes that all Community Boards have voluntarily agreed to adopt a Code of Conduct similar to that of the Council, modified to reflect that it be intended for use by Community Boards.
- (f) Agrees that its Ethics Subcommittee (including the Convenor) can be used by Community Boards where a breach of the Code is alleged in respect of two Community Board members.
- (g) Where the Ethics Subcommittee procedure is to be used by a Community Board the membership of the Subcommittee is to comprise members of the Community Board whose members are involved in the matter referred to the Ethics Subcommittee.

10 Cont'd

BACKGROUND (THE ISSUES)

14. The most recent draft Standing Orders were discussed at the seminar held for elected members on 15 May 2008. In respect of the remaining issues to be resolved as a result of earlier seminars, the following views were expressed:

(a) Closure Motions

3.12.2. Words previously deleted have been reinstated and a provision included that requires a vote of not less than 75 per cent of the members present before a closure motion can be accepted by the Chairperson.

(b) Reading of Speeches

3.8.5. The words "with the permission of the Chairperson" have been deleted.

(c) Casting of Votes

2.5.1(2)(b). The words "and therefore the act or question is defeated and the status quo is preserved" have been deleted. An apparent duplication in respect of voting between 2.5.1 and the previous 3.14.1 has been rectified.

The new Standing Orders provide there is no casting vote for the chair of the Council or its committees.

Community Boards can individually decide whether or not they wish to use the casting vote.

(d) Time Limit

3.3.7. This clause was affirmed.

(e) Elected Members on Subcommittees

2.9. This provision was affirmed.

(f) Petitions

3.20.1. This provision was affirmed.

3.20.3. The provision with regard to petitions in other languages was affirmed.

(g) Deputations and Presentations

Deputations for Council are only in relation for reports that are on the agenda for the meeting for which the deputation is requested.

Council committees and Community Boards retain the existing system of making a request to the Chair of the Committee or Community Board.

3.19.3. A similar provision to that for petitions was affirmed.

3.19.6. Deputations are restricted to 10 minutes and no more than two speakers.

(h) Attendance at meetings.

3.6. These provisions were affirmed.

15. There has been considerable work carried out to bring both the Standing Orders and the Code of Conduct up to date and to appoint were they comply with the New Zealand standard, the recommendations of the Office of the Auditor General and the views of elected members. The documents comply with the Council statutory obligations and reflect the contribution of all those involved in their preparation.

11. TAUTAHI/CHRISTCHURCH AND TE P TAKA O R KAIHAUT /BANKS PENINSULA BIODIVERSITY STRATEGY

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Jenny Ridgen, Healthy Environment Strategy Manager
Author:	Kelvin McMillan

PURPOSE OF REPORT

1. The Christchurch Biodiversity Strategy Biodiversity Strategy, tautahi/Christchurch and Te P taka o R kaihaut /Banks Peninsula, is reported to the Council for adoption.

1(a) At the meeting of the Christchurch City Council held on 26 June 2008 it was resolved:

"That the report lie upon the table for additions and corrections to be made and brought back to the Council for adoption."

1(b) The following suggested amendments have been made to the draft Biodiversity Strategy in order to better reflect the continued importance of the Garden City character of urban Christchurch. Proposed changes or additions are shown as underlined (please also see **Attachment 1**).

Strategy Section 5: Guiding Principles page 10. Two new principles have been added. Number one emphasises that the primary focus of the strategy is on protection of existing indigenous biodiversity. Principle 6 formally recognises the importance of the Garden City to urban Christchurch. The concept of the Garden City is able to accommodate indigenous elements along with the predominant exotic planting.

1. The Council's indigenous biodiversity priorities are protection of existing biodiversity in threatened land environments, existing habitat for indigenous biodiversity and nationally and locally threatened species.

6. In achieving Biodiversity Strategy outcomes Council recognises the importance of urban Christchurch's strong Garden City heritage featuring a diverse range of globally sourced plant species, and the important contribution of many exotic plants to protection of indigenous biodiversity.'

Strategy Section 7: page 13 map text has been amended, including the suggestion by Councillor Broughton, to read:

'No.26: Yellow coloured Area: Christchurch urban forest with indigenous and exotic components that foster and encourage the well being of indigenous biodiversity and the Garden City Image. An example of planning that supports the objectives of the Biodiversity Strategy whilst integrating them with other values is the Avon River/ takaro (Central City) Master Plan, 2007.'

Note in the final published strategy a key will be used to define the urban area and adjoining rural residential areas rather than the text 'yellow coloured area'.

Strategy Section 7: page 14, point number 8 has been modified to state the following:

'Protection of aquatic macrophytes, native riparian vegetation, improved habitat for fish and invertebrates, management of sediment and silt, enhancement of water quality and protection of water quantity are key objectives for the Avon River and its tributaries within the overall mixed exotic/indigenous Garden City character of the river banks.'

Strategy Section 7: page 15, point number 17, Heathcote River has been modified as follows:

11 Cont'd

'Water quality improvement and reduced sediment loads in the river system are highly desirable as well as protection and enhancement of riparian vegetation, fish and invertebrate habitats. The wooded portions of the upper Heathcote and Canterbury Park are important as native bird corridors and habitat areas. New native forest patches in this area would complement the existing river corridor. Any bank planting will fit within the city's overall Garden City landscape character which includes planting of appropriate exotic trees.'

Strategy Section 7: page 15, new point 26, has been numbered, amended and now reads:

'Mixed species urban woodland/shrubland that provides habitat for indigenous biodiversity. Greening of the urban area (including continued use of exotic species) provides overall environmental benefits. High potential for biodiversity friendly rural residential areas with exotic and indigenous species.'

Prior to publication of the final strategy the document will go through a final technical edit by Ng i Tahu to check for correct place name consistency, spelling of M ori words and correct use of macrons.

EXECUTIVE SUMMARY

2. The Biodiversity Strategy supports implementation of the Council's Resource Management and Local Government Act responsibilities and is a local response to the Government's 'New Zealand Biodiversity Strategy' and 2007 statement of national priorities for protecting rare and threatened biodiversity on private land.
3. It provides policy support for implementation of biodiversity outcomes resourced through the Long Term Council-Community Plan, and guidance on biodiversity issues relating to Council policy, plans and bylaws.
4. The strategy provides leadership for the Council and community and a framework upon which community partnerships and initiatives can be built. Participation in strategy outcomes by the community is voluntary. Staff consider that this approach is more likely to achieve positive results in an area which has been hampered by litigation and misunderstanding between landowners and the Council, especially on Banks Peninsula. This approach has also been taken by the regional biodiversity strategy to which the Council is a signatory.
5. The strategy to go before the Council for adoption is an updated version of the draft Christchurch Biodiversity Strategy completed in 2005. It now includes Banks Peninsula as a key part of the city's biodiversity network.
6. Strategy preparation has involved considerable formal and informal consultation over the last five years with the most recent related to the inclusion of Banks Peninsula into the Strategy.
7. The strategy addresses the biodiversity situation in Christchurch and Banks Peninsula. Biodiversity loss within the district has been very high over the last 700 odd years. Virtually all of the Canterbury Plains now have less than 10 per cent indigenous plant cover left and a large part of Banks Peninsula has less than 20 per cent.



Female jewelled gecko, Banks Peninsula

11 Cont'd

8. Black on Map 1 below indicates land types where an average of less than 20 per cent indigenous vegetation remains. The light colour indicates land types which have retained more than 20 per cent of their indigenous plant cover. Generally areas with less than 20 per cent indigenous vegetation have higher risk of accelerated species extinction.



Map 1; Land environments with an average of less than 20% indigenous plant cover (black colour).

9. The Strategy outlines a number of critical biodiversity issues facing Council and the community across the district including:



Up to three quarters of the nationally Endangered crested grebe population, winter at Wairewa/Lake Forsyth.

- Fifteen bird species in the top four tiers of the Department of Conservation threatened species list (Categories 1 'nationally critical' - 4 'serious decline') either breed locally, occur annually or pass through Christchurch and Banks Peninsula district on migration.
- Thirty-eight plant species within Christchurch and Banks Peninsula are on the threatened species list (Categories 1 'nationally critical' - 5 'gradual decline').
- Protection of indigenous herbaceous plants in the city's highly modified environments is problematic.
- Some species such as the native cedar are very limited in number and vulnerable to pests or catastrophic events such as fire. Naturally occurring rimu is down to one remaining tree on the Peninsula.
- Some nationally important areas of land under Council control need better legal protection and management policy in place for their biodiversity and are potentially at risk from management or land use changes.
- Water quality in urban areas is poor and difficult to manage in a cost effective way to bring about improvement in biodiversity.
- Lack of formal targeted systematic Council biodiversity monitoring and management programmes.

11 Cont'd

- Pests continue to pose a high risk to biodiversity especially those species that can establish and dominate in core indigenous habitat areas.
- Biosecurity pests such as Argentine ants pose a continuing potential risk to indigenous biodiversity.
- Restoration efforts in areas with remnant biodiversity need to proceed with caution as high potential exists to destroy remaining biodiversity values.
- Rare systems such as fens and dryland ecosystems are still under threat.
- Fragmentation of habitat needs to be controlled to avoid creation of unsustainable islands of biodiversity. This is especially important for invertebrates and lizards.
- Biodiversity needs to be integral to Council planning and operational activities.

10. The strategy emphasises that Christchurch and Banks Peninsula contains some outstanding biodiversity sites and values including;



Kaitorete Spit (centre) and Te Waihora/Lake Ellesmere (right) with Banks Peninsula short tussock grassland in the foreground.

- Kaitorete Spit - nationally important dune and dryland system and rare plants.
 - Te Waihora/Lake Ellesmere - internationally important for water birds.
 - Lake Forsyth/Wairewa - endangered crested grebe wintering area.
 - Avon Heathcote Estuary Ihutai, Linwood Paddocks and the Bromley Oxidation Ponds - nationally/internationally important for water birds
 - Riccarton Bush and Banks Peninsula 'old growth' forest remnants. The last of the original ancient forest.
 - McLeans Island grassland remnants - a nationally rare dry grassland ecosystem.
 - Plains wetland systems (Travis Wetland, Styx Mill Basin, Styx River Mouth etc) - wetlands are now nationally uncommon.
 - Lower Waimakariri River - important braided river habitat with endangered species.
 - Flea Bay penguin nesting area - largest penguin colony in the city and second largest white-flipped penguin colony in New Zealand.
 - Upwards of 100,000 wetland and coastal birds occur at peak times in the Christchurch-Lake Ellesmere-Banks Peninsula area, with many species occurring in nationally and internationally significant concentrations. The high proportion and importance of the wetland and coastal bird species makes the Greater Christchurch area the "wetland bird capital of New Zealand".
 - A central city Avon River site contains the highest diversity of indigenous aquatic plants in Christchurch.
 - Marine mammal numbers along the coastline of Banks Peninsula have recovered significantly since the 1980's with around 6000 seals now present.
11. In order to provide a sustainable future for biodiversity in Christchurch and Banks Peninsula the strategy's vision and goals are;

Vision

The unique biodiversity of Christchurch and Banks Peninsula is valued, promoted, protected and enhanced.

Local communities, iwi and the Council work together to sustain the full range of species and habitats which are special to the hills, valleys, coast, lakes, waterways and plains of Banks Peninsula and Christchurch.

11 Cont'd

Goal 1: Conserve and restore Christchurch's and Banks Peninsula's indigenous biodiversity.

Goal 2: Raise awareness and understanding of indigenous biodiversity.

Goal 3: Encourage widespread participation in support of indigenous biodiversity conservation.

Goal 4: Improve and facilitate research and monitoring of indigenous biodiversity.

12. The strategy complements the 'Garden City' image of Christchurch City and the farmed and rural residential elements of the Banks Peninsula landscape as well as supporting the aims of the Visitor Strategy approved by the Council last year. Garden City is a broad concept that includes and promotes the existing indigenous elements as well as the exotic planting for which the city is so well known.
13. The biodiversity strategy incorporates two "concept plans" for the urban and Banks Peninsula part of the city. These concept plans are conceptual and non regulatory. They are intended to provide a framework for positive biodiversity action and provide residents and Council with a vision for overall direction. They identify the key elements, and corridors that make up the biodiversity picture of Christchurch, and establish a biodiversity framework to assist Council and the Community in targeting and prioritising actions, interventions and collaboration. The Concept Plans are supported by an Implementation Framework, that identifies a range of objectives, targets and actions in support of the Strategic Goals.
14. The implementation framework is not a task list, but rather identifies a set of priority actions, and those agencies that can contribute towards their achievement. The actual achievement of these targets will be dependent on the funding, cooperation, and individual priorities of many agencies.
15. For Christchurch city many of these targets are addressed through current operational and capital projects and programmes. Where new or additional funding is sought this will be done through the triennial LTCCP process. Progress against these targets will be regularly monitored on, and reported against and it may be that depending on progress, that more or less interventionist approaches are targeted in the future.
16. The final strategy document will be reformatted and illustrated to make it more easily understood by users. However the policy content will be the same as that found in the strategy's policy section (separately circulated).

FINANCIAL IMPLICATIONS

17. The strategy provides the platform to integrate and rationalise a range of existing programmes and initiatives, provided by both Council and a number of community partners.
18. Implementation of strategy policy and tasks are in part already addressed by the Council's present programmes and future amendments to existing programmes and services can be made in order that biodiversity outcomes are better integrated within Council processes, and by better cooperation with other agencies and the community.
19. It is anticipated that some additional funding will be required to protect and support biodiversity within Christchurch and Banks Peninsula. A preliminary assessment of possible budget increases was presented to the Council and Community Board workshop of 15 May 2008. The amounts presented will be subject to further analysis by Council policy and asset units and details presented to the Council as part of the 2009-2012 LTCCP process. The scope of any additional funding will ultimately affect the speed or pace at which the Strategy's goals are achieved. This applies equally to a range of the agencies and groups whose own funding priorities will impact on the strategy's success.
20. The four main areas likely to need new Council budget support are; greater support for biodiversity protection initiatives on private land; biodiversity research and monitoring to assist with prioritisation, pest control and some land purchase.

11 Cont'd

21. An essential aspect of implementation of strategy initiatives will involve building and maintaining partnerships, especially with central government, Canterbury Regional Council, Ng i Tahu, business, community trusts, agencies and landowners, as these will play a significant role in advancing the strategy through their own actions and interventions.

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

22. Preparation of the strategy falls within the Strategy and Planning Group: Strategy Support Unit budget 2007-2008 and forms part of the Healthy Environment suite of strategies.

LEGAL CONSIDERATIONS

23. The strategy provides overall policy guidance for Council on biodiversity matters pursuant to the Local Government Act and when implemented provides non regulatory (other methods) support for the objectives of the District and City Plan relating to biodiversity protection and enhancement. Community contribution and support for any actions will be voluntary.
24. In order to clarify the relationship of the strategy with other Council policy documents, plans and bylaws a new objective and two targets have as been inserted under Goal 1. New Objective 1.5 states "New Council policy will take account of and be aligned with the goals and objectives of the biodiversity strategy."
25. Target 1.4.1 which covers pest management has also been modified to include potential for Council policy on domestic animals on Council managed land, to allow for greater controls where required.

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

26. Regional and district councils are required to maintain indigenous biodiversity through different mechanisms. The main emphasis for district councils is land management whereas for regional councils it is the use of objectives and policies in regional plans. A critical aspect of the City Council's ability to protect and enhance biodiversity is through the capital and operational works programme determined by the LTCCP.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

27. LTCCP Community Outcome: 'A city of people who value & protect the natural environment'. Standards for Success are: 'Everybody takes responsibility for their impact on the natural environment. Biodiversity is restored, protected and enhanced, we manage our city to minimise damage to the environment.'

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

28. The Christchurch and Banks Peninsula Strategy supports and provides context for a wide range of biodiversity related policy and capital and operational programmes managed by the Christchurch City Council.

ALIGNMENT WITH STRATEGIES

29. The Christchurch and Banks Peninsula biodiversity strategy aligns with the Canterbury Regional Biodiversity Strategy to which the Council is a signatory and the New Zealand Biodiversity Strategy 2000.

Do the recommendations align with the Council's strategies?

30. The Biodiversity Strategy in one of a suite of City Council Healthy Environment strategies that are currently being developed. These are the Open Space, Surface Water, Water Supply, Energy, and Climate Change Strategies as well as the Sustainability Policy.

11 Cont'd

CONSULTATION FULFILMENT

31. Representatives of a wide range of groups and the public have been involved in strategy preparation including City Council staff, Department of Conservation, Banks Peninsula Conservation Trust, Environment Canterbury, Forest and Bird, and Ng i Tahu, conservation groups and trusts and technical experts from universities and crown research institutions.
32. Previous drafts of the strategy vision, goals, and objectives have been through a thorough public consultation process as part of the Christchurch Biodiversity Strategy consultation process. The goals and objectives in the current version have evolved to meet the requirements of managing Banks Peninsula in addition to Christchurch. Overall the document intent and policy essence has not fundamentally changed since the initial consultation was undertaken.
33. A more selective formal consultation process has been undertaken with the Banks Peninsula community including technical, organisational, and Community board consultation on the updated Christchurch and Banks Peninsula Strategy.

STAFF RECOMMENDATION

It is recommended that the Council adopt the Christchurch Biodiversity Strategy, tautahi/ Christchurch and Te P taka o R kaihaut /Banks Peninsula.

24. 7. 2008

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**12. REPORT OF THE REGULATORY AND PLANNING COMMITTEE -
MEETING OF 3 JULY 2008**

Attached.

24. 7. 2008

- 27 -

13. NOTICES OF MOTION

14. QUESTIONS

15. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 24 JULY 2008

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 16, 17 and 18.

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
16. CONFIRMATION OF MINUTES - MEETINGS OF 26.6.2008 AND 10.7.2008)	
17. CHRISTCHURCH CITY HOLDINGS LTD - DIRECTOR ROTATION)	
18. REPORT AND RECOMMENDATION OF COUNCIL HEARINGS PANEL ON PLAN CHANGE NO. 1/ VARIATION NO. 95 -SUBDIVISION AND RESIDENTIAL USE OF ALLOTMENTS LESS THAN 1500M ² ON THE RURAL BOUNDARY OF THE LIVING 1A ZONE) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)

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

Item 16	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 16	Conduct of Negotiations	(Section 7(2)(i))
Item 16	Commercial Activities	(Section 7(2)(h))
Item 16	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 17	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 18	Right of Appeal Exists/Council to Make a Recommendation	(Section 48(1)(d))

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.”