



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 26 JUNE 2008

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

AGENDA - OPEN



CHRISTCHURCH CITY COUNCIL

Thursday 26 June 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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26. 6. 2008

1. APOLOGIES

Leave of absence granted to Councillor Gail Sheriff.

2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 29.5.2008 AND 12.6.2008

Attached.

3. DEPUTATIONS BY APPOINTMENT

4. PRESENTATION OF PETITIONS

5. FORMER EDGEWARE POOL SITE

General Manager responsible:	General Manager Community Services, DDI 941-8534
Officer responsible:	Recreation and Sports Manager
Author:	John Filsell

PURPOSE OF REPORT

1. The purpose of this report is to make a recommendation to the Council on whether to grant the St Albans Pavilion and Pool Group (the Group) a 24 month extension, from the existing 31 March 2008 deadline, to allow further opportunity for the Group to raise sufficient funds to establish an outdoor pool and pavilion on the portion of the site of the former Edgeware Pool not needed for water services infrastructure.

EXECUTIVE SUMMARY

2. After extensive public consultation the Council adopted the Aquatic Facilities Plan 2006 as part of the 2006-16 LTCCP. The Council decided not to have a pool on the Edgeware site instead opting to build a new facility at Papanui High School, now known as the Graham Condon Leisure Centre. As a result on 30 June 2006 the Council resolved to close the Edgeware Pool. The Pool was demolished in April 2007. The Council's decisions triggered a decision making process on the future of the former Edgeware pool site.

3. The Council on 22 February 2007 **resolved**:

"That any final decision re the utilisation or disposal of the Edgeware Pool site be put on hold until 31 March 2008 to give the community the opportunity to raise funds for the Council to consider the establishment of an outdoor pool on the site excluding an area designated for water infrastructure."

5. The Council then on the 13 March 2008 **resolved**:

"That the 30 March 2008 deadline be extended to 30 May 2008 to allow a further report to be considered by the Council."

6. Information has been provided by the Group on:

- The nature, size and scale of the proposed pool and pavilion. (**Attached** are the St Albans Pavilion and Pool Project site plans.)
- The estimated cost of the development and the quantity of funds raised as at 30 April 2008. (Refer St Albans Pavilion and Pool business plan separately circulated.)
- A business plan to clearly demonstrate to the Council the ongoing viability of the development in order to give the Council confidence in leasing a valuable parcel of land. (Refer St Albans Pavilion and Pool business plan separately circulated.)

7. Information and analysis has been provided by various Council units on:

- The impact of the proposed development on:
 - Water services infrastructure on the site. (**Attached** and shown outlined red on Site Plan 500098/04.)
 - The Council's Aquatic Facilities Plan and the Graham Condon Leisure Centre.
 - The Council's current and future tenants at the neighbouring Dover Courts housing complex.
 - Council and third party provision of community facilities in the locality.
- The sums raised by the Group to date in respect to the construction cost.
- The degree to which the Council could have confidence in the Group's business plan to own and operate the proposed development in an ongoing and sustainable manner. The onus is on the Group to convince the Council that the project is viable, not on the Council to convince the Group that it is not.

5 Cont'd

8. The St Albans Pavilion and Pool Group (the Group) have taken over the leadership of the project from the Friends of Edgeware Pool as an incorporated society. The Group are well organised, focused and have good leadership. They have put in considerable time and effort to date. They are seeking more time to raise funds and the greatest degree of surety possible that if funds are raised the Council will lease them the site to own and operate an outdoor pool. As time progresses and more effort is dedicated to fundraising it may become more difficult for the Council not to support the project. In order to be fair to all parties it is suggested that the Council give a clear direction on the future of the pool and pavilion project.
9. The Group have raised \$71,000 by 30 April out of a required \$3.4 million. The Group claim fundraising has been hampered by a lack of commitment by the Council that if the funding goal is reached, the Council will support the project by way of a lease. Officers have no robust way of validating or refuting this claim and can only advise the Council to consider the actual monies raised to date.
10. The site contains the Trafalgar water supply pumping station which is regarded as one of the primary water supply pumping stations in the city's central pressure zone. The water supply station consists of a pump house, a 250m³ volume concrete water tank, an associated amount of pipe work and six well heads. The site supplies water to a population of approximately 180,000 residents and 8000 commercial properties. It is therefore essential to ensure that a sufficient area of the site is specifically "reserved" for infrastructure purposes (water supply) generally as outlined in red on the **attached** plan 500098/04.
11. On the evidence presented to date it is difficult for officers to justify supporting an extension to the period allowed for fundraising and any further commitment by the Council to the project.
12. The proposed development is outlined in green on Plan 500098/04 and physically covers land needed for essential water services infrastructure, in direct contradiction to the Council's resolution detailed in section 3 of this report.
13. The proposed development may have adverse affects on the Council's tenants at Dover Court and has non-compliances with the Open Space 2 zoning. These include building floor space, site coverage, the 10m building set back on the northern boundary and the magnitude of noise and light spill. The proposal has a serious deficiency in car parks. (Plans **attached** in the St Albans Pavilion and Pool Project site plans.)
14. \$71,000 raised to date is substantially short of the \$3.4 million needed.
15. The business plan lacks detail in places and does not give sufficient confidence to Council staff that the Group can own and operate the proposed development into the future on a sustainable basis. This is because:
 - There is no provision to address the potential contamination issues on the site arising from antecedent unrestricted filling, the storage and disposal of pool chemicals, the impact of fuel storage in underground tanks and the substantial amounts of chlorinated pool water leaching into the ground over many years.
 - Revenue projections are overly optimistic which may result in operating deficits being subsidised by reserves.
 - The ongoing viability relies on continued donations and volunteers rather than a detailed and sustainable business model. There is no provision for depreciation so capital renewals and major maintenance are funded from donations.
 - There is a lack of detail on how non swimming revenue projections can be met.
16. The Council decided through the Aquatic Facilities Plan 2006 not to have a pool on the Edgeware site. Alternative local provision is made at the Centennial Pool, Graham Condon Leisure Centre and to a certain extent the St Albans School Pool. The justification for the Graham Condon Pool was conditional on the closure of Edgeware. Had the Council envisaged a \$3.4 million outdoor complex at Edgeware the Graham Condon Leisure Centre may not have been the top priority. In addition the St Albans Pool and Pavilion does not meet the Council's criteria for the development of aquatic facilities adopted under the plan. See section 44 of this report.

5 Cont'd

17. The Council's records have identified 95 community facilities within a 2km radius of the proposed pavilion and pool. Of these 20 are available for public hire. The Council subsidises the operation of the St Albans Community Centre and the nearby Abberley Park facility. A pavilion on the former pool site may result in a duplication.
18. Taking into account all the information supplied to date this report will recommend that the Council decline the requested 24 month extension.
19. Should the Council accept the recommendation of this report to decline the extension this report will recommend that the Council request a report detailing a process by which the Council can consider the long term future of the portion of the site of the former Edgware Pool not needed for water services infrastructure, including how consultation requirements will be fulfilled.
20. Should the Council agree to allow the Group an extension of time to raise funds and not accept the staff recommendation the process by which the Council will consider the future of the site will be delayed for 24 months.

FINANCIAL IMPLICATIONS

21. There are no financial implications arising out of a decision not to extend the fundraising period. Financial implications will arise when the Council considers the long term future of the site. Any such issues will be detailed and reported to the Council to inform their decision making process.

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

22. Recommendations align to the Council's LTCCP budgets on page 137.

LEGAL CONSIDERATIONS

23. There are no identified legal considerations arising from a decision by the Council not to grant a further extension to the Group to raise funds as recommended in this report. Legal considerations will arise when the Council determines the future of the site.

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

24. When the Council considers the future of the site (not as part of this report) legal considerations that may apply are summarised below.
25. Section 138 of the Local Government Act 2002 (the Act) requires the Council to consult on any proposal to sell or otherwise to dispose of the Edgware Pool land (including any proposal to grant a lease to any third party of more than six months). This is because the land has been used principally for recreational purposes and constitutes a "park" for the purposes of that section.
26. Section 40 of the Public Works Act 1981 will apply if the Edgware Pool land is no longer required for a public work. That section requires that where the land is no longer required for a public work that the Council offer the land back to the person from whom it was originally acquired, or their successors, at market value as at the approximate date the public work ceased.
27. Generally in relation to decision making, sections 76, 77, 78 and 79 of the Act set out detailed duties imposed on the Council, including specific requirements applying to processes by which all Council decisions shall be made including principles of consultation. In general terms, the requirements are that the Council must:
 - Seek to identify all reasonably practical options to achieve the objective of the decision.
 - Assess the cost and benefits of those options, the extent to which they promote or achieve community outcomes, the impact of each option on the Council's capacity to meet present and future needs, and all other relevant matters.
 - Consider the views and preferences of people likely to be affected by or have an interest in the matter.
 - Consider Council's policies.

5 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

28. Recommendations align to activity management plans as outlined on page 132 of the LTCCP.

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

29. Recommendations align to the table of proposed changes to levels of service in relation to aquatic facilities on page 136 of the LTCCP.

ALIGNMENT WITH STRATEGIES

30. The recommendations of this report align with the Council's Aquatic Facilities Plan 2006.

CONSULTATION FULFILMENT

31. Any external and internal consultation fulfilment under Council policy, statutory obligation or otherwise will arise when the Council considers the long term future of the site. Likewise the Business Plan has been considered and comments sought from the Recreation and Sports, Community Support and Property Consultancy Units of the Council.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Decline a request from the St Albans Pavilion and Pool Group for a 24 month extension, from the existing 31 March 2008 deadline, to allow further opportunity for the Group to raise sufficient funds to establish an outdoor pool on the portion of the site of the former Edgeware Pool not needed for water services infrastructure.
- (b) Request a report detailing a process by which the Council can consider the long term future of the site of the former Edgeware Pool not needed for water services infrastructure, including how consultation requirements will be fulfilled.

5 Cont'd

**BACKGROUND
EFFECTS ON CITY WATER SUPPLY**

32. On 22 February 2007 the Council resolved *"That any final decision re the utilisation or disposal of the Edgeware Pool site be put on hold until 31 March 2008 to give the community the opportunity to raise funds for the Council to consider the establishment of an outdoor pool on the site excluding an area designated for water infrastructure"*. However the project plan received from the Group includes all the land out to Trafalgar Street and one well head is within the proposed pool compound.
33. A key function of this site is as a water supply pumping station. The site contains the Trafalgar water supply pumping station which is regarded as one of the primary water supply pumping stations in the city's central pressure zone. The pumping station operates in excess of 300 days per year and takes up a significant portion of the site area. It would not be possible to continue to provide the required level of service to the entire central pressure zone without this key piece of infrastructure. The central pressure zone supplies water to a population of approximately 180,000 residents and 8,000 commercial properties.
34. The water supply station consists of a pump house, a 250m³ volume concrete water tank, an associated amount of pipe work and six well heads of which four are operational. These wells are located liberally around the site as, due to their nature, wells need to be located a discrete distance from each other.
35. It is imperative that ready access to these existing wells be maintained at all times (day and night), as the wells contain pumps which may need maintenance or replacement at short notice. That access is not practical within the suggested layout of the new pool proposed. Furthermore, over time the wells themselves will diminish in effectiveness and either need to be replaced, or redeveloped. All of these operations require heavy machinery access to well heads and involve considerable noise and disruption. The current location of an existing well within the area of the proposed main complex is totally untenable in this regard.
36. It is anticipated that a future well will be required to meet increasing demand in the system. The proposal by the Group, as it currently stands, severely compromises finding a suitable location for such a well. In the shorter term any of the existing wells could fail or reduce their yield, triggering the need for a replacement well.
37. In summary, the Trafalgar water supply station and site is a key piece of infrastructure in the city water supply system. Any new development of the land on the site must not compromise the ability of the City Water and Waste Unit to operate and maintain the existing facility and must also not impede an ability to improve the facility in the future to meet increasing demand on the water supply system. The pool proposal is of such a scale that it potentially compromises the ability of the City Water and Waste Unit to maintain the existing facility and retain options for meeting future growth requirements.

EFFECTS ON DOVER COURT RESIDENTS

38. The site has a split zoning under the partially operative City Plan (the Plan). The main part of the site is zoned Open Space 2 and the land fronting Trafalgar Street is zoned Living 2. With respect to the Open Space 2 zone, the Plan notes that such areas should maintain *"a high level of open space"* and that, as these areas often have high levels of public use, *"provisions are included to protect the surrounding community from the adverse effects of public use."* The Plan goes on to note that this includes such factors as lighting and noise.
39. The Living 2 zone anticipates similar outcomes. The zone statement notes that *"local community facilities...and recreation activities are anticipated in the zone, but subject to ...standards to ensure..."* compatibility with the surrounding environment.
40. The magnitude of the effects of noise on the adjoining occupiers of Dover Courts is unknown. No predictive acoustic assessment is provided and no commentary is provided regarding the extent to which the proposal will comply with the Plan noise standards. Within this context the expected noise effects cannot be determined. More significantly, the extent to which mitigation measures may be required and are able to be implemented is undetermined.

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41. A similar situation exists with light spill. The Group's application does not describe the form and extent of lighting proposed and does not assess or comment on plan compliance. In addition a lack of detail surrounding the proposed operational characteristics of the pool complex compounds an inability to accurately assess these effects, particularly with respect to days/hours of operation.
42. It is considered that the proposal will result in adverse amenity effects on the adjoining residents of Dover Courts that will be more than minor. This is due to non compliances with the Open Space 2 rules dealing with building floor space, site coverage and the 10m building setback required from the northern boundary. As can be best determined from the site development plans, the proposed pool building will be some 7m from the boundary of the Dover Courts site. Collectively these rules are designed to ensure that the open space character is maintained, that buildings do not dominate these spaces and that appropriate separation distances are provided between recreation buildings and adjoining residential activities. Given the extent to which these rules are breached, the adverse effects on open space character and related amenity effects for adjoining residents will be significant.
43. In addition there appears to be a severe shortage of off street car parking to meet City Plan requirements.

ALIGNMENT WITH AQUATIC FACILITY PLAN CRITERIA

44. The criteria for the development of an aquatic facilities network is listed on page 23 of the Aquatic Facilities Plan. The proposed development would not qualify under a number of the criteria. Table One below outlines the criteria and provides a preliminary assessment.

Table One: Aquatic Facilities Network Assessment Criteria

Criteria	Assessment
Increase over-all participation over the city, not merely switch already active residents. Areas of city growth outside close proximity to existing aquatic facilities should therefore be priorities for development.	The proposed development is 2km from Centennial Pool, 4 km from the Graham Condon leisure Centre and less than one km from the St Albans school pool.
Accommodate community as a whole but provision for children, youth, older adults, people with disabilities and families on lower incomes. Priority for location of new aquatic facilities is therefore in areas with higher presence of target groups.	The proposed development is not in an area with high concentrations of the target groups in relation to access to an existing swimming pool, there are many areas with higher priorities. When the Graham Condon Leisure Centre is completed all the above target groups will be catered to at a level greater than any other area of the city.
Maintain and redevelop existing facilities before considering new, quality aquatic facilities. Therefore upgrade existing facilities first to provide core features.	The proposed development is a new facility.
Consider partnerships (land and/or capital) that are potentially beneficial to the community on, including co-location with other public recreation facilities, schools and other providers.	A school/commercial sector/Council partnership is operative at the Graham Condon Leisure Centre within 4kms of the proposed development. There is limited scope to co locate other facilities on the site of the proposed development
Plan to complement future growth and changing demographics of the city as outlined in the Urban Development Strategy.	The proposed development is not in an area of predicted high growth under the Urban Development Strategy.

5 Cont'd

Criteria	Assessment
Developments are complementary to the existing indoor aquatic facility network	The proposed development would compete against existing facilities in close proximity at Centennial Pool and the Graham Condon Leisure Centre.
Provision is planned from a city-wide basis, ensuring facilities are self-contained and sustainable by providing the defined core service for the appropriate area of the city	The location of the proposed facility is ad hoc and conflicts with Councils adopted city wide plan.
Where possible, co-locate aquatic facilities with other Council facilities e.g. libraries.	There is no scope to co-locate.

SITE CONTAMINATION ISSUES

45. Council records indicate that *"this property is located in an area known to have been filled, the year the fill occurred is unknown, the filling was, according to the councils records carried out in an uncontrolled manner and comprises unknown material."* Other potential contamination issues include:
- Storage and disposal of pool chemicals.
 - Removal/disposal of any past pool heating system that may have been installed used e.g. above or underground fuel/diesel tanks.
 - Discharge of water from the pool to ground.
46. Given that the former pool was on site for some 60-70 years there are concerns that chemicals such as "chlorine" may well have contaminated parts of the site. Enquiries indicate that Chlorine is very reactive and so combines with almost any oxidizable substrate to form secondary compounds. These secondary compounds are called chlorinated by-products (CBPs) or sometimes called DBPs (Disinfection By-Products). These form when the chlorine oxidises any organic material in the subsurface. This organic matter can be anything from soil and plant material to sewage, manure, fertilizers, algae, pesticides etc. There are many, many so called "by-products" but those of greatest concern and which have been the subject of considerable research over the years are trihalomethanes (THMs).
47. The Council does not hold any conclusive evidence that confirms or refutes the potential fill/contamination information that is held on record. An environmental assessment report on the site is needed. This may result in a Remedial Action Plan and Environmental Management Plan. The conclusions and recommendation in any report may well dictate or eliminate future options for the site including the establishment of a new pool. There is no provision in the Group's business plan for this eventuality.
48. The existing water wells on site are in "Aquifer 4" and at a depth of between 135 and 145m. At this depth any site contamination as referred to in clause 46 above has no effect on water quality and this is confirmed by chemical monitoring undertaken across the city, including this site on a six yearly roster.

ST ALBANS PAVILION AND POOL BUSINESS PLAN

49. A business plan was requested from the Group to demonstrate to the Council the ongoing viability of the development in order to give the Council confidence in leasing a valuable parcel of land. The onus is on the Group to demonstrate a viable business case and not on the Council to prove the business case flawed.
50. There is a risk to Council if the development is completed but not able to be operated sustainably. Usually the Council will be asked to make up a shortfall. On a number of occasions the Council has had to subsidise or take on the operation of community pools and other sporting facilities under these circumstances such as the Edgeware, Belfast, Woolston, Templeton and Papanui facilities along with grants to the Wharenui Swimming Club.

5 Cont'd

51. The business plan allows for 20,000 swims per annum to generate \$79,000 in entry fees. This equates to a revenue of \$3.95 per swim. This is considered unrealistic.
 - International Centre for Environmental & Recreation Management (CERM) surveys carried out annually on the city's indoor pools with a greater range of value added services indicate an average revenue of between \$1.86 and \$2.91 per swim.
 - Applying the Group's projected numbers as shown in Addendum A and assuming there will be a 50:50 split between child and adult admissions the total revenue would be \$65,000 pa.
 - When the admission patterns as found in other Council outdoor pools are applied to the St Albans model the revenue totals \$52,000.
52. There is insufficient information in the business plan (and through subsequent questioning) to validate the pool hire, vendors and facility hire revenue projections amounting to \$80,000 pa.
53. Any shortfall in revenue will diminish the cash fund of \$400,000 set aside to cover operating shortfalls. Donations will be required to replenish the fund.
54. There is no provision for depreciation and limited provision for maintenance so capital replacements and ongoing maintenance will be funded by donations. Many other sporting organisations are finding difficulty in raising funds for maintenance from donations.
55. The business plan relies on the continued enthusiasm of a committed group of volunteers. Nationwide trends in the sporting industry see volunteer support diminishing. Past experience with Christchurch's smaller outdoor pools has seen pools formerly run by volunteers become increasingly subsidised and ultimately operated by the Council. Typically volunteer enthusiasm wanes over time particularly once a facility is established.
56. The initial funding and ongoing operation of the pavilion and pool relies on the continued ability of fundraising, pro bono services and donations to cover costs rather than funding from a sustainable business model. As a result officers can not recommend that the Council has sufficient confidence in the business plan to justify leasing a valuable parcel of land and avoid the probability that the Council will have to subsidise the operation of the pool into the future.

THE OPTIONS

57. Two options are identified:
 - Option 1; to allow the Group a 24 month extension to raise funds.
 - Option 2; to decline a request from the St Albans Pavilion and Pool Group for a 24 month extension and to request a report detailing a process by which the Council can consider the long term future of the site of the former Edgeware Pool not needed for water services infrastructure, including how consultation requirements will be fulfilled.

THE PREFERRED OPTION

58. The preferred option is option 2.

5 Cont'd

ASSESSMENT OF OPTIONS

Option	Description	Advantages	Disadvantages
Option 1	Allow the Group a 24 month extension to raise funds	<ul style="list-style-type: none"> ▪ Allow further opportunity for fundraising. ▪ Increase the level of commitment to the project by Council. Possibly making it easier to secure donations. ▪ Will defer having to make a difficult decision on a matter of high public interest to another time. ▪ Will reflect Council confidence in the St Albans Pavilion and Pool Group. ▪ Build relations with the section of the community upset at the closure of the Edgeware Pool. 	<ul style="list-style-type: none"> ▪ Compromise the city's water services infrastructure. ▪ Compromise the interests of the Council's Dover Court housing complex and tenants. ▪ Contrary to the Council's Aquatic Facility Plan. ▪ Only \$71,000 of \$3.4 million has been raised to date. ▪ No process to address possible contamination issues. ▪ By allowing a further extension it may become harder and harder for the Council to say no in the future. ▪ The Council may be seen as indecisive. ▪ The business plan does not give sufficient detail and confidence to the Council that the Group can own and operate the facility sustainable into the future.
Option 2	<p>Decline a request from the St Albans Pavilion and Pool Group for a 24 month extension</p> <p>and</p> <p>request a report detailing a process by which the Council can consider the long term future of the site</p>	<ul style="list-style-type: none"> ▪ Secure the city's water services infrastructure. ▪ Proceed with the Graham Condon Leisure Centre with confidence. ▪ Proceed with finding a sustainable future for the valuable site. ▪ Provide the community with clarity on the future of the site. ▪ Recognising that despite a one year extension the results of fundraising are not sufficient. ▪ Does not place the Council at risk of subsidising or owning a facility. 	<ul style="list-style-type: none"> ▪ There will be a negative reaction in some elements of the community. ▪ Much of the work done to date by the Group may be compromised. ▪ There will be no opportunity for further fundraising. ▪ It is unlikely that the issue will withdraw from public attention. ▪ It will put an end to the possibility of a pool on the site.

6. INTERIM GLOBAL STORMWATER RESOURCE CONSENT

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Asset and Network Planning Manager
Author:	Richard Holland, Asset and Network Planning

PURPOSE OF REPORT

1. An application for an interim seven-year global consent from Environment Canterbury to approve certain stormwater discharges within the Christchurch City Council Stormwater Management Area will be lodged. This is a reasonable interim solution to addressing stormwater discharges within the city to prescribed limits while Integrated Catchment Management Plans (ICMPs) are prepared.

EXECUTIVE SUMMARY

2. The proposed Natural Resources Regional Plan prepared by Environment Canterbury (ECan) was publicly notified in July 2004 and rule WQL7 requires that all territorial authorities prepare Integrated Catchment Management Plans (ICMPs) and obtain resource consents to authorise the discharges of stormwater from their stormwater management networks. The Christchurch City Council Stormwater Management Area will have 10 ICMP's based on the main physical surface water catchment areas in the city (refer **attachment**). These are Avon, Estuary, Halswell, Heathcote, Otukaikino, Styx, Akaroa, Lyttelton, Northern Bays and Southern Bays. A report on the pilot ICMP for south-west Christchurch follows this report.
3. The discharges of stormwater into land or receiving water within the Christchurch City Stormwater Management Area require authorisation under section 15 of the Resource Management Act 1991. In March 2006 the Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City.
4. Developed in consultation with ECan the application for an interim seven-year global consent will authorise the Council to assess and be the approving authority for stormwater discharges as delegated and allowed by the consent granted by ECan for small to medium sized development. This will improve the efficiency of the consenting process by reducing time delays and inconsistencies that currently occur for new developments within Christchurch City. Thousands of various building and subdivision consents received annually within the rules for stormwater discharges as contained in the Proposed Natural Resources Regional Plan (PNRRP) will be processed in a timely and consistent manner within the parameters as set by the global consent. As Integrated Catchment Management Plans (ICMPs) are prepared, global consent areas will be replaced by the ICMP's. Consent conditions for the discharge of stormwater to land and water have been discussed with ECan and it is envisaged that they will be approved as requested with conditions that can be achieved.

FINANCIAL IMPLICATIONS

5. The duration for this consent is seven years as it is considered that this duration is appropriate to allow for the preparation of each ICMP required for the Council territorial authority area. It is intended that as ICMP's for a particular area are consented, these areas will be surrendered from this global interim consent.

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

6. Under the interim global consent the Council will be the approving authority as delegated by ECan for residential development of under 4 hectares on the flat and under 2 hectares on the hills. Non residential larger developments will still require an ECan consent to discharge stormwater on the hills and for larger hard standing areas on the flat.

6 Cont'd

7. As one of the approving authorities the Council will need experienced professional staff to set the conditions for discharge consents and monitor the effects as provided for under the PNRRP for water quality and quantity. The Council intends to ensure that those resources are in place as the ICMP's programme is rolled out. The adoption of this interim global consent will assist the Council in identifying the exact resource requirements that will be needed for the future monitoring and consenting processes. Initially it is considered that additional resources may be required as the Council takes on a more active role as a consenting authority, a role currently with ECan. Until the work commences it is unclear if the existing resources currently involved in the subdivision consent process and the environmental monitoring will be able to fully support the transition provided by the global consent. Resources to support the implementation of interim global consent and the introduction of ICMP's (the first at the end of 2008) will be reviewed once some experience in the processing of consents and the impact on monitoring has been established. This would flow through into the 09/29 LTCCP programme.
8. Currently ECan have a charging system in place to process consent applications, it would be prudent for the Council to review its current consent charges to ensure that any additional funding required to support the global consent process and the future ICMP's is put in place. Officers can currently charge their time to process an application.

LEGAL CONSIDERATIONS

9. The discharges of stormwater into land or water within the Christchurch City Stormwater Management Area require authorisation under section 15 of the RMA 1991 unless the discharges are expressly allowed by a rule in a regional plan or resource consent. There are four regional plans that are relevant when considering whether discharges of stormwater require consent in the Canterbury region.

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

10. There are four regional plans that are relevant when considering whether discharges of stormwater require consent in the Canterbury region. These are the Transitional Regional Plan, the Proposed Canterbury Natural Resources Regional Plan, the Regional Coastal Environment Plan, and the Waimakariri River Regional Plan. The proposed Natural Resources Regional Plan prepared by Environment Canterbury (ECan) was publicly notified in July 2004 and rule WQL7 requires that all territorial authorities prepare Integrated Catchment Management Plans (ICMP's) and obtain resource consents to authorise the discharges of stormwater from their stormwater management networks.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Activity Management Plans and the LTCCP state the Council provides and operates the city's stormwater system, manages the waterways into which it discharges, and protects and enhances the life supporting capacity of the city's waterways and wetlands.

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

12. Mitigating the risk of flooding within the city through network design and response during rainfall events. Levels of service are that the proportion of properties with no nuisance flooding during a normal rain event is 99 per cent.

ALIGNMENT WITH STRATEGIES

13. As part of the Surface Water Strategy currently under development, a main part will be to prioritise the preparation and consent of Integrated Catchment Management Plans. These plans will focus on areas of the city, and as already agreed by the Council and ECan, joint protocol to guide the development of ICMP's for Christchurch City. The first ICMP's will be southwest Christchurch and Belfast to meet the needs of area plans.

6 Cont'd

Do the recommendations align with the Council's strategies?

14. Prior to the completion of area plans and the development of ICMP's as required by the PNRRP, the global consent will ensure the following actions are undertaken during the term of the consent.
- Continue the existing environmental monitoring programme and develop it further to meet the needs of the future ICMP requirements.
 - Continue to work with Environment Canterbury to progress the implementation of ICMP's.
 - Apply the rules of the global consent to all development proposals submitted to the Council within the parameters of developments generally under 4 hectares on the flat and under 2 hectares on the hills.

CONSULTATION FULFILMENT

15. The Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City. The requirement for ICMP's is contained within the ECan Proposed Natural Resources Regional Plan which has been consulted on. Environment Canterbury is the consenting authority under the RMA 1991. The interim global consent gives the Council certain powers with a similarity to those contained in the Transitional Regional Plan to approve certain residential developments within parameters set by the consent. Larger non-residential developments will still require a discharge consent from ECan. Notification of the interim global consent rests with ECan.

STAFF RECOMMENDATION

It is recommended:

- (a) That the Council approve the process of applying for an interim global stormwater consent from Environment Canterbury for seven years while Integrated Catchment Management Plans are developed for the 10 natural surface water catchments in the Christchurch City Council Stormwater Management Area.
- (b) That the Council be the approving authority for stormwater discharges as delegated and allowed by the consent granted by Environment Canterbury for small to medium sized development.
- (c) That Council charges for processing subdivision requests are reviewed.

6 Cont'd

BACKGROUND (THE ISSUES)

16. The Proposed Natural Resources Regional Plan for Canterbury requires that territorial authorities prepare Integrated Catchment Management Plans and obtain resource consents to authorise the discharge of stormwater from their stormwater management networks. Stormwater management in Canterbury in the past has been managed in a fragmented manner. Each development is generally assessed individually and this can result in the development of isolated stormwater systems with varying requirements for treatment, maintenance and monitoring.
17. In March 2006 the Council and ECan agreed to a joint protocol to guide the development of ICMP's for Christchurch City. The Planning and Consents Protocol for Surface Water Management established the initial principles, policies, and procedures, for the development and consenting of the various ICMP catchments identified within the city. The catchment boundaries for each ICMP catchment are determined on the basis of the relationships between land and water environments. Area plans which provide a framework for future land use change and ICMP's are being prepared concurrently. The ICMP's form an integral part of the area plans especially those being developed for the city's high growth areas. Table 2.1 of the Protocol sets out the ICMP catchments for Christchurch and their corresponding area plans. Southwest Christchurch will be the first ICMP to be initiated.
18. Work involved for preparing the first ICMP for the southwest area plan has been extensive and time-consuming and it is expected that coverage of the whole Council territorial area through ICMP's will be a lengthy process. In the meantime development continues and there are inconsistencies in the way stormwater discharge consents are dealt with in terms of both the consenting process and with respect to consent requirements for each individual development.

THE OBJECTIVES

19. The interim global consent will allow the Council to manage stormwater discharges into and out of their system in an integrated way. The Council currently holds over 40 separate consents incorporating over 400 conditions for the operation and maintenance of the city's land drainage system. This interim global consent if granted would replace these consents and will provide the Council with the opportunity to implement integrated solutions to managing, maintaining and monitoring the effectiveness of the systems in place and the resulting effects on the environment. The consent would authorise discharges from the Council stormwater reticulated network and discharges into the system provided certain conditions were met. Obviously this would drastically reduce the number of smaller and medium range applications referred to ECan for stormwater discharge consents. By setting resource consent conditions for the interim global consent developers and Council staff can ensure that a consistent and integrated approach to stormwater management is achieved. The interim global consent will set conditions that are not at a level required by a full ICMP. It will also allow time to prepare ICMP's as required by the Proposed Natural Resources Regional Plan.

THE OPTIONS

20. The options are for Environment Canterbury to consent all individual stormwater discharge consents or share the responsibility with the Council as will be the situation when the ICMP's are in place and the Council will be responsible for meeting the stormwater network and quality and quantity environmental discharge consent conditions as set by ECan.
21. In March 2006 the Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City. Developing ICMP's will take time and in the meantime an interim global consent can be put in place and replaced by ICMP's as they are consented.

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THE PREFERRED OPTION

22. The preferred option is to prepare for the introduction of ICMP's and use the interim seven-year global consent from Environment Canterbury to approve stormwater discharges within the Christchurch City Council Stormwater Management Area. In March 2006 the Council and Environment Canterbury agreed to a joint protocol to guide the development of ICMPs for Christchurch City. Developing ICMP's will take time and in the meantime an interim global consent can be put in place and replaced by ICMP's as they are consented. By setting resource consent conditions for the interim global consent, developers and Council staff can ensure that a consistent and integrated approach to stormwater management is achieved. The interim global consent will set conditions that are not at a level required by a full ICMP. It will also allow time to prepare ICMP's as required by the Proposed Natural Resources Regional Plan.

ASSESSMENT OF OPTIONS**The Preferred Option**

23. An interim seven-year global stormwater discharge consent from Environment Canterbury.

	Benefits (current and future)	Costs (current and future)
Social	Surface water is managed and communities do not experience flooding.	
Cultural	Communities are involved in decisions concerning waterway management.	
Environmental	Integrated catchment management planning. Protection of natural waterway and wetlands and environmental assets.	
Economic	Sustainable management and development of land drainage infrastructure to meet city growth requirements.	
<p>Extent to which community outcomes are achieved:</p> <p>A safe city where flood hazards are controlled and managed to provide for a healthy residential environment. The natural assets of the waterways and wetlands are protected.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>The Council has a responsibility under the PNRRP to prepare integrated catchment management plans. The interim global consent allows seven years for these to be consented for the various catchments in the city which will have different consent conditions.</p> <p>Effects on Maori:</p> <p>Protection of natural asset waterways and surface water quality and quantity.</p> <p>Consistency with existing Council policies:</p> <p>The CCC and ECan Protocol for surface water management has set the principles policies and procedures for the development and consenting of the various ICMP catchments identified in the city.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Under Area Plans the ICMP's will be consulted with the communities. They will reflect the land use and community characteristics and the relationships between land and water environments.</p> <p>Other relevant matters:</p>		

6 Cont'd

Maintain the Status Quo (if not preferred option)

24. There is no status quo. The other option is for ECan to approve all individual stormwater consents while the Council accelerates the ICMP programme.

	Benefits (current and future)	Costs (current and future)
Social	Surface water is managed and communities do not experience flooding.	
Cultural	Communities are involved in decisions concerning waterway management.	
Environmental	Integrated catchment management planning. Protection of natural waterway and wetlands and environmental assets.	
Economic	Sustainable management and development of land drainage infrastructure to meet city growth requirements.	
<p>Extent to which community outcomes are achieved:</p> <p>A safe city where flood hazards are controlled and managed to provide for a healthy residential environment. The natural assets of the waterways and wetlands are protected.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>To develop 10 ICMP's in a short period would be virtually impossible given the time it has taken (over three years) to understand the south-west Christchurch surface water and ground water systems and develop an ICMP for the southwest area plan.</p> <p>Effects on Maori:</p> <p>Non-integrated catchment planning but individual site by site consents do not achieve the overall picture in protecting the waterways and water quality and quantity.</p> <p>Consistency with existing Council policies:</p> <p>Would meet the terms of the Protocol with ECan and Council, but would be impossible to deliver in the short time frame.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Views will be sought as part of area plan process or through ICMP's if they are developed outside the area plans. The two are integrated and should be worked together where possible. Accelerating the ICMP's means that only surface water would be considered in isolation of other planning use and asset networks development.</p> <p>Other relevant matters:</p>		

7. SOUTH WEST AREA - INTEGRATED CATCHMENT MANAGEMENT PLAN

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	Programme Manager – Healthy Environment
Author:	Graham Harrington, Environmental Planning Engineer, Asset and Network Planning Unit

PURPOSE OF REPORT

1. This report seeks Council adoption of the Integrated Catchment Management Plan (ICMP) as the surface water facilities plan for the South West Area and as the technical basis for an application to Environment Canterbury (ECan) for a catchment consent for the Upper Heathcote River and Upper Halswell River.

EXECUTIVE SUMMARY

2. The City Council has undertaken extensive investigations and planning work which has contributed to the preparation of an Integrated Catchment Management Plan (ICMP) for the South West Area of Christchurch. The ICMP forms a masterplan for surface water management to support the growth of South West Christchurch. The approach taken is in keeping with the Council's "Waterway and Wetlands Natural Asset Management Strategy 1999".
3. The adoption of the ICMP will allow the Area Plan to progress along with the acquisition of the required land and construction of "best practice" multi-value stormwater management facilities.
4. The ICMP will serve as the technical basis for a catchment consent application to Environment Canterbury for the South West Area (Figure 1). The Catchment Consent will be the subject of a later report to the Council once the draft consent conditions have been formulated. In the meantime it will serve as a plan for large scale facilities in the area.

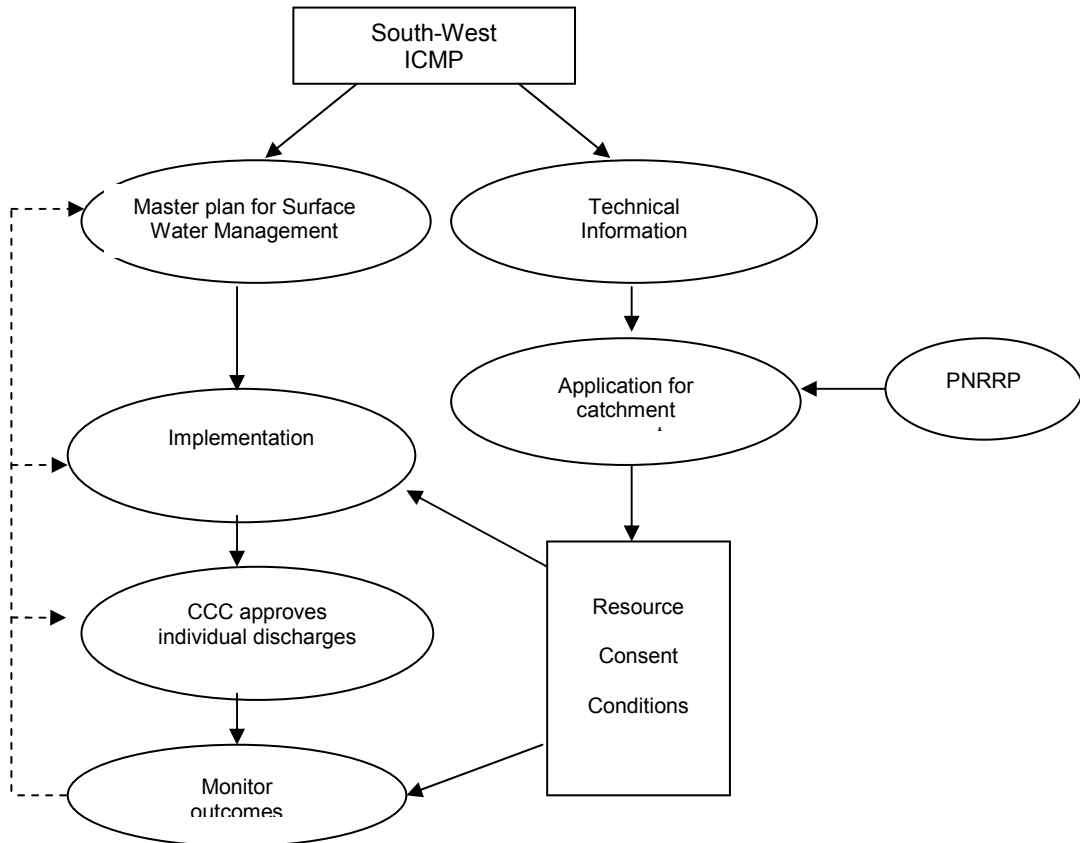


Figure 1. ICMP Process

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5. The South West ICMP is the first of a number of ICMPs which will be prepared to manage surface water across the city, the programme for these will take a number of years to complete. In the meantime, an interim Global Consent application will be lodged to cover other areas of the city until a local ICMP has been prepared. The Global Consent will authorise current discharges and reduce the ambiguities and administrative requirements as we transition to discharge consents based on Integrated Catchment Management Plans covering the whole city. (More detail on this is provided in paragraph 28.)
6. Most of the land required for stormwater treatment and detention has already been approved in the Council's Strategic Land Purchases. Some areas of land in multiple ownership will need to be designated. This land value will transfer from the strategic purchase account and into the City Environment Greenspace account when the facilities begin construction.

MATTERS COVERED BY THE ICMP

7. The ICMP is based on a surface water management scheme which takes both water quality and quantity into account. The proposed scheme aims to reduce the flooding risk in the Heathcote and Halswell catchments and includes a small margin of safety to allow for future changes in climate. Soakage basins and infiltration systems are expected to have only localised impacts on groundwater levels and there should be no adverse effects on spring flows.
8. Receiving waterways have been identified and classified based on water quality and ecological objectives. Changes to groundwater quality are predicted to be no more than minor and are not expected to impact on community drinking water wells. Water quality and ecology will be monitored to assess the success of mitigation measures, which will be adapted as required.
9. The Plan covers land and capital work required to create stormwater management facilities that will permit the Christchurch City Council to meet its obligations under the Resource Management Act and to allow for planned city growth. Financial allowance is made for operational activities directly associated with the proposed facilities.
10. The plan will be reviewed in due course to provide detail around consenting, monitoring, enforcement, education, incentives and other methods of direct and indirect contaminant control. The main drivers for review will include:
 - o Catchment consent conditions
 - o Water quality and ecology monitoring results
 - o Rate of development
 - o The Surface Water Strategy
 - o Any changes in policy e.g. Water Quantity and Quality chapters of the Natural Resources Regional Plan
11. The preparation of ICMPs allows the Council to take a proactive approach in managing stormwater, rather than reacting to development on a case-by-case basis. Developers also benefit as they will only need to deal with the Council, rather than requiring complementary consents from the Council and ECan.

FINANCIAL IMPLICATIONS

12. The ICMP for the South West Area will be implemented as part of the South West Area Plan development under the Urban Development Strategy. Investment into the area will occur over a 24 year horizon and be instituted progressively over a number of Long Term Council-Community Plans. While initial funding is currently in place this will be reviewed and considered by the Council as part of the 2009/19 LTCCP. Funding of the ICMP implementation will be by way of rates (for retrofitting and rehabilitation of existing systems) and Development Contributions (for growth related investment).

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LEGAL CONSIDERATIONS

13. The ICMP will form the technical basis for the Catchment Consent. The technical standards adopted in the preliminary design are "best practice" and would be the recommended technical solution in both the present and any future administrative arrangements between CCC and ECan.
14. The legal issues are particularly pertinent to the conditions of consent for a future Catchment (Discharge) Consent. The Council has agreed with ECan to foreshadow these matters by negotiating a Implementation Agreement relating to the post-consent operating regime. This gives both parties the opportunity to understand the full implications of this new form of consent which takes a catchment view rather than a facility by facility view. This is further discussed in paragraphs 26 and 27.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Currently in the LTCCP there is an allowance for the Bishops Green/Douglas Clifford and for the Awatea Road facility. All other facilities have been scheduled according to an assumed logical development pattern which considers the limitations of sewer capacity on the ability to develop land and smoothes out the demand on capital and construction resources. This projected pattern of development over the next 20 years will be used to populate the LTCCP.

ALIGNMENT WITH STRATEGIES

16. This "best practice" stormwater management plan is consistent with the current Council's Waterways and Wetlands Natural Asset Management Strategy and aligns with the Council's multiple values – in particular; landscape, ecology, recreation and drainage. It is also consistent with the Heathcote River Floodplain Management Strategy as it aims to reduce the risk of flooding.

CONSULTATION FULFILMENT

17. The preliminary scheme was identified and included as part of the consultation programme on the South West Area Plan in August 2007.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the Integrated Catchment Plan for the South West Area of Christchurch as a proposed masterplan to support surface water management for the growth of South West Christchurch.
- (b) Note that the ICMP will be used as the technical basis for the application for a Catchment Consent for South West Christchurch.

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BACKGROUND (THE ISSUES)

18. The Christchurch City Council took over the responsibility for surface water drainage in Christchurch in 1990 and the Resource Management Act in 1991 created a new planning environment wherein all developments require a resource consent to discharge stormwater into natural waters. Subsequently ECan in their Proposed Natural Resources Regional Plan (PNRRP) made provision for territorial authorities to be granted a Catchment Consent to manage surface water in areas where comprehensive planning had been undertaken. This is in line with an international trend toward integrated catchment management planning where surface water management is co-ordinated with land-use planning.
19. In March 2006 ECan and the Council signed a joint "Planning and Consents Protocol for Surface Water Management". This is based on the principle that "To improve surface water quality, a change in focus from individual sites to a catchment-wide approach is needed". Other practices were agreed:
 - "Ensuring that actions governed by the Protocol are consistent with the PNRRP
 - Prioritising catchments within Christchurch for preparation of ICMPs and applications for catchment-wide consents
 - Continuing to process applications for individual discharges until catchment-wide consents are obtained
 - The Council and ECan focus on catchment-wide management rather than individual non-compliances
 - Taking sewer outflows into account when preparing ICMPs
 - Surrendering relevant existing discharge permits once catchment-wide consents have been obtained
 - Using a pilot area for preparation of an ICMP and catchment-wide consent
 - Authorisation by the Council of discharges into the stormwater network system where catchment-wide consents have been obtained."

Urban Development Strategy

20. In accordance with the Urban Development Strategy the Council has prioritised the South West Area in which to develop an Area Plan. The area comprises the upper catchments of the Halswell and Heathcote rivers. These rivers are both subject to flooding in their lower reaches. The Heathcote in particular, has considerable development in the lower reaches and thus is very sensitive to any increases in flood peaks which would occur from unmitigated development in its upper catchment.
21. Investigations have spanned several years and have included major investigations on the state of the springs, surface water and ecology in the catchment as well as the state of groundwater and the response of groundwater to the operations of a large-scale surface water management scheme as proposed. The computer model of the Heathcote River has been revised and used to investigate flooding scenarios. Other investigations have focussed on surface and groundwater quality. The major streams of investigation have been compiled in a "Water Quantity Report" and a "Water Quality Report". These two reports and the Council's Waterway Wetlands and Drainage Design Guide are the technical basis of the ICMP

Stormwater Treatment Systems

22. The systems chosen for this greenfield area are natural grassed swales, soil filtration (absorption) basins and wetlands for water treatment and detention ponds for flood attenuation and sediment removal. The stormwater management facilities are a fundamental part of the Area Plan as their multi-valued attributes integrate with the landscape, recreational areas and greenspace corridors. These treatment options are preferred because they contribute positively to the living environment. The largest land areas are required for detention of the additional runoff from the impervious areas created when land is developed for residential or business purposes. Where technically feasible, the treated stormwater will be returned to the upper aquifer and thus the area of land required for storm detention and conveyance is minimised.

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23. The stormwater management scheme is designed to provide communal facilities for new developments. There is also scope to retrofit some of the existing unmitigated development with treatment and detention facilities. This will not only improve water quality but also restore the 50 year recurrence interval (2 per cent chance in any one year) floods close to those which would have occurred with the state of development in 1991. If the Council does not provide these communal facilities then the current practice of each development providing its own facilities will continue. These small un-coordinated facilities, with their own monitoring and maintenance requirements, are difficult and expensive to run once they are taken over as an asset by the Council. In addition, they do not provide the best opportunity to make a positive contribution to the city environment. Providing a scheme simplifies future planning for the developers and Council staff alike and was one of the main drivers for the Council/ECan "Planning and Consents Protocol for Surface Water Management".

Peer Review

24. The South West Area ICMP is the first such plan to be prepared in Christchurch and it is therefore a learning process for both the Council and ECan as well as the other stakeholders in the area. It is important none-the-less that there should be confidence that investigation and design is done to a high standard. To this end the Council commissioned an independent peer review of the investigations to ensure that they were of sufficient breadth and depth and also of the implementation strategy and preliminary design to ensure that the knowledge gained in the investigation was appropriately interpreted and applied. The results of the peer review were shared with ECan and the recommendations of the peer review have been incorporated into the latest version of the ICMP.

Working Relationship with Environment Canterbury

25. At this stage the Council is being asked to adopt the ICMP essentially as "*the stormwater management facilities for the South West Area*" which will also be used in the application to ECan for a Catchment Consent. Council staff have work-shopped the technical aspects of the scheme with ECan staff, who have suggested to the Council that an application using the present ICMP would be appropriate. The conditions under which a catchment consent would be granted and the obligations and responsibilities of each party have yet to be determined. This will be foreshadowed in the process of a Implementation Agreement which the Council and ECan are currently progressing. (Further details in paragraph 27 below) The outcome of the MOU process and the implications for the prospective Catchment Discharge consent will be the subject of a later report to Council.
26. The proposed facilities design is based on "best practice" but it is unlikely to meet the very high water quality standards in the PNRRP. This matter is the subject of the city's submissions on the PNRRP (Ch. 4 Water Quality). This ICMP is being brought before the Council at this time in order to avoid delays to the Area Plan. Since the scheme is "best practice" and it is consistent with the Council's environmental policies, it is appropriate that the city progresses with its implementation (under the present administrative arrangements) and also progresses in parallel the future administrative arrangements of the Catchment Consent. This approach is consistent with the ECan/Council protocol clause "*Continuing to process applications for individual discharges until catchment-wide consents are obtained*".

Christchurch City Council/Environment Canterbury Protocol Implementation Agreement

27. The new regime under which discharge consents may be granted by ECan to the Council based on an Integrated Catchment Management Plan raises a number of issues and opportunities for both organisations. It was considered appropriate to explore this new regime by way of an agreement that will form an appendix to the "Planning and Consents Protocol for Surface Water Management", so as to move forward with an open and constructive working relationship. This agreement confirms the approach and adds some operational detail to the Planning and Consents Protocol described in paragraph 18. The agreement covers the following topics:

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Points of discharge - In effect these will be points in receiving waters where the water quality is monitored rather than the thousands of individual physical discharges which currently exist into receiving waters.

Acceptable quality of discharge - Maintaining or enhancing the quality of the receiving environments using affordable best practice.

Monitoring - Continual monitoring of the points of discharge from a water quality and ecological point of view. Following up on issues when trigger levels are exceeded.

Determining consent conditions - Conditions will ultimately be set as a part of the formal process. However the draft conditions to be set by consensus of experts from the Council and ECan.

Christchurch City Council's liability for discharge quality - This specifies a number of approaches whereby the Council can demonstrate it is conforming in accordance with a discharge consent and clarifies the Council non-liability for un-consented third party discharges.

Enforcement - Commits to co-operative enforcement of third party discharges and prior dialogue at a senior level between the Council and ECan in the event of enforcement being deemed likely in relation to the Council's actions or omissions.

Pollution response - Describes a co-operative approach with Council taking a lead role in network waterways and ECan taking a lead role in receiving waters.

Individuals who wish to operate outside the ICMP and any subsequent resource consent - Requires ECan to generally support the consents based on ICMPs and treat the Council as an affected party should individuals apply for a consent in an area covered by an ICMP.

Ongoing Communication - Environment Canterbury and Christchurch City Council will establish a 'Joint Stormwater Management Issues Working Party' consisting of senior management from both organisations to meet a minimum of twice yearly for the purposes of identifying, discussing and resolving stormwater management issues of strategic importance to both organisations.

Interim Global Consent

28. The Council is progressing a separate Council/ECan interim discharge consent termed a "Global Consent" which will legitimise the current Council infrastructure and allow the Council to authorise discharges from residential hill areas up to 2 ha, residential flat up to 4 ha, and business/commercial up to 2 ha into the Council network without a site specific ECan discharge consent – but still subject to the Council's conditions. This proposal would apply to all areas and be superseded by ICMP-based catchment consents once they come into force. This Global Consent is likely to have a term of seven years by which time it is anticipated that Catchment Consents will be granted for all of the city.

Land Areas Required

29. The ICMP facilities are at the stage of a preliminary design. This means there are clear design principles and so the size of each proposed facility and its current cost estimate is known. The facilities will not be finally designed and detailed until imminent development within the catchment generates the demand (although land areas need to be set aside). This means that technical conditions which may be required under the finalised NRRP and catchment consent can be incorporated into the final design. In the meantime the city must continue with "best practice" and design facilities for future developments according to the best knowledge at the time whether or not there is a Catchment Consent in force.
30. An overview of the facilities location and the likely sequence of facilities construction is shown in Figures 2 & 3 (**attached**). The preliminary scheme will service a catchment area of 2103 ha and the facilities will cover 198.5 ha (just under 10 per cent of the catchment).

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31. It should be noted that the Council has already approved the purchase of strategic areas of land in the South West Area. Part of these strategic purchases will serve the needs of this ICMP. This land will be purchased by negotiation as it comes on the market and it will transfer into the City Environment accounts once the works commence. Where a stormwater facility is principally used to service a single development and is within the area of land owned by the developer then the Council may not need to buy the land but the asset will be vested to the Council at the end of the development. If the land is not able to be purchased or obtained by these means then it will need to be designated.

OPTIONS

32. An alternative approach for surface water management would be to continue to prepare applications for discharge consents on a case-by-case basis. This would be contrary to approach agreed to by the two Councils in the Surface Water Protocol and would have significant processing costs attached to it. In addition it would exacerbate the current situation whereby the city has over 100 existing discharge consents with over 800 consent conditions to comply with.
33. Another alternative would be to leave the design and development of stormwater management in the hands of developers. Such an approach is likely to provide uncoordinated array of minor facilities with high maintenance costs. These facilities would be unlikely to integrate with and complement the Area Plan.

8. METROPOLITAN FUNDING COMMITTEE 2008

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 a change of title for the Metropolitan Funding Subcommittee and to appoint a Small Projects Fund Subcommittee.

EXECUTIVE SUMMARY

2. The Metropolitan Funding Subcommittee (MFSC) was appointed by the Council, on 13 December 2007, with the following terms of reference:

- To allocate the Strengthening Communities Fund – Metropolitan, to community organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP.
- To consider recommendations from Community Boards and allocate funding for key local organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP.
- In conjunction with community representatives allocate the Small Projects Fund – Metropolitan, to community organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP.
- To allocate the Community Organisations Loan Scheme funding consistent with the Council’s Strengthening Communities Strategy and LTCCP.
- To allocate the Discretionary Response Fund – Metropolitan, for projects over \$15,000 to community organisations consistent with the Council’s Strengthening Communities Strategy and LTCCP*

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

3. The membership of the MFSC is full Council.
4. The title “subcommittee” was the title previously used when it was a subcommittee to a committee of Council. This is no longer the case as this body reports directly to the Council.
5. The MFSC meets the criteria of a “committee”, as defined in the LGA 2002. Its current title of “subcommittee” is potentially confusing as a subcommittee appointed directly by the Council may not come within the definition of “committee”.
6. It would be more appropriate for the MFSC to be a committee, rather than a subcommittee, of the Council - as a committee, it can then appoint an assessment committee (with both Councillors and community representatives on it) as its subcommittee, rather than be a subcommittee appointing a further subcommittee.
7. It is therefore recommended that the title of the MFSC be changed to the Metropolitan Funding Committee (MFC), with the members and terms of reference for the MFC staying the same as they were for the MFSC.
8. It is also recommended that a subcommittee of the MFC be appointed to carry out the third point of the terms of reference and consider applications for the Small Projects Fund – Metropolitan. It would be called the Small Projects Fund Subcommittee (SPFS)
9. The purpose of the Small Projects Fund is to provide small grants to eligible not-for-profit groups whose activities provide opportunities in the areas of community, social, recreation, sports, arts, environment or heritage to the wider community or to specifically defined communities of interest. The emphasis is on small projects (under \$5,000) which assist community groups to enhance their capacity and/or increase participation in their activities.

8 Cont'd

10. The Small Projects Fund replaces the previous Community Development Scheme where community representatives were also involved in the allocation process. A total of \$400,000 is available for allocation this year.
11. The Terms of Reference for and delegation to the SPFS need to be set by the Council, including the number of elected members, number of community representatives, quorum and chairperson. Currently the Terms of Reference for the MFC state that the MFC will be joined by community representatives to allocate the Small Projects Fund. The Council will receive a further report asking it to appoint the community representatives to the SPFS.
12. The suggested initial term of office for community representatives is for two years and is on a voluntary basis. This will cover the 2008-09 round and the 2009-10 round. The subsequent community representatives term from the 2010-11 round will be for three years to line up with the election cycle.
13. The suggested initial term of office for elected members is for three years. This will cover the 2008-09 round, the 2009-10 round and the 2010-2011 round. The allocation of the Small Projects Fund takes place early in the financial year prior to elections.
14. The membership of community representatives and elected members has been staggered to allow continuity on the Assessment Committee when Local Government elections take place.
15. Draft Terms of Reference for Small Project Fund Subcommittee:
 1. To allocate the Small Projects Fund – Metropolitan, to eligible applicants whose projects are consistent with the Council's Strengthening Communities Strategy and LTCCP.
 2. To consist of Metropolitan Funding Committee members with a term of three years, for the 2008-09, 2009-10 and 2010-11 funding rounds.
 3. To include 4–6 community representatives with an initial term of two years for the 2008-09 and 2009-10 funding rounds.
 4. The quorum at a meeting be eight members of which at least two are community representatives.
 5. The chairperson to be appointed by the Metropolitan Funding Committee.

FINANCIAL IMPLICATIONS

16. None.

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

17. Yes.

LEGAL CONSIDERATIONS

18. A Council, or Community Board, may appoint committees, subcommittees other subordinate decision making bodies and joint committees (clause 30, Schedule 7). Councils and Community Boards also have the power to appoint or discharge any member of a committee (clause 31(1)). Such committees, etc are "*subject in all things to the control of the local authority [or read community board], and must carry out all general and special directions of the local authority given in relation to the committee or other body or the affairs of the committee or other body*" (clause 30(3)).

A "committee", as defined in the LGA 2002, includes:

- (a) a committee comprising all the members of that local authority [such as the MFSC, except that it has been appointed as a subcommittee]; 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)

8 Cont'd

The minimum number of members for a "committee" is three, with a quorum being two (one of whom must be an elected member), or the quorum can be a greater number, as determined by the Council or Community Board. At least one member of a committee must be an elected member, but an employee of the local authority cannot be a member (if they are acting in the course of their employment). Clause 31 also provides:

"(3) The members of a committee or subcommittee may, but need not be, elected members of the local authority [community board], and a local authority or committee may appoint to a committee or subcommittee a person who is not a member of the local authority or committee if, in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee or subcommittee."

Clause 26(3) is also relevant, as it provides that the Council/Community Board may appoint a member of a committee to be the chairperson of the committee, or if a chairperson is not appointed then the power of appointment may be exercised by the committee. A deputy chairperson can also be appointed to act in the absence of a chairperson (clause 26(4)). This person will preside at any meeting if the chairperson is absent from a meeting. However, if a deputy chair has not been appointed or if they are also absent then the members of the committee that are present must elect one of their number to preside at the meeting.

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

19 Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. Yes.

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

21 Yes.

ALIGNMENT WITH STRATEGIES

22. Strengthening Communities Strategy.

Do the recommendations align with the Council's strategies?

23. Yes.

CONSULTATION FULFILMENT

24. N/A.

8 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Change the title of the Metropolitan Funding Subcommittee to the Metropolitan Funding Committee, with the Metropolitan Funding Committee having the same members and terms of reference as the Metropolitan Funding Subcommittee.
- (b) Appoint the Small Projects Fund Subcommittee as a subcommittee of the Metropolitan Funding Committee with the following Terms of Reference and delegations:
 - (i) To allocate the Small Projects Fund – Metropolitan, to eligible applicants whose projects are consistent with the Council's Strengthening Communities Strategy and LTCCP.
 - (ii) To consist of Metropolitan Funding Committee members with a term of three years, for the 2008-09, 2009-10 and 2010-11 funding rounds.
 - (iii) To include 4–6 community representatives with an initial term of two years for the 2008-09 and 2009-10 funding rounds.
 - (iv) The quorum at a meeting be eight members at least two of whom must be community representatives.
 - (v) The chairperson to be appointed by the Metropolitan Funding Committee.

26. 6. 2008

9. HEARINGS PANEL FOR THE REVIEW OF THE CHRISTCHURCH CITY CLEANFILL BYLAW 2003

General Manager responsible:	General Manager City Environment DDI 941 8656
Officer responsible:	City Water and Waste Manager
Author:	Zefanja Potgieter

PURPOSE OF REPORT

1. The purpose of this report is to appoint a hearings panel to consider submissions to the review of the bylaw.

BACKGROUND

2. Following the identification of additional cleanfill site stakeholders in the Banks Peninsula area the Council, on 24 April 2008, authorised a further consultation period for the review process for this bylaw between 14 May and 18 June 2008, in addition to the initial consultation period of 17 October to 21 November 2007.
3. Should submissions be received by 18 June 2008 a Hearings Panel will need to be appointed to hear submissions in July 2008 and this report recommends the appointment of a panel, should it be necessary.

STAFF RECOMMENDATION

It is recommended that in the event of submissions to the review of the Christchurch City Cleanfill Licensing Bylaw 2003 being received by 18 June 2008, the Council appoint a Hearings Panel of three members to consider submissions at a date to be confirmed in July 2008.

10. NON-TRADING COUNCIL-CONTROLLED ORGANISATIONS – APPLICATION FOR EXEMPTION

General Manager responsible:	General Manager Corporate Services, DDI 941-8528
Officer responsible:	Corporate Finance Manager
Author:	Ian Thomson, Solicitor

PURPOSE OF REPORT

1. The purpose of this report is to seek a resolution of the Council to grant a number of non-trading Council-controlled organisations exemption from the reporting and other requirements imposed by the Local Government Act 2002.

EXECUTIVE SUMMARY

2. At its meeting on 11 June 2007 the Council approved the establishment of shelf companies by Christchurch City Holdings Ltd (CCHL) and the Council. These companies have been established as Council-controlled organisations.
3. Two of them, AMI Stadium Ltd and Ellerslie International Flower Show Ltd have been registered only for the purpose of securing naming rights for the stadium and the flower show.
4. In 2003 Christchurch International Airport (CIAL) Ltd formed 5 shelf companies. These are also Council-controlled organisations.
5. None of these companies are presently engaged in a trading activity. However, they are still required to comply with the reporting and other criteria imposed on Council-controlled organisations by the Local Government Act 2002. This includes the obligation to prepare annual statements of intent.
6. Section 7 of the Act allows the Council to exempt a small Council-controlled organisation that does not trade. The effect is that for the period of the exemption it is not in fact a Council-controlled organisation for the purposes of the Act.
7. It is recommended that exemption be granted to the shelf companies established by CCHL, CIAL and the Council.

FINANCIAL IMPLICATIONS

8. A decision to grant an exemption under section 7 of the Act would result in a reduction in the costs of administering the shelf companies.

LEGAL CONSIDERATIONS

9. The advice of the Legal Services Unit is that because the shelf companies are small organisations and are not Council-controlled trading organisations they may be granted exemption under section 7 of the Act.
10. The Council is required to take into account the following matters:
 - (a) The nature and scope of the activities provided by the companies; and
 - (b) The costs and benefits, if an exemption is granted, to the Council, the companies, and the community.
11. Section 7(6) requires the Council to review any exemption it has granted within three years and thereafter at intervals of not less than three years. The Council may also, at any time, revoke an exemption it has granted.
12. Given that the shelf companies are not undertaking any activities and that there would be a reduction of administrative costs as a result of them being granted an exemption under section 7, it is recommended that the Council take this step.

10 Cont'd

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

13. Yes.

CONSULTATION FULFILMENT

14. CCHL, CIAL and the Council's Corporate Finance Unit have considered the financial and administrative implications of a decision to grant shelf companies an exemption under section 7 of the Local Government 2002. Advice has been sought from the Legal Services Unit which has also confirmed that advice with the Council's external legal provider, Simpson Grierson.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Grant an exemption under section 7 of the Local Government Act 2002 to each of the companies named in the schedule below, whilst they are not being used for any trading.
- (b) Note that for the period of the exemption the companies are not Council-controlled organisations for the purposes of the Act.

SCHEDULE

CCHL 2 Ltd	CIAL Holdings Number 1 Ltd	AMI Stadium Ltd
CCHL 4 Ltd	CIAL Holdings Number 2 Ltd	Ellerslie International Flower Show Ltd
CCHL 5 Ltd	CIAL Holdings Number 3 Ltd	CCC One Ltd
CCHL 6 Ltd	CIAL Holdings Number 4 Ltd	CCC Two Ltd
CCHL 7 Ltd	CIAL Holdings Number 5 Ltd	

10 Cont'd

BACKGROUND (THE ISSUES)

15. The Local Government Act 2002 enables the Council to establish at any time a Council organisation, which can be either a company or another entity such as a partnership, trust or a joint venture. To be a Council organisation the Council needs to own at least one share in the company or have the right to appoint one or more directors. In the case of an entity other than a company, the Council needs to control at least one of the votes at any meeting of the board managing the entity or the right to appoint one or more of its members.
16. Section 6 of the Act states that any Council organisation becomes a Council-controlled organisation when it is a company in which the Council holds, directly or indirectly, more than 50 per cent of the shares or in which it has the right to appoint more than half the number of directors. So too does an entity in which the Council controls 50 per cent or more of the votes at any meeting of the board managing that entity or the right to appoint more than half of its members.
17. The shelf companies established by CCHL, CIAL and the Council are Council-controlled organisations. They are required to comply with more stringent reporting and monitoring standards than Council organisations. These include providing annual statements of intent, half-yearly and annual reports, financial statements and auditor's reports.
18. The purpose of establishing the shelf companies was to enable CCHL, CIAL and the Council to make decisions with regard to the financial and governance structures to be used for particular activities without having to delay the process required before such structures could be put in place. The intention was not to deprive ratepayers of the opportunity to have their say, if that was required, but rather to ensure that any opportunities to commence such activities were not lost as a result of the delay in putting suitable structures in place.
19. All shares in the shelf companies are owned by the Council, either directly or indirectly through CCHL and CIAL. They are subject to the reporting requirements referred to earlier, despite them not as yet being engaged in any activities, trading or otherwise.
20. Section 7 of the Act provides some relief from this. It enables the Council to exempt a small organisation from being a Council-controlled organisation provided certain criteria are met.
21. Firstly, the organisation must be "small". This has not been defined in the Act but it is reasonable to expect that a company undertaking no trading activities at all would be regarded as "small".
22. Secondly, the Council must have regard to the nature and scope of the activities provided by the organisation and the costs and benefits of granting an exemption. Again, given that the shelf companies are not carrying out any activities and that a benefit resulting from exemption would be to reduce costs, clearly these criteria can be met.
23. An exemption is granted by resolution of the Council. If this is passed then the shelf companies are no longer Council-controlled organisations for the purposes of the Local Government Act 2002.
24. Decisions to exempt organisations must be reviewed within three years and then at intervals of not less than three years thereafter.
25. The Council may at any time revoke any exemption that it has granted. Should such a decision be made the organisation exempted would then be a Council-controlled organisation again.
26. If granted exemption status the shelf companies would remain as Council organisations. It is not contemplated that the Council's interest in the companies would be reduced at all, nor that they would cease to exist.

10 Cont'd

27. The Council has already consulted on whether or not the shelf companies should be established and the Council owns (directly and indirectly) more than 50 per cent of the shares. The CIAL companies were formed before the consultation provisions of the Local Government Act 2002 came into effect.
28. Once an exemption is revoked and a shelf company is to be used to carry out a particular activity, it immediately becomes a Council-controlled organisation again without the need for further statutory process.
29. As Council organisations, shelf companies would nevertheless be subject to Council monitoring that includes evaluating from time to time the Council's objectives for the companies. Such monitoring will not be as onerous as the requirements imposed on Council-controlled organisations.

THE OBJECTIVES

30. The objectives of this report are to seek Council approval to grant an exemption to shelf companies that have been established as Council-controlled organisations. The intention is that administrative costs would be reduced during the period of the exemption.

THE OPTIONS

31. The first option is to do nothing. The result of this would be that the administrative costs incurred for the purpose of providing annual statements of intent, half-yearly and annual reports, financial statements and auditor's report would continue to be met by CIAL, CCHL and the Council.
32. The second option is to exempt the shelf companies from the administrative requirements of the Act, thus saving the costs of complying with those requirements. An exemption, once granted, can be revoked at any time should a decision be made to use a shelf company for a trading activity.

THE PREFERRED OPTION

33. The second option is preferred.

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

General Manager responsible:	General Manager, Strategy and Planning Group, 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 seek approval from the Council for a Heritage Incentive Grant for the Riccarton Racecourse Tea House to the Trustees of the Christchurch Racecourse.

EXECUTIVE SUMMARY

2. The Riccarton Tea House was constructed at Riccarton Racecourse in 1903 as an ornamental recreational building, in its own distinct setting, west of the grandstand and is the only remaining building of this era and type in New Zealand. The Tea House has been subject to some modification over the years and was in a state of considerable disrepair. However, the primary architectural form and features of this significant and unique heritage building still remained. The Riccarton Park Restoration Charitable Trust was set up to ensure the retention and restoration of this important heritage property. The building is situated on land owned by the Trustees of the Christchurch Racecourse (incorporated under the Christchurch Racecourse Reserve Act 1878). This building has a City Plan Group 3 listing and a Historic Places Trust Category 2 Classification. See **Attachment 1** for details of the building and a Heritage Assessment.
3. On 14 November 2006 the Heritage Covenant Officer Subcommittee, under previous delegated authority, approved an application for a \$50,000 grant by the Riccarton Teahouse Trust. The original heritage-related costs were estimated at \$285,858 and are set out in Table 1. The \$50,000 grant therefore represented 17.5% of the then proposed restoration costs. This grant has been paid. A full conservation covenant was agreed at this time with the Trust.
4. The Trust has requested that a revised grant application be considered by the Council as the total heritage-related costs have increased to \$407,858. These costs are made up of the original costs (see Table 1) and unforeseen additional costs including asbestos removal, deteriorated timber, reinstatement of the veranda extension, fire protection upgrade all as detailed in Table 2 of this report.
5. Consideration of unforeseen works is provided for under the Council's Heritage Incentive Grants Policy, paragraph 6 of the Terms and Conditions – Extent of Work Underestimated: *“In some instances the full extent of the conservation and maintenance work is greater than anticipated. In such cases a further scope of work should be agreed and a revised Grant application submitted for consideration.”*
6. The policy also provides for retrospective approval at the discretion of Council, paragraph 5 of the Terms and Conditions – Retrospective Grant Approvals: *Where works have been undertaken without consultation with Council with regard to a grant application and where there has been no prior written agreement as to the scope of works applicable to the project for consideration of a grant, then no grant application will be accepted for the work other than at the specific discretion of the Heritage Grants and Covenants Committee, or the Council, having regard to any special circumstances which may apply.*
7. The current incentive grant request is retrospective but does reflect these special circumstances and may be considered for approval under the Grants Policy. The request represents a 12.5 per cent ‘top up’ grant request of \$35,760, based on the original \$285,858 estimate, and a further request for additional funding for unforeseen works of \$36,600 based on the additional \$122,000 of works identified.
8. Overall a further grant amount of \$72,360 (see Table 3) has been assessed by Council staff as being allowable within the Council's Heritage Incentive Grants Policy, based on the total amount of the Heritage-related costs calculated as per the Policy. The grant quantum recommended amounts to 30 per cent of total heritage-related costs. Tables of the original and additional works costs are shown below.

11 Cont'd

9. The Council's Heritage Grants and Covenants Committee has delegated authority to approve grants of up to \$100,000. Grants in excess of this amount therefore require Council approval.
10. As the proposed further grant of \$72,360 (\$35,760 + \$36,600) would take the total grant in relation to the Riccarton Tea House to \$122,360 (of which \$50,000 has already been approved and paid) Council approval is required. The special heritage qualities of the Tea House, the extent of previously unforeseen costs and the previous limited grant request of \$50,000, would justify consideration of the proposed retrospective re-assessment for grant approval.

Costs for the Riccarton Racecourse Tea House

11. Table 1 details the agreed cost of the original scope of works. Table 2 details the additional works which have become evident as a consequence of the project works being undertaken and Table 3 details the recommended additional grant.

TABLE 1
Riccarton Tea House – Original Costings

STAGE I EXTERIOR CONSERVATION		
Demolition		\$7,875.00
Work Below Ground Floor Level		\$8,034.00
Walls		\$15,249.00
External Windows and Doors		\$40,850.00
Roof and associated costs		\$49,964.00
Fire Services		\$19,910.00
Painting		\$17,920.00
	Sub-Total	\$159,802.00
STAGE II INTERIOR CONSERVATION		
Internal walls repair		\$1,500.00
Ceilings restoration		\$13,794.00
Fire Protection		\$20,530.00
	Sub-Total	\$35,825.00
STAGE III INTERIOR CONSERVATION		
Doors		\$7,820.00
Finishes		\$13,845.00
Electrical (1/2 costs)		\$22,626.00
	Sub-Total	\$44,291.00
STAGE IV SECURITY		
Security System		\$3,000.00
	Sub-Total	\$3,000.00
STAGE V - FLOOR		
Floor tiling restoration		\$33,940.00
	Sub-Total	\$33,940.00
Site works		
Site and moat restored to the original as per the 1900's - partial		\$9,000.00
	Sub-Total	\$9,000.00
Total (original) conservation works		\$285,858.00
Original grant request of \$50,000 is 17.5% of the conservation and maintenance works.		
Assessment under the current Grants Policy (30%) \$85,760		
Additional re-assessed grant approval \$36,600 – (retrospective approval)		

11 Cont'd

TABLE 2
Riccarton Tea House – additional costs – (retrospective approval)

Item	Reason	Cost
Asbestos removal	Unknown asbestos discovery in boiler area – cost is related to professional removal and disposal	\$ 9,000.00
Borer treatment	To treat original material which was sound but infested – allowed the ability to retain the original fabric	\$ 2,000.00
Remove and replace rotten timber	This has been a major overrun particularly due to water damage in internal walls. The rear section had a greater degree of rotten timbers than able to be ascertained on the original inspection	\$50,000.00
Extend veranda west	During the initial preparation work the original form of the veranda was discovered inside a later addition on the western end. Following discussion with the HPT and CCC the decision was made to reinstate this as it was an original feature.	\$ 5,000.00
Drainage upgrade	Overrun of cost associated with connection of drainage to the main system. This is significantly important to the protection of the Heritage fabric.	\$ 9,000
Upgrade fire protection	Specialist Fire report - Sprinkler and fire alarm system to meet current building compliance for public building	\$42,000.00
Jockeys' Training Room	Extra cost associated with the work to this area to retain it within the original building mainly due to replacement of rotten timber.	\$ 5,000.00
	Total cost of additional Heritage-related works	\$122,000

TABLE 3

Additional Grant recommended
Value of the reassessed conservation and maintenance costs including assessment of additional costs \$407,858
Total grant entitlement under Council Policy is \$122,360 , which is 30% of total Heritage-related costs. (\$50,000 of this amount has already been paid)
The outstanding grant for approval is \$72,360 .

FINANCIAL IMPLICATIONS

12. Heritage Grants are budgeted for on an annual basis via the LTCCP. Larger heritage renovation projects may cover more than one financial period. 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 2007/08 budget, including carry-forwards was \$1,123,243. The additional grant request which is the subject of this report can be accommodated within the current budget.

	07/08
Annual Budget	\$595,000
Carried Forward from Previous year	\$528,243
Total 2007/08 Budget including carry-forwards	\$1,123,243
Grants paid during the year to 30 April 2008	\$309,562
Grants Approved Waiting Up-lifting	\$666,113
Available Funds	\$147,568

If the recommended grant of \$72,360 is approved, the available funds for 2007/08 will be \$75,208

11 Cont'd

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

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

LEGAL CONSIDERATIONS

14. The Council's Heritage and Grants Committee has delegated authority as follows:

"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:

- (a) applications for such grants in excess of \$100,000 be referred to the Council for approval, or otherwise."

15. Heritage Incentive Grants in excess of \$100,000 therefore require the approval of the Council.
16. A Full Conservation Covenant is required under the Heritage Conservation Policy for properties receiving Heritage Incentive Grants of \$50,000 or more. In this instance it will be necessary for the covenant to be registered on the Personal Property Securities Register because the land on which the Riccarton Tea House is located is legally a reserve under the Reserves Act vested in the Trustees of the Christchurch Racecourse. The form of the covenant to be entered into by the Trustees of the Christchurch Racecourse was approved under previous delegations existing prior to the establishment of the Council Heritage Grants and Covenants Committee by the Heritage Covenant Officer Subcommittee at its meeting of 12 February 2008. This covenant will be registered prior to the payment of the additional grant (if approved).

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

17. Yes, see above. There are no further legal implications with regard to this grant.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. 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.
19. 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).
20. 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 Council provides "leadership, advocacy, resources, grants and conservation covenants to conserve and rehabilitate heritage items". One of 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?

21. Yes.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

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

11 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 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.

CONSULTATION FULFILMENT

23. There is no requirement for community consultation for Heritage Incentive Grants.

THE OBJECTIVES

24. 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 and 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 further Heritage Incentive Grant of \$72,360 to the Trustees of the Christchurch Racecourse in respect of the Riccarton Tea House.

**12. CHANGE OF SHAREHOLDING AND ASSIGNMENT OF LEASE–
VICTORIA HOTELS (CHRISTCHURCH) LIMITED (CROWNE PLAZA HOTEL)**

General Manager responsible:	General Manager Corporate Services, DDI 941-8528
Officer responsible:	Unit Manager, Corporate Support
Author:	Bill Binns, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to assignment and change of shareholding of the lease with Victoria Hotel (Christchurch) Limited, forming the Crowne Plaza Hotel.

EXECUTIVE SUMMARY

2. The current lease is with Victoria Hotels (Christchurch) Limited whose shareholder is Premier Hotels (Christchurch) Limited.
3. Victoria Hotels (Christchurch) Limited has advised it has entered into a private and confidential arrangement whereby Core 3B Christchurch Holdings Limited acquire 100 per cent of the shares.
4. If this occurs, pursuant to Clause 4 of the Memorandum of Lease, it is deemed to be an assignment of the lease.
5. Under Clause 4 of the Memorandum of Lease, Victoria Hotels (Christchurch) Limited are required to supply the name, address and occupation of the Transferee together with reasonable evidence that such person is suitable, responsible, and solvent. The Transferee's lawyers, Lane Neave have supplied this information on its client's behalf.
6. The company is Core 3B Christchurch Holdings Limited which has supplied a company profile consisting Certificate of Incorporation, ownership structure, Trust Deed, financial statement and a profile document. Council staff have carried out an internal assessment of this information which meets the requirements of Clause 4 of the Memorandum.

FINANCIAL IMPLICATIONS

7. The revenue from the rental will remain unchanged from current levels.

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

8. Yes.

LEGAL CONSIDERATIONS

9. Victoria Hotels (Christchurch) Limited have provided the information set out in the Memorandum of Lease and providing it meets the requirements of Clause 4 of the Memorandum of Lease all legal considerations have been fulfilled.

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

10. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Yes.

12 Cont'd

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

12. Yes.

ALIGNMENT WITH STRATEGIES

13. Yes.

Do the recommendations align with the Council's strategies?

14. Yes.

CONSULTATION FULFILMENT

15. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Consent to the assignment and records the change in shareholdings.
- (b) Note that the Assignee meets all costs of the assignment of the lease.

13. ŌTAUTAHI/CHRISTCHURCH AND TE PĀTAKA O RĀKAIHAUTŪ/ BANKS PENINSULA BIODIVERSITY STRATEGY

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

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to adopt the Christchurch Biodiversity Strategy Biodiversity Strategy, Ōtautahi/ Christchurch & Te Pātaka o Rākaihautū/ Banks Peninsula.

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% indigenous plant cover left and a large part of Banks Peninsula has less than 20%.
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.



Female jewelled gecko, Banks Peninsula

13 Cont'd



Map 1; Land environments with an average of less than 20 per cent 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.
- Pests continue to pose a high risk to biodiversity especially those species that can establish and dominate in core indigenous habitat areas.

13 Cont'd

- 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 & 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.

13 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 the 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 the 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 the 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 co-operation 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 2009-2019 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.

13 Cont'd

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.
21. An essential aspect of implementation of strategy initiatives will involve building and maintaining partnerships, especially with central government, Canterbury Regional Council, Ngai 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.

13 Cont'd

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 is 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.

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 Ngāi 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, Ōtautahi/Christchurch and Te Pātaka o Rākaihautū/Banks Peninsula.

14. APPROVAL OF CHANGES TO PROVISIONS IN THE CITY PLAN

General Manager responsible:	General Manager Strategy and Planning DDI 941-8177
Officer responsible:	Team Leader City Plan
Author:	David Punselie

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council approve changes to the City Plan introduced by the Council's decision on Plan Change 10.

EXECUTIVE SUMMARY

2. Plan Change 10 to the City Plan was a private request to change the zoning of land at 140 and 150 Hussey Road from Rural 3 to Living 1. The matter was heard by a hearing panel in December 2007 and, at its meeting held on 24 April 2008, the Council made its decision on the plan change.
3. There have been no appeals against the Council's decision. The Council can now formally approve the changes to the City Plan as a result of its decision on the Plan Change request.

FINANCIAL IMPLICATIONS

4. There are no financial implications.

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

5. Not applicable.

LEGAL CONSIDERATIONS

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

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

7. Yes. See above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Aligns with City Plan Activity Plan.

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

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

ALIGNMENT WITH STRATEGIES

10. Aligns with Urban Development Strategy.

Do the recommendations align with the Council's strategies?

11. Yes.

CONSULTATION FULFILMENT

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

14 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991, the changes to City Plan provisions introduced by its decision on Plan Change 10.
- (b) Authorise the General Manager Strategy and Planning to determine the date on which the changes become operative.

26. 6. 2008

**15. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 5.6.2008**

Attached.

26. 6. 2008

16. NOTICES OF MOTION

17. QUESTIONS

18. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 26 JUNE 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 19, 20, 21 and 22.

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
19. CONFIRMATION OF MINUTES -) COUNCIL MEETINGS OF 29.5.2008) AND 12.6.2008)		
20. SMALL PROJECTS FUND) SUBCOMMITTEE NOMINATIONS)		
21. REPORT BY THE CHAIRPERSON) OF THE SHIRLEY/PAPANUI) COMMUNITY BOARD)	GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)
22. HALSWELL DOMAIN EXTENSION) ACQUISITION OPTIONS)		

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 19	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 19	Right of Appeal Exists	(Section 48(1)(d))
Item 19	Conduct of Negotiations	(Section 7(2)(i))
Item 19	Council to Make a Recommendation	(Section 48(1)(d))
Item 19	Maintain Legal Professional Privilege	(Section 7(2)(g))
Item 19	Right of Appeal Exists	(Section 48(2)(a)(i))
Item 20	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 21	Conduct of Negotiations	(Section 7(2)(i))
Item 21	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 22	Commercial Activities	(Section 7(2)(h))

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.”