

**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL  
HELD AT 9.30AM ON THURSDAY 28 FEBRUARY 2008**

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

**DEATH OF MR IAN DORWARD**

The Mayor referred to the recent death of Mr Ian Dorward, who had been fatally injured as a result of a workplace accident, while working as a carpenter on the redevelopment of the Jellie Park Aquatic complex.

It was **resolved** that the Council's condolences be conveyed to the family of the late Mr Dorward.

**1. APOLOGIES**

Nil.

Councillor Johanson sought leave of absence from 3pm on Thursday 13 March 2008, to 9.30am on Wednesday 2 April 2008.

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that Councillor Johanson be granted leave of absence during this period.

**2. CONFIRMATION OF MINUTES**

**COUNCIL MEETING OF 14 FEBRUARY 2008**

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Withers, that the open and public excluded minutes of the Council meeting held on Thursday 14 February 2008 be confirmed.

**3. DEPUTATIONS BY APPOINTMENT**

Nil.

**4. PRESENTATION OF PETITIONS**

Nil.

**5. VBASE GROUP AMALGAMATION**

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

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

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

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

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

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

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

It was **resolved** on the motion of Councillor Reid, seconded by Councillor Buck, that the Council approve the write-off of Lyttelton Marina Ltd debt totalling \$537,439.99.

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

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

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

Amended versions of the draft triennial agreement and the accompanying charter of purpose were tabled at the meeting, which incorporated amendments approved at the Mayoral Forum held on Monday 25 February 2008.

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

- (a) That the Council enter into a triennial agreement with the other local authorities in the Canterbury region on the terms and conditions set out in the draft agreement and accompanying charter of purpose tabled at the meeting, incorporating the amendments approved at the Mayoral Forum held on Monday 25 February 2008.
- (b) That minutes of future meetings of the Canterbury Mayoral Forum be distributed to Councillors as soon as practicable after each meeting, for their information.

**10. HOUSING WORKING PARTY TERMS OF REFERENCE**

It was **resolved** on the motion of Councillor Williams, seconded by Councillor Withers, that the Council adopt the draft terms of reference for the Housing Working Party as detailed in paragraph 4 of the report.

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

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

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

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

Councillor Wells moved “*That the Council adopt the draft submission appended to the staff report*”. The motion was seconded by Councillor Withers.

On being put to the meeting the motion was declared **carried** on division no 1 by 8 votes to 6, the voting being as follows:

**For (8):** Councillors Buck, Button, Shearing, Sheriff, Wells, Williams, Withers and the Mayor.

**Against (6):** Councillors Broughton, Corbett, Cox, Johanson, Reid and Wall.

It was further **resolved** on the motion of the Mayor, seconded by Councillor Corbett, that Councillor Shearing be appointed to appear before the Select Committee on behalf of the Council, in support of the submission.

**13. PROHIBITION TIMES ON ROADS**

This clause was held over to a later stage in the meeting.

**14. HERITAGE COVENANT OFFICER SUBCOMMITTEE**

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

- (a) The existing Heritage Covenant Officer Subcommittee be discharged with effect from the date of this resolution.
- (b) A new Heritage Grants and Covenants Committee be constituted with effect from the date of this resolution as a Committee of the Council.
- (c) The membership of the Heritage Grants and Covenants Committee comprise Councillor Broughton (Chair) and Councillors Corbett, Cox, Reid and Wall.
- (d) The quorum for meetings of the Heritage Grants and Covenants Committee shall be any three Councillor members of the Committee.
- (e) The Heritage Grants and Covenants Committee be granted the following delegated authority:
  - (i) The power to enter into conservation covenants under section 77 of the Reserves Act 1977 or other appropriate legal instruments for the protection of heritage buildings, places or objects listed in the City Plan or the Banks Peninsula District Plan on such terms and conditions as the Committee thinks fit from time to time.
  - (ii) The power to enter into conservation covenants under section 77 of the Reserves Act 1977 or other appropriate legal instruments for the protection of buildings, places and objects which have community and heritage values consistent with the policy for covenants on non-heritage properties and on such terms and conditions as the Committee thinks fit from time to time.

- (iii) The power to approve or decline any application made pursuant to a conservation covenant or other legal instrument entered into for heritage purposes (excluding an application for consent for demolition).
- (iv) The power to approve or decline a conservation plan prepared pursuant to a conservation covenant or other legal instrument entered into for heritage purposes.
- (v) The power to exercise any discretion of the Council given by any conservation covenant or other legal instrument entered into for heritage purposes to enforce the terms of any such conservation covenant or other legal instrument or to require any act or thing on the part of the landowner or person giving such conservation covenant or other legal instrument following any breach of its terms and conditions.
- (vi) The power to institute enforcement proceedings where the terms and conditions of any conservation covenant or instrument entered into for heritage purposes have been breached by the landowner or the person giving such conservation covenant or instrument.
- (vii) The power to issue a dispute notice and to refer any dispute or difference arising with a party to a conservation covenant or other legal instrument entered into by the Council for heritage purposes to mediation or arbitration in terms of such conservation covenant or other legal instrument and the power to negotiate a resolution to such dispute on behalf of the Council.
- (viii) The power to approve individual heritage grants to owners of heritage buildings, places or objects listed in the City Plan or the Banks Peninsula District Plan of up to \$100,000, on such terms and conditions as provided by the Council's heritage grant policies, provided that:
  - applications for such grants in excess of \$100,000 be referred to the Council for approval, or otherwise; and
  - the Committee be requested to report back to the Council twice a year, listing heritage grants which have been approved by the Committee pursuant to its delegated powers within the preceding six months.

## 15. HERITAGE INCENTIVE GRANTS POLICY

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

- (a) Delete paragraph 8.1 of the Heritage Conservation Policy 1998 (including all amendments subsequent to its adoption).
- (b) Replace paragraph 8.1 with the proposed Heritage Incentives Grant provisions set out in the attachment to the report, subject to the references to the "Heritage Covenant Officer Subcommittee" being deemed to be references to the "Heritage Grants and Covenants Committee".

## 13. PROHIBITION TIMES ON ROADS

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

- (a) That pursuant to clause 68A(4) of the Christchurch City Traffic and Parking Bylaw 1991, the following roads be added to paragraph A of the Ninth Schedule of the Bylaw:
  - Miners Road
  - McTeigue Road
  - Wilmers Road
  - Dickeys Road
  - McLeans Island Road from Chattertons Road to Pound Road
  - Spencerville Road from Main North Road to Lower Styx Road
  - Chattertons Road from West Coast Road to McLeans Island Road.
  - Kainga Road
  - Lower Styx Road

- (b) That these measures be put in place until such time as the Traffic and Parking Bylaw review has been completed.
- (c) That staff report back on the delegations to community boards which enable them to impose no stopping restrictions on streets.
- (d) That staff advise the Council of any other streets where similar activities are known to be causing concern to local residents.

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

#### 24. RESOLUTION TO EXCLUDE THE PUBLIC

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

- (a) That the draft resolution to exclude the public set out on page 203 of the agenda be adopted.
- (b) That the following persons be permitted to remain at the meeting following the exclusion of the public, as they have, in the Council's opinion, knowledge that would assist the Council:

John Hardie (Barrister)  
James Winchester (Solicitor, Simpson Grierson)  
Wayne Munn (Accountant, PricewaterhouseCoopers)  
Robert Harris (Accountant, PricewaterhouseCoopers)

The knowledge possessed by the foregoing persons, and its relevance to the Belfast 293 Environment Court case, being that they have been acting on behalf of the Council in pursuance of the Council's resolution on this matter of 30 August 2007.

(Members of the public were then excluded from the meeting at 1pm, and readmitted to the meeting at 2.30pm, when the following remaining items of business were dealt with.)

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

It was **resolved** on the motion of Councillor Broughton, seconded by Councillor Reid, that the Council confirm the appointment of Mr Martin Hadlee as chairperson of the Canterbury Development Corporation Trust.

(2.55pm Councillor Cox retired)

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

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

1. That the membership of the Character Housing Grants Panel be expanded to include one representative from each Community Board, to be nominated by the Community Boards.
2. That it be confirmed that membership of the Libraries 2025 Working Party will comprise the representatives appointed during the previous term of Council.
3. That Mr Jeremy Agar (member, Lyttelton/Mt Herbert Community Board) be appointed as an additional member of the Summit Road Protection Authority.
4. That Councillor Ngaire Button be appointed as the Council's representative on the Partnership Health Canterbury primary health organisation for the balance of the current triennium.
5. That Mr Kevin Boyce be appointed for a further three-year term as the Council's representative on the Board of the Canterbury Hockey Foundation.
6. That Mr Peter Laloli be appointed as the Council's representative on the Christchurch Olympic City Committee, for a three-year term.
7. That Councillor Claudia Reid be appointed to the Public Art Advisory Group.

8. That it be noted that the Akaroa/Wairewa and the Lyttelton/Mt Herbert Community Boards will appoint three representatives to the Orton Bradley Park Trust Board.
9. That the following persons be nominated as directors of Christchurch and Canterbury Marketing Limited and Canterbury Development Corporation:

**Christchurch and Canterbury Marketing Limited**

Councillors Helen Broughton, Sally Buck, Claudia Reid, Mike Wall and Norm Withers

**Canterbury Development Corporation**

The Mayor (Bob Parker), Councillors Helen Broughton, Bob Shearing, Gail Sheriff and Mike Wall

10. That the following powers be delegated to the Council Hearings Panel:
  - (a) Under the Litter Act 1979, "the power to hear and determine any objections under section 10 of the Litter Act 1979".
  - (b) Under the Housing Improvement Regulations Act 1947 "the power to hear and determine any objections made pursuant to regulations 21(4) of the Housing Improvement Regulations 1947".
11. That the Riccarton/Wigram Community Board and the Fendalton/Waimairi Community Board be jointly delegated power to make one appointment to the Selwyn District Council Water Race Subcommittee.
12. That Ms Marlene Le Cren be appointed as the Council's representative on the Christchurch Civic Music Council.

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

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

- (a) Adopt the submission tabled at the Council meeting, as amended.
- (b) Appoint Councillor Williams to appear before the Select Committee in support of the Council's submission.

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

Councillor Wells moved "*That the Committee's report be adopted*". The motion was seconded by Councillor Button.

**(1) Bylaw Review Process - Timetable and Decision-Making**

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

- (a) Generally adopt the bylaw review timetable attached as Appendix A, subject to any required later amendments.
- (b) Appoint a minimum of two hearings panels for the purpose of carrying out bylaw hearings to the end of July 2008 and divide up the bylaw reviews between them, and that the membership of the hearings panels be determined at the 13 March 2008 Council meeting.
- (c) Note that 13 February 2008 was the suggested date for a combined Council and Community Board seminar on the bylaw reviews the Committee will have considered at the 29 January and 7 February 2008 meetings, ie Public Places Bylaw, Dog Control Policy Bylaw, Banks Peninsula Nuisances Bylaw, Swimming Pools in Banks Peninsula Amusements Devices Bylaw, Water Surfaces Bylaw and Traffic and Parking Bylaw.

It was then **resolved** on the motion of Councillor Wells, seconded by Councillor Button that the Committee's report be adopted, subject to inclusion of the foregoing amendments to clause 1.

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

Councillor Wells moved "*That the Committee's report be adopted*". The motion was seconded by Councillor Broughton.

**(2) Proposed Christchurch City Public Places Bylaw 2008**

Councillor Wells moved by way of amendment:

- "(a) That the Council resolve that the draft bylaw (separately circulated) is the most appropriate way to address problems in public places; is in the most appropriate form; and does not give rise to any implications under the New Zealand Bill of Rights Act 1990 [sections 155(1), 155(2) and 155(3) of the Local Government Act 2002].*
- (b) That the bylaw be made to protect the public from nuisance in public places; to maintain health and safety in public places; and to regulate trade in public places [sections 145(a), 145(b) and 146(a)(vi) of the Local Government Act 2002].*
- (c) That the operational policies relating to the public places bylaw (listed in a register in the Explanatory Note of the bylaw) be reviewed, by the end of 2008.*
- (d) That the draft bylaw (separately circulated) be adopted for consultation.*
- (e) That the Statement of Proposal and Summary of Information (separately circulated) be adopted, and that they be made available for public inspection at all Council Service Centres, Council Libraries and on the Council's website.*
- (f) That public notice of the consultation be given in The Press and on the Council's website on 15 March 2008, and that public notice of the proposal be given in the Christchurch Star, the Akaroa Mail and other community newspapers distributed in the Christchurch area, as close as possible to 15 March 2008.*
- (g) That the period within which written submissions may be made to the Council be between 15 March 2008 and 16 April 2008.*
- (i) That graffiti, litter, vandalism and other nuisances be addressed by a working party to report back to the Council by the end of June 2008 with recommendations on solutions.*
- (j) That as submissions close on 11 March 2008, the Regulatory and Planning Committee be delegated authority to approve submissions on behalf of the Council on the Summary Offences (Tagging and Graffiti Vandalism) Amendment Bill 2008."*

The amendment was seconded by Councillor Johanson and when put to the meeting was declared **carried** as the substantive motion.

(Note: Councillors Broughton, Buck, Shearing and Wall recorded their votes against the adoption of the foregoing amendment.)

It was then **resolved** on the motion of Councillor Wells, seconded by Councillor Wall, that the Committee's report be adopted, subject to inclusion of the foregoing amendment to clause 2.)

(3.37pm It was **resolved** on the motion of Councillor Johanson, seconded by Councillor Broughton, that the Council temporarily suspend Standing Order 2.7.1, to enable the meeting to continue beyond six hours, until concluded.)

**28. 2. 2008**

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

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Buck, that the Committee's report be adopted.

(3.43pm Councillor Cox returned)

**22. NOTICES OF MOTION**

Nil.

**23. QUESTIONS**

Nil.

**27. RETIREMENT OF COUNCIL SECRETARY**

It was noted that the Council Secretary (Mr Max Robertson) was attending his final Council meeting, as he would shortly be retiring.

It was **resolved** on the motion of the Mayor, seconded by Councillor Corbett, that the Council record its sincere thanks to Mr Max Robertson for his excellent service as secretary to the Christchurch City Council for the past 25 years.

**28. CONCLUSION**

The meeting concluded at 3.55pm.

**CONFIRMED THIS 27TH DAY OF MARCH 2008**

**MAYOR**