



# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 27 NOVEMBER 2008**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

# AGENDA - OPEN



## CHRISTCHURCH CITY COUNCIL

**Thursday 27 November 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.

<b>ITEM NO</b>	<b>DESCRIPTION</b>
1.	APOLOGIES
2.	CONFIRMATION OF MINUTES - COUNCIL MEETING OF 30.10.2008
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	DELEGATED AUTHORITY TO CEO TO AWARD MAJOR ELEMENTS OF INFRASTRUCTURE CONTRACTS OVER 2008-09 CHRISTMAS HOLIDAY PERIOD
6.	CLEANFILL LICENSING BYLAW DELEGATIONS AND MINOR CORRECTIONS
7.	CHRISTCHURCH CITY HOLDINGS LIMITED - OVERVIEW OF ANNUAL REPORT
8.	COVENANT OF EUROPEAN MAYORS
9.	PROPOSED STANMORE ROAD CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (STANMORE ROAD) BYLAW 2009
10.	PROPOSED KILMORE STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (KILMORE STREET) BYLAW 2009
11.	PROPOSED LINWOOD AVENUE CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (LINWOOD AVENUE) BYLAW 2009
12.	HAGLEY PARK TEMPORARY CLOSURE FOR LORITZ BROS CIRCUS
13.	GRAHAM CONDON RECREATION & SPORT CENTRE
14.	STRENGTHENING COMMUNITIES GRANTS PROGRAMME EVALUATION 2008/09
15.	HEARINGS PANEL REPORT ON THE PROPOSED CHRISTCHURCH CITY COUNCIL WASTE MANAGEMENT BYLAW 2009 AND FOR THE REVOCATION OF THE CHRISTCHURCH CITY REFUSE BYLAW 1995 AND THE BANKS PENINSULA DISTRICT REFUSE BYLAW 2002
16.	TERMS AND CONDITIONS FOR THE USE OF THE KERBSIDE COLLECTION SERVICES AND WASTE COLLECTION POINTS
17.	ADOPTION OF SCHEDULE OF MEETINGS
18.	PROPOSED MARINA AT LYTTTELTON
19.	DRAFT WATER SUPPLY STRATEGY
20.	REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 6 NOVEMBER 2008
21.	NOTICES OF MOTION
22.	RESOLUTION TO EXCLUDE THE PUBLIC

**27. 11. 2008**

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- 1. APOLOGIES**
  
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 30.10.2008**  
Attached.
  
- 3. DEPUTATIONS BY APPOINTMENT**
  
- 4. PRESENTATION OF PETITIONS**

## 5. DELEGATED AUTHORITY TO CEO TO AWARD MAJOR ELEMENTS OF INFRASTRUCTURE CONTRACTS OVER 2008-09 CHRISTMAS HOLIDAY PERIOD

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	City Water and Waste Manager
<b>Author:</b>	Mark Christison, City Water and Waste Manager

### PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval to delegate authority to the Chief Executive Officer to award two major tenders during the 2008-09 Christmas Holiday period. This request is necessary to keep these large infrastructure projects on programme.

### EXECUTIVE SUMMARY

2. The Biosolids Drying Project tender closed on 7 November 2008. The evaluation team are conducting a detailed evaluation of tenders and expect to make site visits in late November–early December 2008 to confirm which of the preferred tender solutions is most suitable for Christchurch. This recommendation will not be available until 20 December 2008 at the earliest and award of the tender will likely take place in early January 2009. The tender will be for the design, construction and commissioning of the thermal drying plant only and not associated for the ancillary services, building or wood waste boiler plant. Early approval is required due to this plant having a long lead time and delivery of this plant sitting on the critical path for the project. There are significant cost consequences associated with time delays on this project.
3. The second major tender is for the construction of a section of the Western Interceptor from Matheson's Road to Fitzgerald Avenue. This contract work is a continuation of the current works being conducted in Harrow Street and will allow the Major Sewer Upgrade work to progress whilst the rest of the Western Interceptor, Fendalton Duplication and Wairakei Diversion are designed and tendered. Tenders for the Stage 2a contract close on 19 November 2008 and it will take a further four weeks to evaluate and identify a preferred tenderer. Contract award is therefore likely in early January 2009. Whilst there are no cost implications of delayed award the entire Major Sewer Upgrade project is behind schedule in terms of commitments under the city's current resource consent and any further delays only exacerbate this issue.

### FINANCIAL IMPLICATIONS

4. The timing of the contract award for the biosolids dryer is critical to achieve commissioning by July 2010. After this date the Burwood Landfill capping operation will be complete and no longer available as the disposal route for the 28,000 tonnes of biosolids produced in the city each year. After this date dewatered biosolids would need to be trucked to Kate Valley landfill. The current estimate for the transport and landfill disposal charges for the dewatered material is approximately \$105,000 per week (\$5.5m per annum). No budget provision is being made in the biosolids drying project budget in the 2009-19 LTCCP for such delays.
5. The 2006-16 LTCCP allowed a total of \$23m for the Biosolids Drying project based on the plant being fired with landfill gas and foreign exchange rates in place at the time of estimating. Of this budget approximately \$1.8m has been spent to date on the following:
  - (a) Gas pipeline construction from QEII to CWTP \$850,000
  - (b) Design, project management, consents and tendering \$1,000,000

**5 Cont'd**

6. After the first tender round was cancelled the Council received rough orders of cost for a thermal dryer through the second round of expression of interests launched in May this year. The project budget was redeveloped for the draft 2009-19 LTCCP. The revised budget for this project for the draft 2009-19 LTCCP is \$35m. This figure is inclusive of wood waste boiler, fuel handling systems, gas compressor station at QEII and thermal drying plant. The range of rough orders of cost for the thermal drying plant only received during the EOI process varied between \$10m and \$19m. Staff have based the budget on the upper end of the cost range until tenders are received in November. The current 2006-16 LTCCP budget contains sufficient approved funds to allow approval of the thermal drying tender under the current LTCCP. Other project elements such as ancillary services, building, wood waste boiler and fuel handling services are all dependent on the selection of the dryer plant. Design and tenders for these other works will take place once the dryer has been selected. It is anticipated these elements will go to the market for pricing between February and May 2009.
7. There are no financial penalties to the Council associated with the later award of the Western Interceptor Stage 2a contract. However, the city's current resource consent for wet weather overflows (CRC 991222) requires that the Council complete a number of listed works by December 2010 to reduce overflows to the Avon River. A variation to this consent is being sort to extent the delivery timeframe however the city must continue to progress construction of the Western Interceptor as quickly as is feasible.
8. The Western Interceptor Stage 2a is funded in the 2008-09 Annual Plan through the Western Interceptor Stage 2 budget (WBS 522/647). \$1.9m is allocated in the 2008-09 financial year and a further \$9.27 is budgeted for in the 2009-10 financial year. The Stage 2a scope of work has been estimated at \$8.0m. Construction is likely to take 12 months and will thus span two financial years. The City Water and Waste Unit will likely request a "bring forward" of capital funding from 2009-10 of between \$2m and \$3m into the 2008-09 financial year but will not be able to confirm this until such time as the tenderers' programmes are evaluated.

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

9. The 2006-16 LTCCP shows \$1,919,114 budget for this capital programme project in the 2008/09 financial year. There is a further \$9.27m budgeted for the 2009/10 financial year. The entire Major Sewer Upgrade budget is being recast in the 2009-19 LTCCP but the above budgets contain sufficient funding has been approved under the current LTCCP to facilitate award of this contract.
10. There is sufficient funding available in the Biosolids drying project as approved in the 2006-16 LTCCP to allow award of this tender up to \$19m. The construction timeframe for the dryer is around 15 months thus build expenditure is spread over two financial years.

**LEGAL CONSIDERATIONS**

11. External legal advice has been procured for the contract documentation, evaluation of tenders, procurement and risk analysis phases of both projects.
12. Audit NZ has been acting as the probity advisors throughout the Biosolids Drying tender process. Simpson Grierson has provided legal advice on both projects.

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

13. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Both these projects are key infrastructure assets required to meet KPIs in the 2006-16 LTCCP and draft 2009-19 LTCCP.

**5 Cont'd**

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

15. The Major Sewer Upgrade project supports level of service commitments on pages 160 and 161 of the 2006-16 LTCCP.

**ALIGNMENT WITH STRATEGIES**

16. The Western Interceptor will allow for growth in the south and south-west of the city in accordance with the Greater Christchurch Urban Development Strategy. The Western Interceptor will also improve the trunk sewer network capacity such that wet weather overflows into the Avon River will be substantially reduced to meet the requirements of Environment Canterbury Resource Consent CCC 991222.
17. The Biosolids Drying Project will divert upwards of 28,000 tonnes of dewatered biosolids from the Kate Valley landfill. This aligns with objectives in the CCC Sustainability Policy and 2006 Solid Waste Management Plan. If the dryer project was not to proceed the disposal of dewatered biosolids at Kate Valley would have a significant effect of operational budgets, with transport and disposal costs estimated at \$5.5m per annum for the first full year of disposal at Kate Valley.

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

18. Good alignment with UDS, Sustainability Policy and Solid Waste Management Plan.

**CONSULTATION FULFILMENT**

19. No external consultation is required for this contract. Continual communication with resident and business groups is required during the design and construction phases of the Major Sewer Upgrade and commenced in October 2008.
20. There has been extensive consultation on the direction the Council should take with biosolids disposal. The recommendations from the consultation exercise in 2005 were for thermal drying with beneficial reuse of the dried biosolids in either power generation or in rehabilitation of non food producing land. Since the initial consultation report the biosolids project team have kept the leaders of the consultation process informed of project progress.

**STAFF RECOMMENDATION**

It is recommended that the Council delegate power to the Chief Executive Officer to award the following contracts during the 2008 period between 27 November 2008 and 12 February 2009:

- (i) Western Interceptor Stage 2a pipeline construction and commissioning contract for up to \$8 million.
- (ii) The contract for the design, supply, construction and tender of the biosolids thermal drying plant only for a sum up to \$19 million.

## 6. CLEANFILL LICENSING BYLAW DELEGATIONS AND MINOR CORRECTIONS

<b>General Manager responsible:</b>	General Manager Regulation & Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Chris Gilbert, Manager, Legal Services Unit
<b>Author:</b>	Judith Cheyne, Solicitor

### PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council delegate its powers under the new Cleanfill Licensing Bylaw 2008 to the Chief Executive, and make two minor corrections to the Bylaw.

### EXECUTIVE SUMMARY

#### Delegation of Bylaw Powers

2. The Christchurch City Cleanfill Licensing Bylaw 2008 was adopted by the Council at its meeting on 25 September 2008. It came into force on 1 November 2008.
3. The Bylaw provides the Council with the power to grant licences (and suspend and cancel licences) to persons to allow them to use land for the disposal of cleanfill. To use land for this purpose without a licence is an offence under the Bylaw (subject to the exceptions for certain types of material). The terms and conditions pertaining to every licence are set out in the bylaw, and these include the power for the Council to "take all reasonable steps, including Cleanfill Site inspections ... for the purposes of ensuring compliance with the Licence". A licence applicant must pay a licence fee but the bylaw does not provide for a power to set the fee. This must be done by the Council when it sets its schedule of fees and charges each year, using the special consultative procedure.
4. To enable the Council to exercise these new bylaw powers in an efficient manner it is desirable that the Council delegate them to its staff. The most effective way of ensuring that these powers are able to be exercised by the appropriate officers is for the Council to delegate the powers to the Chief Executive. The Chief Executive may then sub-delegate those powers from time to time as he sees fit to the appropriate officers of the Council.
5. As has been noted in previous reports<sup>1</sup> if the Council was to delegate directly to the specific officer who will be charged with exercising that power then every time it becomes necessary to have that power exercised by a different officer (for example, in the case of a resignation or change of job title) it is necessary to go back to Council to have a new delegation made. This is wasteful of the Council's time and can often result in considerable delays in the exercise of the administrative functions of the Council.
6. In addition, delegation of each specific power in a bylaw may mean that a routine administrative power may be overlooked. The approach which has previously been accepted by the Council is for it to delegate all its powers under each bylaw/statute by way of exception. In other words, the Council delegates to staff (or committees or community boards) all of its powers under those instruments *except* any that it wishes to reserve to itself. In the case of the Cleanfill Licensing Bylaw, any powers the Council would generally reserve for itself (eg powers to determine policy, set fees, hear and determine objections, and any other powers which properly fall within the realm of governance) are not contained in the bylaw.
7. The powers of the Council in the Cleanfill Licensing Bylaw that it is proposed be delegated are all routine administrative powers (granting, suspending and cancelling licences, carrying out inspections and taking enforcement steps), the exercise of which is properly a function of management. A delegation to the Chief Executive of such powers means it is his decision, in the interests of good management, as to who should exercise those powers, and he can sub-delegate accordingly.

<sup>1</sup> See the report to Council on 25 June 2008, regarding delegations under the new bylaws, and the report to Council on 27 May 2008, on miscellaneous delegations.

6 Cont'd

8. Provided the Council does not unduly restrict the sub-delegation of its powers, the Chief Executive will be free to sub-delegate the powers to whichever officers he sees fit, and in a timely manner as circumstances may demand. The Council will not then be burdened with having to make decisions of a management nature every time it becomes necessary to reassign a particular power to a different person.

*Correction of errors*

9. There are two minor matters which need to be corrected in the Cleanfill Licensing Bylaw 2008. The first is in clause 3.4(c) which currently states:

“(c) The Council may from time to time by resolution remove from or add materials to Schedule A of the Bylaw. ...”

10. The correction relates to clarifying that any resolution of the Council to remove or add materials to Schedule A of the Bylaw can only follow a special consultative procedure. The proposed correction is (corrected words in bold):

“(c) The Council may from time to time by resolution **(following a special consultative procedure)** remove from or add materials to Schedule A of the Bylaw. The removal or addition will take effect from a date determined by the Council, with one month notice, or such longer period as the Chief Executive decides, being given to the public of the effective date.”

11. The second correction proposed concerns clause 3.6 of the Bylaw. When the bylaw was drafted last year the Christchurch City General Bylaw 1990 was still in force, but by the date the Cleanfill Bylaw was adopted in September, the 1990 bylaw had been revoked and replaced by the Christchurch City Council General Bylaw 2008. The corrections needed are as follows (changes in bold):

“3.6 The provisions of the Christchurch City **Council** General Bylaw **2008** (as amended from time to time) are implied into and form part of this Bylaw.”

**FINANCIAL IMPLICATIONS**

12. There are no financial implications in making these delegations or the corrections. (The Council's Inspections and Enforcement Unit, and any other unit who will be sub-delegated any of these powers by the Chief Executive, are expected to carry out their functions within existing budgetary provisions.)

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

13. Yes.

**LEGAL CONSIDERATIONS**

14. Clause 32(1) of the Seventh Schedule of the Local Government Act 2002 authorises the Council to delegate all of the powers listed in the staff recommendation to any officer of the Council. This includes the Chief Executive. In doing so it may impose any conditions, limitations or prohibitions on any such delegation.
15. Clause 32(3) of the Seventh Schedule authorises the Chief Executive to sub-delegate any of the powers listed in the staff recommendation to any subcommittee or any person subject to any conditions, limitations or prohibitions that the Council may have imposed in making the original delegation to him.
16. Section 151(2) provides that the Council “may, by resolution publicly notified ...make minor changes to or correct errors in, a bylaw, but only if the changes or corrections do not affect” any existing rights or duties of any person to whom the bylaw applies or any existing status or capacity of any such person. The corrections proposed to be made in this report are minor and do not affect anyone in the manner described in section 151(2).



6 Cont'd

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

17. Yes. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

18. As below.

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

19. Yes. They are intended to support and enhance the delivery of the Council's regulatory services.

**ALIGNMENT WITH STRATEGIES**

20. Yes.

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

21. Yes.

**CONSULTATION FULFILMENT**

22. The City Water and Waste and Inspections and Enforcement Unit have both been consulted on this report.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Delegate to its Chief Executive all of its powers under the Christchurch City Cleanfill Licensing Bylaw 2008.
- (b) Resolve, pursuant to section 151(2) of the Local Government Act 2002 to make the following minor corrections to the Christchurch City Cleanfill Licensing Bylaw 2008:
  - (i) Clause 3.4(c):

“The Council may from time to time by resolution (**following a special consultative procedure**) remove from or add materials to Schedule A of the Bylaw. The removal or addition will take effect from a date determined by the Council, with one month notice, or such longer period as the Chief Executive decides, being given to the public of the effective date.”
  - (ii) Clause 3.6

“3.6 The provisions of the Christchurch City **Council** General Bylaw **2008** (as amended from time to time) are implied into and form part of this Bylaw.”
- (c) Resolve that its resolution in B above be publicly notified.

**7. CHRISTCHURCH CITY HOLDINGS LIMITED - OVERVIEW OF ANNUAL REPORT**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Peter Mitchell
<b>Author:</b>	Peter Mitchell

**PURPOSE OF REPORT**

1. The purpose of this report is to present Christchurch City Holdings (CCHL) overview of their Annual Report for the 2008 financial year. **(Attachment A)**

**EXECUTIVE SUMMARY**

2. By now you should have received your copy of CCHL's Annual Report which contains detailed commentary on the performance of the group and the operating companies for the year ending 30 June 2008. Copies will be available at the Council meeting.
3. Attachment A provides an overview of the financial performance for the 2008 financial year.

**STAFF RECOMMENDATION**

It is recommended that the Council receive the CCHL Annual Report for the year ending 30 June 2008.

## 8. COVENANT OF EUROPEAN MAYORS

<b>General Manager responsible:</b>	General Manager Corporate Services, DDI 941-8528
<b>Officer responsible:</b>	Energy Manager
<b>Author:</b>	Dr Leonid Itskovich

### PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to join the Covenant of European Mayors as it relates to energy targets.

### EXECUTIVE SUMMARY

2. The Mayor has received an invitation from Eckart Würzner, president of Energie-Cités, to sign up to the European Union *Covenant of Mayors* (refer attached).
3. The Covenant focuses on commitments to improve energy efficiency by 20 per cent, increase the share of renewable energy by 20 per cent and reduce CO<sub>2</sub> emissions by 20 per cent by 2020. To achieve this, the Covenant requires the signatories to develop and implement a Sustainable Energy Action Plan for their city.
4. The Covenant objectives are well aligned with those of the Sustainable Energy Strategy for Christchurch 2008-18.
5. Joining the Covenant would benefit the Council in the implementation of its Sustainable Energy Action Plan.

### FINANCIAL IMPLICATIONS

6. None.

### LEGAL CONSIDERATIONS

7. The Legal Services have considered the Covenant documents and concluded that there are no issues arising from it.

### BACKGROUND

#### Energie-Cités

8. Energie-Cités is an Association of European Local Authorities promoting local sustainable energy policies. It comprises of 167 individual members – city councils, as well as a number of collective members across Europe.
9. The Christchurch City Council joined Energie-Cités in 2006. Christchurch is the only non-European member of the association.
10. Energie-Cités provided valuable practical assistance and guidance in the development of Sustainable Energy Strategy for Christchurch 2008-2018. Energie-Cités is a source of first-class expertise and case studies. Tapping into their expertise provides substantial benefits to the Council.
11. Currently, three Christchurch City Council's projects are published at Energie-Cités' website as best practice case studies, thus giving Christchurch's success a European exposure.

#### Covenant of Mayors

12. The purpose of the Covenant is to set up co-operation schemes and support structures which help the signatories to implement their sustainable energy action plans. It is an initiative of the European Commission, which decided to fund such structures and schemes.

**8 Cont'd**

13. It has to be noted that, unlike other participants, Christchurch (a non-European member) will have no direct access to this funding. However, we may still benefit from the co-operation structures.
14. For example, benchmarking studies are intended to become integral part of the Covenant. The Council would benefit from this as Christchurch is the only New Zealand City to develop, adopt and implement a comprehensive city-wide Energy Strategy, so national benchmarks do not exist. The Covenant's "Benchmarks of Excellence" would assist us to assess our progress in the implementation of the Sustainable Energy Strategy for Christchurch.
15. The commitments required by the Covenant are to:
  - develop a Sustainable Energy Action Plan and implement it
  - organise Energy Days
  - monitor progress in reducing energy consumption and corresponding CO<sub>2</sub> emissions
  - submit an implementation report every second year
  - share our experiences and know-how.
16. The Council has already developed an Action Plan as part of the *Sustainable Energy Strategy for Christchurch 2008-18* and committed to its implementation. The action Plan includes organising annual energy awareness days, monitoring the progress of the action Plan and regular reporting. The 20 per cent energy targets of the Covenant align well with the targets of the *Sustainable Energy Strategy for Christchurch 2008-18*. We are therefore well placed to comply with all the requirements of the Covenant of Mayors.

**STAFF RECOMMENDATION**

It is recommended that the Council authorise the Mayor to sign the Covenant of Mayors.

## 9. PROPOSED STANMORE ROAD CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (STANMORE ROAD) BYLAW 2009

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace General Manager
<b>Author:</b>	Transportation Consultation Team Leader, Rod Whearty

### PURPOSE OF REPORT

1. The purpose of this report is to recommend the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Stanmore Road between Avonside Drive and North Avon Road and amendment of the Christchurch City Council Traffic & Parking Bylaw 2008. The report also contains a recommendation to appoint a Hearings Panel to hear submissions if the proposal to undertake a Special Consultative Procedure is adopted.

### EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Stanmore Road between Avonside Drive and North Avon Road. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic & Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008
3. Under the Council's bylaw making powers in section 72(1)(kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. To ensure that the proposed cycle lane can be enforced it needs to be specified by inclusion in Schedule 2 of the Bylaw, and following a special consultative procedure for making amendments to the Bylaw.
4. Stanmore Road is a "collector road" with an average annual daily traffic count of approximately 15,500 vehicles. In the last five years there have been four reported cycle accidents (3 minor injury/1 non-injury) in this section of Stanmore Road.
5. The northern section of Stanmore Road recorded over 80 trips per day (the highest use category) in the 2006 Christchurch Cycle Network Plan: Cyclist Survey (CCNP:CS). Other sections of Stanmore Road recorded either 21-40 or 41-80 trips per day.
6. The CCNP:CS surveyed trips made by 400 cyclists over a week long period during May-June and October-November 2006. It should be noted that the recorded trips are not overall cycling counts, but the recorded trips of a small representative sample of cyclists. The actual number of cyclists using this road is potentially much higher.
7. The length of road within this cycle lane project has adjacent land uses split between retail and residential with a local park in the centre. The retail areas have a relatively high level of on-street parking, driveways and minor intersections. Several pedestrian islands have been constructed in recent years. The figures indicate that Stanmore Road is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
8. The Council's Cycling Strategy 2004 aims to create a cycle friendly city with the three objectives of increasing cycling, increasing the enjoyment of cycling and improving the safety of cycling in Christchurch. The Strategy recognises the need to consider the National Engineering Design Guide when developing a cycle network for Christchurch and that enhancing the physical environment is a key method towards achieving the Strategy objectives.
9. The provision of an improved physical cycling environment is also aligned with the New Zealand Land Transport Strategy and the National Walking and Cycling Strategy. The cycle network is made up of a mix of on road and off road cycle routes and the priority of provision is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.

**9 Cont'd**

10. Opportunities are also taken to coordinate cycle lane construction with other road network improvement projects such as road reconstructions, kerb and channel renewal, safety improvements etc to create a network of continuous routes for existing use and anticipated future growth.
11. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
12. The process for making the amendments to the Bylaw is as follows:
  - (a) The Council resolves that the amendments to the Bylaw are the most appropriate way to address the perceived problems (which are identified below), they are in the most appropriate form, and that there are no inconsistencies with the New Zealand Bill of Rights Act (see recommendations below);
  - (b) The Council approves the statement of proposal and summary of information and publicises it for public submissions, and appoints a hearings panel to hear submissions (see recommendations below);
  - (c) The special consultative procedure will be from Monday 12 January 2009 to Friday 13 February 2009;
  - (d) If any submitters wish to be heard, hearings will take place during the week of 9 to 13 March 2009; and
  - (e) The Council will then receive a report from the hearings panel to consider the recommendations of the panel, and adopt the amendments to the Bylaw (**Attachment 1**). Construction of the cycle lane may then take place.

**FINANCIAL IMPLICATIONS**

13. Funding is provided in the Transport and Greenspace Capital Work Programme as follows:
  - (a) Stanmore Road Cycle lane 2008/09 \$270,000
  - (b) The funding for this project covers all costs from design and consultation through to construction and implementation.

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

14. Not affected by the proposed changes.

**LEGAL CONSIDERATIONS/SECTION 155**

15. Section 155 of the Act requires the Council to determine whether the making or amending of a bylaw is *"the most appropriate way to address the perceived problem"*. The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).

**Appropriate Way to Address Problem**

16. The proposed Stanmore Road cycle lane project (between Avonside Drive and North Avon Road) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. The proposed project supports the Council's Vision in the Cycling Strategy towards helping Christchurch to be a cycle friendly city and specifically assists in the targets of increasing cycling and making it safe to cycle. The figures indicate that Stanmore Road is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.

**9 Cont'd**

17. The following options exist for the Council in relation to managing cycle use on Stanmore Road:

- (a) Status quo ie: Do nothing. Make no specific provision and leave cyclists with the responsibility for moving and maintaining their own space within the road corridor and traffic flow.

This option is not preferred because it does not support the Strategies identified in paragraph 26 of this report. There are a number of school children using this road and this option does not provide any additional safety benefits for cyclists using this road.

- (b) Create an off road cycle path or shared cycle/pedestrian path along all or parts of the route.

This option is not preferred because there is insufficient area to accommodate the shared path within the existing legal road boundary and property purchase would be required in some areas to achieve this option. The distribution of retail and commercial areas along the route and the high number of pedestrians associated with schools and shops in this area poses potential conflict with a shared cycle/pedestrian path,

- (c) Provide a dedicated and marked cycle lane as part of the road layout on Stanmore Road between Avonside Drive and North Avon Road for increased safety of the cyclists as shown on **Attachment 2**.

This is the preferred option. This option is aligned to and meets the objectives in the Cycle Strategy, sustainable transport modes and provides additional safety benefits for cyclists in this section of Stanmore Road.

This option creates a Special Vehicle Lane. Under the Transport Act 1962, Special Vehicle Lanes must be specified in a Bylaw. The Local Government Act 2002 prescribes that any alterations or additions to a Bylaw may only be undertaken using the Special Consultative Procedure.

The Council's intention is to make an amendment by way of addition to Schedule 2 of the Traffic and Parking Bylaw 2008 to allow a marked cycle lane on both sides of Stanmore Road between Avonside Drive and North Avon Road.

There is no other way of creating a legally enforceable cycle lane on the road; therefore the bylaw amendment is the most appropriate way of addressing this problem.

**Appropriate Form of Bylaw**

18. The form in which the proposed amendment to the second schedule of the Bylaw has been drafted is considered appropriate, in specifying the road where the special vehicle lane will be and the approximate location in the road, and is in accord with the format used in the proposed new second schedule in the amendment to the Traffic and Parking Bylaw 2008 which is currently out for consultation.

19. If a greater level of detail was specified then if any changes were made to the road in the future, which required the alteration of the special vehicle lane, and then each time that happened the bylaw would need to be amended. If the bylaw was not amended and the changes on the road were made, then that may make enforcement of the bylaw more difficult. The proposed new second schedule contains wording which provides that lanes will be marked as required/prescribed under the Land Transport legislation or at the officer's discretion in accordance with best practice guidelines.

9 Cont'd

**New Zealand Bill of Rights Act 1990 (NZBORA)**

20. The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating special vehicle lanes provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city, and in fact creating cycle lanes may uphold another right under the NZBORA: freedom from discrimination (cycle lanes may provide a safe option for those who cannot drive cars because of a disability or age). Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

**Legal Requirements of a Special Consultative Procedure**

21. The special consultative procedure under the Act requires that the Council prepare a statement of proposal that must include:
- “(a) as the case may be,—
- (i) a draft of the bylaw as proposed to be made or amended; or
  - (ii) a statement that the bylaw is to be revoked; and
  - (iii) the reasons for the proposal; and
  - (iv) a report on any relevant determinations by the local authority under section 155.”
22. The Act also requires the Council to determine the form of the summary of information. Section 89(c) requires that it be distributed "*as widely as reasonably practicable (in such a manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates) ...*" Section 83(e) of the Act also requires that the Council must give public notice of the proposal and the consultation being undertaken.
23. The proposed amendment to the Bylaw concerns a road in one part of the Council's district. It is therefore proposed that the summary of information be distributed to all properties and businesses along the route and nearby properties in adjacent streets and any absentee owners identified within the distribution area. The summary of information should also be sent to other relevant stakeholders, including Spokes, Taxi Federation, Transport Groups, and Resident Groups in the distribution area. Public notice of the proposal will be published in a local newspaper with a wide circulation in the Council's district. Copies of the consultation documents will be available from the Civic Offices, and all Council service centres and libraries.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. Yes.

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

25. Yes.

**ALIGNMENT WITH STRATEGIES**

26. The proposed cycle lane is aligned to the following strategies:
- (a) Cycle Strategy 2004
  - (b) New Zealand Land Transport Strategy
  - (c) National Walking and Cycling Strategy
  - (d) Metro Strategy
  - (e) Sustainable Energy Strategy
  - (f) Physical Recreation and Sport Strategy
  - (g) Road Safety Strategy



9 Cont'd

**CONSULTATION FULFILMENT**

27. Internal consultation has taken place between relevant units. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

**CHRISTCHURCH CITY COUNCIL RECOMMENDATION**

It is recommended that the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (cycle lanes) on Stanmore Road, is the most appropriate way to address the perceived problems identified in paragraphs 16 and 17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the draft amendments to the Bylaw are in the most appropriate form.
- (c) Resolve that the Council commence a special consultative procedure to make the Bylaw and that the **attached** Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website, noting that the submissions will close at 5pm on Friday 13 February 2009.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to consider submissions on the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009, during the week beginning Monday 9 March 2009.

9 Cont'd

**BACKGROUND**

**THE OBJECTIVES**

28. The primary (must do) objectives for the project are as follows:
- (a) To provide cycle facilities on Stanmore Road between Avonside Drive and North Avon Road which will enhance safety for cyclists.
    - (i) Cycles lanes have been proposed on both sides of Stanmore Road for the entire length between North Avon Road and Avonside drive
  - (b) Maintain the collector function of Stanmore Road.
    - (i) The road design is consistent with maintaining the collector function of Stanmore Road.
  - (c) To complete the construction within the 2008/09 financial year.
    - (i) This objective will not be achieved. The project is scheduled to be constructed in the 2009/2010 financial year. Construction has been delayed due to the time required to complete the special consultative procedure.
  - (d) To maintain or improve safety for all road users, including pedestrians.
    - (i) The proposal will improve safety for pedestrians at some locations and will maintain or improve safety through out. Cyclist safety will be improved through the whole length of Stanmore Road that the project covers. Driver and vehicle safety is maintained, with driver / cyclist interaction reduced.
29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:
- (a) To maintain as much parking as possible adjacent to the businesses.
    - (i) The proposed design retains as much kerb side parking as possible adjacent to businesses, whilst providing safe facilities for pedestrians, cyclists and vehicles.
  - (b) Ensure the street lighting and signage is adequate for route.
    - (i) A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project.
  - (c) To provide extra pedestrian facilities over and above the existing facilities to cater for the high number of school age and elderly pedestrians that use Stanmore Road to access schools in the area and for shopping.
    - (i) The proposal will improve pedestrian links with a kerb build out proposed opposite the supermarket where it will improve pedestrian sight lines at a heavily used crossing point. Tactile pavers for the partially sighted are also proposed at the pedestrian crossing facilities across Stanmore Road and at the North Avon Road signalised intersection.

**9 Cont'd**

30. Key features of the proposed Stanmore Road Cycle Lane are as follows:
- (a) Inclusion of cycle lanes varying between 1.5-1.8 metres wide on both sides of Stanmore Road between Avonside Drive and North Avon Road.
  - (c) Maintain the "Collector Road" status of Stanmore Road.
  - (d) Complete construction within 2009/10 financial year.
  - (e) Adding a kerb build out opposite the supermarket to improve pedestrian crossing facilities at that point.
  - (f) Including tactile pavers at the pedestrian islands and pedestrian crossing.
  - (g) Removal of three existing kerb "Build outs" to make room for the proposed cycle lane.
  - (h) Three new pedestrian Islands added at various points between Avonside Drive and North Avon Road.
  - (i) Removal of two Bus Stops. One south of Warwick Street and one south of North Avon Road.
  - (j) Relocation of the existing Taxi Stand to the opposite side of the road to share the space with the Mobile Library.
  - (k) Removal of 36 existing car park spaces at various locations, Car parks in high demand areas are largely retained
  - (l) Two metre wide central flush median retained in some locations.

**THE PREFERRED OPTION**

31. Commence the special consultative procedure to make the recommended amendments to the Bylaw.

## 10. PROPOSED KILMORE STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (KILMORE STREET) BYLAW 2009

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace General Manager
<b>Author:</b>	Transportation Consultation Leader, Peter Barnes

### PURPOSE OF REPORT

1. The purpose of this report is to recommend the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Kilmore Street between Fitzgerald Avenue to Madras Street and to make a bylaw to amend the Christchurch City Council Traffic and Parking Bylaw 2008. The report also contains a recommendation to appoint a Hearings Panel to hear submissions if the proposal to undertake a Special Consultative Procedure is adopted.

### EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Kilmore Street between Fitzgerald Avenue to Madras Street. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
3. Under the Council's bylaw making powers in section 72(1)(kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. To ensure that the proposed cycle lane can be enforced it needs to be specified by inclusion in Schedule 2 of the Bylaw. Any amendments to a bylaw can only be done by way of the special consultative procedure.
4. Kilmore Street is a "minor arterial road" used by approximately 9,500 vehicles per day. In the five year period between 2002 and 2006 there were two reported cycle accidents in this section of Kilmore Street.
5. Data from cycling surveys carried out between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. From issues raised to the Council Cycling Transport Planner, there is anecdotal evidence that, due to the existing traffic lane and parking layout, the Kilmore Street/Barbadoes Street intersection is one of the most dangerous intersections in Christchurch.
6. The length of road within this cycle lane project has adjacent land uses split between retail, commercial and residential. The figures indicate that Kilmore Street is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
7. The Council's Cycling Strategy 2004 aims to create a cycle friendly city with the three objectives of increasing cycling, increasing the enjoyment of cycling and improving the safety of cycling in Christchurch. The Strategy recognises the need to consider the National Engineering Design Guide when developing a cycle network for Christchurch and that enhancing the physical environment is a key method towards achieving the Strategy objectives.
8. The provision of an improved physical cycling environment is also aligned with the New Zealand Land Transport Strategy and the National Walking and Cycling Strategy. The cycle network is made up of a mix of on-road and off-road cycle routes and the priority of provision is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.
9. Opportunities are also taken to coordinate cycle lane construction with other road network improvement projects such as road reconstructions, kerb and channel renewal, safety improvements etc to create a network of continuous routes for existing use and anticipated future growth.
10. **Attachment A** is a statement of proposal (including the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009) and **Attachment B** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.

**10 Cont'd**

11. The process for making the Amendment Bylaw (which will amend Schedule 2 of the Traffic and Parking Bylaw 2008) is as follows:
  - (a) The Council resolves that the Amendment Bylaw is the most appropriate way to address the perceived problems (which are identified below), the bylaw is in the most appropriate form, and that there are no inconsistencies with the New Zealand Bill of Rights Act (see recommendations below);
  - (b) The Council approves the statement of proposal and summary of information and publicises it for public submissions, and appoints a hearings panel to hear submissions (see recommendations below);
  - (c) The special consultative procedure will be from Monday 12 January 2009 to Friday 13 February 2009;
  - (d) If any submitters wish to be heard, hearings will take place during the week of 9 to 13 March 2009 and 6 to 9 April 2009 (if this second week is considered necessary by the Council); and
  - (e) The Council will then receive a report from the hearings panel to consider the recommendations of the panel, and adopt the Amendment Bylaw (**Attachment A**). Construction of the cycle lane may then take place.

**FINANCIAL IMPLICATIONS**

12. Funding is provided in the Transport and Greenspace Capital Work Programme as follows.
  - (a) Kilmore Street Cycle Lane for 2008/09 is \$260,000
  - (b) The funding for this project covers all costs from design and consultation through to construction and implementation.

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

13. Not affected by the proposed changes.

**LEGAL CONSIDERATIONS/SECTION 155**

14. Section 155 of the Local Government Act 2002 requires the Council to determine whether the making or amending of a bylaw is *"the most appropriate way to address the perceived problem"*. The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).

**Appropriate Way to Address Problem**

15. Kilmore Street is a "minor arterial road" used by approximately 9,500 vehicles per day. In the five year period between 2002 and 2006 there were two reported cycle accidents in this section of Kilmore Street. Data from cycling surveys carried out between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. From issues raised to the Council Cycling Transport Planner, there is anecdotal evidence that, due to the existing traffic lane and parking layout, the Kilmore Street/Barbadoes Street intersection is one of the most dangerous intersections in Christchurch.
16. The proposed Kilmore Street cycle lane project (between Fitzgerald Avenue to Madras Street) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. The proposed project supports the Council's Vision in the Cycling Strategy towards helping Christchurch to be a cycle friendly city and specifically assists in the targets of increasing cycling and making it safe to cycle. The figures above indicate that Kilmore Street is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.

10 Cont'd

17. The following options exist for the Council in relation to managing cycle use on Kilmore Street:
- (a) Status quo – ie: Do nothing. Make no specific provision and leave cyclists with the responsibility for moving and maintaining their own space within the road corridor and traffic flow.
    - This option is not preferred because it does not support the Strategies identified in paragraph 26 of this report. This option does not provide any additional safety benefits for the high number of cyclists using this road.
  - (b) Create an off-road cycle path or shared cycle/pedestrian path along all or parts of the route.
    - (i) This option is not preferred because there is insufficient area to accommodate the shared path within the existing legal road boundary and property purchase would be required in some areas to achieve this option. The distribution of retail and commercial areas along the route and the high number of pedestrians associated with the activity and shops in this area poses potential conflict with a shared cycle/pedestrian path,
  - (c) Provide a dedicated and marked cycle lane over the sections of Kilmore Street where this can be achieved without reducing the traffic capacity of the road; and, provide a space for cyclists to use by creating a clearway at peak traffic times (between 7am and 9am on Monday to Friday) on the Southern side of Kilmore Street between Dawson Street and the Fire Station, for increased safety of the cyclists as shown on **Attachment B**.
    - (i) This is the preferred option. It provides the best compromise for the competing road space requirements as it allows space for cyclist safety, maintains traffic capacity at the peak traffic times and provides on-street parking near the businesses. This option is aligned to and meets the objectives in the Cycle Strategy, sustainable transport modes and provides additional safety benefits for cyclists in this section of Kilmore Street, and will require the creation of a special vehicle lane.
    - (ii) Under the Transport Act 1962, the Council can only create special vehicle lanes by specifying the road on which the lane is on in a bylaw. The Local Government Act 2002 prescribes that making or amending a Bylaw can only be done by using the special consultative procedure.
    - (iii) The Council's intention is to make an Amendment Bylaw to amend Schedule 2 of the Traffic and Parking Bylaw 2008 to include a cycle lane on both sides of Kilmore Street between Madras Street and Fitzgerald Avenue, which will address the problems of cycle safety on Kilmore Street as well as increasing the number of cyclists using Kilmore Street and will also mean there is a legally enforceable cycle lane on Kilmore Street.

**Appropriate Form of Bylaw**

18. The form in which the proposed Amendment Bylaw has been drafted is considered appropriate, in that specifying the road where the special vehicle lane will be and the approximate location in the road, is in accord with the format used in the proposed new second schedule in the amendment to the Traffic and Parking Bylaw 2008 which is currently out for consultation.
19. If a greater level of detail was specified then if any changes were made to the road in the future, which required the alteration of the special vehicle lane, and then each time that happened the bylaw would need to be amended. If the bylaw was not amended and the changes on the road were made, then that may make enforcement of the bylaw more difficult. The proposed new second schedule contains wording which provides that lanes will be marked as required/prescribed under the Land Transport legislation or at the officer's discretion in accordance with best practice guidelines.

10 Cont'd

**New Zealand Bill of Rights Act 1990 (NZBORA)**

20. The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating special vehicle lanes provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city, and in fact creating cycle lanes may uphold another right under the NZBORA: freedom from discrimination (cycle lanes may provide a safe option for those who cannot drive cars because of a disability or age). Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

**Legal Requirements of a Special Consultative Procedure**

21. The special consultative procedure under the Act requires that the Council prepare a statement of proposal that must include:

“(a) *as the case may be,—*

- (i) a draft of the bylaw as proposed to be made or amended; or*
- (ii) a statement that the bylaw is to be revoked; and*
- (iii) the reasons for the proposal; and*
- (iv) a report on any relevant determinations by the local authority under section 155.”*

22. The Act also requires the Council to determine the form of the summary of information. Section 89(c) requires that it be distributed "*as widely as reasonably practicable (in such a manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates)...*" Section 83(e) of the Act also requires that the Council must give public notice of the proposal and the consultation being undertaken.

23. The proposed Amendment Bylaw concerns a road in one part of the Council's district. It is therefore proposed that the summary of information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area. The summary of information should also be sent to other relevant stakeholders, including Spokes, Taxi Federation, Transport Groups, and Resident Groups in the distribution area. Public notice of the proposal will be published in a local newspaper with a wide circulation in the Council's district. Copies of the consultation documents will be available from the Civic Offices, and all Council service centres and libraries.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. Yes.

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

25. Yes.

**ALIGNMENT WITH STRATEGIES**

26. The proposed cycle lane is aligned to the following strategies:

- Cycle Strategy 2004
- New Zealand Land Transport Strategy
- National Walking and Cycling Strategy
- Metro Strategy
- Sustainable Energy Strategy
- Physical Recreation and Sport Strategy
- Road Safety Strategy

10 Cont'd

**CONSULTATION FULFILMENT**

27. Internal consultation has taken place between relevant units. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Resolve that the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009, amending the Christchurch City Council Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Kilmore Street, is the most appropriate way to address the perceived problems identified in paragraphs 15 to 17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the draft amendments to the Bylaw are in the most appropriate form.
- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the **attached** Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website, noting that the submissions will close at 5.00pm on Friday 13 February 2009.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to consider submissions on the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009, during the week beginning Monday 9 March 2009 and, if necessary 6-9 April 2009.



10 Cont'd

**BACKGROUND**

**THE OBJECTIVES**

28. The primary (must do) objectives for the project are as follows:

1. Improve facilities to enhance safety for cyclists.
  - Dedicated and marked cycle lanes have been provided on both sides of Kilmore Street for the majority of this section. Where a dedicated and marked cycle lane is not included, a clearway is proposed to provide space for cyclists to ride in. Street signage and road markings will also be improved along this section to enhance the safety for cyclists.
2. Ensure that street lighting and signage is adequate for facilities provided.
  - A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project. The proposal also improves the signage and street markings for all road users throughout this section to provide safe and efficient movement of traffic.

29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:

1. Maintain level of service for other road users (all modes).
  - The proposal provides the best compromise for the competing road space requirements when considering all road users. It provides marked cycles lanes or space for cyclist safety, provides traffic capacity to cater for peak traffic flows, provides on-street parking near the businesses in business hours and includes a new pedestrian island to improve pedestrian safety.
2. Improve environment for pedestrians where possible.
  - A pedestrian island is included to provide safe refuge for pedestrians and cyclists following the path running alongside Oxford Terrace and the Avon River.

30. Key features of the proposed Kilmore Street Cycle Lane are as follows:

- Provision of a continuous and marked eastbound cycle lane on Kilmore Street between Madras Street and Fitzgerald Avenue.
- Provision of a west bound marked cycle lane on Kilmore Street between Madras Street and Fitzgerald Avenue, apart from the 235m section between Dawson Street and the Fire Station.
- Provision of space for cyclists to ride in when travelling west on Kilmore Street between Dawson Street and the Fire Station. This is achieved by creating a parking clearway between 7am and 9am on Monday to Friday over this section – see below for further explanation of the Clearway.
- Improved street signage and road markings to provide clear and safe instructions for all traffic movements. This includes the addition of a variable overhead sign to indicate the traffic lane layout through the clearway section and an increase in cycle lane road markings.
- Rationalisation of the parking layout and restrictions to maximise parking and accommodate the clearway. Approximately five parking spaces will be gained on the south eastern corner of the Kilmore Street/Barbadoes Street intersection.
- Inclusion of a 2.0m wide physical island to the east of the Kilmore Street Bridge, with a wide cut-through to provide safe refuge for pedestrians and cyclists following the path running alongside Oxford Terrace and the Avon River.
- Inclusion of a 1.5m wide flush median between Fitzgerald Avenue and No. 260 Kilmore Street.
- Complete construction within 2009/10 financial year.

**10 Cont'd**

**Clearway Explanation**

31. A clearway is proposed on the south side (westbound lane) of Kilmore Street between Dawson Street and the Fire Station (approximately 235m). There are several competing requirements for road width on this section of Kilmore Street and only a limited road width available. These are:
  - peak traffic demands on this section are between 7am and 9am and two westbound traffic lanes are required over this time;
  - on-street parking demands to support the businesses in this area. Note: most of these businesses open after 9am; and,
  - there is the need to provide sufficient road space so it is safe for cyclists to ride through this section.
32. The clearway design provides the best compromise for all road users over this section of road.

**Clearway Operation**

33. Between 7am and 9am on Monday to Fridays, when the clearway is operating, there will be no kerbside parking on this section of Kilmore Street. This creates sufficient space for two westbound traffic lanes and a cyclist to ride adjacent to the kerb through this section.
34. For the rest of the time, between 9am and 7am, when the clearway is not operating, there will be kerbside parking along this section, only one westbound traffic lane and a space for cyclists to ride between the parked cars and the traffic lane.
35. An automated hinged gantry sign will be erected at the start of this section and will display the lane layout.

**THE PREFERRED OPTION**

36. Commence the special consultative procedure to make the recommended amendments to the Bylaw.

## 11. PROPOSED LINWOOD AVENUE CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (LINWOOD AVENUE) BYLAW 2009

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace General Manager,
<b>Author:</b>	Transportation Consultation Leader, Peter Barnes

### PURPOSE OF REPORT

1. The purpose of this report is to recommend the commencement of a statutory special consultative procedure for the establishment of a cycle lane on both sides of Linwood Avenue between Worcester Street to Tilford Street and to make a bylaw to amend the Christchurch City Council Traffic and Parking Bylaw 2008. The report also contains a recommendation to appoint a Hearings Panel to hear submissions if the proposal to undertake a Special Consultative Procedure is adopted.

### EXECUTIVE SUMMARY

2. The proposal is to create a Special Vehicle Lane (Cycle Lane) on both sides of Linwood Avenue between Worcester Street to Tilford Street. In order to do this it will be necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
3. Under the Council's bylaw making powers in section 72(1) (kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. To ensure that the proposed cycle lane can be enforced it needs to be specified by inclusion in Schedule 2 of the Bylaw. Any amendments to a bylaw can only be done by way of the special consultative procedure.
4. Linwood Avenue is a "major arterial road" used by approximately 29,000 vehicles per day. In the five year period between 2002 and 2006 there were seven reported cycle accidents in this section of Linwood Avenue.
5. Data from cycling surveys carried between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. A 2006 survey also found that the Linwood Avenue/Buckleys Road intersection had received considerable negative comments about cyclist safety and is one of the key areas for improvement.
6. The length of road within this cycle lane project has adjacent land uses split between retail and residential with a local park in the centre. The retail areas have a relatively high level of on-street parking, driveways and minor intersections. There is an existing central median island for the full length of this section of Linwood Avenue. The figures indicate that Linwood Avenue is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
7. The Council's Cycling Strategy 2004 aims to create a cycle friendly city with the three objectives of increasing cycling, increasing the enjoyment of cycling and improving the safety of cycling in Christchurch. The Strategy recognises the need to consider the National Engineering Design Guide when developing a cycle network for Christchurch and that enhancing the physical environment is a key method towards achieving the Strategy objectives.
8. The provision of an improved physical cycling environment is also aligned with the New Zealand Land Transport Strategy and the National Walking and Cycling Strategy. The cycle network is made up of a mix of on-road and off-road cycle routes and the priority of provision is determined by many factors including cycle usage levels, reported cycle accidents and cyclist concerns.
9. Opportunities are also taken to coordinate cycle lane construction with other road network improvement projects such as road reconstructions, kerb and channel renewal, safety improvements etc to create a network of continuous routes for existing use and anticipated future growth.

**11 Cont'd**

10. **Attachment 1** is a statement of proposal (including the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009) and **Attachment 2** is a summary of information, as required under the Local Government Act 2002, for formal approval by the Council.
11. The process for making the Amendment Bylaw (which will amend Schedule 2 of the Traffic and Parking Bylaw 2008) is as follows:
  - (a) The Council resolves that the Amendment Bylaw is the most appropriate way to address the perceived problems (which are identified below), the bylaw is in the most appropriate form, and that there are no inconsistencies with the New Zealand Bill of Rights Act (See recommendations below);
  - (b) The Council approves the statement of proposal and summary of information and publicises it for public submissions, and appoints a hearings panel to hear submissions (See recommendations below);
  - (c) The special consultative procedure will be from Monday 12 January 2009 to Friday 13 February 2009;
  - (d) If any submitters wish to be heard, hearings will take place during the week of 9 to 13 March 2009 and 6 to 9 April 2009 (if this second week is considered necessary by Council); and
  - (e) The Council will then receive a report from the hearings panel to consider the recommendations of the panel, and adopt the Amendment Bylaw (**Attachment 1**). Construction of the cycle lane may then take place.

**FINANCIAL IMPLICATIONS**

12. Funding is provided in the Transport and Greenspace Capital Work Programme as follows.
  - (a) Linwood Avenue Cycle Lane for 2008/09 is \$230,000
  - (b) The funding for this project covers all costs from design and consultation through to construction and implementation.

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

13. Not affected by the proposed changes.

**LEGAL CONSIDERATIONS/SECTION 155**

14. Section 155 of the Local Government Act 2002 requires the Council to determine whether the making or amending of a bylaw is *"the most appropriate way to address the perceived problem"*. The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).

**Appropriate Way to Address Problem**

15. Linwood Avenue is a "major arterial road" used by approximately 29,000 vehicles per day. In the 5 year period between 2002 and 2006 there were 7 reported cycle accidents in this section of Linwood Avenue. Data from cycling surveys carried between 2003 and 2006 show that this section carries between 300 and 450 cyclists per day and is one of the busiest cycling routes in Christchurch. A 2006 survey also found that the Linwood Avenue/Buckleys Road intersection had received considerable negative comments about cyclist safety and is one of the key areas for improvement.

11 Cont'd

16. The proposed Linwood Avenue cycle lane project (between Worcester Street to Tilford Street) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. The proposed project supports the Council's Vision in the Cycling Strategy towards helping Christchurch to be a cycle friendly city and specifically assists in the targets of increasing cycling and making it safe to cycle. The figures above indicate that Linwood Avenue is a well used part of the network and there is a clear need to provide facilities for the cyclists using this road.
17. The following options exist for the Council in relation to managing cycle use on Linwood Avenue:
  - (a) Status quo. – i.e.: Do nothing. Make no specific provision and leave cyclists with the responsibility for moving and maintaining their own space within the road corridor and traffic flow.
    - (i) This option is not preferred because it does not support the Strategies identified in paragraph 26 of this report. There are a number of school children using this road and this option does not provide any additional safety benefits for cyclists using this road.
  - (b) Create an off-road cycle path or shared cycle/pedestrian path along all or parts of the route.
    - (i) This option is not preferred because there is insufficient area to accommodate the shared path within the existing legal road boundary and property purchase would be required in some areas to achieve this option. The distribution of retail and commercial areas along the route and the high number of pedestrians associated with the activity and shops in this area poses potential conflict with a shared cycle/pedestrian path,
  - (c) Provide a dedicated and marked cycle lane as part of the road layout on Linwood Avenue between Tilford Street and Worcester Street for increased safety of the cyclists as shown on **Attachment 2**.
    - (i) This is the preferred option, which will require the creation of a special vehicle lane.
    - (ii) Under the Transport Act 1962, the Council can only create special vehicle lanes by specifying the road on which the lane is on in a bylaw. The Local Government Act 2002 prescribes that making or amending a Bylaw can only be done by using the special consultative procedure.
    - (iii) The Council's intention is to make an Amendment Bylaw to amend Schedule 2 of the Traffic and Parking Bylaw 2008 to include a cycle lane on both sides of Linwood Avenue between Tilford Street and Worcester Street, which will address the problems of cycle safety on Linwood Avenue as well as increasing the number of cyclists using Linwood Avenue and will also mean there is a legally enforceable cycle lane on Linwood Avenue.

**Appropriate Form of Bylaw**

18. The form in which the proposed Amendment Bylaw has been drafted is considered appropriate, in that specifying the road where the special vehicle lane will be and the approximate location in the road, is in accord with the format used in the proposed new second schedule in the amendment to the Traffic and Parking Bylaw 2008 which is currently out for consultation.

11 Cont'd

19. If a greater level of detail was specified then if any changes were made to the road in the future, which required the alteration of the special vehicle lane, and then each time that happened the bylaw would need to be amended. If the bylaw was not amended and the changes on the road were made, then that may make enforcement of the bylaw more difficult. The proposed new second schedule contains wording which provides that lanes will be marked as required/prescribed under the Land Transport legislation or at the officer's discretion in accordance with best practice guidelines.

**New Zealand Bill of Rights Act 1990 (NZBORA)**

20. The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating special vehicle lanes provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city, and in fact creating cycle lanes may uphold another right under the NZBORA: freedom from discrimination (cycle lanes may provide a safe option for those who cannot drive cars because of a disability or age). Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

**Legal Requirements of a Special Consultative Procedure**

21. The special consultative procedure under the Act requires that the Council prepare a statement of proposal that must include:

“(a) as the case may be,—

- (i) a draft of the bylaw as proposed to be made or amended; or
- (ii) a statement that the bylaw is to be revoked; and
- (iii) the reasons for the proposal; and
- (iv) a report on any relevant determinations by the local authority under section 155.”

22. The Act also requires the Council to determine the form of the summary of information. Section 89(c) requires that it be distributed "*as widely as reasonably practicable (in such a manner as is determined appropriate by the local authority, having regard to the matter to which the proposal relates)...*" Section 83(e) of the Act also requires that the Council must give public notice of the proposal and the consultation being undertaken.

23. The proposed Amendment Bylaw concerns a road in one part of the Council's district. It is therefore proposed that the summary of information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area. The summary of information should also be sent to other relevant stakeholders, including Spokes, Taxi Federation, Transport Groups, and Resident Groups in the distribution area. Public notice of the proposal will be published in a local newspaper with a wide circulation in the Council's district. Copies of the consultation documents will be available from the Civic Offices, and all Council service centres and libraries.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. Yes.

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

25. Yes.

11 Cont'd

**ALIGNMENT WITH STRATEGIES**

26. The proposed cycle lane is aligned to the following strategies:
- (a) Cycle Strategy 2004
  - (b) New Zealand Land Transport Strategy
  - (c) National Walking and Cycling Strategy
  - (d) Metro Strategy
  - (e) Sustainable Energy Strategy
  - (f) Physical Recreation and Sport Strategy
  - (g) Road Safety Strategy

**CONSULTATION FULFILMENT**

27. Internal consultation has taken place between relevant units. The statutory special consultative procedure will follow the adoption of the recommendations of this report.

**STAFF RECOMMENDATION**

It is recommended that the Council :

- (a) Resolve that the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Linwood Avenue, is the most appropriate way to address the perceived problems identified in Paragraphs 15-17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the proposed Amendment Bylaw is in the most appropriate form.
- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the **attached** Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website, noting that submissions will close at 5pm on Friday 13 February 2009.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to consider submissions on the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009 during the week beginning Monday 9 March 2009 and, if necessary 6-9 April 2009.

11 Cont'd

**BACKGROUND**

**THE OBJECTIVES**

28. The primary (must do) objectives for the project are as follows:
- (a) Improve facilities to enhance safety for cyclists.
    - (i) Continuous cycle lanes are proposed on both sides of Linwood Avenue between Tilford Street and Worcester Street. Street signage and markings will also be improved along this section to enhance the safety for cyclists.
29. The secondary (would like to do, but add cost) objectives for the project are as follows in priority order:
- (a) Ensure that street lighting and signage is adequate for facilities provided.
    - (i) A lighting assessment has been undertaken by Connetics and the upgrade recommendations have been included in this project. It also improves the signage and street markings for all road users throughout this section to provide safe and efficient movement of traffic.
  - (b) Maintain level of service for other road users (all modes).
    - (i) The proposal maintains level of service for all road users. It provides adequate and continuous lanes throughout the study section to allow safe movement of all vehicles. It also preserves the existing pedestrian facility which includes continuous 2.0 m wide footpath with safe crossing points at all intersections.
30. Key features of the proposed Linwood Avenue Cycle Lane are as follows
- (a) Inclusion of cycle lanes varying between 1.6-1.8 metres wide on both sides of Linwood Avenue between Tilford Street and Worcester Street.
  - (b) Complete construction within 2009/10 financial year.
  - (c) Realignment of traffic lanes in some locations to incorporate the cycle lanes and to provide continuous traffic flow.
  - (d) Provision of a special 'WATCH FOR DOORS' sign south of the Buckleys Road/Linwood Avenue intersection.
  - (e) Provision of cyclist advanced stop boxes for through movements on Linwood Avenue at the Buckleys Road/Aldwins Road intersection and at the Linwood Avenue/Hereford St intersection.
  - (f) Repair and/or replacement of road signage to maintain the efficiency and safety for all traffic movements.
  - (g) Addition of red paint markings of the cycle lane at potential vehicle/cyclist conflict points.
  - (h) The majority of on street parking along this section is retained. The existing on street parking on Linwood Avenue between Cashel Street and Hereford Street is removed.
  - (i) The existing pedestrian facilities are retained.
  - (j) The existing bus stops will be retained along this section.

**THE PREFERRED OPTION**

31. Commence the special consultative procedure to make the recommended amendments to the Bylaw.



**12. HAGLEY PARK TEMPORARY CLOSURE FOR LORITZ BROS CIRCUS**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Authors:</b>	Tanya Cokojic – Events Development Account Manager John Allen – Policy & Leasing Administrator

**PURPOSE OF REPORT**

1. The purpose of this report is to gain Council approval for:
  - (a) The temporary closing of the Carlton Mill Corner of North Hagley Park for 23 days, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, to allow for the exclusive use of this area by the Loritz Bros Circus (formerly known as Weber Bros Circus).
  - (b) The maximum charges that Loritz Bros Circus can charge the public to attend the Circus, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977.

**EXECUTIVE SUMMARY**

2. Officers are recommending that the Council approve the temporary closure of the areas of North Hagley Park, as set out below, to enable the Circus to be held:
  - (a) The Carlton Mill Corner sports fields from Sunday 28 December 2008 to Sunday 18 January 2009 inclusive (23 days) for the setting up of the Circus, the Circus and clearing away and restoration of the site.
  - (b) The Carlton Mill Corner sports fields from Sunday 31 December 2008 to Wednesday 18 January 2009 inclusive (19 days) for the Circus itself.
  - (c) The Carlton Mill Corner sports fields from Sunday 31 December 2008 to Wednesday 18 January 2009 inclusive (19 days) for the Circus car parking.
3. Officers are recommending that the Council in accordance with the requirements of section 53(e) approve the maximum amount that is able to be charged to enter the Circus as set out below:

Ticket Prices:

		<b>Elevated</b>	<b>Ringside</b>	<b>VIP Ringside</b>
<b>Child</b>	\$	14	16	19
<b>Student/Beneficiary</b>	\$	18	21	24
<b>Adult</b>	\$	20	23	26
<b>Family</b>	\$	60	na	na

The Circus is shown on the list of significant public events in the appendices section of the Hagley Park Management/Master Plan 2007 that occur regularly in North Hagley Park, and therefore the holding of the Circus is in conformity with the Plan.

**FINANCIAL IMPLICATIONS**

4. Potential ground damage will be covered by the bond to be paid to Council before the event. The Council will profit from the fees charged for use of the ground.

**Do the Recommendations of this Report Align with 2008-18 LTCCP budgets?**

5. The recommendations will have no impact upon the 2008-18 LTCCP budgets.

12 Cont'd

**LEGAL CONSIDERATIONS**

6. The specific area of North Hagley Park that this application applies to is the north-east sports-field area in North Hagley Park, this area being part of RS 41181 on SO Plan 15235 a classified recreation reserve of 87.1700 hectares vested in the Council, pursuant to the Reserves Act 1977. The holding of the circus on the park is in accordance with the purpose of recreation reserves.
  - (a) Section 53(1)(e) of the Reserves Act allows the Council to grant temporary exclusive use of part or all of a reserve, for up to six consecutive days.
  - (b) The effect of section 53(2) of the Reserves Act is to allow the Council to exercise the power and discretion that is vested in the Minister, to grant temporary exclusive use of part or all of a reserve for more than six consecutive days.
  - (c) An autonomous power that local authorities as administering bodies have had under the Reserves Act since 1 January 1980 is that under section 52(2) they are able to fix charges for admission (up to 40 days) to a recreation reserve, without the need to refer any of the decisions required to the Minister of Conservation for approval.
  - (d) The first issue, therefore, that requires a Council decision is the closing of parts of Hagley Park for a period of longer than six consecutive days as set out above.
  - (e) The second issue that requires a Council decision is the maximum level of charges that may be charged for the public to attend the Circus.
7. The use of part of North Hagley Park for the Circus does not require resource consent under the Christchurch City Plan, but will require building consent for any tent erected temporarily on the site that is over 100 square metres in area, this being a requirement of the Building Act 2004.

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

8. Yes – see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. The LTCCP's strong communities strategic directions section priorities: providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; an protecting and promoting the heritage character and history of the city. By approving this application the Council will support and add to the range of experiences people are able to enjoy and experience, within the city, be that of a temporary nature.
10. The LTCCP's healthy environment strategic directions section priorities: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas of open spaces within the metropolitan area. The approval of this application and the resulting Circus, will enhance the character of North Hagley Park for a period, be that of a temporary nature.
11. The LTCCP's liveable city strategic directions section priorities: improving the way in which public and private spaces work together. The approval of this application will add temporarily to the private infrastructure on the park thereby improving the value of the experiences members of the public can have at the park.

12 Cont'd

**Do the recommendations of this report support a level of service or project in the 2008-18 LTCCP?**

12. Yes – see above.

**ALIGNMENT WITH STRATEGIES**

13. This application is aligned with the Christchurch Active Living Strategy, by adding value through mental stimulation, the general public will gain from their experience of visiting the Circus.

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

14. Yes – see above.

**CONSULTATION FULFILMENT**

15. Public consultation is not required under section 53 of the Reserves Act 1977 before the Council resolves to temporarily close part of North Hagley Park for an extended temporary period.

**STAFF RECOMMENDATION**

It is recommended that the Council:

(a) Approve the exclusive use of the Carlton Mill corner sports fields in North Hagley Park, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, indicated below by the Loritz Bros Circus, by temporarily fencing off these areas from the rest of the park from Sunday 28 December 2008 to Wednesday 18 January 2009 inclusive, a period of 23 days, for the setting up, period of the Circus and clearing away of the site at the conclusion of the Circus. The approval is subject to the following conditions:

- (i) The Circus organisers are to be responsible for obtaining all building consents that may be required before the Circus at their expense.
- (ii) The Circus organisers are responsible for meeting all conditions for site works including any restoration specified by the various authorities including the Council.
- (iii) In respect of any animals as part of the Circus the Organisers are required to ensure all statutory animal welfare requirements are adhered to; mainly the Animal Welfare Act 1999 and any relevant codes.

Abiding by the Council's normal set of conditions for events like the one being applied for, including the payment of bonds.

(b) Approve the Circus Organisers' application to charge the public attending the Circus, in accordance with section 53(1)(e) of the Reserves Act 1977, the maximum charges set out below:

Child	\$19
Student/Beneficiary	\$24
Adult	\$26
Family	\$60

12 Cont'd

**BACKGROUND (THE ISSUES)**

16. The Circus will have limited impact on other events in North Hagley Park. There are no major events that have had to be changed due to this event. No smaller events have had to change dates or take place in any other part of Hagley Park due to this event.

**THE OBJECTIVES**

17. The objective is for the Council to grant approval for the closure of parts of North Hagley Park (Carlton Mill Corner) so that the Circus can take place over an 18 day period from December 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated on above.

**THE OPTIONS**

18. **Option 1:** Approve the application as presented in this report. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.
19. **Option 2:** Not approve the application as presented in the report. This action would not be in alignment and would not support the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**THE PREFERRED OPTION**

20. The preferred option is **Option 1.**

## 13. GRAHAM CONDON RECREATION &amp; SPORT CENTRE

<b>General Manager responsible:</b>	General Manager Community Services, DDI 941-8607
<b>Officer responsible:</b>	Recreation and Sport Unit Manager
<b>Author:</b>	John Filsell, Recreation and Sport Unit Manager

**PURPOSE OF REPORT**

1. The purpose of the report is to seek a Council resolution:
  - Approving the entering into of a Heads of Agreement and associated lease and licence documentation with the Ministry of Education and the Papanui High School Board of Trustees in relation to the land to be used for the construction and operation of the Graham Condon Recreation and Sport Centre (“the Facility”) on the terms generally described in this report;
  - Delegating authority to the General Manager Community Services to negotiate and agree the final form of the Heads of Agreement and related documents to be entered into with the Ministry of Education and the Papanui High School Board of Trustees in relation to the Facility;
  - Approving the proposed design of the Facility; and
  - Approving the commencement of the tender process for the construction of the Facility.

**EXECUTIVE SUMMARY**

2. Over the period from September 2004 to June 2006 the Council developed the Aquatic Facilities Plan to produce a city-wide plan for the future provision of aquatic facilities over the forthcoming 30 years. The development process included four Council reports, three Councillor workshops, the 2006 LTCCP process and regular presentations to the antecedent Creating Strong Communities Portfolio Group. The Plan concluded that based upon the Council’s criteria, the “Northern Corridor” was the area with the highest need for an aquatic facility following the completion of Jellie Park.
3. Page 35 of the Aquatic Facilities Plan details the Council approved site assessment criteria for the future location of aquatic facilities as follows:

*That a preferential site:*

- *Be located at or near a destination that attracts large numbers of people, preferably within 200m of the destination.*
  - *Have a strong relationship to transport networks and preferably have an entrance off a major arterial road and bus route, preferably within 200m of a transport hub.*
  - *Be visible—prominent site with a good visual profile for passing traffic and alongside a major destination so it is easily identifiable.*
  - *Present an opportunity to co-locate with other Council facilities such as libraries, dry recreation areas and service centres.*
  - *Have sufficient available land. Land area big enough for proposed facility and future co-location of other Council facilities to form a community hub. Preferably the land is in Council ownership or owned by a willing partner able to supply land at no cost.*
4. The development of the Plan included a search for a suitable site along the Northern Corridor. Papanui Domain, Redwood Park, St Bedes, Sheldon Park and St Andrews were amongst those considered. Papanui High School was the strongest site when considered against the criteria. As a result on 30 June 2006 Council resolved to:

*“Through Council’s Aquatic Facilities Plan:*

- 1. To construct an indoor pool, sports hall and gym at Papanui High School.”*

13 Cont'd

5. The 2006–2016 LTCCP includes the construction of an indoor pool, sports hall and gym at Papanui High School. On 25 June 2008 the Council approved additional funding in the capital programme to increase the number of lanes in the proposed pool from six to eight as part of the 2008/09 Annual Plan.
6. Over the past 18 months Council officers, representatives from Papanui High School and Ministry of Education officials have developed a detailed concept of how the relationship between the parties is reflected in the location and shared use of the facility. This is summarised below:
  - (i) The facility will be built on land leased by Council from the Ministry of Education for a term of 50 years.
  - (ii) The Council will have exclusive use of the pool and gym at all times.
  - (iii) The Council will have exclusive use of the new sports hall outside high school hours, this includes after school, evenings, weekends and holidays.
  - (iv) The Council will have exclusive use of the (school owned), existing sports hall outside high school hours, this includes after school, evenings, weekends and holidays. Note: Peak community use of the sports halls are outside of school hours.
  - (v) Papanui High School will have exclusive use of the new sports hall during school hours in return for giving Council exclusive use of the existing hall outside school hours.
  - (vi) Papanui High School will have the right to use the pool for up to 10,000 pre booked swim educational visits per year for three years at no cost. After this time Council will agree a cost that reflects the Council's fee for school use and the ongoing provision of the site by the School.
  - (vii) The Council will build, maintain and operate all new facilities, the school will maintain and operate the existing sports hall.
7. To implement the Aquatic Facilities Plan in respect of the Facility Council officers now wish to:
  - (a) Conclude the necessary contractual and lease arrangements with the Papanui High School Board of Trustees and the Ministry of Education in order to formally secure the use of the land at Papanui High School for the Facility; and
  - (b) Have the proposed design of the Facility, in the form of the floor plans and elevation plans **attached** to this report, formally approved; and
  - (c) Commence the tender process for the construction of the Facility. Detailed working drawings are currently being developed in preparation for a tender process scheduled to begin December 2008 with a recommendation as to a preferred tenderer expected to be presented to the Chief Executive Officer in March 2009.
8. The proposed timeframe for the project is as follows:
  - Issue tender documents, early December 2008.
  - Tenders close, end January 2009.
  - Consideration of tenders, late March 2009.
  - Construction begins, April 2009.
  - New sports hall complete, January 2010.
  - Project complete, May 2010.

**13 Cont'd**

9. In September 2007, following the death of Councillor Graham Condon, the Council informally agreed to name the facility after Graham Condon. This was informally agreed to by Graham's family and the Ministry of Education. This report will recommend that the Council agree to name the facility the "Graham Condon Recreation and Sport Centre" subject to the formal agreement of Graham's family and the Ministry of Education.

**FINANCIAL IMPLICATIONS**

10. The Council has a budget provision of \$12,970,037 for the construction and fit out of the Facility, this is included as a level of service in the draft Recreation and Sport Services Activity Management Plan. Papanui High School and Kiwi Income Property Trust (Northlands Mall) have both agreed to make a financial contribution to the project. Both parties have asked that these amounts remain confidential. Both contributions are included in the budgeted figure in section ten of this report and will be made available to Councillors upon request.
11. The completed facility will cost approximately \$1,220,000 per annum to operate including a depreciation charge of \$500,000 per annum.

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

12. All required funding has been added into the draft 2009/19 LTCCP budget.

**LEGAL CONSIDERATIONS**

13. The land to be occupied by the Facility currently forms part of the grounds of Papanui High School and is legally owned by the Ministry of Education. Therefore, to enable the Council to construct and operate the Facility on the land it will be necessary for the Papanui High School Board to grant a lease to the Council under section 70B of the Education Act 1989 and for the Ministry of Education to consent to that lease.
14. A draft Heads of Agreement has been prepared by the Ministry of Education's solicitors on the Ministry's standard template and is currently being reviewed in detail by the Recreation & Sport Unit, the Legal Services Unit and the Property Consultancy Team. The Heads of Agreement is intended to set the contractual framework and detail the contractual relationship between the Council, the Papanui High School Board and the Ministry of Education in relation to the Facility.
15. Essentially, it is intended that the proposed Heads of Agreement will provide for the following:
  - (a) That the School Board will grant a licence to the Council to occupy the land to permit the Council to undertake the construction of the Facility. It is proposed that the consideration for the grant of the licence will be a nominal 10c and that the term will be 2 or 5 years.
  - (b) That the School Board will, upon completion of the Facility, grant a lease to the Council of the required land for a term of 49 years and 364 days at a nominal rental of \$1.
  - (c) That contemporaneously with the grant to the Council of the lease the Council will grant to the School Board a licence to use the Facility, the purpose of which is to define and regulate the School's use of the Facility in common with the community. The term of the licence will be 49 years and 364 days and the rental a nominal \$1.
  - (d) That contemporaneously with the grant to the Council of the lease the School Board will grant to the Council a licence to use the existing School Sports Hall, the purpose of which is to define and regulate the Council and the Community's use of the existing School Sports Hall in common with the School. The term of the licence will be 49 years and 364 days and the rental a nominal \$1.
  - (e) That contemporaneously with the grant to the Council of the lease the School Board will grant to the Council a lease of the car park associated with the Facility (but to be available for general community use). The term of the licence will be 49 years and 364 days and the rental a nominal \$1.

**13 Cont'd**

16. Whilst the draft documentation has been prepared on the Ministry's standard template there are a number of details that will require amendment by negotiation.
17. The School Board and the Ministry of Education are authorised to enter into the Heads of Agreement and the associated documentation by section 70B of the Education Act 1989.
18. The Heads of Agreement and related lease and licence documentation can only be entered into by the Council with the express authority of a formal Council resolution.
19. In addition, a Council resolution is required to approve the proposed design of the Facility, to authorise the commencement of the tender process for the construction of the Facility and to give the Chief Executive Officer delegated authority to accept the preferred tender up to five per cent over.

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

20. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

21. The project is expressly included in the 2006–2016 LTCCP on page 135.

**ALIGNMENT WITH STRATEGIES**

22. The project is included in the Aquatic Facilities Plan 2006 as adopted by Council on 30 June 2006 and the 2006–2016 LTCCP.

**CONSULTATION FULFILMENT**

23. The Aquatic Facilities Plan was the subject of extensive consultation over a period of 18 months culminating with the 2006 LTCCP process. The Graham Condon Recreation and Sport Centre (then called the Northern Area Pool) was included as a proposed increased level of service in the draft 2006–2016 LTCCP. It received full public consultation in the 2006 LTCCP process and was subsequently included in the final 2006–2016 LTCCP.

**STAFF RECOMMENDATION**

It is recommended that the Council resolves to:

- (a) Enter into the following documents by the Council with the Ministry of Education and the Papanui High School Board of Trustees in relation to the land to be used for the construction and operation of the Graham Condon Recreation and Sport Centre on the terms generally described in this report:
  - (i) Heads of Agreement.
  - (ii) Construction Licence.
  - (iii) Deed of Lease.
  - (iv) Deed of Licence relating to the School's use of the Graham Condon Recreation and Sport Centre.
  - (v) Deed of Licence relating to Council/ community use of the existing School Sports Hall.
  - (vi) Deed of Lease or Licence relating to the associated car park.



13 Cont'd

- (b) Authorise the General Manager Community Services to enter into negotiations with the Ministry of Education and the Papanui High School Board of Trustees in relation to the proposed Heads of Agreement and associated documents referred to above and delegate to him the authority to enter into such documentation once he is satisfied that they are in a form satisfactory to the Council.
- (c) Approve the proposed design of the Graham Condon Recreation and Sport Centre in the form of the floor plans and elevation plans **attached** to this report with authority to the General Manager Community Services to agree such minor variations to such plans that he considers necessary.
- (d) Approve the commencement of the tender process for the construction of the Graham Condon Recreation and Sport Centre.
- (e) Delegate to the Chief Executive Officer the authority to accept the preferred tender up to five per cent over for the construction of the Graham Condon Recreation and Sport Centre in the form described by this report and provided the tender is within budget.
- (f) Agree to name the facility the "Graham Condon Recreation and Sport Centre", but subject to the formal agreement of the family of Graham Condon, the Ministry of Education and the Papanui High School Board of Trustees to that name.

**27. 11. 2008**

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**14. STRENGTHENING COMMUNITIES GRANTS PROGRAMME EVALUATION 2008/09**

Report to be separately circulated prior to the meeting.

**15. HEARINGS PANEL REPORT ON THE PROPOSED CHRISTCHURCH CITY COUNCIL WASTE MANAGEMENT BYLAW 2009 AND FOR THE REVOCATION OF THE CHRISTCHURCH CITY REFUSE BYLAW 1995 AND THE BANKS PENINSULA DISTRICT REFUSE BYLAW 2002**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Senior Resource Planner, Asset and Network Planning Unit
<b>Author:</b>	Waste Management Bylaw Hearings Panel

**PURPOSE OF REPORT**

1. This is a report of the Waste Management Bylaw Hearings Panel. It addresses the 24 submissions received during the special consultative procedure and contains recommendations from the Panel altering the proposed Bylaw in certain respects. The proposed bylaw (with the recommended changes highlighted) is attached to this report as **Attachment A** and the bylaw recommended for adoption is attached as **Attachment B**.

**EXECUTIVE SUMMARY**

2. The Christchurch City Council Refuse Bylaw 1995 and the Banks Peninsula District Refuse Bylaw 2002 are being reviewed in terms of the provisions of the Local Government Act 2002 and the Waste Minimisation Act 2008.
3. On 24 July 2008 the Council made the following resolutions:
  - (a) *Resolve that a bylaw is the most appropriate way to manage and regulate the management of municipal solid waste.*
  - (b) *Resolve that there are no inconsistencies between the draft Christchurch City Council Waste Management Bylaw 2009 and the New Zealand Bill of Rights Act 1990, and that the draft bylaw is in the most appropriate form (including that it will revoke the Christchurch City Council Refuse Bylaw 1995 and Banks Peninsula District Refuse Bylaw 2002).*
  - (c) *Note that the Terms and Conditions for the Operation of the kerbside collection service and the Council waste collection points are not part of the bylaw and will be reviewed by the Zero Waste Working Party and reported to Council.*
  - (d) *Resolve that the attached Statement of Proposal (which includes the draft bylaw) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website, and that the Summary of Information be published in a newspaper having a wide circulation in the Council's district.*
  - (e) *Appoint a hearings panel comprising Councillors Broughton, Buck, Reid, Shearing and Wells to consider submissions on the draft bylaw and to make recommendations to the Council.*
4. A special consultative procedure took place between 6 August 2008 and 10 September 2008 and 24 submissions were received – included in the table in **Attachment C**.
5. The Hearing Panel convened on 15 October 2008, with Councillors Wells (Chair), Broughton and Shearing forming the panel on the day with apologies from Councillors Reid and Buck. Four submitters had requested to be heard.
6. This report on the bylaw should be read together with the report on the terms and conditions for the new kerbside collection service (refer clause 16).

15 Cont'd

**ISSUES RAISED IN SUBMISSIONS**

8. Attachment C contains the submissions as well as detailed staff comments. Noteworthy points flowing from submissions include the following:
9. The majority of submissions related to issues such as wheelie bins sizes and anticipated problems with the management of wheelie bins on steep sites, or sites with long driveways. These submissions occurred in spite of the fact that the statement of proposal indicated that the bylaw itself does not address such operational issues, and that the separate terms and conditions of use will clarify operational issues. Staff comments included in Attachment C respond to the bylaw and non-bylaw related issues. Note that a separate report on the proposed terms and conditions, as reviewed by the Zero Waste Working Party, will be considered by the Council on 27 November 2008 after consideration of this report.
10. Clarification that use of the kerbside collection service is not mandatory, but customers should note that rates based contributions towards the service remains unaffected by non-use.
11. Any proposals for changes to existing levels of service would need to be part of the special consultative procedure for the review of the Council's Waste Management Plan 2006 – due for review in 2010 once the new collection systems have been bedded in.

**RECOMMENDED CHANGES TO THE CONSULTATION COPY OF THE BYLAW**

12. The hearings panel deliberated on the issues raised by the submitters and as a result recommends making the following changes:
  - (a) The panel recommends that clause 10(1) of the consultation bylaw be deleted as the control over the waste stream to waste handling facilities (refuse stations) is adequately addressed in the provisions of clause 6 of the Christchurch City Licensed Waste Handling Facilities Bylaw 2007. The Panel recommends that the following explanatory note be added to clause 10 of the bylaw: *"The Christchurch City Licensed Waste Handling Facilities Bylaw 2007 provides additional relevant provisions to regulate flows of waste and recyclables to licensed waste handling facilities in the city"*.
  - (b) The panel recommends that the definition of "licensed refuse station" also be deleted as the term is used only in clause 10 (1) which is recommended for deletion.
  - (c) The panel recommends that the following definition be added to the bylaw: *"Terms and conditions means the terms and conditions relating to the kerbside collection service as determined by the Council by resolution"*.
  - (d) The panel does not support the staff proposal for the addition of a new clause 4(1) which was made in response to a submission, but that the proposed wording instead be used as an explanatory note be added to clause 4.

**LEGAL CONSIDERATIONS**

13. The Council has complied with the requirements of section 83 of the Local Government Act 2002 in relation to the hearing of submissions in relation to the special consultative procedure held from 6 August 2008 to 10 September 2008.
14. Section 157 requires that the Council, as soon as practicable after a bylaw is made, give public notice of the making of the bylaw. The public notice must state the date on which the bylaw will come into operation and that copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount.
15. It is appropriate to resolve that the Bylaw will come into effect on 1 February 2009, which is the date by which the existing two bylaws will be revoked by the new Bylaw.

**15 Cont'd**

16. A bylaw hearings panel has no decision-making powers, but can make recommendations to Council, in accordance with its delegation for that purpose, after considering written and oral submissions.<sup>2</sup> The Council can then accept or reject those recommendations, as it sees fit, bearing in mind that the Local Government Act requires views presented during consultation to be given "due consideration in decision-making".<sup>3</sup> The Council, as final decision-maker, must be in as good a position as the hearing panel in terms of being fully aware of the content of the written submission. As the special consultative procedure is used for this consultation, the Council cannot introduce anything new into the bylaw that has not arisen out of a submission made during consultation. It can, however, make minor editorial changes.
17. A minor change is required in relation to the legislative powers under which the bylaw is being made. Since the bylaw was put out for consultation the Waste Minimisation Act 2008 (WMA) has been adopted and has come into force. This revokes part 31, including section 542, of the Local Government Act 1974. The bylaw-making powers that were contained in section 542 are now found in section 56 of the WMA, and the Bylaw has been amended to reflect the power under which it is now made (in addition to the powers in the Local Government Act 2002).
18. The WMA also includes an enforcement provision at section 66 which provides that "every person commits an offence who breaches a bylaw made under section 56 and is liable on summary conviction to a fine not exceeding \$20,000". This is the same penalty as in the Local Government Act 2002, so adding a reference to the WMA in clauses 5 and 7 of the Bylaw does not have a material affect on the potential maximum penalty someone is subject to if a prosecution is brought but a reference to this Act should be added to both clauses 5 and 7.

**ALIGNMENT WITH STRATEGIES**

19. The Council Waste Management Plan 2006 is the relevant strategy that relates to the new bylaw, and is treated as a waste management and minimisation plan under the Waste Minimisation Act 2008. The bylaw is required to be consistent with this plan (see section 56 of the Waste Minimisation Act 2008), and staff have advised that it is consistent

**HEARINGS PANEL RECOMMENDATIONS**

The Hearings Panel recommends that the Council:

- (a) Resolve to adopt the new Christchurch City Council Waste Management Bylaw 2009 to come into effect on 1 February 2009.
- (b) Give public notice as soon as practicable, that the Christchurch City Council Waste Management Bylaw 2009 has been made by the Council, that it comes into effect on 1 February 2009 and that copies of the bylaw may be inspected and obtained at the Council's offices or on its website, without payment.

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<sup>2</sup> Clause 32 of Schedule 7 of the Local Government Act 2002 expressly prohibits the power to make a bylaw from being delegated.

<sup>3</sup> Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".

## 16. TERMS AND CONDITIONS FOR THE USE OF THE KERBSIDE COLLECTION SERVICES AND WASTE COLLECTION POINTS

<b>General Manager responsible:</b>	General Manager City Environment, 941 8608
<b>Officer responsible:</b>	City Water and Waste Manager
<b>Authors:</b>	Tim Scott and Zefanja Potgieter

### PURPOSE OF REPORT

1. The purpose of this report is to present to the Council for consideration and adoption the terms and conditions for the new kerbside collection services and waste collection points as referred to in the proposed Waste Management Bylaw 2009.

### SUMMARY

2. On 27 November 2008 the Council will consider a report from the Hearings Panel for the Waste Management Bylaw 2009 recommending the adoption of the bylaw. The operation of the kerbside collection service and council waste collection points, set up under the bylaw, requires the Council to adopt detailed operational terms and conditions as presented in **Attachment 1** to this report (see clauses 4 and 6 of the Bylaw). In addition there are certain operational delegations, as set out in this report, that need to be considered.

### BACKGROUND

3. The new kerbside collection service will commence in early 2009 and the new Waste Management Bylaw 2009 will replace the existing refuse bylaws of both the former City and Banks Peninsula areas. The new bylaw has been drafted so it does not include detailed operational matters like those contained in the existing two bylaws. Operational matters might need to be altered more frequently than a bylaw and a separate but parallel terms and conditions document provides opportunity to separate the legal basis of the bylaw from the operational detail (although some of the operational matters still have "legal" content, as noted below).
4. Different contracts have been entered into with Transpacific Industries Ltd (collection services), META NZ (materials recovery facility) and Living Earth Ltd (composting facility). These contracts contain certain fixed operational requirements which have been incorporated into the terms and conditions, and are flagged as Contract issues in Attachment 1. The rest of the terms and conditions are not fixed in the contract.

### LEGAL CONSIDERATIONS

#### Terms and conditions

5. The Waste Management Bylaw 2009 provides that "any person using a [kerbside collection service/council waste collection point] must comply with the terms and conditions for that service as determined by the Council by resolution including, but not limited to, the following operational matters: ..." (see clauses 4 and 6 of the Bylaw). This means the Council must adopt a set of terms and conditions to allow the bylaw to be operational and effective. The detail of the terms and conditions are matters that do not need to be included in the bylaw. Under section 151 of the Local Government Act 2002 (and section 13 of the Bylaws Act 1910) they are a matter that can properly be left to the discretion of the Council to determine, applying the decision-making requirements in sections 77-82 of the Local Government Act 2002.
6. It is a reasonable discretion which is left to the Council to determine because the terms and conditions must also come within the scope of the "operational matters" detailed in the bylaw. As well as covering such matters as geographical areas, the need for separation of waste, etc both clauses 4 and 6 of the Bylaw provide that the terms and conditions may include any "additional rules ... required for the efficient operation of" the respective collection systems or facilities. This means that everything included in the proposed terms and conditions, which all relates to the efficient operation of the collection services and waste collection points, comes within the scope of the bylaw, and the discretion left to the Council.

16 Cont'd

**Delegations**

7. Clauses 5 of the Waste Management Bylaw 2009 set out what options the Council has in relation to any non-compliance with the conditions of the Kerbside Collection Service (clause 7 also sets out enforcement options for the use of Council Waste Collection points). The first two options in clause 5 are:
  - “(1) *The rejection (non-collection) of the contents of any approved container left out for kerbside collection, if the contents or placement of the container is non-compliant;*
  - “(2) *The withdrawal or suspension of the kerbside collection service being provided to that person; ..*”
8. These are matters which it is appropriate to delegate to the contractor or contractors who will be performing the collection services for the Council.
9. However, the Council's recent practice has been to delegate all its powers under a bylaw that are of a management or administrative nature to the Chief Executive. The Council has already delegated to the Chief Executive (on 26 June 2008) the power “*to institute any enforcement action, including a prosecution for an offence against any of the Council's bylaws, together with the power to make any decision pertaining to any such enforcement or prosecution*”.
10. This means no other delegation is required to be made by the Council under the Waste Management Bylaw in relation to the enforcement of that bylaw. The Chief Executive can sub-delegate the powers of enforcement in clauses 5(1) and (2) to the appropriate contractors, under the authority of clause 32(3) of the Seventh Schedule of the Local Government Act 2002. This authorises the Chief Executive to sub-delegate any powers delegated to him to any subcommittee or person subject to any conditions, limitations or prohibitions that the Council imposed in making the original delegation (in this case there are no limitations).
11. The only other power in the bylaw that Council can exercise, that does not relate to enforcement of the bylaw, is the power to, by resolution, “*prohibit certain materials from being deposited in an approved container or at a Council waste collection point or in a recyclable materials bin or a litter bin provided by the council in a public place.*” This power is one that can be left with the Council or could be delegated to a subcommittee or committee. However, at this stage there seems to be no need to provide for such a delegation.

**FINANCIAL IMPLICATIONS**

12. The financial implications of the new wheelie bin collection service were signed off by the Council in the 2008/09 Annual Plan.

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

13. See above.

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

14. Yes.

**ALIGNMENT WITH STRATEGIES**

15. The Waste Management Bylaw 2009 and these terms and conditions are supportive of the waste minimisation goals and targets of the Council's Waste Management Plan 2006 which aligns with the New Zealand Waste Strategy 2002.

16 Cont'd

**CONSULTATION FULFILMENT**

16. The Council undertook extensive public consultation when it developed the preferred option for a new kerbside collection service. This included consultation on the Draft Waste Management Plan in 2005, consultation on the Waste Minimisation Plan as part of the Draft Annual Plan 2008/09, and consultation on the Proposed Waste Management Bylaw 2009.
17. Following discussions with a range of stakeholders, a number of features that reflect community views have been considered in formulating the terms and conditions for this service. The terms and conditions largely deal with the practicalities of operating an efficient collection service in an urban area, the quality of the waste being diverted from landfill and also provide Council with the means for managing public nuisance associated with the bins and the contents.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Resolve to adopt the **attached** terms and conditions.
- (b) Note that the Chief Executive will make appropriate sub-delegations to the Council's contractors to enable them to enforce the Waste Management Bylaw 2009.



**17. ADOPTION OF SCHEDULE OF MEETINGS**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Democracy Services Manager
<b>Author:</b>	Clare Sullivan, Council Secretary

**PURPOSE OF REPORT**

1. The purpose of the report is to seek the adoption by the Council of the **attached** schedule setting out the proposed times and dates of ordinary Council meetings, Regulatory and Planning Committee meetings, and LTCCP meetings.

**EXECUTIVE SUMMARY**

2. In order that the business of the Council can be conducted in an orderly manner, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987, it is necessary for the Council to adopt a schedule of meetings.
3. The attached schedule assumes:
  - That Council meetings will be held commencing at 9.30am on the second and fourth Thursday of each month, with the meeting on the second Thursday being devoted solely to consideration of community board reports, with all remaining reports/items being submitted to the second meeting on the fourth Thursday.
  - The Regulatory and Planning Committee will meet at 9.30am on the first Thursday of each month. However, they are also considering an option of holding a second meeting a month. This has tentatively been provided for in the schedule.
  - Meetings set aside for the LTCCP (including a working party meeting in February) and hearings and consideration.
  - Meetings set aside for the Metropolitan Funding Committee, and hearings on the Representation Review.
4. The schedule is based on the agreed format of meetings for 2008, with times set aside for Council workshops. Other dates will still need to be set for hearings on bylaws and other special consultative processes.

**FINANCIAL IMPLICATIONS**

4. Costs associated with holding meetings is provided for in the LTCCP.

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

5. Yes. Page 115 of the 2006-16 LTCCP.

**LEGAL CONSIDERATIONS**

6. Yes.

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

7. Yes.

17 Cont'd

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. Yes.

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

9. Yes – Democracy and Governance pages 111 to 115 of the 2006-16 LTCCP.

**ALIGNMENT WITH STRATEGIES**

10. This is aligned with the Council's Governance Statement.

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

11. Yes – refer above.

**CONSULTATION FULFILMENT**

12. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council adopt the schedule of meetings **attached** to this report.

**18. PROPOSED MARINA AT LYTTTELTON**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	
<b>Author:</b>	Ian Thomson, Solicitor, Legal Services Unit

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend that the Council resolve to alter the resolution made after the 2007 local elections to re-establish the Lyttelton Marina Working Party ("Working Party") as a subcommittee and re-instate the Working Party as a working party of the Council;

**EXECUTIVE SUMMARY**

2. At its meeting on 10 May 2007, the Council appointed a Working Party for the purpose of progressing the matter of a marina and related projects at Lyttelton.
3. On 13 December 2007, instead of re-establishing the Working Party as a working party the Council appointed it as a subcommittee. The Democracy Services Unit has acknowledged that this was a mistake.
4. The Council's resolution of 13 December 2007 should be altered accordingly and the Working Party re-instated as a working party, not a subcommittee.

**FINANCIAL IMPLICATIONS**

5. A decision to alter the 13 December 2007 resolution and re-instate the Working Party as a working party would not be a cost to the Council.

**LEGAL CONSIDERATIONS**

6. The procedure for revoking or altering a previous resolution is contained in Clause 3.9.18 of the current Standing Orders, dated July 2008. The Clause states:

*"A local authority meeting may, on a recommendation contained in a report by the Chairperson or Chief Executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least two clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered."*

7. The Chief Executive, Tony Marryatt, has approved this report.
8. The Terms of Reference for the Working Party remain the same.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. Not applicable.

**CONSULTATION FULFILMENT**

10. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council resolve to:

- (a) Alter its resolution of 13 December 2007 by removing the words "Lyttelton Marina Subcommittee" and replacing them with "Lyttelton Marina Working Party" in Attachment A to the staff report considered at the meetings held on that date.
- (b) Authorise the Council Secretary to amend the Council's records accordingly.

18 Cont'd

**BACKGROUND**

11. At its meeting on 10 May 2007, the Council resolved to appoint three Councillors and a Community Board member to a working party for the purpose of taking appropriate steps to progress the matter of a marina and related projects at Lyttelton. The Working Party was not intended to be a subcommittee of the Council.
12. In a staff report to the Council meeting of 13 December 2007, the Lyttelton Marina Working Party was described as "Lyttelton Marina Subcommittee". It has been acknowledged that this was an error.
13. The Working Party was never intended to be a subcommittee or any other subordinate decision-making body of the Council. It is an internal group established to progress the matter of a marina and related projects at Lyttelton and to report back to the Council. It is therefore appropriate that the error in describing the Working Party as a sub-committee is corrected.

**OPTIONS**

14. The recommendation is that the 13 December 2007 resolution be altered and the Lyttelton Marina Working Party be re-instated as a working party. Authority to do that is contained in Clause 3.9.18 of the Council's Standing Orders. In accordance with that Clause, a report by the Chief Executive is required.
15. If the recommendation is not accepted by the Council, the alternative is that, as a subcommittee, the Lyttelton Marina Working Party is subject to the meeting provisions contained in the Local Government Official Information and Meetings Act 1987. These include notifying the public of meetings of the Working Party, making agendas and reports publicly available and holding meetings of the Working Party in public. The intention of establishing the Working Party was to progress the matter of a marina and related projects at Lyttelton to a point where a report on these matters could be presented to the Council and a decision made on future steps to be taken.
16. Already, there have been issues with regard to disclosure of information and a complaint is currently before the Ombudsman's office. As the Working Party lacks any decision-making ability, it makes sense that it remains as a working party and that any decisions to be made are made by the Council in accordance with its usual obligations.

**PREFERRED OPTION**

17. The option preferred by staff is:
  - (a) to alter the 13 December 2007 resolution so that the Lyttelton Marina Working Party is re-instated as a working party.

**19. DRAFT WATER SUPPLY STRATEGY**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager - Healthy Environment
<b>Author:</b>	Diane Shelander, Strategic Support Unit

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the approval of Council for the release of the draft Water Supply Strategy for Christchurch 2008-38 for public consultation beginning November 2008. The draft strategy will be separately circulated prior to the meeting.

**EXECUTIVE SUMMARY**

2. Christchurch City Council provides drinking water to over 340,000 residents through a network of groundwater wells and surface water intakes, pumping stations, reservoirs, and related infrastructure including approximately 3000 km of piping. Approximately 55 million cubic metres of water is abstracted from the groundwater aquifers underlying Christchurch for the public water supply (including urban Christchurch and the Lyttelton Harbour Basin), along with approximately 1.4 million cubic metres abstracted from streams and wells for the public water supplies in Banks Peninsula.
3. Rules in the proposed Natural Resources Regional Plan indicate that an allocation limit will be set for the Christchurch Water Supply. This is expected to be in the order of 75 million cubic metres per year. An additional pressure exists in Banks Peninsula, where the availability of the major sources of public water supply tends to be lowest when demand is highest during the summer months.
4. During 2007 and 2008, the development of a Water Supply Strategy has been under way. The development of the draft strategy is based on an assessment of the current state and key challenges facing water supply planning. This has led to the development of a set of guiding principles, a strategic vision and key goals and objectives for a sustainable water supply.
5. The draft strategic vision for the water supply strategy is:
  - (a) Our public water supplies are valued and protected for us and future generations.
  - (b) We work together to provide safe, reliable water supplies that are managed sustainably.
6. The draft goals are:
  - (a) Our customers have clean, safe water.
  - (b) The sources of our water are protected from degradation.
  - (c) The Council's water supplies meet our customers' reasonable needs.
  - (d) Water is used efficiently and sustainably.
7. The purpose and key points of water supply for the Christchurch district were presented to and discussed at Council seminars on 22 April 2008 and 25 September 2008 and at a Community Board workshop on 8 September 2008. The draft strategy document was the focus of a Councillor workshop earlier this month.
8. In 2007 and 2008, preliminary discussions and consultations on key points of the Strategy were held with a number of stakeholders and community groups including Environment Canterbury, Canterbury Employers Chamber of Commerce, New Zealand Manufacturers and Exporters Association, Sustainable Otautahi Christchurch, Mahaanui Kurataiao Ltd, New Zealand Fire Service, Age Concern and Community and Public Health. Ideas, concerns and challenges from this preliminary consultation were incorporated into the Draft Strategy.

19 Cont'd

9. Key dates for the Water Supply Strategy are:

- (a) 27 November 2008 - the draft Water Supply Strategy for public consultation taken to Council for approval
- (b) December 2008 through early March 2009 - Public consultation
- (c) June 2009 - Council adoption of Water Supply Strategy

(N.B. Consultation on other Healthy Environment strategies has been rescheduled to reduce consultation load during this period.

**FINANCIAL IMPLICATIONS**

10. The 2008/09 Annual Plan and the LTCCP Activity Management Plan for Water Supply and Water Conservation provide only limited support for the implementation of this strategy. Depending on which of the future options identified in the draft strategy are adopted, there are likely to be additional capital and/or operational costs associated with the implementation of the final strategy. As part of adopting the final strategy a funded implementation plan will need to be also agreed. As significant elements of the strategy are already capable of being funded from within existing budgets, new initiatives can be “bled” in as part of the 2009 and subsequent LTCCP’s Savings from reduced energy, maintenance and other operational costs are possible, depending upon the options adopted. One of the key planks of the strategy is to extend the life of current water supply allocations. The success of this will be gained in significant reductions in cost towards the end of the timeframe by way of deferred capital infrastructure expenditure; see below.

The financial implications of not adopting the strategy and continuing with business as usual would be significant, particularly beyond 2030 due to the need to find new sources of water (see Figure 1). Implementation of the strategy would delay the need to find alternative water supplies for Christchurch, potentially until the beginning of the 22nd century. The cost of implementing the strategy, at an average of approximately 20 per cent above “business as usual” costs until around 2027, will significantly delay the need for new infrastructure to abstract, treat and transport water from alternative sources. It is expected that the approach taken in the Water Supply Strategy will provide overall savings of \$200M over the next 30 years i.e. 25 per cent cheaper than business as usual.

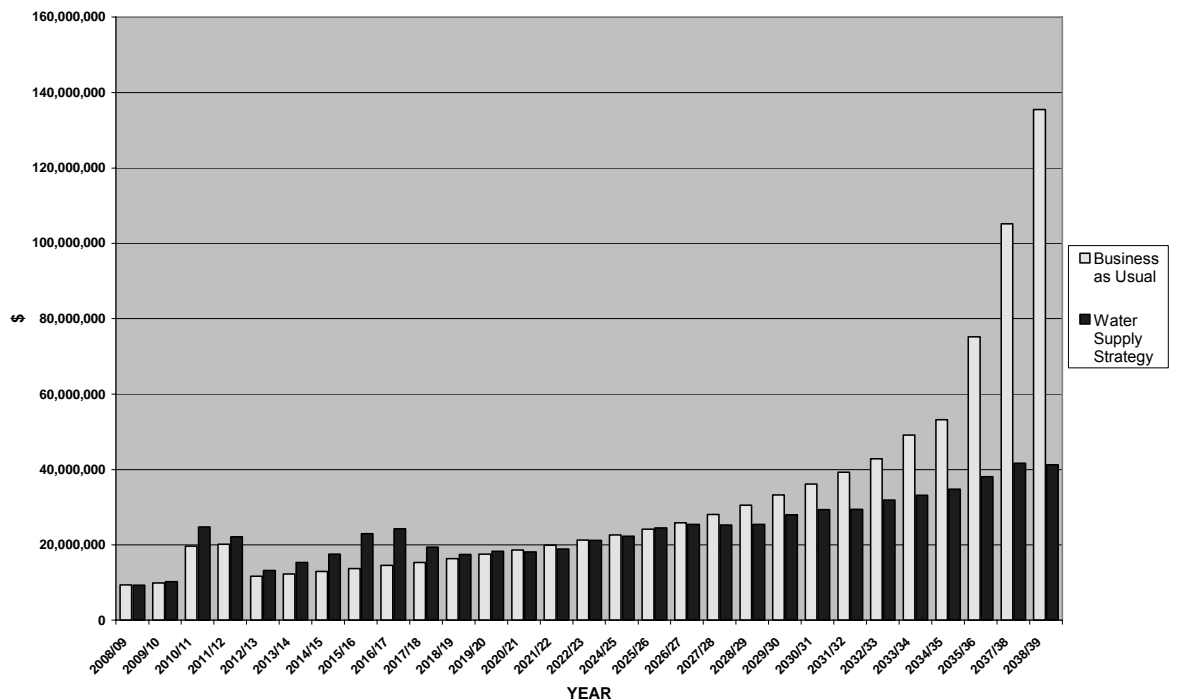


Figure 1. Strategic approach vs. business as usual

19 Cont'd

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

11. Funding to support the development of the Water Supply Strategy aligns with the current LTCCP budget. However implementation of the strategy will require additional funding in the order of 20 per cent above business as usual, depending on the final mix of actions adopted.

**LEGAL CONSIDERATIONS**

12. The Local Government Act (LGA) 2002 requires that local authorities take a sustainable approach to managing the public water supply in a manner that promotes the four well-beings (social, environmental, economic and cultural). LGA 2002 Section 130 sets out the Council's obligation to maintain water services. Also the Resource Management Act 1991 has as its purpose to promote the sustainable management of natural and physical resources, including water.

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

13. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Development of the Water Supply Strategy aligns with the current LTCCP and activity management plan budgets. The outcome of the development of the Water Supply Strategy may have an impact on Council activities and level of service.

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

15. As above.

**ALIGNMENT WITH STRATEGIES**

16. The recommendations align with other Council strategies and policies including the Greater Christchurch Urban Development Strategy, the Sustainability Policy, the Biodiversity and Surface Water Strategies.

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

17. As above.

**CONSULTATION FULFILMENT**

18. Consultation with key stakeholders has been undertaken over the last 12 to 18 months. Consultation with the community as a whole will be undertaken on the draft strategy, once approved by the Council. This consultation will target key stakeholders including business, community, environmental and government organisations. The consultation period will seek written comments and run from December 2008 through to early March 2009. This will be a non-statutory process and not a special consultation process. It is proposed that submissions will be considered by a Hearings Panel made up of Councillors.

**STAFF RECOMMENDATION**

It is recommended that:

- (a) The Council approve the release of the Draft Water Supply Strategy 2008-2038 for public consultation, beginning December 2008.
- (b) A Hearings Panel comprising Councillors (to be named) be formed to hear feedback on submissions to the draft Water Supply Strategy and that their recommendations be included in the final strategy presented to Council for adoption.

19 Cont'd

**BACKGROUND ON DRAFT WATER SUPPLY STRATEGY**

19. An internal staff team comprised of representatives from units across the Council has been involved developing a sustainable water supply strategy for the whole of the public water supply.
20. In August 2007 an external stakeholder workshop was held at which top level issues and options were identified.
21. Earlier this year the internal staff team completed a review of the current state of the public water supply. At the same time a brief study was completed by an external consultant to evaluate volumetric charging options for residential customers (commercial customers are already charged under a user-pays scheme).
22. In April 2008 a seminar was held for councillors at which the general state of the aquifer system in Canterbury, and the Christchurch aquifer serving as the public drinking water source in particular, was discussed. One of the key messages at that seminar is the fact that drinking water is not an unlimited resource, and under the Proposed Natural Resources Regional Plan, an annual abstraction limit for Christchurch's public water supply is likely. Rules in the proposed Natural Resources Regional Plan indicate that an allocation cap will be set for the Christchurch Water Supply. It is expected that this will be in the order of 75 million cubic metres per year. An additional pressure exists in Banks Peninsula, where the availability of the major sources of public water supply tends to be lowest when demand is highest during the summer months.
23. In September 2008 a workshop was held for key stakeholders, including representatives from Environment Canterbury, Canterbury Employers Chamber of Commerce, New Zealand Manufacturers and Exporters Association, Sustainable Otago Christchurch, Mahaanui Kurataiao Ltd, New Zealand Fire service, Age Concern, and Community and Public Health. The feedback from this workshop as well as the August 2007 stakeholder workshop, were integrated into an Issues and Options report prepared by the staff team.
24. On 25 September 2008 a seminar was held for Councillors to discuss the issues and options facing the sustainable management of the Christchurch public water supply, including the public water supplies in Banks Peninsula.
25. The draft Water Supply Strategy sets out the strategic direction for the Council's provision of water supply services and the stewardship of the sources of the public water supply. Through this strategy the Council is making a commitment to sustainably manage the public water supply now and into the future.
26. The draft Water Supply Strategy establishes the Council's vision for a sustainable water supply:
  - (a) Our public water supplies are valued and protected for us and future generations.
  - (b) We work together to provide safe, reliable water supplies that are managed sustainably.
27. To achieve this strategic vision, the draft Water Supply Strategy sets out four keys goals:
  - (a) Our customers have clean, safe water.
  - (b) The sources of our water are protected from degradation.
  - (c) The Council's water supplies meet our customers' reasonable needs.
  - (d) Water is used efficiently and sustainably.
28. Key issues to be addressed to implement the Water Supply Strategy are:
  - (a) Availability: Is the "bucket" big enough to service our needs now and in the future?
  - (b) Quality: How do we protect what we have?
  - (c) Demand: How can we make our water resources last into the future?
  - (d) Service, costs and regulation: How do we provide a reasonable level of service, value water appropriately and respond to a dynamic regulatory environment?



## 19 Cont'd

29. Current programmed operational activities which are already in progress are summarised below.

Activity	2008/09 Annual Plan (\$millions)
WaterWise public awareness campaign	\$0.13
Target Sustainability Programme (all activities; not limited to water efficiency advice)	\$0.40
Renewals and replacements of pumping station pipework, wells, etc (all activities)	\$1.46
Water treatment works renewals and replacements (proposed budget in Water Supply Asset Management Plan )	\$0.13
Water storage renewals and replacements	\$2.86
Water reticulation renewals and replacements	\$3.89
Water meters renewals and replacements	\$0.26
General water management renewals and replacements (.g., portable equipment & fittings) (proposed budget in Water Supply Asset Management Plan )	\$0.01

To fully implement the draft strategy would require a lift from currently identified funding in the order of \$1 million to \$10 million, per year until approximately 2027 plus or minus 30 per cent. However, it is expected that the approach taken in the Water Supply Strategy will provide overall savings of \$200M over the next 30 years i.e. 25 per cent cheaper than business as usual.

30. The draft strategy considers a number of options to address these issues, including:
- Assessment of alternatives such as rainwater;
  - A strong education component, having a focus on valuing water;
  - Protecting the right for future water takes for public water supply;
  - Better managing the existing water supply network (including pressure management);
  - Considering a direct charge on the public water supply based on actual use (with a base allocation funded by rates and an excess use charge);
  - Providing incentives for efficient use (e.g. subsidies for water-efficient devices, grants for rainwater tanks, rebates for use below a base allocation);
  - Better practices at Council facilities (e.g., low-flow devices in City Housing stock, and Council facilities, drought-resistant plantings in public spaces; use of non-potable water where practicable and water re-use projects); and
  - Controlling growth where water resources are already significantly at risk.
31. The following table summarises the recommended options considered in the draft strategy along with proposed time frames in which they would be implemented.

Option	Proposed time frame
<b>Higher ranked options</b>	
Pressure zone modelling to optimise equalised pressure management zones	2009/10
Infrastructure upgrades for new pressure management zones – Feasibility study/cost benefit analysis	2011/12 – 2012/13
Infrastructure upgrades for new pressure management zones – Capital programme	2013/14 onwards
Installation of water efficient devices in City Housing	2012/13
City Plan change to require rainwater system or rainwater/greywater combined system	2014/15
Valuing water campaign – research study	2009/10
Valuing water campaign	
Development & rollout (yr 1)	2011/12
Implementation (subsequent years)	2012/13 and onwards
Securing rights to additional water takes	2009/10 – 2010/11

## 19 Cont'd

Option	Proposed time frame
Waimakariri River development of new source 40 Ml/day (with treatment) <b>OR</b> 80 Ml/day (with treatment) <b>OR</b> Ellesmere well-field development	2013/14 – 2014/15 (securing this option) 2030/31 (infrastructure)
Water reuse as appropriate in new Council facilities or major refurbishments	2008/09 and onwards Project by project basis
Rainwater as new source – study for Council implementation	2012/13
Rainwater as new source – Council rainwater use programme	2014/15
Rainwater as new source – Banks Peninsula subsidy – cost-benefit study	2009/10
Rainwater as new source – Banks Peninsula subsidy	2013/14
Wastewater Reuse Demonstration Project - Capital programme	2018/19 – 2019/20
Acquire existing well rights as they become available	2015/16 onwards
Partnering and engagement with local and national governments regarding water-related standards, laws and regulations	2008/09 and onwards
North West Zone – mix of installation of UV disinfection systems and replacement with deeper wells (some locations in NW zone)	2012/2015
<b>Medium ranked options</b>	
Benchmarking exercise to determine target economic level of loss	2009/10
Enhanced water loss reduction programme (if benchmarked economic level of loss less than current level of loss)	2011/12 , if needed
Comprehensive economic and legal review of charging for water	2011/12 – 2012/13
Volumetric charging (may require separating shared connections) (Opex would be recovered through charging structure)	2017/18
Analysis of total system costs for water-efficient devices	2010/11
Water efficient devices rebate scheme	2012/13
Green Plumber	2012/13
Green Gardener	2012/13

32. Following approval of the Draft Water Supply Strategy by the Council, a process of general consultation will be undertaken. This process will encompass community and social organisations, environmental organisations, Government agencies, iwi, residents, business and commercial organisations, the New Zealand Fire Service, and other stakeholders.
33. It is proposed that consultation on the Draft Water Supply Strategy run from early December 2008 through to 6 March 2009. The public will be able to provide comment on feedback forms that will be made available at all Council service centres, libraries, and online. This will be a non-statutory process and not a special consultation process.
34. A Hearing Panel is proposed to hear feedback from those who provide written submissions received on the draft Water Supply Strategy. It is also proposed that the Panel's recommendations be included in the final strategy presented to Council for adoption.
35. It is intended that the Water Supply Strategy will be completed by mid-2009.

**27. 11. 2008**

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**20. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 6 NOVEMBER 2008**

Attached.

**27. 11. 2008**

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**21. NOTICES OF MOTION**

**22. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.

THURSDAY 27 NOVEMBER 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 23-25.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
23. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 30.10.2008 )	)	
24. COMMUNITY ORGANISATIONS ) LOAN SCHEME – ROUND 2 ) 2008/09 )	GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7 )	SECTION 48(1)(a)
25. PERFORMANCE REVIEW ) SUBCOMMITTEE )	)	

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 23	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 23	Commercial Activities	(Section 7(2)(h))
Item 23	Conduct of Negotiations	(Section 7(2)(i))
Item 23	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 24	Commercial Activities	(Section 7(2)(h))
Item 25	Protection of Privacy of Natural Persons	(Section 7(2)(a))

**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.”