



# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 25 SEPTEMBER 2008**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

# AGENDA - OPEN



## CHRISTCHURCH CITY COUNCIL

**Thursday 25 September 2008 at 9.30am  
in the Council Chamber, Civic Offices**

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

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**25. 9. 2008**

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**1. APOLOGIES**

**2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 28.8.2008 AND 11.9.2008**

Attached.

**3. DEPUTATIONS BY APPOINTMENT**

(a) A representative from Spokes will speak regarding clause 8 of the agenda.

**4. PRESENTATION OF PETITIONS**

## 5. ENFORCEMENT ISSUES ARISING FROM THE 2008 BYLAW REVIEWS

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

### PURPOSE OF REPORT

1. The purpose of this report is to advise the Council in relation to its resolution of 19 June 2008:
  - Requesting staff to prepare advice for the Council on implications of, and possible advocacy for, an infringement regime which is provided for but not yet enabled through the Local Government Act 2002;
  - To make recommendations to Local Government New Zealand and the New Zealand Transport Agency to seek a change to the Land Transport Rule: Traffic Control Devices 2004 to vary the signage requirement regarding certain offences.

### EXECUTIVE SUMMARY

#### *Infringement Regime Under the Local Government Act 2002*

2. The Local Government Act 2002 (LGA 02) contains an infringement regime that would enable infringement offences to be enforced using infringement notices as opposed to a summary proceeding. An infringement offence is defined as an offence specified as such in regulations made under section 259(a). Breaches of bylaws may be prescribed as infringement offences in any such regulations.
3. The Council has consistently submitted that the infringement regime under the LGA 02 should be brought into force. To date, no regulations have been made under section 259. However, it is still open to the Council, at any time, to make a submission addressed to both the Minister of Justice and the Minister of Local Government asking that regulations be made prescribing that breaches of specific Christchurch City Council bylaws are infringement offences for the purposes of the LGA 02. This approach has been adopted in relation to breaches of navigation bylaws under the Local Government Act 1974, and 11 sets of regulations have been made under corresponding provisions.

#### *Signage Requirement under the Traffic Control Devices Rule*

4. The requirement for signage comes from section 4.2(2) and 4.2(3) of the Traffic Control Devices Rule 2004. These sections provide that a road controlling authority must install regulatory signs to draw attention to a requirement, restriction or prohibition on road users when that road controlling authority has made a requirement, restriction or prohibition by bylaw (or other instrument) on a road under its control. A regulatory sign includes a parking sign. The effect of this section is that whether or not a parking restriction or prohibition on a road is made under the Transport Act 1962 or the LGA 02, the Council must erect prescribed signs to draw attention to the restriction or prohibition. Section 12 of the Traffic Control Devices Rule 2004 sets out the general requirements for the way in which parking restrictions and prohibitions must be signed.
5. This has consequences for offences against the Christchurch City Council Traffic and Parking Bylaw 2008 (parking on grass berms or verges, and heavy vehicles parking in residential areas).
6. In order to seek a change to the Traffic Control Devices Rule 2004, the Council will need to make a submission to the New Zealand Transport Agency (as of 1 August 2008 Land Transport New Zealand and Transit New Zealand were merged into the New Zealand Transport Agency). An amendment to the Traffic Control Devices Rule 2004 is currently in the policy development phase, so there will be an opportunity, in due course, for the Council to make a submission in the context of a formal consultation on the Rule. However, it is not clear when the draft Rule will be put out for consultation.

**5 Cont'd**

7. Another way of approaching these specific issues would be to propose amendments to the Land Transport Road User Rule 2004. Again, it appears that a proposed amendment to the Road User Rule 2004 will be out for consultation sooner than the Traffic Control Devices Amendment Rule. It is suggested that the Council first makes a submission on the upcoming Road User Amendment Rule proposing the following amendments:
  - (a) an amendment to clause 6.14 of the Road User Rule 2004 to prohibit the parking of a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road; and
  - (b) an amendment to the Road User Rule 2004 to insert a new provision that the parking of heavy motor vehicles is prohibited in residential areas.
8. It will then be open to the Council to subsequently propose an amendment to the Traffic Control Devices Rule 2004 if the first submission is unsuccessful.

**FINANCIAL IMPLICATIONS**

9. There are no financial implications arising out of this report.

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

10. Not applicable.

**LEGAL CONSIDERATIONS**

*Infringement Regime Under the Local Government Act 2002*

11. Subpart 3 of Part 9 of the LGA 02 contains an infringement regime that would enable infringement offences to be enforced using infringement notices as opposed to a summary proceeding. An infringement offence is defined as an offence specified as such in regulations made under section 259(a). Section 259(a) provides that the Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for prescribing breaches of bylaws that are infringement offences under the LGA 02. At present no regulations have been made under section 259 of the LGA 02 and, therefore, it is not possible to use this easier and more practical regime to enforce breaches of the Council's bylaws.
12. By comparison, the Building Act 2004 contains a similar infringement offence regime. As of 1 July 2008, the Building (Infringement Offences, Fees, and Forms) Regulations 2007 came into force which enable certain building offences to be enforced using an infringement notice procedure. (Examples of these offences include failing to comply with the requirement that building work must be carried out in accordance with a building consent, for which the infringement fine is \$750, or failing to comply with a notice to fix for which the infringement fine is \$1,000.) The Transport Act 1962 also allows for the enforcement of parking offences (where those parking offences are breaches of a bylaw made under the Transport Act 1962) using an infringement notice regime.
13. Another example of an infringement regime in relation to bylaws are the provisions relating to navigation bylaws made by regional councils under section 684B of the Local Government Act 1974 (the LGA 74). Section 699A of the LGA 74 enables regulations specifying which breaches of navigation bylaws are infringement offences for the purposes of section 699A. There are currently 11 sets of regulations in force prescribing breaches of specific bylaws as infringement offences. For example the Local Government (Infringement Fees for Offences: Hawke's Bay Regional Navigation and Safety Bylaws) Regulations 2003 or the Local Government (Infringement Fees for Offences—Environment Canterbury Navigation Safety Bylaws) Regulations 2005.

## 5 Cont'd

14. However, in the absence of a general infringement offence regime for bylaw offences, the Council must use its traditional enforcement tools set out in the LGA 02 such as prosecutions (by laying an information in the District Court), injunctions, and removal of works/things (and recovery of costs). Most of these actions result in a higher cost to the Council than if it were given the power to issue infringement notices. There are also other alternatives to the means provided in the LGA 02, for example, cancelling or suspending permits/licences or using other means of persuasion for compliance, such as policies/strategies - eg if we want to encourage people to not leave glass bottles on the street then providing more rubbish/recycling bins on the street may help.
15. Over the last four years, the Council has consistently and constantly made submissions to the relevant body advocating for the introduction of regulations to bring the infringement regime into effect. Recent examples are: the submissions on the last Local Government Amendment Bill, the Ministry of Economic Development's review of regulatory frameworks and the LGNZ Roadshow, with the most recent one being the submission to the Local Government Commission. (In this respect the Local Government Commission recently released its summary report on the Review of the Local Government Act 2002 and the Local Electoral Act 2001. In the summary report the Commission stated that "*In response to a number of submissions on the subject, we also recommend that regulations be made under section 259 as soon as practicable to prescribe breaches of bylaws that are infringement offences along with associated infringement fees.*")
16. It is always open to the Council to make further unsolicited submissions to the Local Government Commission or the Law Commission on the issue. However, given the approach of the Government in relation to navigation bylaws (ie that each bylaw is the subject of its own regulation), the best approach appears to be to make a submission addressed to both the Minister of Local Government and the Minister of Justice requesting that the Governor-General make regulations specific to Christchurch City Council prescribing that breaches of particular Christchurch City Council bylaws are to be treated as infringement offences. In the submission, the Council would need to address which clauses of which Bylaw should be subject to the infringement offence regime and the suggested infringement fees (which must not exceed \$1,000).
17. Examples of breaches of Christchurch City Council Bylaws could include breaches of the following clauses in the following Bylaws:

Christchurch City Council Traffic and Parking Bylaw 2008

19. Use of Construction Machinery or Equipment
20. Use of Waste-taker Bins, Receptacles or Any Other Object
21. Motorhomes and Immobilised Vehicles
22. Using the Road for Storage
23. Working on Vehicles

Christchurch City Council Parks and Reserves Bylaw 2008

6. Behaviour in Reserves
7. Animals
8. Vehicles, Other Traffic, Mechanical Devices and Vessels
9. Fires
10. Camping
11. Tents, Booths etc
12. Aircraft
13. Sports and Games
14. Botanic Gardens
15. Rawhiti Golf Course

Christchurch City Council Marine and River Facilities Bylaw 2008

4. Use of Marine and River Facilities by Commercial and Charter Operators
5. Use of Wharves and Jetties
6. Obstruction of Marine and River Facilities

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*Signage Requirement Under the Traffic Control Devices Rule 2004*

18. The Council resolved on 19 June 2008 to make recommendations to Local Government New Zealand and Land Transport New Zealand to seek a change to the Land Transport Rule: Traffic Control Devices 2004 to vary the signage requirement regarding certain offences.
19. This resolution relates to the requirement in section 4.2(2) and 4.2(3) of the Traffic Control Devices Rule 2004 that a road controlling authority must install regulatory signs to draw attention to a requirement, restriction or prohibition on road users when that road controlling authority has made a requirement, restriction or prohibition by bylaw (or other instrument) on a road under its control. A regulatory sign includes a parking sign. The effect of this Rule is that whether or not a parking restriction or prohibition on a road is made under the Transport Act 1962 or the LGA 02, the Council must erect prescribed signs to draw attention to the restriction or prohibition. Section 12 of the Traffic Control Devices Rule 2004 sets out the general requirements for the way in which parking restrictions and prohibitions must be signed.
20. This has consequences for offences against the Christchurch City Council Traffic and Parking Bylaw 2008 being
  - Clause 9 Parking on grass berms or verges
  - Clause 10 Heavy vehicles parking on residential streets.
21. At present, clause 9 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides that no person may stop, stand or park a motor vehicle on a grass berm or verge where prescribed signs indicate no stopping, standing or parking, as the case may be. Clause 10 provides for the Council to specify by resolution any road or part of a road in a residential area which may not be used by heavy motor vehicles for the purposes of stopping, standing, or parking for the time period or periods for which the restriction applies. Clause 10 is subject to the Council erecting the prescribed signs.
22. In order to seek a change to the Traffic Control Devices Rule 2004, the Council will need to make a submission to the New Zealand Transport Agency. (As of 1 August 2008 Land Transport New Zealand and Transit New Zealand were merged into the New Zealand Transport Agency).
23. By way of background it is noted that in 2007, Land Transport New Zealand undertook consultation on an Omnibus Amendment Rule which was divided into 10 separate amendment rules, including amendments to the Traffic Control Devices Rule 2004 and the Road User Rule 2004. Consultation closed on 14 September 2007 and the amended rules were adopted on 11 December 2007 and in force on 17 January 2008). The New Zealand Transport Agency website (still linked through to the Land Transport New Zealand website) notes that there are further Amendment Rules due out for consultation. These are as follows:

Road User Amendment (Rule 61002/2)	Will implement miscellaneous Road Safety 2010 safety intervention recommendations. It will also include other, smaller changes that are nevertheless of sufficient public interest to not form part of an Omnibus Amendment Rule, for example, speed limits when towing with a rope.	Yellow phase Rule being drafted for public consultation.
Traffic Control Devices Amendment (Rule 54002/2)	To implement Road Safety 2010 safety intervention recommendations including results from trials, such as road markings before pedestrian crossings, and requirements for the placement of signs and the frequency for changing speed limits.	Blue phase In Policy Development Phase.
Omnibus Amendment 2009 (Rule 10005)	This rule will include fairly straight-forward and non-contentious amendments to existing Rules.	Blue phase In Policy Development Phase

## 5 Cont'd

24. The Council is not prevented from making a submission to the New Zealand Transport Agency at any time. However, it is more likely that proper consideration would be given to a submission in the context of the formal consultation process for rule-making. The New Zealand Transport Agency notes that there are five stages of rule-making which are:
- Blue phase: Policy development, which may include a discussion paper on policy proposals.
  - Red phase (optional): Draft of the legislative provisions sent to registered interest groups.
  - Yellow phase: Public consultation (advertised in public notice columns of the major metropolitan and regional newspapers and distributed widely).
  - Green (optional): Draft of Rule released for final comment if there's a long delay or major changes after the yellow draft was released.
  - White phase: This is the draft which is sent to the Ministry of Transport for government scrutiny. The Ministry and other departments and agencies may make changes before the Rule is submitted to Cabinet and then to the Minister to sign.
25. Given that there is a proposal to amend the Road User Rule 2004 and the proposal to amend the Traffic Control Devices Rule 2004 is in the policy development/rule drafting phase, it is suggested that it is appropriate to wait until these drafts are released and then propose amendments in the context of the consultation on these Rules.
26. In deciding whether to make a submission to propose a Rule change, the Council first needs to consider whether any other non-regulatory options are available to deal with parking on grass berms and verges and the parking of heavy vehicles in residential areas, which may obviate the need for such restrictions. Options for dealing with parking on grass berms and verges include landscaping changes (eg using rocks, boulders, planting vegetation or trees on the grassed areas to deter parking), fencing or creating larger footpaths. It is always open to the Council to erect signage in areas where such parking is considered a problem. There are, however, limited measures that can be done to deter heavy vehicles parking in residential areas as the roads still need to cater for rubbish trucks, emergency service vehicles and sometimes buses.
27. In terms of a submission to propose a Rule change, there are also various options as to how the submission could be framed and what sort of amendments are proposed. The options are:
- Option 1: Propose a broad amendment to section 4(2) of the Traffic Control Devices Rule 2004 to exempt bylaws relating to parking on grass verges and berms and the parking of heavy motor vehicles in residential areas.
  - Option 2: Propose an amendment to section 12 of the Traffic Control Devices Rule 2004 to exempt bylaws relating to parking on grass verges and berms and the parking of heavy motor vehicles in residential areas.
  - Option 3: Option 2 plus an added provision that before the Council issues an infringement notice, the Council must issue a warning notice to the registered owner of the vehicle.
  - Option 4(a): Propose an amendment to clause 6.14 of the Road User Rule 2004 to provide that the parking of a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road is prohibited.
  - Option 4(b): Propose an amendment to the Road User Rule 2004 to insert a new provision that the parking of heavy motor vehicles is prohibited in residential areas.
28. It is open to the Council to propose a wide-ranging amendment to section 4.2(2) and 4.2(3) of the Traffic Control Devices Rule 2004 which deals broadly with the requirements of signage (ie Option 1). However, given that the Council is concerned about the signage requirements for parking of vehicles on grass berms and verges and the parking of heavy vehicles in residential areas, the Council could propose that a clause be inserted in Part 12 of the Traffic Control Devices Rule 2004 which exempts these matters from signage (ie Option 2). It is suggested that of these two options, the amendment to section 12 is the better option because it deals specifically with parking signs and the Council's concerns relate to parking issues.



**5 Cont'd**

29. Given that the Council would be proposing quite a broad amendment to the Traffic Control Devices Rule 2004, it may also want to consider softening the proposal by providing that before any infringement notice is issued, the Council must issue a warning notice to the registered owner of the vehicle (ie Option 3).
30. Another way of dealing with the parking of vehicles on grass verges and berms is to propose an amendment to the Road User Rule 2004. Clauses 2.13 and 2.14 of the Road User Rule 2004 currently prohibit the driving of motor vehicles along a footpath and driving a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road. Clause 6.14 of the Road User Rule 2004 provides that a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path. There is no signage requirement in the Traffic Control Devices Rule 2004 for this clause. This clause could be amended to include that the parking of a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road is also prohibited (ie Option 4(a)).
31. Finally, the Council could also consider proposing an amendment to the Road User Rule 2004 to insert a new provision that applies nationally which prohibits the parking of heavy motor vehicles in residential areas (ie Option 4(b)). Again, a signage requirement would not apply to this clause.
32. It is noted that in the context of the Omnibus Amendment Rule 2007, the IPENZ Transportation Group, NZ Traffic Institute (Trafinz) and the Dunedin City Council made submissions that the Road User Rule 2004 be amended to include a prohibition on parking on grass berms and verges. However, these submissions appear not to have been accepted. Nevertheless, it is suggested that the Council still makes submissions on these issues. The more submissions that are received, the more likely it is that the New Zealand Transport Agency and the Minister of Transport will give more in-depth consideration to the matter.
33. It appears that the amendment to the Road User Rule 2004 will be out for consultation sooner than the proposed amendment to the Traffic Control Devices Rule 2004, so it is suggested that the Council first makes a submission on the Road User Rule 2004 proposing that clause 6.14 be changed to also prohibit the parking of a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road, **and** proposing that a new clause be inserted to prohibit the parking of heavy motor vehicles in residential areas.
34. It will then be open to the Council to subsequently propose an amendment to the Traffic Control Devices Rule 2004 if the first submission is unsuccessful.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

35. Not applicable.

**ALIGNMENT WITH STRATEGIES**

36. This proposal aligns with the vision and policies as set out in the Council's Parking Strategy 2003. One of the visions that the Parking Strategy 2003 provides is that parking will be provided and managed to minimise its impact on the natural and physical environment and support the sustainable use of resources. Removing the need for signage relating to the prohibition of parking on grass berms and verges and the prohibition of heavy motor vehicles parking in residential areas will minimise the visual impact on the environment and support Christchurch's Garden City values.

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

37. Yes.

**CONSULTATION FULFILMENT**

38. This matter has been discussed with the Inspections and Enforcement Unit and the Transport and Greenspace Unit (who usually provide input on any submission on the Land Transport Rules).

**5 Cont'd**

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (i) Note that the Local Government Act 2002 (LGA 02) contains an infringement regime that would enable infringement offences (such as breaches of Council bylaws) to be enforced using infringement notices as opposed to a summary proceeding.
- (ii) Request that a submission be prepared to the Minister of Local Government and the Minister of Justice seeking that regulations are promulgated to provide that breaches of Council bylaws are infringement offences under the LGA 02 and may be enforced by issuing an infringement notice.
- (iii) Request that a submission be prepared on the yellow draft of the Road User Amendment (Rule 61002/2) that incorporates both Option 4(a) and Option 4(b) (ie the submission would propose the following amendments:
  - (a) An amendment to clause 6.14 of the Road User Rule 2004 to provide that the parking of a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road is prohibited; and
  - (b) An amendment to the Road User Rule 2004 to insert a new provision that the parking of heavy motor vehicles is prohibited in residential areas).
- (iv) Subsequently, request that a submission be prepared on the yellow draft of the Traffic Control Devices Amendment (Rule 54002/2) that incorporates either of the following options:
  - (a) Option 1 (ie a broad amendment to section 4(2) of the Traffic Control Devices Rule 2004 to exempt bylaws relating to parking on grass verges and berms and the parking of heavy motor vehicles in residential areas); or
  - (b) Options 2 and 3 (ie proposing an amendment to section 12 of the Traffic Control Devices Rule 2004 to exempt bylaws relating to parking on grass verges and berms and the parking of heavy motor vehicles in residential areas, and an added provision that before the Council issues an infringement notice, the Council must issue a warning notice to the registered owner of the vehicle).

5 Cont'd

**Addendum to Report to Council on Enforcement Issues Arising from the 2008 Bylaw Reviews  
(for 25 September 2008 meeting)**

The above report includes the following recommendations to Council:

- (iii) *Request that a submission be prepared on the yellow draft of the Road User Amendment (Rule 61002/2) that incorporates both Option 4(a) and Option 4(b) (ie the submission would propose the following amendments:*
  - (a) *An amendment to clause 6.14 of the Road User Rule 2004 to provide that the parking of a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road is prohibited; and*
  - (b) *An amendment to the Road User Rule 2004 to insert a new provision that the parking of heavy motor vehicles is prohibited in residential areas).*
  
- (iv) *Subsequently, request that a submission be prepared on the yellow draft of the Traffic Control Devices Amendment (Rule 54002/2) that incorporates either of the following options:*
  - (a) *Option 1 (ie a broad amendment to section 4(2) of the Traffic Control Devices Rule 2004 to exempt bylaws relating to parking on grass verges and berms and the parking of heavy motor vehicles in residential areas); or*
  - (b) *Options 2 and 3 (ie proposing an amendment to section 12 of the Traffic Control Devices Rule 2004 to exempt bylaws relating to parking on grass verges and berms and the parking of heavy motor vehicles in residential areas, and an added provision that before the Council issues an infringement notice, the Council must issue a warning notice to the registered owner of the vehicle).*

A draft amendment to the Land Transport Road User Rule has been published (no. 61001/4), with submissions to be made by 16 October 2008. The New Zealand Transport Agency is proposing that the rule will come into force on 1 July 2009.

The proposed changes to the rule include an amended rule, clause 6.2 which deals with parking of vehicles off the roadway. The proposed clause as amended provides as follows:

**6.2 Parking vehicles off roadway**

- “(1) Except as provided in subclause (2), unless a road controlling authority, by means of signs or markings, indicates otherwise, a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a roadway when it is reasonably practicable to do so on the road margin.*
- “(2) Unless a road controlling authority, by means of signs or markings, indicates otherwise, a driver or person in charge of a vehicle must not stop, stand, or park a motor vehicle on a grassed area or other cultivation forming part of a road that is within an urban traffic area.*

The draft also proposes inserting a new definition of urban traffic area in clause 1.6 of the rule which is as follows:

*“urban traffic area has the same meaning as in Part 2 of Land Transport Rule: Setting of Speed Limits 2003”.*

## 5 Cont'd

In the accompanying Overview Document published by the New Zealand Transport Agency, it states as follows:

**Reason for proposed change**

*In many areas, parking on grass berms and other roadside cultivation not only damages the surface but it may affect underground services. Parking in these areas can prevent pedestrians and mobility device users from accessing roads and footpaths if there is no other path, and, it creates a hazard for other motorists if the vehicle is parked on a bend or other location where visibility is limited. Drivers who park off the road on the grass often claim that they are allowing the free movement of traffic on the roadway and are reducing the risk of their vehicle being hit by another vehicle. In many urban roads parking on the road does slow traffic along the road, and this is not an undesirable outcome for the safety of all road users and the concerns of local residents about speeding vehicles.*

*Currently, clause 2.14 of the Rule states "A driver must not drive a motor vehicle on a lawn, garden or other cultivation that is adjacent to, or forms part of, a road". This creates a 'moving' offence. Parking enforcement officers are not able to enforce 'moving' offences and the proposed change would enable them to do so. A previous proposal to make a similar change affecting all roads led to comments suggesting the issue is largely an urban problem and should be directed at urban areas. Submissions in support of the earlier proposal indicated local authorities are having difficulty in defining their restrictions relating to parking on grass verges and are concerned about the current need for extensive sign installation to give effect to their bylaws. The proposal, therefore, would put in place uniform, nationally defined requirements for road users (which could be varied in specific cases by signs and markings). It would also address the concerns of road controlling authorities about the cost of installing and maintaining signs and markings and visual intrusion of these signs and markings.*

The effect of the proposed amendment is that unless the Council indicates otherwise by means of signs or markings, a driver or person in charge of a vehicle must not stop, stand, or park a motor vehicle on a grassed area or other cultivation forming part of a road that is within an urban traffic area. The reference to "a grassed area or other cultivation" appears to cover both grass berms and grass verges. This restriction will apply in urban traffic areas. An urban traffic area is an area which is subject to a speed limit of 50km/h. This parking restriction will be able to be enforced by the Council's parking enforcement officers.

In light of this proposed amendment, this addendum recommends an amendment to the resolution above, as follows:

- “(iii) Approve a submission to be made on the yellow draft of the Road User Amendment (Rule 61001/4), in support of the proposed clause 6.2 in relation to the parking on grass verges and berms).*
- (iv) Request that a submission be prepared on the yellow draft of the Road User Amendment (Rule 61002/2) that incorporates Option 4(b) (ie the submission would propose the following amendment: An amendment to the Road User Rule 2004 to insert a new provision that the parking of heavy motor vehicles is prohibited in residential areas).*
- (v) Subsequently, request that a submission be prepared on the yellow draft of the Traffic Control Devices Amendment (Rule 54002/2) that incorporates either of the following options:*
  - (a) Option 1 (ie a broad amendment to section 4(2) of the Traffic Control Devices Rule 2004 to exempt bylaws relating to the parking of heavy motor vehicles in residential areas); or*
  - (b) Options 2 and 3 (ie proposing an amendment to section 12 of the Traffic Control Devices Rule 2004 to exempt bylaws relating to the parking of heavy motor vehicles in residential areas, and an added provision that before the Council issues an infringement notice, the Council must issue a warning notice to the registered owner of the vehicle).*

**6. VEHICLES GIVING WAY TO BUSES**

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

**PURPOSE OF REPORT**

1. The purpose of this report is to advise the Council in relation to its resolution of 12 June 2008 requesting a report *"on a possible bylaw to require private vehicles wishing to move into the traffic flow to give way to buses when on service"*.

**EXECUTIVE SUMMARY**

2. The Council's bylaw making powers under the Transport Act 1962, the Local Government Act 1974, and the Local Government Act 2002 do not provide for the Council to make a bylaw that could require motor vehicles to give way to buses.
3. An amendment to the Land Transport (Road User) Rule would be required, as it is this piece of legislation which sets requirements for road users and in particular, requirements relating to when drivers of vehicles must give way.
4. A number of submitters to the Land Transport Rule: Omnibus Amendment 2007 raised the issue of priority for buses departing from bus stops. It was suggested that in addition to priority for buses, the buses should be required to have a sign affixed, which would also require amendments to the Traffic Control Devices Rule. If a rule was added to part 4 of the Road User Rule, requiring motorists to give way to buses departing from bus stops, then there would be no need for signs on buses.
5. The Council did not include a submission in relation to bus priority in its submission on the Omnibus Amendments. Consultation on this amendment closed on 14 September 2007 and amendments to various rules came into force on 17 January 2008. Although the rules state that *"[i]ssues identified in submissions were taken into account in redrafting this rule before it was submitted to the Minister for Transport Safety for signature"*, no amendments were made relating to buses.
6. There is a new amendment to the Road User Rule which will soon be out for consultation and it is suggested that the Council's submission on that amendment include a submission on an amendment to part 4 of the Rule, to provide for a new give way rule requiring drivers to give way to buses pulling out of bus stops.

**FINANCIAL IMPLICATIONS**

7. There are no financial implications arising out of this report.

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

8. Not applicable.

**LEGAL CONSIDERATIONS**

9. Section 72 of the Transport Act 1962 provides a bylaw making power that the Council can use to make bylaws in relation to the use of roads. The section covers such matters as establishing one way streets, making bylaws relating to the stopping, standing or parking of vehicles, the turning of vehicles, providing for special vehicle lanes and for the parking of heavy motor vehicles, among other things. Section 72 does not provide any bylaw making power in relation to vehicles giving way in any situation.
10. Section 684 of the Local Government Act 1974 also contains bylaw making powers in relation to roads. However, these provisions are aimed more at things on or around roads rather than the use of roads or the use of vehicles on roads.

## 6 Cont'd

11. Section 145 of the Local Government Act 2002 contains general bylaw making powers which include for the purpose of protecting the public from nuisances, and maintaining public health and safety. It does not seem likely that providing in a bylaw that vehicles must give way to buses is something that relates to protecting the public from a nuisance or relating to health and safety. In addition, as other legislation providing bylaw making powers are more specific to roads, and if a power is not provided for in those provisions, then it is unlikely that the provisions of section 145 could be used to provide for such a bylaw.
12. The Land Transport Act 1998 and its accompanying Rules are the means by which a power could be provided for to require motor vehicles to give way to buses. Part 4 of the Land Transport (Road User) Rule 2004 deals with stopping and giving way, including giving way where vehicles are controlled by a stop sign or give way sign, where there are intersections controlled by traffic signals, giving way when entering or exiting driveways and approaching and entering intersections and roundabouts. Rule 4.7 is particularly relevant – this provides that a driver must not impede the progress of any light vehicle. It appears that instead of a new bylaw an amendment to the Road User Rule should be sought to require that drivers must give way to a bus when it is on service/pulling out of a bus stop.
13. Last year the Council made a submission on the Land Transport Rule: Omnibus Amendment 2007. The Council's submission did not include a suggestion for a "bus priority" rule, but several other submitters did (IPENZ and TRAFINZ in particular, and Dunedin City Council with a more general submission). The IPENZ and TRAFINZ submissions suggested that in addition to buses having priority (it was not stated in their submissions how that should come about in the Rules), buses should be required to have a sign affixed "*in order to form the legal obligation for the motorist who is required to give way*". The submissions noted that this would require the descriptions and dimensions of such a sign to be included in the Traffic Control Devices Rule.
14. However, if a rule was simply added requiring motorists to give way to buses departing from bus stops, in part 4 of the Road User Rule, then there would be no need for a sign on the bus to form the legal obligation on a motorist.
15. In addition, the Canterbury Regional Land Transport Committee has also looked at this issue. In a report considered by them on 20 June 2007, examples of rules in other jurisdictions were discussed, as well as the lack of a rule in New Zealand. There was no discussion in the report that a bylaw might be used to require that drivers give way to buses. The Committee received the report and resolved that it agreed in principle to support "*a change to the road user rules that would require motorists to give way to buses especially when leaving bus stops*". The Committee may have followed this up with a submission on the Road User Rule but it is not clear.
16. Consultation on the omnibus amendment closed on 14 September 2007 and the provisions in the draft Omnibus Amendment Rule were divided into 10 separate amendment rules, including amendments to the Traffic Control Devices Rule and the Road User Rule (both adopted on 11 December 2007 and in force on 17 January 2008). Schedule 2 of the Road User Amendment Rule, sets out a statement of the extent of consultation carried out, and notes that "*[i]ssues identified in submissions were taken into account in redrafting this rule before it was submitted to the Minister for Transport Safety for signature*". However, no amendment was made to either Rule relating to buses.
17. The Council is not prevented from writing to the New Zealand Transport Agency with a submission on this matter at any time; however, it is more likely that proper consideration would be given to a submission in the context of a formal consultation. The Land Transport New Zealand website (as of 31 July 2008) notes that there is a further amendment to the Road User Rule which will soon be out for consultation as follows:

Road User Amendment (Rule 61002/2)	Will implement miscellaneous Road Safety 2010 safety intervention recommendations. It will also include other, smaller changes that are nevertheless of sufficient public interest to not form part of an Omnibus Amendment Rule, for example, speed limits when towing with a rope.	Yellow phase  Rule being drafted for public consultation.
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**6 Cont'd**

16. Although bus priority is not a specific topic under the consultation this is a specific amendment to the Road User Rule, rather than an omnibus amendment of a number of rules, which may give greater scope for other amendments to the rule to also be adopted. It is suggested that the Council make a submission for an amendment to the Road User Rule, part 4 as part of a submission on this consultation.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

7. Not applicable.

**ALIGNMENT WITH STRATEGIES**

8. The Metro Strategy 2006 – 2012 states that an objective of Christchurch City Council and Environment Canterbury is the development of a requirement that other road users are required by law to give way to buses when they are pulling out of stops. The targets/timeframes for this objective is 2007/2008 and refers to lobbying authorities and associations with other stakeholders to enable it to happen.

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

9. Yes, it recommends a submission promoting such a requirement on upcoming consultation on the Road User Rules.

**CONSULTATION FULFILMENT**

10. This matter arose out of a report by Kirsten Mahoney from the Capital Programme group and the matter has been discussed with her and the Transport and Greenspace Unit (who usually provide input on any submission on the Land Transport Rules).

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Note that it is not possible to make a bylaw requiring drivers of vehicles to give way to buses pulling out from a bus stop.
- (b) Request that a submission be prepared on the yellow draft of the Road User Amendment (Rule 61002/2), when that is published for consultation, seeking an amendment to the Road User Rule, to require drivers of vehicles to give way to buses that are pulling out from a bus stop. (This submission to be made together with any other submissions it is appropriate for the Council to make in relation to that consultation).

6 Cont'd

**Addendum to report to Council on Vehicles Giving Way to Buses (for 25 September 2008 meeting)**

The above report includes the following recommendation to Council:

*“(b) Request that a submission be prepared on the yellow draft of the Road User Amendment (Rule 61002/2), when that is published for consultation, seeking an amendment to the Road User Rule, to require drivers of vehicles to give way to buses that are pulling out from a bus stop. (This submission to be made together with any other submissions it is appropriate for the Council to make in relation to that consultation).”*

A draft amendment to the Land Transport Road User Rule has been published (no. 61001/4), with submissions to be made by 16 October 2008. The New Zealand Transport Agency are proposing that the rule will come into force on 1 July 2009.

The proposed changes to the rule do not include any amendments related to bus priority. However, an “issue for consideration” that is raised in the overview to the rule includes the following:

**“Priority for buses when signalling to leave a stop**

***Introduction***

Consideration is being given to whether other drivers should be required to give priority (when they can do so safely) to a bus when the bus driver signals and pulls away from a stop. One of the critical elements in addressing the increasing need to provide effective public transport is to improve the reliability of transport services. Waiting for suitable gaps to allow a bus to enter the traffic stream can cause considerable delays and variability in service and, consequently, reduced reliability. Many drivers do make way for buses to enter the stream but on many critical routes this courtesy cannot be relied on.

***Overseas requirements for giving way to buses***

**Australia**

The *Australian Road Rules* require drivers to give way to a bus when it is about to enter the lane in which the driver is travelling subject to:

- the vehicles being in a ‘built-up area’ (defined in relation to roadside buildings or street lighting but largely covering areas where the speed limit is 70 km/h or less);
- the bus displaying a “give way to bus” sign; and
- the bus driver having given sufficient warning (defined as at least five seconds of indication signal).

**United Kingdom**

In contrast, the British *Highway Code* advises drivers to give priority to buses when this can be done safely, especially when the bus signals to pull away from a stop. It also recommends drivers look out for people getting off a bus and crossing the road. The following are the relevant provisions of the *Highway Code*.

- The *Highway Code* does not apply solely to the lane on which the bus driver intends travelling (for example, a bus leaving a stop may have to encroach on to an adjacent lane).
- The *Highway Code* applies everywhere and not just in built-up areas. In rural areas, a school bus is the most likely bus to be waiting to leave a bus stop. Approaching drivers would have to slow to possibly give way to any stopped bus. Where this is a school bus, this could improve the compliance of drivers of other vehicles with the requirement to slow to 20 km/h for school buses stopped to discharge or embark children (*subclause 5.6(1)*).



6 Cont'd

- The *Highway Code* does not require the bus to display a specific sign. (If a sign was required it would have to compete with many other messages found on the back of buses and in many cases would not be clearly seen.)
- A bus driver is required to signal, but the *Highway Code* also indicates that the bus driver needs to be aware that a vehicle may be so close that the bus would not be able to give way safely. Consequently, while the bus is given priority, some onus for assessing the situation still rests with the bus driver.

**Comment**

The idea of providing for buses to be given priority needs to be balanced against the safety of other motorists and cyclists. The proposal to give buses some priority has raised concerns in relation to cyclists where bus drivers might be more likely to pull out in front of an approaching cyclist assuming a right of way. It is essential that the bus driver be required to signal and not assume absolute priority to the bus. On that basis, the UK model appears to provide a good balance of obligations and, if the proposal were to proceed, could be the most suitable option to adopt in New Zealand.

Your comments on this issue would be welcomed.”

This addendum recommends an amendment to the resolution above, as follows:

- “(b) *Approve a submission to be made on the yellow draft of the Road User Amendment (Rule 61001/4), in support of the UK model giving priority to buses when signalling to leave a stop, and seeking an appropriate amendment to the Road User Rule to give effect to such a requirement. (This submission is to be made together with any other submissions it is appropriate for Council to make in relation to the consultation on Rule 61001/4).*”

## 7. HEARINGS PANEL REPORT ON THE PROPOSED CLEANFILL LICENSING BYLAW 2008

<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>	Cleanfill Licensing Bylaw Hearings Panel

**PURPOSE OF REPORT**

1. This is a report of the Cleanfill Licensing Bylaw Hearings Panel. It addresses the single submission received on the proposed bylaw and contains recommendations from the Panel altering the proposed Bylaw in certain respects. The bylaw recommended for adoption is attached as **Attachment B**.

**EXECUTIVE SUMMARY**

2. The Christchurch City Council Cleanfill Licensing Bylaw 2003 came into effect in 1 March 2004 and is being reviewed in terms of the provisions of the Local Government Act 2002.
3. On 27 October 2007 the Council resolved:
  - (a) *It has determined that, as is required in terms of Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way to manage cleanfill sites and regulate disposal at all cleanfill sites and the collection of specified waste data.*
  - (b) *There are no inconsistencies between the draft Christchurch City Cleanfill Licensing Bylaw 2007 and the New Zealand Bill of Rights Act 1990, and the draft Bylaw is in the most appropriate form.*
  - (c) *The attached Statement of Proposal and Summary of Information for the draft Christchurch City Cleanfill Licensing Bylaw 2007 be publicly notified, and be distributed to cleanfill site operators and relevant construction and waste industry organisations for the Local Government Act 2002 special consultative procedure.*
4. A special consultative procedure took place between 17 October to 21 November 2007 and no submissions were received.
5. At the time of the special consultative procedure when cleanfill site operators received individual notifications of the review process, there were three sites in the Banks Peninsula area that were not known to staff, and therefore the special consultative procedure needed to be repeated to afford those sites an opportunity to participate.
6. Therefore on 24 April 2008 the Council resolved:
  - (a) *That the Statement of Proposal and Summary of Information for the draft Christchurch City Cleanfill Licensing Bylaw 2008 be consulted on further, using the special consultative procedure, during the period 14 May to 18 June 2008 and that they be made available for public inspection at the Council's principal offices at 163-173 Tuam Street, Christchurch, on the Council's website, or by emailing zp@ccc.govt.nz or telephoning the Council on 941 8999, for a copy.*
  - (b) *That the Statement of Proposal be publicly notified on or before 14 May 2008 and that it be distributed to the same cleanfill site operators and organisations as it was distributed to in the previous consultation period, as well as to the cleanfill site operators on Banks Peninsula, with an explanatory note regarding the need for the further period of consultation.*
7. During the second special consultative procedure only one submission was received, and on 24 July 2008 the Council appointed a Hearings Panel consisting of Councillors Wells, Buck and Corbett which met on 30 July 2008 to consider the submission that was received.

## 7 Cont'd

8. Having considered the Fulton Hogan submission (**Attachment A**) the Hearings Panel resolved to recommend to Council that the draft bylaw as publicly notified be amended as set out in paragraph 9. Incorporating the proposed changes, the proposed new Christchurch City Council Cleanfill Licensing Bylaw 2008 (**Attachment B**) is recommended for approval, to come into effect on 1 November 2008.

### CHANGES TO THE BYLAW

9. The hearings panel deliberated on the issues raised by the submitter and as a result made a change to the percentage permitted vegetative content in Schedule A to the bylaw, reduced from 2.5 per cent to 2 per cent, is now being recommended to Council. An editing change (as recommended by staff) has also been included. Paragraphs 15–21 below provide full information.

### LEGAL CONSIDERATIONS

10. 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 two special consultative procedure periods held from 17 October to 21 November 2007 and 14 May to 18 June 2008.
11. 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.
12. It is appropriate to resolve that the Bylaw will come into effect on 1 November 2008, which is the date by which the existing bylaw will be revoked by the new Bylaw.
13. A bylaw hearing panel has no decision-making powers, but can make recommendations to the Council, in accordance with its delegation for that purpose, after considering written and oral submissions.<sup>1</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>2</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.

### ALIGNMENT WITH STRATEGIES

14. No existing strategies apply.

### HEARINGS PANEL RECOMMENDATIONS

The Hearings Panel recommends that the Council:

- (a) Adopt the new Christchurch City Council Cleanfill Licensing Bylaw 2008 (**Attachment B**), which will come into effect on 1 November 2008.
- (b) Give public notice as soon as practicable, that the Christchurch City Council Cleanfill Licensing Bylaw 2008 has been made by the Council, that it comes into effect on 1 November 2008 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>1</sup> Clause 32 of Schedule 7 of the Local Government Act 2002 expressly prohibits the power to make a bylaw from being delegated.

<sup>2</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".

7 Cont'd

**DELIBERATIONS OF THE HEARINGS PANEL**

15. The only submission received was from Fulton Hogan Limited and is attached as **Attachment A** which contains both the original one page submission plus the additional handout made available at the hearing on 30 July 2008. The submitter motivates support for the retention of the current provision in Schedule A of the bylaw for a 2.5 per cent permitted vegetative content per load of cleanfill deposited at a cleanfill site. The consultation copy of the bylaw proposes that the 2.5 per cent level be reduced to 1 per cent - therefore that less vegetative matter be allowed per load of cleanfill deposited at cleanfill sites. The reason for excluding as much vegetative matter as possible from cleanfills is that vegetative matter over time breaks down and with added moisture through precipitation could leach into the gravels below, seeing that cleanfill sites do not have an impermeable liner at the bottom of the site.
16. The proposal put forward for public consultation to reduce the permitted level of vegetative matter from 2.5 per cent to 1 per cent is based on monitoring records indicating good compliance by all cleanfill site operators, including the submitter, with the 2.5 per cent limit, to the extent that the proposed 1 per cent level would in most cases be achieved already.
17. As can be seen from the submission the submitter essentially motivates for the retention of the 2.5 per cent limit as a realistic margin to allow for error and therefore that it be retained.
18. The editing change to Schedule A of the bylaw (as proposed by staff) relates to an improved description of one of the permitted materials, being reinforced concrete, where the proposed shorter description ("*Reinforced concrete including exposed reinforcing rods of less than 1 metre in length*") results in improved clarity relating to the nature of such acceptable material, as contained in **Attachment B**.

**CHANGES RECOMMENDED BY THE PANEL**

19. Having considered the various points of view the Hearings Panel recommends that the vegetative content level be changed from 2.5 per cent to 2 per cent. The Panel indicated that a reduction down to 1 per cent is possible the next time the bylaw is reviewed.
20. The Panel also accepted the editing change set out in paragraph 18.
21. The Panel further set the date for the bylaw to come into effect to be 1 November 2008.

## 8. HAGLEY PARK – TEMPORARY CLOSURE FOR ELLERSLIE INTERNATIONAL FLOWER SHOW

<b>General Manager responsible:</b>	General Manager City Environment DDI 941-8656
<b>Officer responsible:</b>	Transport & Greenspace Manager
<b>Author:</b>	John Allen – Policy & Leasing Administrator

**PURPOSE OF REPORT**

1. The purpose of this report is two-fold. The first is to gain the Council's approval to an application by the Ellerslie International Flower Show Organisers (show organisers) requesting temporary exclusive use of parts of north-east Hagley Park, in February and March 2009, namely the major events areas, for more than six days. This action is required by section 53(1)(e) of the Reserves Act 1977 (the Act), the six day period being allowed for without special permission being granted from the Council. The periods of closure applied for are set out below:
  - (a) Sunday 8 February 2009 to Sunday 29 March 2009 inclusive (49 days) for the setting up and clearing away the actual show site as shown on the **attached** map 1.
  - (b) Friday 6 March 2009 to Monday 16 March 2009 inclusive (11 days) for the show itself as shown on map 2, (the additional area required being part of the main cycle/pedestrian footpath from Fendalton Road to the Armagh Street Bridge).
  - (c) Thursday 5 March 2009 to Tuesday 17 March 2009 inclusive for the show car park area as shown on map 3.

The second requirement under section 53(1)(e) under the Act is the requirement for the Council to specify the maximum charges that may be charged for admission to the show.

**EXECUTIVE SUMMARY**

2. Officers are recommending that Council approves the temporary exclusive use of the grass areas in North Hagley Park which will be fenced off for the Show, **attached** as map 1, 2, and 3, for the periods applied for as set out in 1(a),(b), and (c) above. This area will include part of the main cycle/pedestrian footpath from Fendalton Road to the Armagh Street bridge for the 11 day actual show period. This cycleway is part of the cycleway network for the city. However, it is not deemed to be a road.
3. The show organisers did consider the possibility of the main cycle/pedestrian footpath that cuts through the show site remaining open during the show, being fenced on both sides and the construction of a temporary pedestrian bridge over it to enable patrons to the show to get to both sides of the fenced pathway. If the pathway was to remain open for the duration of the show, there is a requirement for the pathway to be fenced for this period for security and payment entry reasons. This was discounted because experience in Auckland has shown that a high proportion of show-goers are 55+ in age, a number not being agile, with a good number of these people being in wheelchairs and requiring other forms of mobility apparatus, consequently these patrons would experience difficulty using a pedestrian bridge, and in seeing all the show.
4. Officers are recommending that the footpath from beside the golf course clubhouse to the back of the Botanic Gardens Armagh Street Car Park be upgraded to take cyclists and pedestrians from Riccarton, Fendalton Roads, and to a lesser extent Hilmores Lane through to the Armagh Street Bridge for the 11 day period when part of the main cycle/pedestrian route is shut, an extra distance of approximately 100 metres. This section of footpath will need to be upgraded (widened) at a cost of approximately \$10,000. Where the budget for this work is going to come from has yet to be determined.
5. The section of the cycleway pedestrian footpath from the signalised cycleway pedestrian crossing on Harper Avenue, past the toilets in North Hagley Park through to Armagh Street Bridge will be closed for 49 days, during 38 of these days path users will be directed on the path to Lake Victoria to join up with the Fendalton Road to Armagh Street cycle/pedestrian path. The extra distance required to travel will be approximately 175 metres.

## 8 Cont'd

6. During the 11 days when the main pathway through the show area is closed, uses of the pathway described in paragraph 5 above will be redirected to use the pedestrian footbridge across the Avon River from North Hagley Park to Park Terrace opposite the end of Salisbury Street. This will increase the users distance of travel by approximately 400 metres during this period.
7. The show organisers have indicated that the clear signposting of the temporary cycle/pedestrian pathway arrangements in advance of the closed periods is very important, acknowledging the organisers responsibility for this. This will be a condition of the granting of the application.

### FINANCIAL IMPLICATIONS

8. There is at this stage a small financial implication to the Council with the proposed closure of part of North Hagley Park to enable the holding of the Ellerslie International Flower Show at North Hagley Park, it being the responsibility of the show organisers to develop, build and maintain the temporary infrastructure required at their expense. The costs of staff time spent preparing this report to gain Council approval or otherwise of the show organiser's application and other staff liaison with the organisers that is required, including the monitoring of the temporary developments and final clean up as they occur on the site, are already allowed for in existing staff budgets.
9. There will be a need to widen an existing pathway, as described in paragraph 4 above, through the park to ensure there is an adequate detour around the site for cyclists and pedestrians who use the main pathway from the end of Fendalton Road to the Armagh Street Bridge. Staff have estimated that this widening work will cost approximately \$10,000.00. Where the budget for this work is going to come from has yet to be determined.

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

10. Officers are of the view that the recommendations will have minimal impact upon the 2006-16 LTCCP budgets, the one off costs in closing the part of Hagley Park applied for being set out above. There may be a need to make some more budgetary provision in future years after an evaluation is undertaken after the first show, these requirements being included in future LTCCPs.

### LEGAL CONSIDERATIONS

11. The Council, as owner of the show, has signed a contract with the show organisers for it to be held in Christchurch annually for the next five years, with a right of renewal for a further five years if the parties are in agreement.
12. The specific area of North Hagley Park that this application applies to is RS 41181 on SO Plan 15235, a classified recreation reserve of 87.1700 hectares vested in the Council (the administering body), pursuant to the Reserves Act 1977. The purpose of recreation reserves is to provide areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.
13. Section 53 (1) (e) of the Act allows the Council to grant temporary exclusive use of part or all of a reserve, the section being set out below:
  - (e) *Grant exclusive use of the reserve or any part thereof on any one or more days provided for in paragraph (d) of this subsection, but not for more than 6 days consecutively at any one time, to any person, body, voluntary organisation, or society (whether incorporated or not) for any purpose of particular games, sports, or other activities or for public recreation or enjoyment, with authority for that person, body, organisation, or society to demand a fee or charge for admission on that day or those days to the reserve or part thereof so granted and also to any stand or enclosure, **not exceeding the amount or amounts from time to time specified by the Minister:** (the authors emphasis).*

## 8 Cont'd

*Provided that the Minister may from time to time approve with respect to any specific reserve the fixing of such other charges as he thinks fit, either generally or with respect to specific occasions:*

***Provided also that the Minister may consent to an increase in the number of consecutive days specified in this paragraph for the purposes of any specific occasion or event.*** (the author's emphasis)

14. The effect of section 53 (2) of the Act is to allow the Council to exercise the power and discretion that is vested in the Minister, the section being set out below:

(2) *Notwithstanding anything in subsection (1) of this section, but subject to the first proviso to paragraph (d) of that subsection and to the second proviso to paragraph (e) of that subsection, where the administering body is a local authority it shall not be necessary for that administering body to obtain the consent, authority, or approval of the Minister, and it may exercise any power or discretion vested in the Minister by virtue of that subsection:* (the authors emphasis)

15. An autonomous power that local authorities as administering bodies have had under the Act since 1 January 1980 is that under section 52(2) they are able to fix charges for admission (up to 40 days; no more than six being consecutive) to a recreation reserve, without the need to refer any of the decisions required to the Minister of Conservation for approval.

16. The first issue that requires the Council decision is the closing of parts of Hagley Park for a period of longer than six consecutive days as set out below:

(a) Sunday 8 February 2009 to Sunday 29 March 2009 inclusive, a period of 49 days for the setting up, period of the show, and clearing away the actual show site as shown on the **attached** map 1, this being approximately 6.8985 hectares in area.

(b) Friday 6 March 2009 to Monday 16 March 2009 inclusive, a period of 11 days for the show itself as shown on map 2, the specific area that this refers to is part of the main cycle/pedestrian path through the site from Fendalton Road to the Armagh Street Bridge, which is approximately 0.1560 hectares in area.

(c) Thursday 5 March 2009 to Tuesday 17 March 2009, inclusive, a period of 13 days, which includes time to set up and dismantle fences, for the car park area as shown on map 3, which is approximately 7.8180 hectares.

17. The second issue that requires the Council decision is that the Council is required to specify the maximum amount that is able to be charged to enter the Show. The charges are set out below:

Ticket Prices: - (Early Bird)	Current – Adult	\$28.00
	Senior Citizen -	\$24.00
	Child	\$4.00
	Family	\$60.00

From 15 February 2009	Online -Adult	\$35.00
	Senior Citizen	\$31.00
	Child	\$5.00
	Family	\$75.00
	At Gate Add	\$2.00

There will be a charge of \$5.00 per car for the public to park in the temporary car park within North Hagley Park.

18. There is no delegation from the Council to officers to approve such a temporary closure, or the fixing of the maximum fee that may be charged to enter the event.

**8 Cont'd**

19. As an alternative solution to the cycleway disruption, Officers have investigated the possibility of constructing a new cycle/pedestrian path around the east end of Lake Victoria to link the open part of the Fendalton to Armagh Street Bridge pathway, during the period when the path through the middle of the show area is shut, to the driveway into the Botanic Gardens Armagh Street car park. This route would cause slightly less inconvenience (less than 50 metres distance-wise) for pathway users using the Harper Avenue signalised crossing, than the proposed temporary arrangements. The benefits of this route are small in relation to the additional cost of providing this footpath.
20. A complicating issue with the above mentioned alternative solution is the necessity to undertake community consultation on the proposal to build a new cycleway in the park, especially because it is essentially for the benefit of cyclists travelling through the park, and not strictly for park users recreating on the park. It has been common practice when upgrading existing pathways within Hagley Park to widen them to cater for the greater number of users (because of the increase in the City's population), without undertaking public consultation. Officers are of the view that this is the situation with the path it is proposed to upgrade, the proposal being of a minor nature not requiring public consultation in terms of the Local Government Act 2002 requirements.
21. The use of part of North Hagley Park for the show requires resource consent under the Christchurch City Plan. A resource consent application has been received and is currently being processed.

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

22. Yes – see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

23. The LTCCP's strong communities strategic directions section prioritises: 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; and protecting and promoting the heritage character and history of the city. The fulfilment of the show organiser's ambitions by approving this application 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.
24. The LTCCP's healthy environment strategic directions section prioritises: 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 show, will enhance the character of North Hagley Park for a period, be that of a temporary nature.
25. The LTCCP's liveable city strategic directions section prioritises: 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.

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

26. Yes – see above.



8 Cont'd

**ALIGNMENT WITH STRATEGIES**

27. 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 show.
28. This show supports the Christchurch Visitor Strategy because it is expected to attract many visitors to Christchurch from other parts of New Zealand.
29. This holding of this show is in alignment with the Council's Strategic Direction to support Strong Communities. It encourages residents to enjoy living in the city and to have fun, thereby supporting Christchurch as being a good place to live.
30. The pathway is an important designated cycleway in the cycleway network. It is considered that the **temporary closure** of this cycleway will not unduly affect the aims of the Council's adopted Cycling Strategy, these being:
  - increase the level of cycling
  - increase enjoyment of cycling
  - increase safety for cyclists in Christchurch

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

31. Yes –see above.

**CONSULTATION FULFILMENT**

32. 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.

**CONCLUSION**

33. Officers, in recommending that Council approve the closure of part of North Hagley Park for the show and the maximum charges for entry to the closed area that may be made, have given consideration to:
  - (a) The fact that the show will be of relative short duration.
  - (b) The fact that the show will only utilise a portion of the total reserve area (14.8725 of 87.17 hectares) of North Hagley Park.
  - (c) That the public will not be unduly prevented from the use and enjoyment of the park because of the show occurring.

## 8 Cont'd

## STAFF RECOMMENDATIONS

It is recommended that the Council, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, approve the exclusive use of the parts of North Hagley Park, indicated below, by the Ellerslie International Flower Show, by temporarily fencing off these areas from the rest of the park for the periods of time set out below:

- (a) Sunday 8 February 2009 to Sunday 29 March 2009 inclusive, a period of 49 days for the setting up, period of the show and clearing away the show site of approximately 6.8985 hectares as shown on the **attached** map 1.
- (b) Friday 6 March 2009 to Monday 16 March 2009 inclusive, a period of 11 days for the show itself, this area being part of the main cycle path from Fendalton Road to the Armagh Street Bridge through the Park, which cuts through the show site, being approximately 0 1560 hectares in area as shown on map 2.
- (c) Thursday 5 March 2009 to Tuesday 17 March 2009, inclusive, a period of 13 days, which includes time to set up and dismantle fences. for the temporary car park area of approximately 7.8180 hectares as shown on map 3.

This approval is subject to the following conditions:

- (i) The show organisers are to be responsible for obtaining all resource and building consents required before the Show at their expense.
  - (ii) The show organisers are to be responsible for the reinstatement of all areas after the show to the satisfaction of the Transport & Greenspace Manager or his nominee at their expense.
  - (iii) The temporary fencing of all areas is to be undertaken by the show organisers at their expense to ensure that all activities are contained within the designated areas,
  - (iv) The marshalling of cars within the temporary car park area is to be the responsibility of the show organisers, including ensuring the safety of other park users in these areas.
  - (v) The show organisers being responsible for the maintenance of the areas, including the removal of rubbish during the period that the areas of the park are closed to the general public.
  - (vi) The shows organisers being responsible at their expense for engaging the services of a commercial traffic management plan provider to prepare a traffic management plan for the event, which is to be approved by the Council's traffic engineers prior to the event.
  - (vii) The show organisers being responsible for the erection at the appropriate locations within North Hagley Park, approved temporary cycle/pedestrian footpath signage 14 days before the temporary arrangements are to be put in place.
  - (vii) The Club being responsible at their expense for the reinstatement of the area after the show to the satisfaction of the Transport & Greenspace Manager or his nominee.
- (d) In accordance with section 53(1)(e) of the Reserves Act 1977, Council approve the Show Organiser's application to charge the public attending the Show the maximum charges as set out below:

Adult	\$35.00
Senior Citizen	\$31.00
Child	\$ 5.00
Family	\$75.00
At Gate Add	\$ 2.00
Per car to park in the temporary public car park	\$ 5.00

**8 Cont'd**

**BACKGROUND**

34. The Council has signed a contract with the organisers of the show for it to be held in Christchurch annually for the next five years, with a right of renewal for a further five years if the parties to the agreement agree.
35. The applicants have applied to shut the main pathway taking cyclists and pedestrians from the north and west of the City through the park to the City for the period that the show is open (11 days) to the public only. This pathway takes cyclists and pedestrians from Riccarton, Fendalton, and Helmores Lane intersections with Deans and Harper Avenues, and from Carlton Mill Road via the signalised cycleway/pedestrian crossing across Harper Avenue. This pathway will be open for the period during which the show is set up and dismantled (38 days).
36. At this time it is estimated approximately 45,000 visitors will attend the show.

**THE OBJECTIVES**

37. The objective is for the Council to grant approval for the closure of parts of North Hagley Park, (the Major Events Area) so that the show can take place over an 11 day period in March 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**THE OPTIONS**

38. To approve the application, thereby allowing the show to take place over the 11 day period applied for in March 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.
39. Not approve the application, which will mean that the show is not able to take place over an 11 day period in March 2009. This action would not be in alignment and would not support the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**PREFERRED OPTION**

40. To approve the application, thereby allowing the show to take place over an 11 day period in March 2009.

**9. APPROVAL OF CHANGES TO PROVISIONS IN THE CITY PLAN**

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

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend that the Council approve changes to the City Plan introduced by the Council's decision on Plan Change 9.

**EXECUTIVE SUMMARY**

2. Plan Change 9 to the City Plan was a private request to change the zoning of land at 448 Prestons Road from Rural 3 to Living 1F to allow for the establishment of an elderly persons housing complex. The matter was heard by Commissioner John Milligan over three days in March and April 2008. His recommendation, that the plan change be adopted subject to some modification, was accepted by the Council at its meeting on 12 June 2008.
3. There have been no appeals against the Council's decision. The Council can now formally approve the changes to the City Plan introduced by its decision on the Plan Change request.

**FINANCIAL IMPLICATIONS**

4. There are no financial implications.

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

5. Not applicable.

**LEGAL CONSIDERATIONS**

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

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

7. Yes. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. Aligns with City Plan Activity Plan.

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

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

**ALIGNMENT WITH STRATEGIES**

10. Aligns with the Greater Christchurch Urban Development Strategy's recognition of a need to provide for the housing requirements of an ageing population.

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

11. Yes.

**CONSULTATION FULFILMENT**

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

**9 Cont'd**

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Approve, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991, the changes to City Plan provisions introduced by its decision on Plan Change 9.
- (b) Authorise the General Manager Strategy and Planning to determine the date on which the changes become operative.

## 10. APPOINTMENT OF CHAIRPERSON TO DESTINATION CHRISTCHURCH, CANTERBURY, NEW ZEALAND TRUST

<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 seek approval from the Council to the appoint of Mr Graham Heenan as Chairperson of the Destination Christchurch, Canterbury, New Zealand Trust, as required by its trust deed.

### EXECUTIVE SUMMARY

2. The Destination Christchurch Trust was formed in August 1998 and is responsible for the appointment of directors to the Board of Christchurch and Canterbury Marketing Limited.
3. The Trust is made up of not more than four and not less that two Trustees. The current Trust members are Mr Graham Heenan, Mr Richard Peate and Mr Bob Parker.
4. In terms of clause 8.4 of the Declaration of Trust *'the Chairperson of the Trust shall be appointed by the Council'*.
5. During the Trust meeting on 2 September 2008, Graham Heenan was nominated as the Trust's preferred choice for Chairperson.

### FINANCIAL IMPLICATIONS

6. There are no direct financial implications. No meeting fees or allowances are paid to members of the Destination Christchurch, Canterbury, New Zealand Trust.

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

7. Not applicable.

### LEGAL CONSIDERATIONS

8. The Trust Deed for Destination Christchurch, Canterbury, New Zealand Trust (Clause 8.4) requires the Council to appoint the Chairperson of the Board. This does not mean that the trustee/s appointed by the Council to sit on the Trust should be appointed Chairperson. The final approval of the Chairperson must be made by the Council

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

9. Yes, see above.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Page 117 of the LTCCP, levels of support under economic development refers.

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

11. As above.

### ALIGNMENT WITH STRATEGIES

12. Not applicable.

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

13. Not applicable.

**10 Cont'd**

**CONSULTATION FULFILMENT**

14. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council approve the appointment of Mr Graham Heenan as Chairperson of Destination Christchurch, Canterbury, New Zealand Trust.

11. POLICY ON APPOINTMENT OF DIRECTORS - AMENDMENT

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

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend a change to the Council's Policy on Appointment and Remuneration of Directors to clarify the reappointment process where a Councillor has been appointed to a board.
2. **Attachment A** is a full report from CCHL recommending a change to the Council's 2007 Policy on Appointments and Remuneration of Directors.

**STAFF RECOMMENDATION**

It is recommended that the Council approve the changes proposed in the Policy on Appointment of Directors - Amendment.



## 12. UPDATE ON THE REVIEW OF THE LOCAL GOVERNMENT ACT 2002 AND THE LOCAL ELECTORAL ACT 2001

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941 8462
<b>Officer responsible:</b>	Democracy Services Manager
<b>Author:</b>	Fiona Shand

### PURPOSE OF REPORT

1. This report provides a brief summary of the recently published outcomes of the Local Government Commission's review of the Local Government Act 2002 (LGA), and the Local Electoral Act 2001 (LEA).

### EXECUTIVE SUMMARY

2. The Commission was required to undertake the review under section 32 of the LGA, which limited the review to the operation of the LGA and LEA. The Commission had to address the following key questions in its review:

- Are any of the provisions of the two Acts a barrier to achieving the policy intent? If they are, is legislative amendment required?
- Are any of the ways that councils are operating and/or interpreting the Acts a barrier to achieving the policy intent? If they are, is the development and dissemination of further good practice guidance appropriate?
- How responsive and accountable are local government in meeting the present and long-term needs of their communities?
- How effective are local authorities in performing their role of enabling local decision-making and action, and promoting community well being?

3. In undertaking the review the Commission noted that in some areas the legislation were still in the bedding-in phase. The Commission concluded that the LGA, where properly understood and implemented, generally supports the policy intent of the legislation. For the most part, improvements can be made by way of good practice guidelines and technical changes to give better effect to the policy intent and purpose of the Act.

4. A summary of the key findings and recommendations of the Commission taken from its report is **attached** for information. The key findings relate to:

#### *Local Government Act 2002:*

- Empowerment has not led to a proliferation of new activities.
- The need for and benefits of long-term planning are generally accepted but the quality of documentation needs to be improved. In this regard, there is particular reference to the Long Term Council Community Plan (LTCCP).
- The concept of 'significance' is pivotal to a good understanding of the Act but is often not properly understood.
- The consultation requirements are often not properly understood.
- There is a need for further good practice guidance and training.

#### *Local Electoral Act 2001:*

- An appropriate balance between uniform rules and local diversity has been achieved.
- There is a need for better balance between fair and effective representation.
- Recommended enhancements in administration of local elections and polls should proceed.

5. A number of specific legislative amendments are recommended in the Commission's report, along with continued development of good practice guidance.

12 Cont'd

6. In addition to this review undertaken by the Local Government Commission, the Local Government and Community Branch of the Department of Internal Affairs is undertaking a 10 year evaluation of the Local Government Act, the Local Electoral Act and the Local Government (Rating) Act, expected to be complete by June 2013.

**THE COUNCIL'S SUBMISSION – KEY ISSUES**

7. The Council's submission raised a number of issues for consideration by the Commission, but noted four key issues in particular. The Commission's recommendations relating to those key issues are briefly outlined in the following paragraphs.

*The need to streamline the LTCCP process*

8. In its submission the Council suggested that there was a need for greater clarity in the LGA, particularly on whether there was a need to consult again on changes made to the LTCCP document after consultation.
9. The Commission recommends a number of specific changes relating to the LTCCP including the development and dissemination of further good practice guidance relating to the process, amendments, and the special consultative procedure.

*Clarification of the consultation requirements in the Local Government Act 2002*

10. The Council's submission was that using the Special Consultative Procedure should have some timeframes included so that where an issue has already been consulted on within the last three to five years it does not need to go through the Special Consultative Procedure again.
11. The Commission recommends no change to the special consultative procedure. It does, however, recommend the development and dissemination of good practice guidance on effective consultation practices including appropriate use of the special consultative procedure. Further work is also signalled in monitoring the effectiveness of local authority consultation practices as part of the Department of Internal Affairs evaluation.

*Infringement offences – regulations need to be introduced to make the more common/minor offences, infringement offences, as proposed under the Local Government Act 2002, so that enforcement units can increase their effectiveness and productivity*

12. The Council submitted that breaches of bylaws should, where appropriate, be able to be dealt with by way of infringement notice, including amendments to section 259 if necessary.
13. With respect to offences and penalties, the Commission recommends that regulations be made under section 259 of the LGA as soon as practicable to prescribe breaches of bylaws that are infringement offences along with associated infringement fees.

*The relationship with central government – government departments need to do more regarding making commitments to work on achieving community outcomes and to help local government implement new legislation*

14. The Council's submission noted that there were often costs imposed on local authorities as a result of legislation and that greater assistance from central government would be helpful with respect to Community Outcomes.
15. The Commission recommends that there be monitoring of central government agency engagement in local community outcomes processes as part of the Department of Internal Affairs 10 year evaluation of local government legislation.

**12 Cont'd**

**FINANCIAL IMPLICATIONS**

16. Not applicable.

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

17.. Not applicable.

**LEGAL CONSIDERATIONS**

18. Not applicable.

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

19. Not applicable.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

20. Not applicable.

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

21. Not applicable.

**ALIGNMENT WITH STRATEGIES**

22. Not applicable.

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

23. Not applicable.

**CONSULTATION FULFILMENT**

24. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council receive the information in this report on the outcomes of the Local Government Commission's review of the Local Government Act 2002 and Local Electoral Act 2001.

25. 9. 2008

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13. NOTICES OF MOTION

14. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 25 SEPTEMBER 2008

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely item 15.

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
15. CONFIRMATION OF MINUTES ) COUNCIL MEETINGS OF 28.8.2008 ) AND 11.9.2008 )	GOOD REASON TO ) WITHHOLD EXISTS ) UNDER SECTION 7 )	SECTION 48(1)(a)

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

Item 15	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 15	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 15	Commercial Activities	(Section 7(2)(h))
Item 15	Conduct of Negotiations	(Section 7(2)(i))
Item 15	Right of Appeal Exists	(Section 48(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.”