

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 25 JUNE 2009

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL

**Thursday 25 June 2009 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.

- | ITEM NO | DESCRIPTION |
|---------|--|
| 1. | APOLOGIES |
| 2. | CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 28.5.2009 AND 11.5.2009 |
| 3. | DEPUTATIONS BY APPOINTMENT |
| 4. | PRESENTATION OF PETITIONS |
| 5. | HERITAGE INCENTIVE GRANT GREATER THAN \$100,000 - ST PAUL'S TRINITY PRESBYTERIAN CHURCH, 236 CASHEL STREET |
| 6. | HEARINGS PANEL REPORT ON THE TRAFFIC AND PARKING AMENDMENT BYLAW 2009 |
| 7. | HEARINGS PANEL REPORT ON THE PROPOSED LINWOOD AVENUE (WORCESTER STREET TO TILFORD STREET) CYCLE LANE AND AMENDMENT TO SCHEDULE 2 OF THE TRAFFIC AND PARKING BYLAW 2008 |
| 8. | REPORT BY THE CHAIRPERSON OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD - HAZELDEAN ROAD PROPOSED PROHIBITED TIMES ON ROAD |
| 9. | VBASE CAPITAL STRUCTURE |
| 10. | SMOKEFREE PUBLIC PLACES POLICY |
| 11. | COUNCIL REPRESENTATION AT ASPIRING LEADERS FORUM 2009 |
| 12. | DRAFT SURFACE WATER STRATEGY |
| 13. | WATER SUPPLY STRATEGY |
| 14. | REPORT OF THE REGULATORY AND PLANNING COMMITTEE - MEETING OF 4.6.2009 <ol style="list-style-type: none">Proposed Plan Change 45 – Private Plan Change Application for the Rezoning of Land Between Lower Styx Road and Spencerville Road, North-East Christchurch Open Space 3D (Christchurch Golf Resort) and Conservation 3Planning Administration Monthly Report (October 2008 to April 2009)District Plan Work Programme 2009-2010 |
| 15. | NOTICES OF MOTION |
| 16. | RESOLUTION TO EXCLUDE THE PUBLIC |

1. APOLOGIES

2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 28.5.2009 AND 11.6.2009

Attached.

3. DEPUTATIONS BY APPOINTMENT

(a) ST PAUL'S TRINITY PACIFIC PRESBYTERIAN CHURCH

Les Bouterey, Planning Manager, St Paul's Trinity Pacific Presbyterian Church, corner of Cashel and Madras Streets, will speak to the Council regarding a major restoration project at the church. Refer to clause 5 of this agenda.

4. PRESENTATION OF PETITIONS

5. HERITAGE INCENTIVE GRANT GREATER THAN \$100,000 - ST PAUL'S TRINITY PRESBYTERIAN CHURCH, 236 CASHEL STREET

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager, Liveable City
Author:	Neil Carrie, Principal Adviser, Heritage and Urban Design

PURPOSE OF REPORT

1. The purpose of this report is to consider a heritage incentive grant for St Paul's Trinity Pacific Presbyterian Church, 236 Cashel Street.

EXECUTIVE SUMMARY

2. St Paul's Trinity Pacific Church was designed by architect Samuel Farr in 1876. The church is constructed of plastered brick in a classical style which may have been preferred for a non-conformist Presbyterian church. Principal features include the north entry facade strongly articulated with Doric columns and the twin domes which topped the portico and the landmark site on the corner of Cashel and Madras Streets.
3. The Church has a City Plan Group 1 listing and a Category I listing on the New Zealand Historic Places Trust Register. The building is significant in particular for its historical, cultural, architectural, group, landmark and technological heritage values. The Statement of Heritage Significance is included as **Attachment 1**.
4. Heritage grants greater than \$100,000 require the approval of the Council. The proposed conservation, code compliance and maintenance works for St Paul's are extensive and will ensure the future protection and continuing use of this significant heritage building. The application provided extensive information and includes a Conservation Plan and condition report by a recognised conservation architect. The engineering consultants have taken Council advice on the seismic upgrade methods which will result in only minor intrusions to the building. The application meets all the criteria for a grant as provided in the Heritage Incentive Grants Policy – Operational Guidelines.

Scope of Works

5. A summary of conservation, maintenance and Building Code compliance works include:
 - (a) External remedial maintenance including the slate roof, lead domes, spouting and down pipes.
 - (b) Stone and plaster work maintenance.
 - (c) External limewash with enamel paint to entry doors.
 - (d) Replace electrical reticulation including switchboard, and replacement pilaster light fittings.
 - (e) Structurally strengthen the building to 60% to meet current building code requirements.
 - (f) Upgrade the fire safety compliance to meet current building code requirements.
 - (g) Repair or replace existing steel windows and re-glaze.
6. **Costs for conservation**, including code compliance and maintenance works are outlined in the table below:

Particulars	Cost
Earthquake strengthening	\$620,000
Fire sprinkler system	\$100,000
External maintenance	\$175,000
Window repair and glazing	\$214,000
Electrical reticulation and external heritage lighting	\$28,000
Slate, lead, and corrugated steel roof repairs, spouting and down pipes	\$139,000
Total heritage-related works	\$1,276,000

5 Cont'd

7. In the case of electrical upgrade where there is a risk of damage to the heritage fabric through failure of these services, a portion of the work is considered appropriate for grant funding. In this case staff recommend that half of the cost of electrical works be considered for grant funding and this proportion is included in the above costs of conversation.

Heritage Incentive Grants Policy.

8. The Operational Guidelines for the Policy provide for a grant of up to 50% of the total heritage related costs for a Group One heritage building.
9. As detailed above and in the statement of significance at Attachment 1, the Church has a City Plan Group 1 listing and a Category I listing on the New Zealand Historic Places Trust Register.
10. St Paul's has a cultural and spiritual value with a long history and has been a place of worship in Christchurch for 109 years.
11. The church occupies a landmark site on the corner of Cashel and Madras Streets. Contextual significance arises given the relation of St Paul's to other heritage listed places along Cashel Street and to Latimer Square. It is also within the proximity of the Catholic Cathedral on Barbadoes Street.
12. An extensive scope of works is proposed, including seismic upgrades, all of which are considered to be essential for the future protection and continuing use of this significant heritage building. The application meets all the criteria for a grant as provided in the Heritage Incentive Grants Policy – Operational Guidelines.

Proposed heritage grant (50%)	\$638,000
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FINANCIAL IMPLICATIONS

13. Larger heritage renovation projects may cover more than one financial period. For these projects it is important that the recipient has confirmation that Council support will be provided before commencement, for the length of the project. The grant request of \$638,000 which is the subject of this report can be accommodated over four financial years thus: 2008/09 (\$212,238); 2009/10 (\$141,920.67); 2010/11 (\$141,920.67) and 2011/12 (\$141,920.67)

	08/09	09/10	10/11	11/12
Annual Budget	\$595,000	\$595,000	\$595,000	\$595,000
Carried Forward from Previous year	\$714,683			
Total Budget including carry-forwards	\$1,309,683			
Total Grant funds paid	259,795			
Total Grant fund commitment	\$1,049,888			
Balance of 08/09 funds	\$212,238			
Fund approval for St Paul's Trinity Church	\$212,238	\$141,920	\$141,920	\$141,920
Total \$638,000				
Total Available Funds 08/09	\$000,000			

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

14. Yes. The Heritage Incentive Grant budget is an annual fund provided for in the 2006-16 LTCCP. Heritage Grants are budgeted for on an annual basis via the LTCCP.

LEGAL CONSIDERATIONS

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

5 Cont'd

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

16. Yes. Covenants are a more comprehensive form of protection of the buildings because they are registered against the property title, ensuring that the Council's investment is protected.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. Heritage protection is aligned to the Community Outcome 'An Attractive and Well-designed City'. This provides for, among other things, ensuring "our lifestyles and heritage are enhanced by our urban environment". The success measure is that "our lifestyles and heritage are enhanced by our urban environment". Heritage incentive grants contribute towards the number of protected heritage buildings, sites and objects, which is the measure of the outcome.
18. One of the objectives under the Strategic Direction Strong Communities provides for "protecting and promoting the heritage character and history of the city" (Goal 7, Objective 4).
19. City Development Activities and Services aims to help improve Christchurch's urban environment among other things. One activity under City Development provides for Heritage Protection, whereby the Council provides "leadership, advocacy, resources, grants and conservation covenants to conserve and rehabilitate heritage items". One of the Council's contributions is to ensure the city's heritage is protected for future generations. The Council provides information, advice and funding for city heritage and heritage conservation, and will be expected to continue to do so, as part of its objective to retain heritage items.

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

20. Yes.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

21. Alignment of the requirement for heritage incentive grants and conservation covenants stems from the Heritage Conservation Policy which in turn is relevant to:

Greater Christchurch Urban Development Strategy (UDS)

Heritage development projects provide opportunities for increased commercial and residential activity in the city while at the same time enhancing the heritage townscape. The UDS considers heritage as an integral part of Christchurch and an aspect of growth management provided for is through the protection, maintenance and enhancement of heritage.

Christchurch City Plan

Heritage redevelopment projects are consistent with the Heritage provisions of the City Plan: Volume 2, Section 4, City Identity, Objective 4.3 Heritage Protection provides for objectives and policies in relation to Heritage protection. It recognises that Christchurch is a cultural and tourist centre, a role mainly dependent on its architectural, historic and scenic attractions. Much of its distinctive character is derived from buildings, natural features, other places and objects which have over time, become an accepted part of the cityscape and valued feature of the city's identity ... Protection of heritage places includes cultural, architectural, ... areas of character, intrinsic or amenity value, visual appeal or of special significance to the Tangata Whenua, for spiritual, cultural or historical reasons. This protection may extend to include land around that place or feature to ensure its protection and reasonable enjoyment. A heritage item may include land, sites, areas, buildings, monuments, objects, archaeological sites, sacred sites, landscape or ecological features in public or private ownership.

Banks Peninsula District Plan

Heritage protection is consistent with the Cultural Heritage provisions of the Banks Peninsula District Plan. These are detailed in chapter 14, Cultural Heritage, Objective 1, and Policies 1A and 1B, p.74.

5 Cont'd

New Zealand Urban Design Protocol

Heritage redevelopment projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The retention of heritage will contribute towards the implementation of the New Zealand Urban Design Protocol, to which the Council is a signatory.

Heritage Conservation Policy

Heritage incentive grants are provided for under section 8 of the Heritage Conservation Policy. The Heritage Conservation Policy aligns with the Community Outcome "An attractive and Well-Designed City" through the indicator "Number of heritage buildings, sites and objects".

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

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

Do the recommendations align with the Council's strategies?

22. Yes.

CONSULTATION FULFILMENT

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

THE OBJECTIVES

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

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve a heritage incentive grant of up to \$638,000 over four years to the St Paul's Trinity Pacific Presbyterian Church, 236 Cashel Street, subject to compliance with the agreed scope of works and certification of works upon completion.
- (b) Enter into a full conservation covenant under section 77 of the Reserves Act, in accordance with the Heritage Incentives Grants Policy, with the signed covenant having the Council seal affixed prior to registration on the property title.

6. HEARINGS PANEL REPORT ON THE TRAFFIC AND PARKING AMENDMENT BYLAW 2009

General Managers responsible:	General Manager City Environment, DDI 941 8608, General Manager Regulation and Democracy Services, DDI 941 8462
Author:	Traffic and Parking Amendment Bylaw 2009 Hearing Panel

PURPOSE OF REPORT

1. This report of the Traffic and Parking Amendment Bylaw 2009 Hearings Panel (the Panel) addresses the three submissions received during the special consultative procedure and contains recommendations from the Panel to the Council amending the draft Traffic and Parking Amendment Bylaw 2009 (the draft Bylaw). The draft Bylaw recommended for adoption is attached as **Appendix A**.

EXECUTIVE SUMMARY

2. The Christchurch City Council Traffic and Parking Bylaw 2008 was adopted on 19 June 2008 and came into force on 1 July 2008. At the time it was adopted, it was acknowledged that the two schedules of the bylaw (one way streets and special vehicle lanes) included errors that needed to be checked and fixed. The Council's resolutions on 19 June included: to "direct staff to undertake an urgent review of the schedules to the Traffic and Parking Bylaw to ensure that they are up to date and correct, including any additions."
3. On 30 October 2008, the Council resolved:
 - (a) *that the draft Christchurch City Council Traffic & Parking Amendment Bylaw 2009 is the most appropriate way to provide for one-way streets, and special vehicle lanes (which address traffic flow and safety for cyclists in the district), and that the minor amendments to clauses 11 and 14 of the Bylaw are necessary for clarity.*
 - (b) *to appoint a hearings panel comprising Councillors Williams, Button, Wall and Wells to consider submissions noting that the special consultative process will be held 3 November–4 December 2008 with hearings to be held mid-December 2008 if possible.*
4. The Panel met on 12 December, 2008 and considered the three submissions received on the draft Bylaw. These submissions, from the New Zealand Police, Environment Canterbury, and Mr Alan Tunnicliffe, recommended minor corrections and technical amendments to the draft Bylaw.
5. The Panel directed staff to conduct a detailed review of the draft Bylaw and correct any minor errors and possible points of ambiguity. The proposed amendments to the draft Bylaw by the Panel are provided below.
6. The Panel noted its appreciation to Mr Alan Tunnicliffe for submitting on the draft Bylaw. Mr Tunnicliffe's thoughtful insight proved invaluable to the Panel's consideration of the draft Bylaw.

PANEL RECOMMENDATION

The Traffic and Parking Bylaw Amendment 2009 Hearing Panel **recommends** that the Council:

- (a) Adopt the draft Traffic and Parking Bylaw Amendment 2009 with the following amendments:
 - (i) *Schedule One – One Way Streets*

ROAD NAME	WORDING AS CONSULTED	RECOMMENDED WORDING/CHANGE
Brighton Mall	Brighton Mall in a northerly direction from its intersection with Beresford Street for 60 metres.	Brighton Mall in a southerly direction for a distance of 60 metres to its intersection with Beresford Street.
Hanmer Street	Hanmer Street in a westerly direction from Gilby Street to Fitzgerald Avenue	Hanmer Street in a northerly direction from Gilby Street to Avonside Drive.

6 Cont'd

ROAD NAME	WORDING AS CONSULTED	RECOMMENDED WORDING/CHANGE
Lichfield Street	Lichfield Street in an easterly direction from Oxford Terrace to Fitzgerald Avenue. PROVIDED THAT buses only may travel in both easterly and westerly directions on that part of Lichfield Street, commencing at the intersection of Colombo Street and extending in an easterly direction for a distance of 48 metres.	Lichfield Street in an easterly direction from Oxford Terrace to Fitzgerald Avenue. PROVIDED THAT buses may travel in both easterly and westerly directions on that part of Lichfield Street, commencing at the intersection of Colombo Street and extending in an easterly direction for a distance of 48 metres.
Linwood Avenue (south west side)	Linwood Avenue south west side in a north easterly direction between Aldwins Road Chelsea Street and Hargood Street in a north westerly direction .	Linwood Avenue - south west side in a north westerly direction between Hargood Street and Chelsea Street.
Marcroft Street	Marcroft Street in an easterly direction from Aldwins Road for 20 metres.	Marcroft Street in a south easterly direction from Aldwins Road for 20 metres.
New Regent Street	New Regent Street in a southerly direction from Armagh Street to Gloucester Street – for Goods Vehicles only before 10am and after 4pm.	New Regent Street in a southerly direction from Armagh Street to Gloucester Street - Goods Vehicles only, and only before 10am and after 4pm.
Poplar Street	Poplar Street in a northerly direction from Tuam to Lichfield Street.	Poplar Street in a northerly direction from Tuam Street to Lichfield Street.
Simeon Quay 'ramp' (Lyttelton)	Simeon Quay Ramp in an easterly direction from a point 47m east of Voelas Road Cunningham Terrace to Simeon Godley Quay.	The Simeon Quay residential property access ramp adjacent to Simeon Quay in an easterly direction from a point 47 metres east of Voelas Road to Godley Quay.

(ii) *Schedule Two - Roads or Traffic Lanes Restricted to Specific Classes of Vehicles*

ROAD NAME	WORDING AS CONSULTED	RECOMMENDED WORDING/CHANGE
Akaroa Street (Cycle Lane)	On a north west side in a north easterly direction	On the north west side in a north easterly direction
Breezes Road (Cycle Lane)	On a north east side in a south easterly direction	On the north east side in a south easterly direction
Bridge Street (Cycle lane)	On the south side in a southerly direction	On the south side in a westerly direction
Clyde Road (Cycle Lane)	Riccarton Road – Fendalton School	Riccarton Road - Fendalton Open-air School
	Fendalton School – Riccarton Road	Fendalton Open-air School - Riccarton Road
Colombo Street (Cycle Lane)	Lawson Street	Lawson Street - Wordsworth Street
Creyke Road (Cycle Lane)	On the south west side in a north easterly direction	On the south west side in a north westerly direction
Fitzgerald Avenue (Bus Lane)	None (No Bus lane, however, it was approved as part of Queenspark Bus Priority Corridor)	Cambridge Terrace - Bealey Avenue
Hendersons Road (Cycle Lane)	Cashmere Road - Sparks	Sparks Road - Cashmere Road
	Cashmere Road - Sparks	Cashmere Road - Sparks Road

6 Cont'd

ROAD NAME	WORDING AS CONSULTED	RECOMMENDED WORDING/CHANGE
Hills Road (Cycle Lane)	Fitzgerald Avenue – Warrington Street	Edward Avenue - Warrington Street
	Whitehall Street – Akaroa Street	Whitehall Street - Dana Place
	Akaroa Street – Dana Place	Delete
	Abbey Place – Innes Road	Abbey Place - East Ellington Drive
	Innes Road – Abbey Street	East Ellington Drive - Abbey Place
	Dana Place – Akaroa Street	Dana Place - Whitehall Street
	Akaroa Street – Whitehall Street	Delete
	Warrington Street – Fitzgerald Avenue	Warrington Street - Avalon Street
Kotare Street (Cycle Lane)	Generally on the south west side in a north west direction	Generally on the south west side in a north westerly direction
Langdons Road (Cycle Lane)	On the south west side in a north west direction	On the south west side in a north westerly direction
	Main North Road - SIMT Railway	Main North Road - South Island Main Trunk Railway
	SIMT – Main North Road	South Island Main Trunk Railway - Main North Road
Madras Street (Cycle Lane)	Chester Street – Kilmore Street	Chester Street East - Kilmore Street
Papanui Road (Cycle Lane)	Knowles Road – Holly Road	Knowles Street - Holly Road
Prestons Road (Cycle Lane)	On the north side in an easterly direction	Delete double entry
	Marshland Road – Alpine View Lane	Delete
Port Hills Road (Cycle Lane)	Avoca Valley Road – Opawa Road	Delete (Port Hills Road has been deleted as it is a State Highway).
	On the north east side in a south easterly direction	
	Curries road - Avoca Valley Road	
Riccarton Avenue (Cycle Lane)	Ambulance entrance to Lincoln Ave	Ambulance entrance to Hagley Avenue
	Lincoln Ave to Ambulance entrance	Hagley Avenue to Ambulance entrance
Riccarton Road (Cycle Lane)	Wainui - Matipo	Wainui Street - Matipo Street
	Matipo - Wainui	Matipo Street - Wainui Street
Salisbury Street (Cycle Lane)	On the south side in a westerly direction	On the south side in an easterly direction
	Durham Street – Victoria Street	Victoria Street - Durham Street North
Shirley Road (Bus Lane)	Quinns Road – Marshland Road	Petrie Street - Marshland Road
	Marshland Road	Delete
Strowan Road (Cycle Lane)	Normans Road – Heaton Street	South Island Main Trunk Railway - Heaton Street
	Heaton Street – Normans Road	Heaton Street - South Island Main Trunk Railway
Sturrocks Road (Cycle Lane)	Main North Road - SIMT Railway	Main North Road - South Island Main Trunk Railway
	SIMT Railway - Main North Road	South Island Main Trunk Railway - Main North Road

6 Cont'd

ROAD NAME	WORDING AS CONSULTED	RECOMMENDED WORDING/CHANGE
Wairakei Road (Cycle Lane)	Todd Avenue – Charlcott Street	Todd Avenue - Westpark Drive
	Farrington Avenue – Spalding Street	Delete
	SIMT Railway - Normans Road	South Island Main Trunk Railway - Greers Road
	Normans Road – SILMT Railway	Greers Road - South Island Main Trunk Railway
	Idris Road - Aorangi Road	Delete
	Spalding Street - Farrington Avenue	Delete
	Charlcott Street – Todd Avenue	Westpark Drive - Todd Avenue
	Wooldridge Road – Stanley Road	Wooldridge Road - Stanleys Road
Waltham Road (Cycle Lane)	Coleridge Street – Wordsworth Road	Coleridge Street - Wordsworth Street
Whitmore Street (Bus Lane)	Bealey Avenue	Delete
General	a easterly (throughout)	an easterly (throughout)
	Minor spelling, punctuation, and technical corrections (throughout)	

- (b) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment Bylaw 2009 has been made by Council, and that it comes into effect on 1 July 2009, and that copies of the Bylaw will be made available.
- (c) Send a copy of the amended Bylaw to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962.

7. HEARINGS PANEL REPORT ON THE PROPOSED LINWOOD AVENUE (WORCESTER STREET TO TILFORD STREET) CYCLE LANE AND AMENDMENT TO SCHEDULE 2 OF THE TRAFFIC AND PARKING BYLAW 2008

General Manager responsible:	General Manager City Environment, DDI 941-8608
Author:	Special Vehicle Lanes Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to present the Hearings Panel recommendations for the Linwood Avenue cycle lane and seek the Council's approval to adopt the Christchurch City Council Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
2. The report also contains a number of recommendations to implement parking restrictions associated with the proposed Linwood Avenue cycle lane, if the proposal is approved.

EXECUTIVE SUMMARY

3. The Linwood Avenue cycle lane project is located between Worcester Street and Tilford Street. This part of Linwood Avenue is classified as a major arterial and is part of a strategic cycling route that will allow connectivity from the Eastern suburbs into the inner city.
4. The surrounding area is a mixture of retail and residential areas with a local park in the middle.
5. On 19 December 2008, Council resolved to commence the special consultative procedure to undertake an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
6. The proposal is to create a Special Vehicle Lane (cycle lane) on both sides of Linwood Avenue between Worcester Street and Tilford Street. In order to do this, it is necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008. The proposal is in accordance with the Council's Cycling Strategy 2004 and the national strategies, the project also aims to balance the demands of all road users.
7. The amended plans (TP300101, Issue 4 and TP300102, Issue 4) showing the proposed road layout incorporating changes recommended by the Hearing Panel is shown in **Attachment 1**. The full Amendment Bylaw to be adopted by the Council is shown in **Attachment 2**. A summary of the submissions including staff comments and Hearing Panel's response is shown in **Attachment 3**.
8. The Council appointed a Hearings Panel comprising of Bob Todd (Chair), Sally Buck and Chrissie Williams, who deliberated on all written and verbal submissions prior to confirming the Hearing Panel's recommendations on the proposed Linwood Avenue cycle lane for the Council to consider.
9. Only minor changes to the original proposal were recommended by the Hearings Panel. These changes related to improvements in signage and road marking in various locations. The recommended changes are covered in more detail further on in the report under the section titled "Recommended changes to the plan"
8. A list of the key features of the proposed plan being recommended by the Hearing Panel is shown below:
 - (i) Inclusion of cycle lanes varying between 1.6-1.8 metres wide on both sides of Linwood Avenue between Tilford Street and Worcester Street.
 - (ii) Realignment of traffic lanes in some locations to incorporate the cycle lanes and to provide continuous traffic flow.
 - (iii) Provision of a special 'WATCH FOR DOORS' sign south of the Buckleys Road/ Linwood Avenue intersection.

7 Cont'd

- (iv) Provision of cyclist advanced stop boxes for through movements on Linwood Avenue at the Buckleys Road/Aldwins Road intersection and at the Linwood Avenue/Hereford St intersection.
- (v) Repair and/or replacement of road signage to maintain the efficiency and safety for all traffic movements.
- (vi) Addition of red paint markings of the cycle lane at potential vehicle/cyclist conflict points.
- (vii) Commence construction in 2009/10 financial year.

FINANCIAL IMPLICATIONS

- 9. The proposed cycle lane works for Linwood Avenue are included in the Transport and Greenspace Unit's capital programme for implementation in the 2009/2010 financial year.
- 10. Recent project cost estimates indicate that this project can be achieved within the allocated budget.

CONSULTATION FULFILMENT

- 11. The consultation period for the special consultative procedure took place from 12 January 2009 to 13 February 2009. The consultation documents were sent directly to a range of groups, organisations and individuals, and hand-delivered to all businesses on the route. Public notices appeared in relevant newspapers, and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page . A public information evening was also held in the project area on Wednesday 21 January 2009 for interested people to drop-in and talk to project staff.
- 12. At the close of the consultation period a total of fifteen (15) submissions had been received. Three people requested to be heard by the Hearings Panel in support of their submissions. The hearings were held on 10 and 13 March 2009. The panel deliberated and considered the submissions on 25 March 2009 and requested staff to amend the proposed plan in line with their recommended changes. The full Summary of Submissions, including staff comments and the Hearing Panel's recommendation is shown in Attachment 3.
- 13. Of the 15 submissions received, two were from groups and 13 from individuals. A total of 11 submitters were generally in support of the proposal, two were opposed, and two did not indicate if they supported or opposed the plan.
- 14. Common supportive submission themes included the need for a cycle lane due to heavy traffic, the number of cyclists that use Linwood Avenue and the fact that cyclists will feel safer with road marking and red paint. Of the two opposing submissions, submission points related to the opposition to 'on road' cycle lanes on major roads, and questioning of the need and demand for cycle lanes.

RECOMMENDED CHANGES TO THE PLAN

- 15. The Hearings Panel has recommended some minor changes to the plan that was distributed for consultation. These changes are related to improvements in signage and road marking in various locations as detailed below:
 - (i) Improved signage and road marking at the Worcester Street crossing point.
 - (ii) Additional red paint marking added at previously unidentified conflict and/or pinch points.
 - (iii) Removal of the existing restricted parking outside number 248 Linwood Avenue.
- 16. In response to Barbara Clark's submission, which raised concerns about the loss of car parking outside her house, an indented car parking bay containing four parking spaces was investigated. Unfortunately, the proposed design failed to meet the required safety audit criteria, so this car parking bay has not been included in the recommended plan for approval.

7 Cont'd

LEGAL CONSIDERATIONS

17. Public consultation has been completed via the special consultative procedures, as described above.
18. The Hearings Panel has no decision-making powers, but can make recommendations to Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making"¹.
19. The Local Government Act² requires that the Council give public notice of the amendment of a bylaw as soon as practicable after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment.
20. The Legal Services Unit considers that the form of the bylaw, as proposed, is the most appropriate form, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

HEARING PANEL RECOMMENDATIONS

The Hearing Panel recommends that the Council:

- (a) Approve the proposed Linwood Avenue Cycle Lane between Worcester Street and Tilford Street, as shown on the attached plans (TP300101, Issue 4 and TP300102, Issue 4) in Attachment 1, to proceed to detailed design, tender and construction.
- (b) Adopt the Christchurch City Council Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008, as shown in Attachment 2.
- (c) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009 has been made by the Council, and that it comes into effect on 1 August 2009 (but noting that it is expected that the cycle lanes will not be marked on the road until approximately November 2009), and that copies of the Bylaws will be made available;
- (d) Send a copy of the amended Bylaw to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962;
- (e) Sends copies of the Bylaw and approved plan to those people or organisations that made submissions, advising them of the outcome;

Revocation of existing parking restrictions to take effect following completion of the cycle lane in Linwood Avenue:

Linwood Avenue

- (f) That the existing no stopping be revoked on north-east side of Linwood Avenue from 30 metres north-west of Worcester Street to McGregors Road.
- (g) That the existing no stopping be revoked on the south-west side of Linwood Avenue from 30 metres north-west of Worcester Street to Tilford Street.

¹ 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".

² Section 157

7 Cont'd

Worcester Street

- (h) That the existing no stopping resolutions on the north-west side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 12 metres, be revoked.
- (i) That the existing no stopping resolutions on the south-east side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 9 metres, be revoked.

Aldwins Road

- (j) That the existing no stopping resolutions on the north-west side of Aldwins Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 24 metres, be revoked.
- (k) That the existing no stopping resolutions on the south-east side of Aldwins Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 50 metres, be revoked.

Cranley Street

- (l) That the existing no stopping resolutions on the north-west side of Cranley Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 51 metres, be revoked.
- (m) That the existing no stopping resolutions on the south-east side of Cranley Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 22 metres, be revoked.

Chelsea Street

- (n) That the existing no stopping resolutions on the north-west side of Chelsea Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 15 metres, be revoked.
- (o) That the existing no stopping resolutions on the south-east side of Chelsea Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 20 metres, be revoked.

Jollie Street

- (p) That the existing no stopping resolutions on the north-west side of Jollie Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 20 metres, be revoked.
- (q) That the existing no stopping resolutions on the south-east side of Jollie Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 20 metres, be revoked.

Thomas Street

- (r) That the existing no stopping resolutions on the north-west side of Thomas Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 20 metres, be revoked.
- (s) That the existing no stopping resolutions on the south-east side of Thomas Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 20 metres, be revoked.

7 Cont'd

Hay Street

- (t) That the existing no stopping resolutions on the north-west side of Hay Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 30 metres, be revoked.
- (u) That the existing no stopping resolutions on the south east side of Hay Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 30 metres, be revoked.

McGregors Road

- (v) That the existing no stopping resolutions on the north west side of McGregors Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 11 metres, be revoked.
- (w) That the existing no stopping resolutions on the south east side of McGregors Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 10 metres, be revoked.

Worcester Street

- (x) That the existing no stopping resolutions on the north side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 16 metres, be revoked.
- (y) That the existing no stopping resolutions on the south side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 23 metres, be revoked.

Hereford Street

- (z) That the existing no stopping resolutions on the north side of Hereford Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 25 metres, be revoked.
- (aa) That the existing no stopping resolutions on the south side of Hereford Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 10 metres, be revoked.

Cashel Street

- (ab) That the existing no stopping resolutions on the north side of Cashel Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 18 metres, be revoked.
- (ac) That the existing no stopping resolutions on the south side of Cashel Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 21 metres, be revoked.

Aldwins Road

- (ad) That the existing no stopping resolutions on the north west side of Aldwins Road commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 54 metres, be revoked.
- (ae) That the existing no stopping resolutions on the south east side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 14 metres, be revoked.

7 Cont'd

Smith Street

- (af) That the existing no stopping resolutions on the north west side of Smith Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 75 metres, be revoked.
- (ag) That the existing no stopping resolutions on the south east side of Smith Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 21 metres, be revoked.

Gow Place

- (ah) That the existing no stopping resolutions on the north west side of Gow Place commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 20 metres, be revoked.
- (ai) That the existing no stopping resolutions on the south east side of Gow Place commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 20 metres, be revoked.

Tilford Street

- (aj) That the existing no stopping resolutions on the north west side of Tilford Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 25 metres, be revoked.
- (ak) That the existing no stopping resolutions on the south east side of Tilford Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 20 metres, be revoked.

New No Stopping Restrictions to take effect following completion of the cycle lane in Linwood Avenue:

New no stopping: (Linwood Avenue)

- (al) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Worcester Street and extending in a north westerly direction for a distance of 26 metres.
- (am) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Worcester Street and extending in a south-easterly direction for a distance of 16 metres.
- (an) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at a point 118 metres south east of its intersection with Worcester Street and extending in an south-easterly direction for a distance of 196 metres.
- (ao) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Buckleys Road and extending in a north-westerly direction for a distance of 81 metres.
- (ap) That the stopping of vehicles be prohibited at any time on the north-west side of Linwood Avenue between its intersection with Buckleys Road and Cranley Street.
- (aq) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Cranley Street and extending in a south-easterly direction for a distance of 25 metres.
- (ar) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Chelsea Street and extending in a north-westerly direction for a distance of 23 metres.

7 Cont'd

- (as) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Chelsea Street and extending in a south-easterly direction for a distance of 21 metres.
- (at) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Jollie Street and extending in a north-westerly direction for a distance of 19 metres.
- (au) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Jollie Street and extending in a South Easterly direction for a distance of 12 metres.
- (av) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Thomas Street and extending in a north-westerly direction for a distance of 18 metres.
- (aw) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Thomas Street and extending in a south-easterly direction for a distance of 16 metres.
- (ax) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Hay Street and extending in a north-westerly direction for a distance of 19 metres.
- (ay) That the stopping of vehicles be prohibited at any time on the north-east side of Linwood Avenue commencing at its intersection with Hay Street and extending in a south-easterly direction for a distance of 19 metres.
- (az) That the stopping of vehicles be prohibited at any time on the north east side of Linwood Avenue commencing at its intersection with McGregors Road and extending in a north-westerly direction for a distance of 12 metres.
- (ba) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Worcester Street and extending in a north-westerly direction for a distance of 25 metres.
- (bb) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Worcester Street and extending in a south-easterly direction for a distance of 27 metres.
- (bc) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Hereford Street and extending in a north-westerly direction for a distance of 75 metres.
- (bd) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue between its intersection with Hereford Street and Cashel Street.
- (be) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Cashel Street and extending in a south-easterly direction for a distance of 23 metres.
- (bf) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Aldwins Road and extending in a north-westerly direction for a distance of 15 metres.
- (bg) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Aldwins Road and extending in a South Easterly direction for a distance of 265 metres.
- (bh) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Smith Street and extending in a north-westerly direction for a distance of 75 metres.

7 Cont'd

- (bi) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Smith Street and extending in a south-easterly direction for a distance of 22 metres.
- (bj) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Gow Place and extending in a north-westerly direction for a distance of 12 metres.
- (bk) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Gow Place and extending in a South Easterly direction for a distance of 14 metres.
- (bl) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Tilford Street and extending in a north-westerly direction for a distance of 13 metres.
- (bm) That the stopping of vehicles be prohibited at any time on the south-west side of Linwood Avenue commencing at its intersection with Tilford Street and extending in a south-easterly direction for a distance of 30 metres.

New no stopping: (Worcester Street)

- (bn) That the stopping of vehicles be prohibited at any time on the north-west side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 26 metres.
- (bo) That the stopping of vehicles be prohibited at any time on the south-eastern side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 27 metres.

New no stopping: (Buckleys Road)

- (bp) That the stopping of vehicles be prohibited at any time on the north-western side of Buckleys Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 25 metres.
- (bq) That the stopping of vehicles be prohibited at any time on the south-eastern side of Buckleys Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 50 metres.

New no stopping: (Cranley Street)

- (br) That the stopping of vehicles be prohibited at any time on the north-western side of Cranley Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 51 metres.
- (bs) That the stopping of vehicles be prohibited at any time on the south-eastern side of Cranley Street commencing at its intersection with Linwood Avenue and extending in a north easterly direction for a distance of 22 metres.

New no stopping: (Chelsea Street)

- (bt) That the stopping of vehicles be prohibited at any time on the north-western side of Chelsea Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 15 metres.
- (bu) That the stopping of vehicles be prohibited at any time on the south eastern side of Chelsea Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 20 metres.

7 Cont'd

New no stopping: (Jollie Street)

- (bv) That the stopping of vehicles be prohibited at any time on the north-western side of Jollie Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 15 metres.
- (bw) That the stopping of vehicles be prohibited at any time on the south-eastern side of Jollie Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 15 metres.

New no stopping: (Thomas Street)

- (bx) That the stopping of vehicles be prohibited at any time on the north-western side of Thomas Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 15 metres.
- (by) That the stopping of vehicles be prohibited at any time on the north-eastern side of Thomas Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 15 metres.

New no stopping: (Hay Street)

- (bz) That the stopping of vehicles be prohibited at any time on the north western side of Hay Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 20 metres.
- (ca) That the stopping of vehicles be prohibited at any time on the north-eastern side of Hay Street commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 19 metres.

New no stopping: (McGregors Road)

- (cb) That the stopping of vehicles be prohibited at any time on the north western side of McGregors Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 12 metres.
- (cc) That the stopping of vehicles be prohibited at any time on the north-eastern side of McGregors Road commencing at its intersection with Linwood Avenue and extending in a north-easterly direction for a distance of 11 metres.

New no stopping: (Worcester Street)

- (cd) That the stopping of vehicles be prohibited at any time on the north side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 25 metres.
- (ce) That the stopping of vehicles be prohibited at any time on the south side of Worcester Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 22 metres.

New no stopping: (Hereford Street)

- (cf) That the stopping of vehicles be prohibited at any time on the north side of Hereford Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 25 metres.
- (cg) That the stopping of vehicles be prohibited at any time on the south side of Hereford Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 10 metres.

7 Cont'd

New no stopping: (Cashel Street)

- (ch) That the stopping of vehicles be prohibited at any time on the north side of Cashel Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 18 metres.
- (ci) That the stopping of vehicles be prohibited at any time on the south side of Cashel Street commencing at its intersection with Linwood Avenue and extending in a westerly direction for a distance of 20 metres.

New no stopping: (Aldwins Street)

- (cj) That the stopping of vehicles be prohibited at any time on the north-western side of Aldwins Street commencing at its intersection with Linwood Avenue and extending in a south westerly direction for a distance of 54 metres.
- (ck) That the stopping of vehicles be prohibited at any time on the south-eastern side of Aldwins Street commencing at its intersection with Linwood Avenue and extending in a south westerly direction for a distance of 14 metres.

New no stopping: (Smith Street)

- (cl) That the stopping of vehicles be prohibited at any time on the north-western side of Smith Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 75 metres.
- (cm) That the stopping of vehicles be prohibited at any time on the south-eastern side of Smith Street commencing at its intersection with Linwood Avenue and extending in a south westerly direction for a distance of 21 metres.

New no stopping: (Gow Place)

- (cn) That the stopping of vehicles be prohibited at any time on the north-western side of Gow Place commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 13 metres.
- (co) That the stopping of vehicles be prohibited at any time on the south-eastern side of Gow Place commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 13 metres.

New no stopping: (Tilford Street)

- (cp) That the stopping of vehicles be prohibited at any time on the north-western side of Tilford Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 25 metres.
- (cq) That the stopping of vehicles be prohibited at any time on the south-eastern side of Tilford Street commencing at its intersection with Linwood Avenue and extending in a south-westerly direction for a distance of 20 metres.

Move existing bus stop to new location:

- (cr) That the existing bus stop be revoked from the north west side of Linwood Avenue at its present position commencing 81 metres north west of the intersection with Buckleys Road and extending 33 metres in a north westerly direction, and reinstated on the north west side of Linwood Ave commencing 81 metres east of the intersection with Buckleys Road and extending in an north westerly direction for a distance of 33 metres.
- (cs) That the existing bus stop be revoked from the north west side of Linwood Avenue at its present position commencing 76 metres south-east of the intersection with Cranley Street and extending 20 metres in a south-easterly direction, and reinstated on the north west side of Linwood Avenue commencing 76 metres south-east of the intersection with Cranley Street and extending in an south-easterly direction for a distance of 20 metres.

7 Cont'd

- (ct) That the existing bus stop be revoked from the south west side of Linwood Avenue at its present position commencing 40 metres north west of the intersection with Aldwins Road and extending 32 metres in a north westerly direction, and reinstated on the south-west side of Linwood Ave commencing 40 metres north west of the intersection with Aldwins Road and extending in a north-westerly direction for a distance of 32 metres.
- (cu) That the existing bus stop be revoked from the south-west side of Linwood Avenue at its present position commencing 216 metres north-west of the intersection with Smith Street and extending 17 metres in a north-westerly direction, and reinstated on the south-west side of Linwood Ave commencing 216 metres north-west of the intersection with Smith Street and extending in an north-westerly direction for a distance of 17 metres.
- (cv) That the existing bus stop be revoked from the south west side of Linwood Ave at its present position commencing 20 metres north west of the intersection with Tilford Street and extending 18 metres in a north westerly direction, and reinstated on the south west side of Linwood Avenue commencing 20 metres north west of the intersection with Tilford Street and extending in an north-westerly direction for a distance of 18 metres.

Give Way Controlled Intersection:

- (cw) That a Give Way Sign be placed against Worcester Street (east side) at its intersection with Linwood Avenue.
- (cx) That a Give Way Sign be placed against Cranley Street at its intersection with Linwood Avenue.
- (cy) That a Give Way Sign be placed against Hay Street at its intersection with Linwood Avenue.
- (cz) That a Give Way Sign be placed against Worcester Street (west side) at its intersection with Linwood Avenue.
- (da) That a Give Way Sign be placed against Cashel Street at its intersection with Linwood Avenue.
- (bd) That a Give Way Sign be placed against Smith Street at its intersection with Linwood Avenue.
- (de) That a Give Way Sign be placed against Gow Place at its intersection with Linwood Avenue.
- (dc) That a Give Way Sign be placed against Tilford Street at its intersection with Linwood Avenue.

25. 6. 2009

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8. REPORT BY THE CHAIRPERSON OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD

Attached.

9. VBASE CAPITAL STRUCTURE

General Manager responsible:	General Manager Corporate Services, DDI 941-8528
Officer responsible:	Corporate Finance Manager
Author:	Diane Brandish

PURPOSE OF REPORT

1. The purpose of this report is to present a proposal to the Council, as 100 per cent shareholder of Vbase, to amend Vbase Ltd's capital structure.

EXECUTIVE SUMMARY

2. In August 2008 with the passing of the Christchurch City Council (Lancaster Park) Land Vesting Act 2008 all property owned by the Victory Park Board vested with the Council. Included amongst the assets were 14,401,725 of Vbase redeemable cumulative preference \$1 shares (RPSs) bearing an 8.5 per cent dividend. It is proposed that these shares be converted to a zero per cent dividend in line with Vbase's other RPSs and backdated to 29 August 2008.
3. Vbase has given notice that it intends to redeem 4,320,796 of ordinary shares and return the capital to the Council with the funds to be applied by the Council in settlement of two loans from Vbase totalling \$4,320,796. These loans were originally between Vbase and the Victory Park Board.

FINANCIAL IMPLICATIONS

4. The dividend from the RPSs was not budgeted for and there are no other financial or tax implications for the Council. There is no rating impact.

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

5. The contents of this report are outside of the 2006-16 LTCCP and will have no impact on the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

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

6. The issue has been considered by the Council's legal advisers and Vbase have received their own legal advice. There are no adverse legal implications for either the Council or Vbase.
7. The Legal Services Unit has looked at the issue of significance and is of the view that the amendment to Vbase's capital is below the threshold required for it to be regarded as being significant.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

8. This matter does not fall within any of the Council's strategies.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the change in terms of the 14,401,725 cumulative redeemable preference shares by amending the 8.5 per cent dividend to a 0 per cent dividend.
- (b) Authorise the General Manager Corporate Services to sign any documents, including any special resolutions of shareholders, necessary to give effect to the above.
- (c) Note Vbase's intention to redeem and return \$4,320,796 of capital, the funds to be applied in settlement of two loans totalling the same amount.

9 Cont'd

BACKGROUND (THE ISSUES)

9. In August 2008, with the passing of the Christchurch City Council (Lancaster Park) Land Vesting Act 2008, all property owned by the Victory Park Board, (VPB) vested with the Council. The VPB was a statutory board established in 1919 to control and manage Lancaster Park. Redevelopment of the park was beyond VPB's means and so the board agreed to hand over its assets and liabilities to the Council and to go out of existence. Included amongst the assets were 14,401,725 of Vbase redeemable cumulative preference \$1 shares (RPSs) bearing an 8.5 per cent dividend.
10. With the transfer of the shares to the Council it is proposed that the dividend structure of the shares be aligned with the existing capital structure of Vbase and that the shares be converted to a zero per cent dividend backdated to 29 August 2008, the date on which the Council acquired the assets. This change has the approval of the Vbase Board.
11. Vbase has given notice that it intends to redeem 4,320,796 of ordinary shares and return the capital to the Council. The Council will then use the funds to settle two non-interest bearing loans totalling \$4,320,796 owing to Vbase that were transferred across as part of the vesting process.

10. SMOKEFREE PUBLIC PLACES POLICY

General Manager responsible:	General Manager Strategy and Planning, 941-8281
Officer responsible:	Programme Manager, Strong Communities, Strategy and Planning Group
Author:	Assistant Policy Analyst, Strategy and Planning Group

PURPOSE OF REPORT

1. The purpose of this report is to report back on the feasibility of adopting a smokefree public places policy and to recommend that the Council adopt the **attached** draft smokefree public places policy (Attachment Two).
2. This report recommends the adoption of a policy which advocates smokefree parks³ and reserves (including playgrounds⁴ and sports parks⁵), and makes Council-owned events smokefree.

EXECUTIVE SUMMARY

3. On 13 November 2008, the Council resolved: that the Canterbury District Health Board and other Smokefree Canterbury⁶ member organisations be invited to work with Council staff to develop policy options for Council consideration; that any such options be costed and appropriate sources of funding from the relevant agencies be identified; and that the three trialled playgrounds continue as smokefree playgrounds pending the Council development of a smokefree public places policy.
4. Organisations working in tobacco control in New Zealand are encouraging councils to consider discouraging smoking in areas that are under their control, particularly where young people frequent, such as parks and playgrounds. Tobacco is the single biggest cause of premature death⁷ in New Zealand and consequently represents a major issue for all organisations with a role in public health and community wellbeing. Smokefree outdoor public places have a big role to play in normalising smokefree environments, and showing young people that smoking is the exception, rather than the rule. This is particularly important given the mean age of smoking initiation among New Zealand youth is 14.6 years.⁸
5. The core objective of the attached smokefree public places policy is the reduction of smoking uptake by children and young people. This report presents the attached policy as an educational tool to discourage smoking in public outdoor places where people, particularly children and young people, gather. It should be noted that the proposed policy does not 'ban' smoking and there is no expectation of enforcement. Rather it aims to encourage smokers to be good role models for children and young people by not smoking in public places.
6. The attached policy has been developed in partnership with Smokefree Canterbury, through which Community and Public Health (CDHB) and Cancer Society have played a major role⁹. Smokefree Canterbury has endorsed the attached draft smokefree public places policy. Two Smokefree Canterbury member organisation's have pledged a total of \$55,000 to help promote and implement the attached policy.

³ There are around 580 **neighbourhood parks** that are generally small and provide places for informal recreation and small scale community events and facilities. They form part of a network of open space that includes walkways and cycle-ways. There are around 50 **garden and heritage parks**. These parks vary in size and have a significant place in our natural and cultural heritage. Garden and heritage parks also play a significant role in supporting the Garden City image of Christchurch. The Council manages around 70 **regional parks** that are large open spaces, mostly on the urban fringe, that protect and enhance scenic, cultural and environmental values.

⁴ There are around 326 outdoor **playgrounds** that are generally small and provide places for recreation and play for children.

⁵ There are around 120 **sports parks** in the district. These parks, which are generally large, green areas, enable people to participate in organised sport and other forms of active and passive recreation.

⁶ Smokefree Canterbury consists of a group of organisations which share an interest of promoting smokefree lifestyles in Canterbury. In April 2008 it sponsored a 3-month trial in Hornby to make children's playgrounds smokefree. The results of the trial were used to support a call for CCC to roll out smokefree parks citywide.

⁷ It is estimated that active smoking and exposure to second-hand smoke causes around 5,000 deaths in New Zealand every year through heart disease, stroke and a variety of cancers. Ministry of Health (2006). Tobacco Trends 2006: Monitoring tobacco use in New Zealand. Wellington: Ministry of Health.

⁸ Chapter 5 of New Zealand Tobacco Use Survey 2006. Ministry of Health. 2007. New Zealand Tobacco Use Survey 2006. Wellington: Ministry of Health.

⁹ The Canterbury District Health Board has, since the trial in 2008, funded a dedicated 0.5 full-time employee health promoter to work on this project. The Cancer Society has also provided a staff member to assist with the development of a smokefree public places policy.

10 Cont'd

7. Smokefree policies have been adopted by over 20 other councils within New Zealand, as well as other countries including Australia, the United Kingdom, and the United States. New Zealand councils which have smokefree policies have included a combination of playgrounds, parks and reserves, beaches, events, sports grounds and fields, halls and pavilions, pools, skate parks, walkways, and stadia in their policies. These policies rely on signage, media coverage and public pressure to limit smoking, rather than on enforcement. The attached draft policy follows the same approach.
8. The following points are known and established factors that contribute to young people taking up smoking:
 - Young people who are exposed to smoking restrictions in the home and other environments are less likely to take up smoking.
 - Young people who have parents, friends, and/or siblings who smoke are more likely to smoke themselves.
 - The frequency with which young people observe smoking has an association with the perception that smoking is socially acceptable and normal.
 - Perceived high levels of smoking by peers is a strong predictor of smoking.¹⁰
9. Reducing the smoking that children and young people are exposed to de-normalises smoking and its acceptability. This provides positive smokefree role modelling, and the prevention of negative role modelling, for children and young people. Introducing smokefree areas also empowers non-smokers to speak up about not wanting to be around smoking, and reduces the environmental impact of littering from cigarette butts.
10. It is becoming less acceptable for people to smoke around children and young people.¹¹ This change in behaviour and attitude reflects the success of the Smokefree or Auahi Kore campaign, and it is reflected in the results of the Council's city-wide residents survey which supports the introduction of smokefree areas in Christchurch. These results can be seen in paragraph 55.
11. Staff recommend that the Council adopt the attached policy to make all parks and reserves (including outdoor playgrounds and sports parks¹²) and Council-owned events smokefree. This option applies to all areas where children and young people are key users and where environmental issues (litter and fires) are relevant. Making these public outdoor areas smokefree is supported by research, other councils' moves towards adopting smokefree policies, and the high acceptability of these areas becoming smokefree as indicated through consultation with residents, key stakeholders, Maori and elected members.¹³
12. Signage costs associated with the policy can be accommodated in the draft 2009-19 LTCCP funding which has allocated funds for park sign replacement/renewal over the next ten financial years. Smokefree signs will be integrated in the signs replacement/renewal programme where it is appropriate in parks, playgrounds and sports parks. For example, smokefree signs may not be appropriate in remote locations, where there is low usage and exposure of the area, or where there are other hazards which take priority over smokefree signage in the area (e.g. cliff dangers). The communication of the attached policy will be funded from external sources. There is up to \$55,000 of external funding available for the implementation of a communications plan of the attached policy. The length of this commitment is for the 2009-2010 financial year. Communication of smokefree Council-owned events will be incorporated in promotional material or on large screens at major events and will come from the Events Productions Team's budget.

¹⁰ Darling, H., Reeder, A. (2005) Youth Lifestyle Study 2004: High Level Report. Prepared by Health Sponsorship Council. Social and Behavioural Research in Cancer Group, University of Otago.

¹¹ New Zealand Medical Journal 13 March 2009, Vol 122 No 1291, URL: <http://www.nzma.org.nz/journal/122-1291/323/>.

¹² Sport clubs who lease sports areas from Council will be consulted during the implementation of the attached smokefree public places policy and asked whether they would be willing to make the areas they lease smokefree.

¹³ This involved a trial of smokefree parks and playgrounds in Hornby in April 2008 which originated from within the community; two surveys – one based on the Hornby community and one city-wide; two workshops, one for key stakeholder organisations and one for Elected Members; engagement with Otautahi Runanga, He Oranga Pounamu and Mahannui Kurataiao Ltd.; and consultation with Council staff.

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13. The attached smokefree public places policy **would not be a ban on smoking** in a public place. It would not be included in a bylaw or other regulatory tool. No enforcement measures will be used against those who breach the policy. Introducing a policy where people can choose to comply avoids the risk of being contentious with the public and is in the spirit of promoting healthy lifestyle choices.

FINANCIAL IMPLICATIONS

14. There are costs involved with implementing the attached smokefree public places policy, including communication of the policy, staff time, signage, and evaluation.
15. External funding from two member organisations of Smokefree Canterbury has been offered for the implementation of the communications plan of the attached policy and additional costs for the implementation of the draft policy. Partnership Health Canterbury¹⁴ has offered funding of \$40,000, whilst Community and Public Health (CDHB) is providing a further \$15,000. These are both one-off payments to support the initial implementation of the policy.
16. A key component of implementing the attached smokefree public places policy is a robust communications plan, developed in partnership with Smokefree Canterbury member organisations, that promotes positive role modelling, does not alienate smokers, and is communicated over a long period of time to achieve the desired behaviour and attitude change by smokers. There is an expectation that there will be up to \$55,000 to spend on communication activities. The external funding referred to above will provide for this publicity funding requirement with any remaining funds being used to enhance or accelerate the signage programme.
17. The communication of the attached smokefree public places policy will involve Council communications staff working in partnership with Smokefree Canterbury member organisations.
18. There is no funding in the current 2006-16 LTCCP to undertake an extensive signage programme specifically for this purpose. However, in the draft 2009-2019 LTCCP, parks¹⁵ have been allocated funds for signage renewal/replacement over the next ten financial years. Park signage is currently being assessed and renewed by the Transport and Greenspace Unit, to reflect the new bylaws adopted by the Council and information around the management of the parks. Smokefree signage will be integrated into this signs upgrade programme to avoid clutter and ensure appropriate location and design. The roll out of smokefree signage will largely be driven by the wider signage and replacement programme in parks. Park signs renewals and replacements will be dependent on prioritisation, budget allowances, and the need to update outdated messages. There may also be some stand alone signs or plaques, but this will be dependent on resources available. External funding may be able to accelerate the sign renewal programme in some parks.
19. The smokefree message as part of Council-owned events will be absorbed within the Events Production Team's promotional material, through public announcements at events, and on screen at major events, such as Classical Sparks. Costs associated would involve the design of the smokefree/auahi kore logo on material and on screens.
20. Smokefree Canterbury has offered to carry out an evaluation of the policy – similar to the evaluation they previously carried out in Hornby for the Smokefree parks.

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

21. The draft 2009-2019 LTCCP contains funding for signage in parks, sports parks, and by playgrounds as part of the signage renewal/replacement programme.

¹⁴ Partnership Health Canterbury, a Partnership Health Organisation, work to promote health and wellbeing and encourage projects and initiatives that make a positive difference to the health and life of people. The Hornby project was funded by Partnership Health Canterbury with the research, administration and project management being undertaken by representatives of Smokefree Canterbury.

¹⁵ This includes neighbourhood parks, regional parks, and heritage/garden parks.

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LEGAL CONSIDERATIONS

22. Part 1 of the Smoke-free Environments Act 1990 (the SFEA) prohibits smoking in certain places such as workplaces, schools, and early childhood centres etc. One of the purposes of the Act is to prevent the detrimental effect of other people's smoking on the health of people in workplaces, or in certain public enclosed areas, who do not smoke or do not wish to smoke there.
23. Part 1 of the SFEA does not prohibit smoking in public outdoor places. However, it would be within the Council's powers generally to adopt the attached smokefree public places policy in relation to public places under its control. The Local Government Act 2002 (LGA 2002) states that one of the purposes of local government is to promote the social, economic, environment and cultural well-being of communities, in the present and for the future. Section 11 of LGA 2002 provides that the role of councils is to give effect to its purpose, and perform the duties and exercise the rights conferred on them by, or under, LGA 2002 or any other statute. Section 23 of the Health Act 1956 also states that it is the duty of every council to improve, promote and protect public health within its district. Consequently, adopting the attached policy is consistent with Council's role under section 23 of the Health Act and its responsibility under section 11 of the LGA 02.
24. In this respect it should be noted that in section 20 of the SFEA, it provides that Part 1 of the Act does not limit or affect the Council's powers under section 145(b) of LGA 2002 to make bylaws to protect and promote public health. Consequently, if the Act contemplates that councils may make a bylaw to provide protection from tobacco smoke, then a policy providing protection from tobacco smoke is well within the Council's powers.
25. In preparing the policy, consideration has been given to whether or not such a policy would infringe any rights protected by the Human Rights Act 1993 or the New Zealand Bill of Rights Act 1990. The Human Rights Act sets out certain prohibited grounds of discrimination. However, none of these would protect a person's right to smoke.
26. Section 14 of the New Zealand Bill of Rights Act 1990 provides that everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form. Legal commentators have suggested that the New Zealand courts are of the mind to afford the concept of freedom of expression the least restrictive interpretation possible. Legal commentators have also suggested that "expression" is really conduct which conveys a message. In this respect, smoking in an outdoor public place is conduct which conveys a message¹⁶. However, the freedoms in the New Zealand Bill of Rights Act are subject to "justified limitations" as set out in section 5 of that Act (i.e. such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society).
27. There are good arguments that a smokefree public places policy of the type recommended in this report is a justified limitation in terms of section 5 of the New Zealand Bill of Rights Act. The preferred option applies to a limited number of areas in the city. It would not have the status of a bylaw. Compliance with the policy would be voluntary and it would not be enforced by Council staff. The objective which the Council seeks to achieve¹⁷ would not unduly infringe the ability of others to smoke in outdoor public places should they want to. In other words, there would still be plenty of other outdoor public places for people to smoke (with no smokefree restriction) should they choose to smoke in those other public places.
28. In adopting any such policy, the Council needs to be satisfied that it is acting reasonably in terms of administrative law principles. It is considered that in adopting the preferred option, the Council would be acting reasonably. The policy represents a balance of competing interests. Again, as noted above, the preferred option applies to a limited number of areas in the city, compliance with the policy would be voluntary, and it would not be enforced by Council staff.

¹⁶ The message being that the person smokes, or that person likes to smoke, wants to smoke or needs to smoke

¹⁷ That is, the reduction of smoking uptake by children and young persons by limiting their exposure to seeing others smoking.

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29. By comparison, a policy which makes all public outdoor areas smokefree (for example, including all local roads) might well be considered to be unreasonable. Even though compliance with the policy would still be voluntary, it could be argued that such a policy would unduly interfere with the rights of others to smoke in all outdoor public places.

Significance of Decision

30. The significance of the matter has been reflected in the steps taken to identify options, consider community views and to consult with people and organisations that may be affected by, or have an interest in, the Council's decision. These steps include:
- Three month trial at three playgrounds in Hornby
 - Community survey in Hornby
 - City-wide survey
 - Workshop with those organisations having an interest in the matter
 - Engagement with Maori
 - Obtaining the views of key staff
 - Seminar with Elected Members

The proposed policy flows consequentially from the Council's commitment in its draft 2009-19 LTCCP to promote the social and environmental well-being of its community. The Council is also a signatory to the Healthy Christchurch Charter which encourages policies and programmes that have a positive affect on health and well being. It is the view of the Legal Services Unit that the Council has complied with its statutory obligations with regard to these matters.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

31. The creation of this policy fits with the draft LTCCP 2009-19 Activity Management Plan, under City and Community Long-term Policy and Planning, with this statement: "In order to promote the social, cultural, environmental and economic wellbeing of the community, the Council seeks to develop integrated, innovative, and timely strategies, plans and policies, which respond to Council's vision and the Community Outcomes."¹⁸
32. The attached policy contributes to the following Community Outcomes:
- A Healthy City
 - A City of People who Value and Protect the Natural Environment.

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

33. There is not a direct level of service in the 2006-2016 LTCCP regarding creating a smokefree environment in public places.
34. As a signatory to the Health Christchurch Charter, the Council is committed to ensure its policies and programmes have a positive effect on health and wellbeing.

ALIGNMENT WITH STRATEGIES

35. No direct alignment with any Council strategies.

¹⁸ Plans available through these Activity Management Plans have successfully passed through the Chief Executive challenge session and the LTCCP Working Party. This is available at: \ccity.biz/fileserver/GFS\LTCCP\2009-19\ActivityManagementPlans\ACMP\template10MikeTheelen9CityandCommunityLongTermPolicyandPlanning.pdf.

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CONSULTATION FULFILMENT

36. In November 2008, the Council resolved that staff would undertake a city-wide residents survey to seek the wider community's opinion of smokefree public places.
37. Consultation of different groups was undertaken by Council staff in partnership with Smokefree Canterbury to seek the community's opinion of smokefree public places. These groups included:
- Residents through a city-wide telephone survey;
 - Key stakeholders at a workshop in March 2009, including health providers, sports associations, Otautahi Youth Council representatives etc;
 - Otautahi Runanga;
 - He Oranga Pounamu;
 - Mahaanui Kurataiao Ltd (MKT);
 - Council staff; and
 - Elected members at a seminar in April 2009.
38. A high level of community engagement has been undertaken with key stakeholders and residents. Community input has shown strong support for the public places included in the attached policy which are parks and reserves, playgrounds, sports parks, and Council-owned events. There was less clarity or agreement around including beaches and other public places in the policy at this time although there was support for some additional public places to become smokefree at some time in the future.
39. In terms of the Council's legal obligations under Part 6 of the LGA 02, the Council is required to give consideration to the views and preferences of the persons likely to be affected by, or to have an interest in, the proposed policy, at the various stages of the decision-making process. This obligation has been achieved through the consultation referred to under paragraphs 37 and 52. Given the level of engagement carried out and the research on public opinions, it is not considered that further consultation is required on the proposed policy.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the proposed Smokefree Public Places Policy (attached).
- (b) Recognise the Council's productive partnership with Smokefree Canterbury which has been achieved as a result of this project.
- (c) Express its appreciation to the Canterbury District Health Board and Partnership Health PHO for their offer of funding to assist in the initial implementation of this policy.

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BACKGROUND

40. The background section of the report outlines the current context; research published in this area; smokefree policies developed by other local authorities; the rationale for Council adopting a smokefree public places policy; community engagement activities and findings; and options for consideration, along with a recommended policy option.

Context

41. Eighty per cent of adults in New Zealand do not smoke¹⁹. However, many children and young people are still exposed to the effects of tobacco and, in particular, to the negative role modelling of those around them who smoke. Each year in New Zealand it is estimated that between 4,300 and 4,700 people die from smoking-related illnesses. Such illnesses are preventable. Accordingly, both government and non-government organisations have employed multiple approaches to reduce smoking prevalence in order to improve health outcomes, enhance people's wellbeing, address health inequalities, and reduce the financial burden of tobacco use.
42. A decline in general smoking prevalence over the past 30 years has been attributed to these combined approaches to tobacco control. However, the decline has recently slowed and in the mid-to-late 1990s there was a rise in the prevalence of young people smoking, especially young Maori women.
43. In New Zealand, over 20 councils have adopted smokefree outdoor public places policies.²⁰ These policies rely on signs, media coverage and public pressure to limit smoking, rather than on enforcement. See the below table which details the types of venues included in these councils' smokefree policies.

New Zealand Councils with Smokefree Policies in Each Type of Venue

Venue	Number of New Zealand Councils
Playgrounds	22
Parks	12
Sports Parks	13
Events	6
Pools	3
Beaches	2

Research

Smokefree Role Modelling and De-normalisation of Smoking

44. The de-normalisation of smoking is particularly important when thinking of future generations. Research shows that the longer the onset of smoking is delayed, the less likely a person is to become a daily smoker.²¹ Thinking about it in a different light – the less young people see smoking, the less 'normal' it will seem.²² The risk factors associated with why young people begin to smoke include incorrect assumptions about high tobacco use within society, and a belief in the continued acceptability of tobacco use, as reflected by the visibility of smoking in public places.²³ This suggests that tobacco use needs to be de-normalised by reducing the visibility, attitudes and behaviours that reinforce the use of tobacco products. One effective way to do this is to increase the number of outdoor settings in the community where smoking is discouraged, e.g. parks and playgrounds.

¹⁹ Ministry of Health (2008). A Portrait of Health: Key Results of the 2006/7 New Zealand Health Survey. Wellington: Ministry of Health.

²⁰ Opotoki, Gisborne, South Wairarapa, Carterton, Wanganui, New Plymouth, Rotorua, Waitakere, Manukau, Kapiti Coast, Central Hawkes, Napier, Taranaki, Hastings, Kaipara, Wairoa, Upper Hutt, South Taranaki, Queenstown, Ashburton, Chatham Islands, and Invercargill.

²¹ US Surgeon General (1994). quoted in Smokefree Councils Implementation Kit: A Guide for Local Health Promoters. Prepared by The Cancer Society.

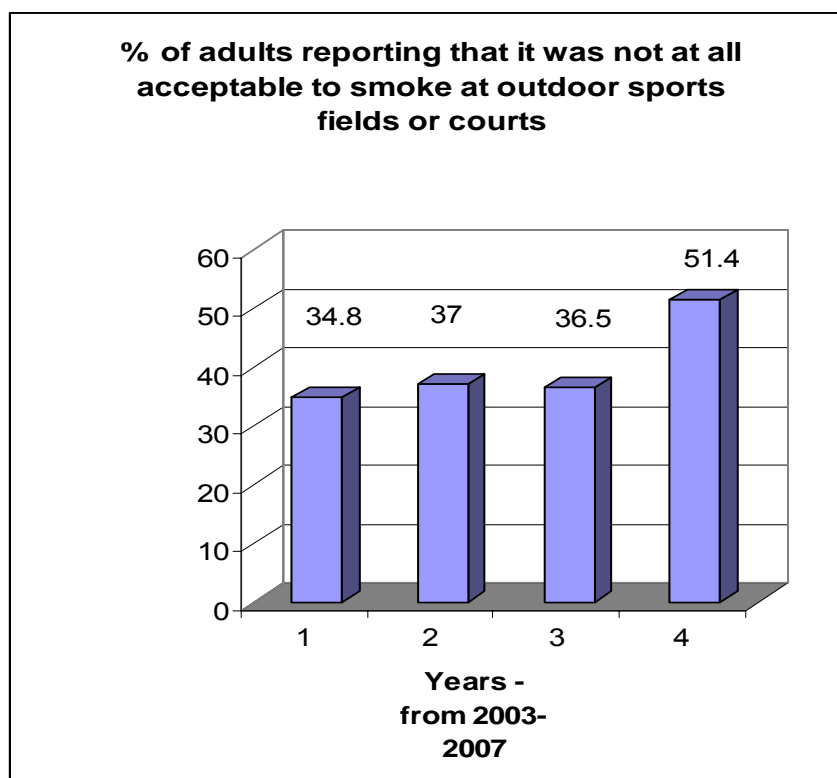
²² Darling, H., Reeder, A (2005). *Youth Lifestyle Study 2004: High Level Report*, University of Otago.

²³ Health Scholarship Council (2005). *Smoking Initiation Literature Review and Framework for Reducing Smoking Initiation in Aotearoa-New Zealand*. Wellington: Health Sponsorship Council.

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Changing Attitudes of Smokefree Areas

45. One of the by-products of the Auahi Kore or Smokefree campaign is the changing attitudes around smoking and smokefree areas. Thirty years ago smoking in houses and cars would have been acceptable to some extent. There is now evidence that houses and cars are generally regarded as smokefree areas as a result of the campaign. The message here is that a smokefree public places policy may not have an immediately obvious impact. However, it may contribute to substantial positive generational change on attitudes and behaviour.
46. Between March 2007 and February 2008 the New Zealand Medical Journal surveyed²⁴ a national sample of 1,376 New Zealand adult²⁵ smokers. One question asked: "Do you think smoking should be allowed at council-owned playgrounds?" Results weighted to reflect the national population of smokers showed that 65.7% answered no and only 31.9% answered yes to this question. That is, there appears to be substantial majority support by smokers themselves for discouraging smoking in council-owned playgrounds.
47. From 2003 to 2007, data were collected²⁶ by the Health Sponsorship Council on whether adults thought that people should be able to smoke anywhere they want, only in set areas, or not at all, when at outdoor sports fields or courts. The graph below shows the percentage of adults that felt that it was not at all acceptable to smoke when at an outdoor sports field or court in each of the four years. It may be that people's acceptance of smoking in public places is reducing as more locations, including ones outdoors, become smokefree due to legislative and policy changes.

*Environmental consequences*

48. Discouraging outdoor smoking may help to reduce the amount of cigarette butt litter and provide some cost saving through reduced clean-up costs. Furthermore, smokefree environments in parks and reserves may protect the chance of butts being improperly discarded and creating fires in these areas.

²⁴ NZMJ 13 March 2009, Vol 122 No 1291, URL: <http://www.nzma.org.nz/journal/122-1291/323/>.

²⁵ People aged over 18 years.

²⁶ HSC (2007). *Smoking policies and bans in outdoor settings: Review of rationale, implementation, and impact*. Wellington, New Zealand: HSC.

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Why the Christchurch City Council should have a Smokefree Public Places Policy

49. The key objectives of the attached smokefree public places policy would be the reduction of smoking uptake by young people, and for Council to demonstrate leadership in promoting a positive message, that a smokefree lifestyle is both desirable and the norm in Christchurch. A smokefree public places policy gives the Council the opportunity to promote a healthier community and the clean green image of its outdoor areas.
50. Making some public outdoor areas smokefree will contribute to the following Community Outcomes:
- A Healthy City
 - A City of People who Value and Protect the Natural Environment.
51. Councils have always had an important role in public health activities within their communities. In recent years, councils have provided leadership on a broad range of public health and safety-related activities, including injury prevention, road safety and health promotion on issues such as alcohol and gambling. Smoking is not only a health issue, but one that has broad-ranging impacts on the wellbeing of communities.

Community Engagement

52. A high level of community engagement has been undertaken with key stakeholders and residents. Community engagement around the development of a smokefree public places policy involved:
- A trial of smokefree parks and playgrounds in Hornby which originated from within the community;²⁷
 - A Hornby community survey;
 - A residents survey;
 - A key stakeholder's workshop;
 - Consultation with Otautahi Runanga, He Oranga Pounamu and Mahannui Kurataiao Ltd.;
 - Consultation with Council staff; and
 - An Elected Member seminar
53. The results of consultation indicate that there is a high level of public support for smokefree public places, particularly when it comes to areas which are used by children and young people. While there was a concern by many consulted that a smokefree public places policy would need to be enforced in some form, the general feedback was that if the signage and a communications plan is based on positive messages and strongly focused on behavioural and attitudinal change which talks about "choice", then the policy may be successfully implemented.

The Hornby Trial and Survey

54. Following the end of the three month smokefree trial in Hornby, a survey was undertaken to assess community attitudes, behaviours and acceptability of smokefree playgrounds. A total of 148 people were surveyed. The research concluded that:
- 93% of those surveyed found smokefree *playgrounds* acceptable in Christchurch
 - 75% of those surveyed found smokefree *parks* acceptable in Christchurch
 - Of those who *smoked* (21 per cent of those surveyed), 89% found smokefree *playgrounds* acceptable
 - Of those who *smoked* (21 per cent of those surveyed), 70% found smokefree *parks* acceptable.
 - Over 60% thought that the main reason for the trial was to set a good example (role modelling) to young people.
 - Almost 45% of those surveyed thought that smokefree playgrounds will need enforcement.

²⁷ Two high school students advocated for smokefree parks and playgrounds in Hornby.

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Overall, the results indicate that there is an overwhelming acceptability from those surveyed for playgrounds and parks being smokefree²⁸. The results also indicate that there is a good understanding of the rationale for the project. Although there seems to be a belief that any policy would require enforcement, the results acknowledged that this is not practicable.

The City-Wide Survey

55. As a result of the Council's resolution, a city-wide survey of residents was undertaken through an independent provider.²⁹ The research objective of the survey was to measure public opinion in relation to the acceptability of smokefree settings in a number of public outdoor locations. Four hundred Christchurch residents aged 15 years and over were surveyed. Those surveyed found public outdoor children's playgrounds to be the most acceptable smokefree areas (87%). Eighty-three per cent of those surveyed indicated smokefree sports fields and courts were acceptable; 76% found a smokefree inner city acceptable; 73% indicated that smokefree parks and reserves were acceptable; and 71% surveyed found public beaches would be acceptable smokefree areas. Making all public places smokefree was the least acceptable option to those surveyed (68%).

The Key Stakeholder Workshop

56. A workshop with key stakeholders³⁰ was facilitated on 9 March 2009 to seek input on smokefree outdoor areas and the issues behind making each public area smokefree.
57. Feedback from stakeholders illustrated acceptability for making playgrounds, between the flags at beaches, parks and reserves, sports parks, and selected public places smokefree. There was no agreement around which other public places should become smokefree areas. There was a low or no acceptability for making the full length of beaches or all public places smokefree.
58. Comments about the need for a ban were made repeatedly. However, there was also an acceptance that a smoking ban, or a bylaw, would receive a negative reaction from smokers. Smokefree areas are particularly acceptable to stakeholders where the concentration of people (particularly children) is high, but less so when concentration is low. Furthermore, the smaller, more confined the area, the more acceptable to discourage smoking. Some concerns included the need to take small steps with the policy until people become accustomed to change; the thought that there could be some problems with making adult-only sport smokefree; and that making less defined areas smokefree could be confusing to the public.

Engagement with Maori

59. Many Maori representatives consulted were concerned about the prevalence of smoking among Maori.
60. Feedback from Otautahi Rūnanga on 26 February 2009 was that smokefree areas were acceptable for the benefit of the next generation. It was not determined at this meeting which public outdoor places should be designated as smokefree. However, buy-in from Otautahi Rūnanga was positive, as they saw the policy as being about the protection of children and the environment, which aligns well with Maori health promotion priorities.

²⁸ Within the Hornby area.

²⁹ Prepared by Opinions Market Research Ltd.

³⁰ Stakeholders included representatives from the following organisations: University of Otago Medical School, Environment Canterbury, Age Concern Canterbury, Smokechange, Ministry of Youth Development, Christchurch City Fire Station, The Asian Health Network, Canterbury Rugby Football Union, Otautahi Youth Council, Rural Canterbury Partnership Health Organisation, Riccarton-Wigram Community Board, Partnership Health Canterbury, Canterbury Cricket Association, British American Tobacco Company, Canterbury Rugby Football League, Keep New Zealand Beautiful, Ministry of Pacific Island Affairs.

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61. Consultation was undertaken with He Oranga Pounamu³¹ on 15 April 2009 where staff requested feedback on which public outdoor locations representatives found to be acceptable smokefree areas. Representatives found parks and reserves, playgrounds, sports parks (including sports ground and fields), and beaches acceptable smokefree areas. There was little support for making other public places smokefree and no vocal support for all public outdoor places becoming smokefree. There was overall support for cessation advice being included in the promotion of smokefree public places to the public.
62. Feedback from Mahaanui Kurataiao Ltd (MKT)³² on 29 April 2009 (four of the six Ngāi Tahu Rūnanga representatives were at the meeting) was of overall support for a smokefree public places policy which focused on public outdoor locations where children and young people are the key users of the area. MKT indicated support for smokefree playgrounds, sports parks, beaches, Council-owned events, parks and reserves, and outside the Bus Exchange. Comments were made that there should still be somewhere for smokers to go to smoke if they wish, and that making events smokefree could be selective – depending on whether children and young people were the primary attendees of the event. It was noted that some Marae are already smokefree. The four representatives who attended the meeting requested smokefree signage for their Marae.
63. Comments from Te Ngāi Tūāhuriri Rūnanga, who did not attend the MKT meeting, were divided in their opinion. On the one hand they were supportive of smokefree areas where children are, but there was a concern that the number of public places potentially covered by a policy could be restrictive for smokers. They indicated that other issues such as drug and alcohol abuse in public places were a higher priority.

Engagement with Council Staff

64. The Council's Events Production Team is fully supportive of making Council-owned events smokefree. If the attached draft smokefree public places policy was adopted they would promote a 'voluntary code' of no smoking at all the events Council produce. The need for smokefree events would be promoted in the Events Production Team's promotional material, through public announcements at events, and on screen at major events such as Classical Sparks. For events that the Council provides funding to but does not produce, they would advise the organisers of the policy and ask them to voluntarily comply where possible. This could be part of the Council's funding contracts. The Events Production Team thought that it may be necessary for the Council to provide some designated smoking areas at Council-owned events.

Consultation with Elected Members

65. All elected members³³ were invited to a seminar on 20 April 2009.³⁴ From the seminar it was concluded that there is general support for making all playgrounds, sports grounds and fields, parks and reserves, events and some selected public places³⁵ smokefree. There were concerns around public location definitions, the possible difficulty of making multi-purpose locations smokefree, and the possible abuse of smokers by non-smokers. Generally there was a desire for a gradual process, which would be less alienating for smokers, but which increased the number of public places becoming smokefree over an agreed timeframe. Suggestions included a move to a healthier city image by promoting Christchurch as a 'smokefree city'; smokefree areas where people congregate, particularly for a service and which is semi-enclosed (i.e. bus stops); and the possibility of the public requesting particular smokefree outdoor locations through their Community Boards.

³¹ Thirty Maori Service Providers are currently affiliated to He Oranga Pounamu. The affiliated provider organisations cover a wide range of services including health and disability services, training programmes, whanau development and social services.

³² Mahaanui Kurataiao Ltd (MKT) represents the six Ngāi Tahu Rūnanga within the Christchurch district.

³³ Councillors and Community Board Members.

³⁴ 19 Elected members attended the seminar.

³⁵ For selected public places, key locations identified were outside the hospital, the Christchurch International Airport, the inner-city squares (Victoria, Latimer, Cramner, Cathedral), outside the Bus Exchange, all entrances to Council company grounds (i.e. the Civic Offices), bus stops, the City Mall, and New Brighton Mall.

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Conclusion

66. In today's society it is becoming increasingly acceptable to have smokefree policies in place and people who do not smoke are becoming less tolerant of people smoking around them. Many councils throughout New Zealand and in other countries are discouraging smoking in certain outdoor public places.

THE OBJECTIVE

67. To look at ways the Council can encourage smokefree environments in public outdoor areas with the intention of encouraging positive behaviour and attitude change, and smokefree role models for children and young people.

THE OPTIONS

68. Clearly there are multiple combinations of which public places the Council could include in a smokefree policy. The options identified by staff, however, include:

- Option 1: Do nothing
- Option 2: Smokefree playgrounds, sports parks, and Council-owned events
- Option 3: Smokefree parks and reserves (including playgrounds and sports parks), and Council-owned events
- Option 4: Smokefree selected public places, parks and reserves (including playgrounds and sports parks), and Council-owned events
- Option 5: All public outdoor locations as smokefree.

69. **Attachment One** provides a discussion on various policy options.

THE PREFERRED OPTION

70. That the Council adopt a policy which would make all parks and reserves (including children's playgrounds and sports parks), and Council-owned events smokefree.

ASSESSMENT OF OPTIONS

Option 3 - The Preferred Option

71. That the Council adopt a policy which would make all parks and reserves (including children's playgrounds and sports parks³⁶), and Council-owned events smokefree.
72. This option applies to all areas where children and young people are key users, where recreation is the purpose of the area, and where environmental issues (litter and fires) are relevant. Making these public outdoor locations smokefree is supported by research, other councils' moves towards adopting smokefree areas, and the high acceptability of these areas becoming smokefree as indicated through consultation with residents, elected members, key stakeholders and Maori.
73. Some of the benefits of having smokefree parks, events and sporting environments include:
- catering for the majority of those who do not smoke
 - a progressive healthy image in the community – beneficial for attracting community support and sponsors
 - a healthy family-friendly environment that can encourage new attendees/members – especially children
 - a safer and cleaner environment
 - reduced cleaning and maintenance costs

³⁶ Sports clubs who lease sports grounds from the Council will be asked whether they would like their leased grounds and fields to become smokefree areas. The Council and Smokefree Canterbury may need to work in partnership to ensure the appropriate signage will be allocated to those leased areas if sports clubs so request signage. This will be reliant on financial capabilities available for signage.

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Signage and Publicity Costs

74. Signage and communication will ask the public not to smoke in Council-owned open playgrounds, sports parks and parks. Events run by the Council will also be promoted as smokefree through promotional material. The publicity and signage costs associated with the attached policy will be supported by the draft 2009-19 LTCCP budget and external funding. The cost associated with making Council-owned events smokefree will come out of the Events Production Team's budget.
75. A robust communications plan, developed in partnership with Smokefree Canterbury members, will promote positive role modelling, will aim not to alienate smokers, and will be communicated over a long period of time to achieve the positive behaviour change by smokers. There is an expectation that there will be \$35-40,000 to spend on communication activities which will be sustained by external funding.

External Funding

76. External funding has been offered by both Canterbury Partnership Health (\$40,000) and Community and Public Health (\$15,000) to support the implementation of a smokefree policy in regards to signage and publicity of the attached policy. These funds will be administered by Smokefree Canterbury members, the Cancer Society and Community and Public Health.

Signs Renewal Programme

77. Smokefree signage will be incorporated into the signage replacement and renewal programme. Accordingly, smokefree signage in playgrounds, some regional parks, and sports parks will be installed in the 2009-2010 financial year. Other smokefree signage (i.e. in urban parks and garden/heritage parks) will be installed dependent on prioritisation and budget allowances over subsequent years.

Evaluation

78. This option includes Smokefree Canterbury's commitment to evaluate the effectiveness of the policy.³⁷ The results from this evaluation may support the extension of smokefree public places at a future date and would be able to take account of the issues and recommendations coming from the evaluation processes.

Expansion of any smokefree public places

79. After an evaluation of the attached policy the Council may wish to consider making other public outdoor areas smokefree. This could include making beaches and other public outdoor locations smokefree. It would be up to the Council to determine when further smokefree areas should be investigated.

³⁷ Smokefree Canterbury welcomes the opportunity to work with the Council on evaluating any policy implemented. Smokefree Canterbury are now part of a New Zealand network of agencies such as Department of Health Boards and the Cancer Society that have both developed and shared robust evaluation programmes which can be used to support outdoor smokefree public places policy implementation. Smokefree Canterbury would welcome the opportunity to work alongside Council officers to assist in implementing the attached policy.

10 Cont'd

	Benefits (current and future)	Costs (current and future)
Social	De-normalising smoking and providing positive smokefree role models for children and young people. The frequency with which young people observe smoking has an association with the perception that smoking is socially acceptable and normal.	Possible negative reaction from smokers. Any negative reaction may be prevented by publicity of the policy which will focus on the Council's intent of providing positive smokefree role models for children, rather than banning smoking in public places.
Cultural	Increasing the number of smokefree areas will help reduce health inequalities, of which smoking is a major cause, by normalising 'being smokefree' at venues attended by a wide cross-section of the public. ³⁸	No cultural costs.
Environmental	Potential to reduce cigarette butt litter and the possible prevention of fires started by dropped cigarette butts in parks and reserves.	No environmental costs.
Economic	Tobacco is a \$22.5 billion dollar drain on New Zealand society annually. ³⁹ There is the potential for this policy to reduce this economic drain as it relates to Christchurch residents.	No economic costs.
<p>Extent to which community outcomes are achieved:</p> <p>Making public outdoor areas smokefree will contribute to the following Community Outcomes:</p> <ul style="list-style-type: none"> ▪ A Healthy City ▪ A City of People who Value and Protect the Natural Environment. <p>Impact on the Council's capacity and responsibilities:</p> <p>The Local Government Act 2002 (LGA 2002) states that one of the purposes of councils is to promote the social, economic, environment and cultural well-being of communities, in the present and for the future. Section 11 of LGA 2002 provides that the role of councils is to give effect to their purpose, and perform the duties and exercise the rights conferred on them by, or under, LGA 2002. Section 23 of the Health Act 1956 also states that it is the duty of every council to improve, promote and protect public health within its district. Consequently, adopting the attached policy would come within the Council's role and is part of the Council's duty under section 23 of the Health Act. The attached draft policy will not widely impact on Council's capacity and responsibilities.</p> <p>Effects on Maori:</p> <p>Smoking is a contributing factor to the health inequalities seen between Maori and non-Maori⁴⁰. Maori in all age groups have higher smoking rates than non-Maori.⁴¹ In the Hornby trial survey 91.7% of Maori found smokefree playgrounds acceptable.</p> <p>Consistency with existing Council policies:</p> <p>No inconsistency with existing Council policies.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Stakeholders consulted were supportive of the development of a Council policy which made certain public outdoor areas smokefree. There was a particular acceptance for smokefree areas where children were key users of the area and which were for recreational purposes.</p>		

³⁸ People in deprived socio-economic areas demonstrate higher rates of smoking: 34.2% in the most deprived areas compared with just 14.3% in the least deprived areas. The Index of Deprivation study, Department of Public Health, Wellington School of Medicine and Health Sciences, 2001.

³⁹ Easton, B (1997). The Social Cost of Tobacco Use and Alcohol Misuse. Public Health Monograph. Series No.2. Department of Public Health, Wellington: Wellington School of Medicine.

⁴⁰ Ministry of Health. 2005. Tobacco Facts 2005. Wellington: Ministry of Health.

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Option 1 - Maintain the Status Quo

80. Do nothing/status quo.

	Benefits (current and future)	Costs (current and future)
Social	No social benefits.	Maintaining the status quo would mean that there would be no encouragement to stop smoking in public outdoor spaces. Potential ongoing social costs of the prevalence of smoking.
Cultural	No cultural benefits.	Maintaining the number of smoking areas will not reduce health inequalities, of which smoking is a major cause, by normalising smoking at venues attended by a wide cross-section of the public.
Environmental	No environmental benefits.	Incorrectly disposed-of cigarette butts are a major fire hazard, causing more than 1,000 fires each year in New Zealand. ⁴² The issue around incorrectly disposed cigarette butt and packet litter would not be potentially reduced.
Economic	No economic benefits.	Tobacco is a \$22.5 billion dollar cost to New Zealand society annually. ⁴³
<p>Extent to which community outcomes are achieved:</p> <p>This option does not achieve any community outcomes.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>The Local Government Act 2002 (LGA 2002) states that one of the purposes of councils is to promote the social, economic, environment and cultural well-being of communities, in the present and for the future. Section 11 of LGA 2002 provides that the role of councils is to give effect to their purpose, and perform the duties and exercise the rights conferred on them by, or under, LGA 2002. Section 23 of the Health Act 1956 also states that it is the duty of every council to improve, promote and protect public health within its district. This option will not widely impact on Council's capacity and responsibilities.</p> <p>Effects on Maori:</p> <p>No positive changes for Maori.</p> <p>Consistency with existing Council policies:</p> <p>Not applicable.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Given the high public acceptability for smokefree areas, as a result of the success of the Hornby trial and other consultations, and research supporting the development of smokefree areas, a do nothing position in response to Cancer Society and Canterbury District Health Board lobbying is difficult to justify.</p>		

⁴¹ See also <http://www.auahikore.org.nz/research/index.htm>.

⁴² New Zealand Fire Service. Emergency Incidence Statistics 2003-2004.

⁴³ Easton, B (1997). The Social Cost of Tobacco Use and Alcohol Misuse. Public Health Monograph. Series No.2. Department of Public Health, Wellington: Wellington School of Medicine.

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Option 2 – Playgrounds, Sports Parks and Events

81. Make all 326 outdoor children's playgrounds, all sports parks, and Council-owned events smokefree. This option would not include smokefree parks and reserves.

	Benefits (current and future)	Costs (current and future)
Social	De-normalising smoking and providing positive smokefree role models for children and young people. The frequency with which young people observe smoking has an association with the perception that smoking is socially acceptable and normal. Less likelihood of a possible negative reaction from smokers as the scope of this policy would include minimal smokefree areas.	No social costs.
Cultural	Increasing the number of smokefree areas will help reduce health inequalities, of which smoking is a major cause, by normalising 'being smokefree' at venues attended by a wide cross-section of the public.	No cultural costs.
Environmental	Potential reduction in cigarette butt litter and the possible prevention of fires started by dropped cigarette butts in parks and reserves.	No environmental costs.
Economic	Tobacco is a \$22.5 billion dollar drain on New Zealand society annually. ⁴⁴ There is the potential for this policy to reduce this economic drain as it relates to Christchurch residents.	No economic costs.
<p>Extent to which community outcomes are achieved:</p> <p>Making public outdoor areas smokefree will contribute to the following Community Outcomes:</p> <ul style="list-style-type: none"> ▪ A Healthy City ▪ A City of People who Value and Protect the Natural Environment. <p>Impact on the Council's capacity and responsibilities:</p> <p>The Local Government Act 2002 (LGA 2002) states that one of the purposes of councils is to promote the social, economic, environment and cultural well-being of communities, in the present and for the future. Section 11 of LGA 2002 provides that the role of councils is to give effect to their purpose, and perform the duties and exercise the rights conferred on them by, or under, LGA 2002. Section 23 of the Health Act 1956 also states that it is the duty of every council to improve, promote and protect public health within its district. Consequently, adopting the attached policy or this option would come within the Council's role and is part of the Council's duty under section 23 of the Health Act. This option will not widely impact on Council's capacity and responsibilities.</p> <p>Effects on Maori:</p> <p>Smoking is a contributing factor to the health inequalities seen between Maori and non-Maori⁴⁵. Maori in all age groups have higher smoking rates than non-Maori. In the Hornby trial survey 91.7% of Maori found smokefree playgrounds acceptable.</p> <p>Consistency with existing Council policies:</p> <p>No inconsistency with existing Council policies.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>Stakeholders consulted were supportive of the development of a Council policy which made certain public outdoor areas smokefree. There was a particular acceptance for areas where children were key users of the area and which were for recreational purposes to become smokefree.</p>		

⁴⁴ Easton, B (1997). The Social Cost of Tobacco Use and Alcohol Misuse. Public Health Monograph. Series No.2. Department of Public Health, Wellington: Wellington School of Medicine.

⁴⁵ Ministry of Health. 2005. Tobacco Facts 2005. Wellington: Ministry of Health.

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Option 4 – Selected Public Places, Parks and Reserves, Playgrounds, Sports Parks, Events

82. Option four proposes to make a selected number of other public places, all parks and reserves (including those which incorporate sports parks and all playgrounds), and Council-owned events smokefree. This differs from the preferred option by also including a selected number of other public places in the coverage of the policy.
83. It is still difficult to ascertain, at this point, which selected public places should become smokefree. There have been two complaints from one member of the public about people smoking outside the Bus Exchange on Colombo Street, one 2009-2019 LTCCP submission made from a member of the public about the issue of smoking at bus stops, and one complaint by the Central City Business Association⁴⁶ around people smoking at shop entrances.
84. Other possible smokefree public places noted by stakeholders include:
- Selected inner city streets and public malls (e.g. New Regent Street, Oxford Terrace, Manchester Street, The City Mall)
 - Outdoor Council car parks
 - Council facility entrances (e.g. pools, libraries)
 - Semi-enclosed public space (e.g. All (Central City) bus stops including the area outside of the Bus Exchange)
 - All Council-owned walkways (e.g. around Horseshoe Lake)
 - Entranceways of the Convention Centre
 - the Avon River Corridor and the Botanic Gardens
85. If this option was preferred by the Council, additional consultation would need to be undertaken around which selected public places have the public support to be made smokefree.

	Benefits (current and future)	Costs (current and future)
Social	De-normalising smoking and providing positive smokefree role models for children and young people. The frequency with which young people observe smoking has an association with the perception that smoking is socially acceptable and normal.	Raises the issues of individual freedom and selected smokefree public places would be less supported by the public in principle. There is an expectation that there would be an increase in issues and less compliance. The more smokefree public outdoor areas, the more likely the public may react negatively.
Cultural	Increasing the number of smokefree areas will help reduce health inequalities, of which smoking is a major cause, by normalising 'being smokefree' at venues attended by a wide cross-section of the public.	No cultural costs.
Environmental	Potential to reduce cigarette butt litter and the possible prevention of fires started by dropped cigarette butts in parks and reserves.	No environmental costs.
Economic	Tobacco is a \$22.5 billion dollar drain on New Zealand society annually. ⁴⁷ There is the potential for this policy to reduce this economic drain as it relates to Christchurch residents.	No economic costs.

⁴⁶ The President of the Christchurch City Business Association supports discouraging smoking in selected public places in the central city. He writes: "A major issue is people smoking in businesses' doorways. The smoke wafts in and contaminates their atmosphere and products for sale."

⁴⁷ Easton, B (1997). The Social Cost of Tobacco Use and Alcohol Misuse. Public Health Monograph. Series No.2. Department of Public Health, Wellington: Wellington School of Medicine.

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Extent to which community outcomes are achieved:

Making public outdoor areas smokefree will contribute to the following Community Outcomes:

- A Healthy City
- A City of People who Value and Protect the Natural Environment.

Impact on the Council's capacity and responsibilities:

The Local Government Act 2002 (LGA 2002) states that one of the purposes of councils is to promote the social, economic, environment and cultural well-being of communities, in the present and for the future. Section 11 of LGA 2002 provides that the role of councils is to give effect to their purpose, and perform the duties and exercise the rights conferred on them by, or under, LGA 2002. Section 23 of the Health Act 1956 also states that it is the duty of every council to improve, promote and protect public health within its district. Consequently, adopting the attached policy or this option would come within the Council's role and is part of the Council's duty under section 23 of the Health Act. This option will not widely impact on Council's capacity and responsibilities.

Effects on Maori:

Smoking is a contributing factor to the health inequalities seen between Maori and non-Maori⁴⁸. Maori in all age groups have higher smoking rates than non-Maori. In the Hornby trial survey 91.7% of Maori found smokefree playgrounds acceptable.

Consistency with existing Council policies:

No inconsistency with existing Council policies.

Views and preferences of persons affected or likely to have an interest:

There was a lack of acceptance from consulted stakeholders for smokefree public outdoor places which took away from the core aim of smokefree areas: providing smokefree role-models for children and young people. There was a concern around an impingement on smokers' rights and the need for enforcement of a wider smokefree public places policy.

Option 5 – All Public Places

86. Make all public outdoor areas smokefree.
87. This would include:
 - All parks and reserves
 - All sports parks
 - All playgrounds
 - All streets
 - All public malls
 - All public beaches
 - All other public outdoor locations.
88. Council staff believe that further consultation would need to be undertaken to determine if such a policy would be acceptable to the public and how best to communicate the policy – through signage or through other communication mediums.

⁴⁸ Ministry of Health. 2005. Tobacco Facts 2005. Wellington: Ministry of Health.

10 Cont'd

	Benefits (current and future)	Costs (current and future)
Social	De-normalising smoking and providing positive smokefree role models for children and young people. The frequency with which young people observe smoking has an association with the perception that smoking is socially acceptable and normal.	A blanket city-wide smokefree public places policy raises issues of individual freedom. Smoking, after all, is not illegal out of doors, and may lead to a belief that policing is required or underway. There could be a very negative reaction from the public about a blanket policy.
Cultural	Increasing the number of smokefree areas will help reduce health inequalities, of which smoking is a major cause, by normalising 'being smokefree' at venues attended by a wide cross-section of the public.	No cultural costs.
Environmental	Potential to reduce cigarette butt litter and the possible prevention of fires started by dropped cigarette butts in parks and reserves.	No environmental costs.
Economic	Tobacco is a \$22.5 billion dollar drain on New Zealand society annually. ⁴⁹ There is the potential for this policy to reduce this economic drain as it relates to Christchurch residents. A blanket smokefree public places policy may only require effective publicity of the policy.	No economic costs to Christchurch residents.
<p>Extent to which community outcomes are achieved:</p> <p>Making all public outdoor areas smokefree will contribute to the following Community Outcomes:</p> <ul style="list-style-type: none"> ▪ A Healthy City ▪ A City of People who Value and Protect the Natural Environment. <p>Impact on the Council's capacity and responsibilities:</p> <p>The Local Government Act 2002 (LGA 2002) states that one of the purposes of councils is to promote the social, economic, environment and cultural well-being of communities, in the present and for the future. Section 11 of LGA 2002 provides that the role of councils is to give effect to their purpose, and perform the duties and exercise the rights conferred on them by, or under, LGA 2002. Section 23 of the Health Act 1956 also states that it is the duty of every council to improve, promote and protect public health within its district. Consequently, adopting this option would come within the Council's role and is part of the Council's duty under section 23 of the Health Act. However, no other council's in New Zealand has a policy where all public places are smokefree. This option will not widely impact on Council's capacity and responsibilities.</p> <p>Effects on Maori:</p> <p>Smoking is a contributing factor to the health inequalities seen between Maori and non-Maori⁵⁰. Maori in all age groups have higher smoking rates than non-Maori. In the Hornby trial survey 91.7% of Maori found smokefree playgrounds acceptable.</p> <p>Consistency with existing Council policies:</p> <p>No inconsistency with existing Council policies.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>There was mixed opposition and support for a blanket smokefree public places policy. Opposition, however, was in the majority. There were concerns around the need for smokers to have somewhere in public outdoor areas to smoke. There were concerns about communicating the policy to visitors to our city and about the potential push back from the public. There was a perception that groups with a higher percentage of smokers should be consulted if this option was considered viable.</p>		

⁴⁹ Easton, B (1997). The Social Cost of Tobacco Use and Alcohol Misuse. Public Health Monograph. Series No.2. Department of Public Health, Wellington: Wellington School of Medicine.

⁵⁰ Ministry of Health. 2005. Tobacco Facts 2005. Wellington: Ministry of Health.

11. COUNCIL REPRESENTATION AT ASPIRING LEADERS FORUM 2009

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Clare Sullivan, Council Secretary

PURPOSE OF REPORT

1. The purpose of this report is to request the Council to give consideration to approving Fendalton/Waimairi Community Board member Jamie Gough to represent the Council at the Aspiring Leaders Forum 2009, to be held in Wellington on 30 July to 2 August 2009.

EXECUTIVE SUMMARY

2. The Aspiring Leaders Forum is designed to bridge the gap between the nation's young people and the nation's leaders. It is an opportunity for young people to discuss and debate the ideas and philosophies of leadership. Information about the Forum is provided in **Attachment A**.
3. Subject to the Council's approval, the Mayor has nominated Jamie Gough to attend and represent the Christchurch City Council. Jamie Gough has indicated that he would like to attend.

FINANCIAL IMPLICATIONS

4. The cost of a member attending the forum will be approximately \$1,350, which consists of a \$1,000 registration fee, which covers all costs while at the forum, and airfares/travel of approximately \$350. All figures exclude GST. The expenditure can be accommodated within the provision for Mayor/Councillor conference attendance and travel included in the 2008/09 Annual Plan.

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

5. Yes, provision for elected member training is made in the LTCCP, specifically under the Elected Member Representation activity. Community Boards have their own conference, training and travel budgets. However, in this case the Board member would be representing the Council and would be funded from a different operational budget.

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

6. Yes, there are no legal implications.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

7. Not applicable.

ALIGNMENT WITH STRATEGIES

8. Youth Strategy and Strategic Direction – Strong Communities.

Do the recommendations align with the Council's strategies?

9. The recommendation aligns with the principles of the Council's Youth Strategy and the Strategic Direction – Strong Communities in that the focus of the forum is to encourage young people to be better leaders and to increase youth engagement in all aspects of society.

11 Cont'd

CONSULTATION FULFILMENT

10. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council approve the attendance of Jamie Gough as the Council's representative at the Aspiring Leaders Forum from 30 July to 2 August 2009 in Wellington.

12. DRAFT SURFACE WATER STRATEGY

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Healthy Environment
Author:	Lizzy Pearson, Senior Policy Analyst, Strategy & Planning Group

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Draft Surface Water Strategy be approved by the Council for public consultation beginning in July 2009.

EXECUTIVE SUMMARY

2. The primary purpose of the Surface Water Strategy is to guide the Council's decision-making relating to surface water management, and establish what the Council will do to meet the challenges identified.
3. Over the last 10 years (since the *Natural Asset Management Strategy* was adopted by the Council) the policy and planning framework for surface water management has changed considerably:
 - The Proposed Natural Resources Regional Plan (PNRRP) was notified by Environment Canterbury in 2004. The PNRRP contains objectives, policies and rules governing water quality, quantity, beds and margins of lakes and rivers, and wetlands. It stipulates water quality standards for the region, and minimum flow levels for freshwater resources that Council must comply with.
 - The Greater Christchurch Urban Development Strategy (UDS), adopted by the Council in 2007, establishes that urban growth in Greater Christchurch will be accommodated by Greenfield development (at a decreasing rate) and by increasing the rate of urban intensification and renewal within the existing city boundaries. Both forms of development impact significantly on surface water quantity and quality.
4. Improving water quality in Christchurch's rivers and streams (to work towards PNRRP standards) is a challenge, particularly when coupled with Greenfield and intensification development, which increase the impervious surfaces of the city. Increases in impervious surfaces ('hard' surfaces, for example, roads, car parks, buildings) are resulting in more stormwater run-off, carrying contaminants and pollutants into waterways. In the current urban intensification City Plan zones – Living 2 and Living 3 - upgrades to the stormwater network will be needed in some catchments to manage the expected increase in stormwater run-off.
5. Climate change will also impact surface water management. Projections suggest it is likely that heavier rainstorms may occur more frequently. If this eventuates, it will have a significant impact on stormwater management in the city, particularly in areas already prone to flood events. Sea level rise will further increase the risk of flooding in parts of Christchurch, and salt water will reach further upstream, impacting freshwater ecosystems. The capacity of existing stormwater infrastructure will be reduced, and during flood events, stormwater in low lying suburbs may need to be pumped from areas below sea level into waterways with higher water levels. In time this will affect most stormwater systems east of Fitzgerald Avenue.
6. A summary of the current situation and issues was discussed with Councillors at a workshop on the 27 May 2008. Councillors will also have an opportunity to discuss the Draft Strategy at a workshop on 23 June 2009, prior to the Council meeting on 25 June. Key stakeholders, such as Ngāi Tahu and the UDS partners, have also been involved in the development process.
7. The Draft Surface Water Strategy (**separately circulated**) builds on the 'values-based' approach to surface water management adopted by the Council in the *Natural Asset Management Strategy*. It includes a vision, plus goals and objectives. It states the Council's policy for stormwater management in different land-use areas, and sets out a programme for meeting the surface water management challenges identified.

12 Cont'd

8. The draft vision for Christchurch surface water is that:

The surface water resources of Christchurch support the social, cultural, economic and environmental health of the City's citizens, and are managed wisely for future generations.

9. The draft goals are to:

- *Improve the water quality of our surface water resources.*
- *Reduce the adverse effects of flooding.*
- *Improve the ecosystem health of surface water resources.*
- *Restore Tangata Whenua values associated with surface water resources.*
- *Support a range of recreation activities on and around waterways.*
- *Protect heritage values associated with surface water.*
- *Protect and enhance the landscape values of surface water.*
- *Support community involvement in surface water management.*

10. These draft goals are aspirational, long term, and reflect the direction the Council is committed to heading in, for example, stating Council's commitment to improving water quality, rather than maintaining or allowing a reduction in water quality. The goals and objectives are intended to guide Council's decision-making at various levels, from the Long-Term Council Community Plan (LTCCP) to individual street renewals. They are long-term goals, reflecting that the Council has a range of strategic objectives that must be balanced and prioritised. However, over time the Council will work towards achieving the goals and objectives, improving surface water management in the city.

11. To work towards achieving the goals, the Draft Strategy includes an implementation programme which focuses on areas where the Council can make the most difference and address the most pressing issues. It reflects a realistic expectation of what the Council can put into action. The draft programme states the Council will:

- *Minimise sources of pollutants,*
- *Manage stormwater in-line with policies stated in the Strategy,*
- *Develop Integrated Catchment Management Plans (ICMPs)*
- *Review development standards,*
- *Implement a community education programme, and*
- *Undertake further investigations.*

12. The development and implementation of Integrated Catchment Management Plans (ICMPs) are the key component of the implementation programme. ICMPs are required for urban catchments stipulated in the PNRRP. ICMPs establish water quality and stormwater management objectives for a given area, and set out how stormwater will be managed to meet those objectives. The South-West ICMP has already been completed, and the Styx ICMP is underway. The Draft Strategy states the Council's commitment to developing ICMPs for all catchments in its jurisdiction, sets the ICMP boundaries, and establishes a programme for development. Page 47 of the Draft Strategy contains more information on the proposed ICMP programme.

13. The extent to which the draft implementation programme is actioned and funded will depend on decisions made in future Long-Term Council Community Plan processes.

FINANCIAL IMPLICATIONS

14. As with any strategy the achievement of it is dependent on balancing the goals against the ability to achieve the outcomes. The strategy builds on established principles and practices, but continues to develop these to address emerging standards, pressures and issues. Within the strategy we estimate that all of the short-term (0–3 years) tasks identified in the implementation programme can be financed through existing budgets. Additional funding would be needed to fully fund the medium-term (4–10 years) and long-term (10 plus years) projects. The majority of these costs would be for the preparation of ICMPs:

- \$1.175m in the medium-term (4 – 10 years).
- \$1.25m in the long-term (10 plus years)

12 Cont'd

15. Implementation beyond current resources will need to be addressed as part of the 2012 and future LTCCPs. More detail on the implementation plan can be found on pages 67 to 69 of the Draft Strategy.

LEGAL CONSIDERATIONS

16. The Strategy provides policy guidance for Council on surface water matters pursuant to the LGA (2002) and the RMA (1991).
17. The Council's surface water management responsibilities are primarily described in the Local Government Act (LGA 2002) and Resource Management Act (RMA 1991). The LGA (2002) requires the Council to promote the social, economic, environmental and cultural wellbeing of current and future generations (Section 10 a and b). The Act confers specific land drainage responsibilities on territorial authorities – to assess stormwater services and maintain the capacity of existing stormwater networks (Section 125 and 130). The RMA (1991) promotes the sustainable management of natural and physical resources, and requires the Council to manage the use, development and protection of these resources, including wetlands, lakes and rivers (Section 6). The RMA also requires the Council to give effect to the Regional Policy Statement. The RPS contains two chapters directly relevant to surface water management: Chapter 9 (water) and Chapter 10 (beds of rivers and lakes and their margins). The preparation of ICMPs will enable the Council to meet the requirements of the PNRRP.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Preparation of the Draft Strategy is in line with the Parks, Open Spaces and Waterways Activity in the current (2006–16) LTCCP *“to provide a network of parks, open spaces, waterways and wetlands that meet community and environment needs”*. In the proposed 2009–19 LTCCP, the preparation of the Strategy contributes to the City and Community Long-Term Policy and Planning Activity performance measure *“Advice is provided on key issues that affect the social, cultural, environmental and economic well-being of the city”*.

ALIGNMENT WITH STRATEGIES

19. The Draft Surface Water Strategy supports the implementation of the UDS – integrating land-use, infrastructure and funding. The Draft Strategy assesses the capacity of stormwater infrastructure in current 'intensification zones' (L2 / L3 and L4 City Plan zones), and provides guidance for stormwater management in Greenfield and urban intensification areas.
20. The Draft Surface Water Strategy is also part of the suite of 'Healthy Environment' Strategies:
 - Biodiversity Strategy (adopted). The Draft Surface Water Strategy supports the Biodiversity Strategy through improving water quality and the ecosystem health of our waterways.
 - Water Supply Strategy (draft). The Draft Surface Water Strategy is linked to the Water Supply Strategy, particularly in those Banks Peninsula communities that rely on surface water for drinking water supply.
 - Open Space Strategy (in preparation). The rivers, lakes, streams and multi-value stormwater management mechanisms (for example, swales and rain gardens) discussed in the Draft Surface Water Strategy form part of the public open space network.
 - Climate Change Strategy (in preparation). The impact of climate change on surface water resources is discussed in the Draft Surface Water Strategy, and will inform the development of the Climate Change Strategy.

12 Cont'd

CONSULTATION FULFILMENT

21. The development of the Draft Strategy has been informed by feedback from Community Boards, Te Runanga o Ngāi Tahu, Mahaanui Kurataiao Limited, UDS Partners, and external stakeholders including the Avon/Heathcote Ihutai Trust, Banks Peninsula Conservation Trust, Environment Canterbury, North Canterbury Federated Farmers, Waihora Ellesmere Trust and Travis Wetland Trust.
22. If the Draft Strategy is approved by Councillors, public consultation will run for five weeks from 6 July to 7 August, followed by a Council Hearings Panel on submissions in September. The final Strategy is planned to be presented to the Council for adoption on 26 November 2009.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the Draft Surface Water Strategy for public consultation.
- (b) Establish a Hearings Panel of up to five Councillors including a Chairperson (to be nominated at this meeting) to hear public submissions and recommend changes to the Draft Strategy to Council.

12 Cont'd

BACKGROUND

Development of the Strategy

23. The Strategy development began with an analysis of the present situation. A series of background reports were prepared by Council staff:
- *Community involvement in surface water*
 - *Climate change effects on surface water*
 - *Minimum development standards*
 - *Policy and planning framework*
 - *Proposed community education programme for surface water*
 - *Proposed ICMP programme*
 - *Proposed monitoring programme for waterways Summary of key issues and drivers*
 - *Stormwater management outcomes and mechanisms*
 - *The ecology of Christchurch's surface water*
 - *The heritage values of Christchurch's surface water*
 - *The recreation value of Christchurch's surface water*
 - *The Tangata Whenua values associated with Christchurch's surface water*
 - *The urban growth of the Christchurch and its impact on surface water*
 - *The water quality and quantity of Christchurch's surface water*
- These reports were supplemented by consultant work:
- *Landscape values of Christchurch's surface water (Di Lucas Associates)*
 - *Market research: public perceptions for the Healthy Environment Programme (Opinions Research)*
 - *Change in impervious surfaces (Landcare Research)*
24. From these reports the current surface water issues and their drivers were identified and presented to Councillors and Community Boards. Key external stakeholders were also invited to comment on the draft reports and the issues identified.
25. Draft goals and objectives were then prepared, based on the holistic, values-based approach to surface water management established in the *Natural Asset Management Strategy*. These goals and objectives were discussed with Community Boards, Ngāi Tahu, and the Greater Christchurch Urban Development Strategy partners and committee (which includes Waimakariri District Council, Selwyn District Council, and the New Zealand Transport Agency).
26. The proposed stormwater policies are the result of an assessment of stormwater mechanisms. A range of stormwater management mechanisms (for example, detention basins, pipes, swales and rain tanks) were assessed against their ability to meet the Draft Strategy's goals. Capital and operational costs of the different mechanisms were also compared. Finally, the feasibility of the mechanisms in different land-use areas was considered.
27. The proposed ICMP programme was developed by assessing the ICMP areas against a set of criteria: whether the ICMP is required by the PNRRP, whether Greenfield or urban intensification development is planned, flood risk is high, or existing water quality and biodiversity values are high. This assessment allowed a 'ranking' of ICMP areas, which is reflected in the timeframes outlined in the implementation programme.
28. Due to the need for co-ordination with other organisations (particularly Environment Canterbury), the policies and programmes relating to stormwater management were reviewed by external stakeholders
29. To develop the proposed community education plan, existing community education relating to surface water was reviewed. Key target markets were identified and outlines for education plans drawn up. These are summarised in the Draft Strategy.

12 Cont'd

30. Finally, the Draft Strategy itself was pulled together, and a series of internal meetings held with staff throughout the Council to review the draft before being presented to Councillors.

Figure 1: Development of the Draft Surface Water Strategy



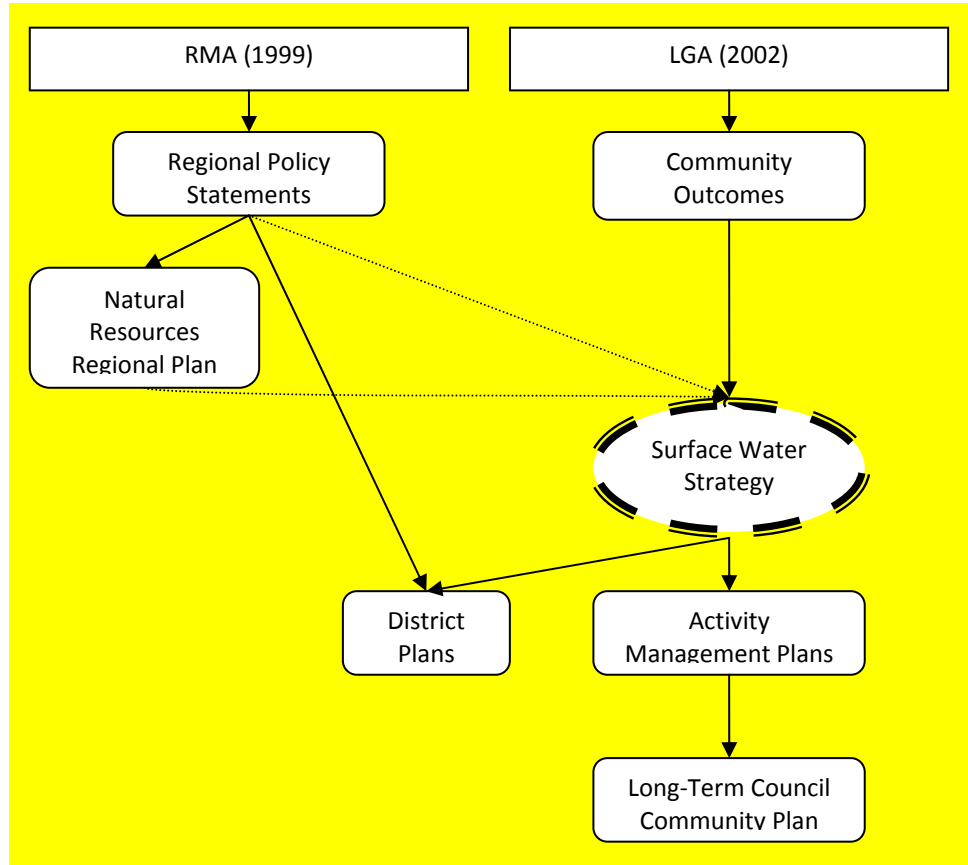
The Policy and Planning Context

31. The Council's planning and management of surface water sits within a complex national and regional policy framework, set out in both statutory and non-statutory documents. At a national level the RMA (1991) and the LGA (2002) describe the Council's responsibilities in relation to surface water.
32. The LGA (2002) requires the Council to promote the social, economic, environmental and cultural well-being of current and future generations (Section 10 a and b of the Act). The Act confers specific land drainage responsibilities on territorial authorities – to assess stormwater services and maintain the capacity of existing stormwater networks (Sections 125 and 130).
33. The RMA (1991) promotes the sustainable management of natural and physical resources, and requires the Council to manage the use, development, and protection of these resources, including wetlands, lakes and rivers (Section 6). This is achieved through a hierarchy of policy statements and plans.
34. The Regional Policy Statement (RPS) contains objectives for enabling the use of freshwater while safeguarding the life supporting capacity of the resource, preserving natural character, protecting habitats, and maintaining and enhancing amenity values. The Council is required to give effect to the RPS, and must comply with the regional objectives, policies and rules established in the Proposed Natural Resources Regional Plan (PNRRP). The PNRRP contains objectives, policies and rules, governing water quality, quantity, beds and margins of lakes and rivers, and wetlands. It sets water quality standards and minimum flow levels for freshwater resources, including surface water.

12 Cont'd

35. The Draft Surface Water Strategy establishes the Council's strategic framework for meeting policy and planning requirements (for example, the proposed ICMP programme, partly required by the PNRRP). It also identifies other challenges, such as providing infrastructure to support the UDS, and managing the impact of climate change. The proposed implementation programme identifies changes needed to current development standards (set in the District Plans, the Infrastructure Design Standards, and the Waterways, Wetlands and Drainage Guide). It also recommends the preparation of ICMPs and development of community education programmes.

Figure 2. The relationship of the Surface Water Strategy to the RMA (1999) and LGA (2002)



13. WATER SUPPLY STRATEGY

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

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval for the adoption of the Water Supply Strategy for Christchurch 2009-39. (The Strategy has been **separately circulated.**)

EXECUTIVE SUMMARY

2. Christchurch City Council currently abstracts approximately 54 million cubic metres of water from the groundwater aquifers underlying Christchurch and 1.4 million cubic metres abstracted from streams and wells from sources in Banks Peninsula each year.
3. The key objective of the Water Supply Strategy is the sustainable management of drinking water, both now and into the future. The need for a more sustainable approach to managing this resource is driven in part by a likely allocation limit for the public water supply in the order of 75 million cubic metres per year. An additional pressure exists in Banks Peninsula, where the availability of the major sources of public water supply tends to be lowest when demand is highest during the summer months.
4. The strategic vision for the water supply strategy is:
 - We value and protect our public water supply as a precious resource for current and future generations.
5. The strategic goals for the public water supply are:
 - We have clean, safe water.
 - The sources of our water are protected from harm.
 - The Council's water supplies meet the public's reasonable needs.
 - Water is used efficiently and sustainably.
6. The Council approved the release of the Draft Water Supply Strategy at its 27 November 2008 meeting.
7. The public consultation period formally began on 10 December 2008 and closed on 6 March 2009. One hundred and eleven submissions were received.
8. A Hearings Panel comprising Councillors Williams (Chair), Buck, Corbett, Cox, Reid, Sheriff and Wall met on 6 and 7 April 2009 to hear submissions on the draft strategy. Twenty-eight submitters were heard.
9. Major themes in the submissions included the following:
 - Living within existing limits vs. finding new sources
 - Challenges for a sustainable water supply
 - Initiatives to meet these challenges
 - Potable vs. non-potable water
 - Treatment of the public water supply
 - Funding the initiatives
 - Adequacy of the draft strategy

A report analysing submissions and summarising the consultation process is **attached** (Attachment 1).

13 Cont'd

10. The most significant changes made to the December 2008 draft strategy subsequent to the consultation and Hearings Panel processes include the following:
- Strengthening references to Banks Peninsula supplies;
 - Adding three new options and expanding the description of the options, with timeframes, in the main body of the document. The three new options are rainwater systems subsidy for urban Christchurch (Option 4c), encouraging retention of existing rainwater systems (Option 4d) and providing water usage feedback to households (Option 9).
 - Completion of the Tangata Whenua section with text provided by Mahaanui Kurataiao Ltd (MKT);
 - New sections on benchmarking and international trends;
 - Clarification of targets;
 - Clarification with respect to volumetric charging.

Attachment 1 lists the major changes in the amended strategy.

FINANCIAL IMPLICATIONS

11. One of the key planks of the strategy is to extend the life of current water supply allocations. The success of this will be gained in the deferment of significant capital expenditure (and associated increases in operating costs for water treatment plants).
12. The financial implications of not adopting the strategy and continuing with business as usual would be significant beyond 2030 due to the need to find new sources of water. Implementation of the strategy would delay the need to find alternative water supplies for Christchurch, potentially until the beginning of the 22nd Century. It is expected that the successful implementation of initiatives in the Water Supply Strategy will mean existing allocations continue to serve the city into the foreseeable future and avoid capital (and operational spending associated with new water sources) expenditure of \$200M.
13. The strategy identifies a range of short, medium, and long term interventions. A number of initiatives are capable of being introduced within existing budget in the 2009-19 LTCCP. Further initiatives will require new or additional funding, and will be dependent on future funding decisions in the 2012-22 LTCCP and beyond. It is not the purpose of this report to seek additional funding. The strategy sets the long term direction with which programmed expenditure can be better aligned in the short term, and identifies actions for implementing the strategy which may be funded in the 2012-2022 LTCCP.
14. Once the strategy is adopted an implementation plan will be finalised, which will become the basis for future planning and funding decision-making

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

15. Funding to support the development of the Water Supply Strategy aligns with the current LTCCP budget. However future LTCCPs may require additional funds above current levels to enable the full implementation of the strategy.

LEGAL CONSIDERATIONS

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

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

17. As above.

13 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

19. As above.

ALIGNMENT WITH STRATEGIES

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

Do the recommendations align with the Council's strategies?

21. As above.

CONSULTATION FULFILMENT

22. Formal public consultation was undertaken, with the consultation open from 10 December 2008 through 6 March 2009. Although the consultation on the draft strategy was a non-statutory process and did not require a special consultation process, a web page with the Have Your Say section of the Council website was created. A total of 111 submissions from individuals and organisations were received.
23. A Hearings Panel heard 28 submissions on 6 and 7 April 2009.
24. The consultation summary report (Attachment 1) provides greater detail about the extent of the consultation on this Strategy.

STAFF RECOMMENDATION

It is recommended that the Council adopt the Water Supply Strategy 2009-2039.

13 Cont'd

BACKGROUND ON WATER SUPPLY STRATEGY

25. Christchurch City Council provides drinking water to over 340,000 residents through a network of groundwater wells and surface water intakes, pumping stations, reservoirs, and related infrastructure including approximately 3000 km of piping. Approximately 54 million cubic metres of water is abstracted from the groundwater aquifers underlying Christchurch for the public water supply (including urban Christchurch and the Lyttelton Harbour Basin), along with approximately 1.4 million cubic metres abstracted from streams and wells for the public water supplies in Banks Peninsula.
26. Rules in the proposed Natural Resources Regional Plan indicate that an allocation limit will be set for the public water supply. Discussions with Environment Canterbury indicate that the total allocation limit for the Christchurch public water supply will be in the order of 75 million cubic metres per year.
27. An additional pressure exists in Banks Peninsula, where the availability of the major sources of public water supply, streams such as Takamatua and Balguerie, tend to have the lowest flows when demand is highest during the summer months.
28. In mid-2007, work on developing a strategy for sustainably managing the public water supply was initiated.
29. In August 2007 an external stakeholder workshop was held at which top level issues and options relevant to the public water supply were identified.
30. In April 2008 a seminar was held for councillors at which the general state of the aquifer system in Canterbury, and the Christchurch aquifer serving as the public drinking water source in particular, was discussed. The likelihood of an annual abstraction limit for Christchurch's public water supply was highlighted. Rules in the proposed Natural Resources Regional Plan indicate that an allocation cap is likely for the Christchurch Water Supply, in the order of 75 million cubic metres per year.
31. In September 2008 a workshop was held for key stakeholders, including representatives from regional government, business, community and non-profit organisations, iwi, New Zealand Fire service, and Community and Public Health. The feedback from this workshop, as well as the August 2007 stakeholder workshop, were integrated into an Issues and Options report prepared by the staff team.
32. On 25 September 2008 a seminar was held for Councillors to discuss the issues and options facing the sustainable management of the Christchurch public water supply, including the public water supplies in Banks Peninsula.
33. The Council considered the Draft Water Supply Strategy at its 27 November 2008 meeting and approved the release of the draft strategy for public consultation. The public consultation period opened 10 December 2008. Copies of the draft strategy, as well as a summary document, were distributed to Council service centres, libraries, Community Boards, and over 100 organisations. The public could make submissions:
 - through an online questionnaire on the Have Your Say web site;
 - by mailing or faxing a hard copy of the questionnaire, which was included in both a summary document and the full Draft Strategy; and
 - by emailing, mailing or faxing other written comments.

A summary of the consultation process is provided in Attachment 1.

13 Cont'd

34. The consultation period closed on 6 March 2009. One hundred and eleven submissions were received. Notable among the comments received were the following major themes:
- Living within existing limits vs. finding new sources
 - Challenges for a sustainable water supply
 - Initiatives to meet these challenges
 - Potable vs. non-potable water
 - Treatment of the public water supply
35. A Hearings Panel was convened on 6 and 7 April 2009. The Panel comprised Councillors Williams (Chair), Corbett, Cox, Reid, Sheriff and Wall. Twenty-eight submitters were heard. The Hearings Panel directed staff to amend the December 2008 Draft Strategy, and a follow-up meeting of the hearings Panel was set for 4 May 2009. At the 4 May 2009 follow-up meeting, the Hearings Panel reviewed proposed changes made to the December 2008 Draft Strategy as a result of the public consultation and Hearings Panel processes.
36. Substantive changes made to the December 2008 Draft Water Supply Strategy, as a consequence of the public consultation process and the Hearings Panel, are summarised below.

Table 1. Substantive Changes to Water Supply Strategy

Section (Dec 2008 version)	Changes made
Executive Summary and section 1.3	Clarification of applicability of strategy to the whole of Christchurch.
Executive Summary and section 5.1	Reworked the vision statement.
1.1.1	Added clarification regarding Banks Peninsula supplies. Added bullet point for driver: retention of water onsite.
1.1.2	Inclusion of wastewater plan, addressed a future 3-waters strategy.
1.2x	Added in new section 1.2.1 that fluoridation is not included in the strategy.
1.3	Acknowledgement of Banks Peninsula as unique from urban Christchurch in terms of source and availability.
3.1.13	Updated to LTCCP 09-19. Added reference to assessment of sanitary services and public health risk management plans
3.2.7	Completion of Tangata Whenua section with text provided by MKT.
4x	New section (4.3) was added which briefly describes international trends for water reduction.
4.3.1.1	Clarification regarding ECan's potential abstraction limit of 75M cu m/yr and that this is likely to be a range of values. Addressed private takes as well.
4.3.1.2	Clarification of impact of climate change on Waimakariri River flows and how this could impact on groundwater flows and takes.
4.3.2	Provided stronger linkage to land use impacts over unconfined aquifers and variation 6 of the PNRRP. Clarification of drinking water standards and Ministry of Health source of supply grading.
4.3.2 and 7.3.1.3	Clarified wording with respect to WQL22.
4.3.3	Updated Fig 9 (Fig 11 in amended strategy) to include additional actual consumption data. Inclusion of benchmarking information along with new Fig 10. Deleted Fig. 10, which included a potential affect of H(DW)AA on future water demand, and addressed the possible impacts of the health (Drinking Water) Amendment Act in the text.
(new section)	Added new section addressing fire fighting requirements and pressure.

13 Cont'd

Section (Dec 2008 version)	Changes made
Section 6	Clarified targets by adding new Targets subsection.
7.3	Provided descriptions of each option, including timeframes, in text.
7.3.2.1 and 7.3.5.2 (Table 3)	Add new Option 4c, rainwater systems subsidy for urban Christchurch and new Option 4d, encouraging retention of rainwater systems.
7.3.2.2/7.2.3.4 and 7.3.5.2 (Table 3)	Separated "metering" from "volumetric charging". Provided a new Option 9 regarding feedback to households on water consumption. Clarification with respect to volumetric charging and Council intent. Also note intention to retain ownership of public water supply.
7.3.2.6	Expanded on leadership opportunities for the Council.
7.3.3.1	Added greywater as a part of the option in this section.
(new section)	Added a new section (8.3.3) to elaborate on land use controls and PNRRP Variation 6.
7.3.5.2 (Table 3)	Clarification of funding for Option 10, which will be funded as regular repair/replacement not requiring "new" funding.

37. An updated analysis of submissions report, which was prepared following the Hearings Panel (Attachment 1), contains a discussion of the outcomes of the Hearings Panel, including a more detailed listing of changes made to the December 2008 Draft Strategy.
38. The Water Supply Strategy represents the product of consultations with internal and external stakeholders and the public over the last two years. It is intended to provide the framework for long-term planning for the public water supply, and is intended to link with other Council policies, strategies and plans including, but not limited to the Biodiversity Strategy, the Sustainability Policy, the Surface Water Strategy (under development), the Climate Change Strategy (under development), the Energy Strategy, the Wastewater Management Plan 2004 and the Public Health Risk Management Plans for the Christchurch and Banks Peninsula water supplies.
39. The Council is in a good position to act proactively to sustainably manage the public water supply. The submissions on the Draft Water Supply Strategy indicated that the public have a strong preference for ensuring that the public water supply is given top priority by the Council. To paraphrase one of the submissions, the Council has the opportunity now to "be bold and get on with it." It is recommended that the Council adopt the Water Supply Strategy 2009-2039.

25. 6. 2009

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14. REPORT OF THE REGULATORY AND PLANNING COMMITTEE - MEETING OF 4.6.2009

Attached.

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15. NOTICES OF MOTION

16. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 25 JUNE 2009

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

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

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

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

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
17. CONFIRMATION OF MINUTES -) COUNCIL MEETINGS OF 28.5.2009) AND 11.6.2009)	GOOD REASON TO) WITHHOLD EXISTS)	SECTION 48(1)(a)
18. GRAHAM CONDON RECREATION) AND SPORT CENTRE)	UNDER SECTION 7)	

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

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.”