

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 26 MARCH 2009

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL

**Thursday 26 March 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 |
| 3. | DEPUTATIONS BY APPOINTMENT |
| 4. | PRESENTATION OF PETITIONS |
| 5. | RICCARTON BUSH TRUST STATEMENTS OF INTENT, 2009 AND 2010 |
| 6. | HALSWELL QUARRY PARK MANAGEMENT REVIEW |
| 7. | NEW CODE OF CONDUCT |
| 8. | TRANSFER OF BUILDING CONTROL FUNCTIONS FROM THE CHATHAM ISLANDS COUNCIL TO THE CHRISTCHURCH CITY COUNCIL |
| 9. | COUNCIL RESPONSE TO THE PRELIMINARY FINDINGS AND RECOMMENDATIONS OF THE WILDLIFE PROTECTION REVIEW WITH REGARD TO CANADA GOOSE |
| 10. | HERITAGE GRANTS AND COVENANTS COMMITTEE REPORT TO COUNCIL |
| 11. | REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 2 MARCH 2009 |
| | 1. Parking Enforcement Issues arising from the 2008 Review of the Traffic and Parking Bylaw (Quarterly Update for January 2009) |
| | 2. Planning Administration Monthly Report (January 2009) |
| 12. | NOTICES OF MOTION |
| 13. | RESOLUTION TO EXCLUDE THE PUBLIC |

1. APOLOGIES

Councillor Mike Wall.

2. CONFIRMATION OF MINUTES

(a) **COUNCIL MEETING OF 16-18.2.2009**

Attached.

(b) **COUNCIL MEETING OF 26.2.2009**

Attached.

(c) **EXTRAORDINARY COUNCIL MEETING OF 5.3.2009**

Attached.

(d) **COUNCIL MEETING OF 12.3.2009**

Attached.

3. DEPUTATIONS BY APPOINTMENT

4. PRESENTATION OF PETITIONS

5. **RICCARTON BUSH TRUST STATEMENTS OF INTENT, 2009 AND 2010**

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 the Statements of Intent for Riccarton Bush Trust (RBT) for the years ending 30 June 2009 and 2010 (see **attached**).

EXECUTIVE SUMMARY

2. The Council's subsidiary companies and Council Controlled Organisations (CCO) are required by statute to submit an annual Statement of Intent (SOI) to the Council. An SOI must set out the entity's objectives and performance measures as well as certain other information.
3. The organisation is required to submit a draft SOI for comment prior to 1 May and then issue a final version by 30 June in respect of the following year. RBT was only identified as a CCO in June 2008 and was therefore unable to present its SOI within the required timeframe in respect of the year ending 30 June 2009. Both SOIs have been approved by the RBT board.

FINANCIAL IMPLICATIONS

4. The quantum of the grants and levies quoted for 2009 and 2010 is consistent with what is already included in the Annual Plan and Draft LTCCP. The cost is included within the Urban Parks Activity.
5. The annual report for RBT for the year ending 30 June 2009 will contain a note from Audit NZ to the effect that the SOI was not adopted prior to 30 June 2008.

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

6. Not applicable.

LEGAL CONSIDERATIONS

7. This action is required by Schedule 8 of the Local Government Act.

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

8. There are no additional implications.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Not applicable.

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

10. No.

ALIGNMENT WITH STRATEGIES

11. Not applicable.

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. No.

5 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receive the Riccarton Bush Trust Statement of Intent for the year ending 30 June 2009.
- (b) Review and advise officers of any comment it wishes to make on the draft Riccarton Bush Trust Statement of Intent for the year ending 30 June 2010.

6. HALSWELL QUARRY PARK MANAGEMENT REVIEW

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Asset and Network Planning Manager
Author:	Parks & Waterways Planner, Susan Lilley

PURPOSE OF REPORT

1. The purpose of the report is to seek Council approval of the release of the draft management plan for public consultation. This is a separate report to that presented to the Riccarton Wigram Community Board this March.

EXECUTIVE SUMMARY

2. Halswell Quarry Park is a 55 hectare regional park located between Cashmere Road and Kennedy's Bush Road in Halswell. The park was established in 1990 from the site of an early 20th Century industrial quarry and ex-rural farm land, for recreational purposes. It contains recreational walks, historical sites and botanical gardens.
3. A Management Plan was adopted in 1991 under the Local Government Act 1974 (now amended), and reviewed in 1998.
4. At its meeting on 18 December 2008 the Council unanimously resolved:
 - (a) That a report to review the 1998 Halswell Quarry Park Management Plan be brought to the Council at its March 2009 meeting.
 - (b) To disestablish the Subcommittee appointed on 28 August 2008.
 - (c) To appoint a Halswell Quarry Park Special Committee to:
 - (i) hear any submissions on the revised Management Plan in May 2009
 - (ii) make a decision on the submissions and approve a new Management Plan.
 - (d) To appoint to the Special Committee the following Council members who are not members of a Sister City Committee nor members of the Riccarton/Wigram Community Board:

The Mayor, Councillors Button, Reid, Sheriff, Wells, Williams and Withers.
5. A note accompanied the December 2008 resolution that the report in March 2009 will include a recommendation to rescind the resolutions passed in August 2008:

That the Council:

- (a) *Until the new management plan review is complete, use its authority to depart from the Halswell Quarry Management Plan to approve a shorter process for the approval of proposed structures from the Sister Cities Gardens Committees, whereby plans are submitted for approval before a Council subcommittee comprising Councillors Sally Buck and Mike Wall, senior Transport and Greenspace staff, and the General Manager Public Affairs.*
 - (b) *That the proposed buildings are subject to appropriate building consents and approval from NZHPT and that public and stakeholder input is provided through a standard project information leaflet.*
6. The draft reviewed management plan is **attached**.
 7. On 10 March 2009 a report to Riccarton/Wigram Community Board requested the Board recommend to the Council that the Draft Halswell Quarry Park Management Plan be released for public consultation.

6 Cont'd

FINANCIAL IMPLICATIONS

8. See below.

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

9. The Draft Management Plan includes an indicative development programme and budget for works within the reserve. It is anticipated that, following approval of the final management plan, the indicative development programme will be considered for future budget allocation through the 2012-22 LTCCP process. The plan is structured to ensure that, while recommending actions, it does not commit the Council to any particular spending programme.
10. There is currently \$45,000.00 available, per year to the 2012 financial year, for minor development. This is insufficient for major development works or an increase in maintenance standards.

LEGAL CONSIDERATIONS

11. See below.

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

12. Although the Draft Management Plan has been prepared under the Local Government Act 2002, a legal opinion expressed that review of the Halswell Quarry Management Plan should proceed "in accordance with the procedures outlined in the Reserves Act 1977" as directed by Policy 4.1.7 of the 1998 Management Plan.
13. The review satisfies the continuous review requirement of the Reserves Act 1974. Section 41(4) of the Reserves Act requires that the Council keep its reserve management plans under continuous review, so that it is adapted to changing circumstances or in accordance with increasing knowledge. Generally, a minimum of ten years has been recommended as an appropriate review period.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. See below.

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

15. Yes - To provide a network of parks, open spaces, waterways and wetlands that meet community and environmental needs (Vol 1 p124).

ALIGNMENT WITH STRATEGIES

16. See below.

Do the recommendations align with the Council's strategies?

17. Yes - Recreation and Sport Policy 1996, Physical Recreation and Sport Strategy 2002, Christchurch Active Living Strategy 2004, Draft Parks & Open Spaces Activity Management Plan 2005, Safer Christchurch Strategy 2005, Parks and Waterways Access Policy 2002, Waterways and Wetlands Natural Asset Management Strategy 1999. In addition, the City Plan - Section 14 sets objectives and policies for the provision of open space and recreational facilities

6 Cont'd

CONSULTATION FULFILMENT

18. Consultation on the released Draft Management Plan will be carried out as set out in the Reserves Act 1974.
19. The Halswell Quarry Park Special Committee will hear any submissions on the revised Management Plan in May 2009, make a decision on the submissions and approve a new Management Plan.

BOARD CONSIDERATION

The Riccarton/Wigram Community Board considered this report on 10 March 2009 and recommended that the Draft Halswell Quarry Management Plan be released for public consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the release of the Draft Halswell Quarry Park Management Plan for public consultation, as set out in s41(6) of the Reserves Act 1977.
- (b) Rescind the resolutions passed in August 2008 to use its authority to depart from the Halswell Quarry Management Plan to approve a shorter process for the approval of proposed structures from the Sister Cities Gardens Committees, whereby plans are submitted for approval before a Council subcommittee, until the new management plan review is complete.
- (c) Disestablish the Subcommittee appointed on 28 August 2008 comprising Councillors Sally Buck and Mike Wall, senior Transport and Greenspace staff, and the General Manager Public Affairs.
- (d) Appoint a Halswell Quarry Park Special Committee from Council members who are not members of a Sister City Committee nor members of the Riccarton/Wigram Community Board, namely the Mayor, Councillors Button, Reid, Sheriff, Wells, Williams and Withers to:
 - (i) hear any submissions on the revised Management Plan in May 2009
 - (ii) make a decision on the submissions and approve a new Management Plan.

6 Cont'd

BACKGROUND (THE ISSUES)

20. Halswell Quarry Park was established in 1990 from the site of an early 20th Century industrial quarry.
21. A Management Plan was adopted in 1991 under the Local Government Act 1974 (now amended), and reviewed in 1998. The two major changes in direction over this time were the decision to incorporate a large area of farmland into the Park, and to introduce Sister City botanical collections of plants within the Park.
22. Early management plans were development focused, needing to convert the land from a working landscape to a recreational landscape. Twenty years on, the structure of the Park has matured and there is a need to change the management plan in order to reflect the future management of the Park.
23. Despite the Sister City Garden Park became part of the Halswell Quarry Park Management Plan when it was reviewed in 1998, the Plan did not provide for or contemplate the types of structures proposed in plans put forward by Sister City Committees.
24. The new management plan, produced using the Christchurch City Council's new template for Reserve Management Plans, will guide use, management and development of the park for the foreseeable future.
25. Although the Draft Management Plan has been prepared under the Local Government Act 2002, the review process will proceed in accordance with the procedures outlined in Section 41(6) of the Reserves Act 1977.

THE OBJECTIVES

26. To review the Halswell Quarry Park Management Plan.

THE OPTIONS

27. The Council continues to carry out the management plan review as per the staff recommendation, leading to a further report in due course that will recommend Council adoption of a final reviewed management plan.
28. Alternatively, the Council can abandon the review process and continue to manage the park according to the 1998 management plan.
29. No other option has been considered, because of the desire to comply with the requirements of the Reserves Act 1977. While the Council intends to prepare omnibus management plans for certain categories of reserves such as sports parks in due course, these would not be able to give comprehensive management guidance for reserves such as Halswell Quarry Park, which is a regional park with metropolitan significance. When they are prepared, however, it will be possible to use the 'continuous review' process set down in the Reserves Act to add links between them and the Halswell Quarry Park management plan.

THE PREFERRED OPTION

30. The Council continues to carry out the management plan review as per the staff recommendation, leading to a further report in due course that will recommend Council adoption of a final reviewed management plan.

6 Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option

31. The Council continues to carry out the management plan review as per the staff recommendation, leading to a further report in due course that will recommend Council adoption of a final reviewed management plan.

	Benefits (current and future)	Costs (current and future)
Social	Provides for community involvement in management of the reserve, for which the initial consultation has established a community expectation.	None
Cultural	Guides management of cultural values of the reserve.	None.
Environmental	Guides management of environmental values of the reserve (including waterways).	None
Economic	Provides direction for future expenditure in the reserve.	Printing and advertising costs. Staff time. May raise expectations of future capital and operating expenditure.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome: 'A well governed city' Also contributes to 'A city for recreation fun and creativity' and 'a city of people who value and protect the natural environment'</p> <p>Impact on Council's capacity and responsibilities: Management planning leads to better and more consistent decision making, and includes community involvement.</p> <p>Effects on Maori: Input will be invited from the local rununga through Mahaanui Kurataiao Ltd.</p> <p>Consistency with existing Council policies: Management plan review required by the Reserves Act 1977.</p> <p>Views and preferences of persons affected or likely to have an interest: Community input will be sought in developing the draft management plan.</p> <p>Other relevant matters:</p>		

6 Cont'd

Maintain the Status Quo (if not preferred option)

32. The Council can abandon the review process and continue to manage the park according to the 1982 management plan.

	Benefits (current and future)	Costs (current and future)
Social	None	No community input into future management of the reserve
Cultural	None	Existing management plan has limited relevance to current and future use of the reserve
Environmental	None	Existing management plan has limited relevance to current and future use of the reserve
Economic	Savings in consultation and printing costs.	Potential for future inefficient ad hoc expenditure.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome: Does not contribute to achieving any community outcomes.</p> <p>Impact on Council's capacity and responsibilities: No guidance for future expenditure in the reserve.</p> <p>Effects on Maori: No opportunity for Maori input into management of the reserve.</p> <p>Consistency with existing Council policies: Inconsistent with Reserves Act 1977.</p> <p>Views and preferences of persons affected or likely to have an interest: No opportunity for community input.</p> <p>Other relevant matters:</p>		

At Least one Other Option (or an explanation of why another option has not been considered)

33. A third option was not considered following legal advice from Council's Solicitor that the current Halswell Quarry Park Management Plan was somewhat vague concerning the policy to classify the park and doing so under the Reserves Act was not explicit. If the Council did proceed in this manner the timeline would be longer to first advertise the Council's intent to classify the park under the Reserves Act and then hear objections. Only after this process had been completed could the review of the management plan proceed.

7. NEW CODE OF CONDUCT

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

PURPOSE OF REPORT

1. The purpose of this report is to report on the outcome of discussions with the Community Boards following a Council resolution at its meeting on 24 July 2008.
2. At its 24 July 2008 meeting the Council considered a revised Code of Conduct following a report from the Office of the Auditor General on the Codes Adopted by Local Authorities in New Zealand. The revised Codes had been discussed at a workshop with Councillors on 15 May 2008.
3. At the July meeting the Council:
 - (a) *Resolved to adopt the new Code of Conduct in the form presented to the Council at the July meeting.*
 - (b) *Agreed that its Ethics Subcommittee (including the Convenor) could be used by Community Boards where a breach of the code is alleged in respect of two community board members.*
 - (c) *Where the Ethics Subcommittee procedure is to be used by a Community Board, consideration of the membership of the Subcommittee is to be deferred until the Chairpersons consider the matter.*
4. Since that July meeting the revised Code has been considered by the Community Board Chairpersons and by each of the Community Boards. All Boards have agreed to adopt the revised Code of Conduct, tailored to reflect use by the Community Boards.
5. Regarding the issue of the Ethics Subcommittee, each of the Boards has also agreed to utilise the Council's Ethics Subcommittee but as provided for in the Code of the Boards' membership of the Subcommittee, will be tailored to comprise the convenor and Community Board members. If the issue is related to only one Board then the membership would comprise members of that Community Board (other than those involved in the alleged breach) and if the issues was to involve one or more Boards then the membership of the Committee would be tailored accordingly.
6. The General Manager Regulation and Democracy Services, has advised each of the Boards that the membership of the Subcommittee could only be finalised once the particular circumstances that gave rise to the alleged breach where known.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve the Council members of the Ethics Subcommittee.
- (b) Note that the Community Boards have adopted the revised Code of Conduct.
- (c) Note that the Community Boards have considered the Ethics Subcommittee procedure.
- (d) Note that the membership of the Ethics Subcommittee, when applied to Community Boards, be considered on the particular occasion that an alleged breach arises.

8. TRANSFER OF BUILDING CONTROL FUNCTIONS FROM THE CHATHAM ISLANDS COUNCIL TO THE CHRISTCHURCH CITY COUNCIL

General Manager responsible:	General Manager Regulation and Democracy Service, DDI 941-8462
Officer responsible:	Peter Mitchell
Author:	Peter Mitchell

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to accept a transfer by the Chatham Islands Council of its building control functions that require accreditation under the Building Act 2004 to this Council.

FINANCIAL IMPLICATIONS

2. All costs will be recovered through the building consent process with no direct cost to the Christchurch City ratepayers.

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

3. Not applicable.

LEGAL CONSIDERATIONS

4. Sections 233-236 of the Building Act 2004 empowers the Council to consider accepting a transfer of the building control function.

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

5. Yes - see below.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

6. This proposed transfer, because of its nature, is not contemplated in the LTCCP or 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. Not applicable.

Do the recommendations align with the Council's strategies?

9. Not applicable.

CONSULTATION FULFILMENT

10. This proposed transfer is not significant for this Council due to the small number of Chatham Islands consents that may be processed.

8 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Agree to the transfer, under section 233 of the Building Act 2004, by the Chatham Islands Council of such building control functions, duties and powers, to be detailed in a transfer agreement, to the Christchurch City Council.
- (b) Authorise the General Manager Regulation and Democracy Services to negotiate and sign:
 - (i) a transfer agreement, with the Chatham Islands Council, and identify in detail the exact type of functions, duties and powers to be transferred under the agreement; and
 - (ii) any other agreement with the Chatham Islands Council to give practical effect to the transfer agreement.
- (c) Note that due to the very small number of consents granted by the Chatham Islands Council, in comparison to the number of consents granted by the Christchurch City Council that, there is no need for any specific consultation by this Council on this matter.
- (d) Agree that the transfer is desirable on the ground of efficiency in accordance with section 234 of the Building Act.

8 Cont'd

BACKGROUND

11. This Council has been approached jointly by the Department of Building and Housing and the Chatham Islands Council, with a request that this Council accept a transfer of the functions, duties and powers of the Chatham Islands Council that require accreditation under the Building Act 2004 to this Council.

STATUTORY POWER OF TRANSFER

12. The Building Act 2004 expressly provides for a transfer of functions and powers between one territorial authority and another.
13. In particular Section 233 provides:

Transfer of functions, duties, or powers of territorial authority

- *A territorial authority may transfer 1 or more of its functions, duties, or powers under this Act to another territorial authority, except the power of transfer conferred by this section.*

Section 234 provides:

Procedure for transfer

- *If a territorial authority proposes to transfer any of its functions, duties, or powers under section 233, the territorial authority must—*
 - (a) use the special consultative procedure in section 83 of the Local Government Act 2002; and*
 - (b) serve notice on the Minister of its proposal to transfer the function, duty, or power; and*
 - (c) agree with the other territorial authority to whom the function, duty, or power is to be transferred that the transfer is desirable on either or both of the following grounds:*
 - (i) efficiency;*
 - (ii) technical or special capability, or expertise.*
14. It will be noted from section 234 that the Chatham Islands Council is required to carry out a special consultative procedure before this transfer can take effect. There is no similar requirement on the Christchurch City Council and a resolution by this Council agreeing to the transfer would be sufficient.

Discussion

15. Regarding the reference in section 234 with regards to the requirements of efficiency and technical special capability or expertise the Department of Building and Housing has advised this Council that due to the very low number of building consents issued annually by the Chatham Islands Council (approximately 20-30 consents per calendar year) it would not be efficient for the Chatham Islands Council to go through the Building Act accreditation process that a territorial authority is otherwise required to do under the Building Act. The annual cost of maintaining that accreditation would exceed the revenue that the Chatham Islands Council would receive from building consent fees in any one year.
16. There is a requirement for the Chatham Islands Council and this Council (in section 235) to enter into an agreement in respect to the transfer, and agree on the terms and conditions of that transfer. If this Council was to agree to this transfer being made then it is recommended that the General Manager Regulation and Democracy Services be authorised to finalise the terms and conditions of the transfer to his satisfaction.
17. In preliminary discussions with the Chief Executive Officer of the Chatham Islands Council it is proposed that the agreement be on an ongoing basis, with the ability of either party to terminate the agreement upon six months notice in writing.

8 Cont'd

18. There will need to be negotiations on a number of detailed points and for practical purposes there will also be a need, in addition to an agreement to transfer certain powers of the Chatham Island Council to the Christchurch City Council, for this Council to contract back to the Chatham Islands Council some detailed operational aspects. Examples of these operational aspects would be for the Chatham Island Council to manage the physical receipt of building consent applications, the provision of Project Information Memorandum (PIM) and the detailed information held by Chatham Island Council that would go into the production of those memorandum and also the management of any enquiries that might arise during the building consent process. This contracting back is permitted by the Building Act.
19. Section 236 makes it clear that the legal liability for the granting of Chatham Islands building consents remains with this Council and that cannot be contracted out of. In other words in granting these consents this Council will step into the shoes of the Chatham Islands Council for liability purposes. This Council does not act on behalf of the Chatham Islands Council - it acts in the same way legally as it does when it grants building consents in Christchurch City. So this Council is wholly responsible at law for any liability arising through the negligent exercise by this Council of the functions, duties and powers that are transferred to it.
20. However this Council is entitled, in the transfer agreement with the Chatham Islands Council, to seek an indemnity from that Council for any liability that might arise from this Council carrying out building consent functions under the transfer agreement, including the payment of an excess on any such insurance claims and the process costs. The Council insurers, Risk Pool, insure both the Chatham Islands Council and this Council and this type of sharing arrangement is supported by Risk Pool. Preliminary discussions with Risk Pool to date indicate that they do not see any difficulty, nor any increase in premium for this Council with regards to this transfer agreement.
21. The cost to this Council of processing Chatham Island building consents, and also building inspections where City Council involvement is necessary, would be at the cost of the Chatham Islands' applicant. The Chatham Island Council has a part-time building inspector who inspects most of the structures that are erected each year which are typically kitset homes. Where there is work that is more complex than those types of homes, such as additions to commercial buildings, then there would be the need for an inspector from Christchurch to go to the Chatham Islands to physically inspect the work. The costs of that inspection would be a cost for the applicant. It is proposed that there be no direct cost to the Christchurch City ratepayers as a result of this transfer agreement.
22. The addition of this work is not seen as having any impact on the capacity of the Christchurch City Council to process building consent applications for Christchurch City residents. This Council processed 6,984 consents in 2008 and here it is proposed that an additional 20-30 applications per annum are added to that number.

9. COUNCIL RESPONSE TO THE PRELIMINARY FINDINGS AND RECOMMENDATIONS OF THE WILDLIFE PROTECTION REVIEW WITH REGARD TO CANADA GOOSE

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport & Greenspace Manager
Authors:	Derek Roozen, Kay Holder and Andrew Crossland

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval of a response (**attached**) to the Department of Conservation on the Department's report "Review of Level of Protection for Some New Zealand Wildlife – Preliminary Findings and Recommendations on Canada goose" ("the report").

EXECUTIVE SUMMARY

2. The Department of Conservation ("the Department") is reviewing the status of Canada goose under the Wildlife Act 1953 ("the Act"). The Department has prepared recommendations for approval by the Minister of Conservation. They are seeking the views of the Council and other key stakeholders prior to the Minister making his decision.
3. Canada goose is currently listed in Schedule 1 of the Act. This means the species is managed as a game species by Fish and Game New Zealand and is protected, except to holders of game licences. Fish and Game undertake their management role pursuant to the South Island Canada Goose Management Plan. This plan requires Fish and Game to manage the Canada goose population primarily in the interests of recreational hunters.
4. The population of Canada goose has been increasing for many years and exceeds the maximum thresholds set by the plan. The adverse effects have grown with the population. The effects include damage and soiling of urban parks, crop damage in rural areas, reduced water quality and significantly increased risk of aircraft bird strike.
5. Past attempts to control numbers have been controversial and have not resulted in lasting reductions. Objections have been raised by both hunters and those wishing to prevent harm to Canada geese. The increasing adverse effects, however, have led to calls for greater control; hence the current review.
6. Council decisions are sought on three components of future management of Canada goose. The first is to determine in which schedule of the Act they should be listed (and hence who is able to undertake management and for what purpose); second, whether or not the Council wishes to be the lead agency for Canada goose management within the Christchurch urban area, and; third, whether or not legislative reform is required to provide better future Canada goose management and accountability.
7. The relevant schedules of the Act are:
 - Schedule 1: Status quo, with management as a game species by Fish and Game.
 - Schedule 3: Allows for management by another agency, subject to approval by the Minister of Conservation. This would allow for management based on a wider set of objectives than management as a recreational game species.
 - Schedule 5: Canada goose would no longer be protected and could be controlled by any individual or agency.
8. Schedule 1 (the status quo) is resulting in increasing population and adverse effects. The Council has previously recommended Schedule 5, which would allow the Council or others to undertake Canada goose management to reduce adverse effects. Subsequent information has, however, suggested that this option may not be effective as the geese are intelligent and mobile, and uncontrolled hunting is likely to result in shifting the population and the birds learning how to avoid control measures. Schedule 3 is now recommended as it retains sufficient powers for effective management, but allows for a wider set of objectives to be met in addressing adverse effects.

9 Cont'd

9. It is also recommended that the area subject to Schedule 3 be greater in coverage than just the Christchurch urban area to allow more effective control, particularly for managing air safety (birdstrike risk). This is due to there being significant goose habitat relatively close to Christchurch, but outside the City boundary.
10. Options for Council participation (and funding) of Canada goose management methods are:
 - Option 1: Council indicates its interest in working with other parties to ensure effective Canada goose management, but not taking the responsibility of the lead agency.

or

 - Option 2: Council indicates that it is prepared (subject to any required consultation) to accept responsibility as the management agency for Canada goose within the Christchurch urban area.

or

 - Option 3: Council indicates that it does not wish to have involvement in the management of Canada goose.
11. The first option is recommended. To implement this option it is proposed that discussion be held with Environment Canterbury (which already has extensive pest species management operations for a variety of bird, animal, insect and plant species), Christchurch International Airport Limited (CIAL) and other potentially interested parties.
12. The review report by the Department of Conservation highlights the limitations of the Wildlife Act, with respect to Fish and Game needing to take account of wider community objectives and being held to account where management plan objectives are not met. It is recommended that the Minister consider legislation changes to address these issues.
13. A legal opinion concludes that there is only a low risk of liability to the Council, if it took on the management of Canada goose in the Christchurch urban area, provided it carries out appropriate practices.
14. There is currently no financial provision for Council to take on the role of lead agency for Canada goose management. If this was the preferred direction, a detailed costing would be required and it is likely to require further public consultation.
15. CIAL has shown support for moving Canada goose from Schedule 1 to Schedule 3, and for Environment Canterbury to take the lead role in Canada goose management.
16. Staff reported to the Council's Submissions Panel at its meeting on 27 February 2009. The Submissions Panel resolved to recommend the Council respond to the Department of Conservation to (a) express support for Canada goose to be listed on Schedule 3 of the Wildlife Act 1953, (b) suggest Environment Canterbury be the lead management agency for a proposed area that includes the Christchurch urban area, Banks Peninsula, and part or all of the Selwyn and Waimakariri Districts, and (c) suggest legislative changes to support more effective Canada goose management within areas covered by Schedule 1.
17. A proposed response to the Department of Conservation is **attached**.

9 Cont'd

PUBLIC CONSULTATION

18. In its review report, the Department of Conservation advises that Canada goose attracted the greatest number of public submissions. Fish and game councils, hunting organisations and supporting individual submitters want the game status of the species to remain unchanged. They see Canada goose as a national recreational asset and consider that game management has controlled Canada geese effectively in most parts of the country. Farming, aviation, horticultural and regional council submitters generally see Canada geese as having unacceptable impacts on landowners, and most of these submitters favour a change of status of the species to enable more landowner control.
19. No consultation has been done directly with the Christchurch public by the Council on this issue.

SUBMISSIONS PANEL RECOMMENDATION

The Submissions Panel recommends that the Council responds to the Department of Conservation that the Council:

- (a) Supports Canada goose being listed on Schedule 3 of the Wildlife Act 1953.
- (b) Agrees to consider to be a member of a Canada Goose Management Group administering the management of Canada geese, but to not be the lead management agency.
- (c) Suggests that Environment Canterbury be the lead management agency for an area covered by a Canada Goose Management Group as it is best positioned to manage effectively an area across several territorial jurisdictions, and that the Council be able to recover any extra costs, over and above the Council's current level of expenditure, resulting from Canada goose management from the lead management agency.
- (d) Proposes for the area to be covered by a Canada Goose Management Group to include the Christchurch urban area, Banks Peninsula, and part or all of the Selwyn and Waimakariri Districts.
- (e) Supports legislative change to enable the Minister of Conservation to be fully informed on whether or not ongoing management of Schedule 1 species is meeting the needs of non-hunting sectors of the community, and have the power to ensure that the management of Schedule 1 species does meet these needs.

9 Cont'd

BACKGROUND

20. At its meeting on 8 February 2007, the Council approved a submission to the Department of Conservation on the Department's review of the level of protection afforded to some species of New Zealand wildlife under the Wildlife Act 1953 ("the Act"). The Council's submission referred to a number of specific wildlife species in relation to the Act. One of these was Canada goose. The Council's view was that the status quo management of Canada goose is not working and it indicated in its submission its preference for Canada goose to be moved from Schedule 1 of the Act (game species) to Schedule 5 (unprotected species).
21. Canada goose was introduced to New Zealand from North America in 1905 to provide a hunting resource, and this species is now well established in the South Island, particularly in eastern areas from Marlborough to Otago. Key sites for Canada geese to congregate at during the moulting season (from December to January) are, in the case of the Christchurch urban area, the Avon-Heathcote Estuary (in particular, the Bromley oxidation ponds area). Key sites for juvenile and older Canada geese for the whole of the eastern South Island are Lake Ellesmere/Te Waihora and Lake Forsyth/Te Wairewa (breeding Canada geese tend to moult in more remote parts of the South Island with the young they are raising). Outside the moulting period, Canada geese return to their preferred living and feeding areas for the rest of the year. The Avon-Heathcote Estuary area is also popular for Canada geese outside the moulting period.
22. On 8 January 2009, the Department of Conservation forwarded to Council staff its report on the preliminary findings and recommendations of the wildlife protection review in regards to Canada goose. This includes the recommendation of moving Canada goose from Schedule 1 to Schedule 3 (species that can be hunted or killed, subject to conditions specified by the Minister of Conservation) of the Wildlife Act for parts of the North Canterbury Fish and Game Region to allow Canada geese to be managed in ways that balance the objectives of all community sectors, including the management of urban parks, ensuring aviation safety and allowing recreational hunting of Canada geese to continue to be feasible.
23. The Department advises that, before Canada goose can be managed under Schedule 3, there needs to be an organisation or group of interests, with the capability and funding to undertake goose control, willing to manage geese to a balance of objectives, including the ones referred to in paragraph 22 above, in the area where a Schedule 3 listing is proposed. The Department says that if no organisation or group of interests is willing and able to do this, then the option of listing Canada geese on Schedule 3 will not be viable. It asks if the Christchurch City Council is willing to become the management agency for Canada geese in the Christchurch metropolitan area (broadly defined by the Department as those parts of Christchurch City within the area bounded by Waimairi Beach, Belfast, Christchurch International Airport, Islington, Halswell, Lyttelton and Taylors Mistake, and inclusive of those areas), perhaps in conjunction with Christchurch International Airport Limited (CIAL).
24. The Department notes that the review it has undertaken has found that Canada goose control is required in North Canterbury (and the Christchurch metropolitan area, in particular) to reduce risks to aviation safety and impacts on urban parks and sports grounds, and that the required management options would reduce Canada goose hunting opportunities. It points out the reasons why the following organisations are not in a position to take up the required management role. These are, firstly, that Fish and Game Councils have a statutory obligation to maximise hunting opportunities; secondly, that the Minister and Department of Conservation currently have no power to direct that aviation safety or urban park management take priority in Canada goose management.
25. Further to noting the limitations of the Department of Conservation in setting, and Fish and Game in meeting, objectives that can be met in Canada goose management in those areas where Canada goose is listed in Schedule 1, the review report notes that there are legislative impediments to the Minister of Conservation, firstly, being fully informed on whether or not ongoing management of Schedule 1 species is meeting the needs of non-hunting sectors of the community and, secondly, being able to ensure that the management does meet these needs.

9 Cont'd

26. The review report considers the option of moving Canada goose to Schedule 5 and determines that this would not provide for the overarching management oversight necessary for efficient Canada goose control. Furthermore, the option of regional councils including Canada goose as a pest in regional pest management strategies is discounted in the report on the grounds that this would first require a statutory public notification process, which would result in unwanted delay to the time Canada goose would become part of an operational pest management strategy.
27. In addition, the Department of Conservation makes the preliminary recommendation to the Minister of Conservation that Canada goose be moved from Schedule 1 to Schedule 3 for Lake Ellesmere/Te Waihora and Lake Forsyth/Te Wairewa, and the land areas within two kilometres of the shores of these lakes, and remain listed in Schedule 1 for the remainder of the North Canterbury Fish and Game Region (except metropolitan Christchurch). The rationale for this is to allow landowners affected by Canada geese to undertake cost-effective operations to reduce the regional Canada goose population when required (it will require, though, for these landowners to have the capability and funding to undertake Canada goose control, and be willing to manage Canada geese to a balance of objectives, as referred to in paragraph 22 of this report). For the parts of the region where Canada goose remains listed on Schedule 1, the North Canterbury Fish and Game Council will continue to have statutory responsibility for managing Canada geese.
28. With Canada goose listed in Schedule 1, Fish and Game New Zealand manages this species as game pursuant to Section 4 of the Wildlife Act 1953. Under Section 15 of the Act, Fish and Game can declare an open hunting season for game, including Canada goose, according to national and regional regulations, which are reviewed, approved by the Minister of Conservation and a notice published in the New Zealand Gazette annually. In the event Canada goose is listed in Schedule 3, for those areas covered by this listing, Section 6 of the Act applies. This Section specifies that Canada goose is wildlife that may be hunted or killed, subject to the Minister's notification. Under this section, the Minister may, by notification, declare that Canada goose may be hunted, killed or possessed, subject to conditions (subsection (1)), and prescribe other conditions, including who may do so, the numbers of Canada geese involved, where in New Zealand, when, and by which methods (subsection (2)).

NORTH CANTERBURY CONTEXT

29. The 2006 Canada goose population count for the North Canterbury Fish and Game Region was 17,509. This exceeds the South Island Canada Goose Management Plan threshold levels for the region of a maximum of 10,500 (1995 plan) and a range of 12,250 to 17,200 (2000 draft plan) (source: Page 35, Review of Level of Protection for Some New Zealand Wildlife – Technical Analysis on Canada goose. Department of Conservation. 31 July 2008). For the same year, Christchurch City Council Park Ranger staff counted in the city environs an average of around 2,800 Canada geese (from ten countings throughout the year) (source: Christchurch Large Waterfowl Counts. Unpublished Christchurch City Council report. Updated January 2009).
30. Table 1 shows game bird complaints made to the North Canterbury Fish and Game Council from 2001 to 2007. The total number of complaints is about average compared with fish and game regions around the country, but more than half (53 per cent) of these are complaints about Canada geese. There are more than three times as many complaints about Canada geese than for any other game species (source: Page 84, Review of Level of Protection for Some New Zealand Wildlife – Technical Analysis on Canada goose. Department of Conservation. 31 July 2008).

9 Cont'd

Table 1 North Canterbury Fish and Game Region Game Bird Complaints 2001–2007

	2001	2002	2003	2004	2005	2006	2007	Total
Canada goose	8	5	9	36	12	23	12	105
Paradise shelduck	4	0	1	0	0	4	7	16
Mallard duck	5	1	3	3	3	0	3	18
Black swan	1	8	9	0	2	3	7	30
Pukeko	9	4	5	8	0	2	1	29
Pheasant	0	0	1	0	0	0	0	1
Total	27	18	28	47	17	32	30	199

31. As Canada goose management is a matter Fish and Game New Zealand is responsible for, with all complaints to the Christchurch City Council of Canada geese causing problems on private land being referred to Fish and Game, no records are kept of RFSs (Requests For Service) received on Canada goose.
32. In the North Canterbury Fish and Game Region, submissions from Christchurch International Airport, Christchurch City Council, Environment Canterbury and Federated Farmers advise that the current impacts from Canada geese are unacceptable from their perspective and numbers need to be reduced (source: Page 17, Review of Level of Protection for Some New Zealand Wildlife – Preliminary Findings and Recommendations on Canada goose. Department of Conservation. 12 September 2008).
33. Since the North Canterbury Fish and Game Council is the statutory decision-maker for management decisions on game species, the Christchurch City Council and CIAL are unable to undertake goose management in ways that minimise urban impacts and risks to aviation safety. The North Canterbury Fish and Game Council is unwilling to accept the Canada goose management proposed by the Christchurch City Council, on the grounds that this would reduce recreational hunting opportunities (from the same source as paragraph 32).
34. The Canada geese that affect the Christchurch urban and International Airport areas spend time in places mainly outside these areas. Paragraph 21 of this report refers to the places Canada geese frequent.

ASSESSMENT OF OPTIONS

35. The Department of Conservation's preliminary finding and recommendation to move the listing of Canada goose from Schedule 1 to Schedule 3 of the Wildlife Act for the Christchurch metropolitan area (see paragraph 23 of this report for the Department's definition of this), and for Lake Ellesmere/Te Waihora and Lake Forsyth/Te Wairewa and the lakes' surrounds, and its suggestion that the Christchurch City Council take on the role for Canada goose control in the metropolitan area, is at variance to the position the Council presented in its submission in 2007. This submission supported Canada goose being listed as an unprotected species in Schedule 5, indicated that the Council is reluctant to support hunting as the first and primary method of Canada goose control, and implied support for Environment Canterbury to declare the Canada goose to be a 'pest species' in the Canterbury Regional Pest Management Strategy 2005-2015.
36. Christchurch City Council staff have considered the current situation for Canada goose in Christchurch and the surrounding areas and, following initial discussions with staff of other agencies with an interest in the management of Canada goose in the North Canterbury Fish and Game Region, including CIAL and Environment Canterbury, conclude that a multi-agency integrated approach to Canada goose management will be most effective for the parts of the region of mutual interest. This is because Canada geese travel across the region, so they may impact on particular places and come from other places in the region. Managing Canada geese well in one place will be ineffective if they are not equally well managed in another.

9 Cont'd

37. Staff suggest there is merit in having discussions between agencies in the North Canterbury Fish and Game Region in and around the Christchurch District who have an interest in Canada goose management in the area, with the view to forming a Canada Goose Management Group to administer Canada goose management in that area. This will mean that, for this area, Canada goose is listed in Schedule 3 of the Wildlife Act. The members of this group could include Environment Canterbury, Christchurch City Council, CIAL, Federated Farmers, Selwyn District Council and the Waimakariri District Council. Environment Canterbury would be requested to take the lead role in Canada goose management for the area covered by the proposed group, as its role already includes pest species management and it has in place an operative pest management strategy and operational plan. There is the option of Environment Canterbury listing Canada goose as a pest species in this strategy.
38. Table 2 summarises options for the Christchurch City Council to consider for its reply to the Department of Conservation's request for the Council to take over Canada goose management in the Christchurch metropolitan area, and implications for taking each option.

Table 2

Option	Implications
<p>1. The Council acknowledges the need for Canada goose to be listed on Schedule 3 of the Wildlife Act 1953 for the Christchurch metropolitan area, but considers management of Canada goose in this area should primarily lie with Environment Canterbury, as the agency with a key pest species management role. The Christchurch City Council could be involved as a member of a Canada Goose Management Group of agencies with interest in Canada goose management. This proposed Group would address Canada goose management over an area that includes and surrounds the Christchurch metropolitan area, with Canada goose management led by Environment Canterbury.</p>	<ul style="list-style-type: none"> • This is about the Council acknowledging the appropriateness of a Schedule 3 listing of Canada goose for the Christchurch metropolitan area, but pointing out that, due to the fact Canada geese travel across, and use, a wider area, it is important to address the management of this species in an integrated and cooperative way over that wider area. Therefore, it is considered appropriate for a regional agency with an existing role in pest species management (Environment Canterbury) to take responsibility for Canada goose management in that wider area or, at least, lead a group of agencies dealing with this management. • A grouped, cooperative approach can mean a spread of the costs, risks and activities, with enhanced benefits (in terms of effectiveness, tactics and cost) from the economy of scale having multiple partners can provide. • This requires negotiation between, and agreement of, the relevant agencies to commit to a Canada Goose Management Group model for the longer term (including contributing to, and working cooperatively towards, achieving agreed balanced objectives for Canada goose management). • In addition, many of the implications listed for Option 2 below also apply to Option 1, but would be subject to agreement between the agencies involved.
<p>2. The Council accepts the offer to take responsibility for Canada goose management in the Christchurch metropolitan area, thereby enabling the Department of Conservation to move Canada goose to Schedule 3 of the Wildlife Act.</p>	<ul style="list-style-type: none"> • Taking over Canada goose management responsibility for the Christchurch metropolitan area is contrary to the position the Council took in its submission to the Wildlife Act review in 2007. Yet, Council staff, after consideration of the preliminary findings of the review, acknowledges the appropriateness of a Schedule 3 listing of Canada goose for the Christchurch metropolitan area. • Means Canada geese are being managed in one area only, though – a regional perspective and management approach would be more sensible, given the movement of this species.

Option	Implications
	<ul style="list-style-type: none"> • The Council is able to focus on Canada goose population management, and not have to give emphasis to the provision of recreational hunting opportunities. • The Council is able to meet the need for protection of the city's parks and waterways, and the needs of any partners, in directly managing the impacts of Canada geese in a manner that is appropriate, effective and sustainable. • It may be possible to concentrate Canada geese at certain sites, such as Travis Wetland, and reverse the recent trend of dispersal and colonisation of new sites, which has probably occurred due to shooting pressure at the estuary. With Canada geese concentrated at such sites, they are then not causing crop predation problems on private land or degrading turf/water environments elsewhere in the Christchurch metropolitan area. • Enables the utilisation of a wide range of effective control options. • Opens up possibilities for partnership models involving: <ul style="list-style-type: none"> ○ <i>Funders</i> (for example, CIAL, Federated Farmers). ○ <i>Land owners and occupiers</i> (for example, Christchurch City Council, lessees and private landowners). ○ <i>Control</i> (private contractors and exclusive-access private hunters). ○ <i>Monitoring</i> (Christchurch City Council rangers, CIAL and North Canterbury Fish and Game Council) • Better able to manage the negative impacts of control measures on other bird species (especially hunting disturbance), and reduces disturbance to the public. • Would need to risk manage for adverse publicity on Canada goose control undertaken. • The Council would need to meet the cost of Canada goose management in the Christchurch metropolitan area, and this is likely to be around \$15,000 annually. Currently, it does not budget directly for any Canada goose management. • The Council is taking over a role that should lie with Environment Canterbury instead, considering that this agency has a regional pest management strategy. Environment Canterbury has already targeted potential 'nuisance' birds (for example, Environment Canterbury staff shot a pair of Common Mynas at Lyttelton in 2004 before they could breed).
<p>3. The Council declines the opportunity to take any statutory responsibility for Canada goose control in the Christchurch metropolitan area, and accepts that Canada goose may then remain listed in Schedule 1 of the Wildlife Act.</p>	<ul style="list-style-type: none"> • Initially, at least, no direct costs of Canada goose control would be imposed on the Council. Indirect staff costs of monitoring would continue and the Council would need to budget for direct operational costs of future Canada goose control to address existing issues of Canada geese in the Christchurch metropolitan area (and need to seek permission from the North Canterbury Fish and Game Council to do so), if Canada goose remains listed on Schedule 1 of the Wildlife Act. • If Canada goose is shifted to Schedule 3, and an agency other than the Christchurch City Council takes over

Option	Implications
	<p>management responsibility for Canada geese in the Christchurch metropolitan area, that agency may seek to recover some of the costs of Canada goose control in the urban area from the Council.</p> <ul style="list-style-type: none"> In the event Canada goose remains listed on Schedule 1, the Council is reliant on the North Canterbury Fish and Game Council to manage the Canada goose population in the City and address the current issues with this species (increasing local populations and redistributions of Canada geese, resulting in the species becoming a nuisance by feeding on crops and pasture, fouling land and waterways, and occupying urban parkland and sports fields).

FINANCIAL CONSIDERATIONS

39. As the North Canterbury Fish and Game Council holds statutory responsibility for the management of Canada goose in its region, including in the Christchurch metropolitan area, the Christchurch City Council does not undertake, and therefore does not budget for, any Canada goose management. The Council has been monitoring Canada goose populations and movements within the city for more than 20 years (an average of 2,800 Canada geese in 2006 and 3,000 in 2008). Most of this has been done by Park Rangers, as part of their normal work programmes, and has not been separately budgeted for.
40. The potential financial implications for the Christchurch City Council are discussed for each of Options 1, 2 and 3 (see paragraph 38 and Table 2 in this report) in paragraphs 41, 42 and 43, respectively.
41. Option 1 (Canada goose is listed in Schedule 3, and managed by a group of agencies, with the lead management role undertaken by Environment Canterbury): Staff recommend that the Council supports Canada goose being listed on Schedule 3 of the Wildlife Act for an area greater than, and including, the Christchurch metropolitan area, and for those agencies with an interest in Canada goose management for that area being requested to form a Canada goose management group, with Environment Canterbury asked to take the lead role. Staff, following discussions proposed to be held between these agencies, can report back on the potential additional costs and obligations placed on the Council in the event the Council becomes a member of the proposed management group. The level of costs is subject to the discussions taking place and is not known at this time. This is not currently budgeted for in the Long-Term Council Community Plan. In this situation, the North Canterbury Fish and Game Council, unless it is a member of the proposed group, no longer has statutory responsibility for the management of Canada goose in the area and, therefore, is not subject to making a financial contribution.
42. Option 2 (Canada goose is listed in Schedule 3, and the Christchurch City Council has responsibility for the management of this species in the Christchurch metropolitan area): It is difficult to determine what the costs to the Christchurch City Council could be for Canada goose management in the Christchurch metropolitan area if Canada goose was listed on Schedule 3 of the Wildlife Act for this area, and the Council agreed to take on the role, but it could be around \$15,000 per annum. The work would include monitoring of Canada goose and, as necessary, control of the species in the Christchurch metropolitan area, with the Council employing appropriate methods. The Council would need to budget for taking control of this matter, which would include ongoing costs, including having staff (one or more Park Rangers) involved in this work. This is not currently budgeted for in the Long-Term Council Community Plan.
43. Option 3 (Canada goose remains listed in Schedule 1, and the North Canterbury Fish and Game Council retains statutory management responsibility for Canada goose): The North Canterbury Fish and Game Council needs to resource Canada goose management in its region (see paragraph 44 for expenditure nationwide). The Christchurch City Council's position on Canada goose management, as described in paragraph 39, stands. There is currently no budget in the Long-Term Council Community Plan for any Canada goose management work.

9 Cont'd

44. Christchurch International Airport Limited (CIAL) advises in its submission to the Wildlife Act review that it has spent \$50,000 over three years on Canada goose monitoring work and cull operations to reduce the hazard Canada geese pose to aircraft. This equates to 14.5 per cent of the amount spent nationwide by fish and game councils over the same period (around \$115,000 per year in direct costs (excluding the costs of staff time)) (source: Page 10, Review of Level of Protection for Some New Zealand Wildlife – Preliminary Findings and Recommendations on Canada goose. Department of Conservation. 12 September 2008). The level of CIAL's expenditure is probably high due to the use of aircraft in their operations.

LEGAL CONSIDERATIONS

45. On the matter of the legal implications and potential liability for the Christchurch City Council, with the Council agreeing to take over management of Canada goose in the Christchurch metropolitan area, legal advice has been provided by the Council's Legal Services Unit. This advice concludes that there is only a low risk of liability to the Council, when and if it takes over management of Canada goose in the Christchurch metropolitan area, provided it carries out appropriate practices.

10. HERITAGE GRANTS AND COVENANTS COMMITTEE REPORT TO COUNCIL

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

PURPOSE OF REPORT

1. The purpose of this report is to update the Council on Heritage Incentive Grants and Covenants approved by the Committee during the past six months.

EXECUTIVE SUMMARY

2. The **attached** report is to provide the Council with a summary of heritage grant approvals, grant payments and covenants, as required under the delegated authority of the Council, to the Heritage Grants and Covenant Committee as follows:

"The Committee be requested to report back to the Council twice a year, listing heritage grants which have been approved by the Subcommittee pursuant to its delegated powers within the preceding six months".

3. For the purposes of full reporting all grant approvals and covenants entered into and grant payments paid out during the period July-December 2008 have been included in the **attached** report.
4. Statements of heritage significance, which are provided to the Committee as part of their decision making process for each grant application, are **attached** for reference.

COMMITTEE RECOMMENDATION

That the Council receive the Heritage Incentive Grants and Covenants six monthly report for information.

26. 3. 2009

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**11. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 2 MARCH 2009**

Attached.

26. 3. 2009

- 29 -

12. NOTICES OF MOTION

13. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 26 MARCH 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 14, 15, 16 and 17.

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
14. CONFIRMATION OF MINUTES)		
15. CHRISTCHURCH CITY)		
16. NETWORKS LTD (CCNL) -)	GOOD REASON TO	SECTION 48(1)(a)
DIRECTOR APPOINTMENT)	WITHHOLD EXISTS	
17. ORION GROUP LIMITED:)	UNDER SECTION 7	
APPOINTMENT OF DIRECTOR)		
17. PROPOSED LAND ACQUISITION –)		
WILMERS ROAD PUMP STATION)		

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 14	Commercial Activities	(Section 7(2)(h))
Item 14	Conduct of Negotiations	(Section 7(2)(i))
Item 14	Maintain Legal Professional Privilege	(Section 7(2)(g))
Item 14	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 14	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 14	Right of Appeal Exists	(Section 48(2)(a)(i))
Item 14	Council to Make a Recommendation	(Section 48(1)(d))
Item 15	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 16	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 17	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.”