

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 28 MAY 2009

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL

Thursday 28 May 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 23.4.2009 AND 14.5.2009 |
| 3. | DEPUTATIONS BY APPOINTMENT |
| 4. | PRESENTATION OF PETITIONS |
| 5. | APPOINTMENT OF LOCAL CDEM CONTROLLERS AND RECOVERY MANAGERS |
| 6. | APPOINTMENT OF COUNCIL REPRESENTATIVE TO CANTERBURY SPORTS FOUNDATION |
| 7. | POLICY REGISTER REVIEW: RECOMMENDATIONS FOR REMOVAL BY REVOCATION OF SUPERSEDED OR OBSOLETE ITEMS |
| 8. | CIVIC BUILDING GROUP AMALGAMATION |
| 9. | URBAN DESIGN PANEL INTERIM REPORT |
| 10. | RICCARTON BUSH TRUST REPORT FOR THE 6 MONTHS TO DECEMBER 2008 |
| 11. | HEARING PANEL REPORT ON THE PROPOSED ALCOHOL RESTRICTIONS IN PUBLIC PLACES BYLAW 2009 |
| 12. | LYTTELTON HARBOUR WASTEWATER – FUTURE MANAGEMENT |
| 13. | REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 5 MAY 2009 <ol style="list-style-type: none">1. Progress Report on City Plan Programme 2008-20092. Planning Administration Monthly Report (September 2008 to March 2009)3. Parking Enforcement Issues Arising from the 2008 Review of the Traffic and Parking Bylaw |
| 14. | NOTICES OF MOTION |
| 15. | RESOLUTION TO EXCLUDE THE PUBLIC |

28. 5. 2009

- 3 -

1. APOLOGIES

Request for Leave of Absence

Councillor Ngaire Button: 6-16 July 2009.

2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 23.4.2009 AND 14.5.2009

Attached.

3. DEPUTATIONS BY APPOINTMENT

4. PRESENTATION OF PETITIONS

5. APPOINTMENT OF LOCAL CDEM CONTROLLERS AND RECOVERY MANAGERS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Manager, Civil Defence & Emergency Management
Author:	Murray Sinclair

PURPOSE OF REPORT

1. The purpose of this report is to seek delegated authority for the Chief Executive to appoint suitably trained and competent persons to key Civil Defence roles.

EXECUTIVE SUMMARY

2. The Canterbury Civil Defence Emergency Management Group, a joint standing committee of the Council, resolved that each member territorial authority be delegated authority to appoint suitably qualified and trained persons as Local Controllers. This paper seeks to delegate this responsibility to the Chief Executive and in addition, confirm that the Chief Executive should appoint the Recovery Manager.

FINANCIAL IMPLICATIONS

4. Nil.

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

5. As in next paragraph.

LEGAL CONSIDERATIONS

6. The Civil Defence Emergency Management Act 2002 provides for the appointment by Civil Defence Emergency Management Groups to appoint Local Controllers.
7. The Local Government Act 2007 provides for the Council to delegate powers to the Chief Executive, and/or staff, as if the person(s) to whom authority was delegated were the Council.

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

8. Yes, this matter was referred to Legal Services Unit for comment.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. 2006-2016 LTCCP, Volume 1, p102.

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

10. Yes.

ALIGNMENT WITH STRATEGIES

11. Yes.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. Not applicable.

5 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council delegate authority to the Chief Executive to appoint:

- (a) A suitably qualified and trained person as Local Controller and at least two such persons as Alternate Local Controllers.
- (b) A Recovery Manager and an alternate.

BACKGROUND (THE ISSUES)

- 14. The CDEM Act 2002 states that a CDEM Group may appoint one or more persons to be a Local Controller, and direct that person or persons to carry out any of the functions and duties of, or delegated to, that Group's Group Controller and to exercise the powers of Controllers in the area for which the Group Controller is appointed.
- 15. Prior to May 2008, the Canterbury CDEM Group Joint Committee delegated authority to each local authority to appoint Local CDEM Controller, subject to such appointments being ratified by the Joint Committee.
- 16. In May 2008, the Joint Committee resolved that each territorial authority member of the Canterbury CDEM Group be delegated authority to appoint suitably qualified and trained persons as Local Controllers, and to also be authorised to confirm all present appointments. This resolution removed the need for the Joint Committee to ratify the appointments made by the member Local Authorities.
- 17. The appointment of Local Controllers and Recovery Managers has been discussed by the Executive Team. The Executive Team recommended that Controllers and the Recovery Manager and be selected from within the Executive Team. Alternate Recovery Managers to be appointed from suitably qualified staff members. To expedite the process of appointing Controllers and Recovery Managers delegated authority is sought for Chief Executive to make such appointments. The Local Government Act allows for the Council to delegate such authority.
- 18. The powers of the Controller are set out in Sections 86 to 94 of the CDEM Act. These powers include:
 - 1. Evacuation of premises and places;
 - 2. Entry on premises;
 - 3. Closing roads and public places;
 - 4. Removal of aircraft, vessels, vehicles, etc;
 - 5. Requisitioning powers;
 - 6. Power to give directions;
 - 7. Power to carry out inspections etc.
- 19. The role of the Controller is to direct and coordinate the use of personnel, materials, information, services, and other available resources. The CDEM Act has provision for a Controller to authorise any suitably qualified and experienced person to exercise any power or function of the Controller, including the delegating powers mentioned above.
- 20. The powers of the CDEM Act only apply when a 'state of emergency' has been declared. Recovery Managers are not afforded any powers under the CDEM Act as the recovery phase generally occurs after the 'state of emergency' has been terminated.

6. APPOINTMENT OF COUNCIL REPRESENTATIVE TO CANTERBURY SPORTS FOUNDATION

General Manager responsible:	General Manager Regulation and 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 seek approval from the Council for the appointment of Councillor Mike Wall as the Council representative on the Canterbury Sports Foundation, as required by its trust deed.

EXECUTIVE SUMMARY

2. Currently Councillor Barry Corbett is the Council's representative on the Foundation, appointed in December 1998. Councillor Mike Wall has expressed an interest in being the next Council representative, to which Councillor Corbett has agreed, and at the Canterbury Sports Foundation's Annual General Meeting on Tuesday 21 April 2009 Councillor Wall was appointed to the Foundation. The Council is now required to formally approve this appointment.

FINANCIAL IMPLICATIONS

3. There are no direct financial implications. No meeting fees or allowances are paid to members of the Canterbury Sports Foundation.

LEGAL CONSIDERATIONS

4. The Trust Deed for the Canterbury Sports Foundation requires the Council to appoint one Councillor to the trust.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

5. Page 111 of the LTCCP, levels of support under democracy and governance.

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

6. As above.

ALIGNMENT WITH STRATEGIES

7. Not applicable.

Do the recommendations align with the Council's strategies?

8. Not applicable.

CONSULTATION FULFILMENT

9. Not required.

STAFF RECOMMENDATION

It is recommended that the Council approve the appointment of Councillor Mike Wall as its representative on the Canterbury Sports Foundation.

7. POLICY REGISTER REVIEW: RECOMMENDATIONS FOR REMOVAL BY REVOCATION OF SUPERSEDED OR OBSOLETE ITEMS

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Strategy and Planning Manager
Author:	Adair Bruorton, Policy Analyst, Strategy and Planning

PURPOSE OF REPORT

1. The purpose of this report is to recommend the removal by revocation of 25 items (listed in Appendix A¹), that have been included in the Council's Policy Register. These items that either have been superseded, incorporated in other documents or are obsolete and therefore require revocation. It is the concluding step in the review of the Policy Register, last addressed by the Council in May 2007, when recommended 'first cut' removals by revocation were adopted.

EXECUTIVE SUMMARY

2. This report recommends the removal by revocation of a further list of items that are superseded or obsolete. The recommendations are solely an administrative "tidying" process and do not indicate any change in current Council policy or practice.
3. The review of the Christchurch City Council's Policy Register has been ongoing since early 2005. It has been agreed by the Council that the Register should contain only formal Council policy statements that advise the Council in decision-making and are available to the public.
4. Several Council seminars on the topic during 2005 and 2006 clarified Council understanding of the need to review the Register and the criteria for future content of a revised Register. At the Council meeting of 17 May 2007, an initial 'first cut' list of 36 items were removed by revocation from the Policy Register.

FINANCIAL IMPLICATIONS

5. There are no direct financial implications, as this project is an administrative review task.

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

6. Covered by existing unit budgets.

LEGAL CONSIDERATIONS

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

7. A consistent theme in the Local Government Act 2002 (LGA) is that local authorities are to carry out their duties and make decisions in a transparent manner. In addition, the Local Government Official Information and Meetings Act 1987 (LGOIMA) provides that any person has a right to be given access to any document which contains policy, principles, rules or guidelines in accordance with which decisions or recommendations are made by the Council (s21(1)). Although this does not necessarily mean the Council has to keep a Policy Register, administratively it is appropriate to do so for the purposes of s21 of the LGOIMA. It could be argued that the current state of the Policy Register, or rather the policies within the Register, fails to comply with these requirements. In accordance with these legislative provisions, it is in the public interest that the content of the Policy Register is clear, up-to-date and relevant. This will allow consistent understanding of current policies both internally, and externally of the Council.

¹ Appendix B is a full text version of Appendix A's summary list.

7 Cont'd

8. Understanding of current policies internally is particularly important in terms of s80 of the LGA, which requires that:
- “if a decision of a local authority is significantly inconsistent with ... any policy adopted by the local authority ... the local authority must, when making the decision, clearly identify-*
- (a) the inconsistency; and*
 - (b) the reasons for the inconsistency; and*
 - (c) any intention of the local authority to amend the policy or plan to accommodate the decision.”*
9. If the Council has outdated policies, then it may often make decisions that are inconsistent with those policies, but in doing so, it should still comply with s80 each time. In fact, s80(c) contemplates that the first time such an inconsistent decision is made will be the time when the Council identifies that an out-of-date policy should be revoked or amended. Inconsistency may also arise when a new policy or other Council document has implications for an existing policy, without the older document being revoked. Although the Council may depart from the policies when undertaking decision-making processes, it must do so in accordance with s80.
10. The removal and revocation of items from the Policy Register is therefore important in order to comply with the LGA, the LGOIMA (s21) and to make it easier for the Council and staff to identify when a decision is being made that is inconsistent with a policy.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. One of the city's Community Outcomes, as published in the 2006-16 LTCCP (pg 55), is *A Well-Governed City*. The LTCCP identifies that progress made towards achieving this Community Outcome will be measured using *Confidence in Council decision-making* as an indicator. Having an up-to-date, relevant and manageable policy register in place as a tool for effective and clear decision-making will contribute to the public's confidence in Council decision-making.
12. One of the Council's Strategic Directions, as documented in the LTCCP (pg 59), is *Strong Communities*, goal 3 of which is *promote participation in democratic processes*. The LTCCP identifies that this will be achieved by *making it easy for people to understand and take part in Council decision-making*, as well as *providing readily available and easily understood information about Council services and structures*. Reviewing the Policy Register closely aligns with both objectives. It may indirectly also address the key challenge of *decreasing civic engagement*, as outlined in the LTCCP (pg 60).
13. Reviewing the Policy Register also aligns with the Council activity *Democracy and Governance*, in that one of the ways the Council contributes to the Community Outcome *Governance* is by *making decisions that respond to or plan for current and future community needs* (pg 111). A clearer and more manageable Policy Register, with up-to-date and relevant items, will contribute to Council making clear and transparent decisions that respond to community needs.
14. The Council's decision-making process, under the activity of *Democracy and Governance*, is also cited in the LTCCP as a driver that supports the Council's objective to *develop strategies and policies which set the direction and work for the future of Christchurch* (pg 112). Reviewing the Policy Register to make it clearer and more manageable will ultimately enhance the decision-making process.

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

15. As above.

ALIGNMENT WITH STRATEGIES

16. Not applicable.

7 Cont'd

Do the recommendations align with the Council's strategies?

17. Not applicable.

CONSULTATION FULFILMENT

18. The Policy Register has no legal standing as such. It is a publication put together for administrative convenience. Revoking and removing any items that are superseded or obsolete therefore requires no external consultation. It is an internal, administrative task. In fact, it is in the public interest that irrelevant and superseded items be removed. This would then comply with the consistent theme of transparency set out in the LGA, as well as provision to make available policies with which councils make decisions as outlined in the LGOIMA (s21).
19. Section 78 of the LGA requires the Council to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter. However, section 79 of the LGA gives local authorities discretion as to what extent it goes to achieve this compliance. In relation to revoking the Council's obsolete policies it is considered an insignificant matter and a low level of compliance suffices, so there is no need to consult. As noted above, it is likely that the community view, and public interest, would be supportive of the Council removing irrelevant and superseded policies from its Policy Register.
20. Initial feedback was sought from General Managers and/or relevant Unit Managers on the status of all items on the Register, which led to a recommended action for each item. Given the delayed completion of the review process, a further check was made with managers prior to the preparation of this report and completion of the Register review process.

STAFF RECOMMENDATION

It is recommended that the Council remove by revocation from the Policy Register the 25 items in the list contained in Appendix A (**attached**).

7 Cont'd

BACKGROUND (THE ISSUES)

Why Review?

21. A review of the Council Policy Register was requested early in 2005 in response to the observation that a large number of policies in the Council register did not meet the essential definition of policy.
22. The existing Policy Register [last published in print in 2004] contained some 290 items ranging from policies to one-line Council resolutions and detailed operational procedures. The range of formats varies considerably from single line resolutions to more formally structured policies. At present, the Register incorporates all policy decisions and associated resolutions made by the Council, regardless of subject or format.
23. The Register should contain formal Council policy statements that advise the Council in decision-making and are available to the public. This would see the Register serving as an effective, up-to-date and manageable tool for decision-making.

Discussions with Elected Members

24. At the most recent seminar to Councillors on this matter, on 27 February 2007, staff reiterated information regarding the Policy Register to elected members and put forth a list containing all items currently on the Register with a recommended action for each. At this seminar, elected members agreed that it is necessary that items that cannot be classed as policy, are superseded or obsolete should be removed or, in some cases, revoked. This will allow the Register to serve as a more manageable and effective tool in decision-making.

The Review Process

25. Clarification by the Executive Team in November 2007 on definitions of the three types of Council policy enabled clearer understanding going forward of what does and does not belong in the Policy Register.
26. Essentially, the Register contains only Council-approved policies:
 - (a) Policy frameworks: These set goals and direction for a broad range of Council activities and tend to influence how and what Council activities are delivered. They are integrated into related Council decisions, planning, operations and procedures eg Sustainability Policy; Ageing Together Policy.
 - (b) Tactical policies: These identify what the Council will do in a specific or recurring set of circumstances. They may have specific operational procedures associated with them. Some tactical policies may be the result of statutory requirements, or they may have been developed to provide guidance to staff on operational issues or to make clear to the wider community the Council's position on a specific issue e.g. Dog Control Policy; Gambling Venue and TAB Venue Policy.
27. Council management also has its own internal policies that direct its in-house operations and practices.
28. Key milestones during the review process have been:
 - Milestone 1: Confirmation by elected members and staff on the types of policy items that should be included in the Policy Register
 - Milestone 2: Adoption by the Council of recommended 'first cut' revocations
 - Milestone 3: Completion of revised Register's contents
 - Milestone 4: Clarification by staff on future maintenance processes to ensure the Register's currency and consistency
 - Milestone 5: Adoption by the Council of remaining revocations (to be achieved as a result of adopting this report's recommendations)
 - Milestone 6: Revised Register made available for elected members, Council staff and public reference.

7 Cont'd

THE OBJECTIVES

29. The removal by revocation of the **attached** 25 recommended items will see the completion of the Policy Register review project. It will ensure that the Policy Register is a current information source that can accurately inform elected members, Council staff and the public about current Council policies.
30. It is noted that at the project's outset it was intended to reproduce an updated print Register as well as the electronic version. However, recognition of the importance of being able to ensure the Register's currency at all times, along with increasing, widespread dependence on electronic information sources, and in the interests of sustainable document printing practices, led to a decision by staff to publish an electronic version only. Print copies can be made of individual policies, or a cumulative version be collated if specifically requested.

8. CIVIC BUILDING GROUP AMALGAMATION

General Manager responsible:	General Manager Corporate Services, DDI 941-8540
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 Civic Building Limited, to simplify the legal structure of that group by amalgamating Civic Building Limited and its wholly owned subsidiary Tuam 2 Limited.

EXECUTIVE SUMMARY

2. In March 2008 a proposal was put to the Council recommending a change to the legal structure for the development of the new civic building. This proposal had the effect of changing the joint venture with Ngāi Tahu Property from an incorporated JV to an unincorporated JV, with Tuam 2 Limited becoming a wholly owned subsidiary. This proposal was subsequently approved by the Council in June 2008 as part of the amendments to the LTCCP.
3. At that time of presenting the proposal it was indicated that in order to complete the restructuring process a further proposal would be made recommending that the two companies be amalgamated. As the shareholder of Civic Building Limited, the Council is required to approve the amalgamation. The directors of the group have approached the Council requesting approval to proceed with the restructure.

FINANCIAL IMPLICATIONS

4. There are no financial or tax implications for the Council.

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

5. Amalgamation of two companies within the Civic Building group has no impact on the 2006-16 LTCCP budgets.

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

6. The two companies are being amalgamated pursuant to section 222(i) of the Companies Act 1993. This requires the Board of each company to approve the amalgamation and Council staff have been advised that such approval has been given.
7. The Legal Services Unit has looked at the issue of significance and is of the view that the amalgamation is below the threshold required for it to be regarded as being significant. The Council's current shareholding in Civic Building Limited will not be altered as a result of the amalgamation.

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

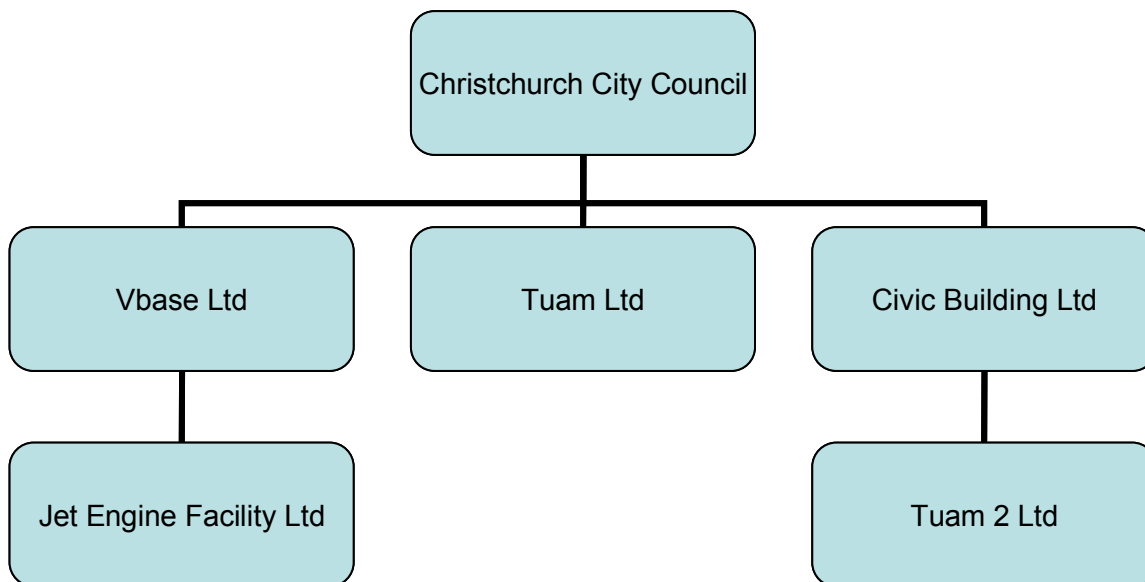
It is recommended that the Council:

- (a) Approve the amalgamation of Tuam 2 Limited with Civic Building Limited, with Civic Building Limited being nominated as the recipient entity.
- (b) Authorise the General Manager Corporate Services to sign any documents, including special resolutions of shareholders, necessary to give effect to the amalgamation, if required.

8 Cont'd

BACKGROUND (THE ISSUES)**Current Structure**

9. The following table describes the current legal structure of the CBL group. It is unnecessarily complicated and the activities could more simply be carried out by a single entity.



10. The role of each entity is as follows:

Christchurch City Council	–	100 per cent shareholder.
Vbase Limited	–	Owns Westpac Arena, Convention Centre, AMI Stadium improvements and leases Christchurch Town Hall from the Council.
Jet Engine Facility Limited	–	Owns and leases the jet engine test cell facility located at Christchurch International Airport.
Tuam Limited	–	Owns Tuam St Civic building and car park.
Civic Building Limited	–	Owns 100 per cent of Tuam 2 Limited and provides funding for Civic Building project.
Tuam 2 Limited	–	Developing and owning new civic building via 50/50 unincorporated joint venture with Ngāi Tahu Property Ltd.

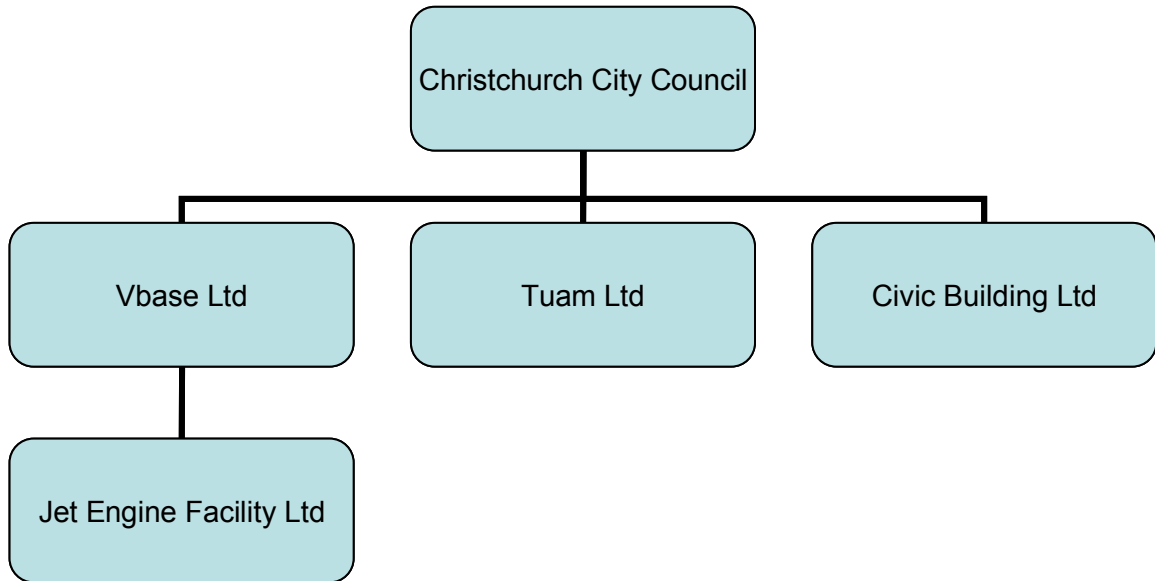
11. All of the companies are either directly or indirectly owned by the Council.

Changes Proposed

12. It is proposed that CBL and Tuam 2 Ltd be merged into a single entity on 30 June 2009 using the short form amalgamation process available under the Companies Act 1993. On this date Tuam 2 Limited would be removed from the New Zealand Companies Office Register and the amalgamated company, being Civic Building Limited, would succeed to all the property rights, powers and privileges, and all the liabilities and obligations of each of the amalgamating companies
13. The benefit is one less set of accounts to prepare and the streamlining of administrative processes.

8 Cont'd

Proposed Structure



9. URBAN DESIGN PANEL INTERIM REPORT

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8281
Officer responsible:	Liveable City, Programme Manager
Author:	Fiona Wykes, Urban Designer

PURPOSE OF REPORT

1. The purpose of this report is to present the first review of the Christchurch City Urban Design Panel (UDP) to the Council which includes some suggested alterations to the scope of the panel and budgetary matters.

EXECUTIVE SUMMARY

2. As part of the original Council approval for the UDP it was agreed that the effectiveness of the panel and the criteria for the scope of its work would be reviewed on a six monthly basis. This report is the first of those reviews.
3. The panel has met on 15 occasions and has reviewed 20 projects, including three Council projects. Panel meetings are triggered by receipt of resource consent applications which meet the panel terms of reference (refer **attached**).
4. As yet it is too soon to evaluate the impact of the panel on built projects. This review will focus on feedback from panellists and planners, with feedback from applicants being assessed at the 12 monthly review that will be undertaken later in the year. In addition this report will look at possible additions to the scope of the panel terms of reference, questions regarding the legal status of panel recommendations and an assessment of whether additional panellists should be added to the pool of panel members.
5. Consultation with senior planners from the Environmental Policy and Approvals Unit has provided the following feedback:
 - Criteria for the UDP should be widened to include hospitals, retirement villages, subdivisions, daycare centres and elderly persons' housing, within any zone.
 - Generally taking applications to the panel was considered a positive experience.
6. The members of the UDP were also consulted as part of this review.
 - Generally the experience of being a panellist has been positive.
 - It was noted that positive feedback has been received from panellists' peers and also from the general public, through direct comments made to panellists, and there is a belief that the panel can and will make a difference in Christchurch.

PANEL MEMBERSHIP

7. The six months that the panel has been running have clarified some issues regarding the membership of the panel – more specifically to recommend increasing the size of the pool of panel members from 12 to a maximum of eighteen panellists. The Mayor and Chief Executive can appoint new members to the pool of panellists however the Terms of Reference limit the size of the pool to twelve. The additional numbers in the pool do not affect the budget as panellists are only remunerated for meetings attended. Discussion amongst staff and with development professionals has led to the following suggestions:
 - The addition of two surveyors to the pool of members. Preliminary discussions have been held with the New Zealand Institute of Surveyors who are keen to be involved.
 - The inclusion of a second property expert within the pool. The contribution of the property expert currently serving the panel has been valuable and they have been included in every panel. It seems reasonable to include a second property expert within the pool for occasions when the existing panel member may not be available or where there may be a conflict of interest. Nominations would be sought from the Property Council of New Zealand.

9 Cont'd

- The inclusion of a heritage expert within the pool to be called upon as and when required. Nominations would be sought from the Historic Places Trust.
 - Additional planners with expertise in urban design who can represent both of these professions on the panel. Nominations would be sought from the New Zealand Planning Institute.
8. Currently the Terms of Reference for the UDP require four members to be present at a panel meeting to form a quorum. A change to the Terms of Reference requiring a quorum of three members would allow a meeting to proceed if for some reason a panel member is unable to attend a meeting at the last minute, and a replacement could not be found at short notice.

THE SCOPE OF THE PANEL

9. Criteria that the UDP can currently consider are in the Terms of Reference and in the final section of this report. Section 4(ii) of these Terms of Reference currently reads:

'Any Christchurch City Council Capital Project with a value of \$5 million or greater, or which is intended for public use, or to which the public have regular access'

10. This should be reworded as the present wording means that all Council Capital Projects which are accessible to the public are required to go to the UDP, which is impractical and cost prohibitive. The recommended wording is:

'Any Christchurch City Council Capital Project with a value of \$5 million or greater, which is intended for public use, or to which the public have regular access.'

11. It is recommended that the scope of the panel might expand to include the following kinds of development in any zone, given their impact on the built form and function of Christchurch.

- Hospitals
- Retirement villages
- Elderly persons housing

12. Hospitals, retirement villages and elderly persons' housing can have significant impacts on neighbourhoods in which they are proposed or may be extended.

13. A suggestion has been made that subdivisions including more than five new allotments and daycare centres should also be added as development to be assessed by the panel and these will be considered with additional criteria and assessment matters attached to them at the 12 month review stage. Daycare centres can have significant impacts on neighbourhoods in which they are proposed or may be extended. Subdivisions have the potential to shape the future of Christchurch and if they are well designed, provide the opportunity to meet the objectives of the Greater Christchurch Urban Development Strategy and create a more sustainable urban form.

14. The UDP Terms of Reference do not currently reflect the importance that Christchurch City Council places on the health and wellbeing of the community. Good urban design promotes high quality living and health promoting environments but this point has not been made explicit in the Terms of Reference. Therefore it is suggested that Section 4 of the terms of reference has an additional clause 'o.' added to the matters that the panel can consider as follows:

'o. Encourage high quality design that promotes the health and well-being of the community.'

Copies of the 'Health Promotion and Sustainability Through Environmental Design: A Guide for Planning' document published by Christchurch City Council will be made available to members of the UDP.

9 Cont'd

FINANCIAL IMPLICATIONS

15. At present the existing budget for the UDP for the year from 1 July 2008–30 June 2009 is \$203,000. This is made up of:
- | | | |
|-----|--|-----------|
| (a) | The administration costs of the Panel: | \$41,000 |
| (b) | Democracy Service costs: | \$45,000 |
| (c) | Environmental Policy and Approvals Unit costs: | \$117,000 |
16. To date additional meetings have been required due to demand. The exact number of meetings required on an annual basis cannot be predicted. However during this trial funding will be managed on an annual basis. At the conclusion of the trial for the UDP the ongoing cost to the Council will be assessed to inform future decisions around the long term continuation of the panel.

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

17. Yes.

LEGAL CONSIDERATIONS

18. Any legal considerations that have arisen in connection with the Urban Design Panel have been addressed. A legal opinion has been sought from the Council's Legal Services Unit as to whether a Commissioner or Hearings Panel could have regard to the recommendations of the UDP under the Resource Management Act 1991. The Legal Services Unit has confirmed that a Commissioner or Hearings Panel can legally have regard to UDP recommendations, which, in accordance with the UDP's terms of reference, would be incorporated into the Council officer's report.

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

19. Yes, there are no additional legal issues arising from this report

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. As discussed in previous reports to the Council, the UDP aligns with a number of community outcomes including:
- *An attractive and well designed city*
 - *A safe city*
 - *A prosperous city and*
 - *A well governed city.*

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

21. No, the UDP trial was established following adoption of the 2006-2016 LTCCP.

ALIGNMENT WITH STRATEGIES

22. The UDP aligns with the Council's strategies of a Liveable City, Strong Communities and Healthy Communities. The UDP also aligns with the Greater Christchurch Urban Development Strategy.

9 Cont'd

Do the recommendations align with the Council's strategies?

23. In terms of the Council's Strategic directions the recommendations of this report contribute to:

Liveable City

Maintain and enhance the quality of development and renewal of the city's built environment, by

- Championing high quality urban design
- Encouraging improved accessibility in public and commercial buildings
- Improving the way in which public and private spaces work together

Strong Communities

Reduce injury and crime and increase perceptions of safety, by

- Using and regulating urban design to maintain and improve public safety

Healthy Communities

Strengthen the Garden City image, by

- Providing street landscapes and urban open space that enhance the character of the city

24. The report is also aligned with the Greater Christchurch Urban Development Strategy and the Central City Revitalisation Strategy Stage II.

CONSULTATION FULFILMENT

25. Consultation for this review has been undertaken with the members of the UDP and with Environmental Policy and Approvals planners at the Council. It is intended that more comprehensive feedback from the development community will be sought at the end of the three year trial period as part of the report back to the Council at that time.

STAFF RECOMMENDATION

It is recommended that:

- (a) The quorum for the Urban Design Panel be amended to three.
- (b) The wording of the Terms of Reference for the Urban Design Panel Part 4(ii) be amended to read as follows:
 - “(ii) Any Christchurch City Council Capital Project with a value of \$5 million or greater, which is intended for public use, or to which the public have regular access.”
- (c) The following criteria be added to the scope of the Urban Design Panel in Part 4 of the Terms of Reference:
 - ”(iii) Any of the following types of development, in any zone:
 - Hospitals
 - Retirement villages
 - Elderly persons' housing”
- (d) The size of the pool of panel members increases from 12 to 18 with the additional panellists nominated from:
 - (i) the New Zealand Institute of Surveyors (2 members),
 - (ii) an additional member from the New Zealand Property Council
 - (iii) a heritage expert nominated by the New Zealand Historic Places Trust
 - (iv) a planner with urban design expertise nominated by the New Zealand Planning Institute (2 members).

9 Cont'd

BACKGROUND (THE ISSUES)

26. So far the panel has met on fifteen occasions and has reviewed the following projects:
1. Christchurch Central City Business Zones and Business 2, Urban Design issues and Options Consultation
 2. 92–102 Armagh Street, new office tower
 3. 57 Peer Street, the former Feltex Carpets site
 4. Proposed National Policy Statement on Urban Design, Ministry for the Environment
 5. The new Christchurch Civic Offices building
 6. Proposed L3/L4 Plan Change
 7. 399 Manchester Street, Housing New Zealand
 8. South City Mall Redevelopment
 9. Parklands Hospital, 429 Papanui Road
 10. Chateau Blanc Suites, 351 & 363 Montreal Street
 11. 298b, 300 & 302 Fitzgerald Avenue
 12. 325 Salisbury Street
 13. 45 & 47 Ely Street
 14. Barrington Mall Extension
 15. School of Music, University of Canterbury, Arts Centre
 16. Motel Complex, Corner of Whiteleight Avenue and Lincoln Road
 17. 435 Madras Street
 18. City Hotel, 166 Gloucester Street
 19. Christchurch City Mission
 20. Ronald McDonald House
27. Consultation with senior planners in the Council's Environmental Policy and Approvals Unit revealed that there was concern the current City Plan does not carry enough weight in terms of urban design to enforce the panel's recommendations. The planners would support a plan change to increase the effectiveness of the UDP's recommendations.
28. Consultation with the UDP panel members also noted that the City Plan is very limited in terms of urban design and the weight that can be given to the panel's recommendations.

THE SCOPE OF THE PANEL

29. Currently the UDP can consider matters which meet the following criteria:
- (i) Proposals that require a resource consent from the Christchurch City Council under the City Plan and which are located within any site within the four Avenues (all zones) and or any land zoned L3 or Business 2 (Suburban Malls) in the City Plan. The trigger points for review by the panel within these areas/zones are:
 - Multi Unit Residential Development of 5 units or more.
 - Multi Unit Commercial Development of 3 units or more
 - Any building with a gross floor area (GFA) of 1500m² or greater
 - Any building adjoining any item contained in the "List of Protected Buildings, Places, and Objects", in the City Plan.
 - Any building adjoining any Conservation, or Open Space Zone land in the City Plan.
 - (ii) Any Christchurch City Council Capital Project with a value of \$5 million or greater, or which is intended for public use, or to which the public have regular access.

10. RICCARTON BUSH TRUST REPORT FOR THE 6 MONTHS TO DECEMBER 2008

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 report for the six months to December 2008 as required under the Riccarton Bush Trust's (RBT) Statement of Intent.

EXECUTIVE SUMMARY

2. The Council's subsidiary companies and Council Controlled Organisations (CCO) are required by statute to present to the Council half yearly accounts of their performance against the objectives and performance measures set out in their annual Statement of Intent (SOI). This report is required to be presented within two months after the end of the first half of each financial year.
3. RBT was only identified as a CCO in June 2008 and was therefore unable to present its SOI for approval within the required timeframe. The SOI in respect of the year ending 30 June 2009 was approved by the Council in March 2009.
4. The report for the six months to December 2008 is attached along with a copy of the Statement of Intent.

FINANCIAL IMPLICATIONS

5. There are no financial implications.

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

6. Not applicable.

LEGAL CONSIDERATIONS

7. This action is required under s66 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.

STAFF RECOMMENDATION

It is recommended that the Council receive the report.

11. HEARING PANEL REPORT ON THE PROPOSED ALCOHOL RESTRICTIONS IN PUBLIC PLACES BYLAW 2009

Author:	Alcohol Restrictions in Public Places Bylaw Hearing Panel
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PURPOSE OF REPORT

1. This is the report of the Alcohol Restrictions in Public Places Bylaw Hearing Panel (the Panel). It summarises the submissions received on the proposed Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) and contains recommendations from the Panel altering the proposed Bylaw in certain respects. The proposed Bylaw (with the recommended changes highlighted) is **attached** to this report as Attachment 1, and a final version of the Bylaw, for adoption, is **attached** as Attachment 2.

EXECUTIVE SUMMARY

2. The purpose of the proposed Alcohol Restrictions in Public Places Bylaw is to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by placing restrictions on alcohol in some public places. The proposed Bylaw prohibits the consumption of alcohol in specified public places and otherwise regulates or controls the possession or bringing of alcohol into specified public places. The proposal includes Alcohol Ban Areas, where alcohol restrictions would apply in public places, in the central city; Hagley Park and environs; South Colombo; New Brighton Mall, Marine Parade and environs; Northlands Mall and surrounds; Sumner Esplanade; Jellie Park; and Akaroa.
3. On 27 November 2008, the Council adopted the proposed Bylaw for consultation. Submissions on the proposed Bylaw were open between 28 January 2009 and 2 March 2009. Twenty-five submissions were received. Of these, 17 supported the Bylaw in whole or in part, six had some concerns about the Bylaw and two addressed issues other than the proposed Bylaw. Five submitters requested to be heard by the Panel in support of their submissions.² The hearings were held on 23 March 2009. The Panel was chaired by Councillor Sue Wells, and the Panel members were Deputy Mayor Norm Withers and Councillors Helen Broughton, Ngaire Button, Yani Johanson and Bob Shearing.
4. Some changes are recommended to the proposed Bylaw as a result of submissions. The most significant change suggested is to reinstate the Spencer Park New Year's Eve ban.³ Other suggested changes are to the wording of some clauses and explanatory notes in the proposed Bylaw. No changes (from what was proposed) are recommended to either the Alcohol Ban Areas or the times, days or dates during which the restrictions will apply. The suggested changes are referred to in more detail throughout this report, and a full copy of the proposed Bylaw, with the changes indicated, is attached.
5. The Panel has also recommended to the Council that it take a number of other steps relating to issues arising out of submissions. These are referred to throughout this report and in the recommendations section at the end of the report.

DEVELOPMENT OF THE PROPOSED BYLAW

6. The proposed Alcohol Restrictions in Public Places Bylaw was developed as part of a review of the existing alcohol-related bylaws, which are:
 - (a) The Christchurch City Liquor Control Bylaw 2004; and
 - (b) Part 2, Liquor Control in Public Places, of the Banks Peninsula District Council Public Places and Signs Bylaw 2004.
7. The Local Government Act 2002 (LGA02) requires these bylaws to be reviewed by 1 July 2009 (CCC bylaw) and 15 December 2009 (BPDC bylaw). Due to the amalgamation of the two Councils and the need to align the regulation across the new jurisdiction, the two bylaws were reviewed together and the proposed new Bylaw will revoke and replace both bylaws.

² Five submitters requested to be heard. Two people spoke to one submission and five people spoke to another. Overall, ten people/groups addressed the Panel.

³ The ban is in the current CCC Bylaw and was not in the proposed Bylaw that went out for consultation.

11 Cont'd

8. Once the bylaws have been reviewed, they do not have to be reviewed again for ten years.⁴ However, in the interim, if any new areas are identified where alcohol restrictions may be appropriate or necessary, an amendment can be made to the Bylaw, using the Special Consultative Procedure.⁵
9. The review of the existing bylaws and options for a new bylaw were considered by the Alcohol Policy and Liquor Control Bylaw Subcommittee, which met seven times from July to September 2008. The Subcommittee had the same membership as the Regulatory and Planning Committee and its terms of reference were “to work with staff to carry out the initial review of the Alcohol Policy and Liquor Control Bylaw, and consider other measures (regulatory and non-regulatory) the Council could adopt to address liquor related behavioural problems and make recommendations to the Regulatory and Planning Committee”.⁶ The review also involved seeking the advice of the Police, as the Police are provided with special powers under the Local Government Act to enforce bylaws made for ‘liquor control purposes’.⁷

CONSULTATION AND SUBMISSIONS

10. The Special Consultative Procedure⁸ took place from 28 January 2009 to 2 March 2009.
11. The Council placed public notices in *The Press* and other local newspapers to notify the public of the proposal, indicate where the relevant documents could be found and to invite submissions. Display advertisements were also placed in *The Press*, *Christchurch Mail*, *Bay Harbour News*, *Akaroa Mail*, *Pegasus Post*, *News Advertiser* and *Observer* at the start of the consultation period, as well as some ‘last days’ advertising towards the end of the consultation period in the major newspapers.
12. Articles were included in the Healthy Christchurch newsletter, the Hospitality Association newsletter and a special edition of the tri-agency liquor licensing newsletter, to notify readers of the proposal, indicate where the relevant documents could be found and to invite submissions.
13. In order to bring the consultation to the attention of younger members of the community, an advertisement was included on Facebook, a social networking website that attracts many people in the 18-30 year old age range. Facebook users could click on an advertisement on the website⁹, and were directed to the Christchurch City Council website and consultation documents.
14. Twenty-five submissions were received:
 - 18 from individuals¹⁰
 - Two from groups of residents¹¹
 - Three from organisations¹²
 - Two from Community Boards¹³.
15. Of these, 17 supported the Bylaw in whole or in part, six had some concerns about the Bylaw and two addressed issues other than the proposed Bylaw.

⁴ Section 159 of the LGA02 – ‘Further reviews of bylaws every 10 years’

⁵ An amendment requires the same process as creating a bylaw ie a section 155 analysis and undertaking the Special Consultative Procedure. Section 156 of the LGA02 – ‘Special consultative procedure must be used in making, amending, or revoking bylaw made under this Act’

⁶ 3 July 2008, Regulatory and Planning Committee minutes

⁷ Section 169 and 170 of the Local Government Act 2002

⁸ Section 83 of the Local Government Act 2002 – ‘Special Consultative Procedure’

⁹ www.facebook.com

¹⁰ Michael Fitzgerald, Sue Ramsay, Christine Swadel, Di Tanner, Gordon Bruce Gray, Russell Thompson, Kathleen Crisley, David B Knutson, Dr Beatrice Dias-Wanigsekera, Harold Hodgson, Kay Maclachlin, Bruce Tulloch, Doreen Tulloch, Mr Douglas White and Mrs Rita White, George Oliver Warren, Gavin and Andrea Cox, Dianne Monk, M A Davies.

¹¹ Juliana Venning (on behalf of some Ilam residents), Stephen Tarpey Ellis (on behalf of some residents in the streets around the Helmores Lane area).

¹² Canterbury District Health Board, Partnership Health Canterbury, Community Law Canterbury.

¹³ Akaroa/Wairewa, Burwood/Pegasus.

11 Cont'd

16. Ten people appeared in support of their submissions at the hearings. Two people represented themselves, three people represented groups or organisations and five people represented groups of residents. Those who appeared in support of their submissions largely reiterated their written submissions, except for Peter Shaw from Community and Public Health, who clarified at the hearing that he supported the proposed Bylaw.

SUMMARY OF SUBMISSIONS

17. The table below contains the number and percentage of submissions grouped by proposed Alcohol Ban Area with additional groupings of Bylaw as a whole and General, both for those who supported the Bylaw and those who had some concerns. There is also an Other category to accommodate submissions which did not address issues covered in the consultation document.

Broad Support for the Bylaw		Concerned about Effects of the Bylaw	
Theme	Number (%) of Submissions	Theme	Number (%) of Submissions
Bylaw as a whole	8 (32%)	Bylaw as a whole	1 (4%)
General	1 (4%)	General	0 (0%)
Central City	1 (4%)	Central City	1 (4%)
Hagley Park and Environs	3 (12%)	Hagley Park and Environs	2 (8%)
South Colombo	0 (0%)	South Colombo	0 (0%)
New Brighton Mall, Marine Parade and Environs	1 (4%)	New Brighton Mall, Marine Parade and Environs	1 (4%)
Northlands Mall and Surrounds	1 (4%)	Northlands Mall and Surrounds	0 (0%)
Sumner Esplanade	0 (0%)	Sumner Esplanade	0 (0%)
Jellie Park	1 (4%)	Jellie Park	0 (0%)
Akaroa	1 (4%)	Akaroa	0 (0%)
Spencer Park	0 (0%)	Spencer Park	1 (4%)
Total in Support	17 (68%)	Total with Concerns	6 (24%)
Other (did not address proposed Bylaw)		2 (8%)	

COMMENTS ON THE BYLAW AS A WHOLE, AND GENERAL COMMENTS***Privatisation of public space***

18. One submitter was concerned about the privatisation of alcohol consumption in public places, as the proposed Bylaw would allow drinking in public places if the public places are covered by a liquor license.

Hearing panel response

19. The Panel acknowledges that the consumption of alcohol will be allowed in some public places under the proposed Bylaw, where that public place is covered by a liquor licence.
20. The reason the consumption of alcohol is allowed in such situations, is because a liquor licence issued under the Sale of Liquor Act 1989 already places regulatory controls over the sale and consumption of alcohol in the place specified in the license. In this sense, the Bylaw does not need to apply, because other regulatory controls are already in place.

11 Cont'd

Broader approach to alcohol issues

21. Community and Public Health (CPH) argued that the Bylaw should be part of a wider package, including an alcohol strategy and city health plan, so that the key message of the unacceptability of intoxicated behaviour is delivered.
22. In their oral presentation, CPH clarified that they were supportive of the Bylaw in general, and although they preferred that an alcohol strategy should be developed first, they accepted that the proposed new Bylaw had been developed because of a legislative requirement.¹⁴

Hearing panel response

23. The Panel acknowledged that work to review the Council's current Alcohol Policy (which largely relates to liquor licensing) was underway, and that proposed changes to the Sale of Liquor Act regime were making their way through Parliament. The range of other initiatives the Council is involved in to reduce alcohol-related harm in the Christchurch area was also discussed, including the work of Healthy Christchurch, Safer Christchurch, the Alcohol Accord, the Transport Accord, the Riccarton Community Accord (Com-Be Zone), etc.

Bylaw not the whole solution to alcohol-related problems

24. Partnership Health Canterbury, in support of the Bylaw, commented that the Bylaw is just part of the solution to reducing alcohol-related harm, especially binge drinking. They noted that organisations in Christchurch have to work collectively to reduce alcohol-related harm by changing attitudes and reducing the normalisation of alcohol consumption.

Hearing panel response

25. The Panel acknowledges that the proposed Bylaw addresses just one aspect of alcohol-related harm and is confined by the bylaw-making power specified in the Local Government Act 2002.

Banning alcohol in all public places

26. Two submitters suggested that alcohol should be banned in all public places.

Hearing panel response

27. The Panel acknowledges that the option of banning the consumption of alcohol in all public places was considered by the Alcohol Policy and Liquor Control Bylaw Subcommittee during the development of the proposed Bylaw. However, the Council received legal advice that this was not advisable under the specific bylaw-making power in the Local Government Act.

CENTRAL CITY ALCOHOL BAN AREA

Proposal

28. The proposed new Central City Alcohol Ban Area would apply at the same time as the current ban (at all times), but the outer boundaries of the current ban area have been extended slightly in the proposed Bylaw. Both sides of the four Avenues are included (the current ban only applies to the middle of these Avenues ie half way across the road) and the Park Terrace boundary has been extended to the banks of the Avon River.

Broken glass and litter

29. One submitter noted the amount of litter and broken glass on the pavements and roads in the latter half of each week and increasing noise levels.

¹⁴ As mentioned previously in this report, the two existing bylaws needed to be reviewed within five years of coming into force (s.158(1) of the Local Government Act 2002) - the existing CCC bylaw by 1 July 2009 and the existing BPDC bylaw by 1 December 2009. The bylaws were reviewed together and will be revoked and replaced by the proposed new Bylaw.

11 Cont'd

Hearing panel response

30. The Panel acknowledges the current issues and hopes that they will be alleviated to some degree by the new Bylaw.

Enforcement of the existing Bylaw

31. One submitter was concerned that the current Central City Alcohol Ban Area is not being enforced adequately by the Police, and that there are many breaches. The submitter noted that most people in the central city are aware that there is an alcohol ban, but people continue to break the law.

Hearing panel response

32. The Panel received advice from the Police on the enforcement of the current bylaws. See the later section of this report on enforcement matters.

Picnics along the Avon River and in Victoria Square

33. One submitter was concerned about being unable to consume alcohol in a social setting with picnics on the banks of the Avon River, eg in Victoria Square, because of the Bylaw.

Hearing panel response

34. The Panel acknowledges that the central city ban (which includes Victoria Square and a section of the Avon River) has been in place since 2004. The Panel discussed the possibility of reducing the hours of the ban in the central city to 10pm to 7am to allow for daytime picnics, but decided by majority to recommend retaining the status quo. The Panel also acknowledges that alcohol-related harm is not just a night-time problem.

Confusion on when and why the Bylaw applies

35. One submitter suggested that having al fresco dining and drinking adjacent to Alcohol Ban Areas is confusing (such as along 'The Strip' on Oxford Terrace, where people can legally drink on one side of a rope (in a licensed premises) but not on the other side of the rope (on the footpath, which is a public place under the Bylaw)).

Staff response

36. Regardless of an Alcohol Ban Area existing, alcohol sold at a licensed premises (such as a bar, restaurant, café, nightclub, tavern or other on-license) is for consumption **on** the premises. A common way of identifying a premises' licensed outdoor area is using rope, planter boxes, barriers, etc, to define the area.
37. The only type of liquor licence allowing alcohol to be taken away and consumed elsewhere is an off-license (such as a bottle store or supermarket) which allows alcohol to be sold for consumption **off** the premises.
38. Even without an Alcohol Ban Area, people are not allowed to take alcohol from an on-license to consume it elsewhere.

Hearing Panel response

39. The Panel acknowledges that this may be confusing to some people, but that it is a feature of our regulatory system, and is the same across the country.

11 Cont'd

HAGLEY PARK AND ENVIRONS ALCOHOL BAN AREA.

Proposal

40. The proposed Hagley Park and Environs Alcohol Ban Area is completely new. There is no Hagley Park ban area in the current Bylaw. The proposed ban would apply from 10:00pm to 7:00am every day.

Boy racer problems along Harper Avenue

41. Three submissions, one of which was signed on behalf of 42 households in Helmores Lane and its environs, suggested this new Alcohol Ban Area could help Police deal with boy racers in the area and reduce the amount of broken glass and litter; two submitters also suggested the restrictions would work well with the 'No Parking' ban, provided they are both enforced.

Hearing panel response

42. The Panel acknowledges that the Area Assessment undertaken for the proposed Hagley Park and Environs Alcohol Ban Area indicated 'boy racer' problems along Harper Avenue as a major concern, and is something that the proposed Bylaw will contribute to addressing. The Council placed no stopping restrictions along Harper Avenue for similar reasons.¹⁵

Public events in Hagley Park

43. Two submitters were concerned about the ban being imposed during public events in the Park and being deprived of the ability to enjoy a glass of wine at such events.

Hearing panel response

44. The Panel noted that the ban in the Hagley Park area did not begin until 10pm and that most public events (eg Classical Sparks, Christmas in the Park, etc) were close to finishing or had finished by then, and that this had been a consideration in proposing the 10pm-7am timeframe. The proposed Bylaw would not prevent people from enjoying alcohol at such public events.
45. The Panel notes that an exemption from the ban can be obtained through a dispensation to the Bylaw. This would mean that the alcohol restrictions would not apply for a particular period or event, as applied for. An exemption would be sought under clause 13 of the Christchurch City Council General Bylaw 2008. The Panel noted that there was currently no cost for applying for such an exemption.
46. Additionally, a Special Licence could be applied for under the Sale of Liquor Act 1989 if alcohol is to be sold during an event or gathering, for example a food and wine festival. A liquor licence issued under the Sale of Liquor Act 1989 already places regulatory controls over the sale and consumption of alcohol in the place specified in the license. In this sense, the Bylaw does not need to apply, because other regulatory controls are already in place.

Enforcement impact of the additional ban area on the Central City Ban

47. One submitter generally in support of the Bylaw was concerned that any extension of the Central City Alcohol Ban Area (with the addition of the adjacent Hagley Park and Environs Alcohol Ban Area) would result in already stretched Police resources being further stretched over a greater geographical area and that an effective means of enforcement prior to expanding the area should be found.

Hearing Panel response

48. The Panel notes that the extension of Alcohol Ban Areas within the central city (to establish a new Ban Area in Hagley Park) was requested by the Police.

¹⁵ Council meeting minutes, 19 December 2008, no stopping restrictions along Harper Avenue and Deans Avenue and along Helmores Lane (to the bridge) from 11pm to 5am.

11 Cont'd

NEW BRIGHTON MALL, MARINE PARADE AND ENVIRONS ALCOHOL BAN AREA

Proposal

49. The proposed New Brighton Mall, Marine Parade and Environs Alcohol Ban Area is completely new. There is no New Brighton Ban Area in the current Bylaw. The proposed ban would apply at all times.

Suggested addition of Thomson Park

50. The Burwood/Pegasus Community Board supported the New Brighton Mall, Marine Parade and Environs Alcohol Ban Area and suggested adding Thomson Park on Marine Parade to the Area.

Hearing Panel response

51. The majority of the Panel requested that the views of the Police be sought on the question of adding Thomson Park. The Police were advised, but are not supportive of extending the Ban Area at this stage. The main problem areas are already included in the proposed Alcohol Ban Area.
52. The Panel's recommendation is that the proposed Alcohol Ban Area be recommended to Council as was proposed, without the addition of Thomson Park.

Problems caused by local bars, not drinking in public

53. One submitter said the issue was the local hotel and the behaviour of its patrons, not people drinking on the beach or on the streets. This submitter was also concerned about being unable to carry alcohol home after purchasing it from the supermarket.

Hearing panel response

54. The Panel has asked that all submissions that referred to problems associated with specific licensed premises be referred to the Council's District Licensing Agency.
55. The comment regarding the carrying of alcohol is explained in the section "Carrying Alcohol through Alcohol Ban Areas" below.

JELLIE PARK ALCOHOL BAN

Proposal

56. The proposed Jellie Park Alcohol Ban Area is completely new. There is no Jellie Park Ban Area in the current Bylaw. The proposed ban would apply at all times.

Suggested addition of Greers Road and Cottesmore Place

57. One submitter noted that users of the skateboard area leave rubbish, empty beer and Ready To Drink (RTD) bottles in the area and on the street. The submitter suggested that both sides of Greers Road between Clyde Road and Cottesmore Place should be included in the Alcohol Ban Area.

Hearing Panel response

58. The Panel requested that the views of the Police and Community Board be sought on the question of adding Greers Road.
59. The Police were advised of this request, but are not supportive of extending the Ban Area at this stage. They advised that the main problem is people drinking in the park and the impact this is having on other park users, which is covered by the proposed Bylaw.
60. The Community Board does not hold a particular view either way, and would be comfortable with either the status quo or the extension, but indicated support for the Police view.

11 Cont'd

61. The Panel's recommendation is that the proposed Alcohol Ban Area be recommended to Council as was proposed, without the addition of Greers Road and Cottesmore Place.

SPENCER PARK ALCOHOL BAN AREA

Proposal

62. The Spencer Park Alcohol Ban Area is in the current Bylaw, but was not included in the proposed new Bylaw. Advice received during the development of the proposed Bylaw indicated that the ban had not been actively used by Police in recent years. However, it was also acknowledged that it was possible that the Alcohol Ban itself may have contributed to the low level of recorded offences. The current ban only applies on New Year's Eve.

Reinstate the Spencer Park ban

63. The managers of the Spencer Beach Holiday Park were concerned about the removal of the New Year's Eve Spencer Park ban from the proposed Bylaw because of the potential negative effects on the Spencer Beach Holiday Park over the New Year's Eve period. They indicated that the ban was well-known and effective.

Hearing Panel response

64. The Panel recommend that the Spencer Park Ban Area be reinstated into the proposed Bylaw, to apply on New Year's Eve, from 8:30pm on 31 December, to 6:00am on 1 January each year. The existing Ban Area has been extended to include the beach area for consistency and clarity with other Ban Areas that include beaches.

POLICE ENFORCEMENT

65. Community Law Canterbury argued that liquor control bylaws give Police discretionary powers, and raised concerns about what they saw as heavy-handedness of the Police enforcement approach in applying the current Bylaw, believing that people are routinely arrested for breaches, regardless of the circumstances. The submission included anecdotes of several incidents of enforcement action taken by the Police against people, and some statistics of arrests. Community Law Canterbury argued that arrests far outweighed warnings, but acknowledged that statistics were not collected by the Police for informal warnings. They indicated that Auckland Police had written enforcement guidelines and suggested these should be developed for Christchurch.
66. Community and Public Health (CPH) were concerned about what they believed was a 'zero tolerance' approach taken by the Police to enforcement of the current Bylaw, and shared Community Law's impression that people are routinely arrested for breaches, regardless of the circumstances (eg tourists and visitors to the city, who may not be aware of the Bylaw).
67. Conversely, another submitter commented on the lack of Police enforcement action taken against people breaching the current Bylaw, particularly in the central city.

Hearing Panel response

68. The Panel sought a response from the Police and was advised as follows:

"The Police take a measured and fair approach to enforcing the current bylaws. They give a lot of unofficial warnings, but these are not documented, so there are no statistics available to monitor this or compare it to arrests/prosecutions (which are recorded). People breaching the Bylaw are often asked to tip the alcohol out and put the bottle/can into the nearest rubbish bin. This is an effective approach and removes alcohol from the streets.

Police operations are guided by law, and as such they do not need additional written guidelines. Police have the discretion to act as they see fit in a given situation for the enforcement of all sorts of laws.

If there are concerns about any Police behaviour, complaints can be made to the Independent Police Conduct Authority.

11 Cont'd

The Police confirmed that they do not operate a 'zero tolerance' approach to enforcing the Bylaw, but that they use discretion in its application, as with any enforcement action they take. Enforcement also depends on Police resourcing and will alter on any given night.

Police consider an alcohol ban to be an effective tool for removing offenders before they go onto commit other crimes, thus preventing escalation."

Police powers of search in Temporary Alcohol Ban Areas

69. The Panel asked staff to clarify clause 8 (Police powers of search in Temporary Alcohol Ban Areas).
70. Staff advised the Panel that the clause relates to an option to include enhanced search powers for the Police for the imposition of a Temporary Alcohol Ban. If the clause is in the Bylaw, the Council can consider whether or not to give the Police enhanced search powers when it considers a resolution to put a Temporary Alcohol Ban Area in place. If the clause is not in the Bylaw, the Police powers for a Temporary Alcohol Ban would be the same as for a Permanent Alcohol Ban (which are set out in the Local Government Act 2002). If the clause is not in the Bylaw, the Council cannot give the Police enhanced powers of search.
71. Staff advised that the clause gives the Council an option to include enhanced search powers for the Police, and that each time a Temporary Alcohol Ban is considered, the option of using this clause, for the specific situation at hand, can be explored.

Use of Police search powers

72. In raising concerns with the Police about the search provisions in the Local Government Act, the Panel was told by the Police that they act when they see an offence committed and do not go looking for breaches (eg searching people or vehicles for alcohol without cause). The Police also advised the Panel that protections exist in law against unreasonable search and seizure, for example, through the New Zealand Bill of Rights Act 1990, and that the Police only use their powers when they have just cause.

Hearing panel response

73. The Panel decided that the proposed Bylaw be recommended to Council as proposed, without the removal or alteration of the clause on Police powers of search in Temporary Alcohol Ban Areas.

Enabling instant fines for breaches

74. Community and Public Health suggested that the Council lobby for law changes to allow Police to issue infringement notices (instant fines) for breaches of liquor control bylaws.

Hearing panel response

75. The Panel understands that the Council has approached central government previously to seek the enabling of the infringements regime in the Local Government Act 2002, and recommends that a further approach is made to Central Government to empower the Police to issue instant fines for breaches of the new Bylaw.

SIGNAGE

Current signage inadequate, appropriate signage necessary for enforcement

76. Two submitters commented that current signage is inadequate. Other submitters indicated that signage was essential for fair enforcement and to raise awareness of the alcohol restrictions.

Hearing Panel response

77. The Panel notes that current signage could be improved and that this will be considered as part of the implementation of the Bylaw.

11 Cont'd

78. The Panel has asked that further information relating to signage and communications around the implementation of the new Bylaw be referred back to the Liquor Control Bylaw and Alcohol Policy Subcommittee.

CARRYING ALCOHOL THROUGH ALCOHOL BAN AREAS

79. Several submitters raised concerns about being able to carrying alcohol through Alcohol Ban Areas, such as a bottle of wine bought from an off-license/bottle store, or alcohol being carried to or from a BYO restaurant.

Staff advice

80. Although alcohol consumption in public places is prohibited by the Bylaw, alcohol possession and carriage are only restricted by the Bylaw, not prohibited. The explanatory note to clause 7 of the Bylaw sets out a range of scenarios in which alcohol can legitimately be carried in Alcohol Ban Areas. This includes commercial deliveries, alcohol bought from off-licences within Alcohol Ban Areas, alcohol being carried to or from BYO restaurants and alcohol being carried to or from private residences in Alcohol Ban Areas. These exemptions are set out in the Local Government Act, so are only explained in the Bylaw (rather than being contained within clauses).

Hearing Panel response

81. The Panel acknowledges that the issue of carrying alcohol within or through Alcohol Ban Areas can be confusing, and that this is not helped by the lack of clarity in the Local Government Act itself, but that the explanatory note to clause 7 of the Bylaw is intended to make this as clear as possible. The Bylaw does not prevent people from carrying alcohol within or through Alcohol Ban Areas for legitimate reasons.
82. The Panel agreed that the provisions in clause 7 and 8 do not need amendment to allay the concerns of the submitters.

ALCOHOL-RELATED ISSUES IN THE ILAM AREA

83. One submitter supported a group of Ilam residents arguing for the introduction of an alcohol ban in the Ilam area around the University of Canterbury.
84. The written submission included a previous submission made by a similar group of Ilam residents in 2004 (during consultation establishing the current Bylaw), and a petition with 115 submissions from 2004 seeking a liquor ban in the area.
85. The submitters expanded on the brief written submission by commenting more specifically on the alcohol-related issues faced by residents living around the University of Canterbury. These include drunken behaviour, littering, drinking on the streets and considerable amounts of broken glass. The submitters argued that the problems in Ilam were greater than those described in some of the areas included in the proposed Bylaw, and questioned why their area was not included in the proposal.
86. They argued that these problems occur year round, not just at key times such as Orientation Week, and as such, they would not be satisfied with the imposition of a temporary ban.
87. The group of residents sought relief from the current alcohol-related issues through the establishment of an alcohol ban (though realised this could not be achieved through the proposed Bylaw without further investigation and consultation).

Staff advice

88. As indicated in the consultation documents, if substantial changes to the proposed Bylaw are sought through submissions, it may not be possible to include them at this stage (without further consultation), but the Hearing Panel can refer any matter back to the Council for further consideration.

11 Cont'd

89. A bylaw can be amended at any time, provided that the requirements of the Local Government Act 2002 are met, including a section 155 analysis and the use of the Special Consultative Procedure.

Hearing Panel response

90. The Panel recommends that, in light of comments from the Police at the hearing, further work be undertaken to investigate the possibility of an Alcohol Ban Area in the public places around the University of Canterbury in Ilam, with the possibility of proposing an amendment to the Bylaw for the area, if the section 155 analysis under the Local Government Act 2002 justifies it.

MATTERS NOT RELATED TO THE PROPOSED BYLAW

Conduct of licensed premises

91. Community and Public Health (CPH) suggested that licensed premises should be required to serve alcohol out of glasses, rather than glass bottles, which would give licensed premises more of an incentive to prevent people improperly leaving the premises with alcohol.

Hearing Panel response

92. The proposed bylaw does not cover matters related to licensed premises or any matters already covered by the Sale of Liquor Act 1989. The suggestion made by CPH will be referred to the Council's District Licensing Agency for consideration.

Raising the drinking age

93. Several submitters suggested raising the legal drinking age.

Hearing panel response

94. The proposed Bylaw cannot alter the legal drinking age (or the legal purchase age), as it can only cover those matters provided for in the bylaw-making power in the Local Government Act 2002 (s.147), which relate to the possession, consumption and carriage of alcohol in public places.

SUMMARY OF CHANGES TO THE BYLAW

95. The Panel deliberated on the issues raised in submissions, and as a result, has recommended several changes to the proposed Bylaw now being recommended to Council.
96. The most significant change suggested to the proposed Bylaw is to reinstate the Spencer Park New Year's Eve ban. Some minor changes are proposed for:
- The preamble
 - The definition of 'Temporary Alcohol Ban Area'
 - The list of things Council will have regard to when considering a Temporary Ban (clause 5(2))
 - The explanatory note to clause 5 (Temporary Alcohol Ban Areas)
 - The name of the Northlands Mall and Surrounds Alcohol Ban Area.

LEGAL CONSIDERATIONS

97. A bylaw Hearing Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions.¹⁶ 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".¹⁷

¹⁶ Clause 32 of Schedule 7 of the Local Government Act 2002 expressly prohibits the power to make a bylaw from being delegated

¹⁷ 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".

11 Cont'd

98. The Local Government Act¹⁸ requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect.
99. It is appropriate to resolve that the Bylaw will come into effect on 1 July 2009, which is the date by which one of the bylaws which would be revoked by the proposed new Bylaw is required to be reviewed by under the Local Government Act 2002.¹⁹
100. The Legal Services Unit considers that the form of the Bylaw, as proposed in this report, 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). The Legal Services Unit considers that the amendments, as recommended by the Panel, comply with these requirements.

HEARING PANEL RECOMMENDATIONS

The Panel (by majority) recommends to the Council:

- (a) That it adopt the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 as amended.

(Councillor Johanson voted against the Panel recommendation and requested that it be recorded)

The Panel (unanimously) recommends to the Council:

- (b) That it give public notice as soon as practicable, that the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 has been adopted by Council, that it comes into effect on 1 July 2009, and that copies of the Bylaw will be made available.
- (c) That it send copies of the Bylaw and this report to those people or organisations that made submissions.
- (d) That further work be undertaken to investigate the possibility of an Alcohol Ban Area in the public places around the University of Canterbury in Ilam, in conjunction with the Liquor Control Bylaw and Alcohol Policy Subcommittee, and that the Subcommittee be authorised to form any appropriate working parties to give effect to this resolution.
- (e) That communications and signage information about the implementation of the new Bylaw be reported to the Liquor Control Bylaw and Alcohol Policy Subcommittee prior to the new Bylaw coming into force
- (f) That information be compiled for the Liquor Control Bylaw and Alcohol Policy Subcommittee to give a summary of initiatives the Council is involved in to combat alcohol-related harm in Christchurch
- (g) That an approach be made to Central Government to seek the enabling of the infringements regime in the Local Government Act 2002 to empower the Police to issue instant fines for breaches of the new Bylaw
- (h) That any matters raised in submissions that referred to the conduct of specific licensed premises be referred to the Council's District Licensing Agency.

[*Note: Attached to this report are two copies of the Bylaw – a marked up copy (showing the changes to the proposed Bylaw, as consulted on) and a clean copy (for adoption).*]

¹⁸ Section 157

¹⁹ The Christchurch City Liquor Control Bylaw 2004 is required by s.158(1) to be reviewed five years after it was made, which is 1 July 2009. Part 2 of the Banks Peninsula District Council Public Places and Signs Bylaw 2004 (liquor control in public places) is also required by s.158(1) to be reviewed, but five years after it was made is 1 December 2009. Once these bylaws have been reviewed, they do not have to be reviewed again for ten years (s.159). However, in the interim, if any new areas are identified where alcohol restrictions should be in place, an amendment can be made to the Bylaw (s.156).

12. LYTTTELTON HARBOUR WASTEWATER – FUTURE MANAGEMENT

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	City Water and Waste Manager
Author:	Simon Collin

PURPOSE OF REPORT

1. The purpose of this report is to gain the Council's approval for it to adopt a preferred option for the future management of wastewater in the Lyttelton Harbour basin, so that a report can be written to Environment Canterbury (ECan) in fulfilment of a discharge consent condition for the Diamond Harbour wastewater treatment plant. This report was considered by the Lyttelton/ Mt Herbert Community Board at its meeting on 19 May 2009.

EXECUTIVE SUMMARY

2. As described in the accompanying summary (**Attachment 1**), the Lyttelton Harbour Wastewater Working Party (LHWWP) has, over the past four years, worked through a process of formulation and evaluation of a number of different options for the future management of wastewater in the Lyttelton Harbour basin. The Working Party was established in response to a condition of the Diamond Harbour discharge consent.
3. Currently the three wastewater treatment plants at Lyttelton, Governors Bay and Diamond Harbour discharge treated wastewater into the harbour, and are consented to 2023, 2010 and 2014 respectively. From an original list of nine options two were selected for a detailed feasibility study, which included establishing reliable cost estimates. These two options are:
 - (a) Decommission the three existing plants, and pump the untreated wastewater to the Christchurch Wastewater Treatment Plant (CWTP).
 - (b) Carry out a capacity upgrade on the plants (for future growth), and apply the treated wastewater to land within the harbour basin.
4. A third option of upgrading the treatment plants for both capacity and effluent quality, and continuing to discharge into the harbour was also considered as the "status quo" option, to benchmark against the other two options. Upgrading the effluent quality would be the only way to obtain consents to continue discharging to the harbour.
5. Further details of the options are provided in **Attachment 2**.
6. The costs of the three options are provided below. The Net Present Value (NPV) is based on capital costs to fully implement each option, and 20 years of operating costs.

(a) Pumping to CWTP:	\$31,950,000
(b) Land Application in the Harbour basin (assuming land is bought):	\$68,350,000
(c) Upgrade plants and discharge to Harbour:	\$36,378,600
7. In working through the options the LHWWP has provided the Harbour Basin community with two opportunities to express their preferences, the most recent of which gave a very clear view that pumping to CWTP was the preferred alternative. This is the option that the Working Party has recommended and this is supported by Council officers. Funding for starting the capital work is included in the draft LTCCP, which provides the wider community with an opportunity to comment on the proposal.

12 Cont'd

8. The Working Party has also recommended that:
 - (a) The design of the sewage network system storm overflows be restricted to once every two years.
 - (b) Governors Bay water and sewer loans be terminated. The understanding is that there would be no monetary consequences for other ratepayers.
9. Officers do not support either of these recommendations. The reasons for opposing item 6(a) are set out in **Attachment 3**. Item 6(b) is considered to be outside the scope of the Working Party. This issue has already been considered by the Council, and a memorandum was provided to Councillors on 2 March 2009 providing a summary of the situation and detailing the Council's previous resolution on this matter. That memo is provided in **Attachment 4**.

FINANCIAL IMPLICATIONS

10. Continuation with the existing discharges without plant upgrades is not a consentable option, so some expenditure will be necessary. The option recommended by the Working Party is the most cost effective option and funds to commence the programme of works for this option have been included in the draft LTCCP, starting with design in 2016/17 and approx \$6M in each of years 2017/18 and 2018/19. Completion of the capital works falls beyond the 2018/19 financial year.

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

11. Yes.

LEGAL CONSIDERATIONS

12. The Diamond Harbour consent that initiated the Working Party process, requires that a final report on the preferred option(s) be provided to ECan, by October 2009, together with an implementation plan. It is expected that this condition will be met. It was, however, originally envisaged that the programme to design and construct the physical works would commence in 2009/10. With the works in the draft LTCCP not now programmed to start until 2016 it will be necessary for officers to apply for consent renewals for both Governors Bay and Diamond Harbour treatment plants. Similar consent conditions to those currently imposed will be sought.

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

13. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. This report supports the wastewater treatment and collection activity management plan recommended level of service, that no major or persistent breaches of resource consents for treatment plants and associated discharges occur.

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

15. Yes.

ALIGNMENT WITH STRATEGIES

16. There is no current wastewater strategy. At present, it is expected that it will be commenced in 2010/11.

12 Cont'd

CONSULTATION FULFILMENT

17. Community feedback was sought on the Working Party's shortlisted options in February 2008. Upon completion of the technical reports for those options, three public workshops have been held in community halls in the harbour basin. Details of the process, and the results are provided in the **appendices to Attachment 1**.
18. In-house legal opinion has been sought regarding the need for any further consultation on the preferred option. In particular, consideration was given to the need for an SCP. The advice received was that an SCP was not mandatory and that the communities who will be affected by the decision have had sufficient opportunity to provide their views on the issue. The community still has a further chance to give its views through the LTCCP submissions process. Letters have been sent to all attendees at the workshops and others who have taken an interest in the Working Party's work, to ensure this opportunity is made known to those who could be interested.
19. This report was considered by the Lyttelton/Mt Herbert Community Board at its meeting on 19 May 2009. The recommendation from the Lyttelton/Mt Herbert Community Board will be separately circulated to elected members.

STAFF RECOMMENDATION

It is recommended that the Council approve the pumping of untreated wastewater from Lyttelton, Governors Bay and Diamond Harbour to the Christchurch Wastewater Treatment Plant as the preferred option for the future management of wastewater in the Lyttelton Harbour basin.

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**13. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 5 MAY 2009**

Attached.

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14. NOTICES OF MOTION

15. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 28 MAY 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 16, 17, 18, 19 and 20.

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
16. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 23.4.2009 AND 14.5.2009)	
17. CHRISTCHURCH BOTANIC GARDENS CENTRE)	
18. PLAN CHANGE 27 TO CITY PLAN – REZONING OF CENTRAL NEW BRIGHTON: REPORT AND RECOMMENDATION OF COMMISSIONER DAVID McMAHON)	
19. PROPOSED RATING SALE OF TWO PROPERTIES FOR ARREARS OF RATES)	
20. TRANSPORT INTERCHANGE – NEW ZEALAND TRANSPORT AGENCY FUNDING AGREEMENT)	
) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)

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

Item 16	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 16	Conduct of Negotiations	(Section 7(2)(i))
Item 17	Conduct of Negotiations	(Section 7(2)(i))
Item 18	Council to Make a Recommendation	(Section 48(1)(d))
Item 18	Right of Appeal Exists	(Sections 48(2)(a)(i))
Item 19	Protection of Privacy of Natural Persons	(Section 7(2)(a))
Item 20	Prejudice Commercial Position	(Section 7(2)(b)(ii))
Item 20	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.”