

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 12 AUGUST 2010**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**



## CHRISTCHURCH CITY COUNCIL

**Thursday 12 AUGUST 2010 at 9.30am  
in the Council Chamber, Civic Offices**

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

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**12. 8. 2010**

- 1. APOLOGIES**
- 2. DEPUTATIONS BY APPOINTMENT**
- 3. PRESENTATION OF PETITIONS**

## 22. CHANGE OF METHOD FOR AFFIXING THE COMMON SEAL

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Legal Services Manager
<b>Author:</b>	Chris Gilbert

## PURPOSE OF REPORT

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1. The purpose of this report is to obtain Council approval to change the method for affixing the Council Common Seal from the current Common Seal machine to a rubber stamp with an image of the Common Seal.

## EXECUTIVE SUMMARY

2. The Common Seal is a reproduction of the Council's coat of arms. The Common Seal is the equivalent of the Council's signature and for this reason any change to the form of the Seal is required to be authorised by the Council. Execution of a document by affixing the Common Seal is a legal process by which the Council as a body corporate executes documents, most commonly deeds and warrants of appointment of Council officers. From 1 January 2009 to 31 December 2009 the Common Seal was affixed 379 times.
3. The existing Common Seal machine is large, heavy and cumbersome. The machine occupies the equivalent of a desk space.
4. The existing machine imprints a copy of the Council coat of arms into paper. The imprinted Common Seal is colourless and this creates issues with reproduction by photocopying and scanning. Most modern paper is thinner than the grades of paper previously used and the imprint of the Common Seal can be poor.
5. The existing machine, although sound at present, will be difficult to repair and replace should it fail in the future.
6. Registration of conveyancing documents with Landonline is now conducted by e-dealing, which requires documents to be scanned, uploaded and registered electronically. This process does not reproduce imprinted images well.
7. Warrant cards issued for Council Enforcement Officers are required to have the Common Seal attached. The imprint is difficult and expensive to incorporate into the warrant cards. A rubber stamp could instead be readily laminated.
8. This report recommends that the existing Common Seal machine be replaced with a rubber stamp image of the Common Seal, to resolve these issues with the current machine. **Attachment A** shows a comparison between the Common Seal affixed using the current machine and affixed using the rubber stamp. The form of the Common Seal, and the process for affixing it, will not change. There is no change to the Council resolution which sets out how the affixing of the Seal is to be witnessed by a Councillor and named officers.
9. The rubber stamp will be held by the Legal Services Unit in a secure location. The Common Seal machine will be kept offsite for ceremonial occasions.

## FINANCIAL IMPLICATIONS

10. A new rubber stamp has been purchased, at a cost of approximately \$100.

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

11. N/A

22 Cont'd

**LEGAL CONSIDERATIONS**

12. The recommendation in this report is solely to change the method for affixing the Council Common Seal from a manual machine to a rubber stamp. The process for affixing the Common Seal will not change. There are no legal considerations associated with the change of method from the current machine to a rubber stamp.

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

13. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. N/A

**Do the recommendations of this report support a level of service or project in the 2009-2019 LTCCP?**

15. N/A

**ALIGNMENT WITH STRATEGIES**

16. N/A

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

17. N/A

**CONSULTATION FULFILMENT**

18. N/A

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Authorise the use of the Common Seal in the form shown below using a rubber stamp for the affixing of the Seal, to replace the existing Common Seal machine (with the machine kept for ceremonial occasions).

**23. RICCARTON BUSH TRUST STATEMENTS OF INTENT 2011**

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

**PURPOSE OF REPORT**

1. To present the Statement of Intent for Riccarton Bush Trust (RBT) for the year ending 30 June 2011. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

**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. A 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. Due to an oversight by RBT staff the 2011 SOI has only recently been prepared and approved by the RBT board. (**Attachment 1**)

**FINANCIAL IMPLICATIONS**

4. The quantum of the grants and levies quoted is consistent with what is already included in the Annual Plan and Draft LTCCP. The cost is included within the Urban Parks Activity.

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

5. Not applicable.

**LEGAL CONSIDERATIONS**

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

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

7. There are no additional implications.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. Not applicable.

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

9. No.

**ALIGNMENT WITH STRATEGIES**

10. Not applicable.

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

11. Not applicable.

**CONSULTATION FULFILMENT**

12. No.

**23. Cont'd**

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) 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 2011.



## 24. REPORT OF THE RESERVES HEARINGS PANEL TO COUNCIL ON THE REVIEW OF THE KAPUATOHE HISTORIC RESERVE MANAGEMENT PLAN

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Author:</b>	Kapuatohe Historic Reserve Management Plan Hearings Panel



### PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Council to adopt the Draft Reviewed Kapuatohe Historic Reserve Management Plan as the operative plan. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

### EXECUTIVE SUMMARY

2. A draft Reviewed Kapuatohe Historic Reserve Management Plan was prepared in 2009. The Shirley/Papanui Community Board resolving that prior consultation as required by section 41(5) of the Reserves Act 1977 not being required in accordance with the requirements of section 41 (5A) of the Act. The Shirley/Papanui Community Board approved the public release of the draft plan for consultation at their meeting on 16 September 2009. The draft plan was available for public consultation from 10 October 2009 to 14 December 2009. A total of eight submissions were received, of which only one wished to be heard in support of their submission.
3. A hearing was held on Wednesday 1 February 2010 where one submitter made an oral submission. The Panel reconvened on Friday 5 March 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted.
4. The recommendations of the Hearings Panel have been incorporated into the revised Management Plan and are shown on the documents both in tracked changes format (**Attachment 1**) and clean copy (**Attachment 2**).

### FINANCIAL IMPLICATIONS

5. The Management Plan contains a number of projects that will be put forward for consideration in the 2012-22 LTCCP. The plan clearly states that the projects are subject to approval through the LTCCP process.

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

6. Yes, as above.

### LEGAL CONSIDERATIONS

7. The Management Plan has been prepared in accordance with the requirements of the Reserves Act 1977.

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

8. Yes, as above.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The Kapuatohe Historic Reserve comes under the activities of Gardens and Heritage Parks in the LTCCP and Activity Management Plans. Funding of \$15,000 is available this financial year for tree removal and replacement. Funding of \$5,000 is also available in the current LTCCP for tree removal and replacement in the 2010/11 year.

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

10. Yes, as above.

24. Cont'd

**ALIGNMENT WITH STRATEGIES**

11. Council strategies relevant to the management plan include Biodiversity Strategy 2008, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Safer Christchurch Strategy 2005, Safer Canterbury Creating Safer Communities Design Guide 2005, Christchurch City Council Dog Control Bylaw 2008, Ihutai Management Plan 2004, Draft Public Open Space Strategy 2010-2040, Christchurch City Council Heritage Conservation Policy 1988.

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

12. Yes.

**CONSULTATION FULFILMENT**

13. Yes, consultation has exceeded the requirements of the Reserves Act 1977.

**RESERVE HEARINGS PANEL RECOMMENDATION**

That the Kapuatohe Historic Reserve Management Plan Hearings Panel, with the powers of Council delegated to it to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves pursuant to Section 41 of the Reserves Act 1977 recommends that the Council:

- (a) Approves the Draft Reviewed Kapuatohe Historic Reserve Management Plan, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, as the operative plan.

**FURTHER RECOMMENDATION**

- (b) The Hearings Panel recommends to the Council that the following clauses be added to the Kapuatohe Historic Reserve Management Plan (on pages 11 and 15 of the track-changed version respectively):

**"3.9 TREE MANAGEMENT POLICIES:**

3.9.1 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken, or the tree removed, subject to Policy 3.9.3 below, in order to mitigate this risk.

3.9.2 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

3.9.3 For the areas covered by this management plan that are classified historic reserve under the Reserves Act 1977, the prior consent in writing of the Minister of Conservation shall be obtained prior to the cutting or removal of indigenous trees and bush, as required by the part of section 42 subsection (1) of this Act this action not being delegated to local authorities such as the Council.

**4.7 TREE MANAGEMENT**

The area covered by this management plan includes a range of vegetation, with most of this exotic species, with some indigenous species, which have been planted more recently, it not being known if the propagation material (seeds, cuttings) for these plants was sourced locally or not. The first tree planting occurred over one hundred and forty years ago, two of the tree specimens, being of this age. These two trees are magnificent specimens having grown into large trees.

**24 Cont'd**

Management of the trees in Kapuatohe Historic Reserve is under the control of the Council, and has been undertaken, and is continuing to be undertaken, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The trees in this Reserve will be subject to the Council's Tree Policy once it is operative."

- (c) It is recommended that the last sentence of the fourth paragraph in the preface to the draft plan be replaced with the following sentence.

The Reserves Hearings Panel under delegated authority from the Council determine if submitters views should or should not be included in the plan making these recommendations to the Council.

## 25. REPORT OF THE HEARINGS PANEL ON THE SOUTH NEW BRIGHTON RESERVES MANAGEMENT PLAN

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Author:</b>	South New Brighton Reserves Management Plan Hearings Panel

### PURPOSE OF REPORT

1. The purpose of this report is to seek approval from the Council for the revised South New Brighton Reserves Management Plan to be adopted as the operative plan. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

### EXECUTIVE SUMMARY

2. A draft South New Brighton Reserves Management Plan for Blighs Garden, Bridge Reserve, and South New Brighton Park was prepared in 2009 with public consultation. The Burwood Pegasus Community Board approved the public release of the draft plan at their meeting on 14 September 2009. The draft plan was available for public consultation from 9 October 2009 to 21 December 2009. A total of 26 submissions were received.
3. A hearing was held on Wednesday 3 February 2010 where 10 submitters made oral submissions. The Hearings Panel visited the reserves on Monday 15 February 2010 to further investigate some issues. It reconvened on Wednesday 24 March and Tuesday 6 April 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted
4. The decisions of the Hearings Panel have been incorporated in to the revised management plan and are shown on the documents both in tracked changes format (**Attachment 1**) and clean copy (**Attachment 2**).

### FINANCIAL IMPLICATIONS

5. The management plan contains a number of projects that will be put forward for consideration in the 2012-22 LTCCP. The plan clearly states that the projects are subject to approval through the LTCCP process.

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

6. Yes, as above.

### LEGAL CONSIDERATIONS

7. The management plan has been prepared in accordance with the requirements of the Reserves Act 1977.

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

8. Yes, as above.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The South New Brighton reserves come under the activities of Neighbourhood Parks and Sports Parks in the LTCCP and Activity Management Plans. \$118,520 is available this financial year for upgrading the Estuary Walkway which passes through the three reserves. Funding is also available in the current LTCCP for tree removal and replacement in South New Brighton Park (\$17,466 in 2009/10, \$25,000 in 2010/11, \$25,000 in 2011/12, \$50,000 in 2012/13).

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

10. Yes, as above.

25. Cont'd

**ALIGNMENT WITH STRATEGIES**

11. Council strategies relevant to the management plan include Biodiversity Strategy 2008, Christchurch Active Living Strategy 2004, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Physical Recreation and Sport Strategy 2002, Recreation and Sport Policy 1996, Safer Christchurch Strategy 2005, Safer Canterbury Creating Safer Communities Design Guide 2005, Christchurch City Council Dog Control Bylaw 2008, Ihutai Management Plan 2004, Draft Public Open Space Strategy 2010- 2040

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

12. Yes.

**CONSULTATION FULFILMENT**

13. Yes, consultation has exceeded the requirements of the Reserves Act 1977.

**HEARINGS PANEL RECOMMENDATION**

It is recommended that the Council approves the South New Brighton Reserves Management Plan, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, as the operative plan.

In addition the Hearings Panel met on 23 June 2010 to consider the report (**Attachment 3**) (separately circulated) and decided that the draft South New Brighton Reserves Management Plan be further amended in accordance with the staff recommendations contained in the report, and that a new tracked-changed version and new final version with these amendments incorporated be distributed to the Council for adoption in accordance with the recommendation made at this Panel's meeting on 6 May 2010:

**FURTHER HEARINGS PANEL RECOMMENDATIONS**

That the Council approves the following amendments to the South New Brighton Management Plan:

- (a) Woodlands Policy 3.3.6 – reword this paragraph as follows (and remove the footnote): “Regularly monitor the health and structural integrity of all trees in the woodland and campground (when the Council's Tree Policy has been adopted, all monitoring should comply with the Policy). Where the monitoring identifies a risk to public safety due to the state of any tree, undertake any maintenance work required or remove the tree in order to mitigate this risk.”
- (b) Woodlands Policy (to follow the new 3.3.6 above) – “Ensure that any large trees which are identified as an immediate risk, due to over-maturity or the like, are isolated pending removal and replacement by an appropriate barrier and warning signs.”
- (c) Section 4.2 paragraph 2 – add the following words to this sentence: “Any major removal or replacement of trees will be undertaken in consultation with the community, *unless immediate removal is required because of a risk to public safety*”.
- (d) Indicative Development Plan Table 1 Proposed Projects, Woodlands – include at the end of this proposal the following sentence: “The management plan will include details of how potential risks to public safety created by the state of any of the trees will be identified, and how these risks will be managed in accordance with Council's legal obligations, including the obligations in the Health and Safety in Employment Act 1992”.

## 26. REPORT OF THE BROOKLANDS LAGOON AREA DRAFT PARKS MASTER AND MANAGEMENT PLANS HEARINGS PANEL

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Author:</b>	Brooklands Lagoon Area Draft Parks Master and Management Plan Hearings Panel

### PURPOSE OF REPORT



1. The purpose of this report is to seek the Council's approval of the Draft Spencer Park Management Plan 2009, Draft Seafield Park Management Plan 2009 and Draft Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan 2009, with recommended changes incorporated, as the operative plans. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

### EXECUTIVE SUMMARY

2. At its meeting on 14 May 2009 the Council received a report from the Shirley/Papanui Community Board recommending the Council approve the Draft Spencer Park Management Plan 2009, Draft Seafield Park Management Plan 2009 and Draft Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan 2009 to be notified for public submissions for a period of not less than two calendar months as specified by Section 41(6)(a) of the Reserves Act 1977. The draft plans were available for public consultation from 27 June to 31 August 2009. A total of 30 submissions were received.
3. Hearings were held on 21 September and 3 November 2009 where five submitters made oral submissions. The Hearings Panel, comprising Councillor Ngaire Button (Chair), Councillor Chrissie Williams and Shirley/Papanui Community Board member Pauline Cotter, reconvened on 6 April and 28 April 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted. Another meeting of the Hearings Panel was held on 29 June 2010 to determine recommendations for further additions to the draft management plans to highlight the tree management measures in place in the areas covered by these draft plans to meet Health and Safety in Employment Act 1992 requirements.
4. The determinations of the Hearings Panel have been highlighted as tracked changes in the draft plans and incorporated in the revised master plan. The further determinations of the Hearings Panel made on 29 June 2010 are included as recommendations of this report but not included in the master and management plans (Attachments 1 to 4 separately circulated to the Council meeting of 24 June 2010).

### FINANCIAL IMPLICATIONS

5. The master plan contains a number of proposals that will be put forward for consideration in the 2012-22 LTCCP. The plan clearly states that the projects are subject to approval through the LTCCP process.

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

6. Yes, as above.

### LEGAL CONSIDERATIONS

7. The two management plans have been prepared in accordance with the requirements of the Reserves Act 1977 as they cover reserves classified under this Act. The preparation of the master plan was not required to be subject to the Reserves Act as it includes areas not held under the Act. Yet, due to its overarching coverage, including the aforementioned reserves, and in order to achieve an integration of planning, consistency of consideration by the public and economy of scale cost savings, the three plans were processed together. The master plan is a statutory document under the Reserves Act 1977 for the areas it covers that are reserves classified under the Act (that is, Spencer and Seafield Parks) and a contract between the public and the Council under the Local Government Act 2002 for the non-reserve public open space areas administered and managed by the Council.

**26. Cont'd**

8. The master plan also covers public areas under the administration of the Department of Conservation and Environment Canterbury. For these areas, the master plan is not binding on these government bodies in any way but instead serves an integrated information and advocacy role.
9. The Hearings Panel has delegated authority, under the Council's Hearings Panel Reserves Act 1977 delegations, to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves, pursuant to Section 41 of the Reserves Act. As the submissions and objections have been heard and determined by the Hearings Panel under this delegated authority, the Council cannot make any further amendments to the plans.

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

10. Yes, as above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. The three plans will assist the Council, for the area that the plans address, in being effective in ensuring the best provision of activities and services for Parks, Open Spaces and Waterways to meet community and environmental needs for open space, protect natural resources and scenic values, beautify the city and manage the land drainage network (Page 117 of the Long Term Council Community Plan 2009-19).
12. Spencer Park, Seafield Park and Brooklands Spit come under the activity of Regional Parks in the LTCCP and Activity Management Plans. In the current LTCCP, up to \$30 000 per annum is available for plantings in Spencer Park and up to \$15 000 per annum for plantings in Seafield Park. In addition, \$5,000 per annum is available for car parks and driveways in Spencer Park and Seafield Park.

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

13. In order to ensure the best management and use of the multiple values contained in Spencer Park and Seafield Park, and the other public parks and open space in the Brooklands Lagoon/Te Riu o Te Aika Kawa area, and contribute to meeting the Council's Parks, Open Spaces and Waterways activities and services as described in Paragraph 11, the Council needs to have in place good operational plans for these parks and open spaces.

**ALIGNMENT WITH STRATEGIES**

14. Council strategies relevant to the plans include the Biodiversity Strategy 2008, Christchurch Active Living Strategy 2004, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Physical Recreation and Sport Strategy 2002, Dog Control Policy 2008, Dog Control Bylaw 2008, Parks and Reserves Bylaw 2008, Marine and River Facilities Bylaw 2008 and the Draft Public Open Space Strategy 2010-2040.
15. Approval of the plans is consistent with achieving the appropriate management and use of the resources in the Conservation 1A Zone (coastal margin), including ensuring the natural character of the coastal environment remains substantially unchanged and providing for the range of values present on the land, including recreational, ecological, scenic, educational, cultural and heritage values. It is also consistent with meeting the Greater Christchurch Urban Development Strategy's strategic directions to enrich lifestyles by developing an open space network and providing additional recreational opportunities in parks and natural areas, and to enhance environments by recognising the value of, and protecting, the coastline, estuaries, wetlands and waterways.

26. Cont'd

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

16. Yes, the approval of the plans as the operative plans will permit the planning process to be completed, resulting in documents being in place that direct and guide the management, use and enhancement of the public parks and open space areas in the Brooklands Lagoon/Te Riu o Te Aika Kawa area in a manner consistent with the Council's long term plans and strategies, including those referred to in Paragraphs 14 and 15.

**CONSULTATION FULFILMENT**

17. Yes, consultation has exceeded the requirements of the Reserves Act 1977.
18. Key stakeholders were involved in the preparation of, or commented on, the draft plans before they were publicly notified. These included Te Rūnanga o Ngāi Tahu, through Mahaanui Kurataiao Ltd, and staff of Environment Canterbury and the Department of Conservation.
19. Two periods of public consultation were undertaken during the process of review and preparation of the draft plans. These followed the public notification in March 2008 of the Council's intent to prepare the draft plans and the notification in June 2009 of the draft plans for public comment. Both consultations fully complied with Section 41 of the Reserves Act 1977.
20. The Shirley/Papanui Community Board has been engaged and informed, through field trips, seminars and reports, since 2003 on the public parks and open space planning for the Brooklands Lagoon/Te Riu o Te Aika Kawa area.

**RESERVE HEARINGS PANEL RECOMMENDATION**

With the powers of the Council delegated to the Brooklands Lagoon Area Draft Parks Master and Management Plans Management Plan Hearings Panel to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves pursuant to Section 41 of the Reserves Act 1977, and for parks held under the Local Government Act 1974, it is recommended that:

- (a) The Council approves the Spencer Park Management Plan, Seafield Park Management Plan and Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan, with the changes shown as tracked changes in the draft plans and incorporated in the final versions of the plans, plus the changes shown in (b) and (c) below, as the operative plans.
- (b) Further additions are made to the Draft Spencer Park Management Plan, as follows:
- (i) Insert the following policy section and contained policies on page 11 of the draft plan.

**2.18 TREE MANAGEMENT**

POLICIES: 45 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken or the tree removed in order to mitigate this risk.

46 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

- (ii) Insert the following values and issues section on page 19 of the draft plan.

**3.15 TREE MANAGEMENT**

The area covered by this management plan includes a variety of tree vegetation, most of which consists of exotic species such as pines, willow and silver poplar.



## 26. Cont'd

This ranges from scattered trees and clumps of trees throughout Spencer Park, with a tall pine shelter belt fringing the Picnic Ground, to the tall woodland area of South Seafield Park.

Management of trees in the Spencer Park/South Seafield Park area, and elsewhere in the Brooklands Lagoon area under the control of the Council, has proceeded, and is continuing to proceed, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The Council is preparing a Tree Policy that will document all requirements with respect to trees.

Part of Spencer Park is leased to an independent operator as Spencer Beach Holiday Park. The lease requires the lessee to maintain the trees in the Holiday Park to the best standards of silviculture. The landscape and planting plan for the Holiday Park that is an appendix to this management plan states that trees are to be assessed yearly and maintained in accordance with the tree management strategy, and that unsafe trees are to be pruned or removed.

Part of South Seafield Park, at the time of preparation of this management plan, is operated by an independent party under licence as the Adrenalin Forest, a tree-based adventure ropes course. The Licensee is responsible for the care and maintenance of all trees in the area covered by the licence, but the prior written consent of the Council is required before any cutting or trimming of the trees occurs. The Licensee is also required to engage a Council approved consultant to undertake an annual tree audit on the trees used in the ropes course to determine their health and structural integrity and the effect, if any, on them by the ropes course activity.

(c) Further additions are made to the Draft Seafield Park Management Plan, as follows:

(i) Insert the following policy section and contained policies on page 13 of the draft plan.

### 3.0 TREE MANAGEMENT

POLICIES: 44 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken or the tree removed, subject to Policy 46 below, in order to mitigate this risk.

45 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

46 For the areas covered by this management plan that are classified scenic reserve under the Reserves Act 1977, the prior consent in writing of the Minister of Conservation shall be obtained prior to the cutting or removal of indigenous trees and bush, as required by the part of section 42(1) of this Act not delegated to the Council.

(ii) Insert the following issues section on page 19 of the draft plan.

### 3.7 TREE MANAGEMENT

The area covered by this management plan includes a range of vegetation, with most of this comprising low and open wetland, dune and pasture types. What tree vegetation there is consists of a few scattered trees and clumps of trees, plus a couple of shelter belts of trees, all of which are made up of mostly exotic pines, in the northern half of Seafield Park. The dense tall pine woodland in South Seafield Park is addressed in the Spencer Park Management Plan.

26. Cont'd

Management of trees in the Mid/North Seafeld Park area, and elsewhere in the Brooklands Lagoon area under the control of the Council, has proceeded, and is continuing to proceed, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The Council is preparing a Tree Policy that will document all requirements with respect to trees.

- (d) This report is forwarded to the Shirley/Papanui Community Board for information.
- (e) The Council consider supporting staff to investigate further the following issues:
  - (i) With respect to the Dog Control Policy and Bylaw, the need for further restriction of dogs in natural areas in order to protect wildlife, the provision and effectiveness of signage on site to better inform dog owners, and requirements for improved enforcement.
  - (ii) Development of a policy for the use and promotion of Māori names in significant natural and open space areas.
  - (iii) The feasibility of and options for the Christchurch Water Sports Club relocating to an alternative site, and the Club's land being acquired for addition to the Seafeld Park scenic reserve.

## 27. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW

<b>General Manager responsible:</b>	General Manager, City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Asset Planning & Network Manager
<b>Author:</b>	Weng Kei Chen, Asset Policy Engineer

**PURPOSE OF REPORT**

1. The purpose of this report is to report back on the Community Board views on the options for the policy of vehicle entrances and footpaths and to seek the Council's decision on the preferred way forward. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

**EXECUTIVE SUMMARY**

2. The current Council's Policy "That the Council will maintain vehicle entrances on roads with an adjacent footpath" was adopted in 24 May 2001.

The reasons for the current policy are:

- (a) Vehicle crossings adjacent to footpaths are recognised as an integral part of the footpath system and thus registered as a footpath asset;
  - (b) Vehicle crossings where there is no footpath is directly attributable to the property owner rather than to the public good.
3. The Council's Traffic Bylaws 2008 Part 4 Vehicle crossing and Section 335 of Local Government 1974 Act requires owners of properties to form vehicle crossings.
  4. A previous review of the policy was carried out in 2004 and the Council at its meeting of 23 September 2004 resolved "that the current policy be confirmed". The reports of May 2001 and September 2004 are attached (**Attachment 1**).
  5. The issues relating to the maintenance and resurfacing of vehicle entrances not adjacent to footpaths was raised by Riccarton/Wigram and Fendalton/Waimari Community Boards in 2007. The key issue being "Where there is a footpath on only one side of the road the current level of service is to only resurface driveways on the footpath side of the road. The driveways on the opposite side of the road do not get resurfaced."
  6. The Council resolved at its 13 March 2008 meeting:

**15. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD:  
MEETING OF 4 FEBRUARY 2008**

**(1) Notice of Motion**

*It was resolved on the motion of the Mayor, seconded by Councillor Wells, that the Council undertake a review of the existing policy of vehicle entrances and footpaths.*

7. Staff discussed the policy and alternative options with Community Boards in May – June 2009. Four boards favoured the status quo, six favoured the status quo for Hills and rural areas, two wished to make changes on the flat, and two favoured a change in the level of service throughout the whole area.

**OPTIONS**

8. The policy review considered three potential options:
  - (a) Status quo with the current policy reconfirmed.
  - (b) The status quo remains for the Hills and rural areas, with a change of level of service for the urban flat areas of the city.

27. Cont'd

- (c) Change in the level of service throughout the City Council Area.
9. These options were presented to each Community Board and the following issues were brought to elected members' attention with regard to each option.
10. Status quo with the Policy reconfirmed.
- (a) The Council is likely to receive an ongoing low level of complaints from property owners when footpath resurfacing works are undertaken on a particular road or street and their driveways are not included.
  - (b) The budgets included in the 2009-19 LTCCP (Long Term Council Community Plan) support the status quo option.
11. Status quo remains for hills and rural areas, with a change in level of service for the urban flat areas of the city.
- (a) As part of the review external consultants MWH were commissioned to report on the cost implications of changing the level of service associated with the footpath re-surfacing program. In the review the footpath resurfacing programme 2008/09, excluding the rural area was used to estimate the additional funding required to resurface driveways on the opposite side to where there are no footpaths. An estimated capital cost of \$250,000 per annum was attributed to resurfacing of these vehicle crossings.
  - (b) In the urban flat area of the city there are a number of property accesses across waterways supported by existing structures e.g. pipes, culverts, or bridges that will require some maintenance works or their replacements prior to resurfacing. It is estimated that \$50,000 per annum will be required to upgrade these structures prior to resurfacing works, this figure is an estimate only and could significantly increase once a detailed asset register has been compiled.
  - (c) It is estimated that an increase in the maintenance operating budget of \$100,000 per annum will be required for repairing the crossings.
  - (d) Work will be required to clearly define the level of service to be adopted on a street/road basis.
  - (e) The option provides for differing level of service within the Council's area, some property owners are likely to complain that this is unfair.
12. Change in the level of service throughout the Council area.
- (a) A change in the level of service that includes resurfacing of all vehicle entrances on legal roads means there will be a need to increase the current Resurfacing budget. The current Resurfacing budget to resurface approximately 90 kilometres of footpath annually is \$4.45 million and it is estimated that this would need to be increased by \$400,000 per annum.
  - (b) Across the City area there are property accesses supported by retaining structures on roads. It is estimated that \$150,000 per annum will be required to upgrade these structures prior to surfacing the accesses on road. Again this is a high-level estimate only and could significantly increase once the details of the assets are known.
  - (c) For any change to the existing policy there will also be a need to review the current footpath operational repairs and maintenance budget of \$1.45 million per annum. Currently it is estimated that \$500,000 of the \$1.45 million is attributed to maintaining the vehicle crossings that formed the footpath network.
  - (d) It is estimated that the maintenance budget needs to be increased by \$300,000 per annum.

## 27. Cont'd

(e) Level of service is common across the Council's area.

13. Currently the stand alone vehicle entrances, i.e. without footpath adjacent to them, are not considered to be the Council's infrastructural assets to maintain and hence are not included in the Council's asset register. Any change of policy will require these "new" assets to be identified. Depreciation allowances for these assets will need to be included for changes to the current level of service.
14. Any change of level service without any increase in funding will lead to a decreased level of service increasing the current footway resurfacing cycle from its existing 23 years cycle.
15. If a change of policy was agreed there will be significant change to the management of this section of the Council's asset. The safe use of the entrances over waterways and supports to driveways would become the Council's responsibility. The management of these additional assets will be complex, in particular the responsibility of structural integrity of timber bridges across waterways, and 'dry rock' walls supporting driveways on legal roads.
16. Any change of policy will potentially generate additional requests to maintain vehicle entrances from residents residing on roads that have no footpaths.
17. In the consultant's review it included a survey of five other Councils' policies and the findings were:
  - (a) Waimakariri, North Shore and Wellington Councils have similar policies as Christchurch's existing policy.
  - (b) Napier has a policy to maintain driveways on legal roads for visual appearance.
  - (c) Auckland City Council is replacing asphaltic concrete footpaths with exposed aggregate concrete and will be replacing the old driveways to achieve uniformity.
18. Any change of the present policy will require increases in both Operation and Capital Works budget for Footpath Resurfacing.

**FINANCIAL IMPLICATIONS**

19. Estimated summary of Additional Cost Implications:

	Annual (\$000K)			
	Footpath resurfacing Capital Maintenance budget.	Maintenance of structures, culverts, etc.	Footpath operational, repairs and maintenance.	Total
<b>Option 1</b> Status Quo	\$0	\$0	\$0	\$0
<b>Option 2</b> Status quo for Hills and rural areas, change in level of service for urban flat area	\$250	\$50	\$100	\$400
<b>Option 3</b> Change in level of service throughout the Council area	\$400	\$150	\$300	\$850

20. There is currently no allowance in the 2009/19 LTCCP to change the policy on private driveway resurfacing.

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

21. The recommendations of the report could have an impact on the 2009/19 LTCCP budgets if the current policy is changed.

27. Cont'd

**LEGAL CONSIDERATIONS**

22. Sections 316, 317, and 319 of the Local Government Act 1974 confer a number of powers over roads on the Council. Specifically, section 316 (1) vests local roads in the Council, while section 317(1) provides that all roads in the district are under the control of the Council (excluding State Highways). Section 319 gives the Council power to do certain things in respect of roads (e.g. constructing and repairing roads etc). Section 319 (a) of the Local Government Act 1974 confers a power on the council *"to construct, upgrade and repair all roads with such materials and in such manner as the council thinks fit."* The section only confers a power to construct, upgrade and repair any road, rather than an express duty to do so.
23. These sections need to be read in light of the common law. The Courts have held that proceedings cannot be brought against a local authority for failure to maintain and repair a road even though a statute gives the Council the power to repair it. This is known as the "non-feasance rule." The rule is subject to a number of technical qualifications. But it has a long history in New Zealand and other jurisdictions. In the last few years the non-feasance rule has been the subject of criticism. It has now been rejected in Australia. In England, the rule has been abolished since 1961 and a positive repair obligation has been placed on highway authorities. However, in the opinion of the Legal Services Unit, the rule is still good law in New Zealand until a court says otherwise or the rule is changed by statute.
24. The opposite of the non-feasance rule is the misfeasance rule. Once the Council decides to reconstruct or repair a road, then it is obliged to exercise reasonable care in the performance of its self-imposed task.

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

25. Yes. The current policy that the Council will maintain vehicle entrances on roads with a footpath complies with the Local Government Act 1974 and is consistent with the non-feasance and misfeasance rules. The Council has a power to maintain and repair footpaths and vehicle entrance ways but it is not under a duty to do so. If the Council exercises its power to maintain footpaths and vehicle entrance ways it must do so with reasonable care and skill.

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

26. This review is to consider a potential change to the level of service.

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

27. Not applicable.

**CONSULTATION FULFILMENT**

28. These options have been discussed with all Community Boards.

**COMMUNITY BOARD RECOMMENDATIONS**

**Riccarton/Wigram**

That the Council:

- (a) Adopt **Option 2** and that these additional works be included by way of an adjustment to the annual work programme each year.
- (b) Approve that where street footpaths on one side of the road have been resealed in the past six years, the footpath crossings on the other side of the road be included in the forward work programme.

27. Cont'd

**Lyttelton/Mt Herbert**

It is recommended that the status quo with the current policy be retained.

**Fendalton/Waimari**

It is recommended:

- (a) That **Option 2** identified in the report be adopted, which states that the status quo for hills and rural areas remain but that a change in level of service for urban flat areas be introduced.
- (b) That staff be requested to explore all the potential issues surrounding new residential developments and subdivision where footpaths are proposed for only one side of a street.
- (c) That staff be requested to make information readily available to owners of properties that are affected by the Council's policy regarding vehicle entrance and footpaths.

**Shirley/Papanui**

It is recommended:

- (a) That **Option 3** be adopted which implies the change in the level of service throughout the Council area.
- (b) That the Council identify the preferred long term policy and request staff to undertake detailed analysis of the preferred option so that it can be adopted for the 2012-22 LTCCP.

**Hagley/Ferrymead**

It is recommended:

- (a) That the Council identify the preferred long term policy and request staff to undertake detailed analysis of the preferred option so that it can be adopted as a change to the 2009-19 LTCCP as part of the next annual plan process.

**Spreydon/Heathcote**

It is recommended that the Council:

- (a) Confirm the status quo by retaining the Council policy.
- (b) Request staff to supply information regarding Council policy on footpaths and accessways in LIM reports.

**Burwood/Pegasus**

It is recommended:

- (a) That the status quo with the current policy be retained.

**Akaroa/Wairewa**

It is recommended:

- (a) That the status quo with the current policy be retained.

## 27. Cont'd

## SUMMARY OF BOARD RECOMMENDATIONS

Status Quo Remains	Status Quo Remains for Hills and Rural Areas with a Change in Service for the Flat City Areas	Change in Level of Service for the Council Area, implemented 2012/22	Change in level of Service for the Council Area, implemented 2009/19 LTCCP
Lytelton / Mt Herbert Spreydon / Heathcote Burwood / Pegasus Akaroa / Wairewa	Riccarton / Wigram Fendalton / Waimari	Shirley / Papanui	Hagley / Ferrymead

## STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Reconfirm the existing Policy relating to the surface of vehicle entrances.
- (b) When a reseal project is programmed, give owners of properties the opportunity to have their vehicle crossing resealed as part of the Council contract but at the owner's cost.
- (c) Note that the Council will only undertake these reseals using its standard seal materials.

## BACKGROUND

- 29. The Local Government Act and Council's Transport Bylaws 2008 require property owners to provide vehicle crossings across any footpath on any road or water channel on or adjoining any road by means of a crossing properly constructed. Vehicle crossing also includes crossings to all private rights of ways or private roads.
- 30. The responsibility of maintaining vehicle entrances on legal roads has always been a contentious issue and it is for these reasons that the Council adopted the current policy at its meeting on 25 May 2001.

The Policy states

"That Council will maintain vehicle entrances on roads with an adjacent footpath".

The reasons for the policy:

- (a) Vehicle crossings adjacent to footpaths are recognised as an integral part of the footpath.
  - (b) Vehicle crossings, where there is no footpath is directly attributable to the property owner rather than to the public good.
- 31. This policy was reconfirmed by the Council in 2004 (23 September 2004 report is **Attachment 1**).
  - 32. The provision of one only footpath within the road corridor is a Subdivision rule in the City Plan for Subdivisional roads. The criteria being that the road is:
    - (a) Carrying less than 250 vehicles per day i.e. serving 25 dwelling units
    - (b) In Living Hills Zone.

This practice and rule has been in place since the mid 1970s.



**27 Cont'd**

33. The Council discussed all options at a workshop on 9 June 2010 and raised the question of whether property owners could be given the opportunity to have their vehicle crossing resurfaced as part of a Council reseal project, on the understanding that the costs are met by the property owner.

This is covered in the staff recommendation (b).

## 28. ADOPTION OF THE CLIMATE SMART STRATEGY 2010-2025

<b>General Manager responsible:</b>	General Manager, Strategy and Planning, DDI 941-8281
<b>Author:</b>	Climate Smart Strategy Hearings Panel

## PURPOSE OF REPORT



1. The purpose of this report is to seek Council adoption of the Christchurch City Council Climate Smart Strategy 2010–2025 (**Attachment B**). (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

## EXECUTIVE SUMMARY

2. The Climate Smart Strategy is a non statutory document which establishes a vision, goals, objectives and targets for the community and sets out the Council responses to the issues and opportunities presented by Climate Change.
3. This Strategy is a response to the legal obligations placed on the Council to consider the effects of climate change in our activities and functions. The Strategy is also a response to advice received from the Ministry for the Environment about future changes to our climate, sea-level and flood risks.
4. The Strategy vision is that: “People enjoy and actively work toward a climate smart Christchurch that is powered by renewable energy and resilient to the social, cultural, economic and environmental effects of climate change”.
5. The Strategy goals are:
  - (1) Understand to the local impacts of climate change;
  - (2) Provide leadership in addressing climate change; and
  - (3) Respond to the opportunities and challenges presented by climate change in ways that promote social, cultural, economic and environmental wellbeing.
6. The proposed high-level Strategy targets, from a 2008 baseline, are:
  - (a) 20 per cent reduction in total greenhouse gas emissions from Christchurch by 2020; and
  - (b) 50 per cent reduction in total greenhouse gas emissions from Christchurch by 2050.
 (*Generally consistent with the New Zealand Government’s “20 by 20 and 50 by 50” targets*).
7. The Strategy contains an indicative action plan to advance on the Strategy objectives. The actions proposed aim to build community and the Council understanding of and resilience to the effects of climate change, then as a key response, encourage a transition away from greenhouse gas emitting fossil fuels. After the Council approval of the Strategy, a detailed implementation plan will be developed with proposals passing through future LTCCP planning processes.
8. On 25 February 2010, the Council approved the Draft Strategy for public consultation and appointed Councillors Williams, Reid and Johanson to hear the submissions. A six week public consultation period commenced on 22 March 2010. During this time strategies were sent to over 500 stakeholders, 120 people attended information sessions and over 300 people attended the Hot Topic consultation launch event. The Council’s climate smart website received 1,030 visits and awareness of the Strategy and climate change issues in general were raised through community support of the global Earth Hour event. The Council received 54 written submissions and 31 submitters wished to be heard. The Hearings Panel heard submissions on 24 and 26 May and deliberated on 1 and 29 June 2010.
9. Overall, submitters were generally supportive of the Strategy intent and direction. The Council leadership, monitoring and investigation of changes, community education, improving the performance of buildings, reducing transport emissions and enhancing local food production were aspects widely supported.

28. Cont'd

10. The most widely suggested improvements to the Strategy were: for much stronger targets to be set for the actions promoted in the Strategy and for it to cover a greater range of greenhouse gas emissions; connections were wanted to other national, regional and local strategies, policies and plans dealing with climate change issues; the inclusion of a wider range of stakeholders to help implement the strategy; more detail was wanted to provide better understanding of the proposed actions; and a greater level of precaution and flexibility to respond to future risks for Christchurch.
11. In response to submissions and Hearings Panel deliberations a number of changes have been made to the Draft Strategy (**Attachment A**) separately circulated. Substantive changes include:
  - Stronger targets have been set that include total greenhouse gas emissions targets for Christchurch and for each of the major sources of emissions. Where possible these targets are consistent with existing local and national policy.
  - Greater recognition has been made of the wide range of stakeholders involved in climate change understanding and responses.
  - Greater connections have been made to other local, regional and national strategies, policies and plans that relate to climate change.
  - Better connections have been made within the Strategy for example, with the introduction of Figure 5 now showing the relationships between the various parts of the Strategy and with the implementation process.
  - The Strategy now reflects a greater level of precaution and risk management through changes made to the background and action plan sections. Changes include more explanation about the potential consequences of continuing on a high greenhouse gas emission trajectory, greater explanation of the effects of climate change on Christchurch and by identifying which actions are adaptation or mitigation responses.
  - More explanation has been provided for each action so readers can better understand what is being proposed and for each action the priorities, budgets and timing have been reconsidered.
12. Taking into consideration all of the submissions received, the Hearings Panel now recommends the attached Strategy for adoption by the Council.

**FINANCIAL IMPLICATIONS**

13. This Strategy is part of the Healthy Environment work programme and its development is covered by the Strategy and Planning Group budget. The cost and timing for implementation of the Strategy will be addressed through future LTCCP planning processes. An indicative cost of \$3.5 million will be spread over the 15 years of the Strategy. It is possible that some of these costs can be met by the sale of carbon credits earned by the Council beyond 2012. However, this would depend on future international agreements on carbon trading, securing a buyer and on other Council demands for this potential revenue.

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

14. Development of the Strategy is covered by existing budgets, implementation will need to be approved through future LTCCP processes.

**LEGAL CONSIDERATIONS**

15. This Strategy will assist the Council in meeting its legal obligations to address the effects of climate change and greenhouse gas emissions. These obligations are contained within the:
  - (a) Local Government Act 2002 - current and future social, cultural, economic and environmental well being;
  - (b) Resource Management Act 1991, Section 7 - Council shall have particular regard to the effects of climate change and renewable energy;
  - (c) Civil Defence Emergency Management Act 2002 - manage risks to people and property and enhance community preparedness and resilience; and
  - (d) Climate Change Response Act 2002 - measure and report greenhouse gas emissions from Council operations.

28. Cont'd

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

16. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

17. The development of this Strategy is part of "City and Community Long-term Policy and Planning" within the 2009-2019 LTCCP (pages 188-190).

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

18. The implementation of this Strategy will have an effect on many Council activities and functions, such as community education, city planning, the management of coastal areas, surface water, water supply, transport, energy, biodiversity, and civil defence and emergency management.

**ALIGNMENT WITH STRATEGIES**

19. Key Council strategies and how they relate to the Climate Smart Strategy:
- **Greater Christchurch Urban Development Strategy** – the location and management of development, transport infrastructure and travel demand;
  - **Strengthening Communities Strategy 2007** – community cohesion and supports systems;
  - **Sustainable Energy Strategy 2008** – energy conservation and promotion of renewable energy;
  - **Water Supply Strategy 2009** – water conservation, security of supply, management of droughts and salt-water intrusion;
  - **Surface Water Strategy 2009** – management of floods, protection structures and water quality;
  - **Biodiversity Strategy 2008** – management of at risk species, pests, fire risk and the promotion of carbon sequestration;
  - **Public Open Space Strategy 2010** – accessibility, productive use of parks and gardens;
  - **Waste Management Plan 2006** – waste reduction and landfill gas management; and
  - **Christchurch Transport Plan** (in development) – promotion of walking, cycling and public transport.

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

20. Yes, see above.

**CONSULTATION FULFILMENT**

21. Public and staff engagement took place throughout the strategy development process and a six week formal consultation process commenced on 22 March 2010 (see Table 1 in the Background Section). The Council established a Sustainability and Climate Change Working Party comprising of representatives from the City Council, Environment Canterbury, Canterbury Employers Chamber of Commerce, Canterbury University and Sustainable Otago Christchurch who met each month to develop the draft strategy. Consultation included four public information sessions in key locations, presentations and discussions with key stakeholders and interest groups including the Mahaanui Kurataiao Limited Board, Canterbury University, Christchurch Polytechnic Institute of Technology, Canterbury Public Health and at a joint Transition Towns meeting. A Hot Topic public forum was held on 24 March 2010 to launch the consultation period.

28. Cont'd

**HEARINGS PANEL RECOMMENDATION**

It is recommended that the Council:

- (a) Approve for adoption the Christchurch City Council Climate Smart Strategy 2010-2025 as in Attachment B.
- (b) That \$130,000 of the unexpended portion carried over from the sale of carbon credits in previous years be allocated to the funding of actions identified in the Strategy to enable implementation to commence in 2011-12.
- (c) Thank the members of the Sustainability and Climate Change Working Party.

**STAFF COMMENT**

Following public consultation on the Sustainable Energy Strategy for Christchurch 2008-18, which included both a detailed action plan and its implementation budget, the Council resolved on 27 September 2007: "To confirm the use of the Burwood Landfill gas project Carbon Credits (estimated value of \$3.53 million) as the funding source for the 2008-13 Sustainable Energy Strategy Implementation Plan." Subsequently, the Energy Strategy implementation budget was consulted on again as part of the LTCCP. The carbon credit revenue is fully allocated to funding the Implementation Plan over five years.

**BACKGROUND**

22. In 2007 the Council established a Sustainability and Climate Change Working Party to assist in the development of the Council's Sustainability Policy and Climate Smart Strategy. Members of the Working Party were:

Chrissie Williams, Claudia Reid and Sally Buck - Christchurch City Councillors  
Jane Demeter - Environment Canterbury Councillor  
Rob Lawrence – Canterbury Employers Chamber of Commerce  
Kate Hewson – Canterbury University  
John Peet – Sustainable Otautahi Christchurch

23. On 25 February 2010 the Council approved for consultation the Draft Climate Smart Strategy 2010-25 and appointed Councillors Williams, Reid and Johanson to hear the submissions. The revised Climate Smart Strategy (**Attachment B**) seeks to respond to the feedback received over the six week consultation period that began on the 22 March 2010 and responds to the feedback received at the information sessions and from verbal submissions made at the hearings held on 24 and 26 May 2010 (Table 1).

## 28. Cont'd

Table 1. Public engagement and consultation undertaken on the Climate Smart Strategy

Phase	Who	When
Strategy Development	Public focus groups and telephone survey	July 2008
	Sustainability and Climate Change Working Party	Monthly Meetings
	Key stakeholder discussions	Various
	Council Seminar	24 November 2009
	Joint Community Board Seminar	21 September 2009
	CCC seminars - Executive Team	2 November 2009
	CCC seminar – Leadership Group	16 November 2009
	CCC seminar – General staff	9 December 2009
Strategy Approval	Council report seeking approval of the draft	25 February 2010
Consultation Open	Joint Community Board Seminar	22 March 2010
Awareness Raising	Hot Topic Public Forum Launch Event	24 March 2010
	Earth Hour	27 March 2010
	Avon-Heathcote Estuary Ihutai Trust AGM	2 September 2009
	Engineers and consultants – joint MWH event	15 December 2009
Public information and feedback sessions	Canterbury University - key staff only	2 March 2010
	Christchurch Public Health – key staff	9 March 2010
	Canterbury Workers Educational Association	17 March 2010
	Mahaanui Kurataiao Limited Board Meeting	22 March 2010
	Public Information Session – Central City	30 March 2010
	Public Information Session – Akaroa	31 March 2010
	Christchurch Polytechnic Institute of Technology	31 March 2010
	Joint Christchurch Transition Towns Meeting	13 April 2010
	Environment Canterbury Seminar	16 April 2010
	Public Information Session – Lyttelton	19 April 2010
	Public Information Session – Woolston	20 April 2010
	Canterbury University – wider staff group	26 April 2010
Submissions Closed	54 submissions were received	30 April 2010
Public Hearings	31 submitters appeared before the Panel	24 & 26 May 2010
Deliberations	Hearings Panel	1 and 29 June 2010

24. A summary of aspects widely supported by submitters and aspects where submitters suggested improvements are provided in Tables 2 and 3. Examples of the actual statements made by submitters are also provided. Survey information was collected from the written submissions and the results are given along side the relevant theme.
25. Overall the Strategy was strongly supported with 82 per cent of the submitters agreeing with the strategy vision and the Council's proposed approach to leadership and to enhancing understanding. Thirty eight percent of submitters disagreed with the proposed targets, wanting much stronger targets that tie into Strategy actions while also taking account of a greater range of greenhouse gas emissions.

## 28. Cont'd

Table 2. Overview of Aspects Supported by Submitters

Theme	Examples
1 Climate change was seen as an important issue for Christchurch that requires urgent community and Council responses.	<i>It is pleasing to see that the Council is being proactive in its response to climate change. We strongly urge the Council to continue improving policies in relation to climate change issues in a manner that demonstrates partnerships and synergies both within and beyond the Council.</i> Sustainable Otautahi Christchurch
2 The general intent and direction of the strategy (e.g. vision, goals and objectives) were strongly supported.	82% of submitters agreed or strongly agreed with the strategy vision.  <i>The Board is enthusiastic about the draft document and believes it will be an excellent resource in helping to address climate change and its effects. The Board believes that almost all of the important climate change issues in the Lyttelton-Mt. Herbert area are encompassed in the overall objectives of this Strategy. The Board strongly agrees with the approach outlined in the Strategy and congratulates the Council on producing such a forward thinking document.</i> Lyttelton-Mt. Herbert Community Board
3 Council leadership was seen as vital to build community support and to encourage positive actions.	82% agreed or strongly agreed with the Council's proposed leadership approach.  <i>Leading by example sends a very strong message to the Community.</i> Avon Heathcote Estuary Ihutai Trust
4 Monitoring environmental, social and economic changes related to climate change, was seen as critical for informed policy making and helping to drive public understanding and responses.	83% agreed or strongly agreed with the Strategy's proposed approach for understanding climate change.  <i>It is important that the Council and community is fully informed about the possible impacts of climate change with respect to the societal and environmental consequences so it can mitigate and adapt to the anticipated changes in a timely manner.</i> Sustainable Otautahi Christchurch
5 Community education on climate change was seen as a crucial role for Council with household education and Enviro-schools strongly supported.	<i>One of the best aspects about the strategy is encouraging resilient households and communities through a sustainable school programme. Schools and their communities are a great place to start. They are often the heart of a community.</i> Enviro-schools Canterbury
6 Improving the quality of buildings (e.g. energy efficiency and solar panels) by education, incentives and regulation was strongly supported.	<i>City's building code needs to contemplate transition requirements for solar heating and energy provision in new buildings to eventually become mandatory.</i> Burwood Pegasus Community Board
7 Encouraging local food production was seen as key for developing community resilience.	<i>The biggest sustainable changes are likely to come from the changes individuals make within their homes and neighbourhoods, therefore the protection of local productive land and support for community initiatives such as community gardens should be afforded high priority status.</i> Mt Pleasant Memorial Community Centre & Residents Association

## 28. Cont'd

Table 3 Overview of Improvements Suggested by Submitters

Theme		Examples
1	Targets do not go far enough to address the level of change necessary to avoid significant harm and should cover the range of greenhouse gas emissions and reflect the actions contained within the strategy.	38% disagree or strongly disagree with the targets proposed. <i>The targets are grossly inadequate.</i> Christchurch Polytechnic Institute of Technology
2	Greater recognition is needed of the role that other stakeholders (eg community organisations, NGOs, Ngai Tahu, industry and the rural sector) can play in helping deliver the outcomes of the strategy.	<i>The Council could also involve local community organisations, social services sector, environmental consultants, social scientists and engineers... many of these groups are already working at a community level on climate change issues and building community resilience.</i> Aoraki Province of the Green Party of Aotearoa NZ
3	The Strategy should adopt a more precautionary approach in consideration of future changes, it should plan for the worst case scenario.	<i>The speed of change and the severity of risks have not been fully appreciated... planning for the worst case scenario is required.</i> Rik Tindall
4	Greater connections need to be made with rural areas, Banks Peninsula and the wider Canterbury region.	<i>The Council seems to ignore agriculture and the links between the city and our broader environment. We live in a system which is directly linked to what goes on in the countryside.</i> James Le Couteur
5	The Strategy was seen as too vague needing more detailed and specific actions to give people a better idea of what the Council proposes to do.	<i>You tell me how you are going to build a resilient city, and I will comment.</i> Bob Noonan
6	A greater focus is needed on walking, cycling and public transport and the land-use planning that would facilitate these solutions.	<i>Council must increase the priority given to cycling and walking because this:</i> <ul style="list-style-type: none"> <li>▪ addresses the main source of greenhouse gas emissions</li> <li>▪ is rapidly getting worse</li> <li>▪ will become more difficult over time</li> <li>▪ can be readily implemented</li> <li>▪ result in multiple benefits and strengthens communities.</li> </ul> Spokes Canterbury Cycling Association
7	More context is required showing connections within the strategy and with other policies and future projections.	<i>The actions appear to be general and connections between the actions and how they relate to the objectives and overall strategy targets is not clear. The absence of these connections makes it difficult to determine how the draft will be implemented.</i> Environment Canterbury
8	Greater mention of risk management, civil defence and emergency responses to the risks posed by climate change is needed.	<i>The Strategy needs to recognise natural hazard management including response and adaptation more explicitly.</i> Environment Canterbury
9	Provisions should be made to influence Council controlled organisations and include their performance and impacts within Council reporting.	<i>It is embarrassing that the Council has not counted Council Controlled Organisations. If the Council finds a way to manipulate the numbers this leads the way for others to do the same.</i> James Le Couteur
10	Adopt a strong sustainability approach to considering future challenges – address fundamental problems not symptoms.	<i>This strategy is looking at how to make what we do in this area more efficient/effective, tinkering with the symptoms but not addressing the underlying causes.</i> Margaret Jefferies



## 29. ADOPTION OF PUBLIC OPEN SPACE STRATEGY



<b>General Manager responsible:</b>	General Manager, Strategy and Planning, DDI 941-8281
<b>Author:</b>	Public Open Space Strategy Hearings Panel

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Council's adoption of the Christchurch City Council Public Open Space Strategy (**Attachment A**) following hearings on submissions. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

**EXECUTIVE SUMMARY**

2. The Public Open Space Strategy is a non statutory document, which sets out a vision, principles, goals, objectives and priorities for the provision, development and maintenance of public open space for the Christchurch District over the next 30 years. The Strategy includes a number of concept plans for geographic areas of the Christchurch District and provides standards and guidelines for open space provision.
3. The Strategy sets out four goals. These are:
  - Provide an accessible, and equitably distributed, multi-use open space network while protecting natural, cultural and heritage values.
  - Ensure public open space is diverse, interesting, and promotes local and District identity (providing for and protecting indigenous biodiversity, iconic landscapes, heritage places, Ngāi Tahu cultural landscapes and views special to each area).
  - Encourage community awareness and support and develop partnerships for open space provision, development and maintenance.
  - Ensure open space provision and management is sustainable.
4. The current Strategy was initiated in the latter part of 2008 and approved by the Council for public consultation on 22 October 2009. Community Boards, Ngāi Tahu and key stakeholders were consulted prior to release of the Strategy for general consultation. The consultation process has not been required to follow any legislative requirements, however meaningful consultation has occurred in a manner consistent with the requirements of the Local Government Act 2002 (LGA).
5. Public consultation commenced on 16 November 2009 and closed 5 February 2010. One hundred and ninety three submissions were received and key themes from those submissions identified.
6. Overall, submissions on the Strategy were strongly supportive, especially from the urban areas of Christchurch and Banks Peninsula settlements. The main objections received concerned the Banks Peninsula Concept Plan. The majority of concerns were from the rural community, particularly around the potential adverse impacts of public access on adjoining landowners, and that wilderness and biodiversity values might be compromised.
7. The Strategy Hearings Panel, comprising Councillors Claudia Reid (Chairperson), Helen Broughton, Chrissie Williams, Barry Corbett and Mike Wall, convened on 22, 23 and 26 March 2010 to hear from the 92 submitters that wished to orally present their submissions.
8. Consequently the Panel sought information and analysis from officers in response to submissions and met on 7 May 2010 to deliberate. The Hearings Panel reconvened on 30 June 2010 to review and confirm amendments to the Draft Strategy.
9. Key amendments include greater emphasis on consultation and the development of partnerships, and clearer identification of areas of interest on the Banks Peninsula Concept Plan. The guidelines for open space provision were confirmed by the hearings process, including proposals to reduce the level of service for local parks in the Central City (while the area per 1000 people will decrease the total area will still increase over the next 30 years due to increased density of population) and to increase the level of service for regional parks, in part to recognise the role of covenanted land.

**29. Cont'd**

10. During deliberations a number of questions arose around the Council's current approach for assessing Development Contributions for reserves. As a consequence, the hearings panel have recommended that a report be prepared reviewing the current Reserve Development Contributions and how well they are meeting community needs for the provision of parks and open space.

**FINANCIAL IMPLICATIONS**

11. The Strategy forms part of the Healthy Environment Programme work programme for which internal officers and external consultant costs have been budgeted. Its implementation will be addressed through the 2009/19 and future LTCCP capital and operational infrastructure programmes.

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

12. Yes, covered by existing unit budget.

**LEGAL CONSIDERATIONS**

13. The Strategy will assist the Council in carrying out its functions under both the Local Government Act 2002 and Resource Management Act 1991 (RMA) by:
- Providing a vision, objectives and priorities for Christchurch District public open space to 2040;
  - Facilitating the integrated planning and management of the Council-managed public open space;
  - Facilitating partnership with other agencies and landowners;
  - Providing direction for Council's acquisition of strategic land areas; and
  - Providing standards and guidelines for the provision of parks and public open space which will enable the assessment of development contributions.

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

14. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

15. Aligns with LTCCP 2009-2019 (pages 117-128) by providing a framework for overall public open space provision, development and maintenance over the next 30 years.

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

16. Yes. The Strategy will assist in achieving a number of community and Council outcomes under the LTCCP, in particular UDS objectives planning for the future growth of the city. It provides guidance on how the Council might achieve LTCCP outcomes for local, sports, garden, heritage and regional parks.

**ALIGNMENT WITH STRATEGIES**

17. The relevant Council strategies and plans are as follows:
- Greater Christchurch Urban Development Strategy (UDS). The UDS, which anticipates greater intensification, has influenced the Central City and Christchurch Concept Plans. It has also influenced the Open Space Strategy's emphasis on environmental quality, provision of open space and planting in urban areas, such as the Central City.
  - Christchurch City Biodiversity Strategy, 2008 - 2035. The Biodiversity Strategy identifies priorities for indigenous biodiversity protection and enhancement across the district. This strategy provides an important basis for proposals in the Open Space Strategy, especially on Banks Peninsula.

29. Cont'd

- South West and Belfast Area Plans. These plans provide base information and priorities for development in these sectors of the City.
- A City for People (Public Spaces, Public Life). This study assessed how people use Christchurch's Central City spaces and streets, the quality of spaces, where people walk, plus how public spaces can better sustain public life and create a better sense of community.
- Port Hills Regional Park Acquisition Strategy 1999 and Port Hills Recreation Strategy. These plans have provided a basis for Strategy objectives and Concept Plans.
- The Styx Vision 2000 – 2040. The 'Vision' for the Styx Catchment and River Corridor has influenced the outcomes anticipated by the Strategy.
- Surface Water Strategy, 2009 - 2039. The Surface Water Strategy provides further grounding to the initiatives promoted in this Strategy.
- Banks Peninsula District Plan and especially the Boffa Miskell Landscape Study of Banks Peninsula and Outstanding Natural Landscapes and Coastal Protection Area maps.

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

18. Yes, in particular the Urban Development Strategy and the Biodiversity Strategy.

**CONSULTATION FULFILMENT**

19. Public opinion and preferences concerning open space and biodiversity were gathered in a 2007 Market Research Survey of Christchurch District residents. This sample survey and other research information was used as a basis for Strategy preparation. Strategy concepts and proposals were tested at a key stakeholders meeting on 4 August 2009, a Council Seminar on 25 August 2009 and a Community Board seminar 21 September 2009. Overall very positive responses were received.
20. Consultation with Maori has been facilitated by Mahaanui Kurataiao Ltd (MKT) the organisation set up to enable better consultation between Council and local Runanga. MKT have been involved in review of the document and have assisted Council staff on the wording of key strategy passages and policy that potentially impact on matters of importance to Ngai Tahu Runanga and others.
21. Public consultation on the Strategy commenced on 16 November 2009 and closed 5 February 2010. Consultation mediums for the Strategy included direct notification of special interest groups, community groups and key stakeholders, public notices and articles in the press and public seminars in the City and on Banks Peninsula. Over the public consultation period staff were able to respond to a number of enquiries about the scope and intent of the strategy as well as facilitate better awareness of the Strategy. 193 submissions were received and 92 submitters indicated that they wished to be heard in support of their submission.
22. A public hearing was held on 22, 23 and 26 of March 2010 to provide submitters with an opportunity to speak to their submissions and allow the Panel to ask questions of submitters. On 7 May 2010 the Hearings Panel convened to consider the officers Summary of Submissions Report, which was based on written and oral submissions.
23. The Panel advised officers on 7 May and 30 June 2010 to make a number of amendments to the Strategy in accordance with their decisions on the submissions received.
24. The Strategy was subsequently amended, (see **Attachment A**) and is now before the Council, to consider for adoption. It will be reformatted and illustrated to improve its legibility and so that it is in keeping with the design format for the Healthy Environment Strategies.

**29. Cont'd**

**HEARINGS PANEL RECOMMENDATION**

It is recommended that the Council:

- (a) Approve for adoption the Christchurch City Council Public Open Space Strategy as in Attachment A.
- (b) That a report be prepared reviewing the current Development Contributions for reserves and how well they are meeting community needs and Council's Strategy for the provision of parks and open space.

## 30. GREATER CHRISTCHURCH METRO STRATEGY REVIEW 2010-2016

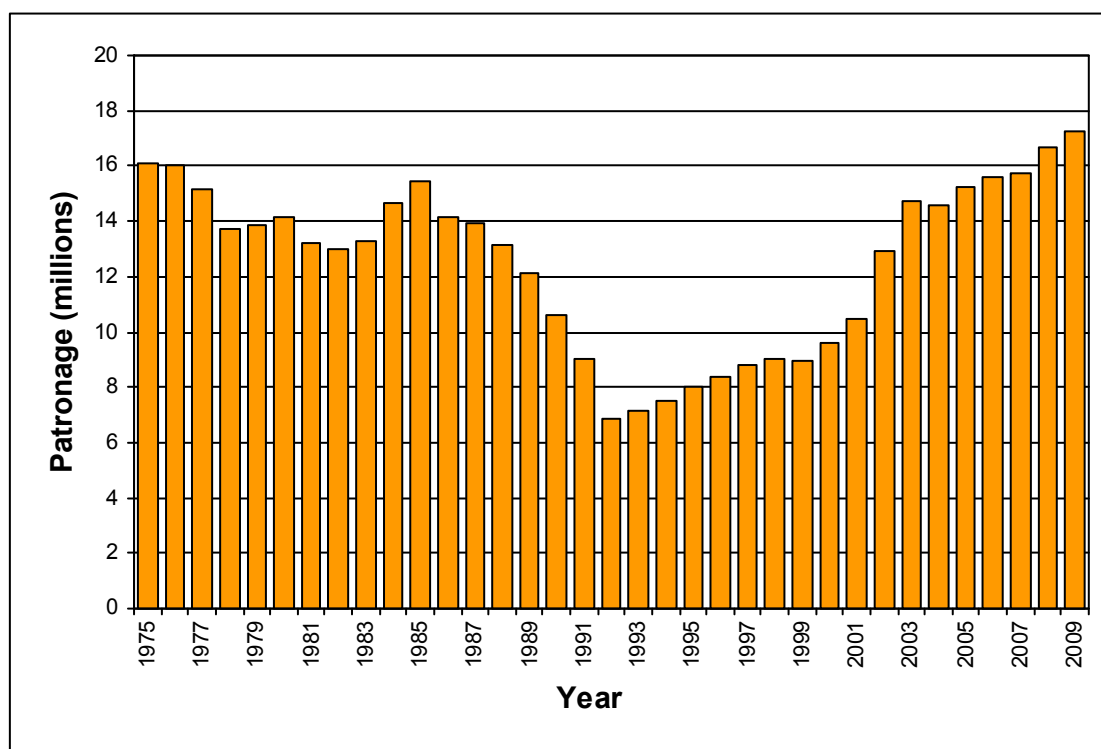
<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941 8281
<b>Officer responsible:</b>	Programme Manager Liveable City
<b>Author:</b>	Ruth Foxon

**PURPOSE OF REPORT**

1. The purpose of this report is to present the draft vision, goals and targets of the updated Greater Christchurch Metro Strategy for adoption by Council as a partner in the Greater Christchurch Urban Development Strategy (UDS). (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

**EXECUTIVE SUMMARY**

2. The Christchurch Metro Strategy charts the direction for public transport within Christchurch. The first Christchurch Metro Strategy was adopted in 1998 as a joint initiative of the Christchurch City Council and Environment Canterbury. The Strategy contains the overall public transport goals and a series of targets that shapes and influences service provision in the city. The Strategy was developed at a time of low public transport patronage in order to provide the Councils with a clear direction from the community about how public transport should be improved in the future. This led to some substantial improvements such as the introduction of the Orbiter bus service, integrated ticketing via the Metrocard system and the development of a new Central City Bus Exchange. These and other service improvements all contributed to significant patronage growth, with the number of annual passenger trips almost doubling in ten years (the current strategy can be found at: <http://www.metroinfo.org.nz/docs/MetroStrategy2007.pdf>).



3. The current Christchurch Metro Strategy was adopted by the Christchurch City Council and Environment Canterbury in 2006. It has guided further improvements to the public transport system including the development of the first bus priority corridors along Papanui/ Main North Road, Colombo Street south and the Queenspark route, bike racks on 12 bus routes and a new passenger lounge on the Colombo Street side of the Bus Exchange.

## 30. Cont'd

4. In January 2010 the process to review the Metro Strategy commenced, led by Environment Canterbury. The Public Transport Advisory Group, which has played a key role in developing past strategies, was reconstituted to provide advice on the strategy process. The group included representatives of community groups and elected representatives of Christchurch City Council and Environment Canterbury. It was expanded to include Selwyn and Waimakariri District Council representatives thereby ensuring that UDS partner Councils were included. The feedback from the public consultation process was analysed by the group and the targets updated as a result of their advice.
5. On 28 June 2010, the proposed vision, goals and targets were approved by the Greater Christchurch Urban Development Strategy Implementation Committee and recommended to partner Councils for adoption. The proposed vision, goals and targets are now being presented to each Council individually for adoption. Once adopted by all of the Councils, the Metro Strategy will be printed and be publicly launched and an action plan will be developed to implement the improvements.

**Proposed Vision, Goals and Targets**

7. The reviewed vision, goals and targets are shown in **Attachments 1 and 2**. The vision and goals are very similar to those contained in the current Metro Strategy with some minor wording changes.
8. The new patronage target is 30 million passenger trips per year by 2020. This requires a continuation of the current target of five percent patronage growth on average per year. This was seen as a challenging yet achievable target based on the range of proposed improvements. In the last five years, patronage growth has ranged from 0.7 per cent to 5.9 per cent annual increase, so five percent was seen as a realistic annual target. Ninety three per cent of public submissions thought more public transport use should be encouraged in the future. At present, each Christchurch resident makes an average of 46 trips on public transport every year. The new patronage target would see this increase to 75 trips per person per year by 2020, which is similar to the current level of usage in Wellington.
9. The reviewed Metro Strategy with the overarching vision, goals, patronage targets are shown in **Attachment 1** and the service targets in **Attachment 2**. A summary of the main changes is shown below. Once approved by all UDS partners, the document will be published.

**Travel Time and Reliability:**

One target was updated and two new targets were added.

- The bus priority target (No. 1 in **Attachment 2**) has been updated to four new bus priority corridors by 2016 which aligns with the LTCCP programme.
- A new target (No. 3 in **Attachment 2**) to 'average bus travel times to match or be lower than car travel times on high demand corridors every year' has been added to look at other ways to improve bus travel times relative to cars and make it a more attractive travel option.
- A new target (No. 4 in **Attachment 2**) to 'run an education campaign to ensure at least 80 per cent of road users understand how to use bus priority measures' has been added to ensure all road users understand how to use bus priority measures safely and efficiently.

**Service Marketing and Information:**

All of these targets have been reworded to make them more specific and ensure they are measurable.

- The Real Time Information target (No. 8 in **Attachment 2**) has been updated to set a target for the number of devices that should be installed each year in each district. The new target for Christchurch City is 'at least 10 new Real Time Information devices are installed on average every year between 2010 and 2016'. This replaces the old target of 30 per cent of Metro stops which would have been difficult for Christchurch City Council to achieve compared to Selwyn and Waimakariri Districts due to the large number of bus stops in the city. Although it may be a challenge to install 10 Real Time Information devices in Christchurch in the first two years, this is seen as a realistic target for the future based on the current installation rate of around eight to ten per year.

## 30. Cont'd

**Service Frequency and Coverage:**

Two targets have been reworded and two new targets have been added.

- Target 12 on the frequency of bus services has been reworded with updated timelines: 'during regular service reviews, investigate options for increasing frequency and operating hours to meet demand and make services more attractive.'
- Target 14 on cross-suburban services has been reworded with updated timelines from implementing one additional cross suburban route in 2012 to 'extend the Metrostar route following a review of this service'. A new target was added for 2015: 'investigate demand for additional cross suburban services and plan to implement if appropriate'.
- A new target (No. 13 in **Attachment 2**) was added to trial some bus services to special events.
- A new target (No. 15 in **Attachment 2**) was added in response to public feedback from outlying townships in Selwyn and Waimakariri to set up a clear process for investigating new bus services to those areas.

**Central City Transport Interchange:**

This section was shortened to focus on the provision of a new Transport Interchange by 2014, which is aligned with the City Council's current project timelines. The previous target was reviewed because the Public Transport Advisory Group saw that any other major improvements made to the current Bus Exchange in the meantime was a waste of resources.

**Suburban Passenger Facilities:**

One new target has been added, three targets have been reworded or expanded and one target has been moved into this section from another.

- The target to develop Park and Ride in Greater Christchurch (No. 18 in **Attachment 2**) has been moved into this section and the timelines reviewed to: '2011: Complete investigations to determine the best locations and timing for Park and Ride in Greater Christchurch. 2012: Develop options for implementation of Park and Ride'. The changes are following public requests to progress from investigations to implementation.
- Targets 19 and 20 have been expanded to include Selwyn and Waimakariri Districts and the wording has been altered to make them more specific. As with the Real Time Information target, there is now a specific target for the number of bus shelters and seats to be installed in each district each year. For Christchurch the target is set as at least 10 new seats and shelters on average every year between 2010 and 2016.
- The suburban transport hubs target (No. 21 in **Attachment 2**) has been reworded to place more emphasis on developing hubs at Key Activity Centres with high levels of public transport activity and discussing opportunities for implementation of hubs with developers as appropriate.
- A new target (No. 22 in **Attachment 2**) has been added following public suggestions to consider providing feeder services to transport hubs as they are developed with core services linking the hubs and city centre.

**Ticketing:**

This section has been reworded to incorporate the ticketing improvements that are planned for later in 2010. The readability of ticketing machines has been moved to the 'Ongoing Achievements' section because new machines are in the process of being installed. In addition two new targets were added:

- New targets (Numbers 26 and 27 in **Attachment 2**) were added to look at different types of ticketing (eg monthly or annual passes) and integrating the Metrocard with other types of cards.

**Drivers' Customer Service:**

One target was reworded, one target added and one target has been removed.

- The target regarding driver standards (No. 28 in **Attachment 2**) was reworded to make it measurable. The target now reads: 'work with operators to continue to raise driver training standards so that at least 90 per cent of drivers provide friendly, helpful customer service and safe, comfortable travel'.
- Target 29 was added to improve the complaints/compliments process for passengers and to introduce an 0800, text number and online link so people can easily provide feedback about Metro in 2011/12.

30. Cont'd

- The former target regarding driver dress standards was removed and the one regarding Driver of the Month awards was moved to 'Ongoing Achievements'.

**Vehicle Standards:**

Three of the former targets from this section were moved to the 'Ongoing Achievements' section as they have been achieved but still need to be maintained (bikes on buses, vehicle emission standards and low floor buses). In addition two targets were reviewed.

- Target 31 was altered because security cameras have now been installed on all buses and the emphasis needs to shift to ensure they work at all times and people are aware that they are operating.
- Target 32 was reworded so it is easily measured. The reviewed target is to 'ensure at least 90 per cent of vehicles are clean, accessible for all users, comfortable (seating and temperature), bus stop buttons work and are easy to reach and graffiti is removed as soon as possible.'

**Future Options:**

Following the review one target was reworded, a new target added and one removed.

- The wording of target 33 was altered following a strong response from the public about progressing with investigations about future mode and corridor options, consulting the public on options and protecting corridors.
- A new target (No. 35 in **Attachment 2**) was added to investigate alternative funding sources and collate research regarding the wider benefits of public transport to encourage greater Central Government funding in the future.
- The dial-a-ride target was removed due to a lack of public support.

**FINANCIAL IMPLICATIONS**

10. The Strategy identifies improvements that are already being undertaken (on-going work) by the Council and recommended new improvements to public transport. The 2009-2019 LTCCP does make provision for both on-going work and new work. Implementing the Strategy is a long term goal and in preparing the 2012-2022 LTCCP the Council will need to consider where additional funding might best be targeted to work towards the strategy targets.

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

11. Yes, as outlined above.

**LEGAL CONSIDERATIONS**

12. There are no specific legal considerations with the adoption of this strategy.

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

13. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. The Metro Strategy aligns with the Streets and Transport Activity Management Plan, Activity 10.4: Public Transport Infrastructure.

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

15. Yes. The Strategy supports the following Levels of Service: Mode Share (Public Transport Total Trips); Economy (peak and inter-peak travel times for buses); and Amenity (Resident satisfaction with the number and quality of bus stops, and bus shelters at bus stops).



30. Cont'd

**ALIGNMENT WITH STRATEGIES**

16. The review of the Metro Strategy for Greater Christchurch was identified in the Greater Christchurch Urban Development Strategy and Action Plan 2007. The planning and implementation of the Christchurch transport system is guided by the New Zealand Transport Strategy 2008, the Government Policy Statement for transport, the Canterbury Regional Land Transport Strategy and the individual transport strategies of Christchurch City Council. The Greater Christchurch Metro Strategy 2010-2016 is well aligned with all of these strategies and is an important element of transport planning if the Council is to achieve the objectives and targets set out in these strategies.

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

17. Yes, as above.

**CONSULTATION FULFILMENT**

18. The experience of past Metro Strategy reviews is that a key to success is public involvement; the targets are based on feedback and suggestions from the community. Public consultation for the review was carried out in March-April 2010. Brochures were delivered to all households in the UDS area, handed out on buses and sent to key community groups and stakeholders. Adverts were run in city and community newspapers, onboard buses, and on a range of radio stations to raise awareness of the review and encourage people to have their say about the future of public transport in Greater Christchurch.
19. There was an excellent response from the wider community with a total of 1904 written responses. Efforts were made to ensure that there were a good representation of responses from all districts. There was also a good range of views from existing passengers and non-bus users with 45 per cent of respondents using public transport at least once a week, 36 per cent using public transport occasionally and 11 per cent never using the bus (the remaining eight percent did not answer that question).
20. All of the public feedback was collated and presented to the Public Transport Advisory Group which consists of 25 community and elected representatives from across Greater Christchurch. The Public Transport Advisory Group has met several times in recent months to analyse the feedback and develop an updated vision, goals and targets for the draft Metro Strategy.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Adopt the updated vision, goals and targets for the Greater Christchurch Metro Strategy 2010-2016.
- (b) Note that any additional funding required will be subject to approval through the 2012/2022 LTCCP process.

**31. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 1 JULY 2010**

(Note: the following items, were deferred from the 23 July Council meeting with all attachments separately circulated.)

**PART A – MATTERS REQUIRING A COUNCIL DECISION****3. PLAN CHANGE 6 – LOCATION OF A RESIDENTIAL UNIT**

<b>General Manager responsible:</b>	General Manager Strategy and Planning DDI 941 8281
<b>Officer responsible:</b>	Programme Manager District Planning
<b>Author:</b>	Peter Lovell, Planner

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend that the Council make its decision on Plan Change 6, Location of a Residential Unit, and take steps to make the change operative.

**EXECUTIVE SUMMARY**

2. At its meeting on 23 April 2009 the Council resolved to notify publicly Plan Change 6 (PC 6). This Council initiated change seeks to extend the provisions that were introduced to Rural zones by Variation 90 to the low density Living Zones.
3. Variation 90, which was made operative in 2006, closed a loophole in the rules for Rural zones that had allowed the creation of house lots on a separate site detached from the balance of the land. This loophole had enabled the creation of clusters of dwellings in rural zones in a manner more like an urban area with the balance of the allotment being held elsewhere. Variation 90 altered this situation by changing the status of such an activity from permitted to one requiring a resource consent for a non-complying activity.
4. Variation 90 was limited in its scope in that it only amended the rules for Rural Zones. Plan Change 6 seeks to extend the changes introduced by Variation 90 to the low density Living 1A, RS, HA and HB zones. A copy of the plan change and the Section 32 assessment are attached to this report (**Attachments 1 and 2**).
5. Public notification of PC 6 attracted three submissions which have now all been withdrawn.

**FINANCIAL IMPLICATIONS**

6. There are no financial implications.

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

7. The recommendations will not impact on the 2009-19 LTCCP budgets.

**LEGAL CONSIDERATIONS**

8. Clause 10(1) of Schedule 1 to the Resource Management Act 1991 requires the Council to make a decision on a plan change notwithstanding that there are no live submissions and there has been no hearing. As all submissions have been withdrawn the Council's decision, when made, will be beyond challenge as no party has status to appeal and the decision can be approved under Clause 17(2).

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

9. Making a decision on a plan change, approving the change and making the change operative are steps required by the Resource Management Act 1991.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. Aligns with City Plan Activity Management Plan.

**31. Cont'd**

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

11. Yes. Supports the LTCCP project of preparing maintaining and reviewing the Christchurch City District Plan.

**ALIGNMENT WITH STRATEGIES**

12. Not applicable.

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

13. Not applicable.

**CONSULTATION FULFILMENT**

14. The Resource Management Act 1991 sets out a process for consulting with parties affected by changes to District Plans. This process has been followed.

**STAFF RECOMMENDATION**

That the Council:

- (a) Confirm the Section 32 assessment adopted by the Council on 23 April 2009.
- (b) Decide, pursuant to clause 10(1) of the First Schedule to the Resource Management Act 1991, to adopt the amendments to the City Plan introduced by Plan Change 6, Location of a Residential Unit, for the reasons set out in the explanation to the change.
- (c) Approve Plan Change 6, Location of a Residential Unit, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991.
- (d) Delegate to the General Manager, Strategy and Planning, the authority to determine the date on which the provision becomes operative.

**COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.

## 4. STRATEGY AND PLANNING 2010/2011 WORK PROGRAMME

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Strategy Support Manager
<b>Author:</b>	Richard Ball, Strategy Support Manager

## PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval for the Strategy and Planning Group's 2010-2011 work programme in accordance with the Activity levels of service within the 2009-2019 Long Term Council and Community Plan (LTCCP).

## EXECUTIVE SUMMARY

2. The 2009-2019 LTCCP levels of service for both the Community Long Term Policy and Planning (CCLTPP) and District Plan Activities include a target of "the Council approves a work programme by 30 June for the following financial year". This report presents the work programme for the 2010/2011 year.
3. There is a close relationship in the work undertaken between the CCLTPP and District Plan Activities. The proposed work programmes have been developed by looking at priorities across both activities with a view to delivering the optimal work programme. Much of the preliminary land use planning undertaken with the CCLTPP project requires subsequent changes to the District Plan to implement.
4. The CCLTPP activity covers a diverse range of projects undertaken by the Strategy and Planning Group. The underlying drivers for each component are outlined in detail within the attachments, however implementation of core Council policy documents, such as the Greater Christchurch Urban Development Strategy (UDS), underpin much of the proposed programme of work. The programme includes work on the central city revitalisation, suburban regeneration, greenfields planning and Proposed Change 1 to the Canterbury Regional Policy Statement (PC1).
5. The District Plan work programme is focused on completing existing plan changes and preparation for the District Plan review. The current emphasis is on completing existing plan changes to allow resources to be allocated to the review process. Allowance is also made for processing privately requested plan changes, in accordance with Resource Management Act (RMA) requirements.
6. The details of the proposed work programmes for the CCLTPP and District Plan Activities are outlined in **Attachments 1 and 2** respectively. This includes descriptions, key directions and budgets for all the programmes (clusters of similar and related projects) in these activities. For each cluster, cross reference is also made to the relevant LTCCP levels of service. The clusters within each activity are listed below.

**Council and Community Long Term Policy and Planning:**

Cross Programme Planning  
 Economic Policy  
 External submissions and advocacy  
 Environmental Policy  
 Regulatory Policy  
 Regional Planning  
 Social Policy  
 Transport Policy and Advice  
 Central City Development  
 Development Advice and Policy  
 Greenfields and Smaller Centres  
 Urban Development Strategy;  
 Urban Regeneration (formerly Strategic Intensification Review or SIR)  
 Monitoring and Research.

**31. Cont'd**

**District Plan:**

Council Plan Changes  
Plan Monitoring and Evaluation  
Private Plan Changes and Notices of Requirement.

7. It should be noted that there is considerable uncertainty on aspects of the proposed work programme. Examples include: private plan changes being submitted; Environment Court and other legal appeals being made or resolved; and the Council itself seeking further advice on topics that arise. This will result in some of the proposed programme being delayed or displaced by other unanticipated work as the year progresses.

**Financial Implications**

8. The proposed programmes align with the available budgets within these Activities. There may be projects that have not been able to be accommodated within these budgets, however, any additional projects require corresponding cuts to other parts of the programme. Moreover, staff capacity for more work is an additional constraint in the short term.

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

9. The recommendations align to the 2009-19 LTCCP budgets and other subsequent funding allocations by the Council (such as additional funding for implementation of the City for People project).

**Legal Considerations**

10. The proposed work programme has taken account of legislative requirements relevant to each Activity, such as the requirement to process private plan changes (RMA), the proposed review of Community Outcomes (Local Government Act) and appeals on Proposed Change 1 to the Canterbury Regional Policy Statement.
11. The proposed programme has also been impacted by recent legislative changes for Environment Canterbury. For example, the removal of rights of appeal on Environment Canterbury's plan changes places greater importance on our input being early and robust. Similarly, the new Act gives the Canterbury Water Management Strategy legislative recognition.

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

12. Yes, as above.

**Alignment With LTCCP And Activity Management Plans**

13. The recommendations directly align with the LTCCP and Activity Management Plan levels of service.

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

14. Yes, as outlined above.

**Alignment With Strategies**

15. The programme aligns and supports key Council policy documents such as the UDS.

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

16. Yes.

31. Cont'd

**Consultation Fulfilment**

17. The budgets and levels of service are consistent with those consulted on through the Annual Plan. There is no requirement for further consultation.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Adopt the 2010-2011 work programme outlined in this report for the District Plan and City and Community Long Term Policy and Planning Activities.

**COMMITTEE RECOMMENDATION**

The Committee requests:

- (a) That staff prepare a report to the September Regulatory and Planning meeting with a timetable for District Plan Review to commence in the next term of the Council.
- (b) That staff to report back on a comprehensive communication plan on the City and Community Long Term Policy and Planning activity to the Committee.
- (c) The project details on a potential plan change for non-family accommodation be amended to read "that a report on a potential plan change be presented to the Regulatory and Planning Committee".
- (d) Staff to report back on how the Banks Peninsula District Plan provisions are to be monitored prior to District Plan Review.
- (e) That the request from the Hagley/Ferrymead Community Board be considered as part of the District Plan Review.
- (f) Changes to the paragraph Direction and key projects as follows:

**Direction and key projects:**

The Council's work programme in relation to intensification and regeneration is another core delivery mechanism for the Greater Christchurch Urban Development Strategy. The work is in the early stages of development – investigating, testing ideas and working with the Council to create a long-term delivery programme. Projects fall into two areas. Firstly projects which continue to investigate and build understanding of urban regeneration and renewal, including what tools and methods have been applied with success elsewhere and how those can be applied in Christchurch. *Secondly projects which focus on key regeneration opportunities will be identified in consultation with Community Boards and using Council-owned sites to catalyse regeneration where these create an opportunity for more comprehensive neighbourhood planning.*

- (g) Any editorial changes or points of clarification be carried out by staff.

The Committee recommends that the Council:

- (h) Adopt the 2010-2011 work programme outlined in this report for the District Plan and City and Community Long Term Policy and Planning Activities (subject to recommendations a to g).

A letter from Bob Todd, Chairperson of the Hagley/Ferrymead Community Board in relation to Probation Centres and the District Plan Work Programme was tabled.

31. Cont'd

**PART B - REPORTS FOR INFORMATION**

**2. REPORT TO THE REGULATORY AND PLANNING COMMITTEE FROM THE ALCOHOL POLICY AND LIQUOR CONTROL BYLAW SUBCOMMITTEE ON ALCOHOL-RELATED ISSUES IN THE ILAM AREA**

This item now considered under Part B – Reports for Information.

**COMMITTEE RECOMMENDATION**

That the item lie on the table until the August Committee meeting.

**5. STRUCTURES ON ROADS POLICY 2010**

This item now considered under Part B – Reports for Information.

**COMMITTEE RECOMMENDATION**

That the item lie on the table until the August Committee meeting.

**6. DEPUTATIONS BY APPOINTMENT**

1. New Zealand Metropolitan Trotting Club represented by Shane Gloury, Chief Executive Officer, David Rankin, Chairman and Alastair Sherriff, Legal Representative presented a deputation to the Committee in regard to item 1.

Mr Gloury presented a petition and letters of support numbering 1,935 to the Committee (item 7 refers).

2. Canterbury Branch of the Harness Racing Trainers and Drivers Association represented by Anthony Butt, Chairman, Mark Jones and Catherine Butt, presented a deputation to the Committee in regard to item 1.
3. Problem Gambling Foundation represented by Bruce Telford Practice and Ron Tustin from Pacific Island Evaluation, presented a deputation to the Committee in regard to item 1.

**7. PETITIONS**

The New Zealand Metropolitan Trotting Club Chief Executive Officer Mr Shane Gloury presented a petition to the Committee with 1,935 signatures in support of the former's application to the Council to be granted a Class 4 Venue Licence to allow gaming machines to be located on site at Addington Raceway.

The Committee **resolved** to accept the petition and letters and report them to the Council alongside its report on this item (refer item 1).

**8. BYLAWS: ANNUAL PERFORMANCE AND DATA ANALYSIS REPORT 2009**

The Committee received a report providing information regarding bylaw performance and data analysis for 2009. Information was provided for the following bylaws:

- Dog Control Bylaw 2008
- Public Places Bylaw 2008
- Traffic and Parking Bylaw 2008
- Alcohol Restrictions in Public Places Bylaw 2009.

The Committee **decided** to:


- (a) Receive the report for information.
- (b) Request staff report back regarding the progress of dog signage and bins.
- (c) Request that staff provide information into dog control issues in relation to the development and consultation of Council Management Plans.
- (d) Request staff to write to the Minister of Transport and local Members of Parliament regarding current problems associated with parking on berms and verges.



## 32. OUTSIDE APPOINTMENTS - CONFLICT OF INTEREST

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

## PURPOSE OF REPORT

- 
1. The purpose of this report is to advise Councillors regarding the conflict of interest issues that can arise with Councillors being appointees to outside bodies and to recommend that the Council ask the new Council to cease, with some exceptions, making appointments to outside bodies. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

## STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Recommend to the next Council that it not make appointments to outside organisations, except to organisations making a significant contribution to the finances or development of the City.
- (b) Recommend to the next Council that it alter the 2007 Policy on Appointment and Remuneration of Directors by deleting paragraph 83 and substituting the following paragraph:
 

83. *Appointments to COs will only be made to organisations that make a significant contribution to the finances or development of the city*
- (c) Advise the Riccarton Bush Trust that it wishes the Riccarton Trust Bill to be altered so that the Council has the right to appoint four persons, and the two community boards can appoint two persons each.

## BACKGROUND (THE ISSUES)

2. From time to time questions arise at a Council meeting regarding the involvement of a Councillor in debating and voting on a matter. These questions do not raise questions of any pecuniary interest but do raise issues of a non pecuniary interest, also known as a conflict of interest.
3. When these conflict of interest issues arise there is often discussion as to the need for Councillors to withdraw. The Chief Executive has previously indicated to the Council that there would be a report back to the Council on the issue of Councillors being members of outside bodies, the potential for conflicts of interest as a result of such appointments and how those can be managed going forward. This is the report referred to by the Chief Executive.
4. By way of background **Attachment A** is a list of the current appointments of Councillors the Council has chosen to make in this term. Councillors may also be members of other organisations, either as a member on an Executive or Committee, in their own right.
5. Some organisations, when they write their constitution, provide for a member of the Executive or Management Committee of the organisation to be appointed by the Council and then ask the Council to make that appointment. That in no way compels the Council to do so but Council has done so on a number of occasions over the years. Except for its 2007 Policy on Appointment and Remuneration of Directors (see below), there are no written criteria as to when the Council will or will not make an appointment to an outside organisation.

## AUDITOR GENERAL REPORTS

6. In 2007 the Auditor General issued two reports which are relevant to this report. Those reports are:
  - Managing Conflicts of Interest; Guidance for public entities.
  - Guidance for members of local authorities about the law on conflicts of interest.

## 32. Cont'd

7. What follows is a summation of general information from those two reports and information specific in the context of appointments to outside organisations and how those appointments may lead to conflicts of interest for Councillors involved.
8. Councillors will be aware that the Local Authorities (Members' Interests) Act 1968 provides a statutory framework for when they may not take part in discussions in which they have a **pecuniary** interest. While the 1968 Act does not regulate non pecuniary interests (or conflicts of interest) the common law, the law as developed by the Courts in individual cases over the years, does provide a framework as to when Councillors should and should not be involved in discussion on a particular matter before the Council. This report considers those occasions where there may be a conflict of interest in relation to being an appointee by the Council to an outside body.

### What is a Conflict of Interest?

9. The Auditor General has said:
  - *A conflict of interest exists where two different interests intersect; in other words, where your responsibilities as a (Councillor) could be affected by some other separate interest or duty that you may have in relation to a particular matter.*
  - *That other interest or duty might exist because of:*
    - *your own financial affairs.*
    - *a relationship or role that you have.*
    - *something you have said or done.*
10. The separate interests or duties referred to by the Auditor-General can arise because all Councillors, when coming into office after an election, sign the declaration required by the Local Government Act 2002 which says:

*"I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, **in the best interests of Christchurch City**, the powers, authorities, and duties vested in, or imposed upon me as Mayor/member of the Christchurch City Council ..."*

11. The words in bold establish the duty the Councillor then owes to the Council.
12. When Councillors are appointed by the Council as directors of a statutory body, a company or as a trustee (or are a director or a trustee in their own right) other legislation relevant to that appointment can create a separate duty on the Councillor to that statutory body, company or trust. The creation of those separate duties can be seen in legislation as follows:

*".....a director of a company, when exercising powers or performing duties, must act in good faith and **in what the director believes to be the best interest of the company**"*

*(Section 131 Companies Act 1993)*

13. A trustee has a duty to:

*"...exercise the powers of a **trustee in the best interests of all present and future beneficiaries of the trust.**"*

*(Section 13F Trustee Act 1956)*

14. In his reports the Auditor-General goes onto say:

*"The common law requires that public decision-making be procedurally fair. In particular, conflicts of interest are usually dealt with under the rule about bias.*

*The law about bias exists to ensure that people with the power to make decisions affecting the rights and obligations of others carry out their duties fairly and free from bias.*

32. Cont'd

*It is summed up in the saying "no one may be judge in their own cause".*

15. He says the current judicial expression of the test for bias is:

*"Is there a real danger of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with a favour (or disfavour) the case of a party to the issue under consideration?"*

16. Another way of expressing the issue is:

- *Would a reasonable, informed observer think that your impartiality **might** have been affected?*

OR

- *Is there a real danger of bias on the part of a (Councillor), in the sense that he or she **might** unfairly regard with favor (or disfavor) the case of a party to the issue under consideration? ....*

17. If a person challenges a local authority's decision by way of judicial review proceedings, the courts could invalidate the decision because of bias arising from a conflict of interest on the part of a member of the decision-making body.
18. The law about bias does not put a Councillor at risk of personal liability. Instead, the validity of the Council's decision could be at risk.
19. It is the appearance of bias, not proof of actual bias, that is important. Whether or not a Councillor believe they are not biased is irrelevant.
20. If a Council's decision is tainted by bias then the Courts may declare the decision invalid and the risks, delay and expense in the Council then defending a decision against a legal challenge can be significant. Further a party who made a financial commitment in reliance on a Council decision which is subsequently held by a Court to be invalid because of bias, for example, a decision by a party to enter into a lease, can sue the Council to recover the loss they will suffer because they cannot rely on the decision to grant the lease.

### Managing Conflicts of Interest

21. Regarding managing potential conflicts the Auditor-General has said:

- *The management of conflicts of interest also involves appearances - what an outside observer might reasonably perceive. Most often, what needs to be managed (and be seen to be managed) is the risk of the adverse public perception that could arise from the overlapping interests.*
- *Sometimes there may be a perception of conflict of interest but the interest comes close but do not actually overlap. It may still be necessary to take some steps to manage these situations. Not taking steps to manage these risks can undermine an entity's reputation.*

22. He goes on to note that judgement will need to be exercised as to whether or not a conflict exists. There are two aspects of dealing with a particular situation:

- firstly, identify and disclose any conflict of interest.
- secondly, deciding what action needs to be taken to avoid or mitigate the effects of that conflict of interest.

23. He says there is an obligation on a Councillor with a conflict of interest to identify and disclose to relevant people in a timely and effective manner. He notes there is scope for a range of options and exercise of judgment. The Council needs to carefully assess the seriousness of the conflict and the range of possible mitigation options.

32. Cont'd

24. He notes that the assessment is about:
- (a) the seriousness of the connection between the interests;
  - (b) the risk that the Council's capacity to make decisions lawfully and fairly may be compromised; and
  - (c) the risk that the Council's reputation may be damaged.
25. In making this assessment the Council needs to consider how the situation may reasonably appear to an outside observer.
26. Usually mitigation of a conflict of interest means that the Councillor withdraws or is excluded from being involved in any of the Council's work on that particular matter.
27. He notes that every member of a public entity (such as a Councillor) has a number of professional and personal interests in roles, and that occasionally some of those interests or roles may overlap. This is almost inevitable in a small country like New Zealand where communities and organisations are often close knit and people have many different connections. Conflicts of interest sometimes cannot be avoided and can arise without anyone being at fault. They are a fact of life but they need to be managed carefully.

**Membership of other organisations**

28. Regarding membership of other organisations he notes a conflict of interest can arise in a wide range of circumstances.
29. For example the Councillor's other interest could be:
- Holding another public office.
  - Being a member of a club, society or association.
  - Having a professional or legal obligation for someone else (such as being a trustee).
  - Being a director of another organisation.
30. He says:
- "A conflict of interest may exist if you have a close relationship with a person or organisation involved in or affected by the matter before the local authority; for example, if the matter involves ...an organisation to which you belong, .."*
31. Such a connection could affect how other people view your impartiality.
32. In deciding whether to participate, you should consider:
- The extent of your personal links or involvement with the other group; and
  - The degree to which the matter under discussion directly affects that group.
33. However, remember that, in politics, the merest perception of impropriety can be extremely damaging, whether or not a court would find your actions to be lawful.
34. If you have any relationship with a person or organisation involved in a matter, you should seriously consider the wisdom of whether to participate at all. The safest advice is always "if in doubt, stay out".
35. We consider that it is unwise to participate in consideration of a matter before the (Council) involving or affecting a club or similar organisation if:
- You are an executive officeholder or trustee, or are otherwise strongly publicly identified with the club; or
  - The matter specifically and significantly involves or affects the club – such as a proposed grant of money to the club, or something else directly affecting the club's finances or property.

32. Cont'd

**Appointment by Council as Council representative to another organisation**

36. Regarding being appointed as a Council representative on another organisation such as statutory bodies (e.g. Canterbury Museum Trust Board, Riccarton Bush Trustees), companies (e.g. CCHL) or trusts or incorporated societies.

he said:

*"That role will not usually prevent you from participating in (Council) matters concerning the organisation – especially if the role gives you specialised knowledge that would be valuable to contribute.*

***However, you should not participate in a matter that raises a conflict between your duty as a member of the (Council) and your duty to act in the interests of the other organisation."***

37. An example may be if the council is considering a change in the mode of delivery of one of its services that could affect the financial position of a council controlled organisation, or where the authority is making a decision about funding the other organisation.
38. It will also be unwise to participate if your involvement with the other organisation raises a risk of predetermination – for example, if the other organisation has made a formal submission to the authority as part of a public submissions process.
39. Regarding the scenario of membership of another public body where the appointment has not been made by the Council then the Auditor General comments:

***"Membership of some other public body***

*If you have been appointed or elected to the governing body of some other public entity unconnected with your position on the local authority (such as a district health board), you will need to consider potential conflicts of interest on a case by- case basis. You should consider whether your ability to consider a matter before the local authority with an open mind could be affected by:*

- *your legal duty to act in the interests of the other body;*
- *any involvement you may have had in the matter through the other body; or*
- *the degree to which the other body is affected by or interested in the local authority's decision on the matter.*

*We consider that it will often be wise to not participate.*

***Other personal involvement with an organisation***

*Even if you are not formally associated with an organisation affected by a matter before the local authority, it may be unwise to participate if you have a close personal involvement with the organisation – for example, if you have helped the organisation prepare its application to the authority, or have been paid to do so in a professional capacity."*

**Council Policy on Appointments**

40. The only Council policy which touches on the matter of the Council making appointments to outside organisations is the Council's September 2007 Policy on Appointment and Remuneration of Directors. That policy, which is required by the Local Government Act 2002, sets out an objective and transparent process for the appointment and remuneration of Directors to a Council organisation. A Council organisation is defined in the Policy as an organisation in which the Council has a voting interest or the right to appoint a Director, Trustee or Manager. So this is a very wide definition which covers the outside appointments that the Council currently makes.

32. Cont'd

41. While most of the 2007 Policy refers to appointments of directors to Council Controlled Organisations the Policy contains the following provision regarding appointment of persons to Council Organisations ('COs'). Those provisions in the 2007 policy provide:
- "82. The Council has non-controlling interests in numerous COs. These are not-for-profit bodies and, in contrast with CCTOs, Christchurch City Holdings Ltd has no involvement in monitoring or the director/trustee appointment process.
83. Appointments to COs are made for a number of reasons. These include:
- (a) To provide a means of monitoring where the Council has made a grant to that body.  
(b) To enable Council involvement where the CO's activity is relevant to the Council.  
(c) To satisfy a request from the CO that the Council appoint a representative.  
(d) Statutory requirements.
84. Appointments to a CO are generally for a three year term, and are made after the triennial Council elections.
85. The Council will endeavour to minimise the number of appointments where the benefit to the Council of such an appointment is minimal. Identification of required skills, knowledge and experience of CO directors, and appointment.
86. The range of reasons for the appointment of Council representatives to COs results in a wider range of desired attributes for appointees to these bodies.
87. The Council will determine the required skills, knowledge and experience for each appointment. Candidates are not restricted to Councils – in some cases, it may be more appropriate to appoint Council staff or external people with affiliations to the Council.

**Remuneration of CO directors**

88. CO directors appointed by the Council (or Community Boards) will receive the remuneration (if any), offered by that body. Council staff members appointed to such bodies will not accept any remuneration."
42. It will be appreciated from the discussion above regarding the Auditor General's comments that conflicts of interest are inevitable when Councillors are appointed to, or are members, of outside bodies.
43. There will be situations where there is a clear conflict between their duty to the Council as a Councillor, and their duty to the other organisation as a director or trustee.
44. The Auditor General notes it is important for the Council to be able to effectively manage these conflicts. He noted that there was scope for a range of options with the exercise of judgement and with a range of possible mitigation options. There can be a risk that the Councils capacity to make lawful decisions fairly can be compromised and that the Council reputation can be damaged. He also noted that usually mitigation meant that the Councillor withdrew or was excluded from being involved in any of the Councils work on a particular matter.
45. His advice can be best summed up by his comments:

*"you should not participate in a matter that raises a conflict between your duty as a member of the (Council) and your duty to act in the interests of the other organisation.*

*....remember that, in politics, the merest perception of impropriety can be extremely damaging, whether or not a court would find your actions to be lawful.*

*If you have any relationship with a person or organisation involved in a matter, you should seriously consider the wisdom of whether to participate at all. The safest advice is always "if in doubt, stay out".*

32. Cont'd

46. As Councillors will be aware from past experiences these questions can often arise suddenly during the course of a debate and often Councillors are inclined to withdraw from a discussion on a particular item to avoid any concern around potential conflict of interest.
47. Councillors are elected to act on behalf of the people of Christchurch. Given the practical experience of the number of occasions (and which will be ongoing) where Councillors have properly chosen to withdraw from a matter before the Council, and where that withdrawal is in accordance with the Auditor General's advice "*if in doubt, stay out*" the question needs to be asked, when a Councillor has in the past been appointed by the Council to an outside organisation, as to the real value to the Council itself of making such appointments if that appointment is going to result in a Councillor, or a number of Councillors at the same time, not being able to participate in a matter at the Council table.
48. As noted earlier in this report the Council's Policy on Appointment and Remuneration of Directors stated that there are a number of reasons for making such appointments to outside bodies. These include:
  - (a) To provide a means of monitoring where the Council has made a grant to a body.
  - (b) To enable Council involvement where the organisations activity is relevant to the Council.
  - (c) To satisfy a request from the organisation that Council appoints a representative.
  - (d) Statutory requirements.
49. Given the experience Councillors have had the question needs to be asked whether a) to c) are now of sufficient value to the Council to continue the current practice of such appointments. today. There are high expectations from the public regarding the Council being able to manage any conflict of interest and given the inclination, in the case of any potential conflict, of the Councillor withdrawing if its doubtful whether it is considered that the value to the Council of having a Councillor being able to continue to discuss and vote on items before the Council outweighs any of the reason provided for in (a) to (c) above.
50. Regarding reason (a) with the appointment as a means of monitoring where the Council has made a grant to the body, the processes the Council has now put in place since 2005 can provide that reassurance to the Council that any grants it has made are being effectively spent. It is not considered that there should be a need to appoint a Councillor to act in that monitoring role on behalf of the Council. The funding arrangements entered into by the Council establish separate monitoring processes to provide the accountability the Council seeks when making a grant.
51. Regarding reason (b) enabling Councillor involvement where the organisation's activity is relevant to the Council could be seen today to be of lesser value than having the Councillor being able to take part in discussions regarding that organisation at the Council table.
52. Regarding reason (c) simply satisfying a request from an organisation for a Councillor, while understandable, should not be a reason for the Council making an appointment which then results in a Councillor being unable to take part in a discussion and decision regarding that organisation at the Council table.
53. Over the last 20 years the Council has reduced the number of appointments it has made to outside organisations and experience in time has shown that that has not lessened the contact the Council has with those organisations which no longer have a Councillor representative. As can be seen from the table attached there are a number of organisations which do not have a Councillor and there has been no feedback from such organisations that the appointees are of any less value to them than if a Councillor had been appointed. It can just the opposite. If a Councillor is an appointee that now invariably has the effect of that Councillor not discussing or voting on issues important to the organisation. If the Councillor was not an appointee there would be no conflict arising to stop the Councillor's involvement in a matter.
54. Regarding reason (d) and the reason of statutory appointments these are of little number today with the Canterbury Museum Trust Board and Riccarton Bush Trust being the significant requirements. The Museum's 1993 legislation, while providing for 4 appointees by this Council, does not require those appointees to be Councillors, and the Museum currently has non – councillors appointed by territorial authorities.

**32. Cont'd**

55. As the Riccarton Bush Bill is currently drafted, and as approved by the Council in June last year, the Bill requires the appointment of two Councillors and two community boards to appoint two community board members each. Councillors have previously indicated that following their decision on this report they would advise the Riccarton Bush Trust as to whether they wish the appointment of Councillors to be mandatory to that Trust, or whether the Council has the discretion to appoint any person to the Trust.
56. It is recommended that the Council advise the Riccarton Bush Trustees that the Council wishes the Bill to provide for the Council to have the right to appoint four persons to the Trust, and the two community boards to appoint two persons each (rather than the Bill stating they must be elected members). This appointment system would then align with the Canterbury Museum.
57. While staff advice above is that value for the Council in minimising the conflicts of interest that can be created by making appointments to outside bodies then can be situations where the Council may take the view that the organisation makes a significant contribution to the finances or development of the city and that the council would wish to continue to make Councillor appointments recognising the conflict situations that can arise and that the appointees from time to time will not be able to fully participate in all matters relating to that organisation.

Examples of such organisations could be Christchurch city Holdings Ltd, Canterbury Development Corporation, Christchurch and Canterbury Marketing, Vbase and the Christchurch Agency for Energy Trust. In other words those organisations make a significant contribution to the Christchurch economy or development that it balances the value in having a Councillor being able to participate in all matters relating to that organisation.

**Proposed Amendment to the 2007 Policy**

58. If the Council accepts the staff recommendations above not to make appointments to outside bodies other than where there is a significant reason to do so then it is considered appropriate for the Council to amend its 2007 policy on Appointment and Remuneration of Directors to reflect this change in approach by the Council.
59. It is considered the following proposed amendments to the 2007 policy are provided for the Council's consideration:

83. *Appointments to COs will only be made to organisations that make a significant contribution to the finances or development of the city*

**Summary**

60. In summary is it the staff advice that the Council resolve to recommend to the next Council that it not make Councillor appointments to outside bodies except to organisations making a significant contribution to the finances or development of the City. Current examples of such organisations are Christchurch City Holdings Ltd, Canterbury Development Corporation, Christchurch and Canterbury Marketing, Vbase and the Christchurch Agency for Energy Trust.



**12. 8. 2010**

**33. NOTICES OF MOTION**

**34. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.

12. 8. 2010

THURSDAY 12 AUGUST 2010

**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 35, 36, 37 and 38.

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:

	<b>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER</b>	<b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</b>
35.	REPORT OF A MEETING OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 30 JUNE 2010	) ) ) )	
36.	REPORT OF A MEETING OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 29 JUNE 2010	) GOOD REASON TO ) WITHHOLD EXISTS ) UNDER SECTION 7	SECTION 48(1)(a)
37.	CHIEF EXECUTIVE OFFICER'S 2010/11 PERFORMANCE TARGETS	) ) )	

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 35.	Protection of privacy of natural persons	7(2)(a)
Item 36.	Protection of privacy of natural persons	7(2)(a)
Item 37.	Protection of privacy of natural persons	7(2)(a)

**Chairman's**

**Recommendation:** That the foregoing motion be adopted.

**Note**

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”