



Christchurch City Council

BURWOOD/PEGASUS COMMUNITY BOARD AGENDA

MONDAY 17 NOVEMBER 2008

AT 5.00 PM

**IN THE BOARDROOM,
CORNER BERESFORD AND UNION STREETS,
NEW BRIGHTON**

Community Board: David East (Chairman), Nigel Dixon, Tina Lomax, Gail Sheriff, Tim Sintes, Linda Stewart and Chrissie Williams.

Community Board Adviser

Peter Dow

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- PART A - MATTERS REQUIRING A COUNCIL DECISION**
- PART B - REPORTS FOR INFORMATION**
- PART C - DELEGATED DECISIONS**

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1. **APOLOGIES**

2. **CONFIRMATION OF MINUTES – 3 NOVEMBER 2008**

The minutes of the Board's ordinary meeting of 3 November 2008 are **attached**.

STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting of 3 November 2008, be confirmed.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PRESENTATION OF PETITIONS**

5. **NOTICES OF MOTION**

6. **CORRESPONDENCE**

7. **BRIEFINGS**

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ATTACHMENT TO CLAUSE 2

11. 12. 2008

**BURWOOD/PEGASUS COMMUNITY BOARD
3 NOVEMBER 2008**

**Minutes of a meeting of the Burwood/Pegasus Community Board
held on Monday 3 November 2008 at 5pm in the Board Room,
Corner Beresford and Union Streets, New Brighton**

PRESENT: David East (Chairman), Tim Sintes, Nigel Dixon, Tina Lomax, Gail Sheriff, and Linda Stewart.

APOLOGIES: An apology for absence was received and accepted from Chrissie Williams.

An apology for lateness was received and accepted from Tina Lomax who arrived at 5.06pm and was absent for Clauses 1, 2, 3, 4, 5 and 8.

The Board reports that:

PART B - REPORTS FOR INFORMATION

1. DEPUTATIONS BY APPOINTMENT

Nil.

2. PETITIONS

Nil.

3. NOTICES OF MOTION

Nil.

4. CORRESPONDENCE

Nil.

5. BRIEFINGS

Nil.

6. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser on forthcoming Board related activity over the coming weeks, including:

- Burwood/Pegasus Artworks in Public Places Subcommittee - site visits on 6 November 2008.
- Burwood/Pegasus Community Board Workshop re LTCCP Draft 2009/19 Capital Programme – 27 November 2008.

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ATTACHMENT TO CLAUSE 2 Cont'd

In addition, members **agreed** to have a discussion on Wednesday 26 November 2008 at 5pm to consider possible Board input into the Draft 2009/19 Capital Programme.

- Community Pride Garden Awards 2009 – Members favoured the Board hosted function and presentations being held on a Saturday morning. A date and local venue in late March/early April 2009 is to be identified.
- Keep New Zealand Beautiful – Members were provided with invitations to attend the 15th Annual Schools Environmental Enhancement Programme Awards Presentations being held on 20 or 27 November 2008.
- Burwood/Pegasus Civil Defence Emergency Management Working Party – meeting on 4 December 2008.
- 2009 New Zealand Community Board Conference – Members were asked to complete and return their forms in time for the 'early bird' registration period of mid December.

7. MEMBERS QUESTIONS

Nil.

**PART C - REPORT ON DELEGATED DECISIONS
TAKEN BY THE BOARD**

8. CONFIRMATION OF MINUTES – 20 OCTOBER 2008

The Board **resolved** that the minutes of its ordinary meeting held on 20 October 2008, be confirmed.

The meeting concluded at 5.14pm.

CONFIRMED THIS 17TH DAY OF NOVEMBER 2008

**DAVID EAST
CHAIRMAN**

8. BREEZES ROAD - PARKING RESTRICTIONS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Manager
Author:	Mike Thomson, Network Operations and Transport Systems Team

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to ratify the existing parking restrictions on Breezes Road between Wainoni Road and Avondale Road. These are associated with cycle lanes, bus stops and short term school pick up and drop off areas. The **attached** plan refers.

EXECUTIVE SUMMARY

2. The Council has received a number of concerns regarding the parking behaviour on Breezes Road outside the Avondale Primary School and the Chisnallwood Intermediate School.
3. Cycle lanes are currently marked on both sides of Breezes Road. There are broken yellow 'no stopping' lines on a number of sections of the north west and south west sides of Breezes Road. Restrictions were previously resolved in March 2006, as individual sections on the north section, but some of these markings have been sealed over.
4. Although parking is not permitted within the special vehicle lanes (cycle lanes) it has been found that people are still parking here. This is an issue across Christchurch. The Council has a city-wide plan to install broken yellow lines within these special vehicle lanes however this area has been highlighted as an area of concern and therefore prior to this city-wide project, it is recommended that broken yellow lines be installed at this location.
5. The re-installation of broken yellow lines will ensure that drivers are aware that they are not able to park within the special vehicle lanes (cycle lanes) and will ensure that Parking Enforcement can issue infringement notices to those that park illegally which will act as a deterrent.
6. It is recommended to revoke the Board's March 2006 resolutions and any former resolutions by Council, and resolve new restrictions on both sides of Breezes Road between Wainoni Road and Avondale Road. This will ensure that it is obvious to all motorists where it is legal and appropriate to park their vehicle, particularly when dropping off or picking up children from the schools. It will also ensure that enforcement of any parking restrictions along this section of the road is legally supported by resolution of all restrictions by the Board.
7. The staff recommendations will not change the existing parking provision at this site.

FINANCIAL IMPLICATIONS

8. The cost of this proposal is estimated to be \$300.

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

9. The installation and removal of road markings and signs is within the LTCCP Streets and Transport operational budgets.

LEGAL CONSIDERATIONS

10. Clause 5 of the Christchurch Traffic and Parking Bylaw provides the Council with the authority to install parking restriction by resolution.
11. The Community Boards have delegated authority from the Council to exercise the delegations as set out in the Register of Delegations as at April 2008. The list of delegations for the Community Boards includes parking restrictions.
12. The installation of any associated signs and markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

8. Cont'd

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

13. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. Aligns with the Streets and Transport activities by contributing to the Council's Community outcomes - Community and Safety.

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

15. This contributes to improve the level of service for parking and safety.

ALIGNMENT WITH STRATEGIES

16. The recommendations align with the Council's Parking Strategy 2003, and Cycling Strategy 2004.

Do the recommendations align with the Council's strategies?

17. As above.

CONSULTATION FULFILMENT

18. No consultation has occurred as no change to the legal parking status is proposed, and this report is in response to community concerns.
19. The officer in charge of Parking Enforcement agrees with this recommendation.

STAFF RECOMMENDATION

That the Burwood/Pegasus Community Board approve:

- (a) That all the existing parking restrictions on the north west side of Breezes Road commencing at its intersection with Wainoni Road and extending in an north westerly direction to the intersection of Avondale Road, be revoked.
- (b) That all the existing parking restrictions on the south west side of Breezes Road commencing at its intersection with Wainoni Road and extending in an north westerly direction to the intersection of Avondale Road, be revoked.

South West Side of Breezes Road

- (c) That the stopping of vehicles be prohibited at any time on the south west side of Breezes Road commencing at the intersection with Wainoni Road and extending in a north westerly direction for a distance of 20 metres.
- (d) That a "bus stop" be installed on the south west side of Breezes Road commencing at a point 35 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 19 metres.
- (e) That the stopping of vehicles be prohibited at any time on the south west side of Breezes Road commencing at a point 85 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 145 metres.
- (f) That a "bus stop" be installed on the south west side of Breezes Road commencing at a point 230 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 10 metres. *(Please note that although this appears short there is vehicle entrances either side which provide adequate manoeuvring area).*

8. Cont'd

- (g) That a "bus stop" be installed on the south west side of Breezes Road commencing at a point 384 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 17 metres.
- (h) That the parking of vehicles be restricted to a maximum period of 5 minutes, 8.00-9.00am and 2.30-3.30pm, Monday-Friday school days only, on the south west side of Breezes Road commencing at a point 401 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 28 metres.
- (i) That the stopping of vehicles be prohibited at any time on the south west side of Breezes Road commencing at a point 429 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 44 metres.
- (j) That the parking of vehicles be restricted to a maximum period of 5 minutes, 8.00-9.00am and 2.30-3.30pm, Monday-Friday school days only, on the south west side of Breezes Road commencing at a point 473 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 24 metres.
- (k) That the stopping of vehicles be prohibited at any time on the south west side of Breezes Road commencing at a point 521 metres north west from its intersection with Wainoni Road and extending in a north westerly direction for a distance of 19 metres.
- (l) That the stopping of vehicles be prohibited at any time on the south west side of Breezes Road commencing at the intersection with Pembroke Street and extending in a north westerly direction for a distance of 66 metres.
- (m) That a "bus stop" be installed on the south west side of Breezes Road commencing at a point 72 metres north west from its intersection with Pembroke Street and extending in a north westerly direction for a distance of 18 metres.
- (n) That the stopping of vehicles be prohibited at any time on the south west side of Breezes Road commencing at a point 96 metres north west from its intersection with Pembroke Street and extending in a north westerly direction for a distance of 50 metres.

North West Side of Breezes Road

- (o) That the stopping of vehicles be prohibited at any time on the north west side of Breezes Road commencing from its intersection with Avondale Road and extending in a south easterly direction for a distance of 185 metres.
- (p) That a "bus stop" be installed on the north west side of Breezes Road commencing at a point 185 metres south east from its intersection with Avondale Road and extending in a south easterly direction for a distance of 11 metres. *(Please note that although this appears short there is vehicle entrances either side which provide adequate manoeuvring area).*
- (q) That the stopping of vehicles be prohibited at any time on the north west side of Breezes Road commencing at a point 100 metres south east from its intersection with Avondale Road and extending in a south easterly direction to its intersection with Eglinton Street.
- (r) That the stopping of vehicles be prohibited at any time on the north west side of Breezes Road commencing from its intersection with Eglinton Street and extending in a south easterly direction for a distance of 36 metres.
- (s) That the stopping of vehicles be prohibited at any time on the north west side of Breezes Road commencing at a point 83 metres south east from its intersection with Eglinton Street and extending in a south easterly direction for a distance of 75 metres.
- (t) That the stopping of vehicles be prohibited at any time on the north west side of Breezes Road commencing at a point 208 metres south east from its intersection with Eglinton Street and extending in a south easterly direction for a distance of 45 metres.

8. Cont'd

- (u) That a "*bus stop*" be installed on the north west side of Breezes Road commencing at a point 253 metres south east from its intersection with Eglinton Street and extending in a south easterly direction for a distance of 18 metres.
- (v) That the stopping of vehicles be prohibited at any time on the north west side of Breezes Road commencing at a point 324 metres south east from its intersection with Eglinton Street and extending in a south easterly direction to its intersection with Wainoni Road.



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BREEZES ROAD
Existing Parking Management
For Board Approval

Original Plan Size: A3
ISSUE 1 06/10/08
TP100923 MCD

9. PROPOSED ROAD NAMING – SUBDIVISION OFF HORSESHOE LAKE ROAD

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Unit Manager Environment Policy and Approvals
Author:	Bob Pritchard

PURPOSE OF REPORT

1. The purpose of this report is to invite the Board to reconsider its decision made on 20 October 2008 in respect of the naming of a new road in the subdivision off Horseshoe Lake Road. The **attached** plan refers.

EXECUTIVE SUMMARY

2. The approval of proposed new road names is delegated to the Community Boards.
3. The Subdivision Officer has checked the proposed name against the Council's road name database to ensure it will not be confused with names currently in use.

RMA92011564 Ngai Tahu Property Limited - Horseshoe Lake Road

Three names were proposed by Ngai Tahu Property Ltd (Ngai Tahu) for its subdivision at Horseshoe Lake Road, namely, Waikakariki Place, Punakakariki Place (another name for Waikakariki) and Puna Ora Place.

At its meeting on 20 October, the name preferred by the Board was Puna Ora Place, and this was approved accordingly. (The name 'Puna Ora' was supplied by the applicant's consultant, however Ngai Tahu refer to it in recent correspondence as 'Te Puna Ora Place'). Waikakariki Place was the preferred choice of Ngai Tahu, who have now requested that the Board reconsider its decision in light of the additional information supplied, emphasising the high degree of significance Ngai Tahu place on the name Waikakariki.

Ngai Tahu have indicated that 'Waikakariki' is the Maori name for Horseshoe Lake. Originally the area was a very important food source for local Ngai Tahu. Waikakariki means 'waters of greenness', and refers to the lushness of the area and its value as a source of food. Waikakariki was home to the settlement of Te Oranga, where local Ngai Tahu from Kaiapoi resided due to its abundance of eel, fish, kereru and native plants such as raupo whose seeds were used for food. In 1868 the Ngai Tahu chief, Aperehama Te Aika, claimed the area as an important settlement and food gathering site for Kaiapoi Ngai Tahu and also because there was an urupa (burial ground) nearby. The name 'Waikakariki' Place captures an important part of the local history and reflects the cultural connections of Ngai Tahu to the area. Ngai Tahu prefers the name 'Waikakariki' Place as this is historically accurate and would increase the awareness of the original name of the lake and the Ngai Tahu connection to the area. The Upoko of Ngai Tuahuriri, the local Ngai Tahu Runanga, has been spoken to and he agreed that adopting the name 'Waikakariki' Place is preferred given the historical connection to the site. In summary therefore, Ngai Tahu respectfully requests that the Board consider approving the name 'Waikakariki' Place, as this name is considered more appropriate and has a stronger cultural and historical connection to a site of great importance to Ngai Tuahuriri and to wider Ngai Tahu.

FINANCIAL IMPLICATIONS

4. There is no financial cost to the Council. The administration fee for road naming is included as part of the subdivision consent application fee, and the cost of name plate manufacture is charged direct to the developer.

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

5. Not applicable.

9. Cont'd

LEGAL CONSIDERATIONS

6. Council has a statutory obligation to approve road names.

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

7. Yes. There are no legal 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. Not applicable.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

Do the recommendations align with the Council's strategies?

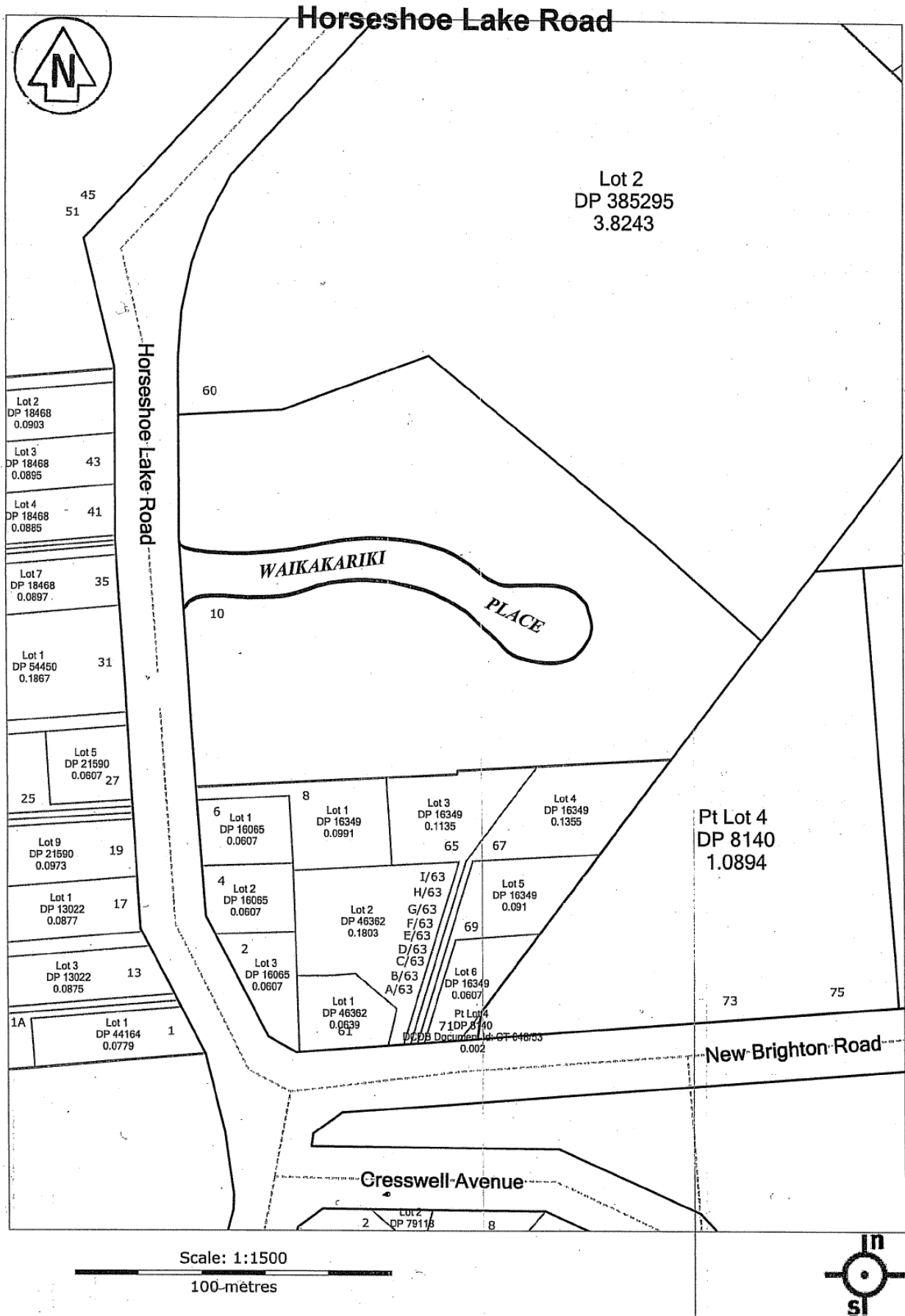
11. Not applicable.

CONSULTATION FULFILMENT

12. Where proposed road names have a possibility of being confused with names in use already, consultation is held with Land Information New Zealand and New Zealand Post. Where a Maori name is proposed Ngai Tahu is consulted.

STAFF RECOMMENDATION

It is recommended that the Board review its decision and consider approving the subdividers preferred name of 'Waikakariki Place', and if approved, to rescind the decision made on 20 October 2008 regarding the name Puna Ora Place.



10. CHRISTCHURCH GARDEN CITY TRUST – FUNDING REQUEST

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Unit Manager
Authors:	John Revell, Urban Parks Team Leader Kim Swarbrick, Consultation Leader - Greenspace

PURPOSE OF REPORT

1. The purpose of this report is to submit for the Board's decision, a request from the Christchurch Garden City Trust for funding assistance from the Board's 2008/09 Discretionary Response Fund for the installation of planter boxes and flowering plants in the pedestrian only area of the New Brighton Mall during the next summer period.

EXECUTIVE SUMMARY

2. The Christchurch Garden City Trust (the Trust) operates to promote Christchurch as the Garden City and the Christchurch Festival of Flowers both nationally and internationally, to promote tourism and trade and to co-ordinate gardening and horticultural interests, organisations, displays and festivals.
3. The Trust has advised that it owns the planter boxes which were located in Worcester Boulevard and used during the Festival of Flowers event. With the Council's Transport and Greenspace Unit now providing new boxes for the beautification of that cultural precinct, the Trust's boxes are available for reuse.
4. This change in circumstances led the Trust to consider locating the boxes elsewhere in the city. Accordingly, an approach was made to Project Employment and Environmental Enhancement (P.E.E.Ps) and the New Brighton community (specifically Police, New Brighton businesses, New Brighton Community Watch, New Brighton Project) with a proposal to pilot the provision of coloured plantings in the pedestrian only area of the New Brighton Mall over the summer period from late January to the end of March 2009.
5. The project goals submitted by the Trust are:
 - (a) To visually enhance the New Brighton Mall area with live plant material.
 - (b) To increase the opportunity for New Brighton residents to be included in Festival of Flowers activities normally restricted to the central city area.
6. The proposal has been reviewed by the Council's Team Leader, Urban Parks who provided the following comments:
 - (a) Sighting of the boxes within the mall will need to be approved by staff.
 - (b) Plant species (as to suitability) will need to be approved by staff.
 - (c) The planter boxes will need to be maintained to a high standard.
 - (d) Given the local site conditions, the budget for watering is too low – it could be 2/3 times the amount indicated below.
 - (e) Environmental factors such as airborne sand and salinity may burn surfaces of leafy green plants therefore many replacement plants may be required to maintain the look for a three month period.
 - (f) There is no Council operational funding available for city-wide temporary planting in Mall areas.

10. Cont'd**FINANCIAL IMPLICATIONS**

7. The Trust has applied to the Board's 2008/09 discretionary response fund for \$7,580 to undertake the project. The current balance in the fund is \$45,000.
8. The project budget submitted by the Trust comprises:
- | | |
|----------------------------------|---------|
| | \$ |
| • Perennial | 1,500 |
| • Feature Annuals | 600 |
| • Soil | 144 |
| • Setup and planting | 1,384 |
| • Transportation | 162 |
| • Watering and plant maintenance | 1,291 |
| • Administration | 500 |
| • Planter boxes wear & tear | 250 |
| • Contingency | 1,749 |
| | \$7,580 |
9. The Trust's estimate of its own donated materials and voluntary effort towards the project is approximately \$3,000.
10. The Trust states that P.E.E.Ps would be contracted to undertake the supply of plants, the watering, general maintenance and any needed plant replacements.
11. Should the project look to be continued beyond 2008/09, it is considered that any application made at that time, be in accordance with the relevant Council Community Grants Funding Scheme.
12. The Council has funded the Trust with \$100,000 in both 2006 and 2007 specifically to cover central city Festival of Flowers events and administration associated costs.

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

13. This is a new project not currently budgeted within the LTCCP. However, this 'activity' already exists in central Christchurch and as such aligns with the LTCCP.

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

14. Yes, there are no direct legal issues involved. The Trust has legal status as a Registered Charitable Trust and is an Incorporated Society. The Trust objectives are:
- (a) to focus local, national and international attention on Christchurch as the Garden City of New Zealand.
 - (b) to promote and co-ordinate the Festival of Flowers, garden exhibitions, and horticultural events.
 - (c) to celebrate Christchurch's four seasons for the enjoyment of local citizens and all visitors to the city.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Alignment with LTCCP as indicated in clause 13 above. Yes, this activity conforms with Activity Management Plans.

10. Cont'd

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

16. Not directly. Should the project proceed as proposed, then the level of service would go beyond that currently provided and budgeted for by the Council across the city.

ALIGNMENT WITH STRATEGIES

17. Yes, specifically in relation to the Council's Strengthening Communities Strategy incorporating the Community Funding Scheme(s) of supporting, developing and promoting the capacity of community and environmental groups; and the Strategic Direction of a Healthy Environment through a strengthening of the garden city image.

Do the recommendations align with the Council's strategies?

18. Yes, as stated in clause 17 above.

CONSULTATION FULFILMENT

19. The Trust has made contact with representatives of several New Brighton community groups including P.E.E.Ps, New Brighton Police, New Brighton Community Watch, New Brighton Project. Details about the proposed project were hand delivered by the Trust to local businesses. General support and helpful suggestions were received.

STAFF RECOMMENDATION

It is recommended that the Board consider the funding request received from the Christchurch Garden City Trust for \$7,580 to be allocated from the Board's 2008/09 Discretionary Response Fund to provide planter boxes for a flowering plant display in the New Brighton Mall over the coming summer period.

11. BURWOOD/PEGASUS YOUTH DEVELOPMENT FUNDING SCHEME- APPLICATIONS

General responsible:	Manager	General Manager Community Services, DDI 941-8607
Officer responsible:		Recreation and Sports Unit Manager
Author:		Community Recreation Adviser

PURPOSE OF REPORT

- The purpose of this report is to present for the Board's consideration seven applications for funding assistance from the 2008/09 Youth Development Funding Scheme.

EXECUTIVE SUMMARY

- Funding is being sought by:
 - Holly and Ruby Hunt, 12 and 14 year olds of Waitikiri Drive, Burwood to support them to attend the Showcase Dance Championships from 13 to 19 January 2009 in Australia.
 - Levi Cunniffe, 12 year old of Gayhurst Road, Dallington and Jason Copley 13 year old of Coopers Road, Dallington to represent Shirley Intermediate School at the New Zealand Student Jump Jam Leader Finals in Auckland from 20 to 21 November 2008.
 - Daniel Parker, 14 year old of Travis Country Drive, Burwood, to represent St Bede's College in the Southern Skies Cricket Development Tournament in Brisbane from 7 to 14 December 2008.
 - Elijah Hapi, 14 years old of Doreen Street, Aranui and Uriah Solheim a 14 year old of Esk Place, Bexley, to represent the South Island Under 17 Basketball team at the Basketball Pacific Slam in Sydney from 10 to 20 January 2009.
- This is the first time the applicants have approached the Community Board for funding support.

FINANCIAL IMPLICATIONS

- The following tables details event expenses and funding requested for the applicants:

Expenses for Ruby and Holly Hunt	Cost (NZ \$)
Flight	1,485
Accommodation (10 Nights)	1,889
Entry Fees	480
Total Cost – includes above expenses	3,8540
Amount raised by applicants to date	\$300
Amount requested from Board	\$500 each

Expenses for Levi Cunniffe and Jason Copley per person	Cost (NZ \$)
Food	100
Flight	162
Accommodation (2 Nights)	100
Ground transport	50
Uniform	125
Total Cost – includes above expenses	\$537
Amount raised by applicant to date	\$150
Amount requested Board	\$400 each

11. Cont'd

Expenses for Daniel Parker	Cost (NZ \$)
Uniform and gear	390
Flight	699
Accommodation and food (7 Nights)	1706
Ground Transport	285
Total Cost – includes above expenses	\$3115
Amount raised by applicant to date	\$300
Amount requested from Board	\$500

Expenses for Elijah Hapi and Uriah Solheim	Cost (NZ \$)
Flights and taxes	1080
Accommodation and Food (10 Nights)	1055
Entry Fee	230
Uniform	175
Facility Hire	136
Insurance Fee	45
Administration Fee	131
Ground Transport	303
Total Cost – includes above expenses	\$3115
Amount raised by applicant to date	\$500.
Amount requested from Board	\$500 each

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

5. Yes.

LEGAL CONSIDERATIONS

6. There are no legal issues to be considered.

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

7. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Yes, relates to 2008-09 Community Board Funding Allocations.

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

9. Yes, as mentioned above.

ALIGNMENT WITH STRATEGIES

10. Physical Recreation and Sport Strategy.

Do the recommendations align with the Council's strategies?

11. Yes.

CONSULTATION FULFILMENT

12. Not applicable.

11. Cont'd

STAFF RECOMMENDATION

It is recommended that the Board consider allocations from its 2008/09 Burwood/Pegasus Youth Development Fund to the following applicants:

- (a) Holly and Ruby Hunt, \$500 each to support their attendance at the Showcase Dance Championships from 13 to 19 January 2009 in Australia.
- (b) Levi Cunniffe and Jason Copley \$200 each to support their attendance at the New Zealand Student Jump Jam Leader Finals in Auckland from 20 to 21 November 2008.
- (c) Daniel Parker, \$500 to support his representation at St Bede's College in the Southern Skies Cricket Development Tournament in Brisbane from 7 to 14 December 2008.
- (d) Elijah Hapi and Uriah Solheim \$500 each to represent the South Island Under 17 Basketball team at the Basketball Pacific Slam in Sydney from 10 to 20 January 2009.

11. Cont'd

BACKGROUND OF APPLICANTS

Ruby and Holly Hunt

Showcase is an international dance event, including ballet, jazz, contemporary, hip hop, tap, lyrical, cheerleading and Broadway. Dancers from Australia, New Zealand, Canada and USA attend. Regional events are held in each country for dancers to qualify to go to the finals on the Gold Coast in January. It is a great achievement for the girls to even qualify to go. Their parents feel that it is important for them to go and see what is happening in other countries if they are wanting a career in dance. The talent is impressive and to even be part of the event is inspiring and the kids come back enthusiastic and determined to improve. The girls are looking to having careers in dance, either in companies or to become teachers themselves one day.

The family are intending to do some fundraising sausage sizzles prior to the trip, but have not done these yet as they are busy supporting the planning for the end of year recital and ballet examinations.

Levings School of Dance is taking 20 dancers over between eight and 18 years old. Some of them are doing solos and teams, some just teams.

Both parents are working, one full time and one part time with three children 14, 12 and 10 years old. Dancing fees cost \$650 per term - \$2,600 per year, plus entries to competitions (\$100 each time with approximately eight competitions through the year is \$800). Costumes for any new dances cost around \$100 each because their mother sews. Teaching of new competition solos costs \$30 per lesson for four lessons – so \$120 each new dance.

Both girls have qualified to compete at the prestigious Dancer of the Year category at Showcase.

Ruby is 14 years old and has been dancing for 10 years, she lives at home with her parents and two siblings and attends Burnside High School. Ruby has a passion for ballet, lyrical and contemporary dance. She currently dances five days a week doing ballet, jazz, hip hop, contemporary and an extension class at the Levings School of Dance, Burwood, Christchurch.

Ruby has sat many exams in jazz and RAD ballet over her career as a dancer, always achieving high distinction results. Ruby recently competed in a competition called Showcase which is an Australian event that involves competing in a regional event and qualifying for the finals in Australia. Ruby did extremely well in this competition, successfully qualifying in all her sections with four different dances.

Long term Ruby wants to attend a dance school either in New Zealand or Australia to obtain a diploma in dance which she finishes her high school education.

Ruby wants to attend this event to be inspired by other dancers and to see the different ways dancers from other countries dance. Ruby has done some voluntary work through her dancing including dancing in rest homes, in the square and at a charity concert at Westpac Stadium.

Holly is 12 years old and has been dancing for eight years, she attends Casebrook Intermediate School. Holly thinks that her participation in dance has helped her to be more confident at school when presenting projects in front of her peers and teachers.

Holly also dances five days per week, doing ballet, jazz, hip hop, contemporary and an extension class. She is well know for being a hard working, diligent and talented performer who always put 100 percent into everything she does.

This year Holly sat her Elementary Jazz exam, with a result of 98 percent, the highest mark in the school and also received a nomination to the National Finals for the NZAMD. This is a great achievement especially considering one needs to be 13 to enter this so is therefore not old enough to attend the finals. She also sat her intermediate RAD Ballet exam achieving Distinction and again being awarded the highest mark in the school. Holly is currently playing one of the lead roles in the school production and is just loving the experience.

Holly has also done some voluntary work through her dancing including dancing in rest homes, in the square and at a charity concert at Westpac Stadium.

11. Cont'd

Levi Cunniffe

Levi Cunniffe has been a member of the Shirley Intermediate School team representing her school at the New Zealand Jump Jam Challenge finals held at Burnside High School on 8 November. Levi is excited to be able to represent the school at the New Zealand Student Leader Finals held in Auckland.

Levi is currently ranked third equal in New Zealand for Jump Jam Student Leadership, she gained this ranking last year, top team in the South Island of the Jump Jam Challenge and is one of the informal leaders of Jump Jam at Shirley Intermediate.

Letter of support from Neil Curtis, Senior Teacher and Head of Jump Jam at Shirley Intermediate School:

"She is kind of heart and bats above average with all of her school work. Levi comes from a rich history of performing in other areas such as Primary Schools Cultural Festival where she did a routine in front of hundreds of people at the Town Hall. Levi displays a steely determination to do well and has excellent time management skills. She is sporty and participates in many different sports including soccer. She recently represented the school in Netball with excellent results. She will also be leading the Push Play activities on Push Play day 7 November"

The team has been doing a variety of fundraising activities including barbeques, raffles, and car washes and Levi has participated in all of these activities to support the team participating in this trip. The funds raised by the team have been used for their attendance at the New Zealand Jump Jam Challenge Finals.

Levi lives at home with her parents, she is an only child, her father works full-time, and her mother is working one day per week. Some financial assistance toward this trip would be appreciated. Levi's father is attending to help with parent supervision for the trip and therefore the family will need to be covering these additional costs for flights/accommodation.

Jason Copley

Jason is also a member of the Shirley Intermediate School team representing the school at the New Zealand Jump Jam Challenge Finals held at Burnside High School on the 8 November. Jason is also excited to be able to represent the school at the New Zealand Student Leader Finals held in Auckland.

Jason has been involved in the Jump Jam programme for two years. Unfortunately last year he missed taking part in the competition due to ill health but this year he has worked extremely hard at both his school work and Jump Jam and is really looking forward to competing. He thoroughly enjoys his practice sessions and getting up to perform at various functions in and round the city at schools and community fairs.

Letter of support from Neil Curtis, Senior Teacher and Head of Jump Jam at Shirley Intermediate School:

"Jason shows a dramatic improvement in his confidence and reading over the last two years. Jason has a kind heart and is in the opt ranked boys Jump Jam team in New Zealand. Jason is our reserve if any one is sick in the various teams we have, and he has been placed 7th in New Zealand for Student Leadership"

Jason feels that participating in Jump Jam has increased his confidence, he is fitter and healthier and works better in team situations and is more motivated to set and achieve his goals.

Jason lives at home with his mother who works for approximately 32 hours each week. She has stated that any financial assistance would be very helpful.

11. Cont'd

Daniel Parker

Daniel has been playing cricket now for four years. In the past two seasons he has twice made one of the four regional teams and played in the Canterbury Regional tournaments for his age group. At the end of last summer he made two Under 15 Canterbury winter training squads despite only being 13, one for specialist pace bowling and the other a general squad. On top of this, Daniel's parents paid for approximately 10 one-on-one lessons with a New Zealand qualified coach. All these sessions were at the Canterbury Cricket Centre of Excellence that costs \$600.

The experience of playing cricket in another country against other talented cricketers will bring Daniel a world of experience both in touring, playing, building relationships and discipline. To learn new life skills and be an ambassador for both Christchurch and New Zealand. Daniel's long term goal is to progress to his highest potential in this sport, whether that be making a premier club side, representing Canterbury or higher honours, whilst ensuring he enjoys the game to the full.

Daniel has built on the partnerships he had already developed within his club side and is now playing and training alongside more talented players who push themselves. Daniel now has better goals and is aware of his attributes and potential. This Under 16 Development Team has helped Daniel integrate himself further into the school and sporting community at school despite it being his first year at High School. He now understands different strategies for the game and the need for planning before and within the game itself.

Daniel's father works full time and his mother works part time. Daniel has two siblings, all of whom are involved in sport. Daniel and his siblings play rugby and cricket which requires club subscription costs and equipment costs.

Daniel does not have any part-time work as he is committed with school and training, for example, club games Saturday, practice games Sunday, Under 16 net training Monday, Under 16 Skills and fitness training Tues and Under 14 Club training on Thursdays.

Fundraising activities for this trip have included: Pak 'n Save stocktake which raised \$1000 for the team; School Garage Sale which raised \$2000 for the team; catering and cleaning up at Westpac Stadium where Daniel raised \$60; cleaning up at Christchurch Agricultural Park after an Alpaca Show raised \$500 to \$700 for the team, Raffles at Rose and Thistle every Friday night raised \$1,500 for the team, upcoming golf tournament on 2 November is estimated to raise \$5,000 to \$6,000 for the team.

Elijah Hapi

Elijah lives at home with two siblings aged 10 and 13 years and his parents. His mother works part-time and his father works full-time. They have been pro-actively applying for individual funds to cover the costs of this trip and have held a garage sale and raffle. Elijah will be 15 in November and is hoping to get a part time job to help contribute towards the trip costs.

Basketball Pacific Inc is made up of basketball associations registered with Basketball New Zealand; Basketball Pacific North (Rotorua, Hamilton, Thames Valley, Counties Manukau and Northland) and Basketball Pacific South (South Island Associations) all working together for the development of players.

Elijah has achieved a lot within this sport which he has only been competitively playing for two years. This year he was selected for the Canterbury Under 17 development league.

Letter of support supplied by Bert Knops, Head of Sport, Basketball Academy Director at Aranui High School:

"Elijah is a solid character, reliable and hardworking, he is showing good progress in his subject areas, with an excellent attendance record and no behaviour concerns. Elijah has worked hard on developing his basketball skills and was a member of the School under 17 team during this year. He has shown great commitment towards training and has always displayed the highest level of sportsmanship in games".

11. Cont'd

Letter of support from Kennedy Hamilton-Kereama, Coach and Sports Co-ordinators at the Aranui High School Basketball Academy and Assistant Coach to the New Zealand Tall Ferns:

"I first met Elijah as a Year 9 student at Aranui High School where he was taking a basketball academy programme that is an extra curricular activity at school, Elijah displayed a focused, cheerful attitude and created enjoyable atmosphere for all participants".

Uriah Solheim

Uriah's long term goals with his sport are to learn and experience as much as he can, and to be the best player that he can be. He is aiming to make it into the Canterbury team and ultimately the national team.

Uriah lives with his parents and 22 year old sister. Both his parents work full-time and can only afford to pay half of the amount needed and Uriah needs to raise the rest, which he is doing via his part-time job and some other fundraising activities.

Letter of support from Kennedy Hamilton-Kereama, Coach and Sports Co-ordinators at the Aranui High School Basketball Academy and Assistant Coach to the New Zealand Tall Ferns:

"I have known, coached and taught Uriah over the past two years not only in a basketball environment but also in the school environment. Uriah is a charismatic, well mannered, determined and hard-working athlete and student".

Letter of support supplied by Bert Knops, Head of Sport, Basketball Academy Director at Aranui High School:

"Uriah has worked hard on developing his basketball skills and was a member of the school Under 17 team during this year. He has shown great commitment towards training and has always displayed the highest levels sportsmanship in games. I believe he has the right attributes to succeed in this sport and with continued development is certain to attain higher honours".

12. BURWOOD/PEGASUS YOUTH DEVELOPMENT FUNDING SCHEME - APPLICATION

General Manager responsible:	General Manager Community Services, DDI 941-8607
Officer responsible:	Unit Manager, Community Support
Author:	Natalie Dally, Community Development Adviser

PURPOSE OF REPORT

1. The purpose of this report is to present for the Board's consideration, an application for funding support from the 2008/09 Youth Development Funding Scheme.

EXECUTIVE SUMMARY

2. Avonside Girls High School student, Marseille Lucas has an opportunity to participate in a once in a lifetime student exchange experience to Germany from December 2008 until the end of January 2009.
3. Marseille Lucas of Wainoni is 17 years of age and has been learning German for over three years. She has passed NCEA German level one receiving 18 points and three merit passes. Marseille is additionally fluent in Maori and a part of the Kapahaka group at school which will enable her to provide an additional dimension to the exchange for her host family
4. To earn money for the trip Marseille is working in an older persons home.
5. This is the first time this young person has approached the Board for funding support.

FINANCIAL IMPLICATIONS

6. The following table provides an estimated breakdown of the costs and fundraising for the exchange. There is an approximate shortfall of \$500.

EXPENSES	Cost (\$)
Airfare, insurances etc	3,760
Berlin Trip	675
Food/souvenirs/entrance fees/home stay/pocket money	2000
Total Cost	\$6,435

FUNDRAISING	Amount (\$)
Work	2000
Excess in spending money	650
Other fundraising efforts and the sale of her car	3285
Total	\$5935

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

7. This application is seeking funding from the Community Board's 2008/09 Youth Development Scheme which was established from the Board's 2008/09 Discretionary Response Fund. Should this, and also those applications listed in Clause 10 of this agenda be supported by the Board, then a balance of \$100 will remain in the fund for allocation.

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

8. There are no legal implications in regards to this application.

12. Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Aligns with pages 170 and 174 of the LTCCP regarding Community Board Project funding.

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

10. As above.

ALIGNMENT WITH STRATEGIES

11. Application aligns with the Council's Youth Strategy and local Community Board objectives.

Do the recommendations align with the Council's strategies?

12. As above.

CONSULTATION FULFILMENT

13. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Board allocate \$500 to Marseille Lucas from the 2008/09 Youth Development Funding Scheme for her student exchange to Germany in December 2008 and January 2009.

13. COMMUNITY BOARD - CODE OF CONDUCT

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

PURPOSE OF REPORT

1. At the Community Board Chairs and Staff Forum meeting, held on 5 September 2008, the attached draft Community Board Code of Conduct was discussed. **(Attachment 1)**.
2. At that meeting it was agreed that a report would be prepared for each Community Board for consideration, and decision, by each Board regarding adoption of the revised Community Board Code of Conduct.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board adopt the revised Community Board Code of Conduct, with immediate effect.

13. Cont'd

BACKGROUND (THE ISSUES)

3. The Local Government Act 2002 requires that the Council adopt a Code of Conduct. There is no legal requirement for Community Boards to adopt a Code of Conduct.
4. In 2004, subsequent to the Council adopting a Code of Conduct, all six Community Boards in the former Christchurch City, and subsequently the two Peninsula Community Boards upon reorganisation with Banks Peninsula, adopted a Code of Conduct modelled on that adopted by the Council.
5. That Community Board Code of Conduct has remained in force since that time.

AUDITOR GENERAL REPORT

6. In 2006 the Auditor General carried out a report on Codes of Conduct adopted by Councils.
7. He went on the note:

'Overall, the material including Code meets our expectations. Most Codes contains guidance about the main topics we expect to see covered.'

No Council's Code covers all the topics we mentioned in part three of this report. We consider that most Council's could benefit from a review of those topics, to see if any other matters that could easily be added to their own Code when they next review it..... we also consider that some Codes can be more thorough in explanations of:

- *The Local Government Official Information and Meetings Act 1987.*
- *Non Financial Conflicts of Interest.'*

REVIEW OF COUNCIL CODE

8. The Council has now reviewed its own Code of Conduct at its meeting on 24 July 2008 and agreed to adopt an updated Code of Conduct.
9. The Council also resolved in part to:
 - *'Note that all Community Boards have voluntarily agreed to adopt a Code of Conduct similar to that of the Council modified to reflect that it is intended to be used by Community Boards.*
 - *Agrees that its Ethics Subcommittee (including the convenor) can be used by Community Boards where a breach of the Code is alleged in respect of two Community Board members.*
 - *Where the Ethics Subcommittee procedure is to be used by a Community Board consideration of the membership of the subcommittee is to be deferred until the Chairpersons consider the matter and staff report back to the Council in September.'*
10. It is considered an appropriate time for the Community Board to review their current Code.
11. The changes in the draft Code attached to this report are primarily editorial and are underlined for ease of reference.
12. Regarding Codes of Conduct Local Government New Zealand has stated:

"Codes of Conduct promote effective working relationships within the local authority and between the local authority and its community. A Code of Conduct should promote free and frank debate, which should in turn promote good decision-making. Codes of Conduct should not be used in a way that stifles debate."

13. Cont'd

*Provided elected members do not try to present personal views as anything other than that, then they have the right to express their views. Codes of Conduct should provide rules of Conduct that promote debate and make it clear that personal views, and the rights of **all** members to express personal views, must be respected.*

A Code of Conduct sets boundaries on standards of behaviour in expressing and promoting views, and provides means of resolving situations when elected members breach those standards.”

13. While the Local Government Act 2002, obliges the Council to adopt such a Code of Conduct, the Act does not oblige Community Boards to adopt a Code of Conduct. Legally it is a matter of choice for each Board as to whether or not it wishes to adopt a Code of Conduct.

RELATIONSHIP OF CODE TO STANDING ORDERS

14. The Code of Conduct is not the same as a set of standing orders. Standing orders are a set of procedures and other rules for the conduct of meetings. A Code of Conduct covers every aspect of a Community Board member's duties. There are links between the two documents in that standing orders contain provisions for conduct at meetings. The Code is intended primarily for situations outside the formal meeting process.
15. The Code is wider than standing orders and sets out relationships not only between elected members, but also between board members and staff and board members and the public.

CONTENT OF THE CODE

16. The Local Government Act 2002 is not specific on the contents of a Code of Conduct. The only requirement is the general statement that the Code of Conduct must—

“Set out understandings and expectations agreed among members about the manner in which they may conduct themselves or act in their capacities as members, including behaviour towards one another, staff and the public.”

BREACHES OF THE CODE

17. One issue that arose in the consideration of a Code of Conduct is what happens if a Community Board member breaches the Code. The Local Government Act 2002 does not provide any power for the Community Board to impose a sanction on a board member who breaches the Code. The Board's Code provides for a sanctions system where alleged breaches can be dealt with.
18. The Board's system for dealing with breaches is an Ethics Subcommittee and a system which provides for:
 - Specific allegations of a breach as to when and where a particular provision of the Code was breached and that information being available to the person complained of;
 - All parties having a right to be heard on reasonable notice;
 - Parties having the right to be represented by a lawyer;
 - An opportunity for a person to make submissions before an adverse finding is made.
19. A feature of the Ethics Subcommittee is that the Convenor would act as a filter for matters to be referred to the Subcommittee in a similar manner as the Speaker in Parliament.
20. It was also agreed that reference of matters to the Subcommittee should only be considered after there had been informal efforts to resolve the particular matter, and that these informal efforts should be assisted by the Convenor of the Subcommittee.

13. Cont'd

21. Only if informal efforts to resolve the matter have not been successful, is a Board member then able to refer a matter to the Convenor of the Subcommittee. Even then, the Convenor of the Subcommittee has the ability to decide that a particular matter should not be referred to the Subcommittee on the grounds that the matter is technical or trivial, and does not warrant the fuller attention of the Subcommittee.
22. The actions that the Board may take, upon receipt of a report, could be to require an apology to be made, for the Board to censure a Board member, and/or removal from a Board committee or an outside appointment made by the Board. The law does not give any specific power to the Board to take any steps other than these matters.
23. Board's have previously agreed that in a complaint involving of Community Boards that the Board utilise the Council's Ethics Subcommittee (with its convenor) and that membership of the Subcommittee comprise that Boards, other than the complainant and the person alleged to have breached the Code.

REVISED COMMUNITY BOARDS CODE OF CONDUCT

24. **Attachment A** is a recommended revised Community Board Code of Conduct taking into account the matters addressed by the Auditor General in his report. Changes from the existing Community Board Code of Conduct are underlined.

Christchurch City Council

COMMUNITY BOARD CODE OF CONDUCT

PART 1 — INTRODUCTION

1. This Code of conduct had been adopted by:
 - Akaroa/Wairewa Community Board.
 - Burwood/Pegasus Community Board.
 - Fendalton/Waimairi Community Board.
 - Hagley/Ferrymead Community Board.
 - Lyttelton/Mt Herbert Community Board.
 - Riccarton/Wigram Community Board.
 - Shirely/Papanui Community Board.
 - Spreydon/Heathcote Community Board.
2. The Code is intended to apply to elected and appointed Community Board members in their dealings with:
 - each other.
 - council officers.
 - the public.
 - the media.
3. Without good working relationships any democratically elected organisation will have difficulty succeeding. No Community Board will be effective unless mutual respect exists between the public, elected members and staff. This Code seeks to facilitate more effective working relationships. Resolution of alleged breaches of the Code is to be made in the interests of the good governance of the Community Boards, not for the personal interests of Community Board members.
4. The objectives of this Code are to enhance:
 - the effectiveness of the Community Boards.
 - the credibility and accountability of the Community Boards within its community.
 - mutual trust, respect and tolerance between Community Board members as a group and between elected and Council officers.
5. This Code of Conduct seeks to achieve its objectives by agreeing upon:
 - general principles of conduct for Community Board members.
 - general standards of behaviour.
 - specific codes of conduct applying to particular circumstances or matters.
6. This Code shall apply to Community Board members acting in their capacity as a Community Board member, and not as private citizens.
7. This Code is based on the following principles of public life:
 - **Public interest**
 - Community Board members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
 - **Honesty and integrity**
 - Community Board members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

ATTACHMENT 1 TO CLAUSE 13 Cont'd

Objectivity

- Community Board members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Community Board members should also note that, once elected, their primary duty is to the interests of the community.

Accountability

- Community Board members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

Openness

- Community Board members should be as open as possible about their actions and those of the Community Board, and should be prepared to justify their actions.

Personal judgement

- Community Board members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Respect for others

- Community Board members shall not discriminate unlawfully against any person on the grounds of their race, age, religion, gender, sexual orientation, disability or opinions and beliefs. They should treat people with respect and should respect the impartiality and integrity of the Council's staff.

Duty to uphold the law

- Community Board members must uphold the law, and on all occasions, act in accordance with the trust the public places in them.

Stewardship

- Community Board members collectively must ensure that the community uses resources prudently and for lawful purposes.

Leadership

- Community Board members should promote and support these principles by example, and should always endeavour to act collectively in the best interests of the community.

Confidentiality

- Community Board members shall respect the confidentiality of any confidential information they may receive.

8. Attached as **Appendix 1** is a summary of the legislative requirements that have some bearing on the duties and conduct of Community Board members that have not already been referred to in this code.

PART 2 — BEHAVIOUR AND RELATIONSHIPS

Relationships with Other Community Board Members

9. Community Board members will conduct their dealings with each other in ways that:
 - maintain public confidence in the office to which they have been elected.
 - are open and honest.
 - focus on issues rather than personalities.
 - avoid aggressive, offensive or abusive conduct.
10. Community Board members shall maintain the respect and dignity of their office in their dealings with each other, Councillors, Council staff and the public.
11. Community Board members will act in good faith (for example, honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.
12. Community Board members should remember that they have no personal power to commit the Council, including a Community Board, to any particular policy, course of action, or expenditure and must not represent they have such authority.
13. Community Board members will make no allegations regarding other elected members or Council officers which are improper or derogatory.
14. In the performance of their official duties, Community Board members should refrain from any form of behaviour which may cause any reasonable person unwarranted offence or embarrassment.

Relationships with Staff

15. The effective performance of the Council also requires a high level of cooperation and mutual respect between Community Board members and staff. To ensure that level of cooperation and trust is maintained Community Board members will:
 - recognise that the Chief Executive is the employer (on behalf of the Council) of all Council employees, and as such only the Chief Executive may hire, dismiss, instruct or censure an employee.
 - avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee.
 - make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times.
 - treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees).
 - observe any guidelines that the Chief Executive puts in place regarding contact with employees.
 - respect the role of Council officers in providing professional advice, including not do anything which compromises, or could be seen as compromising, the impartiality of the professional advice of an officer.
 - raise concerns about employees with the Chief Executive. Concerns about the Chief Executive should be raised in the first instance with the Mayor.
 - raise concerns regarding the quality of a report with the Chief Executive before the meeting at which the report is to be considered takes place.
16. Community Board members should be aware that failure to observe this portion of the Code of Conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanction.
17. A Community Board member may, on behalf of themselves, a member of staff or a member of the public, initiate the procedures set out in Part 3 (Breaches of the Code) of this Code.

ATTACHMENT 1 TO CLAUSE 13 Cont'd

Relationships with the Community

18. Effective Community Board decision-making depends on productive relationships between Community Board members and the community at large.
19. Community Board members should ensure that individual citizens are accorded respect in their dealings with the Community Board and Council, have their concerns listened to, and decisions are deliberated on in accordance with the requirements of the Local Government Act 2002 and other relevant statutes. Community Board members should act in a manner that encourages and values community involvement in local democracy.

Gifts and Hospitality/Expenses

20. A person in a position of trust, such as a Community Board member, should not make a profit through his or her office.
21. There is legislation in the Crimes Act 1961 and the Secret Commissions Act 1910 which deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs. Gifts can include discounts, commissions, bonus or deductions.
22. Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. The offer and/or receipt of gifts, including special occasion goodwill gifts, may be reported to the Council Secretary.
23. Gifts, working lunches and social occasions should be received and undertaken with a recognition of the public perception regarding undue influence on Community Board members.

Use of Council Facilities and Services

24. Transport provided by the Council for the use of a Community Board member must only be used for Community Board purposes.
25. Council resources such as stationery or secretarial services must only be used for Community Board purposes and cannot be used for personal purposes (including election campaigning).

Financial and Non Pecuniary Interests

Conflicts of interest and the law about bias

26. A conflict of interest exists where two different interests intersect; in other words, where your responsibilities as a Community Board member 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.
27. 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. It is summed up in the saying "no one may be judge in their own cause".
28. Another way of expressing the issue is:
 - Would a reasonable, informed observer think that your impartiality might have been affected?
29. The law about bias originally applied to judicial proceedings, but over the years has been extended to a wide range of decision-makers who exercise public functions that can affect the rights or interests of others. The law applies to members of Community Boards.
30. The law applies differently to pecuniary (that is, financial) and non-pecuniary conflicts of interest. When you are considering whether to participate in a Board's decision-making processes about a particular matter, you need to consider the potential for both types of conflict of interest. Different rules apply to each type.

ATTACHMENT 1 TO CLAUSE 13 Cont'd

Pecuniary interests: The Local Authorities (Members' Interests) Act 1968

31. The Act deals with that part of the rule against bias as it applies to the pecuniary interests of members of Community Boards. The Act:
 - controls the making of contracts worth more than \$25,000 in a financial year between Board members and the Council; and
 - prevents Board members from participating in matters before a Board in which they have a pecuniary interest, other than an interest in common with the public.
32. The Act applies to members of city councils, district councils, regional councils, Community Boards, tertiary institutions, and a range of other public bodies.
33. The Act regulates the actions of individual members of Community Boards, not the actions of the Boards.
34. Board members, not Boards, may be prosecuted for breaches of the Act. The Act also applies to members of committees of Community Boards.

Non-Pecuniary Conflicts of Interest: The rule against bias

35. If a person challenges a Community Board's decision by way of judicial review proceedings, the courts could invalidate the Board's decision because of bias on the part of a member of the decision-making body. The question a Community Board members needs to consider, drawn from case law, is:
 - Is there a real danger of bias on the part of a member of the Community Board in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration? It is the appearance of bias, not proof of actual bias, that is important.
36. The law about bias does not put a Board member at risk of personal liability. Instead, the validity of the Board's decision could be at risk.

Contact with the Media regarding Council and Committee Decisions

37. The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of the Community Board. From time to time, individual Community Board members will be approached to comment on a particular issue either on behalf of the Community Board, or as a Community Board member in his or her own right. This part of the Code deals with the rights and duties of Community Board members when speaking to the media on behalf of the Community Board, or in their own right.
38. Generally:
 - Media comments must observe the requirements of the Code of Conduct.
 - Community Board Chairs are authorised to make statements accurately reporting matters and decisions coming within the terms of reference of their Community Boards.
 - The Chief Executive is authorised to make statements relating to any of the areas for which the Chief Executive has statutory or management responsibility.
39. Public statements representing Community Boards or reporting decisions of the Community Board will be made with the specific or general authority of the Community Board, and will clearly state the person's authority for making the statement on behalf of the Community Board.
40. Otherwise, a Community Board member, Chief Executive or officer may make specific statements on behalf of the Community Board only with the specific authority of the relevant Community Board.
41. Community Board members are entitled to make public statements expressing their opinion on matters before the Community Board. All such statements should clearly state that they represent the personal opinion of the Community Board member and are not made on behalf of the Community Board.

ATTACHMENT 1 TO CLAUSE 13 Cont'd

42. Public statements by Community Board Chairpersons on an item before the Community Board should reflect the majority view of the Board. The Chairperson may make clearly identified personal statements if the Chairperson disagrees with the majority view of the Board.
43. Within the limits imposed by Standing Orders, at any meeting of the Community Board (or at any committee), every Community Board member (who has the right to speak at the meeting) has the right to express his or her opinion on any matter lawfully before the meeting. Once a matter has been decided at a meeting of the Community Board, that decision establishes the Community Board's position on that matter until it is lawfully changed by a subsequent decision of the Board.

Disclosure of Information

44. In the course of their duties Community Board members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.
45. Community Board members must not use or disclose confidential information for any purpose other than the purpose of debate at meetings for which the information was supplied to the Community Board members. Such confidential information includes all information in the Public Excluded section of an agenda for any meeting.
46. Community Board members should be aware that failure to observe these provisions will impede the performance of the Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to sanction under the Privacy Act 1993 and/or civil litigation.

Bankruptcy

47. Under the Local Government Act 2002 the Council must consider whether Board members should be required to declare whether a Community Board member or a newly elected Community Board member is an undischarged bankrupt.
48. The Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgement in general.
49. The Council requires Community Board members who are declared bankrupt, and a newly elected Community Board member who is an undischarged bankrupt, to notify the Chief Executive as soon as practicable after being declared bankrupt or being elected to the Community Board, as the case may be. The Chief Executive shall advise the Council at its next ordinary meeting.

Role of Community Board Members

50. Attached as **Appendix 2** are the roles and responsibilities for the Community Board.

Alleged breaches of this Code during meetings

51. It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting within Standing Orders at the time the breach arises. Community Board members should raise alleged breaches of the Code with the Chairperson at the time. If a Board member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, that Board member may initiate the procedures set out in Part 3 of this Code.

PART 3 —BREACHES OF THE CODE AND ETHICS SUBCOMMITTEE

Process for an alleged breach

52. If a Community Board member believes that this Code has been breached, that Board member must first endeavour to resolve the matter informally by discussion with the Board member alleged to have breached the Code.
53. If that informal resolution is unsuccessful, the Board member alleging the breach may raise an alleged breach of the Code with the Convenor of the Council's Ethics Subcommittee in writing at the earliest opportunity (and not later than one month after the date of the incident giving rise to the allegation). An allegation of breach of the Code must set out the particular provisions of the Code alleged to have been breached and the facts supporting the alleged breach so as to give the person against whom it is made a full opportunity to respond to it.
54. Any Board member raising a matter of breach of the Code which involves another Board member must also, as soon as reasonably practicable after raising the alleged breach with the Convenor, forward to that other Board member a copy of the matter that has been raised with the Convenor.
55. A Board member who made an allegation of an alleged breach of the Code can withdraw that allegation at any time and no further steps shall be taken by the Convenor or the Ethics Subcommittee in respect of that complaint.
56. The Convenor of the Subcommittee shall consider a matter of breach of the Code referred to that person and shall determine if a question of breach of the Code is involved. In considering if a question of breach is involved, the Convenor shall take account of the degree of importance of the matter which has been raised. The Convenor may consult with such persons as that person considers appropriate. No question of breach is involved if, in the opinion of the Convenor, the matter is technical or trivial and does not warrant the fuller attention of the Subcommittee. A decision not to refer a matter to the Subcommittee shall not be reported to the Council.
57. Community Board members should not publicly release a copy of the information provided to the Convenor of the Subcommittee before a decision has been made by the Convenor as to whether the allegation is to proceed to the Subcommittee.
58. If the Convenor considers that a matter involves a question of breach of the Code which warrants referral to the Subcommittee, and if the Convenor is satisfied that informal efforts to resolve the matter have not succeeded, then the matter shall be reported to the Subcommittee. Before reference to the Subcommittee the Convenor will first inform the Board member alleging the breach and the Board member against whom the allegation is made, that it is intended to refer the matter to the Subcommittee.

Ethics Sub Committee

59. This Subcommittee will be constituted at the first meeting of the Council following a triennial election. With respect to complaints involving Community Board members it will consist of Community Board members drawn from the Community Board involved in the complaint.
60. One member (who shall be the Convenor of the Subcommittee) shall be a person with dispute resolution skills and who is not a Councillor. All members of the Committee (including the Convenor) shall have one vote. The Convenor of the Subcommittee will not have a casting vote. A quorum for meetings of the Subcommittee shall be three.

Procedure for the Ethics Sub Committee

61. The Council expects that any hearing by the Subcommittee is to be conducted without the public being present.
62. Any Board member who makes an allegation of breach of the Code, or who is the subject of such an allegation, may not serve on the Subcommittee considering that allegation.

ATTACHMENT 1 TO CLAUSE 13 Cont'd

63. The Subcommittee shall consider and report to the Board on any matters referred to it by the Convenor. The Subcommittee shall regulate its own procedure regarding the conduct of its inquiry into such a matter.

Responses and Breaches

64. The exact nature of the action a Community Board may take for a breach of the Code depends on the nature of the breach and whether there are statutory provisions for dealing with the breach.
65. If there are statutory provisions the breach will be addressed in accordance with those statutory provisions. The Board may refer the matter to the relevant body.
66. Where there are no statutory provisions, the Board may take the following action:
- require a public or private apology to be made
 - censure
 - removal from a Board committee or outside appointment
67. A decision to apply one or more of these actions requires a Board resolution.

ATTACHMENT 1 TO CLAUSE 13 Cont'd
Appendix 1

This is a summary of the legislative requirements that have some bearing on the duties and conduct of Community Board members that have not already been referred to in this code.

LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

1. ~~This Act regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.~~
2. ~~The Act provides that an elected member is disqualified from office if that member is "concerned or interested" (as that phrase is defined in s.3(1) of the Local Authority (Members' Interests) Act 1968) in contracts under which payments made by or on behalf of the Council exceed \$25,000 in any financial year.~~
3. ~~Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.~~
4. ~~Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The chief executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.~~
5. ~~Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members; Interests) Act 1968. In the event of a conviction elected members can be ousted from office.~~

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 ("LGOIMA")
Official Information

6. LGOIMA contains rules relating to the disclosure of information held by a local authority to the public on request. The underlying principle of the Act is that information should be made available unless there is good reason to withhold disclosure. There are a number of grounds for withholding disclosure, principally contained in s.7 of the Act. The Act provides for a Council decision to withhold information to be reviewed by an Ombudsman who makes a recommendation back to the Council.
7. ~~The obligations of LGOIMA are binding on Community Board members and apply to the disclosure of information by a Councillor in respect of any information held by that Councillor (in his or her capacity as a Councillor) to a member of the public.~~

Meetings

8. LGOIMA also regulates and sets out the procedural requirements for meetings of local authorities (including territorial authorities), the publication of agenda, procedures for discussion with the public excluded and access by the public to the minutes of meetings. The Act provides that generally meetings of the Community Boards are open to the public unless the meeting has resolved to exclude the public from a part of the meeting. There are limited grounds on which the public can be excluded from a meeting.
9. These grounds to exclude the public are similar to the grounds to withhold information. These include privacy, carrying out commercial activities or commercial negotiations, and taking legal advice.

ATTACHMENT 1 TO CLAUSE 13 Cont'd

SECRET COMMISSIONS ACT 1910

10. It is unlawful for Community Board members to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to the Council.
11. If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fined up to \$1000, or both. A conviction triggers the disqualification provisions in the Local Government Act 2002 and result in automatic disqualification of the Community Board members from office.

CRIMES ACT 1961

12. It is unlawful for Community Board members (or officer) to:
 - Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council
 - Use information gained in the course of the Community Board members' duties for monetary gain or advantage by the Community Board members, or any other person
 - These offences are punishable by a term of imprisonment of 7 years or more. Community Board members convicted of these offences will also be automatically disqualified from office.

SECURITIES ACT 1978

13. The Securities Act places Community Board members in the same position as company directors whenever the Council offers shares in a company to the public. Community Board members may be personally liable if investment documents, such as a prospectus, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Appendix 2

The Role of the Community Board

Background

4.1 Community Boards are established by the Local Government Act to perform such functions and duties, and exercise such powers as delegated by the territorial authority.

4.2 A community board---

- (a) is an unincorporated body; and
- (b) is not a local authority; and
- (c) is not a committee of the relevant territorial authority.

4.3 The role of a community board is to---

- (a) represent, and act as an advocate for, the interests of its community; and
- (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
- (c) maintain an overview of services provided by the territorial authority within the community; and
- (d) prepare an annual submission to the territorial authority for expenditure within the community; and
- (e) communicate with community organisations and special interest groups within the community; and
- (f) undertake any other responsibilities that are delegated to it by the territorial authority.

Generic Role Responsibility Template – Community Board Chair

PURPOSE OF ROLE

To co-ordinate, lead and direct the business of the Community Board in a manner consistent with the powers delegated by Council.

SPECIFIC ACCOUNTABILITIES INCLUDE:

1. To oversee, co-ordinate and direct all activities of the Community Board within its specific terms of reference and delegated authorities, providing guidance and direction to Board members, calling meetings, and liaising with Board members and Council officials / management in setting the content and priorities of meeting agendas.
2. To speak on behalf of the Community Board and act as an advocate for it, including managing relationship with the media and representing the Community Board on Council Committees, Community organisations and at meetings with external parties and the public.
3. To establish community consultation processes by scheduling, planning and chairing public meetings to seek input into Community issues and Council's planning and strategy development processes.
4. To report to Council, or its Committees, on local community issues, the recommendations and work the being undertaken by the Community Board.
5. To preside over Board meetings, ensuring that the members carry out business in an orderly manner, and enforcing standing orders as required.
6. To participate in Council Standing Committees / sub-committees (as required) by being fully prepared and up to date on issues under consideration.
7. To represent Council and local community interests as an appointed member of external committees, agencies or boards as required.
8. To ensure effective and efficient communications and co-ordination between Council, Council Committees / Officials and Community Board Members, and between members of the public and Council.

The Role of the Community Board Member

The role of the Community Board member is similar to that of a Councillor. A key element of the Community Board member role is the function it performs as a conduit between the community and Council.

Generic Role Responsibility Template – Community Board Member

PURPOSE OF ROLE

To represent local community interests, contributing to its ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

SPECIFIC ACCOUNTABILITIES INCLUDE:

1. To consult with members of the public, local police, education providers and other community stakeholders to develop a sound understanding of the diverse issues facing the Community and to obtain their perspectives on the development and of Council strategies and plans.
2. To co-ordinate and assist in the running of public meetings in order that the local community is able to have provide feedback and input into the strategies and plans of Council.
3. To represent Council as an appointed member of external committees / agencies / boards as required.
4. To support the Council, the Community Board Chair and fellow Board members in the promotion of the total community.
5. To develop positive working relationships with fellow Board members and Council Officials / Managers to ensure effective community representation.
6. To develop positive working relationships with counterparts in neighbouring local authorities and/or Community Boards, identifying opportunities for community / economic development and joint benefit.
7. To be accessible to the community, assisting them to resolve problems by directing them to the appropriate Council official and following up as appropriate.

14. OWLES TERRACE - FUTURE USE (REVITALISATION) – FORMER LANDFILL



General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Property Consultancy Manager
Author:	Barry Woodland, Property Consultant, Property Consultancy

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to resolve to approve:
 - (a) A resolution that will prevent residential development on Area C in line with previous resolutions regarding the balance of the Owles Terrace site (80 Owles Terrace);
 - (b) The retention of Area C as Open Space Reserve and its inclusion as an integral part of the proposed (and adopted) 'Withells Island Riverside Park' concept plan for the wider Owles Terrace site;
2. As outlined in the seminar briefing to the Board on 6 October 2008, these recommendations are consistent with recent Council resolutions and provide the Council with an opportunity to create further certainty and impetus around the future use of, and strategic planning for, the wider Owles Terrace site.

EXECUTIVE SUMMARY

3. This report is relatively lengthy and reiterates much of the information included in a previous report to the Council in October 2007. However the composition of the Board and Councillors has changed since then and, accordingly, it was considered prudent to include some of this history as it relates to, and directly supports, the staff recommendations referred to in this report.
4. Owles Terrace is the site of a former landfill. Since amalgamation in 1989, and re-zoning of a large area of the site to L1 in 1998, the site has remained largely under-utilised and inaccessible to the public. Repeated attempts to sell and/or develop areas of the site have been unsuccessful, largely due to its status as a former landfill, uncertainty regarding potential site contamination issues and the inherent costs and risks associated with its remediation. Area C, at the southern end of the site, is zoned open space and currently maintained as grassed reserve (refer **Attachment 1**).
5. Two recent future use reports the to Council (dated 21 September 2006 and 11 October 2007) considered the contamination, legal and liability issues associated with the site (excluding Area C) and resulted in the Council resolving to prevent residential development on the site and to support the development of the site as a riverside park open to the public. Specifically, the 11 October 2007 report resulted in the adoption of the following resolution by the Council:
 - (a) *A resolution that will prevent residential development on the site (excluding Area C);*
 - (b) *The adoption of the staged concept plan for the site (excluding Area C) – the 'Withells Island Riverside Park';*
 - (c) *The immediate implementation of Stage 1 of the concept plan, and; approval of the additional budget of \$200,000 required for the implementation of the staged concept plan (over the next four years to 2011); (Stage 1 \$120,000; Stage 2 \$230,000 over the next years – current allocation \$50,000 pa).*
 - (d) *The retention of Areas A and B (and the wider L1 portion of the site) in freehold fee simple ownership, and their inclusion as an integral part of the proposed riverside park;*
 - (e) *The investigative work necessary to establish the viability of, and options for, residential development on 'Area C'. This includes (1) an independent soils report to establish the composition, and status, of Area C, and (2) the process (including timeframe and cost) for rezoning Area C to permit residential development;*

14. Cont'd

6. At the time of this resolution, Area C was the only area of the wider Owles Terrace site which had not previously been subjected to any soils testing and, as such, its status was unknown. This report deals specifically with 1(e) of the resolution.
7. **Resolution 1(e)(1)** An independent soils report for Area C has now been completed by MWH New Zealand Ltd (MWH), dated September 2008 (refer **Attachment 2** Executive Summary). This report confirms that the soil contamination, landfill gas and foundation issues affecting Areas A and B (which resulted in resolutions 1(a) – (d) - above) affect, in equal measure, Area C. Specifically the report concludes that:

'The test pitting investigation, soil logging and laboratory analysis of the soil samples confirm that the sub-surface material encountered within Area C is significantly the same as previously discovered at Owles Terrace. It is therefore prudent to conclude that Area C will need to be subjected to similar mitigation measures as those proposed for Owles Terrace.'
8. As with Areas A and B the main concern with Area C relates to landfill gas in terms of its potential existence in Area C and its potential migration from the main refuse layer into Area C. The report also reiterates that the recommended mitigation measure (trenching), which has an estimated cost of \$200,000, would not, categorically, guarantee that contamination of Area C would not occur now or in the future. In addition to being adjacent to the 'inferred area of the refuse layer' on its northern boundary, Area C shares its southern boundary with the Council's Shoreham Courts development in Admirals Way which has been affected by specific contamination and slumping incidents.
9. Given that the soils report findings for Area C mirror those for Areas A and B, the Council's Legal Services Unit has confirmed that Buddle Findlays' previous legal opinion, which Council was cogniscent of when arriving at its resolution dated 11 October 2007 (regarding Areas A and B), applies equally to Area C. This concluded that it is 'difficult to assess with accuracy the potential causes of action against the Council and the exact risk of liability'...and that...'the existence of an indemnity does not obviate its legal or moral responsibilities to ensure that the land is safe for subsequent residents and users'. *In short, whether the Council decides to sell, develop or lease the site, its liability for any future contamination event remains in perpetuity.*
10. From a development perspective the 'extraordinary' and potentially unexpected costs associated with developing a former landfill site (and the required measures to mitigate any current and future contamination event) undermine the financial feasibility of doing so to the point where it is simply not economic. As previously reported, repeated, and unsuccessful, attempts to secure alternative owners/developers in the open market for the wider Owles Terrace supports this view. There has also been no interest in developing Area C from Business Units within the Council.
11. **Resolution 1(e) (2)** Area C is currently zoned O2 (Recreation and Open Space Reserve) and vested in the Council as reserve in trust for recreation. To permit residential development on Area C would require: (1) a City Plan zone change, and; (2) the formal revocation of Area C's current Reserve status. In addition to the substantial time (three to four years on appeal) and cost (up to \$100,000 excluding appeal and Council staff time and costs) associated with a City Plan zone change, the success of this process would also be contingent upon the reversal of a previous Commissioners decision which (in response to strong public opposition) rejected a proposed zone change for Area C from Open Space Reserve to L1 residential in the late 1990's. Furthermore, the work associated with this required zone change is not currently included in the City Plan team's priority project programme. The Council would therefore need to (1) approve an extension to this programme, and; (2) underwrite the associated costs of the City Plan process. Revocation of Area C's Reserve status would follow a formal, concurrent, publicly notified and equally contentious process.
12. **Summary** As with Areas A and B, the legal and financial justification for selling or developing Area C for residential purposes is tenuous at best. Given that the contamination, legal, development and Council liability issues affecting Area C are the same as those which led to the 11 October 2007 resolution in relation to Areas A and B, this report recommends that the resolution preventing residential development on the site be extended to include Area C and that Area C be included as an integral part of the proposed riverside park concept for the wider Owles Terrace site.

14. Cont'd

FINANCIAL IMPLICATIONS

13. Area C is currently open to the public and maintained as grassed reserve. The costs associated with its annual maintenance are currently budgeted for. Retention of Area C as Open Space Reserve, and its inclusion as an integral part of the proposed 'Withells Island Riverside Park' concept for the wider site, will have no impact on these costs in the short to medium term as it will be 'business as usual' from a maintenance perspective.
14. Any longer term revitalisation and conditioning works associated with Area C as part of Stage 2 of the concept plan (refer paragraph 5 – 19(c) above) will be included in the capital works budget for the wider site, a bid for which is included in the current LTCCP round.

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

15. No specific provisions for this property, other than mentioned above.

LEGAL CONSIDERATIONS

16. **Contaminated Sites and Council Liability** Given the history of the site as a former landfill, previous reports to Council, and the conclusions contained in MWH's recent soils investigation report into Area C (September 2008), we requested an updated legal opinion regarding the Council's liability should it decide to sell and/or develop all, or part, of Area C. This opinion confirmed that Buddle Findlay's legal opinion dated 25 June 2007 applies equally to Area C – copy available on request.
17. On the assumption that the Council makes full disclosure of the presence of contaminants to any prospective developer/purchaser and that it implements (or ensures the developer/purchaser implements) the appropriate 'risk management strategies', the report concludes that, broadly, the risk of liability is low.
18. However, and by way of qualification, it should be noted that the inherent (and substantial) costs associated with these 'risk management strategies' seriously undermine the feasibility of developing the site for residential or other use purposes. Furthermore, the report also concedes that it is '*difficult to assess with accuracy the potential causes of action against the Council and the exact risk of liability*'...and that...'*the existence of an indemnity does not obviate its legal or moral responsibilities to ensure that the land is safe for subsequent residents and users*'.
19. In short, *the risk liability associated with the site stays with the Council in perpetuity*. This fact, together with the ongoing issues affecting many other former Council landfill/contaminated sites, raises the question of whether the Council should continue to contemplate developing these sites or whether it is more commercially prudent and responsible to actively manage them as vibrant recreational park/reserve areas. In the context of its previous resolution regarding Areas A and B, the Council elected to do the latter.

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

20. Yes. Refer to paragraphs 17 - 20 (above).

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

21. Owles Terrace has been identified in the Council's Annual Plan as an operationally redundant property therefore requiring resolution as to its future use. Previous reports have essentially attended to this and this report serves to finalise a remaining issue arising from those previous Council considerations.

Do the recommendations align with the Council's strategies?

22. Refer paragraph 22.

14. Cont'd

CONSULTATION FULFILMENT

23. No consultation is required apart from addressing resolution 1(e) (1) and (2) as outlined in the Council resolution dated 11 October 2007, namely:

1(e) The investigative work necessary to establish the viability of and options for, residential development on 'Area C'. This includes (1) an independent soils report to establish the composition, and status, of Area C, and (2) the process (including timeframe and cost) for rezoning Area C to permit residential development;

STAFF RECOMMENDATION

It is recommended that the Board recommend to the Council that it resolve to approve:

- (a) A resolution that will prevent residential development on Area C in line with previous resolutions regarding the balance of the Owles Terrace site (80 Owles Terrace);
- (b) The retention of Area C as Open Space Reserve and its inclusion as an integral part of the proposed 'Withells Island Riverside Park' for the wider Owles Terrace site;

14. Cont'd

BACKGROUND (THE ISSUES)

Area C – Options for Residential Development.

24. The extent of the Owles Terrace site is illustrated in Attachment 1.

Owles Terrace, the site of a former landfill, has been the subject of a number of future use reports over the years, the most recent of which (11 October 2007) considered future use options for Areas A and B and resulted in Council resolving to approve:

- (a) *A resolution that will prevent residential development on the site (excluding Area C);*
- (b) *The adoption of the staged concept plan for the site (excluding Area C) – the 'Withells Island Riverside Park';*
- (c) *The immediate implementation of Stage 1 of the concept plan, and; approval of the additional budget of \$200,000 required for the implementation of the staged concept plan (over the next 4 years to 2011); (Stage 1 \$120,000; Stage 2 \$230,000 over the next 4 years – current allocation \$50,000 pa).*
- (d) *The retention of Areas A and B (and the wider L1 portion of the site) in freehold fee simple ownership, and their inclusion as an integral part of the proposed riverside park;*
- (e) *The investigative work necessary to establish the viability of, and options for, residential development on 'Area C'. This includes (1) an independent soils report to establish the composition, and status, of Area C, and (2) the process (including timeframe and cost) for rezoning Area C to permit residential development;*

25. This current report specifically addresses resolution 1 (e). In this regard the issues affecting Area C are largely the same as those which influenced the review of future use options (including residential development) for Areas A and B in the October 2007 report to Council. This resulted in the resolution preventing residential development on the wider Owles Terrace site (excluding Area C).

26. At that stage Area C, which is directly adjacent to the inferred area of the refuse layer and Area B, was the only part of the Owles Terrace site which had not been subject to any soils testing.

27. The conclusions from a more recent soils investigation report on Area C by MWH dated September 2008 (MWH 2008 'Area C' Report) has confirmed that the soil contamination, landfill gas and foundation issues affecting Areas A and B affect, in equal measure, Area C, with specific reference to which MWH concluded:

'The test pitting investigation, soil logging and laboratory analysis of the soil samples confirm that the sub-surface material encountered within Area C is significantly the same as previously discovered at Owles Terrace. It is therefore prudent to conclude that Area C will need to be subjected to similar mitigation measures as those proposed for Owles Terrace'.

28. For a copy of the Executive Summary from the MWH 2008 'Area C' Report refer Attachment 2.

Site Description

29. Owles Terrace is the site of a former landfill, the route of the Avon River having originally followed what is now the Owles Terrace/Union Street/Admirals Way roadway (refer Attachment 1). Since amalgamation in 1989 the site has been largely under-utilised. The administrative offices, storage buildings and sealed areas of the former Council yard are situated at the northern end of the site. Part of the site was re-zoned L-1 in 1998 (the shaded area and areas marked A and B). The remainder of the site is zoned O2 (Recreation and Open Space Reserve) the majority of which is vacant and inaccessible to the public with the exception of the riverside walkway and the southern end of the site (Area C) which is maintained as a grassed reserve. The Council owned Shoreham Courts development in Admirals way is situated in the south west corner of the site.

14. Cont'd

Background: Future Use Reports and Council Resolutions (to October 2007)

30. Historically Owles Terrace, which has a history of known contamination, has been blighted by virtue of its former use as a landfill and uncertainty over its future use. However, the results of two more recent soils investigation studies by MWH and subsequent resolutions of the Council has introduced some clarity around future use options and strategic planning for the site.
31. The first of these soils reports by MWH (dated January 2006) established an 'inferred outline of the refuse layer' on the site which, in turn, identified Areas A and B as being areas which were adjacent to, but not on the refuse layer, and, therefore, possibly capable of development.
32. Subsequent 'Requests for Proposal' tenders from potential purchasers/developers of the wider Owles Terrace site and then, more specifically, Areas A and B were invited in 2003 and 2006. These yielded limited interest and an, ultimately, unsuccessful outcome. This was due, primarily, to the continuing uncertainty surrounding the contaminated nature of the site and the substantial, and additional, development costs associated with mitigating the inherent contamination risks and liabilities.
33. As a consequence of this the Council resolved on 21 September 2006 that:
 - (a) *The tender process for Owles Terrace be concluded with all tenders declined.*
 - (b) *The shaded areas in the attached plan (Attachment 2) – Attachment 1 in this report - be developed as a riverside park in conjunction with the existing reserve but to remain in Fee Simple, with a reserve development programme to be reported back to the Community Board*
 - (c) *The areas marked A and B be retained by the Council for further development of other options including sale or lease with reporting back through the Environmental Diversity Portfolio Group and Chairperson of the Board.*
34. The evaluation of other options for Areas A and B (resolution 3 above) resulted in the Council resolution dated 11 October 2007 (refer paragraph 25 above) which precluded residential development on the site (excluding Area C). A brief summary of the evaluation process which led to this resolution is outlined below under the following headings:
 - (a) Site Contamination
 - (b) Legal Considerations
 - (c) Development Constraints
 - (d) Council Liability
35. This is considered important, in terms of consistency, as these factors are equally relevant in considering *'the viability of, and options for, residential development on Area C'*, as Area C has now been found to be *'significantly the same'* as Areas A and B and the wider Owles Terrace site in terms of its *'sub-surface material'*.

Site Contamination

36. Following the 21 September 2006 Council resolution (refer paragraph 27) a further, and more detailed, soils investigation study was subsequently undertaken by MWH (dated March 2007) which analysed the specific contamination issues affecting Area B. The report findings, which MWH indicated applied equally to Areas A and B, concluded that although soil and groundwater contamination was considered to be within the guideline values for residential development the main concern related to landfill gas both in terms of its physical existence in Area B and also its potential migration from the main (and adjacent) refuse layer into Area B. Specifically:
 - (1) *Some evidence of landfill gas was encountered in monitoring wells installed within the refuse layer. Migration of this gas into Area B is possible.*

14. Cont'd

- (2) *The cost of guaranteeing that any landfill gas is captured before entering Area B is estimated to be in excess of \$200,000 and may not, in practice, be practical. ('trenching' option)*
 - (3) *Compared to the capture of landfill gas, it is likely to be more economic to incorporate gas protection measures and management plans in Area B. However, this will reduce the perceived value of the land for residential purposes".*
37. MWH confirmed that the reason for concluding that the 'trenching' option (2) may be 'impractical' arises from the likely inability to physically 'key in' the trench due to the nature of the underlying soils, and the flushing effect of the tides caused by the proximity of the site to the ocean and river.
38. These conclusions, which have significant legal and development feasibility implications (refer paragraphs 29 (2) and 30 (3) below), apply in equal measure to Area C, given that the 2008 MWH report confirmed that *'the sub-surface material encountered within Area C is significantly the same as previously discovered at Owles Terrace..'* and that *'.. migration of this (landfill) gas into Area C is possible, as is the generation of landfill gas within Area C'.*

Legal Considerations

39. From a legal perspective an overriding consideration is the fact that liability for any contamination arising now or in the future, whether the Council retains Area C or sells it off to a third party for development, reverts to the Council in perpetuity (refer 'Legal Considerations' above, paragraphs 17-20).
40. Retention of Area C as Open Space Reserve would enable Council to control these risks more effectively and would be consistent with the Council's most recent resolution (11 October 2007) regarding long term use of the site. Disposal will place the Council liable for any costs (financial, social, environmental or other) associated with any future contamination event. In this regard there have been a number of specific contamination/slumping incidents (requiring remediation and further mitigation) encountered with the Council owned Shoreham Courts housing development in Admirals Way at the south end of the Owles Terrace site. This area is directly adjacent to Area C.
41. There are examples of other ongoing incidents on similar Council owned former landfill sites around the City mainly utilised for the Council's housing portfolio, some of which were the subject of a remediation programme four years ago. These will continue to demand the ongoing financial commitment of the Council to mitigate and remediate incidents which, in turn, will continue to erode any financial margins which were initially contemplated from development or sale of such sites. These factors, the inevitable negative press comment, and the Council's ongoing legal liability are compelling reasons in favour of retaining these sites as reserve or recreation reserve areas. Examples of this are the sites at Jeffreys Road, the former Westminster Street Yard and Ferrymead Park, where this approach has been adopted successfully with significant community benefit.

Development Constraints and Options

42. Several previous attempts to sell areas of the wider Owles Terrace site proved unsuccessful largely due to the inherent risk and costs associated with mitigating potential contamination issues on the site. Development options for the site, and specifically, Areas A and B, (and more recently Area C) were re-visited with due consideration being afforded to:
- (a) The (impractical) option to fully remediate the site (remove all contaminated material) – estimated cost \$10,000,000. (the remediation cost for Area C alone is estimated to be in the region of between \$1,000,000 to \$3,600,000).
 - (b) The additional requirement arising from the 2007 MWH report which recommended 'trenching' around Area B (and, similarly, Area C) 'to prevent gas migration from the refuse layer into Area B (or Area C); minimum cost \$200,000'. It is important to stress that MWH consider there is no guarantee that this solution will work in practice.

14. Cont'd

- (c) Where building is contemplated, the additional minimum costs associated with gas protection measures and management plans designed to reduce the risks associated with potential contamination events.
 - (d) The ongoing effect on land and building values of the sites landfill stigma and contamination uncertainty.
43. The 2008 MWH report confirms that these factors affecting the development potential of Areas A and B apply equally to Area C.
44. A further issue for potential developers of Area C (over and above the significant extraordinary costs for Areas A and B outlined above) is the requirement to secure (1) a City Plan zone change, and; (2) the revocation of Area C's Reserve status, in order to permit residential development on land which is currently zoned O2 (Recreation and Open Space Reserve) and vested in the Council as reserve in trust for recreation. The time and cost investment associated with this process is considerable and the outcome uncertain (refer paragraph 32 below).
45. Unsolicited interest in Area C and the wider site continues to be registered from developers from time to time. This is to be expected given the relative shortage of similarly large sized sections in the City and the perceived opportunities associated with its development for residential purposes. However, the reality for third party developers is that the combined effect of high remediation costs, reduced land and building values, 'extraordinary' costs and ongoing risk, reduces margins and profit levels to an uneconomic level. As reported in the 11 October 2007 report to the Council, Housing New Zealand (for low cost housing) and a private developer (for residential subdivision purposes - introduced through the Council's Strategic/Economic Support Unit) tested the market but subsequently withdrew their interest for the reasons outlined above.
46. These qualifications would apply equally to any other potential options for Area C, for use as elderly persons housing, childcare facilities and so on or for sale to Ngai Tahu or any other parties.
47. The contaminated nature of the site is also at odds with the concept of developing a residential eco-village type development on the site which, typically, contemplates a high level of self-sufficiency in terms of garden produce, water supply and so on, which would not be possible given the potential hazards associated with the site. The alternative option of developing a (presumably non-residential) 'showcase' facility designed to provide people with the opportunity to visit, and view first hand, the principles of the eco-village concept at work, would require a significant number of paying patrons to make the venture feasible. Some extensive market research would be required to test this.

Council Liability

48. With specific regard to the Owles Terrace site legal opinion confirms that it is '*difficult to assess with accuracy the potential causes of action against the Council and the exact risk of liability*'...and that...'*the existence of an indemnity does not obviate its legal or moral responsibilities to ensure that the land is safe for subsequent residents and users*'.

Area C – Resolution 1 (e)

49. Resolution (1(e) of Council dated 11 October 2007 resolved to approve:

The investigative work necessary to establish the viability of, and options for, residential development on 'Area C'. This includes (1) an independent soils report to establish the composition, and status, of Area C, and (2) the process (including timeframe and cost) for rezoning Area C to permit residential development;

50. With regard to (1), the independent soils report into Area C by MWH (2008) has established that Area C is significantly the same as the rest of the Owles Terrace site, in respect to which Council has previously resolved (in October 2007) to prevent residential development and to include the site as an integral part of the proposed riverside park.

14. Cont'd

51. If the Council were to reverse this rationale and resolve to allow residential development on Area C (refer resolution 1 (e) (2) above) a City Plan change would be required to accommodate this. There are a number of issues to be considered in this regard.
- (a) **City Plan Zone Change** This would involve reversing a previous commissioners decision which included Area C. In 1998, the Council applied to have Area C re-zoned from Open Space Reserve to L1 to permit residential development. Following submissions, and in response to strong public opposition against residential development at the southern end of the site (Area C), the commissioner ruled against residential development on Area C and confined the new L1 residential zone to the northern end of the Owles Terrace site (refer Attachment 1).
 - (b) **Revoke Reserve Status** A concurrent, separate process would be required to uplift Area C's Recreation and Open Space Reserve status which, like the City Plan change process, would be subject to statutory process, public submission and objection.
 - (c) **Process – Timeframe** The City Plan process would be publicly notified and if, as seems likely, it is subject to appeal, it could take 3 to 4 years for a decision to be confirmed. Typically, even where no appeal is involved, the process could take 18-24 months to complete plus a further 6 months to register and execute the re-designated certificate of title. The process would include: Environmental Impact Assessment; initial consultation process; recommendation to the Council for approval to proceed; City Plan team to prepare full text for a plan change (assessment made against the Resource management Act/City Plan provisions); consultation and a full hearing in the Environment Court; possible appeal process; Minister's approval; Department of Conservation approval, and; if successful, the full preparation, registration and execution of title documentation of title documentation through the Crown/Land Information New Zealand. The process for reserve revocation, which would run concurrently, would also be subject to submission and objection.
 - (d) **Process – Cost** We are advised by David Mountfort (City Plan Team Leader) that estimated costs for the City Plan change process would be in the order of \$50,000 to \$100,000. This assumes there is no appeal and excludes Council staff time and costs.
 - (e) **LTCCP** The Area C plan change is not currently budgeted for and as such, the Council's approval would be required to (1) extend the City Plan Team's priority project programme and funding to include the plan change work, and; (2) underwrite the cost of the City Plan change process.
52. We are advised by David Mountfort that approval for the Plan Change would not be a forgone conclusion.

THE OBJECTIVES

53. Until recently Area C was the only area of the wider Owles Terrace site which had not been subjected to an independent soils investigation report. Completion of the 2008 'Area C' report by MWH has addressed this shortfall.
54. In the context of the site contamination, legal considerations, development constraints and Council liability issues relating to the site (as discussed in paragraphs 28-31 above) recent Council resolutions have resolved to prevent residential development on the Owles Terrace site (excluding Area C) in favour of its retention as fee simple/reserve land and its development as a riverside park.
55. These previous resolutions, the fact that Area C is 'significantly the same' (in terms of sub-surface material) as the rest of the Owles Terrace site, the previous contamination and subsidence issues experienced on the adjacent Admirals Way site, and, the significant time, cost and political issues associated with the City Plan re-zoning and reserve revocation processes, have provided the context within which future use options for Area C have been considered (below).

14. Cont'd

THE OPTIONS

Option 1

56. **Maintain the status quo** Area C is currently grassed down as an open (to the public) space reserve subject to minimum standard maintenance provisions. As such it is a reasonably tired and isolated asset which is likely to remain so without a positive, strategic plan for its future development. As a minimum risk mitigation strategy MWH recommend that the grass coverage across the site is maintained and any bare patches of soil are re-seeded.

Option 2

57. **Sale of Areas C for development and/or subdivision** This option envisages sale of the site to a third party for subsequent development or sub-division. The mitigation, legal and financial issues associated with the contaminated nature of the site seriously undermine this as a feasible, and prudent, option for the Council. In the case of Area C there is also the additional, and significant, time, cost and public consultation issues inherent in attempting to secure a plan change and reserve revocation to permit residential development, either for the Council or the developer.
58. The risk of liability for any contamination issues sits with the Council in perpetuity, irrespective of whether it retains or sells the land. MWH has indicated that the risk of long term contamination incidents being experienced on the site cannot be entirely discounted given the unique flushing effect associated with the site, which, in practice, may also potentially render the recommended remediation measures impractical. Repeated attempts to sell the site in the open market have proved unsuccessful due to the 'extraordinary' costs and risks associated with it.
59. Owles Terrace is similar, in some respects, to a number of other Council owned landfill/contaminated sites in Christchurch where, for many years, the Council grappled with the issue of whether to sell/develop prior to deciding to confirm future use as a park; an outcome which, arguably, is the best, and least risky, outcome for these sites.

Option 3

60. **Council as Developer of Area C** This option envisages the Council retaining Area C in fee simple and assuming the role of developer, with potential to promote low cost housing, elderly persons housing, childcare centre, eco-village, other potential 'community' uses and so on. The factors affecting development are similar to those outlined above in Option 2, although the absence of an external developer (and developers margin) provides the potential of a greater financial return to the Council.
61. However, the 'extraordinary' and potentially unexpected costs associated with mitigating contamination related issues during and after construction has the potential to seriously erode any anticipated development returns. There is no apparent interest from City Housing in this option and Transport and Greenspace has indicated that it opposes any development on the site (other than as a reserve) given the uncertainty regarding contamination and its implications on potential returns and future legal and financial liability.
62. Developing the site and/or leasing facilities to third parties (for elderly persons, childcare or other purposes) carries with it the issue of public perception associated with developing community or other facilities on a known contaminated site.
63. The Council would also be required to commit to the substantial time and costs associated with securing a plan change and reserve revocation to permit residential development.

14. Cont'd

Option 4

64. **Development of Area C as an integral part of the wider Riverside Park** The independent soils report by MWH (2008) has confirmed that the site contamination, legal considerations, development constraints and Council liability issues which applied to Areas A and B apply equally to Area C. This, and the considerable time, cost and political fallout arising from the required City Plan change to permit residential development on Area C, supports the integration of Area C as an integral part of the concept plan to develop Owles Terrace as a riverside park.
65. This option is supported by the asset owning unit, Transport and Greenspace, who would drive the day to day operation and long term development of the riverside park as envisaged by the (Council approved) Concept Plan and Reserve Development Programme which includes:

Stage 1: (Year 1)

- Integration of Area A with the Council yard/buildings and existing Power Boat Club building/ground lease area.
- Clean up of the former Council yard area: removal of stockpiles, bins, general refuse.
- Upgrade of existing storage, 'administrative' and open storage buildings.
- Relocation of fences to create the general footprint and 'leased' area demarcations envisaged by the concept plan, including the integration of the Power Boat Club building and ground leased recreation reserve.
- Formalise lease agreements with Surf Life Saving Canterbury and the Waka Ama group (and others if required).

Stage 2: (Years 2 – 4)

- Integration of the wider reserve (including Area B and Area C) with the Stage 1 area.
- Remove rubbish, stockpiles, fences: tidy the wider Owles Terrace site.
- Topsoil to required areas; grass down reserve; general conditioning of the site
- Open the Withells Island Riverside Park to the public

Stage 3 (Year 5 onwards)

- Further improvements to park amenities; additional commercial leasing ventures: as demand dictates.

66. The site (excluding Area C), which had remained vacant, largely unmaintained and closed to the public for many years, is now benefiting from these incremental enhancements. The former Council compound has been tidied of rubbish, stockpiles and redundant structures, access to the river from the compound for water-based users has been substantially enhanced through the provision of an all-weather vehicular access track and pontoon and the existing buildings are in the process of being improved to a 'tenant ready' condition. Negotiations are underway to place the existing users on a more formal lease arrangement.

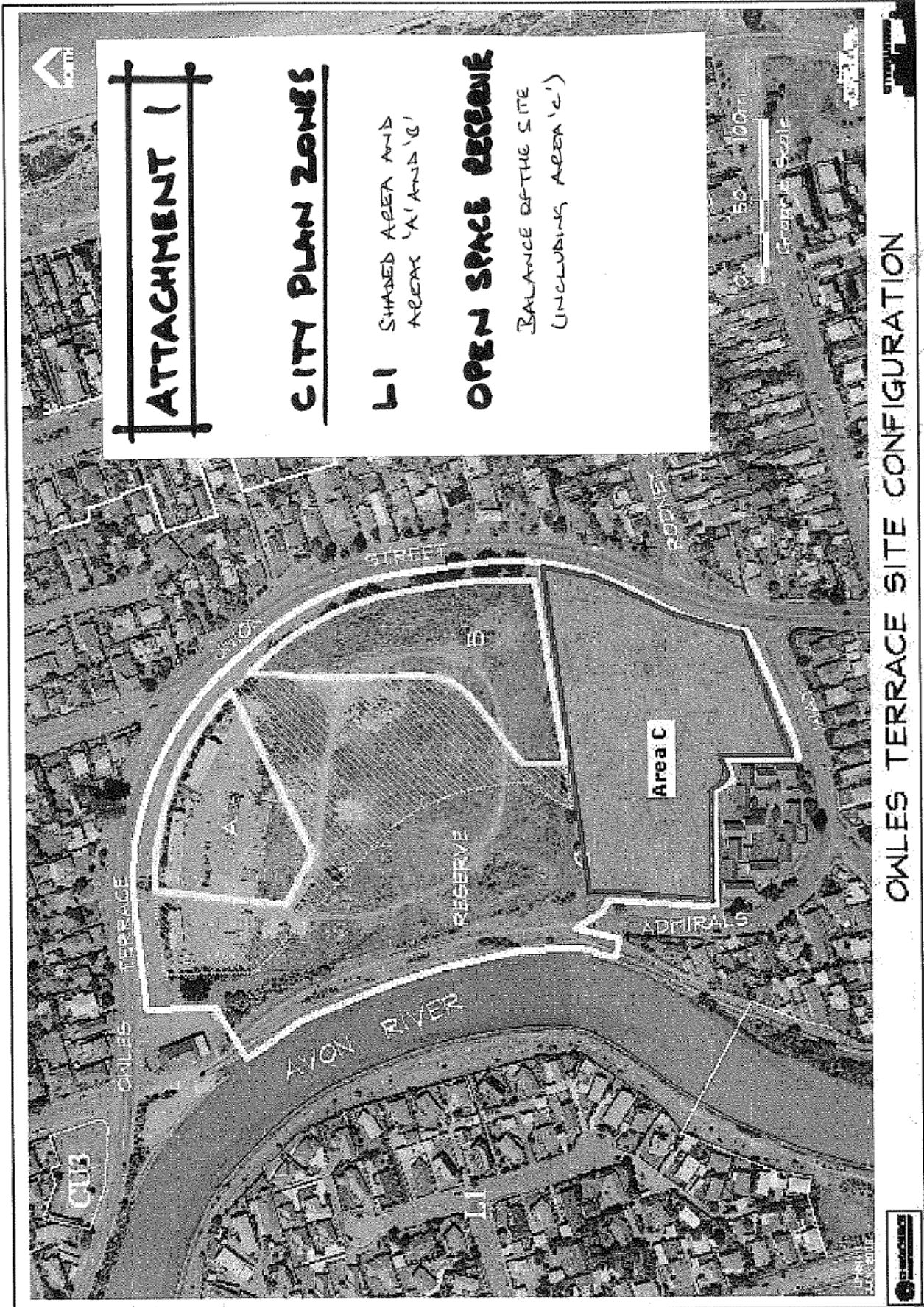
THE PREFERRED OPTION

Option 4

67. Years of uncertainty regarding the use of the site arose largely as a result of the extraordinary issues associated with the likely nature, extent and long term implications arising from the former use of the site as a landfill. These factors will always be open to interpretation but what is not in dispute is the fact that whether the Council sells or develops Area C the liability for any future contamination incident(s) lies fairly and squarely with the Council, in perpetuity.

14. Cont'd

68. Repeated attempts to secure alternative owners/developers and development options for the site (excluding Area C) proved unsuccessful and, arguably, given that the issues surrounding Area C are identical, this will likely be the case for Area C even if a decision is made to re-zone the land to permit residential development.
69. Recent Council resolutions have recognised these legal, development and other impediments and resolved to prevent residential development on the balance of the site (excluding Area C) in favour of its development as a vibrant water-based riverside park. This has been instrumental in reversing the long term inertia associated with the Owles Terrace site to the extent that a number of approved 'Stage 1 Concept Plan' initiatives are now underway which will ultimately result in Owles Terrace being open to, and available for the enjoyment of, the public for the first time in many years.
70. For these reasons there is a strong legal, commercial and community case for supporting this option.



ATTACHMENT 2



Meeting the challenge

Christchurch City Council

Report

Owles Terrace Site Investigation

Area C

September 2008





Christchurch City Council
Owles Terrace, New Brighton
Site Investigation – 'Area C'

Executive Summary

Background

- MWH has undertaken an investigation at a site known as "Area C; off Owles Terrace, South New Brighton, Christchurch. Area C is currently a reserve/park under the jurisdiction of Christchurch City Council. The site is located immediately south of a known closed landfill which has been extensively investigated and reported on in the past by MWH New Zealand Ltd. These areas are referred to in the report as Areas "A and B" (see Figure 1 Appendix A).
- Historical records show that a meander of the Avon River originally looped along what is now Owles Terrace and the eastern boundary of the site. This loop in the river was reclaimed and used as a landfill in the early part of the 20th century.
- The investigation included the excavation of 12 test pits and the collection of soil samples for laboratory analysis to determine concentrations of contaminants. All test pits were excavated to a maximum depth of 4mbgl, or until groundwater was encountered. The geology exposed within each test pit was logged in detail, and the identification of any waste materials or signs of landfill operations was noted.

Soil Contamination

- Fill material, (substantially non-organic) has been identified across the Area C site. Laboratory analysis of the samples has identified soils with elevated concentrations of Polycyclic Aromatic Hydrocarbons (PAH); specifically benzo[a]pyrene (BaP), within the surface soils above relevant residential guideline criteria. Elevated concentrations of BaP and arsenic, above residential guidelines were also detected in deeper soil samples.
- It is considered that further treatment / remediation would be required prior to any future residential development. Such remediation may take the form of the excavation of the top 500mm of soil across Area C and replacement with clean imported fill. A non-biodegradable filter cloth should be placed at the base of the excavation prior to backfilling to provide a distinct separation zone. This will ensure that any future residents can participate in 'normal' outdoor activities without being exposed to contaminants that are above the human health protection guidelines. A remediation strategy of this nature is estimated to cost in the order of NZ\$3,600,000.
- As an alternative remediation method; non-biodegradable filter cloth could be placed over the existing ground surface before placing 500mm of clean top soil above. This would provide the same level of protection to future residents as the excavation of the soil but the cost would be significantly less. This remediation method is estimated to be in the order of NZ\$1,000,000.

Landfill Gas

- No landfill gas monitoring was carried out within the footprint of Area C however, landfill gas monitoring has been undertaken in Area A and results show that the refuse layer is generating landfill gas. Migration of this gas into Area C is possible, as is generation of landfill gas within Area C.
- Given the proximity of Area C to Area A, mitigation measures for the migration of landfill gas would be necessary for any future development within Area C. The cost of capturing landfill gas before it enters Area C is estimated to be in excess of NZ\$200,000 and may not, in practice, be practical. On the basis that this isolation is not possible, the same landfill gas mitigation measures would be required for residential development within Area C, whether it was generating landfill gas or not.



Christchurch City Council
Owles Terrace, New Brighton
Site Investigation – 'Area C'

Foundation Issues

- The most significant foundation issues in Area C identified by the investigations were the presence of compressible fill materials, compressible natural peat and liquefiable natural sand layers. Due to these issues we recommend that all significant structures constructed on the site adopt piled foundations.
- The need for piling within Area C is highlighted by findings from a building assessment carried out at the adjacent Shoreham Courts housing complex in April 2002. Significant damage has occurred to these buildings, with the unpiled floor slabs settling in the order of 50mm relative to the piled external walls. Repair attempts at floor re-levelling have been made however; cracking of this re-levelled floor indicates that ground movement is still ongoing. This movement is caused by the ongoing decomposition of waste material and is consistent with observations at other Christchurch City Council landfill sites which are of similar age and composition to the landfill at Owles Terrace.
- The site is highly likely to be prone to lateral spread in a significant earthquake due to the presence of liquefiable material near the riverbank along the western portion of the site. Mitigation measures recommended include the adoption of piled foundations and an appropriate construction set-back distance from the river bank.
- Christchurch City Council Sub-Division Unit will need to determine if the mitigation measures proposed in this report are sufficient for it to grant consent under Section 106 of the Resource Management Act.
- The test pitting investigation, soil logging and laboratory analysis of the soil samples confirm that the sub-surface material encountered within Area C is significantly the same as previously discovered at Owles Terrace. It is therefore prudent to conclude that Area C will need to be subjected to similar mitigation measures as those proposed for Owles Terrace.

15 RESIDENTS ASSOCIATIONS/COMMUNITY GROUPS



A representative(s) from a local residents group will be in attendance at 6pm to update the Board on current activities and issues.

16. COMMUNITY BOARD ADVISER'S UPDATE

17. BOARD MEMBER'S QUESTIONS