

**LYTTELTON/MT HERBERT COMMUNITY BOARD
AGENDA**

TUESDAY 17 AUGUST 2010

AT 9.30AM

**IN THE BOARD ROOM OF THE
LYTTELTON SERVICE CENTRE,
33 LONDON STREET, LYTTELTON**

Community Board: Paula Smith (Chairperson), Jeremy Agar (Deputy Chairman), Doug Couch, Ann Jolliffe, Dawn Kottier and Claudia Reid.

Community Board Adviser
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PART A - MATTERS REQUIRING A COUNCIL DECISION

PART B - REPORTS FOR INFORMATION

PART C - DELEGATED DECISIONS

INDEX

KARAKIA

- PART C 1. APOLOGIES**
- PART C 2. CONFIRMATION OF MINUTES OF BOARD MEETING HELD 13 JULY 2010**
- PART B 3. DEPUTATIONS BY APPOINTMENT**
- PART B 4. CORRESPONDENCE**
- PART B 5. PRESENTATION OF PETITIONS**
- PART B 6. NOTICES OF MOTION**
- PART B 7. MINUTES OF ALLANDALE RESERVE MANAGEMENT COMMITTEE MEETING HELD 20 APRIL 2010**
- PART B 8. MINUTES OF LYTTELTON RECREATION GROUND RESERVE MANAGEMENT COMMITTEE MEETING HELD 13 JULY 2010**
- PART A 9. BANKS PENINSULA COMMUNITY BOARDS RESERVE FUNDING AND DELEGATIONS**
- PART C 10. KEEP NEW ZEALAND BEAUTIFUL CONFERENCE 2010 – BOARD MEMBER ATTENDANCE**

17. 8. 2010

- PART C 11 ESTABLISHMENT OF A LYTTTELTON/MT HERBERT YOUTH DEVELOPMENT SCHEME 2010/11
- PART C 12. APPLICATION TO LYTTTELTON/MT HERBERT DISCRETIONARY RESPONSE FUND – DIAMOND HARBOUR AND DISTRICTS CROQUET CLUB
- PART C 13. APPLICATION TO LYTTTELTON/MT HERBERT YOUTH DEVELOPMENT SCHEME – TEONE KAHU
- PART B 14. NEW ZEALAND COMMUNITY BOARDS’ BEST PRACTICE AWARDS 2011
- PART A 15. LONDON STREET SCULPTURE – DEED OF GIFT
- PART B 16. BRIEFINGS
- PART B 17. COMMUNITY BOARD ADVISER’S UPDATE
17.1 Board Funding Balances
17.2 July Update on Local Capital Projects
17.3 Customer Service Requests 1 May 2010 to 31 July 2010
17.4 Canterbury Regional Pest Management Strategy Submission
- PART B 18. ELECTED MEMBERS’ INFORMATION EXCHANGE
- PART B 19. QUESTIONS UNDER STANDING ORDERS

17. 8. 2010

1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES**

The Minutes of the Board's ordinary meeting of 13 July 2010 are **attached**. (The public excluded section has been **separately circulated** to Board members).

STAFF RECOMMENDATION

That the Minutes of the Board's ordinary meeting (both open and public excluded sections) held on 13 July 2010 be confirmed.

3. **DEPUTATIONS BY APPOINTMENT**

Nil.

4. **CORRESPONDENCE**

Nil.

5. **PRESENTATIONS OF PETITIONS**

Nil.

6. **NOTICES OF MOTION**

Nil.

7. **MINUTES OF ALLANDALE RESERVE MANAGEMENT COMMITTEE MEETING HELD 20 APRIL 2010**

A copy of the minutes from the 20 April 2010 meeting of the Allandale Reserve Management Committee is **attached** for members' information.

STAFF RECOMMENDATION

That the minutes of the Allandale Reserve Management Committee meeting held on 20 April 2010 be received.

(Note: These minutes have been received out of sequence, as the Board has already considered the minutes from the 18 May 2010 meeting of the Reserve Management Committee.)

17. 8. 2010

8. MINUTES OF LYTTTELTON RECREATION GROUND RESERVE MANAGEMENT COMMITTEE MEETING HELD 13 JULY 2010

A copy of the minutes from the 13 July 2010 meeting of the Lyttelton Recreation Ground Reserve Management Committee is **attached** for members' information.

STAFF RECOMMENDATION

That the minutes of the Lyttelton Recreation Ground Reserve Management Committee meeting held on 13 July 2010 be received.

9. **BANKS PENINSULA COMMUNITY BOARDS RESERVE FUNDING AND DELEGATIONS**

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

PURPOSE OF REPORT

1. The purpose of this report is to:
 - a) advise the Lyttelton/Mt Herbert and Akaroa/Wairewa Community Boards of the current state of the Council's reserve accounts where the two Boards have the power to recommend expenditure of \$20,000.
 - b) recommend that each of the two Boards advise the Council that the current delegation to the two Boards, regarding their power to recommend discretionary expenditure of \$20,000 from the reserve accounts, will not need to be made after the October 2010 election.
 - c) recommend an additional delegation to each of the two Boards on SPARC funding.

EXECUTIVE SUMMARY**Banks Peninsula Reserve Contributions Expenditure**

2. In 2006 when the reorganisation took place between Banks Peninsula District Council (BPDC) and Christchurch City Council (CCC), BPDC had a sum of approximately \$500,000 in its reserve accounts which were transferred to CCC.
3. Since 2006 the two Banks Peninsula Boards have been delegated by the Council the power to recommend expenditure of \$20,000 from the reserve accounts to spend on Peninsula reserves.
4. That funding of \$500,000 contributed by BPDC has now virtually been expended..
5. Further, as a result of the change in the law in 2002 requiring Councils to adopt Development Contributions Policies, the source of that reserve funding is no longer available to the Council.
6. As a result of the end of the availability of that reserves funding it is now considered appropriate that the Boards advise the Council that there is no longer a need for the Council to continue the current delegation regarding recommending expenditure from the reserves accounts after the election in October 2010.

SPARC Funding

7. For the 2009/10 funding round SPARC provided \$9,621 to the Christchurch City Council for rural travel grants for the Banks Peninsula area. For the previous two years, totals of \$9,500 and \$8,000 respectively were provided. For these three funding rounds, the Banks Peninsula Community Boards have had joint meetings and submitted formal recommendations on the disbursement of the funding to the Council for approval. Staff recommend that, in line with the Council's resolution of 12 June 2008, the Banks Peninsula Community Boards be granted joint delegated authority to disburse these SPARC Rural Travel Funds for Banks Peninsula.

STAFF RECOMMENDATION

It is recommended that:

- a) The Banks Peninsula Community Boards note that the sum of \$500,000 in the Council's reserves account contributed by Banks Peninsula District Council, as part of the 2006 reorganisation, has now been expended.

9 Cont'd

- b) That the Banks Peninsula Community Boards recommend to the Council that the power to recommend discretionary expenditure of \$20,000 from reserve accounts not be carried over when Community Board delegations are made by the Council after the 2010 elections.
- c) An additional delegation be given to each of the two Boards on SPARC funding as follows:
 - *That the Lyttelton/Mt Herbert and Akaroa/Wairewa Community Boards have joint authority to allocate the annual SPARC Rural Travel Fund for Banks Peninsula.*

BACKGROUND (THE ISSUES)

- 8. Under the Local Government Act 1974, until 2004, all territorial authorities collected reserve contributions from subdivisions in their district. Typically these reserve contributions were 7.5% of the land value of the subdivision and the Council could then decide how it would expend those reserve contributions as the need for funding individual projects arose.
- 9. The Local Government Act 2002 replaced the 1974 Act. The 2002 Act required that Councils adopt a Development Contributions Policy which now includes the former reserve contributions from subdivisions. The difference with the new Development Contributions Policy was that the law requires the Council to identify the projects upon which those reserve contributions were to be spent within the policy itself to form the basis for the collection of the contribution. After 2002 the Council no longer had a fund building up of reserve contributions upon which it could choose to spend on projects.
- 10. At the time of the reorganisation in March 2006 both the former BPDC and CCC had adopted, in July 2004, their first Development Contributions Policy. After July 2004 the Councils no longer had a fund building up of reserve contributions upon which it could choose to spend on projects.
- 11. By the date of reorganisation in March 2006 BPDC had accumulated \$500,000, under the former Local Government Act 1974 provisions, in its reserve accounts and this money was transferred to the CCC as part of the reorganisation.
- 12. As part of that 2006 reorganisation the Local Government Commission stated in its reorganisation scheme that each of the Banks Peninsula Community Boards were to have the power to recommend to CCC the proposed expenditure from the City Council's reserve contributions account and that the powers conferred by the reorganisation scheme could not be altered for a period of 3 years from 2006.
- 13. Further in the 2006 Memorandum of Understanding signed between BPDC and CCC before the reorganisation came into force it was stated:

"During 2004 and early 2005 BPDC undertook a large community consultation process that resulted in additional capital requests and further community priorities for operational expenditure being identified.

A schedule of these items that has been considered by BPDC will be attached as an Appendix 6"
- 14. The Appendix 6 referred to in that Memorandum of Understanding listed a number of Banks Peninsula projects with estimates as to the costs of those projects. Appendix 6 had a number of Schedules. One of those Schedules, Schedule F, contained a list of projects in both the Lyttelton/Mt Herbert Community Board and Akaroa/Wairewa Community Board areas to be funded from the reserves accounts in the 2006-16 LTCCP.
- 15. Subsequent to the coming into force of the reorganisation scheme in 2006, and continuing on until today, the CCC made a number of delegations to the two Banks Peninsula Community Boards. A delegation which is relevant for the purpose of this report is:

- For the two Banks Peninsula Community Boards the following provisions apply:
 - i)
 - ii) ***That the two Peninsula Community Boards have a power to recommend discretionary expenditure of \$20,000 from the reserve accounts to spend on peninsula reserves."***

16. It is that delegation in bold regarding the power to recommend (not to decide) that is the subject of this report and where staff are recommending that that delegation not be carried over by the Council after the elections in 2010.

Development Contributions Policy – Community Board Input Today

17. As noted above the Local Government Act 2002 repealed the Council's power to take reserve contributions on subdivisions. The 2002 Act now requires every Council to develop, through its Long Term Council Community Plan, a Development Contributions Policy and the law also provides that a Council can only require a contribution (money or land) on a development if it has a Development Contributions Policy.
18. A contribution can only be required if the effect of the development is to require the Council to provide new or additional assets or assets of increased capacity as a consequence of the development. The law also requires that projects that contributions are to be spent on must be identified in the Development Contributions Policy **before** a contribution can be collected by a Council.
19. The Council's 2006 Development Contributions Policy, which was made some four months after the reorganisation of BPDC, contained the same projects and funding amounts as in the draft BPDC 2006 Development Contributions Policy. Those projects have subsequently been carried forward, where necessary, into the current City Council 2009 Development Contributions Policy.
20. The formation of each Development Contributions Policy is conducted in concert with development of the LTCCP Capital Programme as only projects listed in the LTCCP can be included in the Development Contributions Policy. Community Boards were canvassed prior to the LTCCP 2009-19 for projects they wished to be included in the Council's LTCCP capital prioritisation process. If the projects approved for funding were also growth related projects then they were also included in the Development Contribution charges using the Councils methodology. In other words the project is included in the Policy and contributions are received from developers towards that project as development happens. A management decision is made to give effect to the project according to the timing in the LTCCP Capital Programme without the need of further signoff by elected members.

Banks Peninsula Reserve Contributions Expenditure

21. Regarding the sum of \$500,000 that BPDC had accumulated at the time of the reorganisation in 2006, that money has been spent on the projects listed in Schedule F of Appendix 6 of the 2006 Memorandum of Understanding between the two Councils. That sum of \$500,000 has now been totally spent and **Appendix A** shows the expenditure of that sum. It will be noted that for some of the Schedule F projects the amount expended in excess of those estimated in the MOU which is not unexpected. Because of the 2006 Development Contributions Policy that sum of \$500,000 has not be replenished and for all practical purpose the reference in the current City Council delegation to the two Banks Peninsula Boards having the power to recommend expenditure from the Reserve Contributions account has now run its course. Today there are no longer any funds available for the two Boards to make a recommendation about. The two Community Boards now have their input into the development contributions policy through identifying projects as part of the development of the Policy relating to Banks Peninsula.

Conclusion

22. Given the information above staff recommend that the two Banks Peninsula Boards advise the Council that as the funding in the reserve accounts referred to in the current Council delegations has now been spent, that the Peninsula Boards can recommend 'Discretionary Expenditure of \$20,000 from Reserve Accounts' not be carried over when Community Board delegations are made by the Council after the 2010 election.

SPARC Funding

23. At its meeting of 12 June 2008 the Council resolved *"that the Council considers, as part of the review of Community Board delegations, to delegate to the two Banks Peninsula Community Boards jointly, the annual allocation of the SPARC Rural Travel Fund."*
24. The SPARC Rural Travel Fund encourages participation in sport by young people living in rural communities. It is open to rural sports clubs and rural school teams. The fund is for young people aged between 5 -19 years who require subsidies to assist with transport expenses to local sporting competitions. The fund is not available for travelling to regional or national events. "Local" for Peninsula young people means travelling to other sub-unions such as Ellesmere, Waihora, Lincoln and further afield to participate in regular competitions. The allocation is based on a population density formula for areas with less than ten people per square kilometre and therefore excludes Lyttelton and Governors Bay.

10. KEEP NEW ZEALAND BEAUTIFUL CONFERENCE 2010 – BOARD MEMBER ATTENDANCE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Liz Carter, Community Board Adviser

PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider appointing a Board member to attend the Keep New Zealand Beautiful Conference 2009 and Annual General Meeting in Gisborne from Friday 17 to Sunday 19 September 2010.

EXECUTIVE SUMMARY

2. The Board's representative on the Keep Christchurch Beautiful Committee is Paula Smith who has agreed to attend meetings to determine if it is appropriate for the Lyttelton/Mt Herbert Community Board to have a representative on the Committee.
3. The Committee is a voluntary organisation, which aims to promote a cleaner, more beautiful environment within Christchurch, and to raise the level of awareness of what the individual can do to improve his or her community and reduce litter. Notice of the national conference has been received. Christchurch has a member on the Keep New Zealand Beautiful Board.

FINANCIAL IMPLICATIONS

4. The cost to attend the conference is approximately \$1,198 per member which would be met from the Board's 2010/11 operational budget. This covers travel, accommodation and the conference registration.
5. The Board's 2010/11 operational budget for conferences, travel and training is \$4,550. The balance of that budget is currently \$4,550, as nothing has been expended year to date.

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

6. Yes.

LEGAL CONSIDERATIONS

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

7. There are no legal considerations involved.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

8. Yes, page 52 of the LTCCP, Environment – A city of people who value and protect the natural environment..

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

9. Not applicable..

CONSULTATION FULFILMENT

10. Not applicable.

17. 8. 2010

10 Cont'd

STAFF RECOMMENDATION

It is recommended that the Board consider approving the attendance of a Board member to the Keep New Zealand Beautiful Conference and Annual General Meeting in Gisborne from Friday 17 to Sunday 19 September 2010.

11. ESTABLISHMENT OF A LYTTTELTON/MT HERBERT YOUTH DEVELOPMENT SCHEME 2010/11

General Manager responsible:	General Manager, Community Services Group DDI 941-8607
Officer responsible:	Unit Manager, Community Support Unit
Author:	Philipa Hay, Community Development Adviser

PURPOSE OF REPORT

1. The purpose of this report is to seek approval from the Board to set aside \$2,000 from its 2010/11 Discretionary Response Fund for the purpose of establishing a Youth Development Scheme.

EXECUTIVE SUMMARY

2. The purpose of the Youth Development Scheme is to celebrate and support young people living in the Lyttelton/Mt Herbert area by providing financial assistance for their development. This is a way for the Community Board to acknowledge young people's effort, achievement and potential excellence in the community.
3. The Youth Development Scheme would consider applications for the following activities:
 - Personal Development and Growth - For example leadership training, career development, Outward Bound, Spirit of Adventure, extra curricular educational opportunities.
 - Representation at Events - Applicants can apply for assistance if they have been selected to represent their school, team or community at a local, national or international event or competition. This includes sporting, cultural and community events.
4. The following eligibility criteria must be met:
 - Age groups 12-20 years.
 - Projects must have obvious benefits for the young person and if possible the wider community.
 - Only one successful application, per applicant, permitted per year.
 - Applicants should be undertaking other fundraising activities and not relying solely on Community Board support.
 - Successful applicants will be required to report back to the Community Board on their experiences.
5. Each application will be assessed by the appropriate staff member and presented to the Board for its consideration.

FINANCIAL IMPLICATIONS

6. This proposal transfers funds from the Board's Discretionary Response Fund into a separate Youth Development Scheme fund. This will reduce the total amount available in the Board's Discretionary Response Fund in 2010/11 by \$2,000.

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

7. Yes. Strengthening Community Funding and Community Board funding, see LTCCP page 184 regarding community grants schemes including Board funding.

LEGAL CONSIDERATIONS

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

8. There are no legal issues to be considered.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

9. Yes. Strengthening Community Funding and Community Board funding, see LTCCP pages 176 and 177 regarding community grants schemes including Board funding.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

10. Aligns with the Strengthening Community Strategy goals:
- Increase participation in community recreation and sports programmes and events.
 - Improve basic life skills so that all residents can participate fully in society.

CONSULTATION FULFILMENT

11. No external consultation needs to be undertaken.

STAFF RECOMMENDATION

That the Lyttelton/Mt Herbert Community Board:

- (a) Establishes a Youth Development Scheme for the 2010/11 year.
- (b) Approves the transfer of \$2,000 from the Lyttelton/Mt Herbert Community Board's 2010/11 Discretionary Response Fund to the Lyttelton/Mt Herbert Youth Development Scheme.
- (c) Adopt the following activities and criteria when considering applications to the Lyttelton/Mt Herbert Youth Development Fund:
- Personal Development and Growth - For example leadership training, career development, Outward Bound, Spirit of Adventure, extra curricular educational opportunities.
 - Representation at Events - Applicants can apply for assistance if they have been selected to represent their school, team or community at a local, national or international event or competition. This includes sporting, cultural and community events.
 - Age groups 12-20 years.
 - Projects must have obvious benefits for the young person and if possible the wider community.
 - Only one application permitted per year.
 - Applicants should be undertaking other fundraising activities and not relying solely on Community Board support.
 - Successful applicants will be required to report back on their experiences and benefits to the Community Board.

12. APPLICATION TO LYTTTELTON/MT HERBERT DISCRETIONARY RESPONSE FUND – DIAMOND HARBOUR AND DISTRICTS CROQUET CLUB

General Manager responsible:	General Manager, Community Support DDI 941-8607
Officer responsible:	Unit Manager, Community Support Unit
Author:	Philipa Hay, Community Development Adviser

PURPOSE OF REPORT

1. The purpose of this report is for the Lyttelton/Mt Herbert Community Board to consider an application for funding from Diamond Harbour Districts Croquet Club of \$690 to the 2010/11 Lyttelton/Mt Herbert Community Board Discretionary Response Fund.
2. At the time of writing, there is \$12,799 remaining in the Fund.

EXECUTIVE SUMMARY

3. In 2010/11, the total pool available for allocation for the Discretionary Response Fund is \$12,799. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
4. The purpose of the Fund is to assist community groups where the project and funding request falls outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
5. At the Council meeting of 22 April 2010, Council resolved to change the criteria and delegations around the local Discretionary Response Fund.
6. The change in criteria limited the items that the local Discretionary Response Fund does not cover to only:
 - (a) Legal challenges or Environment Court challenges against the Council, Council Controlled Organisations or Community Boards decisions;
 - (b) Projects or initiatives that change the scope of a Council project; and
 - (c) Projects or initiatives that will lead to ongoing operational costs to the Council.

Council also made a note that: "Community Boards can recommend to the Council for consideration grants under 1(b)and 1(c)."
7. Based on this criteria, the attached application from Diamond Harbour and Districts Croquet Club (**Attachment 1**) is eligible for funding.
8. Staff recommend that the Board grant \$540 to Diamond Harbour and Districts Croquet Club for Tree Trimming and Grounds Tidying.

FINANCIAL IMPLICATIONS

9. There is currently \$12,799 remaining in the Board's 2010/11 Discretionary Response Fund.

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

10. Yes, see page 184 of the LTCCP regarding community grants schemes including Board funding

LEGAL CONSIDERATIONS

11. There are no legal considerations.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. Aligns with LTCCP and Activity Management Plans, page 172 and 176 and the Parks and Open Spaces Activity Management Plan:

Council's objective with urban parks is to provide and manage Community Parks, Garden & Heritage Parks, Sports Parks, and Riverbanks and Conservation Areas throughout the city that provide amenity values, areas for recreation and organised sport, gardens environments, and green corridors, that contribute to the city's natural form, character and heritage and Garden City Image.

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

13. Yes, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding, and page 116 regarding Parks Open Spaces and Waterways

ALIGNMENT WITH STRATEGIES

14. This application aligns with Strengthening Communities Strategy, the Physical Recreation, Sports Strategy, and the following Lyttelton Mt Herbert Community Board objective/s:
- Enhancing the culture, heritage and identity of Banks Peninsula communities
 - Promoting participation in recreation and sport
 - Improving the range and quality of recreational experiences

CONSULTATION FULFILMENT

15. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Lyttelton/Mt Herbert Community Board grants \$540 to Diamond Harbour and Districts Croquet Club for the Tree Trimming and Grounds Tidying project.

13. APPLICATION TO LYTTTELTON/MT HERBERT YOUTH DEVELOPMENT SCHEME – TEONE KAHU

General Manager responsible:	General Manager, Community Support DDI 941-8607
Officer responsible:	Unit Manager, Community Support Unit
Author:	Philipa Hay Community Development Adviser

PURPOSE OF REPORT

1. The purpose of this report is to present a request for funding of \$360 from TeOne Kahu to the Lyttelton/Mt Herbert Community Board from its Youth Development Scheme .
2. The request is for \$360 towards the cost of the National Manu Korero.
3. This grant is dependent on a Lyttelton/Mt Herbert Youth Development Scheme being established from the Board's Discretionary Response Fund. There is currently a balance of \$12,799 remaining in this fund.

EXECUTIVE SUMMARY

4. TeOne is a Lyttelton resident attending Aranui High School Theatre Academy. He was selected to go to the Sheilah Winn National Shakespeare Festival for Secondary School Students where he gained Excellence, Best Solo and Overall Best Actor awards and was selected to go to the National School of Shakespeare. Other awards include an Excellence in Cultural Performance at the Te Puna Wanaka Rangatahi Awards, and at the Manu Korero - First Place in Impromptu and First Place Overall in the English section. His other interests include sport, music, dance, Kapa Haka and all things Maori.
5. The Manu Kōrero 2010 National Secondary School Speech Contests are sponsored by the New Zealand Post Primary Teachers' Association Te Wehengarua. The National finals are to be held at the Edgar Centre, Anderson Bay Road in Dunedin, Tuesday to Thursday, 21-23 September 2010. The contests are intended to encourage the development of skills and confidence of Māori students in spoken English and Māori. TeOne will be 18 years old in the week prior to the National Manu Korero.
6. TeOne wishes to learn more about his culture, embracing it in everyday life and aims to attend Toi Whakaari – New Zealand Drama School.

FINANCIAL IMPLICATIONS

7. The following table provides a breakdown of funding requested, and funds in hand:

TEONE KAHU	
EXPENSES	Cost (\$)
Travel	\$ 50
Registration, accommodation, food	\$160
Uniform/travel uniform	\$150
Total Cost	\$360
Fundraising – various at school (including hangi)	\$ Pending
Amount Requested from Community Board	\$360

8. This is the first time the applicant has applied for funding from the Lyttelton/Mt Herbert Community Board.

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

9. Yes. This application is seeking funding from the Community Board's 2010/11 Youth Development Scheme, dependent on its establishment from the Board's 2010/11 Discretionary Response Fund.

Page 184 of the 2009-19 LTCCP details community grants scheme,s including Board funding.

13 Cont'd

LEGAL CONSIDERATIONS

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

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

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Aligns with LTCCP and Activity Management Plans pages 172 and 176 of the 2009-19 LTCCP..

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

12. Yes, as above.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

13. This application aligns with the Council's Youth Strategy, the Strengthening Communities Strategy and the Council Community Grants Funding Outcome:

- Reduce or overcome barriers to participation

CONSULTATION FULFILMENT

15. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Lyttelton/Mt Herbert Community Board agrees to make a grant of \$200 from its 2010/11 Youth Development Scheme to TeOne Sonny Hohepa Te Rangi Kahu towards the National Manu Korero, dependent on the scheme being established from the Board's 2010/11 Discretionary Response Fund.

14. NEW ZEALAND COMMUNITY BOARDS' BEST PRACTICE AWARDS 2011

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Liz Carter, Community Board Adviser

PURPOSE OF REPORT

1. The purpose of this report is to seek the Lyttelton/Mt Herbert Community Board's views as to whether it wishes to submit any entries to the New Zealand Community Board Conference Best Practice Awards 2011.

EXECUTIVE SUMMARY

2. The 8th biennial Community Board Conference is scheduled to take place in Rotorua from 5-7 May 2011. One of the highlights of the conference is the Community Boards' Best Practice Awards which acknowledge excellence in the implementation of projects in local government. Prizes will be presented to the winners of each category and the best overall project. The objectives of the Awards are to:

- recognise significant contributions made by Community Boards to the achievement of excellence in local government
- promote quality improvements in the functioning of Community Boards
- foster the exchange of best practice and innovative ideas.

The categories are:

Consultation (eg how the Board has actively consulted with its community)	Significant Project (eg a major project led by the Board (jointly or singularly) that achieved a desired outcome)
Facilitation (eg identification of a situation/s where the Board has taken a facilitation role to overcome a community problem)	Partnership (eg a partnership with parent council / other Boards / community organisation/s to address an issue)
Heritage (eg a heritage project in your community in which your Board has played an active role)	Working with Maori (eg projects which feature your Board working with a local Maori organisation or in a Maori community)
Working with Children and Youth (eg projects in your community in which your Board has been involved with children and youth)	Harmonious Relations (eg projects in which your Board has promoted diversity and harmonious relations)
Safety (Sponsored by NZ Police) (eg projects in which your Board and the Police have achieved safety outcomes for your community)	
Leadership The Yvonne Palmer leadership trophy is given for outstanding leadership, for enhancing the work of Community Boards and the recipient will hold it for two years	For any elected member including a Community Board, a community Board member, a Councillor or Mayor or for a Council staff member

14 Cont'd

3. It should be noted that the Young People and Harmonious Relations categories are sponsored respectively by UNICEF and the Human Rights Commission. Separate criteria may apply. These will be distributed once finalised and approved. In addition, from each of these categories an overall winner will be selected.
4. This Board has never submitted an entry to the Community Board Best Practice Awards.
5. The application form and supporting information which will outline the format of entries should take are expected shortly. In the meantime the Board is encouraged to reflect on what activities it has been involved in that are innovative, have made a real difference to the community and would be suitable as applications to the awards. All entries will be reviewed by the Conference Organising Committee's Judging Panel and must be submitted **by 4 February 2011**. Given this timing, most of the work to prepare the entry will need to occur prior to the Christmas break, hence the views of the Board on its entry or entries are now being sought. Depending on those views, staff will then report back on likely financial implications and any staff capacity required to be able to assist with preparing entries.
6. Some Community Boards in previous years have established a small working party of Board members or used their Recess Committee to consider the preparation of entries for these Awards.

FINANCIAL IMPLICATIONS

Do the recommendations of this report align with 2009-19 LTCCP budgets?

7. There are no costs associated with lodging an entry for a Best Practice Award. As indicated in paragraph 6 above, staff will assess any financial implications relevant to any entry that the Board wishes to submit, and report back to the Board.

LEGAL CONSIDERATIONS

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

9. There are no legal considerations.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

10. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. Not required.

STAFF RECOMMENDATION

It is recommended that the Board give consideration as to whether it wishes to submit any entry to the New Zealand Community Boards Best Practice Awards 2011.

15. LONDON STREET SCULPTURE – DEED OF GIFT

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport & Greenspace Manager
Author:	Ann Campbell, Consultation Leader Maria Adamski, Parks Contract Manager

PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider, and make a recommendation to the Council on whether to accept the offer of a proposed new artwork for London Street as a gift to the Council for the benefit of the people of Lyttelton and Christchurch on the understanding that the only cost to Council will be approximately \$500 per annum for maintenance.

EXECUTIVE SUMMARY

2. In April 2009, Council received a request from Project Lyttelton, to use a small garden plot of land next to the Lyttelton Library on London Street, (LOT 1 DP36194) for a proposed commissioned sculptural piece of art.
3. The proposal is a site specific sculpture called 'Ghost Building' and is a reinstatement of a section of an 1860s building, 'Railway Hotel', demolished in the 1970s to make way for a new Post Office on the site. The Post Office business has since relocated and the building currently houses the Lyttelton Library (refer **attachment 1**).
4. The sculpture, 1.5 metres long and 7 metres high, will be cast in concrete and raised as a tilt slab construction. The concrete tilt slab will be installed and occupy the same street frontage as the original section of the original building on London Street. It is also anticipated that the artwork will be lit.
5. The sculpture is to be gifted to the Christchurch City Council for the benefit of the public at large, and this gift will be in line with the Artworks in Public Places Gift Policy. Due to the value of the artwork, Council Policy states that *"A public artwork requiring installation in an outdoor site or special security arrangements proposed for acquisition by means of unconditional gift or bequest and valued over \$10,000 shall be approved by the council upon the recommendation, based on a report from the Public Artworks Team, to the relevant Standing Committee/s."* The relevant Standing Committee at the time the policy was adopted was the Arts, Culture & Heritage Committee. Please note at the time of writing this report funding for the project is still unconfirmed.
6. The Banks Peninsula Art in Public Places Policy states *"Responsibility for overseeing the implementation of this policy will belong to the Community Boards through the 'Art in Public Places Working Party', which will meet as necessary."* *"The Art in Public Places Working Party will evaluate and decide on proposals received from either, external sources or, initiated by Council staff and elected representatives."*
7. The Public Artworks Team and the Arts Culture & Heritage Standing Committee (CCC policy), and the Art in Public Places Working Party (BPDC policy) no longer exist. Therefore Council staff members Maria Adamski (Parks Contract Manager, Transport and Greenspace Unit) and Marlene Le Cren (Arts Advisor, Art Gallery Unit) have considered this proposal and advise that artistically, and from a future maintenance perspective, the sculpture would be consistent with other artworks throughout the city.
8. The artwork has also been checked against the Guidelines for Evaluation of Proposals in the Banks Peninsula Art in Public Places Policy and meets a majority of the criteria. Where it does not, these will be covered under any conditions of approval for the artwork.

FINANCIAL IMPLICATIONS

9. The budget for the artwork, including installation and consents, is \$70,000. These costs will be fully covered by Project Lyttelton, however, at the time of writing this report funding for the project is still unconfirmed. Council staff have also received a funding application from Project Lyttelton for this project which will be subject to a future report coming to the Community Board.
10. There are no costs to Council initially; however there will be ongoing maintenance costs, approximately \$500 per year for cleaning which will be incorporated into the Fountain, Clocks and Statues operational budget.

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

11. Yes, provision for maintenance is included under Gardens and Heritage Parks on Page 128 of the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

12. The land in question is owned by the Christchurch City Council and is classified as Fee Simple, LOT 1 DP36194, and managed by the Libraries and Information Unit. They are aware of the plans for the sculpture on the London Street site and have no objections to the placement.
13. A resource consent and a building consent are required for this project. These will be obtained and all costs covered by Project Lyttelton.
14. Lyttelton Township is now registered as an historic area (New Zealand Historic Places Trust). The Accidental Discovery Protocol will be in place during installation and any other issues will be addressed in the consent application.
15. If Council accept this artwork, Christchurch City Council Legal Services will draw up a Deed of Acknowledgement of Gift.
16. Previous legal advice has indicated that when a Banks Peninsula District Council policy still exists and there is also a Christchurch City Council policy that covers the same matter, then both policies should be read and applied together.
17. The policies being applied in this matter are:

Artworks in Public Places Gift Policy (Christchurch City Council)

Art in Public Places Policy (Banks Peninsula District Council)

Neither policy is being completely applied, so in essence the Council will be acting inconsistently with the policies. Section 80(1) of the Local Government Act 2002 states:

"If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

- (a) *the inconsistency; and*
- (b) *the reasons for the inconsistency; and*
- (c) *any intention of the local authority to amend the policy or plan to accommodate the decision.*

18. In this instance it is not considered that the decision is "significantly" inconsistent as the inconsistency relates to the proposal not being considered by committees and working parties which no longer exist under the current Council structure. The proposal has however been considered by Council staff with the appropriate expertise, and is also being considered by the Community Board.

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

19. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. Community support - Strengthening Communities Activity Management Plan

Identify essential projects that support, develop and promote the capacity and sustainability of community recreation, sports, arts, heritage and environment groups with relevant government agencies, community and voluntary organisations.

21. Parks, Open Spaces and Waterways Garden and Heritage Parks Activity Management Plan

Preserve and conserve heritage items and outdoor art work. Provision of these assets enhance Christchurch's Garden City image and protects the heritage items vested with the council in public spaces, and provides open space art works acquired through gifting and Development Contributions.

22. LTCCP 2009-19: Parks, Opens Spaces and Waterways – Page 117

- (a) Community – By providing spaces for communities to gather and interact*
- (b) Environment – By enabling people to contribute to projects that improve our environment*
- (c) Recreation – By offering a range of recreational opportunities in parks, open spaces and waterways*
- (d) Knowledge – By providing opportunities to learn through social interaction and recreation*

23. LTCCP 2009-19: Cultural and Learning Services – Page 161

- (a) Recreation – By providing and supporting a range of arts, festivals and events*
- (b) Knowledge – By providing artworks, exhibitions and other resources.*

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

24. Yes - as per above.

ALIGNMENT WITH STRATEGIES

25. Arts Policy & Strategy - Operational Procedures (Artworks in Public Places Gift Policy, Appendix 8)
Art in Public Places Policy (CCC and former BPDC)

Do the recommendations align with the Council's strategies?

26. The recommendations align with the above policies, but are not totally consistent with those policies, as outlined under Clauses 17 and 18 above.

CONSULTATION FULFILMENT

27. The initiative for this project came from the community and the Council's role has been an advisory one. Process followed by Project Lyttelton has been in line with Council Art in Public Places procedures, but Council has not had an input into budget, brief development or selection of artwork.
28. Project Lyttelton has met with a number of Council staff since 2007, and have gained advice as to how to proceed with the project. In the earlier stages it was hoped to incorporate this project with the London Street upgrade, however this did not eventuate.
29. In June 2008, a member of Project Lyttelton presented their proposal to the Community Board for their information. At that time the project was being proposed by the Lyttelton Harbour Basin Community Arts Council.
30. In July 2009, Project Lyttelton arranged for the commission of an artwork for the site following discussions with Council staff around the original process. Following this process Mark Whyte was selected as the artist.

17. 8. 2010

STAFF RECOMMENDATION

It is recommended that the Lyttelton/Mt Herbert Community Board confirm its view on the offer of a new artwork for London Street as a gift to the Council for the benefit of the people of Lyttelton and Christchurch, and recommend that the Council accept the artwork, subject to the following conditions:

- (a) Confirmation of funding for the total cost of the project being produced by Project Lyttelton, including written confirmation of funding promises, both from “in kind” sponsors and also any promises of cash, prior to construction and installation.
- (b) That the project meet all Council Art in Public Places requirements and this documentation be forwarded to the Parks Contract Manager prior to any work being undertaken.
- (c) That Council has a representative involved in the installation process.
- (d) That Project Lyttelton obtain the necessary resource consents and building consents at its cost, before commencing installation of the artwork.

16. BRIEFINGS

Nil.

17. COMMUNITY BOARD ADVISERS UPDATE

17.1 BOARD FUNDING BALANCES

A copy of the Board's funding balances as at 31 July 2010 is **attached** for members' information.

17.2 JULY UPDATE ON LOCAL CAPITAL PROJECTS

The July update on Local Capital Projects is **attached** for members' information.

17.3 CUSTOMER SERVICE REQUESTS 1 MAY – 31 JULY 2010

Attached Appendices for members' information.

17.4 CANTERBURY REGIONAL PEST MANAGEMENT STRATEGY SUBMISSION

Attached is the draft submission from the Board to the Canterbury Regional Pest Management Strategy review.

STAFF RECOMMENDATION

It is recommended that the Board adopt the submission to the Canterbury Regional Pest Management Strategy Review.

17. 8. 2010

18. ELECTED MEMBERS' INFORMATION EXCHANGE

19. QUESTIONS UNDER STANDING ORDERS