



**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 2PM ON THURSDAY 1 JULY 2004**

PRESENT: The Mayor, Garry Moore (Chairperson).
Councillors Oscar Alpers, Carole Anderton, Paddy Austin, Helen Broughton, Sally Buck, Graham Condon, Barry Corbett, David Cox, Anna Crighton, Carole Evans, Megan Evans, Ishwar Ganda, Pat Harrow, Alister James, Lesley Keast, Denis O'Rourke, Linda Rutland, Gail Sheriff, Barbara Stewart, Ingrid Stonhill, Sue Wells, Chrissie Williams, Norm Withers and Ron Wright.

APOLOGIES: Apologies for lateness were received and accepted from Councillor Oscar Alpers, Paddy Austin and Sally Buck.

1. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 27 MAY 2004

Resolved: That the open and public excluded minutes of the Council meeting held on Thursday 27 May 2004 be confirmed.

2. AWARD OF QUEEN'S SERVICE ORDER TO COUNCILLOR ALISTER JAMES

Councillor Williams referred to the recent award of a Queen's Service Order to Councillor Alister James in the Queen's Birthday Honours List.

It was **resolved** that the Council record its congratulations to Councillor James for the award, and for his years of service as a Councillor.

3. DEPUTATIONS BY APPOINTMENT

Nil.

(2.05pm Councillor Austin arrived)

4. PRESENTATION OF PETITIONS

Proposed Office Block and Parking Building: Ferrymead Tavern Site

Councillor Linda Rutland presented a petition signed by 1,300 persons expressing concern that no height restriction applied to the current site of the Ferrymead Tavern, in respect of which the Council had received a resource consent application for the construction of a 14 floor office block together with a six level parking building. The petitioners sought the inclusion in the City Plan of a height restriction for the Business 4 zone, in which the subject site was located.

It was **resolved** that the petition be referred to the officers for report to the appropriate Standing Committee/s.

Establishment of Neighbourhood Tavern - Acheson Avenue Shopping Block

Councillor Stonhill tabled a petition signed by 350 Shirley residents, expressing opposition to the establishment of a neighbourhood tavern in the Acheson Avenue shopping block.

It was **resolved** that the petition be referred to the officers for report to the appropriate Committee/s.

5. CORRESPONDENCE

Nil.

6. SUPPLEMENTARY ITEMS

The Mayor referred to the following late items, which had been separately circulated after the agenda had been distributed:

- Report of the Prostitution Reform Act Subcommittee.
- Report of the Regulatory and Consents Committee meeting of 9 and 11 June 2004 regarding Liquor Control Bylaw.
- Supplementary report by Chairman of Property and Major Projects Committee responding to Notice of Motion submitted by Councillor Ingrid Stonhill regarding St Albans Preschool (public excluded).
- Report by the Land Transport Subcommittee regarding Western Belfast Bypass update (public excluded).
- Report by General Manager Regulation and Democracy Services recommending that the Council apply to become a party in respect of the judicial review regarding the Local Government Commission's electoral review decision (public excluded).

The Mayor advised that it had not been possible to circulate these items with the agenda as the required information was not available at that time, but that it was necessary for the items concerned to be dealt with at the present meeting, rather than being deferred to a subsequent meeting.

It was **resolved** that the late items be received and considered at the present meeting.

7. REPORT OF THE STRATEGY AND FINANCE COMMITTEE OF 21 JUNE 2004

Moved: That the Committee's report be adopted.

(1) Hagley Nurses' Home - Local Bill

(2.23pm Councillor Buck arrived)
(2.27pm Councillor Alpers arrived)

It was **resolved** that this clause be held over to a later stage in the meeting..

(3) Draft Statements of Intent for Central Plains Water Trust and Central Plains Water Ltd

Adopted.

(Note: Councillors Corbett and Withers recorded their votes against the adoption of the Committee's recommendation.)

(4) Central Plains Water Trust (CPWT)/Central Plains Water Company (CPWL): Matters for Decision

Adopted.

(Note: Councillors Broughton, Corbett and Withers recorded their votes against the adoption of the Committee's recommendation.)

Report adopted, with the exception of clause 1.

8. REPORT BY THE CHAIR OF THE STRATEGY AND FINANCE COMMITTEE REGARDING ADDITIONAL CAPITAL FOR CITY CARE LTD

Councillor James moved "*That the Council approve an investment by CCHL of \$2.5 million in City Care Ltd*". The motion was seconded by Councillor Austin.

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Councillor O'Rourke moved by way of amendment "*That this report be referred to the Strategy and Finance Committee for a subsequent report back to the Council with the public excluded, such report to contain a summary of the relevant financial information considered by CCHL Ltd*". The amendment was seconded by Councillor Carole Evans and when put to the meeting was declared **lost** on division no 1 by 5 votes to 19, the voting being as follows:

Against (19): Councillors Alpers, Anderton, Austin, Broughton, Condon, Corbett, Crighton, M Evans, Ganda, Harrow, James, Keast, Rutland, Stewart, Stonhill, Wells, Williams, Withers and the Mayor.

For (5): Councillors Buck, Cox, C Evans, O'Rourke, and Sheriff.

The motion moved by Councillor James and seconded by Councillor Austin was then adopted.

9. RURAL RATING: POLICY CHANGE

Following consideration of a report by the Funds and Financial Policy Manager, it was **resolved** that the resolution regarding this topic passed by the Council on Wednesday 30 June 2004 be amended to provide that the following rating units be excluded from those properties affected by the resolution:

- those which change to "business"; and
- those which are zoned Living and where there has been a recent change of use because of a new dwelling building consent.

10. REPORT OF THE ARTS, CULTURE AND HERITAGE COMMITTEE OF 17 JUNE 2004

Moved: That the Committee's report be adopted.

Attendance

Councillor Sheriff stated that she had arrived prior to the start of the meeting, and was present throughout the entire meeting.

(2) Festivals and Events Subcommittee Update 2004/05 Funding Round

It was **resolved** that this clause be held over to an extraordinary Council meeting, to be held at a time and on a date to be arranged during the following week.

Report adopted as amended.

11. REPORT OF THE PARKS, GARDENS AND WATERWAYS COMMITTEE OF 16 JUNE 2004

Resolved: That the Committee's report be adopted.

It was further **resolved** to convey the Council's congratulations to the Chairman and the staff involved in the completion of the draft Port Hills Recreation Strategy, and the revised draft City-Wide Planting Strategy.

12. HAGLEY NURSES' HOME: LOCAL BILL

Consideration was given to clause 1 of the Strategy and Finance Committee's report of 21 June 2004.

Councillor James moved by way of amendment "*That the Legal Services Manager report back to the Strategy and Finance Committee on the proposed Deed of Covenant between the Council and the Canterbury District Health Board previously submitted to the Council at its March 2004 meeting, with a view to the Council agreeing to sign the draft deed of covenant*". The amendment was seconded by Councillor Keast and when put to the meeting was declared **carried** as the substantive motion, in place of the recommendation made by the Committee.

13. REPORT BY THE CHAIRMAN OF THE COMMUNITY AND LEISURE COMMITTEE ON NZ RECREATION ASSOCIATION NATIONAL CONFERENCE

It was **resolved** that approval be granted for Councillors Graham Condon and Ishwar Ganda to attend the NZ Recreation Association National Conference to be held in Queenstown during August 2004.

(3.30pm Councillor James retired)

14. REPORT OF THE PROPERTY AND MAJOR PROJECTS COMMITTEE OF 17 JUNE 2004

Resolved: That the Committee's report be adopted.

15. REPORT OF THE REGULATORY AND CONSENTS COMMITTEE OF 11 JUNE 2004

Moved: That the Committee's report be adopted.

(2) Variation 89 to Proposed City Plan: Stonehurst Accommodation Limited, Latimer Square

Councillor O'Rourke moved by way of amendment "*That the proposed variation be deferred and be referred back to the Committee, augmented for this matter by Councillors Crighton and O'Rourke, for reconsideration and report back to the Council*". The amendment was seconded by Councillor Crighton and when put to the meeting was declared **lost** on division no 3 by 4 votes to 20, the voting being as follows:

Against (20): Councillors Alpers, Anderton, Austin, Buck, Condon, Corbett, Cox, C Evans, M Evans, Ganda, Harrow, Keast, Sheriff, Stewart, Stonhill, Wells, Williams, Withers, Wright and the Mayor.

For (4): Councillors Broughton, Crighton, O'Rourke and Rutland.

The recommendation made by the Committee was then adopted without amendment.

Report adopted.

16. REPORT OF THE REGULATORY AND CONSENTS COMMITTEE OF 9 AND 11 JUNE 2004

Moved: That the Committee's report be adopted.

(1) The Christchurch City Council Christchurch City Liquor Control Bylaw 2004

On being put to the meeting, the Committee's recommendation was declared **carried** on division no 5 by 22 votes to 1, the voting being as follows:

For (22): Councillors Alpers, Anderton, Austin, Broughton, Buck, Condon, Corbett, Cox, Crighton, C Evans, Ganda, Harrow, Keast, Rutland, Sheriff, Stewart, Stonhill, Wells, Williams, Withers, Wright and the Mayor.

Against (1): Councillor O'Rourke.

(Note: Councillor Megan Evans declared an interest in the Committee's report, and retired from the discussion and voting thereon.)

Report adopted.

**17. REPORT OF THE SUSTAINABLE TRANSPORT AND UTILITIES COMMITTEE
OF 15 JUNE 2004**

Resolved: That the Committee's report be adopted.

**18. REPORTS OF THE CATHEDRAL SQUARE COMPLETION SUBCOMMITTEE
MEETING OF 4 JUNE 2004**

Resolved: That the Subcommittee's report be received.

MEETING OF 22 JUNE 2004

Resolved: That the Subcommittee's report be received.

**19. REPORTS OF THE BURWOOD/PEGASUS COMMUNITY BOARD
MEETING OF 17 MAY 2004**

Resolved: That the Board's report be adopted.

MEETING OF 31 MAY 2004

Resolved: That the Board's report be received.

**20. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD
OF 8 JUNE 2004**

Resolved: That the Board's report be adopted.

**21. REPORTS OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD
MEETING OF 26 MAY 2004**

Resolved: That the Board's report be received.

MEETING OF 31 MAY 2004

Resolved: That the Board's report be adopted.

(4.45pm Councillor James returned)

**22. REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD
OF 31 MAY 2004**

Resolved: That the Board's report be adopted.

**23. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD
OF 9 JUNE 2004**

Resolved: That the Board's report be adopted.

**24. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD
OF 18 MAY 2004**

Resolved: That the Board's report be received.

25. NOTICES OF MOTION

(1) Use of Property at 58 Laurence Street, and Adjoining Land at Aldwins Road

Adopted.

(2) Notice of Motion to Rescind Previous Council Resolution Regarding St Albans Educare Preschool

This clause was held over to a later stage of the meeting.

26. REPORT OF THE PROSTITUTION REFORM ACT SUBCOMMITTEE OF 23 JUNE 2004

Moved: That the report and recommendations of the Subcommittee be adopted.

Councillor O'Rourke moved by way of amendment "*That the Council invite comments on a proposed amendment to the boundaries of the scheduled areas where brothels are permitted, to delete the entire northern area shown shaded on the plan attached to the draft bylaw*". The amendment was seconded by Councillor Crighton and when put to the meeting was declared **lost** on division no 6 by 13 votes to 12, the voting being as follows:

Against (13): Councillors Anderton, Austin, Broughton, Corbett, Ganda, James, Keast, Stonhill, Wells, Williams, Wright, the Mayor and the Mayor's casting vote.

For (12): Councillors Alpers, Buck, Condon, Cox, Crighton, C Evans, Harrow, O'Rourke, Rutland, Sheriff, Stewart and Withers.

(6.10pm Councillor Cox retired)

Councillor Broughton moved by way of further amendment "*That the provision in the Bylaw for small owner occupier brothels within Living Zones be deleted*". The amendment was seconded by Councillor Sheriff and when put to the meeting was declared **carried** on division no 7 by 14 votes to 9, the voting being as follows:

For (14): Councillors Alpers, Broughton, Buck, Condon, Crighton, C Evans, Ganda, Harrow, O'Rourke, Rutland, Sheriff, Stewart, Withers and Wright.

Against (9): Councillors Anderton, Austin, Corbett, James, Keast, Stonhill, Wells, Williams and the Mayor.

Councillor Wells moved by way of further amendment "*That the Environmental Services Manager report quarterly to the Regulatory and Consents Committee on the monitoring and enforcement of the bylaw*". The amendment was seconded by Councillor Carole Evans and when put to the meeting was declared **carried**.

Councillor Sheriff moved by way of further amendment "*That the General Manager Regulation and Democracy Services report to the Council on ways and means of removing prostitutes from the streets of the city*". The amendment was seconded by Councillor Carole Evans and when put to the meeting was declared **lost** on division no 8 by 10 votes to 12, the voting being as follows:

Against (12): Councillors Alpers, Anderton, Austin, Buck, Corbett, Ganda, James, Keast, Stonhill, Wells, Williams and the Mayor.

For (10): Councillors Broughton, Condon, Crighton, C Evans, Harrow, Rutland, Sheriff, Stewart, Withers and Wright.

Abstain (1): Councillor O'Rourke.

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It was **resolved** further:

1. That the references in the Subcommittee's report to the premises at 15A Thackers Quay as "Furotica" be corrected to "Furgirls".
2. That the draft Christchurch City Brothels (Location and Signage) Bylaw 2004 as outlined in Attachment 1 to the report of the Prostitution Reform Act Subcommittee's report of 23 June 2004 be adopted, subject to:
 - (a) The definition of "brothel" as it appears in clause 2 being changed to:
"Brothel" has the same meaning as in Section 4(1) of the Prostitution Reform Act 20003."
 - (b) The definitions of "District Plan", "prostitution" and "sex worker" as they appear in clause 2 being deleted.
 - (c) The explanatory note at the end of the draft being deleted.

(The foregoing resolution was adopted in substitution for recommendations 8 and 9 made by the Subcommittee, relating to the recommended amendments to the draft bylaw.)
3. That the Council record its appreciation for the work on this issue undertaken by the Subcommittee and Council officers.

(Note: Councillor Megan Evans declared an interest in this report, and retired from the discussion and voting thereon.)

Report adopted as amended.

(7.44pm Councillor Broughton retired)

27. RESOLUTION TO EXCLUDE THE PUBLIC

It was **resolved** that the resolution to exclude the public set out on pages 143 and 144 of the agenda be adopted, subject to inclusion of additional references to the report of the Land Transport Subcommittee meeting of 29 June 2004 regarding the western Belfast bypass update, and the report of the General Manager Regulation and Democracy Services regarding the application for a judicial review regarding the election review process, such reports to be considered with the public excluded pursuant to sections 7(2)(i) (Conduct of Negotiations) and 7(2)(g) (Maintenance of Legal Professional Privilege) of the Local Government Official Information and Meetings Act 1987.

CONFIRMED THIS 29TH DAY OF JULY 2004

MAYOR