



**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 2PM ON THURSDAY 26 FEBRUARY 2004**

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

APOLOGIES: Apologies for lateness were received from Councillors Oscar Alpers, Lesley Keast, Paddy Austin and Graham Condon, who arrived at 2.08pm, 2.10pm, 2.20pm and 2.55pm, respectively.
An apology for absence was received and accepted from Councillor David Cox.

1. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 11 DECEMBER 2003

Resolved: That the open and public excluded minutes of the Council meeting held on Thursday 11 December 2003 be confirmed.

COUNCIL MEETING OF 19 DECEMBER 2003

Resolved: That the open and public excluded minutes of the Council meeting held on Friday 19 December 2003 be confirmed.

(2.08pm Councillor Alpers arrived)
(2.10pm Councillor Keast arrived)
(2.20pm Councillor Austin arrived)

2. DEPUTATIONS BY APPOINTMENT

Derek Anderson and Philip Carter made submissions on behalf of the Cathedral Square Stakeholders' Committee, seeking reconsideration of the recommendations contained in clauses 5 and 6 of the Sustainable Transport and Utilities Committee's report of 10 February 2004, relating to Cathedral Square.

It was **resolved** that the submissions be considered in conjunction with clauses 5 and 6 of the Sustainable Transport and Utilities Committee's report.

**3. REPORT OF SUSTAINABLE TRANSPORT AND UTILITIES COMMITTEE
OF 10 FEBRUARY 2004**

- (5) Cathedral Square Redevelopment - Stage 5**
- (6) Cathedral Square: Amendments to Traffic and Parking Bylaw**

Following the deputation, consideration was given to clauses 5 and 6 of the report of the Sustainable Transport and Utilities Committee of 10 February 2004.

It was **resolved** that these two clauses both be deferred, to allow further discussions to be held with the Cathedral Square Stakeholders' Committee and other submitters and the Mayoral Forum, for report back to the Council in due course.

4. PRESENTATION OF PETITIONS

Councillor Crighton tabled a petition presented by the Merivale Precinct Society, seeking the retention of Leinster House.

It was **resolved** that the petition be referred to the Arts, Culture and Heritage Committee.

(2.55pm Councillor Condon arrived)

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 by Chair of Strategy and Finance Committee on Banks Peninsula reorganisation proposal.
- Report of reconvened meeting of the Regulatory and Consents Committee regarding proposed liquor ban in Colombo Street south.
- Amended Notices of Motion.
- Supplementary report by General Manager Regulation and Democracy Services for Prostitution Reform Act Subcommittee.
- Report of the Prostitution Reform Act Subcommittee of 26 February 2004.
- Public excluded report by the Arts, Culture and Heritage Committee regarding Leinster House.

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 essential that the items concerned 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 16 FEBRUARY 2004

Moved: That the Committee's report be adopted.

(2) Development Contributions Policy – Central City Housing Remission

It was **resolved** that the following revised central city housing remissions policy be approved for inclusion in the draft Development Contributions Policy, which is to be included in the draft 2004/07 Long Term Council Community Plan:

“Credit, remission, postponement or refund of development contributions for open space and recreation (up to 50% with respect to elderly persons’ housing, up to 25% with respect to central city housing and heritage retention, up to 5% with respect to the provision of artworks in public places and up to 20% in all other circumstances, to a combined total of 50%) will therefore be given on a case-by-case basis at the request of the applicant in the following circumstances:

(j) Central City Housing

- *where the residential unit development is undertaken as part of, or in conjunction with, business subdivision and development in the Central City zone or Central City Edge zone and where at least the ground floor is in commercial use.”*

(3) Foreshore and Seabed Issue

It was **resolved** that the Committee's recommendation be adopted, subject to the deletion of the words “if time permits” in recommendation 3 (the intention of this amendment being that the submissions on the Bill required the approval of the Council, even if it proved necessary to hold an extraordinary Council meeting for this purpose).

(4) Six Monthly Review of Financial Plan and Programme Implementation

Adopted.

Following an oral report by the Mayor, it was further **resolved**:

1. That the Christchurch City Council make a grant of \$100,000 to the relief fund set up by councils in the Manawatu Region to assist with the restoration of essential services and the repair of damage caused by the recent flooding in the Manawatu.
2. That the Chief Executive Officer be authorised to provide any associated staffing support which might be required to assist with the restoration of essential services.

(Note: Councillors Broughton and Wells recorded their votes against the adoption of the recommendation made by the Committee that budget provision be made for \$307,000 to facilitate the agreed level of assistance from the Canterbury Economic Development Fund.)

(5) Resignation of Councillor Erin Baker

Committee Recommendation

1. *That the Council resolve, pursuant to section 117(3)(a) of the Local Electoral Act 2001, that the vacancy created by the resignation of Ms Erin Baker be filled by the appointment of Mrs Linda Rutland.*
2. *That for the purpose of section 118(1)(b) of the Local Electoral Act 2001 the criteria by which Mrs Rutland was selected for appointment are that she has served for six years as a member of the Hagley/Ferrymead Community Board and that she is well aware of local ward issues.*
3. *That the Council give public notice of the above resolution.*

Councillor Stewart moved by way of amendment "That the Council resolve pursuant to section 117(3)(b) of the Local Electoral Act 2001 to leave unfilled the extraordinary vacancy created by the resignation of Erin Baker, and that the Chief Executive Officer immediately give public notice of that decision". The amendment was seconded by Councillor Sheriff and when put to the meeting was declared **lost** on division no 1 by 10 votes to 13, the voting being as follows:

Against (13): Councillors Anderton, Austin, Buck, Condon, Crighton, M Evans, Ganda, James, Keast, O'Rourke, Sheriff, Stonhill and Williams.

For (10): Councillors Alpers, Broughton, Corbett, C Evans, Harrow, Stewart, Wells, Withers, Wright and the Mayor.

Councillor Withers then moved by way of further amendment:

1. *That the Council resolve, pursuant to section 117(3)(a) of the Local Electoral Act 2001 that the vacancy created by the resignation of Ms Erin Baker be filled by appointment.*
2. *That the Council appoint a Subcommittee to identify a preferred appointee and report back to the 25 March 2004 Council meeting, setting out the criteria by which the proposed appointee was selected by the Subcommittee."*

The further amendment was seconded by Councillor Wright and when put to the meeting was declared **lost** on division no 2 by 10 votes to 13, the voting being as follows:

Against (13): Councillors Anderton, Austin, Buck, Condon, Crighton, M Evans, Ganda, James, Keast, O'Rourke, Stonhill, Williams and the Mayor.

For (10): Councillors Alpers, Broughton, Corbett, C Evans, Harrow, Sheriff, Stewart, Wells, Withers and Wright.

The recommendation made by the Committee was then adopted on division no 3 by 13 votes to 10, the voting being as follows:

For (13): Councillors Alpers, Anderton, Austin, Buck, Condon, Crighton, Ganda, James, Keast, O'Rourke, Stonhill, Wells and Williams.

Against (10): Councillors Broughton, Corbett, C Evans, M Evans, Harrow, Sheriff, Stewart, Withers, Wright and the Mayor.

It was further **resolved** that the proposed appointment of Linda Rutland be submitted to the 18 March 2004 Council meeting for confirmation.

(6) Local Government Act 2002: Effect on Charitable Trusts of Canterbury Development Corporation (CDC) and Christchurch and Canterbury Marketing Limited (CCM)

Adopted, subject to clause 3 of the recommendation being amended to refer to Councillor James continuing as the Council's appointed representative on the CDC Charitable Trust and the Destination Christchurch Charitable Trust.

Report adopted as amended.

8. SUPPLEMENTARY REPORT BY THE CHAIR OF THE STRATEGY AND FINANCE COMMITTEE REGARDING BANKS PENINSULA REORGANISATION

Moved: That the Chair's report be adopted.

Councillor Broughton moved by way of amendment *"That recommendations 2 and 3 be amended to provide:*

2. *That an initial Council seminar be held before the end of March to consider this issue, and the Christchurch City Council's response to the Local Government Commission.*
3. *That a joint Christchurch City Council/Banks Peninsula District Council seminar be held prior to 10 April, to consider this issue."*

The amendment was seconded by Councillor Stewart and when put to the meeting was declared **lost**.

It was then **resolved**:

1. That a Banks Peninsula Reorganisation Subcommittee comprising the Mayor and Councillors Alister James and Ron Wright be appointed by the Council to work with officers in developing a draft paper in response to the Local Government Commission's request for comments by the Council by 30 April 2004.
2. That a Council seminar be held before the Council meeting on 22 April 2004 to consider the draft response.

Report adopted.

**9. REPORT OF THE REGULATORY AND CONSENTS COMMITTEE OF 11 FEBRUARY 2004
REPORT OF RECONVENED MEETING OF REGULATORY AND CONSENTS COMMITTEE OF
23 FEBRUARY 2004**

These two reports were taken together.

Moved: That the Committee's reports be adopted.

(7) Council Response to Department of Internal Affairs Consultation Paper on Possible Gaming Regulations (Meeting of 11 February 2004)

Recommendation 2 was adopted without amendment. In respect of recommendation 1, it was noted that the Department of Internal Affairs had refused an extension of time for the lodging of the Council's submission.

It was therefore **resolved** that the Council advise the Department of Internal Affairs that it would not be making a submission by the deadline of 27 February 2004, but that it would be making a submission after the Council had finalised its Gaming Venue Policy in March 2004.

Reports adopted as amended.

(Note:

1. Councillor Megan Evans declared an interest in clause 2 of the Committee's report of 11 February and clause 1 of the report of the reconvened meeting of 23 February, relating to the existing and proposed liquor ban.
2. Councillor Corbett declared an interest in clause 7 of the Committee's report of 11 February, and retired from the discussion and voting thereon.
3. Councillor Broughton recorded her vote against the adoption of clause 6 of the Committee's report of 11 February, dealing with the Awatea variation.)

10. REPORT OF THE PROSTITUTION REFORM ACT SUBCOMMITTEE OF 16 FEBRUARY 2004

Moved: That the Subcommittee's report be adopted.

(1) Introduction of Brothels (Location and Signage) Bylaw

Subcommittee Recommendation

That the Council resolve:

1. *That the draft bylaw contained in the attached statement of proposal is the most appropriate form of bylaw for addressing the perceived problems that the Prostitution Reform Act 2003 is likely to create if the location of brothels and signage advertising commercial sexual services is not controlled.*
2. *That it is satisfied that such a bylaw is necessary in terms of section 12(2)(a) of the Prostitution Reform Act 2003.*
3. *To adopt the statement of proposal and the summary of information attached to this report.*
4. *That the statement of proposal be made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.*
5. *That public notice of the proposal be given in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 3 March 2004.*
6. *That the summary of information be distributed by way of publication (together with the public notice of the proposal) in 'The Press' and in the 'Christchurch Star' newspapers and on the Council's website on Wednesday 3 March 2004.*
7. *That the period within which written submissions on the proposal may be made to the Council be between Wednesday 3 March 2004 and Friday 16 April 2004.*
8. *That officers further investigate issues around the scheduling of existing massage parlour operators and prepare a supplementary report advising the Council of these issues on 26 February 2004.*
9. *That the solicitor provide a rationale to the Subcommittee for clause 5(3)(a)(ii) of the proposed Christchurch City Brothels (Location and Signage) Bylaw 2004.*

Councillor O'Rourke moved by way of amendment "That the central city areas in which it is proposed to permit the operation of brothels be amended by deleting the entire northern area bounded by Victoria Street, Durham Street, Gloucester Street, Madras Street, Oxford Terrace, Manchester Street and Salisbury Street". The amendment was seconded by Councillor Carole Evans and when put to the meeting was declared **lost** on division no 4 by 7 votes to 13, the voting being as follows:

- Against (13):** Councillors Anderton, Austin, Broughton, Condon, Corbett, Ganda, James, Keast, Stonhill, Wells, Williams, Withers and the Mayor.
- For (7):** Councillors Buck, C Evans, Harrow, O'Rourke, Sheriff, Stewart and Wright.
- Abstain:** Councillors Alpers.

The recommendations made by the Subcommittee were then adopted without amendment.

Report adopted as amended.

(Note: Councillors Anna Crighton and Megan Evans declared an interest in the Subcommittee's report, and retired from the discussion and voting thereon.)

11. SUPPLEMENTARY REPORT BY THE GENERAL MANAGER REGULATION AND DEMOCRACY SERVICES FOR THE PROSTITUTION REFORM ACT SUBCOMMITTEE

It was **resolved** that the report be received.

12. REPORT OF THE PROSTITUTION REFORM ACT SUBCOMMITTEE OF 26 FEBRUARY 2004

Moved: That the Subcommittee's report be adopted.

(1) Street Workers Liaison Group

It was **resolved** that the Subcommittee's recommendation be adopted, subject to the membership of the liaison group being expanded to include a representative of the Canterbury District Health Board.

Report adopted as amended.

(6.30pm the Mayor and Councillors Austin, Condon and Wells retired, following which the Deputy Mayor (Councillor Lesley Keast) assumed the chair.)

13. QEII PARK ICE STADIUM TRUST

Consideration was given to clause 1 of the Community and Leisure Committee's report of 18 February 2004, regarding the QEII Park Ice Stadium Trust.

It was **resolved** that the three recommendations made by the Committee be adopted.

14. REPORT OF THE PARKS, GARDENS AND WATERWAYS COMMITTEE OF 11 FEBRUARY 2004

Moved: That the Committee's report be adopted.

(1) Environmental Compensation Cashmere Worsleys Valley

The three recommendations made by the Committee were adopted without amendment.

It was **resolved** further, on the motion of Councillor Buck, seconded by Councillor Anderton that a report be prepared by the City Plan Team which clarifies both the purpose and methods of application of the present environmental compensation policy in the proposed City Plan, such report to be submitted to the Regulatory and Consents, Parks, Gardens and Waterways and Urban Planning and Growth Special Committees.

Report adopted as amended.

15. **REPORT OF THE ARTS, CULTURE AND HERITAGE COMMITTEE
OF 12 FEBRUARY 2004**

Resolved: That the Committee's report be adopted.

16. **REPORT OF THE ARTS, CULTURE AND HERITAGE COMMITTEE
OF 25 FEBRUARY 2004**

Resolved: That the Committee's report be received.

17. **REPORT OF THE COMMUNITY AND LEISURE COMMITTEE
OF 9 FEBRUARY 2004**

Moved: That the Committee's report be adopted.

(2) Upcoming Youth Related Conferences

Committee Recommendation

1. *That the Council approve the attendance of Councillor Megan Evans at the Third International Conference on Nightlife, Substance Use and Related Health Issues; Club Health 2004 to be held in Melbourne from 18–20 April 2004.*
2. *That the Council approve the attendance of Councillors Megan Evans and Graham Condon at the Youth in Local Government to be held in Dunedin from 4-7 July 2004.*

Recommendation 1 was adopted without amendment. Councillor Condon advised that he was no longer available to attend the Youth in Local Government Conference to be held in Dunedin, referred to in recommendation 2. Councillor Carole Evans then moved by way of amendment "That the Fendalton/Waimairi Community Board and the Hagley/Ferrymead Community Board be encouraged to consider approving the attendance of George Hampton and/or Yani Johanson, respectively, at the Youth in Local Government Conference". The amendment was seconded by Councillor Sheriff and when put to the meeting was declared **carried** on division no 5 by 11 votes to 7, the voting being as follows:

For (11): Councillors Buck, C Evans, M Evans, Ganda, Harrow, James, Sheriff, Stewart, Williams, Wright and the Mayor.

Against (7): Councillors Alpers, Anderton, Corbett, Crighton, O'Rourke, Stonhill and Withers.

Abstain: Councillors Austin and Wells.

Recommendation 2 made by the Committee was then adopted, subject to the deletion of the reference to Councillor Condon, and the addition of the foregoing amendment.

(6) Community Funding

Committee Resolution

1. *That \$5,000 be provided for a violence free Christchurch campaign.*
2. *That \$20,000 be provided to support the Safer Christchurch violence free initiative.*
3. *That the source of funding be the Metropolitan Community Discretionary Fund but that the Council be asked to find another source of funding for the allocation of these grants.*

It was **resolved** that this item be transferred to Part A of the Committee's report.

Councillor Ganda moved by way of amendment "That the funding of \$20,000 to support the Safer Christchurch Violence Free initiative be provided from the Council's contingency fund". The amendment was seconded by Councillor James and when put to the meeting was declared **lost** on division no 6 by 6 votes to 13, the voting being as follows:

- Against (13):** Councillors Alpers, Buck, Corbett, Crighton, C Evans, M Evans, Harrow, Sheriff, Stewart, Wells, Williams, Withers and Wright.
- For (6):** Councillors Anderton, Austin, Ganda, James, Keast and Stonhill.
- Abstain:** Councillor O'Rourke.

Report adopted as amended.

(Note: Councillor Withers retired from clause 7.2 of the Committee's report, and took no part in the discussion or voting thereon.)

(7.30pm Councillor Broughton retired)
(7.31pm Councillor Austin returned)

**18. REPORT OF THE COMMUNITY AND LEISURE COMMITTEE
OF 18 FEBRUARY 2004**

Moved: That the Committee's report be adopted.

(1) QEII Park Ice Stadium Trust

This clause was dealt with earlier in the meeting.

(3) Suburban Pools – Extra Costs of Operating for 2004/05 Season

It was **resolved** that this clause be referred back to the Committee for further consideration, and report back to the Council.

Report adopted as amended.

**19. REPORT OF THE PROPERTY AND MAJOR PROJECTS COMMITTEE
OF 30 JANUARY 2004**

Resolved: That the Committee's report be adopted.

(7.50pm Councillor Anderton retired)

**20. REPORT OF THE SUSTAINABLE TRANSPORT AND UTILITIES COMMITTEE
OF 10 FEBRUARY 2004**

Moved: That the Committee's report be adopted.

(4) City Mall - Public Artworks Team

Recommendation 1 was adopted without amendment. It was **resolved** that recommendation 2 be held over for a month, for report back to the Council.

(5) Cathedral Square Redevelopment - Stage 5

(6) Cathedral Square: Amendments to Traffic and Parking Bylaw

Dealt with earlier in the meeting.

(7) Requests for Information (RFI) No 03/04-58 Options to Meet a Range of Christchurch City Council Solid Waste Stream Services and Objectives

It was **resolved** that the Committee's recommendations be adopted, subject to recommendation 2 being amended to require the final report to be submitted to the Committee by July 2004, and recommendation 3 being altered to refer to the final report, rather than the July report.

(11) Cycle Strategy Proposed Update Process

It was **resolved** that the seminar proposed to be held on Thursday 24 June 2004 be a paid seminar for all Councillors and all Community Board members.

(14) CWTP Ocean Outfall Pipeline: Water Quality and Beach Standards

It was **resolved** that the half day seminar proposed for Thursday 22 July 2004 be a paid Council seminar, for all Councillors.

Report adopted as amended.

(Note: Councillors Buck, O'Rourke, Stewart and Wright retired from clause 7 of the Committee's report, and took no part in the discussion or voting thereon.)

**21. REPORT OF THE CANTERBURY WASTE SUBCOMMITTEE
OF 8 DECEMBER 2003**

Resolved: That the Subcommittee's report be received.

**22. REPORT OF THE CENTRAL CITY STREETS SUBCOMMITTEE
OF 15 DECEMBER 2003**

Resolved: That the Subcommittee's report be received.

**23. REPORTS OF THE BURWOOD/PEGASUS COMMUNITY BOARD
MEETING OF 3 DECEMBER 2003**

Resolved: That the Board's report be received.

MEETING OF 26 JANUARY 2004

Resolved: That the Board's report be received.

**24. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD
OF 3 FEBRUARY 2004**

Moved: That the Board's report be received.

(1.1) Harkness Place Residents

Councillor Buck stated that information had come to hand since the Board meeting which could lead to clause 3 of the Board's resolution relating to land information memoranda being rescinded. The General Manager Regulation and Democracy Services also advised that he would be arranging for a report to be submitted to the Board regarding the Council's existing policy regarding footpath resurfacing, and the earlier review of such policy which had been carried out approximately two years previously.

Report received.

(8.30pm It was **resolved** that the present meeting continue until 9pm.)

**25. REPORTS OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD
MEETING OF 4 FEBRUARY 2004**

Resolved: That the Board's report be adopted.

MEETING OF 10 FEBRUARY 2004

Resolved: That the Board's report be received.

**26. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD
OF 4 FEBRUARY 2004**

Resolved: That the Board's report be adopted.

**27. REPORTS OF THE SHIRLEY/PAPANUI COMMUNITY BOARD
MEETING OF 2 FEBRUARY 2004**

Resolved: That the Board's report be received.

MEETING OF 4 FEBRUARY 2004

Resolved: That the Board's report be adopted.

**28. REPORTS OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD
MEETING OF 2 DECEMBER 2003**

Resolved: That the Board's report be received.

MEETING OF 27 JANUARY 2004

Resolved: That the Board's report be received.

MEETING OF 3 FEBRUARY 2004

Resolved: That the Board's report be received.

MEETING OF 10 FEBRUARY 2004

Resolved: That the Board's report be received.

29. NOTICES OF MOTION

**(1) Confirmation of Proceedings to Make the Christchurch City Traffic and Parking
Amendment Bylaw 2003**

Adopted.

(2) Speaking Rights: Variations to Proposed City Plan

It was **resolved:**

1. That the Council ask staff to report to the Regulatory and Consents Committee with a review of the Council's 1990 policy that speaking rights not be granted by any community board, committee or council meeting when the matter for consideration is a report which includes a draft of a proposed variation or plan change which is being considered for formal recommendation to or adoption by the Council.
2. That the Stoneyhurst Hotel variation be deferred until the Council has completed its review of the 1990 policy.

(Note: Councillors Corbett and Harrow recorded their votes against the deferment of the Stoneyhurst Hotel variation.)

**(3) Confirmation of Proceedings to Make the Christchurch City Dog Control Amendment
Bylaw 2003**

Adopted.

30. QUESTIONS

Food Premises

Councillor Alister James asked the following question of Councillor Sue Wells:

“Given that the Christchurch City Council has an officer practice rather than a Council policy on the issue of public disclosure or lack thereof, of food premises which are subject to closure action and given recent public debate on the issue and the Manukau City Council policy for disclosure, will she request officers to report to the Regulatory and Consents Committee at the earliest opportunity, so the Council can develop a policy on the issue?”

In reply, Councillor Wells advised that she would request officers to report to the Regulatory and Consents Committee on this issue, at the earliest opportunity.

31. RESOLUTION TO EXCLUDE THE PUBLIC

It was **resolved** that the resolution to exclude the public set out on page 291 of the agenda be adopted.

CONFIRMED THIS 25TH DAY OF MARCH 2004

MAYOR