



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 1 DECEMBER 2005

AT 9.30AM

IN THE COUNCIL CHAMBER, CIVIC OFFICES

Council: The Mayor, Garry Moore (Chairperson).
Councillors Helen Broughton, Sally Buck, Graham Condon, Barry Corbett, David Cox,
Anna Crighton, Carole Evans, Pat Harrow, Bob Shearing, Gail Sheriff, Sue Wells and Norm Withers.

DESCRIPTION

APOLOGIES

CONFIRMATION OF MINUTES - COUNCIL MEETING OF 24.11.2005

DEPUTATIONS BY APPOINTMENT

PRESENTATION OF PETITIONS

CORRESPONDENCE

REVIEW OF POLICIES RELATED TO THE UNDERGROUNDING OF OVERHEAD WIRING

PROPOSED NATIONAL ENVIRONMENTAL STANDARD ON DRINKING WATER SOURCES

PRIVATE LANE REFUSE AND RECYCLING POLICY

REVIEW OF THE CHRISTCHURCH PUBLIC PASSENGER TRANSPORT STRATEGY

LAND TRANSPORT AUTHORITY PROGRAMME: APPLICATION FOR POLICE HOURS

DOG CONTROL POLICY AND PRACTICES

COUNCIL DECISION-MAKING - AUDITOR-GENERAL'S LETTER

ADOPTION OF SCHEDULE OF ORDINARY COUNCIL MEETINGS AND SEMINARS

**REPORT OF THE CHRISTCHURCH CITY COUNCIL/BANKS PENINSULA DISTRICT COUNCIL
TRANSITIONAL JOINT COMMITTEE - MEETING OF 17 OCTOBER 2005**

**REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD -
MEETING OF 2 NOVEMBER 2005**

**REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD -
MEETING OF 14 NOVEMBER 2005**

**REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD -
MEETING OF 26 OCTOBER 2005**

**REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD -
MEETING OF 26 OCTOBER 2005**

DESCRIPTION

**REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD -
MEETING OF 2 NOVEMBER 2005**

**REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD -
MEETING OF 1 NOVEMBER 2005**

NOTICES OF MOTION

QUESTIONS

RESOLUTION TO EXCLUDE THE PUBLIC

1. **APOLOGIES**
2. **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 24.11.2005**
Attached.
3. **DEPUTATIONS BY APPOINTMENT**
4. **PRESENTATION OF PETITIONS**
5. **CORRESPONDENCE**

6. REVIEW OF POLICIES RELATED TO THE UNDERGROUNDING OF OVERHEAD WIRING

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport & City Streets Manager
Author:	Alix Newman, Capital Programme Team Leader, DDI 941-8472

PURPOSE OF REPORT

1. The purpose of this report is to review the Council's current policies and practices relating to the undergrounding of overhead wiring and seek Council approval to rescind ineffective and inappropriate policies, and clarify effective and functional policies.

EXECUTIVE SUMMARY

2. There are approximately 880km of overhead wires in the city which could potentially be undergrounded. These wires are owned by Orion, Telecom and TelstraClear. The Council does not own any wiring, nor the poles upon which the wiring is supported.
3. Historically, both the Council and the public have indicated they would like to see wiring undergrounded. The visual amenity of wiring removal and safety benefits of pole removal are clear. However, the costs of undergrounding raises questions about whether it is in the best interests of the Council to actually undertake it.
4. The Council has a range of policies relating to undergrounding. They include requirements for undergrounding of new subdivisions; setting timetables for undergrounding of the city; establishing a cost share policy; and policies that relate directly and indirectly to selecting the streets for undergrounding. Current budgets are inadequate to meet the timelines of one policy recommending fully undergrounded city by 2033, and the residents' cost share policy is of limited credibility in the current local government environment. In addition, there are a range of significant problems in trying to implement the 50/50 cost share policy that makes it a significant drain on the Council, and residents' resources, introduces risk into budget setting processes, and creates a source of ill will between both parties.
5. A number of alternative methods of funding for undergrounding have been considered, including use of Orion dividends, rent for poles space, use of Council operational or capital budgets and residents' contribution. If the Council continues to underground, the most practical mechanisms to pay for undergrounding are the use of the Council's operational budget, or development of a properly established residents' contribution process. All other mechanisms explored are either inappropriate under Council practices and procedures, or will ultimately impact on the operational budget.
6. Considering these two funding mechanisms, the most realistic options for an undergrounding programme relate to setting a relatively small programme so that the Council's rates impact is kept low. Further, despite being a funding option, the use of a residents' contribution programme is not recommended, as it carries inherent difficulties, including an element of compulsory participation.
7. There are currently three operative processes through which streets are selected for undergrounding. The Transport & City Streets Unit has a process for selecting arterial and collector roads, based primarily on safety requirements. The Urban Design team selects roads that are part of Neighbourhood Plans, and residents self-select streets by an ability to pay for their share of undergrounding. A further policy for undergrounding narrow streets is due to be set and then implemented in 2006/07.
8. Other than some clarity and transparency issues related to the two former processes, and a clear need to develop the latter narrow streets policy, there do not seem to be any overriding requirements for a detailed review of them. The residents' street selection will drop out of the equation if a residents' contribution policy is specifically not developed.

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The Council considered this report on 17 November 2005, after receiving a deputation from Mr Donaldson of the Hamilton Avenue/Chilcombe Street Action Group (HACSAG). In order to further consider the following points raised by the deputation, and subsequent questions by Council, this report was delayed until 1 December 2005. The deputation's and the Council's points were:

1. *Clarify the actions resulting from the 1993 policy.*
2. *Evaluate the underground funding option known as Option 5 by the deputation.*
3. *Provide more detail in relation to the setting of a residents' contribution/targeted rate.*
4. *Identify an appropriate way to handle those streets that have already asked about the 50/50 cost share policy at the time of this report.*

Further explanatory comments from officers relate to:

5. *Impacts on Orion, Telecom and TelstraClear from changes to the undergrounding programme.*
6. *Other funding sources.*

All comments in relation to the above points are added to the original report in italics. All text from the original report is unchanged.

FINANCIAL AND LEGAL CONSIDERATIONS

9. The recommended policy actions in this paper are cost and rates neutral and therefore have no financial implications.
10. The recommended policy actions in this paper will remove two Council policies that could have legal implications for the Council if they remain in place. Legal implications could arise from the Council not acting in accordance with its policies. Their rescinding has no legal implications. Funding of undergrounding is a matter for the Council, so rescinding the 2000 policy, which allows cost sharing with the residents as a means of funding the undergrounding, will not affect the fact of undergrounding continuing, as decided on by the Council. The 1993 policy referring to the 40 year timeline does not provide the basis for any of the Council's other undergrounding policies, and its rescission will not affect any undergrounding carried out by the Council.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Rescind the 1993 policy that refers to the strong statement to be included in the City Plan that all city streets to be undergrounded within 40 years (by 2033).
- (b) Maintain the current level of expenditure (approximately \$1.6M pa) on undergrounding until the arterial/collector programme is complete (approximately five years). Subsequent expenditure levels will be determined on policy reviews at that time. (Note: If the expenditure is less, it will potentially free up operating funds).
- (c) Rescind the 2000 policy allowing cost sharing with the residents.
- (d) Does not establish a residents' contribution policy for undergrounding.
- (e) Requests officers to refine and clarify the Council's policies in relation to undergrounding on the basis of safety and tourist routes (arterials and collectors), and amenity improvements, including narrow streets, for adoption by the Council before the commencement of the 2006/07 financial year.

BACKGROUND ON POLICIES RELATED TO THE UNDERGROUNDING OF OVERHEAD WIRING

INTRODUCTION

11. The Christchurch City Council has several policies relating to the undergrounding of overhead wires. There is now some confusion caused by separate policies relating to the same activity, and also a number of issues and difficulties that have arisen in complying with these policies.
12. Three issues in particular are currently raising concern. First, current budget allocations are not sufficient to meet a 1993 policy target of undergrounding all services by 2033. Second, the policy relating to cost-sharing with residents is proving difficult to implement, is placing unexpected pressure on the undergrounding budget, and there is pressure from residents to change it. Third, other Council policies related to undergrounding do not seem clear and transparent to the community and add to the confusion related to their implementation.
13. The Council has therefore requested a review of all policies relating to the undergrounding of overhead services, and the recommendation for a subsequent course of action.

UNDERGROUNDING INFORMATION

14. Of the 1350km of urban streets in Christchurch, there are approximately 880km where overhead wires remain, including 65km of urban streets on hills. These streets are in the older parts of the city. Wires have been laid underground in areas developed since the mid 1960's. Current funding levels permit approximately 2.25km of overhead wires to be undergrounded each year.
15. The Council does not own any wiring. The Council does own streetlighting poles where wiring is already underground. Generally, the poles on one side of the street are owned by Orion and on the other side by Telecom. Telstra Clear attaches its cables to existing poles. Streetlights on all poles are owned by the Council.
16. The Council undergrounds overhead wiring for two primary purposes: safety – whereby wiring poles are removed from the immediate roadside on arterials and collectors; and amenity – whereby streets in Special Amenity or Neighbourhood Plan areas use undergrounding as an enhancement mechanism. Occasionally other undergrounding happens on local roads as a result of the current cost share policy. All undergrounding occurs immediately preceding street reconstruction

CURRENT CCC POLICIES

17. The Christchurch City Council has a number of current policies relating to undergrounding of overhead wires. The policies that directly impact on the Council undergrounding activities are as follows:

Undergrounding of Overhead Services - adopted 14 December 1993

18. This policy states:
 1. *That a strong statement is included in the City Plan and Strategic Plan that all services are undergrounded within 40 years.*
 2. *That the Council has discussion with the Board of Southpower (now known as Orion) on how this may be achieved.*
 3. *That the Council set policy that all Cable TV cables within the city be undergrounded.*

Explanatory point 1:

There is no indication that such a statement was inserted into the 1994/95 Annual Plan, nor the City Plan, which was under development at the time, nor any subsequent plan documents. At the time of the policy, Southpower was fully responsible for undergrounding in the city (albeit in discussion with CCC). It was not possible under the Resource Management Act 1991 to require network operators to underground existing services, hence the policy statement could not be included in the plans, nor given effect to.

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Discussions with Southpower were ongoing in relation to undergrounding for a number of years, and resulted in control of the undergrounding programme moving to the CCC in 1996.

The City Plan can and does require (Vol 3, Part 9, Clauses 4.4.1 and 4.4.2) that wires be undergrounded in all new subdivisions. This provision has existed since 1963, in the succession of planning documents and for this reason new subdivisions since then have services undergrounded. In 2000 a Variation was made to the City Plan primarily relating to the attachment of transmission lines to existing support structures.

Revoking the "40 year" policy has no implications for the city plan.

Cost Sharing Undergrounding of Services - adopted 23 November 2000

19. This policy states:

That where residents request to have their overhead services undergrounded in association with kerb and channel/street reconstruction work (outside the existing programme) on the basis that they will collectively meet part of the costs, then the Council will do so only on a 50% cost sharing basis provided that:

- 1. The Council's share is budgeted in the financial year following the request and the work be programmed/reprogrammed for the same year; and*
- 2. Full payment of the residents' share is paid and received before the work commences.*

20. The practice of undergrounding arterial and collector roads during road reconstruction is not clearly expressed as a stand-alone policy, but has been adopted as common practice at least since the CCC took over undergrounding management from Southpower in 1995. Streets undergrounded for amenity purposes are chosen in accordance with Urban Renewal Policy. Narrow streets have been identified as a separate category for undergrounding commencing in 2006/07. Policy for selecting these streets has yet to be written.

COSTS AND BUDGET OF UNDERGROUNDING

21. The current (February 2005) cost to the Council of undergrounding, where there is no contribution from Telecom, is around \$750,000 per kilometre. There has been no recent undergrounding on the hills and therefore the costs of this are unknown, but will be higher.
22. Network companies (Orion, Telecom and TelstraClear) will only generally underground on their own initiative when it is in their commercial interest to do so. When the Council requires wires to be undergrounded in conjunction with street improvement works, Orion currently contributes 18% of the cost to reflect the betterment they receive. This proportion is established in a formal agreement between the two parties.
23. Telecom pay 50% if the undergrounding is for safety reasons or due to road widening and nothing if it is for amenity reasons. Costs are therefore higher for amenity undergrounding projects.
24. TelstraClear pays 100% of their costs in accordance with the deed agreed between Telstra Saturn and Council on 17 October 2000.
25. The Council pays the remaining 82% of Orion's conversion costs, the remaining amount of Telecom costs and the full cost of street light upgrading.
26. Because the wiring and poles are not a Council asset, undergrounding work is an operational expense. The Council gains no asset value increase from undergrounding, hence cannot spend capital on undergrounding. The costs associated with the new street lighting poles and lights are a capital expense, as the lighting is owned by the Council and is upgraded when undergrounding occurs. The proportion of capital to operational expenditure is approximately 10% to 90%.

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27. The Transport & City Streets Unit currently has a budget of approximately \$1.2m per year for undergrounding. This includes \$100,000 per annum set aside to fund the Council's share of the cost share scheme – this requirement was introduced in the 2001/02 Annual Plan. The Planning Strategy Unit has \$250,000 of operational funding for Urban Renewal Projects, most of this is spent on undergrounding. There is an additional \$200,000 per annum operational funding in the City Street's budget from 2006/07 for narrow streets.
28. The total operational budget available as from 2006/07 is therefore \$1,690,000 p.a. As the current cost of undergrounding is around \$750,000 per kilometre the budget is only sufficient to underground 2.25km per year. At this rate it will take around 380 years to underground the remaining overhead wires. This does not include any consideration of financial input from residents.

FUNDING OF UNDERGROUNDING

29. As indicated, 90% of Council undergrounding costs are met from the operational budget. If any changes to current rates of undergrounding are to be considered, mechanisms for funding need to be evaluated.
30. A number of options have been considered as additional or alternative funding streams for undergrounding. These are considered in detail in the undergrounding report prepared for the Council seminar. In summary, the issues considered are:
 - Lobbying central government for funding – this is not practical, given the likely timeframes and possibility of success.
 - Use of CCHL annual dividend (indirectly from Orion) – not practical as CCHL returns are effectively Council operational income.
 - Direction to Orion to underground – this compromises Orion's commercial independence, and would reduce Orion returns to CCHL.
 - Rates and rent from network companies – the Council cannot rate in excess of appropriate funding formulas.
 - Redirection of capital from kerb and channel – the Council cannot redirect capital sums of this magnitude as capital funds must apply to an increase in asset value. Further, this action would adversely affect the Council's asset renewal programme.

Explanatory point 2

The Council currently spends approximately \$15M of capital per year on the programme to renew approximately 21km of kerb and channel. The deputation proposed "Option 5" suggesting that this programme could be reduced by approximately one third (\$5M), and this money redirected to undergrounding all the streets that are to be renewed each year. The suggestion is that the capital funding be directly transferred to the operational budget and that the overall capital and operational total is unchanged.

There are several problems with this approach. First, the street renewal programme is paid for out of capital budget. Capital funding is sourced largely through borrowing, and to a lesser extent, through operational income. If the capital programme is reduced by a certain amount, it does not 'free up' a similar operational amount. Reducing the capital programme by \$5M will not free up \$5M to be available for operational funding. The reduction in capital budget reduces the operational budget by a much lower, but proportional amount. In addition, the kerb and channel renewal attracts LTNZ assistance and this reduction would result in the Council foregoing a further \$2M in revenue.

Second, the Council cannot directly transfer capital budget to operational projects. Capital expenditure needs to be applied to an asset so that the Council retains the improved value of the asset when the budget is spent. As overhead wiring is not owned by the Council, expenditure on undergrounding does not return any increase in asset value to the Council. The expenditure of capital on operational projects is not permitted under the funding/accounting rules to which the Council adheres.

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Third, the Council's street renewal programme is established to meet asset management and replacement targets, and is forecast into the future well beyond the 20 year end of the deep-dish street renewal programme. Reducing the capital programme for street renewals by a third will fail to meet the expected end date of the deep-dish renewal targets, extending the remaining 20 years of the street renewal programme by a further seven years. Beyond the current 20 year target, however, the kerb and channel renewal programme is intended to increase by approximately 50% over the following 20 years. Delaying the current programme for a further seven years, will effectively mean an increase of over 110% for the following 20 years. In other words, programming in such a delay now, will have extremely significant impacts on the asset management programme 20 years out and beyond. While some streets now "are in good enough condition to sustain a short increase in service life", such a delay in the programme will mean streets due for renewal in future years will most assuredly not be in good enough condition.

Further, through its current timing, the street renewal programme completes components of carriageway and footpath resurfacing programmes. Extending the street renewal programme to delay kerb and channel will not, however, delay the need for resurfacing and reconstructing carriageways or footpaths. As such, a delay of \$5M street renewal costs per year will require an additional expenditure of \$3M per year to maintain other asset levels of service. There would effectively only be a reduction of \$2M per year in capital expenditure. In addition, if this required \$3M of maintenance is not undertaken, the likely outcome is total failure of the asset, which will in-turn prove more expensive to rectify than the costs of ongoing, regular maintenance.

In conclusion, "Option 5" presented by the delegation on 17 November is not a practical option to provide undergrounding – it cannot be implemented as presented, nor is any variation of delaying kerb and channel an appropriate mechanism to deliver undergrounding. Further, attempting to implement it as presented would result in a net reduction in capital expenditure of only \$2M, and a foregone income of \$2M operational from reduced subsidy.

- Targeted rate for undergrounding – the setting of a special rate to build up a budget reserve for undergrounding would effectively be the same as increasing rates.
- Residents' contributions – are a possible revenue source for undergrounding, however setting an appropriate rate will require the policy to be set in the LTCCP and a formal process to be established prior to implementing.

Explanatory point 3.

The Council has the power to charge residents or service users for the provision of its services.

If the Council reviews the contributions from residents to undergrounding costs a specific process must be followed. Firstly, the Council needs to determine how much of the undergrounding cost should be recovered from residents. There is a specific process to ascertain how much of the benefit of the service goes to the residents, and how much goes to Council/ratepayers generally. It is not impossible that this process may determine that more than 50% of the cost should be recovered from residents.

Once the proportion to be recovered from residents is determined, the Council needs to determine how to recover that proportion. Two mechanisms are available:

- *Lump Sum/Set Fee: The Council may determine to recover the sum it has determined through a lump sum imposition on each property.*
- *Targeted Rate: The Council may choose to recover the undergrounding proportion from residents based on a targeted rate. A rate is levied to recover the per-property sum, usually over a number of years. The longer the rating period, the more complex the Council's job in recovery becomes (as properties get sold or subdivided, and the rate needs to be recalculated each year to accommodate inflationary increases). On the other hand, the shorter the rating period, the more financial impact the residents will feel in any one year.*

In setting a targeted rate or lump sum payment, the Council should first assess whether the residents in the street in question were prepared to accept the payment and mechanism. The Council would need to inform each property of the cost and process seek a signed agreement that the resident/owner. If any individual in a street does not agree, the Council would have the right to withdraw from the arrangement and not underground the street.

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The Council does have the power to impose targeted rates without agreement, but it is questionable how wise it would be to do this. An option is that the Council could set itself a target level of agreement (say 80% of residents must agree), before imposing a rate.

If the Council chooses to seek lump sums or targeted rates, the policy for their implementation needs to be included in the Council's Revenue and Finance Policy - note this is only the policy that must be included; it does not need to include the list of streets that may experience lump sums or targeted rate. This policy must be identified in the LTCCP.

Where the Council chooses to allocate a percentage of the costs to resident (rather than a fixed value), actual cost uncertainty for the residents will continue right up until the tender is let. In order to reduce this uncertainty, the Council would be wise to set a fixed \$ value for resident undergrounding costs (which may be modified for each street, or each new financial year). This means that residents could gear themselves up much earlier in the process to determine whether they are prepared to meet the costs. The difficulty is that the Council would subsequently carry the financial risk of fluctuations in tendered costs.

- Operational budgets – are the current source of undergrounding budgets and are provided from rates, revenues from services and returns from CCHL. This option is the cleanest and clearest funding mechanism for undergrounding funding.
31. The effective conclusion is that the only practical methods for funding undergrounding is either for the Council to fully fund the work from its operational budget, or to receive some level of residents' contribution. If the Council is to continue with undergrounding, then it is clear that a significant proportion of the cost will be always be met from operational budgets. The debate around residents' contributions is covered later in this paper.

Explanatory point 6

While this paper considers the Council's operational budget or a residents' contribution to be the only practical sources of undergrounding operational revenue, this does not preclude residents or other organisations and businesses choosing to fully fund undergrounding in their streets. In such cases, the Council can offer mediation and management services only (not including fund raising).

POLICY REVIEW – UNDERGROUNDING DISTANCE AND 40-YEAR TARGET POLICY

32. Despite saying only that "a strong statement is included in the City Plan and Strategic Plan that all services are undergrounded within 40 years", the 1993 policy is interpreted, particularly in the minds of the interested communities, as a strong policy direction (the fact that the statements did not and could not appear in the planning documents notwithstanding). It is therefore appropriate to review this policy.
33. The following table gives three different scenarios that illustrate costs associated with different undergrounding rates. The figures are based on 880km of overhead wiring that could potentially be undergrounded, at an average cost of \$750/m for undergrounding.

Rate of undergrounding	Per Annum	Years to complete
Complete 2.25km p.a. This is the current approximate rate of undergrounding using routine u/g, urban renewal u/g, and narrow sts u/g	\$1.69M	380
Complete 10km p.a. This rate will ensure that all streets undergoing k&c renewal are undergrounded at the same time.	\$7.50M	88
Complete 31.5km p.a. This rate would see all undergrounding complete within the 40 time frame from 1993 (complete by 2033 as per 1993 policy)	\$23.50M	28

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34. It is reasonable to say that there will be inadequate funding available, from any operational budget source, to underground the city streets within 40 years from 1993. At a minimum of \$23.5M per year, this option would equate to a rise in current rates of approximately 9% (\$21.2M above existing expenditure), or substitution of expenditure to that level. The scrutiny and pressures on Council operational budgets would make this magnitude of rate rise, for undergrounding only, unpalatable to Christchurch ratepayers and the Council.
35. It is therefore clear that the 1993 Council policy to have the city fully undergrounded within 40 years (ie by 2033) will not happen. To provide a further practical limit to the length of undergrounding per year, it is reasonable that undergrounding should not occur faster than the equivalent length of streets undergoing kerb and channel renewal (i.e. 10.5km of undergrounding per year). Undergrounding at a greater rate than this would require trenching in streets that would otherwise have no work undertaken. There are aesthetic and maintenance benefits to limiting undergrounding to streets that will subsequently be fully reconstructed.
36. Options around a practical and affordable length of undergrounding each year are as follows:
- Option 1: Maintain the status quo.
 - Option 2: Increase undergrounding to the equivalent length of kerb and channel
 - Option 3: Cease undergrounding completely
 - Option 4: Variable lengths between 0 and 10.5km per year.

Assessment of Undergrounding Distance Options

37. Option 1: Maintaining the status quo

This option requires the retention of the approximately \$1.69M per year operational expenditure, distributed between the Transport and City Streets arterial/collector programme, the Urban Design neighbourhood improvement programme, and the narrow streets programme.

- The existing rate of undergrounding meets safety requirements through the undergrounding of arterials and collectors.
- The existing rate provides some amenity benefits in areas of amenity significance – although typically at a rate slower than the kerb and channel renewal programme, meaning some neighbourhood plan areas are reconstructed without undergrounding occurring.
- Maintenance at existing levels provides relative budgetary certainty into the programme.
- Residents seeking undergrounding of their local roads would remain unsatisfied.

38. Option 2: Increase undergrounding to the equivalent length of kerb and channel

This option would mean increasing undergrounding lengths to 10.5km per year.

- Undergrounding 10.5km at today's costs will cost approximately \$7.5M per year, or the equivalent of 2.5-3% of existing rates take (\$6M above existing expenditure).
- All streets, regardless of amenity significance or hierarchy would be undergrounded at time of reconstruction
- All residents' complaints about lack of undergrounding during reconstruction would be resolved.
- The completion of the street reconstruction programme will be dependent upon undergrounding being completed first, adding a further variable into the reconstruction planning process – it may mean more streets are delayed, requiring carryforwards.
- The programme would load an additional \$1.2M on to Orion's costs, and unspecified additional costs to Telecom and TelstraClear, all of which may be opposed by them.

Explanatory point 5

Through the mechanisms and agreements in place with Telecom, Orion and TelstraClear, any increase in the undergrounding programme will load additional costs on to these organisations. The Council has received no signals from these organisations that further undergrounding is either sought or desirable – each of these organisations can and do underground at a rate that is commercially appropriate for them. The Council's current undergrounding programme exceeds this.

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Further, compelling additional undergrounding from Orion up to the 10.5km per year of this option will increase their operating costs by \$1.2M per year, which may subsequently reduce their returns to CCHL.

- The extended work programme would load the contracting industry which would need to gear up to match the programme – i.e there is not an immediate capability to match this workload.

39. Option 3: Cease undergrounding completely

Under this option, undergrounding would cease.

- No undergrounding would free up approximately \$1.69M from the Council's operational budget. This budget could either be diverted to other operational projects or used to fund capital borrowing.
- Neighbourhoods seeking undergrounding for amenity benefits would be disappointed.
- Clear policy direction of no undergrounding would resolve all matters of debate over which streets are undergrounded and why.
- The safety benefits currently obtained from undergrounding can be managed through pole movement or other actions. Capital costs may therefore be slightly higher – but not to the same magnitude as undergrounding costs.
- It would also remove an element of risk from budgets in relation to growing undergrounding costs.
- There would be no projects delayed due to planning, design or construction delays in undergrounding.

40. Option 4: Variable lengths of undergrounding

There is a further option, to choose lengths of undergrounding, from zero to 10.5km per year. There are various drivers for choosing different lengths per year, such as safety requirements, amenity improvements, community expectations etc. Ideally, the length to be undergrounded should be set a couple of years in advance (developed at LTCCP time) so that budgets can be confirmed and the construction elements geared up. Ideally, variable lengths of undergrounding should be driven by other street selection policies, which are discussed later.

Selection of Preferred Undergrounding Distance Option

41. The recommended option for the length of undergrounding per year is to deliver at the current rate (maintain status quo) of approximately \$1.69M per year (2.25km), primarily because of the consistency it allows the undergrounding construction programme and operational budget. Increasing the length of undergrounding is not recommended, mainly owing to the increased loading on the operational budget. Similarly a variable rate of undergrounding is not recommended owing to the uncertainty and inconsistent loading on the budgets. The cessation of undergrounding appeals from a budget and project management perspective. However, the Council has thus far clearly signalled the regular provision of some undergrounding for amenity and safety reasons, hence this is not the preferred option.

POLICY REVIEW – UNDERGROUNDING COST SHARE POLICY

42. The November 2000 50/50 cost share policy was formulated after residents of Waiwetu Street in Fendalton argued for undergrounding of wiring to occur during their street reconstruction. After considerable debate, the Council agreed to undergrounding on a 50/50 cost share basis. The policy was intended to be enabling – i.e. it was intended to allow the residents to contribute the 50% that they wanted to do. Since that time, however, the policy has become less enabling, and more enforcing.
43. Since policy introduction, only five streets in the city have been undergrounded on a cost share basis. Two other streets have recently attempted to achieve the required 50% cost contribution for the undergrounding but were unable to obtain the necessary residents' contribution. Currently, the residents of Hamilton Avenue and Chilcombe Street are investigating the opportunities for partaking in the cost share policy. The residents noted the cost of the work, and submitted to the 2005 Annual Plan requesting a change to Council policy on the undergrounding of residential streets.

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44. The cost share policy has proven to be not an effective, enabling policy, and has created a number of problems when officers have tried to implement it. These are summarised as follows:
- Different perspectives on the 50/50 policy can mean either that the Council is required to find undergrounding funding if the residents manage to achieve their share, or could decline to participate (on budget grounds) even if residents achieve their share.
 - Over the last year, approximately \$55,000 of the undergrounding budget has been spent on managing design and tender processes for projects that did not come to fruition.
 - The implementation of the policy takes considerable officer resources – even if the project does not come to fruition.
 - The policy can be interpreted as favouring streets and residents in affluent areas.
 - Street reconstruction projects tend to get delayed to allow the investigative and fund raising work to occur.
 - Changing the policy to a different cost share scheme could raise issues with residents who have already contributed to a cost share scheme.
 - Residents question the legality and ethics of the funding lobbying and collection that they are required to do.
 - It is questionable whether the way the cost share policy was established is appropriate in today's legislative and policy environment
45. The above issues indicate a policy review is appropriate.

Assessment of Cost Share Policy Options

46. Three policy options are considered for contributions by residents to undergrounding.
- Option 1: Maintain the status quo
 - Option 2: Rescind the existing 50/50 policy and develop a revised resident contribution policy
 - Option 3: Rescind the existing 50/50 policy and do not establish a further cost-share policy.

47. Option 1: Maintain the Status Quo.

This policy option to maintain the status quo will leave the opportunity for residents to participate in undergrounding. The only perceived advantage to retaining the status quo is that some residents may appreciate the opportunity to have their streets undergrounded (despite the fact that they may be contributing to that). However, the disadvantages (as indicated above) remain.

- Of particular concern is the fact that it is usually very late in the project development process that residents are able to confirm, or not, their ability to contribute. This prevents robust budget planning, and will always create an element of risk that both residents and the Council carry right up until final tenders are received.
- A further, significant disadvantage of retaining the residents' 50/50 policy is that some interpretation of the policy wording is required. It is currently unclear as to whether the Council is required to match the residents' contribution, should they prove able to contribute; or whether the prerogative is to decline undergrounding if the budget is inadequate. If the latter is appropriate, the future of residents' cost share undergrounding is shaky as a policy programme, as existing undergrounding budgets are inadequate to underground all but the shortest of residential streets (approximately 250m).
- The 2000 cost share policy was not developed according to currently acceptable processes and is difficult to implement with any degree of credibility.

48. Option 2: Rescind the existing 50/50 policy and develop a revised resident contribution policy

The development of a new residents' contribution is an option for the Council. A new contribution policy will need to be developed according to appropriate statutory processes, as indicated earlier in this report.

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49. The advantages of developing a new residents' policy is that structure of the policy would be fully compliant with the now-standard processes that Councils use for establishing costs of services. It would also offer some certainty to residents on their required level of contributions.
50. The disadvantages of maintaining even an improved resident's contribution policy are significant:
- The Council should not impose a rate/fee upon the residents without determining a threshold of agreement from residents, above which all residents could be made to pay. If the threshold of agreement was reached, it is clear that not all residents would wish to pay for undergrounding, which would mean that some would have the fee/rate imposed upon them.
 - The issue of equity would still remain – it is reasonable to presume that only those in the wealthier neighbourhoods would seek a residents' contribution for undergrounding.
 - To allow the residents to assess whether they wish to contribute, the amount of residents' contribution would need to be fixed early in the process (that is, much earlier than the stage at which the project goes to tender). This means, therefore, that the Council will need to take the financial risk associated with cost fluctuations.
 - If the policy changes to require a lesser proportion of residents' contribution, it is possible it would raise some dissatisfaction amongst those who contributed at the higher rate.
 - The contribution policy needs to be established through the LTCCP process.
 - The level of obligation on the Council would need to be resolved (i.e could the Council refuse to participate if budgets were inadequate), or alternatively a selection policy would be required to limit Council exposure to costs where a number of streets meet the contribution thresholds.

51. Option 3: Rescind the Existing 50/50 Policy and do not establish a Residents' Contribution Policy

There is an option to fully rescind the 2000 policy relating to residents' cost share, and subsequently not develop a cost share policy. This action would have the advantages of:

- Allowing robust and predictable forward planning of the undergrounding budget.
 - Reducing officer and resident workload in attempting to administer a cost share policy.
 - Would allow streets to be undergrounded in accordance with clear and defined policies, rather than economic capabilities of individual streets.
52. Other than not permitting a residents' contribution to cost/share undergrounding, this policy option would not appear to have any disadvantages. There have not been any requests from residents to refine the existing cost share policy – only abolish the requirement for it, and have the Council fund 100% of undergrounding. This policy action would not, however, preclude residents from contributing 100% of the cost of undergrounding, should they so wish. In such circumstances, the Council could act as an initial facilitator between network operators and residents, but would not expend any operational budget on the activity.

Selection of Preferred Residents' Contribution Policy Option

53. The foregoing explanation of the various options indicates that the existing 50/50 cost share policy is difficult to implement, generally ineffective in enabling residents to participate in undergrounding their streets and loads uncertainty and risk into both Council budgets and resident fund raising efforts. It is recommended that the 50/50 cost share policy be rescinded.
54. It is possible to develop an improved residents' contribution policy that would be more in line with local government cost collection policies, however there is no clear requirement for a cost share policy at all. There have been no calls for an improved cost share policy. An improved cost share policy is not recommended.

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Explanatory point 4

At the time of this review, residents of three Christchurch streets have made known to Council officers their desire to consider undergrounding of their streets – their desire to participate in the 50/50 cost share policy is not so clear. At this time, the 2006/07 undergrounding budget has insufficient funding to participate in cost share undergrounding of any of the three streets (Hamilton Avenue, Chilcombe Street and Thornycroft Street), and the residents have been advised accordingly.

Compelling participation in the cost-share policy for these streets will either require an increase in the undergrounding budget (estimated increase of \$700,000 – operational) or the deferring or cancellation of undergrounding on two major arterial roads (Blighs and Wairakei Roads) which are already programmed and being designed.

POLICY REVIEW – STREET SELECTION POLICY

55. All selected streets are undergrounded when the street is due for kerb and channel renewals. This is a practical measure from which there are no compelling reasons to change. However, the option exists to underground at the same time as footpath renewal/resurfacing to minimise overall amenity impact of the underground trenching.

56. The matter of limited budget constrains the debate on which streets should be undergrounded. Unless budgets are extended to include all streets in the kerb and channel programme (which is not a recommended option), a selection policy is needed to identify the limited number of streets for undergrounding within that programme.

57. Currently the CCC selects roads for undergrounding based on:

- Safety and minor amenity consideration – arterials and collectors prioritising process
- Amenity – neighbourhood plan areas
- Amenity – narrow streets policy (yet to be determined).
- Resident requests - under the half share policy, based on residents' and Council's ability to pay.

58. If the recommendation to rescind a residents' half share policy is accepted, then the latter selection process above is eliminated.

59. The options that present themselves are to either:

- Option 1: Fully re-determine the policies under which streets are chosen for undergrounding;
- Option 2: Retain the status quo.
- Option 3: Maintain the existing policies with some clarity and refinement of how streets within the policies are selected.
- Option 4: Addition of further selection policies.

60. Option 1: Fully re-determine the policies under which streets are chosen for undergrounding:

To date, there is minimal debate over the policies under which streets are selected for undergrounding. The Neighbourhood Areas and Collector/Arterials tend to be generally accepted. It is therefore not considered that a full policy review here is appropriate or necessary.

61. Option 2: Retain the status quo:

On the other hand, in an open and transparent policy environment, a clear explanation on street selection process in the public information forum is appropriate and necessary. Therefore, simple maintenance of the status quo is not adequate.

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62. Option 3: Maintain the existing policies with some clarity and refinement of how streets within the policies are selected.

This option is the preferred and recommended approach.

63. Option 4: Addition of further selection policies.

There is the possibility of adding further criteria upon which to select streets for undergrounding, while remaining within the recommended current-expenditure limit. In particular, it may be considered appropriate to extend the arterial/collector and narrow streets policy to include central city streets (of which there are an estimated 5km within the four avenues), and link these streets in to be undergrounded when (for example) there is a reduced distance of arterial road to be undergrounded in any one year.

Selection of Preferred Street Selection Policy Option

64. As indicated above, there has been little debate over the value and integrity of the existing undergrounding selection policies, so it is not recommended that a full review is justified or necessary. However, there is room to clarify and promulgate to selection policies for the safety and neighbourhood policies, making option 3 the recommended approach, noting that the narrow-streets component needs to be integrated into the neighbourhood/amenity policies.

65. The option of extending the existing policies (option 4) is a practical option.

SUMMARY OF RECOMMENDED POLICY OPTIONS

Rates Neutral Policy Option Package

66. The foregoing has recommended three policy review positions which:
- Rescind the 1993 policy requiring all city streets to be undergrounded within 40 years (by 2033). With the length of undergrounding yet to achieve, and the increasing costs, plus the financial loading that this would place on Telecom, TelstraClear and Orion as well as the Council, this policy is clearly unachievable.
 - Maintain a yearly undergrounding budget that aims to achieve approximately 2.25km per year. This is approximately the current budget for undergrounding, and maintaining it does not place further pressure on either the existing operational budget (rates take), nor require substitution from elsewhere in the operational budget. It does, however, continue with undergrounding to meet the benefits that the Council seeks.
 - Rescind the 2000 policy allowing cost sharing with the residents. This policy is proving hard and costly (in time and budget) to implement, places considerable uncertainty on both the Council and the residents' budgets, and it is of questionable status as a policy relating to residents' contributions to a Council service in the current legislative environment.
 - Do not establish a residents' contribution policy for undergrounding. Aside from the administrative process required to develop one (formal process to determine benefits, promulgate in LTCCP etc), such a policy would still carry equity concerns and inevitably would require compulsory fees or rates loaded on non-willing participants. It would load uncertainty onto the Council's budgets.
 - Refine and clarify the Council's policies in relation to undergrounding on the basis of safety and tourist routes (arterials and collectors), and amenity of neighbourhood plan areas including narrow streets. Ensuring clear and transparent policy is a generic Council requirement.
 - This combination of policy steps is effectively rates-neutral for the Council.

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Do Nothing Policy Option Package

67. The option to do nothing implies that the 1993 policy statement to underground all wiring by 2033 will remain, as will the cost share policy, and the current rate of undergrounding. The disadvantages of the 2033-goal policy is that it is impossible to achieve at current undergrounding rates. The cost share policy is difficult to implement. There are no advantages to the Council or community by doing nothing.

Other Policy Options Packages

68. Other combinations of the policies and modifications to them are possible. The rates of undergrounding can be varied to suit a range of Council goals and objectives. However, no clear, specified goals have yet been identified for which undergrounding is a cost-justified implementation tool – noting that undergrounding will cost the Council approximately \$750,000 per km (equating to 0.36% rate rise per km). There appears to be no justification to retain or develop an improved residents' cost share policy.

7. PROPOSED NATIONAL ENVIRONMENTAL STANDARD ON DRINKING WATER SOURCES

General Manager responsible:	General Manager City Environment
Officer responsible:	City Water and Manager Waste
Authors:	Diane Shelander, DDI 941-8304; Jenny Ridgen, DDI 941-8407

PURPOSE OF REPORT

1. The purpose of this report is to gain Council approval of the submission on the Ministry for the Environment's proposal for a national environmental standard on human drinking water sources.

EXECUTIVE SUMMARY

2. The Ministry for the Environment is proposing a national environmental standard (NES) for human drinking water sources, under the Resource Management Act 1991. The standard concerns activities within water supply catchments and is intended to avoid adverse impacts to human drinking water sources.

3. It is anticipated that the Council will be significantly affected by the proposed NES, in its roles as resource user, consenting authority and water supplier.

4. The Ministry is seeking comments on its proposal. Submissions closed on 28 November 2005, but a short extension of time has been granted to the Council. A draft submission is attached (Attachment A).

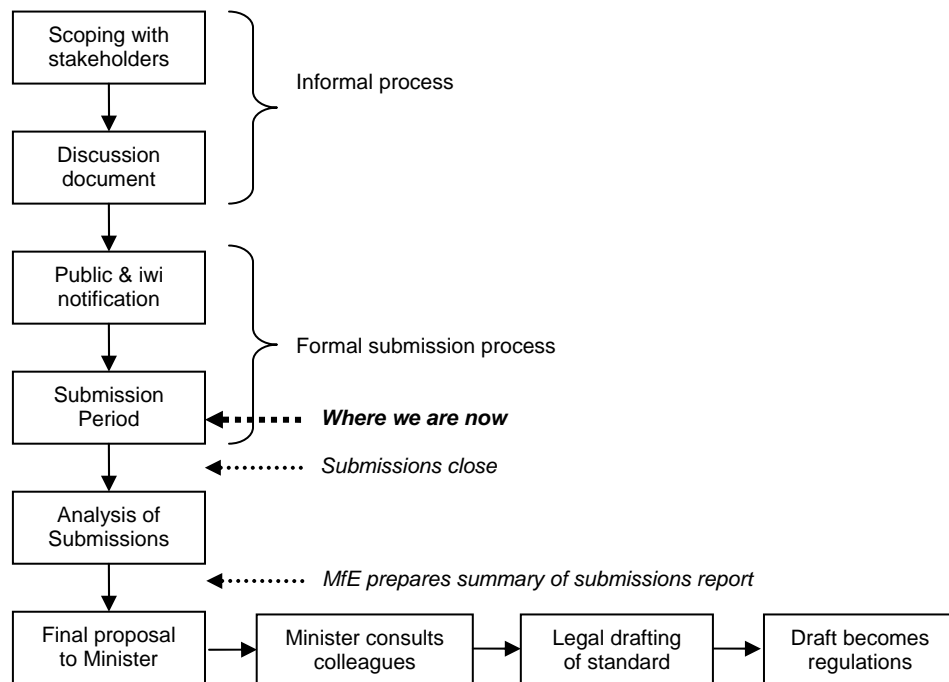
STAFF RECOMMENDATION

It is recommended that the Council endorse Attachment A as the submission to the Ministry for the Environment on the proposed national environmental standard on human drinking water sources.

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BACKGROUND ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD ON DRINKING WATER SOURCES

5. While there is a standard for drinking water quality administered by the Ministry for Health, there is none for managing the "catchment component" of human drinking water. The Ministry for the Environment (the Ministry) is seeking to close this gap through the introduction of a national environmental standard (NES) for human drinking water sources.
6. National environmental standards are legally enforceable regulations, which the Ministry has the authority to develop under the Resource Management Act 1991 (RMA). The standards development process is shown in the figure below.



PROPOSED NATIONAL ENVIRONMENTAL STANDARD

7. The objectives of the proposed NES are:
 - Ensuring that resource consent applications include consideration of impacts to drinking water sources.
 - Improving information sharing between water suppliers, resource users, and regulatory authorities concerning the impacts of their activities on one another
 - Ensuring that regional councils periodically assess the impact of permitted activity rules on drinking water supplies
 - Ensuring that protocols are in place to protect drinking water supplies in the event of an unauthorised discharge
 - Ensuring that councils require appropriate action to be taken in the event of an accident or emergency
 - Clarifying the interface between legislations affecting drinking water, particularly Ministry of health and the RMA.

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8. As shown in the figure above, the exact wording of the NES for human drinking water sources will not be legally drafted until after the public consultation process has closed and the Government has reached a decision on the contents of the NES. The Ministry summarises the essence of the proposed NES as follows:
- *New consents in drinking water catchments shall only be granted if the proposed activity does not result in drinking water being non-potable or unwholesome following treatment.*
 - *Consent authorities will periodically assess the risks within drinking water catchments to ensure that permitted and unregulated activities do not cause impacts beyond the performance of the affected treatment facilities.*
 - *Resource consents within drinking water catchments will have a condition that any unauthorised activity be notified to the water supplier immediately.*
 - *Resource consents to take water for drinking will have a condition that requires appropriate action, including turning off the supply, if notified of events or activities that make the drinking-water non-potable*
9. The discussion document provides little more than a brief overview of costs. The Council can expect to bear costs from the implementation and administration of the proposed NES as:
- a resource consent applicant, to take water;
 - a consenting authority, with permitted, unregulated and unpermitted activities under the City Plan; and
 - a water supplier.
10. The Ministry anticipates that costs for water suppliers would:
- Increase, owing to additional costs for consultation. Presumably this would include consultations with both consenting authorities and consent applicants, as well as possible negotiations with consent applicants where an activity is assessed as having a likely impact to a community drinking water supply.
 - Increase, owing to increased referrals for consents.
 - Decrease, owing to reduced costs for upgrading facilities. Council staff do not concur with this expectation. It is unclear how a reduction in costs would be achieved, particularly if, as a result of negotiations, changes to a water supplier's facilities were needed in order to render the drinking water potable and wholesome.
11. According to the Ministry, costs to local authorities are expected to:
- Increase, owing to costs to implement requirements for conducting reviews of permitted and unregulated activities for their effects on drinking water sources and modifying district plans if needed.
 - Increase, owing to additional work in evaluating assessments of environmental effects. It is expected that any increases in the cost of processing resource consents would be recovered from consent applicants. The Ministry has not taken into account that this work would duplicate work undertaken in local authorities' asset management plans.
12. Costs to resource consent applicants would likely increase, in the view of the Ministry, because:
- Applicants would need to identify whether the activity would have a significant effect on the drinking water supply.
 - Consenting authorities might need to adjust fees to cover their costs in meeting the standard's requirements for consent processing and review.

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13. The Ministry for the Environment is seeking comments on a proposed approach to a national environmental standard (NES) for human drinking water sources. The deadline for submissions on the proposed approach for the NES is 28 November 2005.
14. The proposed NES has implications for several Council organisations, including the City Water and Waste Unit, the Planning Strategy Unit and the Environmental Services Unit. As such the draft submission (Attachment A) incorporates issues and concerns from these units.

SUMMARY

15. The Ministry for the Environment is seeking comment on approaches to a national environmental standard for human drinking water sources. The report prepared by staff (Attachment A) makes the following recommendations to the Ministry for the Environment:
 - that the Ministry re-evaluate the need for a national environmental standard focusing exclusively on human drinking water sources.
 - that the Ministry include a further consultation period once a final draft of the standard has been developed.
 - that the Ministry reconsider its approach to managing risks to drinking water sources and that it seek an amendment to the Resource Management Act, if needed, rather than continue development of a national environmental standard.
 - that the National Environmental Standard clarify that water resource management is the preserve of regional government and that it will fall to those governmental bodies to implement requirements in the NES that apply to consent authorities.
 - that the requirement in the National Environmental Standard for the issuing of a resource consent, when considering the effect of an activity on a drinking water source, be determined solely on the basis of fitness for human consumption (potability).
 - that cross-boundary considerations be included in the final National Environmental Standard.
 - that the Ministry give further consideration to the mechanisms by which water suppliers would be informed of "unauthorised releases" that could affect their drinking water sources.
 - that the Ministry evaluate the proposed National Environmental Standard against other legislation such as the Civil Defence Emergency Management Act 2002, not solely against the Resource Management Act, when determining the requirements to include in the proposed standard.
 - that the National Environmental Standard clarify the lines of communication and the processes to be followed between a consent applicant, the consenting authority and the water supplier.
 - that the National Environmental Standard clarify approaches to existing permitted and unregulated activities, where those activities may adversely affect drinking water sources.
 - that the Ministry clarify which governmental bodies will be responsible for designating drinking water catchments.
 - that the Ministry address the significant cost of identifying drinking water catchments in the analysis of costs and benefits.
 - that further consultation with affected stakeholders be conducted, once a full appraisal of costs and benefits has been completed, in concert with the further consultation recommended above.
 - that the NES apply only to resource consents for discharges and land use activities that have a demonstrated effect on water quality, and that further consideration should be given to capturing non-point sources of contamination, and activities for which no resource consent is required even though they may adversely affect water quality.

8. PRIVATE LANE REFUSE AND RECYCLING POLICY

General Manager responsible:	General Manager City Environment
Officer responsible:	City Water & Waste Manager
Author:	Diane Shelander, Senior Resource Planner, DDI 941-8304

PURPOSE OF REPORT

1. The purpose of this report is to propose a change to the Private Lane Refuse and Recycling Policy.

EXECUTIVE SUMMARY

2. The existing policy for the collection of refuse from private rights of way requires the unanimous agreement of property owners, including those owning vacant sections. A more equitable policy is sought which will require a simple majority.
3. Two policies now exist concerning refuse and recyclables collection on private rights of way, the Refuse Collection from Private Lanes Policy and the Refuse and Recyclables from Gated Communities Policy. A single integrated policy is proposed.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That the Council replace the two similar policies for collection of refuse and recyclables on private rights of way and adopt a new integrated Private Lane Refuse and Recycling Policy:
- (b) That the extension of the refuse collection service down private rights of way (lanes) be approved by the Council in accordance with the criteria set out below:
 - The collection contractors' small vehicles used for collecting from "difficult access streets" (as defined in the collection contract) must be able to safely negotiate the lane, and turn at the lane end, without driving over footpaths, berms and driveways.
 - Lane to service a minimum of five houses.
 - Service will be withdrawn if safe access by the collection vehicle is persistently impeded e.g. parked vehicles.
 - Applications from residents to be a simple majority (51% or greater).
 - Applications to be administered through the City Water and Waste Unit.
- (c) That organisations responsible for administration of multiple unit gated developments e.g. the Body Corporate, be permitted to apply for collection services on behalf of residents. The services will be provided subject to the same conditions as for private rights of way (lanes) being met, and in addition they must :
 - Provide driver-activated access, by means of a remote control, and card key or access code as back-ups. Where access codes are used, gated communities are required to notify the Council any time the codes change. (In the event that the number of such developments presents an unmanageable number of access methods, the driver-activated access option may be reviewed.)
 - Acknowledge that in providing the requested Council services, the Council will not be liable for personal or property crimes that may occur as a consequence of providing requested Council services.
- (d) That should the criteria not be met or a gated community choose not apply for collection services within the community, that community shall provide a collection point for Council rubbish bags and recycling containers outside the security perimeter.

BACKGROUND ON PRIVATE LANE REFUSE AND RECYCLING POLICY

4. In May 1997, the Council adopted a policy for collection of refuse and recyclables from private lanes:

That the extension of the refuse collection service down private rights of way (lanes) be approved by the Council in accordance with the criteria set out below:

- *Lanes to be at least 3.0m wide.*
- *Grades of lanes to be not steeper than 1 in 5.*
- *Three tonne capacity truck (dimensions to be specified) must be able to negotiate the lane.*
- *Five or more houses to be down the lane.*
- *Lane to be longer than 80m.*
- *Applications from residents to be unanimous and on the clear understanding that they are responsible for wear and tear on the lane.*
- *Applications to be administered through Service Centres/Community Boards.*
- *Service to be commenced in the 1997/98 financial year.*

5. At its 27 May 2004 meeting, the Council adopted the recommendation in the report from the 11 May 2004 meeting of the Sustainable Transport and Utilities Committee to modify the existing private lane refuse and recycling collection policy to include gated communities, as follows:

That the extension of refuse and recycling collection down private lanes within gated communities meet the following criteria:

- *Private lanes in gated communities must meet criteria set forth in the Refuse Collection from Private Lanes Policy.*
- *In order to receive Council refuse and recycling collection services, gated communities must either:*
 - *Provide a collection point for Council rubbish bags and recycling containers outside of the security perimeter, or*
 - *Provide driver-activated access, by means of a remote control, and card key or access code as back-ups. Where access codes are used, gated communities should be required to notify the Council any time the codes change. Pending the extent of future gated developments, the driver-activated access option may need to be reviewed in the event that the number of such developments presents an unmanageable number of access methods.*
- *The Council will not be liable for damage to road or property or for personal or property crimes that may occur as a consequence of providing requested Council services.*

6. The existing policy for private lanes was amended:

- *Parking from dawn to dusk on the collection day will be restricted to one side of the lane only, to permit unimpeded access by collection vehicles.*
- *The clause referring to truck capacity be replaced with "The collection contractor's small vehicles used for collecting from difficult access streets must be able to negotiate the Lane".*

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CURRENT POLICY

7. Over the last four years, 50 applications for refuse and recyclables collection on private rights of way have been approved. The existing policy, which requires the unanimous agreement of all property owners, including those owning vacant sections, has been somewhat cumbersome to administer:
 - Delays can occur in processing the private lane application when one or more property owners fail to respond to inquiries from Council staff.
 - If a property in a private lane changes ownership, there is no system in place to automatically notify staff that the private lane agreement must be updated, nor are there sufficient staff resources to enable on-going monitoring of private land agreements once they have been signed.
8. The original motive behind the procedure requiring unanimous agreement, was to reduce Council risk with respect to private lane maintenance. Private lanes are built to a lower engineering standard than public roads, and it was thought that the refuse trucks may damage the road structure, with potential claims against the Council for repairs and maintenance. The agreements signed by residents included a clause indemnifying the Council against such claims. However since private lanes started being collected in 1997 there have been no damage claims against the Council for damage to lane structure or foundation, although there have been some claims against Onyx for berm and driveway damage. It therefore seems that the original policy was overly cautious.
9. In addition, the current procedure, with its reliance on the unanimous agreement of property owners, can give one property owner the power to overrule the wishes of the other property owners on that private lane. It can be argued that a simple majority should determine the property owners' wishes and is a fairer approach.
10. Two policies now exist concerning refuse and recyclables collection on private rights of way, the Refuse Collection from Private Lanes Policy, adopted in 1997 and amended in 2004, and the Refuse and Recyclables from Gated Communities Policy, adopted in 2004.
11. A single, integrated policy for collection of refuse and recyclables on private rights of way is proposed:

That the extension of the refuse collection service down private rights of way (lanes) be approved by the Council in accordance with the criteria set out below:

- *The collection contractor's small vehicles used for collecting from "difficult access streets" (as defined in the collection contract) must be able to safely negotiate the lane, and turn at the lane end, without driving over footpaths, berms and driveways.*
- *Lane to service a minimum of five houses.*
- *Service will be withdrawn if safe access by the collection vehicle is persistently impeded e.g. parked vehicles.*
- *Applications from residents to be a simple majority (51% or greater).*
- *Applications to be administered through City Water and Waste Unit.*

That organisations responsible for administration of multiple unit gated developments e.g. the Body Corporate, be permitted to apply for collection services on behalf of residents. The services will be provided subject to the same conditions as for private rights of way (lanes) being met, and in addition they must:

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- *Provide driver-activated access, by means of a remote control, and card key or access code as back-ups. Where access codes are used, gated communities are required to notify the Council any time the codes change. (In the event that the number of such developments presents an unmanageable number of access methods, the driver-activated access option may be reviewed.)*
- *Acknowledge that in providing the requested Council services, the Council will not be liable for personal or property crimes that may occur as a consequence of providing requested Council services.*

That should the criteria not be met or a gated community chooses not apply for collection services within the community, that community shall provide a collection point for Council rubbish bags and recycling containers outside of the security perimeter.

SUMMARY

12. The existing private lane policy for refuse and recycling collection requires unanimous agreement from all property owners, including those owning vacant sections, and includes a clause indemnifying the Council against claims for road damage. This requirement is cumbersome to administer, and may create a situation in which the wishes of the majority of property owners are not met.
13. Two policies now exist concerning refuse and recyclables collection on private rights of way, the Refuse Collection from Private Lanes Policy and the Refuse and Recyclables from Gated Communities Policy.

9. REVIEW OF THE CHRISTCHURCH PUBLIC PASSENGER TRANSPORT STRATEGY

General Manager responsible:	General Manager Environment Group
Officer responsible:	Transport and City Streets Manager
Author:	Robert Woods, DDI 941-8060

PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the need for a full review of the Christchurch Public Passenger Transport Strategy, and to seek agreement on an outline for the proposed process and timeline for this review. The current strategy expires on 30 June 2006.

EXECUTIVE SUMMARY

2. The Christchurch Public Passenger Transport Strategy (the Strategy) is a joint strategy of Environment Canterbury and the Christchurch City Council. This is the case because the provision of the public transport system is a joint responsibility. The City Council is responsible for public transport infrastructure such as bus stops, seats and shelters, the bus exchange and roading matters (on City Council roads); whilst Environment Canterbury (ECan) is responsible for the planning, funding and administration of the public transport (bus and ferry) services, known in greater Christchurch by their brand name, "metro". The Strategy sits within the Council's suite of transport strategies, directing planning and investment in public transport infrastructure, in addition to ECan's development of metro services.
3. The Strategy was first developed in 1997/98, at a time when public transport in Christchurch was at its lowest ebb. The deregulation of public transport and a fragmentation of services, combined with major public sector employment changes and a cheaper imported vehicle market led to a dramatic decline in public transport patronage. At the same time increasing population, urban spread, changing lifestyles and household sizes led to strong, steady increases in traffic volumes and increasing congestion. The strategy identified that unless action was taken to provide viable alternatives to the private motor vehicle, the consequences of a projected 43% rise in traffic volumes over 20 years would include slower journeys, longer

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travel times, air pollution, higher roading costs and more traffic accidents. This first strategy was developed with significant input from the community, involving a wide cross-section of interests and sectors. Significantly, the process led to the development of the Passenger Transport Advisory Group (PTAG) comprising representation from bus non-users and users, local and regional politicians, bus companies, the Automobile Association, the Taxi Federation and a number of other groups. PTAG acted as a sounding board for all public submissions during the development process and this information was used to develop what became the first Strategy, adopted by the City Council and ECan in August 1998. This Strategy set the vision, goals, and targets for public transport and identified a number of improvements and investigations to be undertaken to achieve these vision, goals and targets.

4. As a result of the first Strategy and the significant hard work and investment by both Councils, a number of improvements to the system were introduced:
 - express and cross-suburban (Orbiter) route
 - faster ticketing (gold coin fares, multi-trip tickets)
 - frequency improvements
 - newer buses
 - new shelters and improved branding
 - driver training
 - central city bus priority facilities
 - central city shuttle
 - real time information

(The bus exchange was also a significant improvement to the system completed in 2000 during the life of this first strategy.)

5. As a result of these improvements each of the short term (2003) targets of 7.5% annual patronage growth, an increase in the proportion of trips by public transport from 3% to 4-5% and an increase in per capita public transport trips from 26 to 40 trips per head of population, were achieved. This success confirmed the robustness of the Strategy development process and underlined how effective both Councils could be in delivering system improvements by working together on a co-ordinated and well resourced footing.
6. In 2002/03 an update review of the strategy undertook a similar but lower key process of public engagement and PTAG strategy development. This revealed that the original vision, goals and targets expected by the community and first developed in 1997/98 were still valid. In the face of continued traffic growth, however, new improvements to maintain progress towards the vision and goals were identified. The updated Strategy was adopted by both Councils in July 2003 (to be tabled) and is the current document that guides the Councils in their planning and investment. Whilst progress on the Strategy commitments and work programmes continues, so far the following improvements have been introduced:
 - new passenger shelters, seats and real time information at bus stops
 - a new cross-suburban route (metrostar)
 - improvements to the central city shuttle
 - adoption of the parking strategy
 - introduction of the metrocard
 - review of all services and introduction of service improvements
 - initial investigations into rail opportunities
 - introduction of new low emission buses
 - adoption of a plan to develop three bus priority corridors
7. In order to ensure a timely transition from the current Strategy to the next, work should commence now on progressing the development process on a new Strategy to cover the next five years. Officers recommend the four stage process outlined below to develop a new strategy, with representation of the City Council on both PTAG and a joint Councils Steering group by Councillors Buck and Shearing, nominated for this role by the Liveable City portfolio group which oversees public transport matters:

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Stage 1 – issue gathering and capacity building

This primary stage of community engagement will be undertaken with a focus on identifying the views of all who have comments to make on the Christchurch public transport system and will use such media as appropriate to ensure a high level of engagement and feedback from the community. Reports will be made to each Community Board, allowing them to express their views on local and citywide aspects of the system. Focus groups will also be undertaken at this stage in sufficient numbers to reflect the Christchurch community. These focus groups will allow a more in depth exploration of issues and expectations surrounding public transport and will cover a wide range of age groups and community sectors.

The PTAG will also be convened a number of times at this stage, primarily to build capacity where necessary and to appraise them of the history and progress made in public transport over recent years and to prepare them for the development process ahead.

Stage 2 – draft strategy development

Once the feedback from the first stage has been analysed, this will be presented to PTAG, and over the course of a number of sessions, be used to identify the vision, goals, targets and potential improvements necessary to the system. Once this is complete a joint Council seminar is proposed to present all the issues identified and the features of the draft Strategy developed in conjunction with PTAG. This seminar will provide an opportunity for both Councils and Community Board members to review the direction signalled by the community and suggest amendments it thinks necessary. This will then be followed by a report to Community Boards and both Councils seeking the adoption of a draft Strategy for public consultation purposes.

Consultation documentation will then be developed and printed for circulation to each household in Christchurch.

Stage 3 – draft Strategy consultation

This will be undertaken over a 6-8 week period and will involve the delivery of the draft Strategy consultation document to each household. This will be accompanied by city-wide promotion of the Strategy, encouraging people to comment on the draft. Submissions will also be possible via the usual means, including the Councils' internet pages and staffed public displays will also be arranged.

Stage 4 – Strategy adoption

All feedback to the draft Strategy will be collated and used to form a final version of the Strategy. This final draft will then be reported to PTAG and Community Boards for their comment and to both Councils for adoption.

In addition to Councillors Buck and Shearing (and ECan Councillors Wagner and Carol) attending each PTAG meeting, the Liveable City Portfolio Group will be updated of progress and invited to provide feedback at each stage outlined above. The Joint CCC Liveable City/ECan Public Passenger Transport portfolio committee also will receive quarterly updates, as will the full CCC/ECan meetings.

8. It is proposed that the following groups be invited to participate in the PTAG :

CCC Councillors (Councillors Buck and Shearing)
ECan Councillors (Councillors Wagner and Carol)
Bus users (selected from the ECan bus users database)
Bus non-users (invited to renew their membership from the 2003 strategy development)
Bus operators
Bus drivers
Spokes
Automobile Association
Taxi Federation
Chamber of Commerce
Age Concern
Disabled Persons Association

9 Cont'd

IHC
Tertiary students
Secondary students

FINANCIAL AND LEGAL CONSIDERATIONS

9. Once development of the Strategy is complete, adoption of the final document by both Councils will infer certain capital and operational expenditure commitments. The extent of those potential commitments cannot be estimated at this stage as these will be developed by the community during the development process. However, previously identified sums signalled by the MCTS Stage 1 document adopted by the Council in December 2003 are considered likely to be appropriate to meet the current long term vision for public transport in Christchurch.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Agree to the initiation of a full review of the Christchurch Public Passenger Transport Strategy.
- (b) Agree to the proposed development process for the strategy.
- (c) Appoint Councillors Buck and Shearing as the Councillor representatives on the PTAG and Strategy steering groups, as identified in this report.

10. LAND TRANSPORT AUTHORITY PROGRAMME: APPLICATION FOR POLICE HOURS

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Stuart Woods, DDI 941-8615

PURPOSE OF REPORT

1. The purpose of this report is to outline proposals and changes to Land Transport New Zealand's (the Authority's) Land Transport Programme (ALTP) process and seek approval of the draft application for Police Hours for 2006/07.

EXECUTIVE SUMMARY

2. The Safety Administration Programme (SAP), also known as the NZ Road Safety Programme, has in the past defined the annual programme of road safety education and enforcement activities for New Zealand. It was prepared and managed annually by the Land Transport New Zealand for the Secretary for Transport, in accordance with the Land Transport Management Act 2003.
3. This year the SAP has been partially integrated with the Authority's Land Transport Programme (ALTP). Next year it will be fully integrated with the ALTP. This feeds into the National Land Transport Programme (NLTP), the Government's 10-year funding programme developed by Land Transport New Zealand from proposals in the Land Transport Programmes submitted by approved organisations (which are mainly local authorities).
4. The ALTP (formerly SAP) application development process allows local authorities to indicate their needs for emphasis in targeting road safety Police hours in their area. It should be closely aligned with the LTCCP.

ISSUES

5. The SAP report details the Police hours allocated for each road safety issue in each local authority area. The hours for Christchurch for this year, 2005-2006, follow. These outputs do not include the Highway Patrol and enhanced alcohol CBT projects, which are delivered in this district in addition to the hours below.

10 Cont'd

Issue	Hours
Speed control	23,700
Drinking or drugged driver control	25,500
Restraint device control	9,950
Visible road safety enforcement	16,530
Crash attendance and investigation	19,520
Traffic management	3,700
Police Community Services	6,040
School Road Safety Education	3,500
Total	108,440

6. The targets for the 2004-2005 year and the actual delivery of the hours is as follows:

Issue	Hours allocated	Hours delivered
Speed control	23,200	17,295
Drinking or drugged driver control	25,500	31,512
Restraint device control	9,450	7,283
Visible road safety enforcement	16,030	24,941
Crash attendance and investigation	19,520	22,381
Traffic management	3,700	3,295
Police Community Services	7,540	6,271
School road safety education	3,500	5,308
Total	108,440	118,286

7. It may be seen that the Police in Christchurch delivered more hours for road policing in 2004-2005 than were allocated. In 2005-2006 they have so far delivered more hours than their target for the year to date.
8. The process for developing the application this year included an inter-sectoral consultation group with representation invited from Land Transport NZ, Transit NZ, Police, Environment Canterbury and Christchurch City Council. The application was then submitted on-line by Council staff. The deadlines for the process were such that a draft on-line application has already been submitted to Land Transport New Zealand. Any changes requested by the Council will be sent separately for inclusion in the application; Land Transport New Zealand acknowledges this situation.
9. Until last year the SAP applications allowed local authorities to make changes to the previous year's hours if they wished and if they could make a business case for the changes. From last year, the number of hours is not specified in the application and the local authority is asked to indicate whether they would like more emphasis, less emphasis or the same emphasis for each area of enforcement.
10. The attached application shows a desire for more emphasis on restraint device control, reflecting the number of lives that might have been saved if those killed in road crashes had been wearing safety belts. This applies especially to rear seat passengers. There is good evidence that increased enforcement results in an increase in safety belt wearing.
11. This is balanced by a request for less emphasis on drinking or drugged driver control. This request is not because it is seen as less important. For General Duties staff, drinking and drugged driver control is demand driven so it is expected that there will be no reduction in emphasis by the General Duties staff. The Strategic Traffic Unit (STU) staff will still be doing the same amount of targeted enforcement.
12. An increase in emphasis on crash attendance and investigation has been requested because of increased demands on Police in the investigation of crashes.

STAFF RECOMMENDATION

That the Council approve the attached ALTP application for Police Hours for 2006-2007 for Christchurch.

11. DOG CONTROL POLICY AND PRACTICES

General Manager responsible:	General Manager Regulation & Democracy Services
Officer responsible:	Environmental Services Manager
Author:	Mark Vincent, DDI 941-7041

PURPOSE OF REPORT

1. Policy

EXECUTIVE SUMMARY

2. The Dog Control Act ("the Act") requires all territorial authorities to report annually.
3. Once the Council has adopted the report, public notice must be given of the report and a copy sent to the secretary for Local Government.
4. This provision in the Act was introduced by the Dog Control Amendment Act 2003.
5. The Act lists the information required in the report.

FINANCIAL AND LEGAL CONSIDERATIONS

6. There are no financial considerations. The Council must adopt the report, then give public notice of the report and within one month of adopting the report send a copy to the Secretary of Local Government. Failure to do this would breach Section 10A of the Dog Control Act 1996.

STAFF RECOMMENDATIONS

It is recommended that pursuant to Section 10A of the Dog Control Act 1996 the Council adopt the attached Report on Dog Control Policy and Practice for 2004/2005.

BACKGROUND ON REPORT ON DOG CONTROL POLICY AND PRACTICES

7. The Dog Control Act 1996 was amended by the Dog Control Amendment Act 2003 with a focus on increasing public safety. As part of the amendments central government has introduced a requirement for territorial authorities to report annually with certain information.

OPTIONS

Decision-Making Considerations

Significance of Decision

8. The decisions in this report have been assessed against the Significance Policy. In accordance with the general approach, criteria and thresholds of the policy, the author of this report considers that the adoption of the report **is not significant**. This conclusion is based on the following factors:

Decision	Not Significant	Reason
Adoption of the report	Not Significant	Although legislation requires the Council to adopt a report, the decision is not considered significant in accordance with the threshold of the significance policy

Significance of Issues and Matters

9. The matters in this report have been assessed against the Significance Policy. In accordance with the general approach, criteria and thresholds of the policy, the author of this report considers that the adoption of the report **is not significant**. This conclusion is based on the following factors:

Issue or Matter	Not Significant	Reason
Adoption of the report	Not significant	Although legislation requires the Council to adopt a report, the matters are not considered significant in accordance with the threshold of the significance policy

Issues and Options:

Issue	Options	Implications (must include financial impact of each option)
Adoption of the report	Option A : Adopt the report	None
	Option B : N/A	

Planned Community Engagement

10. There is a requirement for the report to be publicly notified.

11 Cont'd

LEGAL AND REGULATORY ISSUES

11. Section 10A of the Dog Control Act requires that a territorial authority must report on dog control policy and practices –
 - 1) In respect of each financial year, report on the administration of –
 - Its dog control policy adopted under section 10; and
 - Its dog control practices
 - 2) The report must include, information relating to –
 - (a) The number of registered dogs
 - (b) The number of probationary and disqualified owners
 - (c) The number of dogs classified as dangerous and the relevant provision under which the classification was made.
 - (d) The number of dogs classified as menacing under section 33A
 - (e) The number of dogs classified as menacing under section 33C
 - (f) The number of infringement notices issued
 - (g) The number of prosecutions taken
 - 3) The territorial authority must give public notice of the report –
 - (h) by publishing the report in –
 - i. one or more daily newspapers circulating in the district
 - ii. one or more other newspapers that have at least an equivalent circulation in the district to the daily newspapers circulating in that district.
 - (i) by any means that the territorial authority thinks desirable in the circumstances.
 - 4) The territorial authority must also, within one month after adopting the report, send a copy of it to the Secretary for Local Government.

12. COUNCIL DECISION-MAKING - AUDITOR-GENERAL'S LETTER

General Manager responsible:	General Manager Regulation and Democracy Group
Officer responsible:	General Manager Regulation and Democracy Group
Author:	Peter Mitchell DDI 941-8549

PURPOSE OF REPORT

1. This is the report requested by the Council at its meeting on 13 October 2005 in response to concluding remarks made by the Controller and Auditor-General in a letter to the Council dated 12 October 2005 regarding the renovation of the Council Chamber.

BACKGROUND

2. In 2005 the Auditor-General considered a complaint regarding the renovation of the Council Chambers.
3. In a letter dated 12 October 2005 the Auditor-General made a number of conclusions regarding the renovation project and made these concluding remarks:

"We have concluded that Council should have explicitly and formally approved the letting of the two contracts because of Council's standing resolution – that expenditure on the Tuam Street Civic Offices be restricted to "essential maintenance". We also note that in these circumstances where Council had appeared to approve the expenditure the actions of the Chief Executive and General Manager – Corporate Services were reasonable.

However, this situation reflects a need by the Council to consider the adequacy of its decision-making processes. In our view, attention to the following points is important to ensure all involved – including staff – are not unnecessarily exposed to challenge and criticism.

- *When decisions – such as the "essential maintenance" resolution – are made, their context and practical implications need to be considered at the time of making the resolution. In the case of the Tuam Street Civic Offices, the essential expenditure implications of ongoing occupancy should have been more comprehensively considered on 18 March 2004, or else the resolution held over until a complete analysis could be completed.*
- *Informal meetings are useful as a means of sharing information and they should be restricted to this purpose. Care needs to be taken that such meetings do not become de facto decision-making fora – whether, as in the case of Tuam Street Civic Offices, through implication or by actual decisions being made at them. Formal decisions should be resolved and recorded in the appropriate forum."*

4. At its meeting on 13 October 2005 the Council resolved that the letter be received and that the Executive Team be requested to report back to the Council on the implications of the Auditor-General's response. From discussion at that Council meeting it was clear that the report was to discuss the Auditor-General's concluding remarks.
5. This report is to consider the three general points raised by the Auditor-General in these concluding remarks which are:
 - (a) a need by the Council to consider the adequacy of its decision-making processes
 - (b) that the context and practical implications of decisions are considered at the time of making the resolution by the Council
 - (c) that informal meetings should be restricted to sharing information and do not become de facto decision-making fora.
6. By implication these same points would be equally applicable to decision-making by the community boards.
7. Each of these points will now be considered in turn.

Adequacy of Decision-Making Processes

8. The Local Government Act 2002 contains a number of new provisions regarding planning and decision making by the Council. In particular there are requirements that the Council in decision-making:
 - seek to identify all reasonably practicable options for the achievement of the objective of a decision
 - assess those options by considering—
 - benefits and costs of each option
 - extent to which community outcomes would be promoted
 - impact of each option on the Council's capacity to meet present and future needs
 - any other matters that in the opinion of the Council are relevant.
9. Clearly with regard to the last bullet-point, previous resolutions of the Council that are relevant would need to be included in that decision-making process. Section 80 of the Act also requires that if a decision of the Council is significantly inconsistent with, or is anticipated to have consequences that would be significantly inconsistent with, any policy or plan the Council has then the Council in making its decision must identify that inconsistency, the reasons for it and the intention of the Council to amend the plan or policy to accommodate the decision.
10. As Councillors will be aware, since the new Act came in, there has been a change in the format of the reports and advice provided to the Council by staff which is intended to meet the requirements of the new Act. In addition, a manual entitled "Decision-Making Guide" (a copy of which is tabled) has been prepared by Council staff to assist staff in working through the practical issues involved in the new decision-making requirements. All staff who prepare reports for the Council have been advised of and are trained in the use of the decision-making manual and the new decision-making requirements in the Local Government Act.
11. Where appropriate, the manual also includes reference to policies or plans adopted by the Council, such as the policy on significance and the community views contained in the Long Term Council Community Plan. Those documents are important in providing advice to the Council.
12. While intended primarily as a tool for staff, it is considered appropriate, given that the issue has been raised in the Auditor-General's letter, that the Council resolve to endorse the use of this manual as a means of achieving compliance with the decision-making processes set out in Subpart 1 of Part 6 of the Local Government Act 2002.

The Practical Implications of Making Resolutions

13. The Auditor-General has stressed that when the Council passes resolutions their context and practical implications need to be comprehensively considered at the time. He has also clearly indicated that an option is that a resolution not be passed until a "complete analysis" can be completed.
14. Certainly where staff are drafting a report with recommendations which can lead to resolutions there is time for a complete analysis to occur.
15. It is considered there are two areas of potential risk where in practical terms it may be difficult for a complete analysis of a resolution to be passed by the Council. Those two areas are deputations and notices of motion/amendments at a meeting.

(a) Deputations

It is well established that decisions cannot be made upon hearing a deputation by the Council or a community board. By its very nature the Board or Council will not have before it any staff advice regarding the matters raised by the deputation, and also there can often be a need to seek other views on the issues raised by the deputation which cannot be done at the time of the meeting. In that situation the appropriate response is for the Board or Council to advise the submitters that it will seek staff advice on the matters raised by the deputation.

(b) **Notices of Motion/Amendments**

The Standing Orders currently provide that an elected member has a right to move a notice of motion or an amendment at a meeting.

With notices of motion, Standing Orders (S.O. 2.16.2) provide that the Chairperson of the meeting is empowered to direct the Chief Executive to refuse to accept a notice of motion which is

- “(a) Disrespectful or which contains offensive language or statements made with malice; or*
- (b) Not, in subject, within the scope of the role or functions of the local authority; or*
- (c) Contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the principal administrative officer may make.”*

While there is a requirement for a notice of motion to be delivered at least five clear days before a meeting, it is common practice for notices of motion to be dealt with by the Council or a community board in a similar way to deputations in that they are referred to staff for full advice. In that way there is the ability for an elected member to have an issue raised before the Council or Community Board and if the Council or Community Board, by majority view, believes that there is value in having staff resource allocated to following up the issues raised in a notice of motion, then the staff will implement the Council or Board resolution to report back on the matter. However, if the Council or Community Board believes that there is no such value in seeking further information, then that is the end of the matter.

16. It will be appreciated that from a staff perspective there is always the issue of the prioritisation of these matters alongside other work that the Council has already asked the staff to carry out in implementation of its annual work programme, and on occasions it may be necessary for staff to report back to the Board/Council advising of this and seeking clarification regarding prioritisation of issues.
17. As identified by the Auditor-General, there is an area of risk for the Council where an elected member expects a notice of motion or an amendment to be passed into a resolution at the meeting where the notice of motion or amendment is to be discussed. In that context, there can be insufficient time for staff to properly advise the Council on the notice of motion or amendment and there is always an issue of judgement at the time as to the “practical implications” the notice of motion or amendment will have for the Council. For example, an amendment to hold the rates at a particular level tabled at an annual plan meeting, clearly would have very significant practical implications in terms of staff being able to properly advise the Council on the implications of such an amendment. Other amendments may be quite easily advised on without difficulty by the staff.
18. While the Council could maintain the status quo and not change any of its processes, to cater for the area of risk regarding the Council being properly advised of the “practical implications” of a proposed notice of motion or amendment identified by the Auditor-General in his letter, it is considered that one way to address this situation would be for the Standing Orders to be amended so that the Chair is given the ability to defer consideration of a notice of motion or amendment until staff are able to properly advise the meeting on the implications of the notice of motion or amendment at a subsequent meeting.
19. Clearly, this may have an effect on some types of notices of motion or amendments if they are time-sensitive, but given the comments by the Controller and Auditor-General, it is believed that the Council needs to address this issue. It should also be noted that while the right of an elected member to move a notice of motion or amendment has been in place for many years, there is now a changing environment in that Parliament has placed new decision-making obligations on the Council that are contained in the Local Government Act 2002. These decision-making requirements in terms of the identification of options and the analysis of costs and benefits may well mean that on some occasions it is simply not practical to provide advice to the Council on a notice of motion or amendment at the meeting when the notice of motion or amendment is moved.

12 Cont'd

20. It is considered appropriate for the Council to consider at a seminar amending its Standing Orders so as to clarify the position that where a notice of motion or an amendment is received by the Council, then the Chair has the ability to defer but not to rule out of order, consideration of that notice of motion or amendment until proper advice can be received. Clearly there will be an element of judgement involved in making this decision and it is considered that the Mayor would only make that decision on the advice of the Chief Executive or a General Manager at the meeting.
21. The other situation that may arise is where it is realised by staff or elected members after the event that a resolution passed by the Council on the basis of a notice of motion or amendment may have practical implications that were not in the minds of Councillors when the notice of motion or amendment was debated.
22. In that situation Council officers believe that it is appropriate that advice is brought before the Council to set out the practical implications of the Council's resolution and depending on the circumstances to revoke or alter that Council resolution if the majority of the Council so agrees. In that situation officers will be proactive in this matter and will raise the issue again with Councillors if the officers believe there is a need to report back on the matter. It is important that Councillors recognise that the officers are raising these issues again in the best interests of the Council and to ensure that the implications of resolutions are carefully thought through. When officers do this it should not be considered by Councillors that it is a situation where officers are trying to revisit a particular issue, particularly if in the circumstances the original advice provided by officers to Councillors had not been accepted.

Informal Meetings

23. The comments made by the Auditor-General regarding the fact that while informal meetings are useful as a means of sharing information, they cannot become decision-making fora is entirely correct and cannot be disagreed with. Decisions on matters need to be made either by the Council, or by community boards or officers acting under delegated authority conferred by the Council. Officers will be proactive in drawing to the attention of Councillors if they believe that there are situations whereby non-decision-making fora are in effect used for that purpose.

Conclusion

24. In conclusion, it is considered that the Auditor-General's letter is a timely reminder regarding the importance of having robust decision-making processes and that certainly in the context of the new processes under the Local Government Act 2002, there is a need for the Council to carefully consider the relationship between long-standing practices around notices of motion and amendments and how they fit within the decision-making processes now required of the Council by Parliament.
25. It is appreciated that any suggestion to increase the role of the Chair to provide how those notices of motion or amendments are dealt with, is a sensitive one but it is important in terms of the governance structure of the Council for a discussion to take place.
26. It is considered that the suggestion above that the Standing Orders be amended so as to provide for the situation where the Chair has the ability to delay (but not to defer) consideration and debate around a notice of motion or amendment, is a balanced response to the points raised by the Auditor-General in his letter on this topic.

STAFF RECOMMENDATIONS

- (a) That the Council endorse the use of the "Decision-Making Guide" as a means of complying with the decision-making requirements of the Local Government Act 2002.
- (b) That the Council request staff to prepare amendments to the Standing Orders to provide for the Chair to be able to defer notices of motion or amendments where in his or her opinion it is necessary to do so to enable proper decision-making processes to be adhered to.
- (c) That a Council seminar be held to discuss these amendments to the Standing Orders before any changes to Standing Orders are brought to the Council for consideration.

13. ADOPTION OF SCHEDULE OF ORDINARY COUNCIL MEETINGS AND SEMINARS

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Secretariat Manager
Author:	Warren Brixton, DDI 941-8439

PURPOSE OF REPORT

1. The purpose of this report is to seek the adoption by the Council of the attached schedule setting out the times and dates of ordinary Council meetings and seminars for 2006.

EXECUTIVE SUMMARY

2. In order that the business of the Council can be conducted in an orderly manner, and that public notification of Council meetings can be given in compliance with the Local Government Official Information and Meetings Act 1987, it is necessary for the Council to adopt a schedule of Council meetings for 2006.
3. The attached schedule assumes the continuation of the existing arrangements for weekly Council meetings commencing at 9.30am each Thursday, and with seminars being held each Tuesday at both 9.30am and 1pm.
4. The dates shown for LTCCP seminars and Council meetings are tentative only at this stage, pending finalisation of next year's LTCCP hearings/meetings programme. The finally agreed dates for these will be the subject of a separate report to the Council.
5. Some preliminary consideration has been given to the possibility of holding fortnightly (rather than weekly) Council meetings. Should the Council decide to hold fortnightly meetings in 2006, then the schedule will be amended to reflect this.
6. In recent months, there have been some weeks when it has proved necessary to also hold seminars on a Wednesday, as well as on the Tuesday. Depending on the Council's future workload, it will probably prove necessary to continue holding some seminars on a Wednesday in 2006, as and when required.

FINANCIAL AND LEGAL CONSIDERATIONS

7. There are no direct financial considerations. Clause 19 of Schedule 7 of the Local Government Act 2002 provides that:

If a local authority adopts a schedule of ordinary meetings, -

(a) the schedule-

- (a) may cover any future period that the local authority considers appropriate; and*
- (b) may be amended.*

(b) notification of the schedule or any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.

8. The Local Government Official Information and Meetings Act 1987 (LGOIMA) requires the advance public notification of local authority meetings. In order to permit such notification to be given pursuant to section 46(1) of LGOIMA, it is necessary for the Council to formally adopt a schedule of Council meetings.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the schedule attached to this report, setting out the dates and times of ordinary Council meetings and Council seminars for 2006.
- (b) Note that the dates of the 2006 LTCCP meetings/seminars will be the subject of a separate report to the Council.

**14. REPORT OF THE CHRISTCHURCH CITY COUNCIL/BANKS PENINSULA DISTRICT COUNCIL
TRANSITIONAL JOINT COMMITTEE - MEETING OF 17 OCTOBER 2005**

Attached.

**15. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD -
MEETING OF 2 NOVEMBER 2005**

Attached.

**16. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD -
MEETING OF 14 NOVEMBER 2005**

Attached.

**17. REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD -
MEETING OF 26 OCTOBER 2005**

Attached.

**18. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD -
MEETING OF 26 OCTOBER 2005**

Attached.

**19. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD -
MEETING OF 2 NOVEMBER 2005**

Attached.

**20. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD -
MEETING OF 1 NOVEMBER 2005**

Attached.

21. NOTICES OF MOTION

BROTHELS

To consider the following motion, notice of which has been given by Councillors Pat Harrow and Bob Shearing pursuant to Standing Order 2.16.1:

“That the Christchurch City Council make a submission to Central Government requesting that changes be made to the Prostitution Law Reform Act as follows:

(a) That the term “Small Owner Operated Brothel” (SOOB) be deleted from the Act and all definitions relating to the term be deleted.

(b) That a new clause be drafted for inclusion in the Act allowing local authorities to specify the location of brothels and massage parlours within their territorial boundaries.”

22. QUESTIONS

23. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.