



**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL  
HELD AT 9.30AM ON THURSDAY 16 DECEMBER 2004**

**PRESENT:** 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.

**1. APOLOGIES**

Nil.

**2. CONFIRMATION OF MINUTES**

**COUNCIL MEETING OF 9 DECEMBER 2004**

**Resolved:** That the minutes of the Council meeting held on Thursday 9 December 2004 be confirmed subject to:

Clause 6 - Appointment of Committees and Subcommittees. The delegations in respect of the Council Hearings Panel being amended to provide:

- (a) That the composition of Hearings Panels, appointed pursuant to the Resource Management Act 1991, be approved by the Planning Administration Manager.
- (b) That the composition of the remaining Hearings Panels be approved by the Council Secretary.

Clause 17 - Solid Waste RFI. Councillor Broughton's vote against the entire motion being recorded.

**25. RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORTS**

This clause was dealt with at this stage of the meeting.

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

- Wastewater Capital Expenditure,
- High Court Proceedings Challenging Validity of Christchurch City Brothels (Location and Signage) Bylaw 2004,
- Delegation to Participate in Mediation,
- Nunweek Boulevard Proposed Give Way,
- Application for Removal of Street Trees, Goulding Avenue, Hornby,
- Sir John McKenzie Memorial Children's Library,
- Council Delegations Community Boards,
- Farnborough Reserve Bexley (public excluded),
- CEO Review (oral report only, public excluded).

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

**Resolved:** That the supplementary items be received and considered at the present meeting.

**29. SIR JOHN MCKENZIE MEMORIAL CHILDREN'S LIBRARY**

This clause was dealt with at this stage of the meeting.

A memorandum, dated 14 December 2004, from the Libraries and Information Manager explaining the reason for the report and confirming that the proposed course of action had no risks attached to it, other than those that might exist already, was tabled at the meeting.

**Resolved:** That the staff recommendation be adopted.

#### 11. RIVERSIDE PLANTING SITES: CITY-WIDE REVIEW

This clause was dealt with at this stage of the meeting.

The recommendations of the Hagley/Ferrymead Community Board in respect of site 1 - Avonside Drive (Fitzgerald Avenue to Stanmore Road bridge) and site 2 - Avon River (south side from Helmores Lane Bridge to Carlton Mill Bridge south) were tabled and dealt with in conjunction with the staff report.

It was **resolved**:

- (1) That the staff recommendation be adopted.
- (2) That clarification be sought from staff on:
  - (a) The precise steps the Council will take to carry out the remedial work within the statutory framework of the Hagley Park Management Plan.
  - (b) The timeframe for this work.
  - (c) The measures to be adopted for future management of site 2 (Avon River, south side from Helmores Lane Bridge to Carlton Mill Bridge) in accordance with the Hagley Park Management Plan, including maintenance arrangements and responsibilities.
- (3) That staff be requested to review current levels of service for maintenance and the associated budget implications.
- (4) That a process to identify community views on design guidelines be referred to the relevant portfolio group.
- (5) That the provisions of the Safer Parks Policy apply to riverside planting sites.

#### 18. WATER AND WASTE CAPITAL EXPENDITURE

This clause was dealt with at this stage of the meeting.

**Moved** that the staff recommendation be adopted.

**Moved**, by way of amendment, that staff report back to the Council on the viability of a cost share mechanism to offset these capital costs.

The amendment was put to the meeting and declared **carried**.

**Moved**, by way of further amendment, that these items be brought back to the Council in February 2005 following a Council seminar to identify possible substitutions.

The amendment when put to the meeting was declared **lost** on division no 1 by 2 votes to 11. The voting being as follows:

**For (2):** Councillors Broughton, Crighton.

**Against (11):** Councillors Buck, Condon, Corbett, Cox, Evans, Harrow, Shearing, Sheriff, Wells, Withers and the Mayor.

The motion, as amended, was then put to the meeting and declared **carried**.

#### 19. HIGH COURT PROCEEDINGS CHALLENGING THE VALIDITY OF THE CHRISTCHURCH CITY COUNCIL BROTHELS (LOCATION AND SIGNAGE) BYLAW 2004

This clause was dealt with at this stage of the meeting.

**Resolved:** That the staff recommendations be adopted.

**26. DELEGATION TO PARTICIPATE IN MEDIATION**

This clause was dealt with at this stage of the meeting.

**Resolved:** That the staff recommendation be adopted.

**3. DEPUTATIONS BY APPOINTMENT**

Nil.

**4. PRESENTATION OF PETITIONS**

Nil.

**5. CORRESPONDENCE**

Nil.

**6. APPOINTMENT OF MEMBER TO SUMMIT ROAD PROTECTION AUTHORITY**

**Resolved:** That the staff recommendation be adopted.

**7. WASTEWATER PUMPING STATION 11 - TENDER FOR CONSTRUCTION CONTRACT**

**Resolved:** That the staff recommendation be adopted.

**8. ASSIGNMENT OF LEASE - FENDALTON WOMEN'S BOWLING CLUB**

**Resolved:** That the staff recommendation be adopted.

**9. CHRISTCHURCH CITY HOLDINGS LIMITED - CITY CARE LIMITED - ADDITIONAL CAPITAL**

**Resolved:** That the staff recommendation be adopted.

**10. MOUNTFORT RESERVE - REVOCATION OF PART OF RESERVE TO ENABLE THIRD PARTY USE**

**Moved:** That the staff recommendation be adopted.

Moved by way of amendment:

- (1) That condition (g) be amended to provide:

That, should it be found that section 40 of the Public Works Act is enacted, the Council facilitate the negotiations for the purchase of the land from the previous owner.

- (2) That condition (i) be amended to provide:

That a covenant be put on the title of the revoked part of the reserve prior to sale, prohibiting the building of any structures on the land, including those for the purpose of car parking, so as to ensure the visual link between Lincoln Road and the former prison building is maintained.

- (3) That the Council's preference be to retain the land in Council ownership and consider leasing it to a third party.

- (4) That conditions (c) and (d) be deleted.

The motion, as amended, was then put to the meeting and declared **carried** as follows:

1. That the Council resolve to revoke the reserve designation over approximately 560 square metres being Lot 2 DP 310356, contained in Certificate of Title 40693, being a recreational reserve of 1,210 square metres, known as Mountfort Reserve, as shown in Option 1. The reason for revoking the designation over the land is to enable it to be sold to the applicant in order for them to build the required car park. The car park is to service the proposed 88 bed backpackers which is to be located in the former historic Addington Prison building. That the revocation be subject to the following conditions:
  - (a) That the outcome of the public consultation process as required by Section 24(2)(b) and (c) of the Reserves Act 1977 is successful.
  - (b) That the Minister of Conservation approve the revocation by placing a notice in the New Zealand Gazette.
  - (c) That all existing rights over the existing land to be sold to the applicant be preserved by way of easements at the applicant's expense.
  - (d)
    - (i) That the present right of way which is down the left hand side of the land, as viewed from Lincoln Road be maintained, with the addition of a right to the Council on the easement to enable maintenance vehicles etc to cross the land to gain access to the reserve.
    - (ii) That an addition of an easement right be placed over the land enabling the general public to have pedestrian access over the land to access the reserve.
  - (e) That, should it be found that section 40 of the Public Works Act is enacted, the Council facilitate the negotiations for the purchase of the land from the previous owner.
  - (f) The responsibility for forming the car park and undertaking the associated landscape work, be the applicants, including the payment of all costs for undertaking the work.
  - (g) That a covenant be put on the title of the revoked part of the reserve prior to sale, prohibiting the building of any structures on the land, including those for the purpose of car parking, so as to ensure the visual link between Lincoln Road and the former prison building is maintained.
2. That the Council's preference be to retain the land in Council ownership and consider leasing it to a third party.

(Note: Councillors Graham Condon, David Cox and Gail Sheriff abstained from the discussion and voting on this item.)

#### **11. RIVERSIDE PLANTING SITES: CITY-WIDE REVIEW**

This clause was dealt with at an earlier stage of the meeting.

#### **12. CONFERENCE AND SIMILAR EVENTS BRIDGING LOAN REQUEST FROM THE NEW ZEALAND SOCIETY FOR VITICULTURE AND OENOLOGY**

**Resolved:** That the staff recommendation be adopted.

#### **13. CHRISTCHURCH CITY COUNCIL REPRESENTATIVE - TRAFINZ**

**Resolved:** That Councillor Bob Shearing be nominated to be the Council's representative on the Executive of TRAFINZ to replace former Councillor, Denis O'Rourke.

**14. UPPER RICCARTON COMMUNITY AND SCHOOL LIBRARY - TENDER FOR CONSTRUCTION CONTRACT**

The General Manager Regulation and Democracy Services informed the Council that the Auditor General had granted an approval under section 3(3)(b) of Local Authorities Members' Interest Act 1968 approving of Councillor Shearing being concerned or interested in the contract relating to the construction of the Upper Riccarton Library.

**Resolved:** That the staff recommendation be adopted.

(Note: Councillor Shearing declared an interest in this item and abstained from the discussion and voting thereon.)

**15. CANTERBURY JOINT STANDING COMMITTEE**

**Resolved:** That the report be received.

**16. CANTERBURY WASTE SUBCOMMITTEE**

**Resolved:** That the report be received.

**17. PARKLANDS COMMUNITY LIBRARY - TENDER FOR CONSTRUCTION CONTRACT**

**Resolved:** That the staff recommendation be adopted.

**18. WATER AND WASTE CAPITAL EXPENDITURE**

This clause was dealt with at an earlier stage of the meeting.

**19. HIGH COURT PROCEEDINGS CHALLENGING THE VALIDITY OF THE CHRISTCHURCH CITY COUNCIL BROTHELS (LOCATION AND SIGNAGE) BYLAW 2004**

This clause was dealt with at an earlier stage of the meeting.

**20. NOTICES OF MOTION**

Nil.

**21. QUESTIONS**

Nil.

**25. RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORTS**

This clause was dealt with at an earlier stage of the meeting.

**26. DELEGATION TO PARTICIPATE IN MEDIATION**

This clause was dealt with at an earlier stage of the meeting.

**28. NUNWEEK BOULEVARD PROPOSED GIVE WAY**

**Resolved:** That this item be referred to the Fendalton/Waimairi Community Board for a decision.

**29. SIR JOHN MCKENZIE MEMORIAL CHILDREN'S LIBRARY**

This clause was dealt with at an earlier stage of the meeting.

**30. APPLICATION FOR REMOVAL OF STREET TREES, GOULDING AVENUE, HORNBY**

**Resolved:** That the three berm trees in Goulding Avenue be removed.

(Note: Councillor Broughton requested that her vote against the foregoing motion be recorded.)

**31. COUNCIL DELEGATIONS COMMUNITY BOARDS**

It was **resolved:**

- (1) That the delegations in appendices A and B be delegated to Community Boards subject to the delegation regarding community awards being extended to include all awards initiated by a Community Board.
- (2) That these delegations be reviewed by 30 June 2005.
- (3) That any two General Managers be authorised to enter into contracts for capital works or for maintenance contracts provided the contract is within the budget approved in the Council's Long-Term Council Community Plan (or an amendment to the plan) or an Annual Plan up to \$5M.

**22. RESOLUTION TO EXCLUDE THE PUBLIC**

It was **resolved:**

1. That the draft resolutions to exclude the public set out on page 51 of the agenda and page 13 of the supplementary agenda be adopted.
2. That Messers Gerard Nation and Geoff Kenning of Wynn Williams and Co be permitted to remain at the meeting for clause 24 because their special knowledge of this matter will assist Councillors in their deliberations.

**CONFIRMED THIS 3RD DAY OF FEBRUARY 2005**

**MAYOR**