



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 6 OCTOBER 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 22.9.2005

DEPUTATIONS BY APPOINTMENT

PRESENTATION OF PETITIONS

CORRESPONDENCE

DRAFT 2005 WASTE MANAGEMENT PLAN FOR SOLID AND HAZARDOUS WASTE

OCEAN OUTFALL PIPELINE

CYCLEWAYS TEMPORARY FREEZE

PART TIME SPEED LIMITS

POLICY ON PRIVATELY-REQUESTED PLAN CHANGES

DOMESTIC FOOD REVIEW

MEMBERSHIP OF METROPOLITAN FUNDING SUBCOMMITTEE/METROPOLITAN COMMUNITY DEVELOPMENT SCHEME FUNDING ASSESSMENT COMMITTEE

REPORT OF THE CANTERBURY WASTE SUBCOMMITTEE - MEETING OF 12 SEPTEMBER 2005

REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD - MEETING OF 7 SEPTEMBER 2005

REPORTS OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD - MEETINGS OF 24 AUGUST AND 14 SEPTEMBER 2005

REPORTS OF THE RICcarton/WIGRAM COMMUNITY BOARD - MEETINGS OF 29 & 31 AUGUST 2005

REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD - MEETING OF 24 AUGUST 2005

REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD - MEETING OF 6 SEPTEMBER 2005

NOTICES OF MOTION

QUESTIONS

RESOLUTION TO EXCLUDE THE PUBLIC

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1. APOLOGIES

Councillor Anna Crighton.

2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 22.9.2005

Attached.

3. DEPUTATIONS BY APPOINTMENT

(a) SPOKES CANTERBURY

Glen Koorey, Chair, Spokes Canterbury, will make submissions on the Council's cycleway programme.

4. PRESENTATION OF PETITIONS

5. CORRESPONDENCE

6. DRAFT 2005 WASTE MANAGEMENT PLAN FOR SOLID AND HAZARDOUS WASTE

General Manager responsible:	General Manager City Environment
Officer responsible:	City Water and Waste Manager
Authors:	Zefanja Potgieter DDI 941-8271, Tony Moore DDI 941-6426, Diane Shelander DDI 941-8304

PURPOSE OF REPORT

1. The purpose of this report is to present the Draft 2005 Waste Management Plan for consideration, to obtain approval for the statutory consultation process to start, and to appoint a Hearings Panel.

SUMMARY

2. The Draft Waste Management Plan (attached) is a requirement of the Local Government Act 2002. Once approved it will replace the current 2003 Waste Management Plan, and will feed into the 2006 Long Term Community Consultation Plan process.
3. Key aspects of the new Draft Plan are:
 - Revised selection criteria, goal, vision, and some adjusted or new waste reduction targets (pages 11–14 of the Draft Plan).
 - Three options for future kerbside collection services (pages 15-21 of the Draft Plan):
 - (1) **Business as usual** – Continuing with the weekly collection of a 45 litre green recycling crate and allocation via a coupon of 26 rate-funded rubbish bags per property per year;
 - (2) **Recycling wheelie bin** – In 2008 providing a 140 litre wheeliebin to each property for the fortnightly collection of recyclables and allocating via a coupon 26 rate-funded rubbish bags per property per year; and
 - (3) **Organics and recycling wheeliebins plus zero rate-funded rubbish bags** – In 2008 providing the 140 litre recycling wheeliebin of Option 2 and an 80 litre organics wheeliebin for the weekly collection of food scraps and greenwaste, plus the removal of the coupon allocation for 26 rate-funded rubbish bags. People needing rubbish bags would be able to get them from Council Service Centres and supermarkets and official Council rubbish bags would continue to be collected each week at the kerbside.
 - The expansion of the enclosed commercial organics compost plant agreed to by the Council in 2004 to enable the composting of material collected by the kerbside service.

PROCESS

4. The process for considering and adopting a new waste management plan is as follows:

Council seminar on this draft plan	4 October
Approval by the Council of the Draft Plan for public consultation and appointing of a Hearings Panel	6 October
Public notices of consultation process and hearing of submissions	8 and 12 October
Statutory public consultation period	19 October to 21 November
The hearing of submissions by the Hearings Panel	28 and part of 29 November (if needed)
Council consideration of the report from the Hearings Panel, and approval of the 2005 Waste Management Plan	15 December

6 Cont'd

LEGAL AND FINANCIAL CONSIDERATIONS

5. The *Special Consultative Procedure* of the Local Government Act 2002 will be followed.
6. The options for future kerbside collection presented for public consultation have widely different financial implications depending on the option selected - see attached Draft Plan for details.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Approve the Draft 2005 Waste Management Plan for Solid and Hazardous Waste for public consultation.
- (b) Appoint a Hearings Panel to:
 - (1) Hear submissions on 28 and 29 November 2005; and
 - (2) Make recommendations to the Council on a final 2005 Waste Management Plan for Solid and Hazardous Waste.

6 Cont'd

BACKGROUND ON DRAFT 2005 WASTE MANAGEMENT PLAN FOR SOLID AND HAZARDOUS WASTE

7. This Draft Waste Management Plan (attached) is a legal requirement of the Local Government Act 2002. The existing 2003 Waste Management Plan indicated that a review will take place in 2005. Once approved this plan will replace the current 2003 plan, and will feed into the 2006 Long Term Community Consultation Plan process. This Draft 2005 Plan combines the Part 1 (the vision, goal, targets and principles) and Part 2 (the Action Plan) format of the 2003 Plan into one document. The action plan part of the new plan will be reviewed annually as part of the Annual Plan process, and the next comprehensive review of the whole plan is planned for 2008/09.

8. The Draft Plan sets out the following revised vision and goals:

Vision

A prosperous city, where each person and business takes responsibility for waste minimisation and actively works toward zero waste.

Goals

- Individuals and businesses take greater responsibility for waste minimisation.
 - The Council provides much enhanced reuse and recycling services at the kerbside.
 - The Council supports and incentivises waste reduction, reuse and recycling.
 - The Council ensures that environmentally sound waste disposal services are provided.
9. The plan is based on an assessment of all relevant social, cultural, environmental and economic options within the framework of budgeted resources, and therefore includes a detailed action plan for working towards achieving the targets. The following targets have been set to move Christchurch towards the attainment of the vision and goal of the Plan (base year June 1994):
 - 90% reduction of green and kitchen waste sent to landfill by 2015.
 - 60% reduction of paper and cardboard waste sent to landfill by 2015.
 - 20% reduction of plastic waste sent to landfill by 2015.
 - 80% reduction of kerbside waste collected by the Council by 2015.
 - 70% reduction of wood waste sent to landfill by 2015.
 - 70% reduction of rubble received at refuse stations for landfilling by 2015.
 - 65% minimum reduction of the waste stream overall by 2020.
 - All potentially hazardous waste sent to landfill is treated or otherwise meets landfill acceptance criteria.
 - All cleanfill sites licensed under the Cleanfill Licensing Bylaw 2004.
 10. The difference between these targets and the targets in the previous plan is largely related to the time frame over which the targets might be achieved. The previous plan had many of the target dates at 2010. The recent buoyant economy has in fact reversed some of the gains made by the community in the previous decade and it is believed that even these new extended time frames will require a significantly increased commitment by the Council and the community to achieve.
 11. Key points of the Draft Plan include:
 - Three options dealing with kerbside collection services (pages 15-20 of the Draft Plan):
 - (1) **Business as usual** – Continuing with the weekly collection of a 45 litre green recycling crate and allocation via a coupon of 26 rate-funded rubbish bags per property per year;
 - (2) **Recycling wheelie bin** – In 2008 providing a 140 litre wheeliebin to each property for the fortnightly collection of recyclables and allocating via a coupon 26 rate-funded rubbish bags per property per year; and

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- (3) ***Organics and recycling wheeliebins plus zero rate-funded rubbish bags*** – In 2008 providing the 140 litre recycling wheeliebin of Option 2 and an 80 litre organics wheeliebin for the weekly collection of food scraps and greenwaste, plus the removal of the coupon allocation for 26 rate-funded rubbish bags. People needing rubbish bags would be able to get them from Council Service Centres and supermarkets and official Council rubbish bags would continue to be collected each week at the kerbside.
- The expansion of the enclosed commercial organics compost plant agreed to by the Council in 2004 to enable the composting of material collected by the kerbside service.

7. OCEAN OUTFALL PIPELINE

General Manager responsible:	General Manager City Environment
Officer responsible:	City Water & Waste Manager
Author:	Tim Evison, Ocean Outfall Project Manager, City Solutions, DDI 941-6308

PURPOSE OF REPORT

1. The purpose of this Wastewater Ocean Outfall Project report is to:
 - (a) Update the Council on the current state of the project with respect to:
 - (i) The resource consent process
 - (ii) The design process
 - (iii) The project programme
 - (b) Seek approval from the Council to change the procurement strategy from the Design and Build strategy previously resolved by the Council to a traditional design tender and construct methodology. This change in procurement strategy has resulted from an extensive review of the project risk register and development of conceptual designs

EXECUTIVE SUMMARY

Status of Progress:

Resource Consent(s)

2. The consent application to construct, maintain, and operate an ocean outfall pipeline for treated wastewater, was lodged on 17 December 2004 (in accordance with the Estuary Discharge Consent condition). A submission period was allowed which was double the statutory period. 80 submissions were received. Approximately 50% supported and 50% opposed the application.
3. The ocean outfall consent hearing was held over a three week period and concluded on 24 June 2005. The consent sought would allow the Council to proceed with either dig-and-lay or tunnelling construction methods.
4. There was generally very good support from the submitters for the Council's application and there have been no requests for further information from the Commissioners at this time. A decision is anticipated in early October 2005 (on programme).
5. The main issues that arose during the hearing, related to aspects of the proposed consent conditions including:
 - Sediment control issues relating to the dig & lay construction method for the Estuary crossing.
 - Construction methodology and associated potential effects on the public and/or recreational users for the Estuary, South Brighton Park, Jellicoe Street and beach sections affected by laying of the pipeline, (eg noise, vibration, traffic, safety, disruption along Jellicoe Street and disruption to yachting and other recreational activities on the Estuary).
 - No significant 'new' issues were identified that were not already addressed in the AEE.

Design Process

6. Conceptual hydraulic design for the pipeline is substantially complete, and concept design is now underway for the pump station. The concept designs are based on an ocean outfall pipeline discharging 3 km offshore, and include hydraulic profiles that allow for either:
 - Dig & Lay/Float & Sink; or
 - Micro tunnelling

7 Cont'd

7. The intention is to carry both design options forward through detailed design into the tender phase for both the Ocean Outfall Pipeline and Pump Station, to confirm the true market cost for each.

Project Programme

8. The Ocean Outfall Project remains on programme relative to the key dates listed below:
 - ROI Process & Tenderer Selection end October 2005
 - Issue Tender Documents for Pipeline and Pump Station end January 2006
 - Award Contract(s) end May 2006
 - Start on Site September 2006
 - Complete & Commission Ocean Outfall September 2008
9. The programme above assumes that the consent application is not subject to appeal. Any appeal process could delay the project up to one year. The ocean outfall must be commissioned by September 2009.

Contract Procurement Strategy

10. The previous contract procurement strategy is outlined in paragraphs 18-20 below. The strategy was based on the pump station and pipeline being constructed under a single design-build contract (ie the successful tenderer designs and builds the facilities).
11. The proposed recommendation to the Council is to vary the contract procurement strategy to allow two contracts to be tendered and to adopt a more traditional tender (design-tender-construct) approach for both the ocean outfall pipeline and the pump station. A mechanism will be incorporated in the tender process such that the two contracts can be combined into one contract, if either:
 - One contractor tenders for and is successful in winning each contract; or
 - Different contractors are successful on each contract but the pump station contract becomes a nominated subcontract to the main pipeline contract.

FINANCIAL AND LEGAL CONSIDERATIONS

12. Two preferred hydraulic design options have been developed. Each design will have different capital and operating costs. The cost of each tendered solution will be evaluated on a whole of life cost basis to ensure operational costs of the different options are correctly accounted for in the decision making process.
13. Tendering the two design options under a traditional contract approach will provide better control over the quality of the physical solution (because design control remains with the Council and not the contractor). The traditional contract approach can also reduce the Council's exposure to contract variations.
14. Splitting the project into two separate contracts is not expected to impact adversely on the total project cost. The contracting resources for the construction of the pump station are different to those required for the pipeline and marine outfall work.
15. The overall costs for professional design and project management fees are not expected to vary significantly. However the source of the costs is altered with the design and associated costs being the responsibility of the Council.

7 Cont'd

16. One of the primary reasons for revising the contract procurement strategy has been to remove the potential conflict of interest which could arise from having a Council Unit (City Solutions) integrated into the contractor's design and construct team. The risk review process highlighted commercial risks in having Council staff working as both the client and contractor (ie part of the design and build team).
17. Under the traditional design tender and construct strategy, City Solutions' engagement is retained direct to the Council for the design and construction management of the pump station. City Solutions have this work programmed as part of their 2005/06 capital works programme.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Note the progress to date with the Ocean Outfall Project.
- (b) Rescind the resolution of 27 May 2004.
- (c) Grant approval for the Ocean Outfall Pump Station and Pipeline components to be tendered under two separate traditional (design-tender-construct) contracts with the option for staff to later combine these two contracts into a single contract if commercially advantageous to the Council.
- (d) Note that officers will finalise the detailed design of the ocean outfall pump station and pipeline based on two hydraulic design profiles. One hydraulic design shall be suitable for micro-tunnelling and the other shall be suitable for dig and lay methodologies. Both detailed designs shall be fully designed by a Council engaged consultant prior to going to tender.

7 Cont'd

BACKGROUND ON PREVIOUS PROPOSED STRATEGY***Design Tendering and Contract Methodology***

19. *A review of a number of tendering and contracting options has been undertaken. This review (see Technical Briefing Paper) recommends the most beneficial tendering and contracting option for the Christchurch City Council to achieve the ocean outfall is to:*
- (a) Have a single contract for the whole works.*
 - (b) Implement the pipeline component (estuary, landline across the Southshore spit and along Jellicoe Street, and submarine outfall) as a design and build contract.*
 - (c) Implement the pumping station component (including UV disinfection if required) based on a design completed by the Christchurch City Council (and their consultants), and with the City Solutions design team included within the construction contract ((b) above).*

Process for Selection of Contractor

20. A strategy for purchasing the services above be developed which will include the following components:

Item	Timing
(a) Advertising this year for Request for Information (RFI). This will allow the Council to be aware of potential options for construction of the outfall and the preparation of the AEE can therefore include the widest range of likely construction options for consenting purposes.	June 2004
(b) Selection process and appointment of Project Manager for contract matters	October/November 2004
(c) After completion of the preliminary AEE, develop a tendering shortlist via a formal Registration of Interest (ROI) process for the design and construction. Potential contractors will have a weighted attribute assessment to qualify for tendering.	<ul style="list-style-type: none"> ▪ February 2005 if no appeals appear likely to resource consent process. ▪ Later in 2005 if appeals eventuate (to be evaluated later)
(d) Issue tender documents for a design build of the pipeline, and construction of the pump station to pre-qualified tenderers as a single contract. Documents will take account of the possible timing for the resource consent, and will promote local input combined with overseas expertise.	September 2005 based on no appeals to resource consent process.
(e) Receipt of bids, evaluation of tenders and award of contract.	March 2006 based on no appeals.
(f) Contract administration.	Ongoing

Resolution of Council meeting 27 May 2004

That the Council endorse the above proposed methodology and process for the Ocean Outfall Pipeline.

ASSESSMENT OF OPTIONS

21. The procurement options for delivery of the Ocean Outfall Project are to:
- (a) Maintain the status quo for a single design-build contract procurement strategy; or
 - (b) Adopt the recommended strategy for two separate contracts for the ocean outfall pipeline and pump station utilising a traditional (design-tender-construct) contract procurement strategy for each.

7 Cont'd

22. Several risk workshops have been carried out over the last three to four months (including an external peer review by a contract specialist from international consulting company Montgomery Watson Harza). The workshops identified the risks and advantages associated with the previous contract procurement strategy, as well as analysing the risks relative to alternative procurement strategies. This process, in parallel with development of the conceptual hydraulic design, has led to the recommendation to alter the procurement strategy.
23. The primary drivers in recommending an alteration to the initial procurement strategy are:
 - **Request For Information (RFI)** process carried out last year identified contractors' likely construction methods. This RFI information reduced the onus on the tender process to maintain flexibility and scope for construction innovation (which was a prime reason for adopting a design-build contract).
 - **Concept Hydraulic Design** - Work completed to date has narrowed down the potential range of likely hydraulic solutions to two options. The concept design process also reduced the need to maintain design flexibility with respect to alternative hydraulic design solutions.
 - **AEE & Resource Consent Process** - The AEE lodged by the Council was purposely tailored to maintain flexibility for alternative construction methodologies (dig and lay, float and sink or tunnelling). The AEE identified the potential issues and constraints associated with the differing construction methods and sought consents for these different methodologies.
 - **Interface Issues** - Interface issues between the pump station and pipeline in terms of design, construction, programme, and operational performance, have been identified to a point that these two components are believed to be manageable under two separate contracts.
 - **Construction Capabilities** - The equipment and expertise required for the construction of the pipelines and pump station are different. Construction of the pump station lends itself to a local civil construction/building works contractor, whereas construction of the pipeline, particularly the ocean outfall section, lends itself to a specialist dredging/pipelaying or tunnelling contractor (likely overseas contractor).
 - **Novation of City Solutions** - Novation of City Solutions to a design-build contractor's organisation (as originally proposed) presents administrative and potential legal issues. The original proposal of novation could have resulted in litigious issues between the Council and contractor coming back to the Council via City Solutions involvement. The risks associated with novation were believed to be too great relative to any benefits that were perceived previously with a single Design-Build contract.

PREFERRED OPTION

24. That the Ocean Outfall Pump Station and Pipeline components be tendered under two separate traditional (design-tender-construct) contracts with the option for these two contracts being combined into a single contract if commercially beneficial to the Council. Responsibility for design of the pump station and pipeline will rest with Council engaged consultants (City Solutions for the pump station).
25. That two detailed hydraulic design options be developed for the ocean outfall pump station and pipeline. One hydraulic design shall be based on dig and lay and the other on micro-tunnelling construction methodologies.
26. The tender short listing process will be similar to that previously proposed. Tenderers will be given detailed design information at tender time on which to price their proposals. The tender assessment process will utilise a weighted attributes method and costs shall be evaluated on a whole of life basis.

8. CYCLEWAYS TEMPORARY FREEZE

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Michael Ferigo, DDI 941-8925

PURPOSE OF REPORT

1. The purpose of this report is to reflect the discussions which took place at a Council seminar held on 16 August, which includes lifting the temporary freeze placed on cycleway works and undertaking a review towards finding more innovative ways of implementing the Cycle Strategy.

FINANCIAL AND LEGAL CONSIDERATIONS

2. There are no financial or legal considerations able to be identified at this stage. Any significant issues that may arise during the proposed evaluations of current levels of capital and promotional expenditure, how well they are contributing to the Cycle Strategy objectives and the presentation of options, including charges to these allocations will be reported at the appropriate time.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That the Council lift its temporary freeze on cycleway capital projects.
- (b) That staff report back to the Liveable City Portfolio Group within two months on the outcome of the marketing review and updating the Cycle Network Plan.

8 Cont'd

BACKGROUND ON CYCLEWAYS TEMPORARY FREEZE

3. At its meeting on 16 June 2005, the Council resolved “that a temporary freeze be imposed on the letting of tenders for cycleway capital projects, pending the outcome of the forthcoming seminar to review the current financial programme for cycleways”. That “forthcoming seminar”, held on 16 August 2005, was presented by General Manager City Environment, Jane Parfitt. Its aim was to answer the question, “Is what we are doing the best way to achieve the Cycling Strategy objectives?”. Appendix A (attached) includes the information presented at the seminar.
4. Several points were made as conclusions of the seminar:
 - The Cycle Strategy objectives - to increase the amount of cycling, to make it safer and to make it more enjoyable – are being achieved, but it is early days still. In many ways, the debate was about staying the course.
 - For a comparatively modest outlay (approximately \$750,000 annually on capital works and \$450,000 on research, promotion and safety education and training over the last nine years), Christchurch is getting a good return on its investment in cycling.
 - Cycle planning is not being done in an ad-hoc fashion. There is a well-considered plan for a city-wide network which aims to support all competency levels of cyclist. The Council's work in this area is supported by robust user- and traffic-count surveys and is integrated with other transport planning.
 - The 7% of commuters who currently cycle are helping the city avoid traffic congestion.
 - Christchurch compares well with other NZ cities in the proportion of people using cycles and, while there is particular concern about a down-turn in the number of older secondary school student cyclists, statistics suggest riding today is safer than in the past. The “perception gap” between the perceived and actual levels of cycle safety is one of several issues that can be looked at in a review of the research, promotion, safety education and training portion of the cycleways operational budget.
 - The full network is only approximately a third complete. The purpose of a cycle network is to provide a cycle friendly environment throughout a cyclist's journey. If parts of a journey are not adequately provided for, such as uncompleted sections of the network, it can discourage cycling. On this basis and from overseas examples of high cycling rates in countries with completed comprehensive networks, it is expected that the proportion of citizens opting to cycle will increase as the network gets closer to completion.
 - The Council's cycling plans and strategies are connected to other local and regional transport plans and related strategies and aligned with national legislation and road-funding systems.
5. In discussion following the presentation, elected members suggested a variety of approaches which might help to further the strategy objectives, some calling for more innovative approaches. Many of these ideas, or similar elements, could form part of a new approach, particularly to the promotion/education portion of cycle funding.

THE WAY FORWARD

Marketing

6. It is proposed to conduct a marketing review of the current mix of programmes, past and planned research and how these existing elements are contributing to the strategy objectives. This work will contribute to delivery of Cycle Strategy outcomes. A particular focus will be on increasing school cycling, as part of a wider Council intention to increase all active and sustainable school transport modes. In effect, we first need to identify and confirm the role played by the cycling programme's research/promotion/education and training programme, identify any gaps and then ensure appropriate tools are developed to do the job. It may be that, for instance, working with city high schools and providing incentives is a good approach to turning around the drop-off in teenage cycle use, but there may be more effective methods. Our shared services marketing team will work with the Transport and City Streets team on this.

8 Cont'd

Capital Programme

7. The current approach to providing cycling routes in Christchurch is determined on a number of foundation factors that are required to meet cyclists' needs. These requirements include directness, safety, coherence, comfort and aesthetics. When applying these and in line with the direction the Council is signalling, consideration can in future be given to a wider, or more innovative, range of options on a project by project basis. An example of other types of facilities, raised in the seminar, was a system of building up the height of on-street cycle ways to physically separate them from motor traffic. The acceptance and application of more innovative approaches will be tested on a project by project basis as new capital projects arise. The financial implications for applying this approach to the wider network will need to be assessed and any significant increases will be raised with the Council.

Cycle Network Plan Update

8. In addition it is proposed that an update of the 'Full Cycle Network Plan' (adopted by the Council in 1999) be undertaken. This will incorporate updating the significant cycle route and facility development opportunities that have arisen. This update will include public consultation and focus on a collaborative approach to planning the integrated cycle network.

Consultation

9. Concerns were raised over the consultation process used during cycle projects. This concern is currently being addressed. A recent exercise has explicitly defined the consultation processes to be used. The Transport and City Streets Unit's 'Local Capital Project Development' process defines capital projects management processes and Community Boards input from project initiation through to post construction. Our shared services public affairs team will increasingly work with Transport and City Streets on consultation.

Cycling in the Central City

10. The attractiveness or otherwise of the central city to cyclists was another topic raised by Councillors. The cycle community was represented on the Central City Transport Working Party and cycling is being considered in relation to developments in the centre of town.

OPTIONS

11. The report provides the direction that was given in the Council seminar to consider the Cycling Strategy. It is not considered relevant in these circumstances to provide other directions.

PREFERRED OPTION

12. The report provides the direction that was taken in the Council seminar to consider the Cycling Strategy.

8 Cont'd

ASSESSMENT OF OPTIONS

The Preferred Option

	Benefits (current and future)	Costs (current and future)
Social	Allows the community a sustainable transport option of cycling. Increases safety and enjoyment for cyclists. Allows financial and health benefits to the community.	Continuing investment per detailed annual plan. Ongoing staff resources.
Cultural		
Environmental	Opportunity benefits in reducing negative impacts of alternative less sustainable transport modes. Meets environmental sustainability commitments.	
Economic	Provides a cheap mode of transport. Allows more equitable transport options for all members of the community. Efficient and effective option of transport provided. Meets National Strategy direction and funding guidelines.	
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome: "Our City's infrastructure and environment are managed effectively, are responsive to changing needs and focus on long-term sustainability".</p> <p>Impact on Council's capacity and responsibilities: Nominal</p> <p>Effects on Maori: Nil</p> <p>Consistency with existing Council policies: Strong</p> <p>Views and preferences of persons affected or likely to have an interest: Discussed in report and research and submissions presented in relevant seminar.</p> <p>Other relevant matters:</p>		

9. PART TIME SPEED LIMITS

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport & City Streets Manager
Author:	Joy Kingsbury-Aitken, DDI 941-8299

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council set five new variable speed limits of 40 km/h on certain roads in the vicinity of certain schools.

EXECUTIVE SUMMARY

2. The Council resolved on 1 July 2004 to impose variable speed limits of 40 km/h on roads outside Westburn School, Cobham Intermediate School, and Burwood School. This will involve setting four new variable speed limits of 40 km/h as Burwood School has two road frontages. In addition to this, it is now proposed to extend the existing variable speed limit of 40 km/h at Chisnallwood Intermediate School to include a second school entrance on Pembroke Street. This will result in the setting of five new variable speed limits in total.
3. Now that the Council has made the Christchurch City Speed Limits Bylaw 2005, it can by way of resolution made pursuant to Clause 5(1) of that Bylaw, set these new variable speed limits. The necessary infrastructure for these variable speed limits will be installed once the Council has set the variable speed limits in accordance with the Bylaw and the Land Transport Rule Setting of Speed Limits 2003 Rule 54001 ("the Rule").

FINANCIAL AND LEGAL CONSIDERATIONS

4. Owing to delays in obtaining the necessary approvals to install the 2004/05 programmed schools signage, the 2004/05 budget was used to procure the electronic signage in preparation. The 2005/06 budget would then be used to procure the static signs associated with the above and pay for the installation. In addition to the 2004/05 programmed schools, now carried over into the 2005/06 financial year, an additional electronic signage and the associated static signage would be procured and installed from the 2005/06 School Speed Zone budget. It is proposed to consult with the affected residents in and around Manning Intermediate School who will be affected by the position on new electronic and static signage and installed the new signage by the start on the new school year. This will be recommended in a later report to follow after the next round of consultation.
5. Before the Council may set a variable speed limit pursuant to Clause 5(1) of the Bylaw it must comply with the public consultation requirements set out in section 7.1 of the Rule. Section 7.1(2) provides that the persons that must be consulted before the Council sets a speed limit are:

- “(a) road controlling authorities that are responsible for roads that join, or are near, the road on which the speed limit is to be set or changed; and*
- (b) a territorial authority that is affected by the existing or proposed speed limit; and*
- (c) any local community that the road controlling authority considers to be affected by the proposed speed limit; and*
- (d) the Commissioner; and*
- (e) the Chief Executive Officer of the New Zealand Automobile Association Incorporated; and*
- (f) the Chief Executive Officer of the Road Transport Forum New Zealand; and*

9 Cont'd

- (g) *any other organisation or road user group that the road controlling authority considers to be affected by the proposed speed limit; and*
- (h) *the Director."*

Section 7.1(3) of the Rule provides:

"A road controlling authority must consult by writing to the persons in 7.1(2) advising them of the proposed speed limit and giving them a reasonable time, which must be specified in the letter, to make submissions on the proposal."

6. In terms of Sections 7.1(2)(a) and 7.1(2)(b) there are no road controlling authorities or territorial authorities that are required to be consulted in respect of any of the proposed variable speed limits.
7. The term *"any local community"* is not defined for the purposes of Section 7.1(2)(c) the Rule. However, for the purposes of meeting the requirements of Section 7.1(2)(c), the proposal has been notified in writing by way of a letterbox drop to the occupiers of approximately 200 properties which have frontages onto those portions of roads where it is proposed that the variable speed limits will apply and to the occupiers of properties which have frontages onto portions of roads in the immediate vicinity. Attachment 1 to this report contains maps indicating the location of each of the proposed variable speed limits. Overlaid on those maps are the areas in which property occupiers were consulted for the purposes of section 7.1(2)(c). The Boards of each of the schools in question have been notified. Presentations were made to each Board at Board meetings.
8. The Commissioner of Police has been notified of the proposals, in accordance with Section 7.1(2)(d), plus the Chief Executive of the NZ Automobile Association (Section 7.1(2)(e)) and the Director of Land Transport Safety (Section 7.1(2)(h)).
9. In terms of Section 7.1(2)(g) it was considered that there were no other organisations or road user groups likely to be affected by any of the proposals.
10. All of the abovementioned persons who were consulted were informed of the proposed speed limit, the area in which it was proposed that the speed limit would apply and were given a reasonable time in which to make submissions on the respective proposals. In each case that time was between 14 and 21 days. Where it was proposed to erect speed limit signs outside a particular property the occupiers of those properties were advised of that proposal.
11. The submissions received from the property occupiers in respect of each proposed speed limit are set out in Attachment 2 to this report. Action taken to amend each proposal in light of those submissions are also recorded in that attachment.
12. Each of the school boards supported the proposals as they related to their particular schools. No submissions were received from any of the other persons consulted pursuant to Section 7.1(2) of the Rule.
13. Also, before the Council may set a variable speed limit it must obtain the approval of the Director of Land Transport Safety in accordance with Section 6.1(1) of the Rule. This is a separate exercise from consulting with the Director under Section 7.1(2) of the Rule. The Director may grant approval subject to any conditions that the Director sees fit to impose. The approval and any conditions must be notified in the *New Zealand Gazette*. The Council must, when setting a variable speed limit, comply with any such conditions.
14. In accordance with this requirement the Director has published a notice in the *Gazette* (2/6/2005, No. 86, p.2051) approving a variable speed limit of 40 km/h in school zones and setting out conditions for those speed limits. A copy of that notice is attached (Attachment 3). The five proposed variable speed limits comply with all of the conditions specified in the notice.

9 Cont'd

STAFF RECOMMENDATIONS

It is recommended that the Council resolve:

- (a) That it is satisfied that the consultation undertaken by the Council in respect of the proposals to set the five new variable speed limits of 40 km/h specified below meets the requirements of Section 7.1 of the Land Transport Setting of Speed Limits Rule 2003.
- (b) That pursuant to Clause 5(1) of the Christchurch City Speed Limits Bylaw 2005 a variable speed limit of 40 km/h apply on:
 - (i) Pembroke Street, outside Chisnallwood Intermediate School, for a distance of 244 metres, commencing from the intersection of Breezes Road and extending in the south-westerly direction to a point 144 metres south-west from the intersection of Horton Place; and
 - (ii) Waimairi Road, outside Westburn School, for a distance of 304 metres, commencing at a point 10 metres south of the intersection of Wentworth Street and extending in a north-westerly direction to a point 134 metres south-east from the intersection of Raxworthy Street; and
 - (iii) Ilam Road, outside Cobham Intermediate School, for a distance of 323 metres, commencing at a point 30 metres north east of Chateau Drive and extending in a north-easterly direction to a point 80 metres from the intersection of Aorangi Road; and
 - (iv) New Brighton Road, outside Burwood School, for a distance of 390 metres, commencing at a point 185 metres north-west from the intersection of Lake Terrace and extending in a north-easterly direction to a point 75 metres west from the intersection of Bassett Street; and
 - (v) Lake Terrace Road, outside Burwood School, for a distance of 125 metres, commencing from the intersection of New Brighton Road and extending in the north-westerly direction to a point 50 metres south-east from the intersection of Burwood Road -

when the steady state LED display 40km/h legend in the Part Time speed limit sign is illuminated on any school day during the following times:

 - (i) 35 minutes before the start of school until the start of school; and
 - (ii) 20 minutes at the end of school, beginning no earlier than five minutes before the end of school; and
 - (iii) 10 minutes at any other time when at least 50 children cross the road or enter or leave vehicles at the roadside.
- (c) That the abovementioned variable speed limits shall come into force on 10 October 2005.

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BACKGROUND ON VARIABLE SPEED LIMITS

15. In 2000 the Council trialled the first 40 km/h variable speed limits in New Zealand outside five schools in the city. The trial was very successful. Since then further variable speed limits of 40 km/h have been imposed outside schools. Such speed limits now apply outside 15 different schools in the Council's district.
16. In the 2003/04 financial year the Council installed a 40 km/h variable speed limit on Breezes Road outside Avondale School and Chisnallwood Intermediate School. At the time it was not considered necessary to extend that variable speed limit on to Pembroke Street, where there is a secondary entrance to Chisnallwood Intermediate School. Static signs were installed at Breezes Road which were considered to provide adequate warning to drivers that they were entering an area where a variable speed limit applied at the times stated on the static signs. Further investigation, however, showed that an electronic sign should be installed further down Pembroke Street to alert drivers of the presence of school children before and after school, as the Pembroke Street entrance to the school is used by all the pupils who cycle to school. This technical assessment was further supported by a petition from the school to the Mayor asking for the installation of a 40 km/h variable speed limit on Pembroke Street.
17. The Council has a programme of installing variable speed limits outside schools in Christchurch where it is considered that a reduction of speed to 40 km/h before and after school would significantly improve the road safety of pupils. Through a prioritisation process, Westburn School, Cobham Intermediate and Burwood School have been identified as the next three schools to receive this treatment. On 1 July 2004 the Council approved a proposal to install variable speed limits outside these three schools.
18. Variable speed limits in school zones apply during the times authorised by the Council. In each the application of the variable speed limit is notified to road users by the illumination of the LED speed limit signs. These signs are manually activated by a supervisor approved by the principal of the school in question. The times during which the signs are illuminated are recorded for enforcement purposes.

10. POLICY ON PRIVATELY-REQUESTED PLAN CHANGES

General Manager responsible:	General Manager Regulation & Democracy Services
Officer responsible:	Environmental Services Manager
Author:	David Mountfort, DDI 941-8669

PURPOSE OF REPORT

1. The purpose of this report is to recommend a policy to guide decisions on whether applications for changes to the City Plan should be rejected within the first two years after the Plan becomes operative.

EXECUTIVE SUMMARY

2. When the Christchurch City Plan becomes operative there will be the opportunity for parties to apply for privately requested plan changes. If accepted by the Council these must be processed according to a timeframe laid out in the RMA. There are a limited number of circumstances in which the Council may decline to process these, one being that the City Plan has been operative for less than two years. At its meeting on 24 March 2005 the Council resolved that staff be requested to report back to the Council on options for private plan changes and the two year stand-down period. This report recommends that applications for plan changes not be routinely rejected within the two-year period, but rather that the Council adopt criteria under which applications, which might adversely affect strategic planning exercises being undertaken by the Council, may be rejected.

FINANCIAL AND LEGAL CONSIDERATIONS

3. It would be unlawful for the Council to adopt a blanket policy that all applications would be rejected within the two-year period. This is because the Resource Management Act requires that each application must be considered on its own merits. Any policy must be general only. A policy would enable applications to be assessed consistently and all relevant matters to be considered, and provides some guidance for potential applicants and Council staff within the two-year period.
4. The costs of private plan changes can be fully recovered from the applicants. In practice not all costs would be, especially costs arising early in the process on preliminary consultation. These costs would be minor. The great majority of costs would be recovered.

STAFF RECOMMENDATIONS

It is recommended that the Council adopt the following policy:

POLICY ON APPLICATIONS FOR CHANGES TO THE CHRISTCHURCH CITY PLAN

1. Applications for changes to the Christchurch City Plan may be made in the manner set out in Part 2 of the First Schedule to the Resource Management Act. A flowchart outlining the City Plan Variation Application Procedure is attached.
2. The Council will consider any applications in the manner set out in the First Schedule.
3. The Council will recover its costs relating to such applications, as set out in Section 36 of the Resource Management Act 1991.
4. Pursuant to Clause 25(4)(e) of the First Schedule the Council may reject applications for plan changes within two years of the City Plan becoming operative. In considering whether to do this the Council will have regard to whether any of the following matters apply:
 - (a) The subject matter of the application affects an important strategic or policy issue the Council is currently investigating and may preclude options being considered.
 - (b) The proposal is for rezoning of a significant amount of land for urban growth and would pre-empt options for urban growth, being considered under the Metropolitan Christchurch Urban Development Strategy.

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- (c) The application is for rezoning of land for urban growth within Groundwater Recharge Zone 1 of the Natural Resources Regional Plan prior to the hearing of submissions and appeals on that plan by the Regional Council and the Courts.
 - (d) The proposal is for rezoning of land for urban growth and does not comply with the Council's objectives and policies for urban growth, in particular those set out in Sections 6 and 7 of the City Plan.
 - (e) The proposal is for rezoning of land for urban growth and the site is within a Priority 1 Area Plan currently under investigation by the Council. As at August 2005 Priority 1 Area Plans include Belfast, Memorial-Russley-Hawthornden, Southwest and Upper Styx-Harewood.
 - (f) The proposal is for rezoning of land for urban growth and does not make adequate provision for:
 - (i) Stormwater management
 - (ii) Provision of open space
 - (iii) Mitigation of traffic effects
 - (iv) Integration with Land Transport strategies prepared by the Council and Environment Canterbury
 - (v) Mitigation of landscape effects
 - (vi) Infrastructure
 - (vii) Mitigation of effects upon the natural environment
5. This policy will cease to have effect in regard to any provision of the City Plan which has been operative for two years or more.

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BACKGROUND ON POLICY ON PRIVATELY-REQUESTED CHANGES TO THE CITY PLAN

5. The First Schedule to the Resource Management Act provides that any person may apply for a change to a district plan. Such changes are referred to as "privately-requested plan changes". A district plan is defined in the Act as an operative district plan. When the Christchurch City Plan becomes operative there will be the opportunity for parties to apply for privately requested plan changes. If accepted by the Council, these must be processed according to a timeframe laid out in the RMA. There are a limited number of circumstances in which the Council may decline to process these, one being that the City Plan has been operative for less than two years. The relevant clause is Clause 25(4) as follows:

(4) *The local authority may reject the request in whole or in part, but only on the grounds that:*

 - (a) The request or part of the request is frivolous or vexatious; or*
 - (b) The substance of the request or part of the request has been considered and given effect to or rejected by the local authority or Environment Court within the last 2 years; or*
 - (c) The request or part of the request is not in accordance with sound resource management practice; or*
 - (d) The request or part of the request would make the policy statement or plan inconsistent with Part V; or*
 - (e) In the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.*
6. The Council has requested that a draft policy be developed for its consideration, to guide it in making decisions whether or not to reject these applications within two years of the plan becoming operative. It should be noted that such a policy can only be in general terms and each case would have to be considered on its individual merits. A policy on this matter would however enable consistency in decision-making on these applications and ensure all relevant matters are considered.
7. The Council has a number of significant planning projects underway or due to commence. Details of the projects being managed by the City Plan Team were reported to the Council in April 2005. Other significant strategic planning exercises are being carried out by the Planning Strategy Unit, most notably the Urban Development Strategy, the Area Plans programme and the Commercial Strategy. Privately requested plan changes to any part of the City Plan that may be affected by these exercises have the potential to preclude available options or reduce the effectiveness of options the Council may select. For example applications for urban rezonings within the area affected by an Area Plan could, if successful, reduce the options available under the Area Plan or significantly delay the Council's ability to prepare and implement the Area Plan.
8. Environment Canterbury is also progressing the Natural Resources Regional Plan. This plan proposes to prohibit intensification of land use in the Groundwater Recharge Zone 1, an area of land which lies above the unconfined aquifers from which Christchurch draws its water supplies. This prohibition, if confirmed, could have a significant impact on the urban development of Christchurch. Although this is Environment Canterbury's responsibility, the existence of the NRRP adds a considerable amount of complexity to this Council's rezoning issues.
9. Many property owners have opposed the NRRP. This Council itself has submitted on the Plan, supporting the overall objective of preserving the purity of the water, but questioning whether it is necessary to prohibit residential development in Zone 1. The Council is already involved with three rezoning cases affected by the NRRP, being the section 293 cases at Masham and Belfast, and the Clearwater Variation. These were all underway before the NRRP was publicly notified. The prohibition will not take effect until the NRRP becomes operative, but any resource management processes must now have regard to the NRRP.

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10. Any further applications in the NRRP's Zone 1 are likely to be opposed by Environment Canterbury. It may be desirable to use the two year period to enable progress on the NRRP without the complications of further rezoning exercises in the affected areas.
11. On the other hand there are a number of reasons why the Council might consider allowing certain privately-requested plan changes to proceed, including:
 - Not all proposals are likely to affect strategic planning exercises. Some may be quite site specific, or specific to particular parts of the City Plan.
 - Christchurch considers itself a business friendly city. The opportunity to make applications for plan changes is supposed to be available under the RMA. It has not been available since 1995.
 - A decision to reject an application is appealable to the Environment Court. Defending such appeals would consume valuable resources rather unproductively.
 - Deferring applications could produce a "bow wave" of applications which could all arrive together on or close to the second anniversary of the operative date and overwhelm the resources at that time.
 - Deferring applications would give potential applicants a disincentive to discuss them with the Council at the early formative stage. Applications could arrive after the two-year period fully developed, with applicants with fixed ideas and little remaining patience. In general developers prefer and expect to consult with the Council from the outset and this should be encouraged, as that is the best time to influence projects.
 - After the two-year period the Council will have to learn to work this way anyway and may as well do so from the outset.
 - All of the costs, except for initial consultation prior to lodgement, are recoverable from the applicant.

OPTIONS

- (a) Status quo, ie do nothing. Adopt no policy. Assess each application at the time of receipt.
- (b) Adopt as a policy that all privately requested plan changes be rejected in the two-year period.
- (c) Adopt the following policy:

POLICY ON APPLICATIONS FOR CHANGES TO THE CHRISTCHURCH CITY PLAN

1. *Applications for changes to the Christchurch City Plan may be made in the manner set out in Part 2 of the First Schedule to the Resource Management Act.*
2. *The Council will consider any applications in the manner set out in the First Schedule.*
3. *The Council will recover its costs relating to such applications, as set out in Section 36 of the Resource Management Act 1991.*
4. *Pursuant to Clause 25(4)(e) of the First Schedule the Council may reject applications for plan changes within two years of the City Plan becoming operative. In considering whether to do this the Council will have regard to whether any of the following matters apply:*
 - (a) *The subject matter of the application affects an important strategic or policy issue the Council is currently investigating and may preclude options being considered.*
 - (b) *The proposal is for rezoning of a significant amount of land for urban growth and would pre-empt options for urban growth, being considered under the Metropolitan Christchurch Urban Development Strategy.*
 - (c) *The application is for rezoning of land for urban growth within Groundwater Recharge Zone 1 of the Natural Resources Regional Plan prior to the hearing of submissions and appeals on that plan by the Regional Council and the Courts.*

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- (d) *The proposal is for rezoning of land for urban growth and does not comply with the Council's objectives and policies for urban growth, in particular those set out in Sections 6 and 7 of the City Plan.*
 - (e) *The proposal is for rezoning of land for urban growth and the site is within a Priority 1 Area Plan currently under investigation by the Council. As at August 2005 Priority 1 Area Plans include Belfast, Memorial-Russley-Hawthornden, Southwest and Upper Styx-Harewood.*
 - (f) *The proposal is for rezoning of land for urban growth and does not make adequate provision for:*
 - (i) *Stormwater management*
 - (ii) *Provision of open space*
 - (iii) *Mitigation of traffic effects*
 - (iv) *Integration with Land Transport strategies prepared by the Council and Environment Canterbury*
 - (v) *Mitigation of landscape effects*
 - (vi) *Infrastructure*
 - (vii) *Mitigation of effects upon the natural environment*
5. *This policy will cease to have effect in regard to any provision of the City Plan which has been operative for two years or more.*
12. This policy has been drafted to give effect to the considerations described above. Every application would still have to be considered on its own merits, but each application would be assessed to see whether the various factors apply, and to what extent. The policy would simply:
- Provide a basis for making decisions on whether to reject the applications;
 - Assist with consistent decision-making;
 - Give some guidance to applicants as to how their application would be assessed.
13. Item 5 of the policy requires explanation. As the City Plan is to be made operative in stages, then it is important to ensure that the policy continues to apply to the provisions that become operative later, ie that it is the date that the individual provision affected by an application becomes operative that is the trigger, not the date when the first parts of the plan become operative. The great majority of the City Plan will be made operative initially. Matters that are incomplete and will not be made operative include:
- floodplains issues (Variation 48),
 - retail distribution, being objectives and policies for business and rules for Business 3, 4 and Business Retail Park zones (Variation 86)
 - Financial contributions (Variation 91)
 - Airport noise policies and rules
 - Section 293 zoning issues at Belfast, Masham and Cashmere
 - Zoning issues at Aidanfield
 - Minimum lot sizes in Living 1A zone
 - Clearwater Variation 93
 - Recession planes Variation 89
 - Allotment definition variation 90
 - Belfast rezoning under Variation 92
 - Stonehurst Variation 84

PREFERRED OPTION

14. The preferred option is Option (c)
15. It has been suggested consideration be given to including an additional criterion along the following lines:

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- Large scale developments on the borders of Christchurch not be allowed in the two year period following the City Plan being made operative.
16. This is not recommended. This concern is amply dealt with in Item 4(b) and (d) of the policy which relate to the UDS and the Area Plans programme. In many cases the matter would also be addressed by all of the other recommended criteria. It would be too difficult to define what is and what is not large-scale. "Borders" is ambiguous. It could refer to either the edge of the existing built-up area, or to the legal boundaries of the city.
17. There is no particular significance to the boundaries of Christchurch. In some places eg Templeton the boundary is close to the built-up edge. In other places eg Yaldhurst it is quite distant. Proximity to the built-up edge is important and is already dealt with in Policy 6.3.1 of the City Plan, as follows:
- Urban Boundary**
- *To ensure peripheral urban growth does not occur in a form detached from current urban boundaries, or which promotes a dispersed and uncoordinated pattern of development.*
18. Applications which do not achieve this policy would have little chance of success unless there was some exceptional circumstance

ASSESSMENT OF OPTIONS**The Preferred Option**

Adopt the recommended policy

	Benefits (current and future)	Costs (current and future)
Social	Enables people to apply for plan changes that they believe better meet the purposes of the RMA than the existing provisions	Costs of resourcing the process (largely met by applicants)
Cultural	As above	As above
Environmental	As above	As above
Economic	As above. Enables people to apply for plan changes that improve economic opportunities.	As above
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome</p> <ul style="list-style-type: none"> • A city with a sustainable and natural environment <p>Also contributes to</p> <ul style="list-style-type: none"> • A prosperous city and • A well governed city and • A liveable city <p>Impact on Council's capacity and responsibilities: Some potential for committing Council's resources to projects other than Council's own priorities, but can be largely managed by cost recovery.</p> <p>Effects on Maori: No particular impact</p> <p>Consistency with existing Council policies: No known inconsistency</p> <p>Views and preferences of persons affected or likely to have an interest: Some land developers likely to oppose some aspects of the policy if it reduces their opportunity to apply for plan changes.</p> <p>Other relevant matters: Provides guidance for Council decisions, ensures relevant matters are taken into account on each occasion and that decisions are consistent.</p>		

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Maintain The Status Quo (If Not Preferred Option)

Option (a). Adopt no policy.

	Benefits (current and future)	Costs (current and future)
Social	Enables people to apply for plan changes that they believe better meet the purposes of the RMA than the existing provisions	Uncertainty as to whether or not the Council will reject application
Cultural	As above	As above
Environmental	As above	As above
Economic	As above. Enables people to apply for plan changes that improve economic opportunities.	As above
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome</p> <ul style="list-style-type: none"> • A city with a sustainable and natural environment <p>Also contributes to</p> <ul style="list-style-type: none"> • A prosperous city and • A well governed city and • A liveable city <p>Some potential for committing the Council's resources to projects other than the Council's own priorities, but can be largely managed by cost recovery.</p> <p>Effects on Maori: No particular impact</p> <p>Consistency with existing Council policies: No known inconsistency</p> <p>Views and preferences of persons affected or likely to have an interest: Likely to be favoured by land developers and opposed by those concerned about the effects of land development.</p> <p>Other relevant matters: Would cause some uncertainty for Council staff and applicants as to whether or not applications are likely to be rejected. May lead to adverse impacts on Council strategic planning exercises.</p>		

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Option (b). All applications rejected within two-year period

	Benefits (current and future)	Costs (current and future)
Social	Cost savings. Allows the Council to concentrate on existing priorities	Possible costs if people are not allowed to promote changes.
Cultural	As above	As above
Environmental	As above	As above
Economic	As above	As above
<p>Extent to which community outcomes are achieved: Poor alignment with all</p> <p>Impact on Council's capacity and responsibilities:</p> <p>Effects on Maori: Denies opportunity to Maori to promote plan changes</p> <p>Consistency with existing Council policies:</p> <p>Views and preferences of persons affected or likely to have an interest: May be favoured by opponents some applications. Likely to be opposed by land developers and others with interest in applying for plan changes</p> <p>Other relevant matters: Not legal. Each application must be considered on its merits at time of receipt. Likely to generate legal challenges.</p>		

11. DOMESTIC FOOD REVIEW

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Environmental Services Manager
Author:	Willis Heney, DDI 941-8732

PURPOSE OF REPORT

1. The purpose of this report is to advise the Council on the release of a further discussion paper on a review of Government involvement in the domestic food sector and to seek the Council's approval to make comments on the paper.

EXECUTIVE SUMMARY

2. The review consists of a number of papers that comprise the foundation work of the Domestic Food Review. This is a major long term project likely to run over the next five years. There are seven papers to date in the review but this report concentrates only on Paper 6 – Compliance and Sanctions: Criteria and Tools for the Future. (Copies of this paper have been separately distributed to Councillors.)
3. A number of principles are proposed in the paper as suggestions to guide the application of sanctions in the future and comments are particularly sought on these.

FINANCIAL AND LEGAL CONSIDERATIONS

4. There are no financial or legal considerations in respect of the proposed submission but the Council should be aware of the potential longer term implications if the provisions contained in the review are implemented.

STAFF RECOMMENDATIONS

It is recommended that the Council make a submission to the New Zealand Food Safety Authority that:

- (a) indicates support in general for the Domestic Food Review; and
- (b) includes the comments contained in this report.

11 Cont'd

BACKGROUND ON DOMESTIC FOOD REVIEW

5. The Council registers, inspects and controls premises manufacturing, preparing or selling food (other than premises handling food for export). Since an amendment to the Food Act in 1996, food premises have had the option of either being registered with the Council (and being inspected by Council Environmental Health Officers) or developing a Food Control Plan to be approved by the New Zealand Food Safety Authority (NZFSA) and then be audited on an annual basis by independent auditors or verifiers.
6. The purpose of the review is to provide a food regulatory programme that integrates the various legislation and agencies currently involved with the safety and suitability of domestic food, to define the roles and responsibilities of the regulators at various levels, criteria for assessing structural options and a range of structural options for the future shape of the regulator involving central government, district health boards and local government (territorial authorities).
7. This latest paper seeks discussion on a range of additional tools to assist NZFSA to manage and redress non-compliance across the food sector. It is noted that prosecution is the only legally allowable regulatory response in many cases across the food sector, and it is widely accepted that this is insufficiently flexible.

PAPER 6: COMPLIANCE AND SANCTIONS: CRITERIA AND TOOLS FOR THE FUTURE**CURRENT SYSTEM: PROBLEMS AND SOLUTIONS****Inconsistencies Across Food Legislation**

8. The paper notes that the current food legislation has been in place for several decades and reflects the accepted practices at the time the legislation was drafted and then amended over time. This incremental approach, combined with the lack of a back-to-basics review, has led to incoherence and inconsistency across the food sector. Even where provisions are relatively coherent, many are regarded as outdated in view of current knowledge and regulatory best practices. These anomalies are a source of confusion and frustration for persons and regulators alike.
9. It is proposed that a national approach be applied consistently and equitably across New Zealand and, in the longer-term, be harmonised across all food legislation.

Principle 1	<i>The compliance and sanctions regime will be seamless and coherent and will apply regulatory and non-regulatory provisions consistently and equitably across all food sectors</i>
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10. **Comment:** It is of benefit to all if there is a uniform and consistent approach across all food sectors and across the country. This principle is strongly supported.

Shift in Regulator Approach

11. In the past, compliance has mainly required the regulator to take responsibility for pointing out non-compliance issues. More recently, there has been a cultural shift involving 'persons' taking responsibility to meet the requirements for food safety and suitability by proactively complying with food law.
12. As part of this shift, regulators encourage food businesses to develop a 'culture of food safety'. This trend can be observed in food regulatory agencies around the world, including the Food Standards Agency in the United Kingdom and the Food Safety Authority of Ireland.
13. NZFSA is proposing to apply this approach across the domestic food sector. Regulators will, however, continue to assist in informing persons about these requirements as set out under food legislation.

11 Cont'd

Principle 2	<i>Persons have responsibility to ensure they understand and implement the requirements of current food safety and suitability legislation. (i.e. it is their responsibility to produce safe and suitable food. The legislation defines what 'safe and 'suitable' means).</i>
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14. **Comment:** This is a major change in the approach to achieving compliance and is fundamental in achieving food safety. If food handlers understand the basics of food safety and implement them because they can appreciate why they are necessary and the potential consequences if they are not followed, then this is far better than if such procedures are only implemented when the "Inspector" is standing over them. Long term, the aim is to have food handlers accept that it is their responsibility to provide safe food at all times. This is a very commendable aim but there are strong doubts that this will work in the majority of food premises without the ongoing involvement of the regulator. Experience would indicate that the 'good' operator will take a responsible approach whilst the 'bad' operator will carry on regardless. This principle is also supported, albeit with reservations.

Limited Range of Tools

15. The current range of regulatory tools is not sufficiently flexible or extensive to manage the range of possible non-compliance. For example:
- a number of food businesses are not required to register under the Food Hygiene Regulations, making it difficult to correct problems;
 - current penalties are often not precise in their effect. Collateral damage can have an impact on a wider group than those responsible for the relevant non-compliance. An example of this would be the poor performance of one franchisee of a multi-food producer and the only response is to penalise the whole food producer by loss of accreditation, or a blanket increase in audit frequency.
16. In response to such limitations, it is proposed that a wider range of responses and/or tools (regulatory and non-regulatory) be available to the regulator across the food sector.

Principle 3	<i>The range of tools available to manage and prevent non-compliance will be flexible and extensive and will comprise options for both non-regulatory and regulatory intervention.</i>
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17. **Comment:** This is a sensible principle and is supported for the same reasons given below for supporting Principle 4.

Making Better Use of Current Tools

18. It is recognised that in some cases regulators might be able to make better use of the tools currently available in food legislation to manage non-compliance. Education or training could enhance the use of current and prospective tools. With the continuing work on the Domestic Food Review, a paper on training and education will be produced in the future.
19. There is little consistency in the current legislative provisions for different types and levels of offences, and sanctions against them, across New Zealand's food legislation.
20. It is proposed that a set of assessment criteria be developed to assist regulators to judge the seriousness of the offence. These criteria are intended to be harmonised across food legislation to provide persons and regulators with consistent and transparent guidance on managing food safety and suitability issues.

Principle 4	<i>The regulator will apply a set of assessment criteria to measure the seriousness of each non-compliance and thus the appropriate response</i>
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21. **Comment:** Again, this is sensible and is supported. There is a wide range of potential areas of non-compliance and an even wider range of potential consequences as a result of the non-compliance. It is appropriate that the seriousness of the non-compliance is considered before

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deciding on the response and/or penalty. If there is a range of options available as suggested in Principle 3 then it follows that there must be a standardised set of assessment criteria to be used to decide on the appropriate response. The paper sets out possible assessment criteria that are seen as sensible and simple.

Sanctions

22. The current range of sanctions (including court-imposed sentences) for offences varies greatly according to which legislation covers the sector. An incremental scale of sanctions is proposed in order to implement deterrents consistently across the food sector.

Principle 5	<i>An incremental scale of sanctions will be applied consistently and equitably across all food legislation.</i>
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23. **Comment:** This flows on from the previous two principles and is supported for the same reasons.

Possible Additional Tools to Manage and Prevent Non-compliance

24. It was noted earlier that prosecution is the only legally allowable regulatory response in many cases across the food sector, and it is widely accepted that this is insufficiently flexible.
25. The paper seeks discussion on a range of additional tools to assist NZFSA to manage and redress non-compliance across the food sector.
26. The proposed new tools are:
- incentive schemes;
 - award/recognition schemes;
 - grading and public notification schemes
 - public apologies;
 - diversion schemes;
 - improvement notices;
 - infringement notices;
 - prohibition notices;
 - demerit points.
27. **Comment:** The paper lists the pros and cons of each of the above and the NZFSA would particularly seek comments on these possible additional tools. As the pros and cons are listed, comments are restricted to whether the proposed tool is supported or not and the reasons why.
28. It must be remembered that the proposed tools are “to assist NZFSA to manage and redress non-compliance across the food sector” and so may or may not have relevance to the Council in its current role of registration and inspection.

Incentive Schemes: Supported

29. These are much more likely to gain support from the industry than some of the other proposals as the industry can see benefits such as reduced costs. There is also an attraction that this tool rewards the good operator and punishes the bad.

Award/Recognition Schemes: Supported

30. Acknowledges commitment to safe and suitable food and encourages industry to comply with policy Principle 1.

Grading and Public Notification Schemes: Not Supported

31. Public grading and notification of grades (name and shame) schemes have been implemented by a number of authorities both in New Zealand and overseas. There is divided opinion as to the effectiveness or otherwise of such schemes with conflicting reports on their effect on food

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borne disease. (A Tennessee report concluded that restaurant inspection scores alone do not predict the likelihood of a food borne outbreak occurring in a particular establishment whilst a Californian report found that the introduction of grade cards for restaurants corresponded to a 20% decrease in the number of people admitted to hospitals with food related illnesses.)

32. A negative that is not mentioned in the pros and cons for this tool is the additional administrative charges associated with ensuring such schemes are kept current with all published grades up to date.
33. Food premises with an approved food control plan, audited by an independent verifier, should be only preparing or selling safe food. These premises should all, in theory at least, be 'A' Grade premises and therefore there is no advantages in grading them.
34. In general, it is considered that any advantages of these schemes are outweighed by the extra resources that would be required and the associated costs. It would also appear that such schemes would be contrary to the underpinning policy principle No. 1 set out in the first paper of the Review that "Government involvement and imposed compliance costs to the food sector will be minimised, consistent with Government policies and the need for food to be safe and suitable".

Public Apologies: Supported

35. In some ways, this can be seen already when firms issue a recall notice for food that has been found to be contaminated or have a manufacturing fault.

Diversion Schemes: Partial Support

36. There are some attractions for this as an additional tool, but strong guidelines would need to be prepared to ensure a consistent approach across the country.

Improvement Notices: Not Supported

37. On the information provided, it does not appear that this tool offers any real advantages and does not appear to fit with the verification process for approved Food Control Plans.

Infringement Notices: Supported

38. As noted, there are few offences that would fit into this category but for those that do this would be a very quick means of ensuring that food premises operators are made aware of the need to comply with the legislation.

Prohibition Notices: Supported

39. Again, this would provide a rapid response to a situation where there was a high risk in terms of food safety.

Demerit Points: Not Supported

40. This tool does not sit well with the objectives of the Domestic Food Review as a whole in terms of increased costs, matching the policy principles for the review set out in Paper 1 or achieving an acceptable solution to non-compliance.

Concluding Comments

41. The paper offers a range of additional tools for the regulator to use to ensure compliance with the requirements of the legislation in terms of food safety.
42. It is considered that the wide range of tools is desirable and will give much needed flexibility to the regulator instead of the single option of prosecution.
43. The New Zealand Food Safety Authority should be commended for the production of a comprehensive paper and review.

12. MEMBERSHIP OF METROPOLITAN FUNDING SUBCOMMITTEE/METROPOLITAN COMMUNITY DEVELOPMENT SCHEME FUNDING ASSESSMENT COMMITTEE

General Manager responsible:	General Manager Community Services
Officer responsible:	Community and Recreation Manager
Author:	Lesley Symington, Community and Recreation Manager, DDI 941-8879

PURPOSE OF REPORT

1. The purpose of this report is to seek the confirmation of the membership of the Metropolitan Funding Subcommittee when it meets to consider funding applications to the Metropolitan Community Development Scheme.

EXECUTIVE SUMMARY

2. At its meeting of 24 February 2005, the Council established the Metropolitan Community Funding Subcommittee, to comprise the Mayor and all Councillors.
3. In 1990 the Christchurch City Council established its Community Development Scheme, with an annual grants budget that is approved each year through the Council's Annual Grants to Community Organisations budget. The Council also established a Metropolitan Funding Committee to consider such requests under the scheme's criteria. This was to be made up of six Councillors and a majority of community members representing community sector interests. These community representatives were appointed for three-year terms. A similar committee structure was established by each Community Board to consider their Community Development Scheme requests. The total Community Development Scheme budget for 2005/06 is \$450,000 with \$220,000 allocated to the Metropolitan Community Development Scheme. Over the past three years the Metropolitan Funding Subcommittee has considered between 120 and 150 Community Development Scheme requests at its annual allocation meeting.
4. The current community representatives were appointed by the Council in 2003 (for three years) following recommendations by the then Metropolitan Funding Subcommittee which considered nominations from individuals and community groups. The call for nominations was made through Council sponsored public advertising and promoted/encouraged through community networks and community forums. Those members are Trevor Cattermole, Steven Zingel, Karen Brown, Freedom Preston-Clark, David Marra, Maria McEntyre, Norm Dewes, Shona Hickey and Sally Thompson. These community members can often bring valuable additional insight and knowledge of the city's community development and social services to the collective decision-making.

FINANCIAL AND LEGAL CONSIDERATIONS

5. In the past Council and committee meeting fees have not been paid when the Metropolitan Funding Subcommittee met to consider Community Development Scheme applications.

OPTIONS

6. A Community Development Scheme funding assessment committee with 22 members (ie all elected members, the Mayor and nine community representatives) has the potential of being overwhelming in terms of the small amount of funding to be distributed.

Options:

- (a) Remain with the current membership of 13 Councillors and nine community representatives

This would continue the current membership appointments the Council has with the nine community representatives named in section 4, with the scheduled 23 November 2005 Community Development Scheme meeting completing these individuals' three year term.

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- (b) Reduce the membership of the Metropolitan Funding Subcommittee/Community Development Scheme Assessment Committee to a total of 13 members (the same number of the current Metropolitan Funding Subcommittee of 12 Councillors and the Mayor), to be made up of six elected members and seven community representatives.
- (c) Reduce the membership of the Metropolitan Funding Subcommittee/Community Development Scheme Assessment Committee by reducing the number of existing community representatives to four. This would still give a reasonable community cover/knowledge of the Community Development Scheme's priority areas.
- (d) The Metropolitan Funding Subcommittee/Community Development Scheme Assessment Committee membership to consist only of the elected members who make up the current Metropolitan Funding Subcommittee. This would not enable the Committee to avail itself of valuable information about the city's community development and social services.

STAFF RECOMMENDATIONS

It is recommended:

1. That the Council adopt Option C.
2. That the Funding Adviser work with the current nine community representatives to reduce this number to four.
3. That the remaining community representatives be thanked for their past contribution to this process.

**13. REPORT OF THE CANTERBURY WASTE SUBCOMMITTEE -
MEETING OF 12 SEPTEMBER 2005**

Attached.

**14. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD -
MEETING OF 7 SEPTEMBER 2005**

Attached.

**15. REPORTS OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD -
MEETINGS OF 24 AUGUST AND 14 SEPTEMBER 2005**

Attached.

**16. REPORTS OF THE RICCARTON/WIGRAM COMMUNITY BOARD -
MEETINGS OF 29 AND 31 AUGUST 2005**

Attached.

**17. REPORT OF THE SHIRLEY/PAPANUI COMMUNITY BOARD -
MEETING OF 24 AUGUST 2005**

Attached.

**18. REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD -
MEETING OF 6 SEPTEMBER 2005**

Attached.

19. NOTICES OF MOTION

20. QUESTIONS

21. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.