



CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 15 SEPTEMBER 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 8.9.2005

DEPUTATIONS BY APPOINTMENT

PRESENTATION OF PETITIONS

CORRESPONDENCE

CHRISTCHURCH CITY COUNCIL – GROUP AND PARENT ANNUAL REPORT

QEII PARK CONCEPT PLAN

POLICY ON PRIVATELY-REQUESTED CHANGES TO THE CITY PLAN

REVIEW OF PUBLIC STREETS ENCLOSURES POLICY AND FEES CHARGED

**MINUTES OF THE CANTERBURY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT
COMMITTEE OF 20 JUNE 2005**

**REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD -
MEETING OF 17 AUGUST 2005**

**REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD -
MEETING OF 2 AUGUST 2005**

**REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD -
MEETING OF 9 AUGUST 2005**

NOTICES OF MOTION

QUESTIONS

RESOLUTION TO EXCLUDE THE PUBLIC

15. 9. 2005

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1. **APOLOGIES**

2. **CONFIRMATION OF MINUTES - COUNCIL MEETING OF 8.9.2005**
Attached.

3. **DEPUTATIONS BY APPOINTMENT**

4. **PRESENTATION OF PETITIONS**

5. **CORRESPONDENCE**

6. CHRISTCHURCH CITY COUNCIL – GROUP AND PARENT ANNUAL REPORT

General Manager responsible:	General Manager Corporate Services, Roy Baker
Officer responsible:	Diane Brandish, Corporate Finance Manager
Author:	Peter Langbein, DDI 941-6295

PURPOSE OF REPORT

1. The purpose of this report is to present for adoption by the Council the draft annual report containing the audited financial statements of the Christchurch City Council (CCC) for the year ended 30 June 2005.
2. Under section 98 of the Local Government Act 2002 a local authority must prepare and adopt in respect of each financial year an annual report. Each annual report must be completed and adopted by resolution, and within one month after the adoption of its annual report, make publicly available:
 - (a) its annual report; and
 - (b) a summary of the information contained in its annual report.
3. This is the first year the Council is required to adopt its annual report under the Local Government Act 2002. Previously the Council's Audit Subcommittee was delegated authority to approve and adopt annual reports.
4. Audit NZ has examined the financial statements included in this annual report (pages 22 to 131) and the Council's Audit Subcommittee approved this report at its meeting on 8 September 2005.

CCC ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2005

5. Attached is a copy of the draft annual report including the audited financial statements for the year ended 30 June 2005.

Parent Results

6. CCC's operating surplus before asset contributions for the year was \$45.9m, \$29.6m ahead of the estimate. Contributions to this performance are outlined in note 24 (page 59) of the detailed accounts and include interest income of \$6.5m due to delayed capital spending and higher interest rates; \$6.2m of capital contributions, consent fees and other related income due to higher than planned subdivision activity; depreciation of \$1.4m less than plan due to delayed capital spending and a decrease of \$1.4m in the closed landfill expense provision.
7. Our Statement of Financial Position reflects the Council's strong position with a growth in equity of over \$64 million to a new high of \$4.2 billion. This strength supported the Council's ability to deliver \$105 million of new capital expenditure.
8. Major capital projects progressed during 2004/05 include the Parklands Library & Upper Riccarton Library (\$2.8m), the ocean outfall consent & investigation (\$1.6m), strategic waterways and wetlands land purchases (\$2.1m), and the Belfast pressure main (\$1.2m). Other significant items included additional library book purchases (\$3.6m), carriageway surfacing & sealing and footpath resurfacing (\$8.1m), and treatment plant improvements (\$1.6m).
9. Statement of Movements in Equity - Apart from the increased unbudgeted income referred to above, there is a net decrease brought about by a write-down in the value of subsidiary companies of \$1.6m. The decrease in the value of ownership of subsidiary and associate companies of \$1.6m was principally due to the reduction in the value of Christchurch City Facilities Ltd of \$1.8m.

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Group Results

10. While the parent net surplus for 2005 is \$87m less than 2004¹, the overall group net surplus for 2005 is \$22m less than 2004. This net improvement from the subsidiary companies is largely from Christchurch City Holdings (CCHL) Group results² after eliminating the dividends received by CCC from CCHL. The CCHL 2005 result includes \$29m gain on sale of the majority of Orion Group Limited's investment in Energy Developments Limited.

RECOMMENDATION

It is recommended:

- (a) That the CCC 2005 Annual Report be adopted by the Council.
- (b) That the General Manager Corporate Services be authorised to make changes required for publishing the Annual Report.
- (c) That the General Manager Corporate Services be authorised to produce and publish the Annual Report Summary required by s98 of the Local Government Act 2002.

¹ 2004 vested assets income included \$61m of sewer laterals recognised for the first time and \$12m from roads transferred to the Council as part of the State Highway swap with transit New Zealand. Also 2004 dividend income included a special dividend from CCHL of \$38m.

² Presented to the Council 8 September 2005.

7. QEII PARK CONCEPT PLAN

General Manager responsible:	General Manager Strategic Development
Officer responsible:	Research & Policy Manager
Author:	Paul Cottam, Senior Policy Analyst, DDI 941-6385

PURPOSE OF REPORT

1. This report describes the outcome of the special consultative procedure used to consult the public of Christchurch on the QEII Park Concept Plan, and submits the recommendations of the Council subcommittee set up to consider submissions on the Concept Plan. As well as the general proposed land usages at the park, issues covered in the recommended Concept Plan include sports accommodation, Ascot Green, and the Ascot Golf Course.

EXECUTIVE SUMMARY

2. At its 14 July 2005 meeting, the Christchurch City Council passed a resolution to appoint a subcommittee to review written submissions and to hear submissions in person on the QEII Park Concept Plan. The subcommittee consisted of Councillors Anna Crighton (chair), Sue Wells, Barry Corbett, Graham Condon, and David Cox, and after examining the issues arising from consultation it has made a number of recommendations on the Concept Plan for the Council to consider.
3. The vision for QEII Park is important to broadly describe what the plan is intended to achieve, and to provide a guide for its utilisation. During the development of the plan, the following vision for QEII Park was formed:

‘QEII Park: Canterbury’s ultimate multi-dimensional sport, recreation, leisure and event place, enhancing the community’s health and well-being’

SUBCOMMITTEE RECOMMENDATIONS

4. The recommendations of the subcommittee represent the recommended option for the QEII Park Concept Plan, and build upon the proposed option that was put out for public consultation under the special consultative procedure. Like the proposed option, the intention of the plan under the recommended option is to define “envelopes of activity” for future use, rather than present a timetabled development plan. Similarly, the recommended option represents a guideline to what is seen as an aspired or ideal future shape for QEII Park. As a visioning document with a 10 year outlook, the aim of the recommended option is to guide the sustainable usage of QEII Park by providing a means to assess future development requests and proposals.
5. It should be noted that although the recommended option identifies and allows realistic expectations from the public about what areas will be used for what purposes, this does not mean that the Council is committed to funding the plan. It is expected that future developments will be considered by the Council on their own merits, and will be subject to separate decision making processes before the Council commits any funding. Future development may also involve partnerships with other providers.
6. The subcommittee’s recommendations are grouped under the headings of the six themes that were used to describe the proposed Concept Plan as circulated to the public of Christchurch during the period of the special consultative procedure that was undertaken (Local Government Act 2002). An additional heading relates to recommendations on governance considerations for QEII Park in order to achieve the vision for the park and realise its potential, in the words of the subcommittee, as the sporting and recreational jewel of Christchurch and as a significant metropolitan facility. The recommendations are listed as follows, and are also shown diagrammatically as the recommended option in Attachment 1.

6.1 Building Envelopes

- (a) That the building envelopes defined in the proposed Concept Plan for the main stadium, leisure centre, and the proposed Ice Arena, be confirmed.

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- (b) That the total building envelope for the Christchurch School of Gymnastics be modified as shown in the recommended option.
- (c) That the current expansion proposal in the proposed Concept Plan for the leasing of additional land to the Christchurch School of Gymnastics be modified to show an enlarged area of additional land to be leased, as requested in the Christchurch School of Gymnastics' submission and as shown in the recommended option.
- (d) That the area defined for a sports building in the immediate vicinity of QEII Sports House be retained and enlarged by the equivalent of the two areas referred to in (e) below; the final shape and location to take into account the heritage sensitivities of QEII Sports House.
- (e) That the areas defined for sports buildings on the Bower Avenue frontage of the park and on the south east corner of the park be deleted.

6.2 Green Space

- (a) That the current zoning of Open Space 3 be retained for the Ascot Green portion of the park.
- (b) That Ascot Green remain vested in the Council under the Local Government Act 2002.
- (c) That the status quo be maintained in respect of the remaining areas of green space in the park.
- (d) That, in the event of any poplar trees in the park being removed, they be replaced with poplars.

6.3 Ascot Community Centre

That the enlarged area proposed around the Ascot Community Centre be confirmed.

6.4 Ascot Golf Course

That the status quo be maintained in respect of the usage of Ascot Golf Course.

6.5 Transportation and Infrastructure

- (a) The proposal to create a new entrance on Ascot Avenue and a new internal road from Ascot Avenue to the car park at the northern end of the leisure centre not be supported.
- (b) That a new exit point be constructed from the south-west corner of the main car park to Travis Road for emergency or large scale event purposes.
- (c) That the three remaining entrances on Travis Road, Bower Avenue and Frosts Road be retained and enhanced, including the realignment of the Travis Road entrance with Blue Gum Place.
- (d) That to improve traffic flows through the park:
 - (i) The internal road linking Travis Road to Bower Avenue via the main stadium be confirmed as shown in Attachment 1.
 - (ii) The internal road link in (d)(i) be accompanied by a traffic management plan, including the investigation of the best roading alignment around the retention pond.
- (e) That all remaining internal roads be retained so as to be available for a range of transportation and sporting purposes.

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- (f) That the Travis Road lay-by be retained, and a range of coach and bus service access and entry options for the park be explored.
- (g) Car parking:
 - (i) That the parking provided in the concept plan be confirmed.
 - (ii) That the submissions seeking the provision of a car parking building on the park be declined.
- (h) That wheelchair and disability access and associated signage be enhanced.
- (i) That pathways continue to be expanded and improved in and around the park to recognise their multiple uses.

6.6 On-Site Sports Accommodation

- (a) That the Council agree that on-site sports accommodation, situated in a desirable location near or adjacent to the main stadium rather than being placed next to residential areas, is considered to be appropriate.
- (b) That the Council note that there is no change proposed to the City Plan at the moment to allow the construction of sports accommodation to take place.

6.7 Concept Plan Implementation

That a detailed management plan be developed for QEII Park so as to achieve the vision for the park and realise its potential as a centre of sporting excellence and high quality community recreation.

FINANCIAL AND LEGAL CONSIDERATIONS

- 7. No capital expenditure estimates have been included in the plan because this is solely a concept plan to guide decision-making on future use and activities at QEII Park. Infrastructural improvements could be phased in over several years. Council funding would be subject to assessing the costs and benefits of these improvements and evaluating them against other potential projects at the time. It should be noted that the Concept Plan's 10 year horizon coincides with the next Long Term Council Community Plan.
- 8. Future development will often involve partnerships with other providers. It is not possible to predict when proposals will arise. The Council's role may be providing access to land rather than contributing to capital costs (eg Christchurch School of Gymnastics extension, the proposed ice arena).

STAFF RECOMMENDATIONS

It is recommended:

- (a) That the Council approve the subcommittee's recommendations listed in paragraph six for the recommended QEII Park Concept Plan.
- (b) That the recommended option for the QEII Park Concept Plan be adopted.
- (c) That the Council endorse for lease negotiation with the Christchurch School of Gymnastics (CSG) the footprint now revised as the recommended option for the current expansion proposal subject to:
 - (i) The Unit Manager of Recreation Facilities being satisfied that the modified proposal from the CSG has no adverse infrastructural impacts over and above the assessment made on the original layout shown as the proposed option in the QEII Park Concept Plan.
 - (ii) That officers report back in due course for approval to the specific terms and conditions of the new lease proposed to be granted to the CSG.

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BACKGROUND ON QEII PARK CONCEPT PLAN

9. QEII Park contains the largest recreational facility in Christchurch. To address the lack of a planning framework to guide future decisions on the usage of the space to meet increasing demands for facilities, and other proposals received for the use of QEII Park, eg sports accommodation, in 2003 the Council passed the following resolutions:
- (a) *That priority be given to the preparation of a long-term concept plan and policies for the future development of QEII Park.*
 - (b) *That the long-term concept plan be subject to the special consultative process.*
 - (c) *That staff include reference to the siting of sport related accommodation at QEII Park in the long-term concept plan.*
10. Following a process which included research, community consultation and professional advice, a proposed option was developed (see Attachment 2). This option was considered to provide the best provision of space for a multi-use sport, recreation, leisure, and events location, as well as balancing local community versus wider metropolitan needs.
11. The conceptual framework upon which the proposed Concept Plan was based had six themes, which are elaborated upon below:
- Building envelopes focused around the core main stadium and pools building to allow for appropriate expansion of sports facilities, as well as providing a building envelope for the current and future growth of the Christchurch School of Gymnastics.
 - A substantial ring of green space areas for sporting and recreational purposes.
 - An enlarged area around the community centre for community activities and localised leisure activities which is away from the core facility building area.
 - Protecting the integrity of the golf course and preserving its existing features.
 - Planning for improved vehicle, cycle, and pedestrian safety as well as better access and flow into, through, and out of the park.
 - Not providing for on site sports accommodation.

SPECIAL CONSULTATIVE PROCEDURE

12. A total of 153 written submissions from a range of individuals and organisations were received during the period 30 May 2005 to 8 July 2005. Eleven of these submissions were heard in person by the QEII Park Concept Plan Subcommittee on 18-19 July 2005. A summary of the submissions is given in Attachment 3. The main issues raised in the submissions are listed below, which are elaborated upon in the next section of the report:
- The extent of built form.
 - The Christchurch School of Gymnastics extension.
 - The continued development of QEII Park as a high performance sports centre.
 - Protection of Ascot Green and other green space.
 - Protection of trees, particularly poplars and other mature exotics.
 - Internal roading proposals.
 - Parking and traffic management.
 - Sports accommodation.
13. The Local Government Act 2002 (s138) consultation requirements for the current expansion request of the Christchurch School of Gymnastics, within the total identified gymnastics building envelope in the Concept Plan, were carried out as part of the special consultative procedure for the plan.
14. At the conclusion of the hearings, the subcommittee undertook a site inspection of QEII Park to view the current roading network, green space and landscaping, proposed building envelopes, and the leisure centre (including the New Zealand Academy of Sport). The subcommittee reconvened at QEII Park on 19 July 2005 to consider the issues raised in the oral and written submissions. As allowed for under the Local Government Act, the subcommittee considered staff reports on the proposed roading and transport changes and the legal status of Ascot Green, and a paper from the manager of QEII Park commenting on a number of issues.

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CONSIDERATIONS

Building Envelopes

15. Overall opinion was mixed as to whether the defined building envelopes were acceptable. Most objections to the proposed building envelopes that were received were against additional sports buildings being placed around the Village Green. Organisations were in favour of the designated building envelopes, citing them as worthy sporting developments and important in terms of supporting sports organisations using QEII Park.

16. Alan Direen, Manager of QEII Park, made the following remarks to the subcommittee:

"It is extremely important to maximise QEII Park as a high performance sport centre. A number of regional and national sports bodies recognise QEII Park as New Zealand's pre-eminent sports facility. The benefits to Christchurch in this area are very significant. These benefits can clearly be achieved without detrimental effect to everyday users of the Park."

Christchurch School of Gymnastics

17. Due to continued growth in the numbers using their facility, and the desire to better cater for regional needs, the submission received from the Christchurch School of Gymnastics (CSG) proposed a modification to what was shown on the proposed Concept Plan (see Attachment 4). The CSG requested that their current expansion proposal be increased from approximately 718 square metres to 1,080 square metres. This would increase their building's total ground floor area to approximately 2,355 square metres. The CSG also propose in the longer term to increase their building area further by adding an extension of 178 square metres to the north of their present building. This will mean a total building envelope of approximately 2,533 square metres, which is less than the original total building envelope proposed in the Concept Plan of 3,000 square metres.

18. The Council's Legal Services Unit is satisfied that the requirements of the Local Government Act have been met with respect to the CSG's current expansion proposal. However, the recent nature of the modified proposal from the CSG means that it will need further analysis before any lease is approved, e.g. consideration of infrastructural issues such as traffic and car parking. It should be noted that the expansion now proposed by the CSG will not result in the loss of nearby oak trees, although it will mean some adjustment to the adjacent boccia courts.

19. Apart from the submissions generally commenting on building envelopes in the park, there were six submissions explicitly in favour of the CSG expansion and overall building envelope. Only one submission objected to an increase in size of the CSG building area. The CSG has received financial support from the Council for its expansion proposal through the Metropolitan Funding Subcommittee.

Green Space

20. Submitters were in favour of the amount of green space shown on the proposed Concept Plan. Most submitters making a comment on the Ascot Golf Course favoured its retention. Submitters noted the need for both sporting and non-sporting open space. There was a strong desire to retain the exotic trees at QEII Park, particularly poplar trees, for historical reasons and in order to maintain a vertical environmental perspective.

21. Many of the submitters making comment on the portion of QEII Park known as Ascot Green indicated that they favoured this area being held as a reserve subject to the Reserves Act 1977, ostensibly to protect it for local use. Concerns focused on a need to guarantee local access to an open space portion of QEII Park for recreational use, in the face of perceived exclusive use and development of the rest of the park.

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22. John Allen, Policy and Leasing Administrator for the Greenspace Unit, reported to the subcommittee on this issue as follows:

"There is no compelling reason for holding part of QEII Park, (Ascot Green), Christchurch's largest metropolitan sports and recreation facility, as a recreation reserve under section 17 of the Reserves Act (1977). The placing of Ascot Green under the Reserves Act will not necessarily afford it protection for local use, as this is not the main purpose of the Reserves Act.

A management plan is required under section 41 of the Reserves Act for recreation reserves. This management planning process is a public consultative process, which may result in Ascot Green not being able to be used for some recreational activities otherwise allowed for under the Reserves Act. This could restrict Council's ability to stage large sporting events or constrain their ability to bid for them in the future. Therefore, a management plan for Ascot Green may constrain Council's ability to achieve the outcomes it wants for QEII Park.

The current and proposed use of QEII Park is consistent with Council aims of encouraging participation in physical activity, the Council having invested considerable sums of money to successfully encourage physical activity at QEII Park. The sports groups wanting to use QEII Park are primarily those people who keep youth and other peoples' children active, and consequently it is important that Council supports their endeavours.

On balance I am therefore of the view that declaring Ascot Green to be a reserve under the Reserves Act may not achieve what a certain section of the community would like, and even if it does through the management planning process, will quite possibly restrict the Council's ability to achieve the outcomes it wants for QEII Park in the future. I am therefore of the view that declaring Ascot Green to be a recreation reserve is not in the Council's best interest for the future."

Ascot Community Centre

23. All submissions received were in favour of expanding the area around the Ascot Community Centre available for activities in and around the centre. Some concerns were raised about the precise usage of this area, including where the park's pathway linkages would be formed, although ultimately it was felt that these were matters for the local community to decide upon.

Ascot Golf Course

24. Most of the submissions making comment on the Ascot Golf Course were in favour of its retention as it currently stands, ie golf course, mini golf, and driving range. The golf course lease has another seven years to run.
25. There are several aspects of the Concept Plan that impact on the lease operated by the Ascot Golf Course. These relate to small areas of the Ascot Golf Course around the Ascot Community Centre, how the walking track at QEII Park may link up with the Travis Wetland via Beach Road, and creating a footpath link from Travis Road around to Frosts Road. These impacts have been discussed in general terms with the lease holder, who is broadly happy to accommodate them.

Transport and Infrastructure

26. Most of those submissions commenting on the traffic and roading proposals were in favour of the new alignment of the proposed internal roadway linking the main entrance of the park at Travis Road through to Bower Avenue. Also supported in principle were an improved and realigned main entrance into QEII Park, and pathway improvements and connections in and around the park.
27. There was little support from submitters for a new internal road to be developed in the park from Ascot Avenue. Some submitters stated that the existing internal roads should be retained in some shape or form, particularly as they were noted as being important for the staging of sports events.

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28. Current and expected levels of parking demand within QEII Park were raised in submissions, with some feeling that there was insufficient car parking provided. For an Open Space 3 designation such as QEII Park, parking is a discretionary activity without any specified standards. The Environmental Services Unit considers that there is sufficient car parking at QEII Park at present and for the immediate future. It is estimated that the recommended Concept Plan allows for 20% more additional car parking spaces, ie from 625 sealed car park spaces to a total of 750 spaces.
29. Parking on surrounding streets during major events was also noted in submissions. It was considered that more attention should be paid to maximising the existing parking available within the QEII Park grounds. The local community should be kept informed of this process. Event organisers should be provided with parking plans showing as much on-site parking as possible. Event parking plans should include strategies for providing as much on-site event parking as possible. At the moment there is capacity in QEII Park for approximately 2,475 overflow car parks, additional to the formed sealed parking.
30. Barry Cook, Traffic Engineer, City Streets Unit, reported the following to the subcommittee:

"The main entrance into the park should be constructed opposite Blue Gum Place at the proposed new roundabout on Travis Road. The proposed internal roadway linking the main entrance to the park at Travis Road through to Bower Avenue is basic to whatever plan is adopted for the development of the park over the next 10 years. Vehicle entry to the park should be restricted to the three entrances in Travis Road, Bower Avenue and Frosts Road.

The hard surface of Dick Taylor Drive should be retained for managing internal flows during major events or for training for other activities such as roller-blading. The northern section of the existing perimeter road, Mark Treffers Drive, between Ascot Green and Village Green should be retained. This roadway provides a major link with the existing car park, sports fields and proposed overflow parking areas. The running of major (annual) events at the park such as the Kellogg's Special K and WeetBix Kids triathlons also rely on this roadway for the cycling components of these events.

Public transport, bus and taxi facilities should be provided in a dedicated bus interchange on Travis Road adjacent to the main entrance. The existing slip road and bus loading area should be reconfigured for this purpose. Provision should be made for coaches and buses to enter the main entrance at Travis Road, proceed along the concourse on the south side of the stadium and leisure centre complex, and exit via Travis Road or the Bower Avenue entrance to the park. Parking should be provided on site for coaches."

Sports Accommodation

31. Although sports accommodation at QEII Park was not favoured by most individual submitters, sports organisations were in support of it. Reasons given for sports accommodation included the emphasis on the continued development of QEII Park as a centre of sporting excellence, supporting major sports events, and for sports association training and development. The subcommittee considered that provision should be made for sports accommodation at QEII Park, but that it be located away from neighbouring residential properties.
32. Notwithstanding the recommendation for sports accommodation, there are legal implications associated with providing sports accommodation at QEII Park, with this activity not being allowed in the Open Space 3 zone in the City Plan. Any provision of sports accommodation at QEII Park will require either a change to the City Plan or a resource consent application to be made. No changes to the City Plan are being proposed at the moment.

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ASSESSMENT OF OPTIONS**Option One – Recommended Option following the Special Consultative Procedure**

33. The recommended option builds on the proposed option that was considered under the special consultative procedure, and includes the recommendations made by the Council subcommittee appointed to consider submissions on the QEII Park Concept Plan. This option is considered to provide the best balance for metropolitan and local needs, for sport and recreation uses, for elite sport and domestic sport, and for the open space and built space environments. The recommended option provides for a 10 year horizon.
34. The overall vision in the recommended option is largely consistent with the results anticipated for metropolitan facilities such as QEII Park, as described in the Christchurch City Plan. The exception is sports accommodation, which is currently not provided for in the City Plan. The recommended option remains consistent with Council policies such as the Recreation and Sport Policy (eg catering for all users as well as target groups), and the Physical Recreation and Sport Strategy (eg encourages sporting excellence, allows for partnerships with private or non-commercial providers).
35. The advantages and disadvantages of the recommended option are shown in Table 1. The advantages clearly outweigh the disadvantages.

Table 1: Main advantages and disadvantages of the recommended option following the Special Consultative Procedure.

Advantages	Disadvantages
<ul style="list-style-type: none"> Provision of building envelopes which are clustered around existing core of facility buildings 	<ul style="list-style-type: none"> Small loss of open space
<ul style="list-style-type: none"> Building envelope for Christchurch School of Gymnastics caters for current and expected future growth 	<ul style="list-style-type: none"> The total Christchurch School Gymnastics building envelope could require adjustments to be made to the boccia courts layout
<ul style="list-style-type: none"> Focusing of sports buildings adjacent to Village Green to support sports activities 	<ul style="list-style-type: none"> Small loss of open space
<ul style="list-style-type: none"> Building envelope adjacent to existing pool for future growth and provision when required 	
<ul style="list-style-type: none"> Provision for sports accommodation in or adjacent to main stadium 	
<ul style="list-style-type: none"> Identifies removal of high maintenance, outworn stands 	
<ul style="list-style-type: none"> Creation of green space flow around park 	
<ul style="list-style-type: none"> Ascot Green recognised as a continuing sporting and recreational space 	
<ul style="list-style-type: none"> Retaining current orientation of the soccer pitch and allowing for its enhancement 	<ul style="list-style-type: none"> Lost opportunity to re-orientate soccer pitch more favourably
<ul style="list-style-type: none"> Par 3 golf course and driving range retained 	<ul style="list-style-type: none"> Lost opportunity to provide exclusively for junior golf or to use driving range for other functions
<ul style="list-style-type: none"> Better traffic access and flow through park, improved road safety at Travis Road entrance 	
<ul style="list-style-type: none"> Retains bus lay-by, retains options for bus route through park for patrons 	
<ul style="list-style-type: none"> Improved walking/cycling pathways in and around park 	
<ul style="list-style-type: none"> Improved main entrance and forecourt area 	
<ul style="list-style-type: none"> Allows scope for increasing car parking provision without impacting on green space 	
<ul style="list-style-type: none"> Redevelopment of pond as a leisure area 	
<ul style="list-style-type: none"> Enlarged area around Ascot Community Centre to enable other community functions and activities to take place on the site 	

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Option Two – Proposed Option presented under the Special Consultative Procedure

36. This was the option put out for public consultation under the special consultative procedure. There are more disadvantages for the proposed option compared to the recommended option, as shown in Table Two.

Table 2: Main advantages and disadvantages of the proposed option under the Special Consultative Procedure.

Advantages	Disadvantages
<ul style="list-style-type: none"> Better traffic access and flow through park, improved road safety off Travis Road 	<ul style="list-style-type: none"> Requires replacement of internal northern access
<ul style="list-style-type: none"> Bus route through park for patrons 	<ul style="list-style-type: none"> Route past facility buildings may be perceived as undesirable by some sports
<ul style="list-style-type: none"> Building envelope for Christchurch School Gymnastics caters for current and expected future growth 	<ul style="list-style-type: none"> The total Christchurch School Gymnastics building envelope could mean relocation of boccia courts
<ul style="list-style-type: none"> Retaining current orientation of soccer pitch and allowing for its enhancement 	<ul style="list-style-type: none"> Lost opportunity to re-orientate soccer pitch more favourably
<ul style="list-style-type: none"> Par 3 golf course and driving range retained 	<ul style="list-style-type: none"> Lost opportunity to provide exclusively for junior golf
<ul style="list-style-type: none"> Focusing of sports buildings adjacent to Village Green to support sports activities 	<ul style="list-style-type: none"> No provision for sports accommodation
<ul style="list-style-type: none"> If and when appropriate, creche could be relocated away from main entrance area to Community Centre area 	<ul style="list-style-type: none"> Cost associated with creche relocation, further distance away from leisure centre building
<ul style="list-style-type: none"> Provision of building envelopes which are clustered around existing core of facility buildings 	<ul style="list-style-type: none"> Small loss of open space
<ul style="list-style-type: none"> Building envelope adjacent to existing pool for future growth and provision when required 	
<ul style="list-style-type: none"> Creation of green space flow around park 	
<ul style="list-style-type: none"> Recognised and defined area for Ascot Green 	
<ul style="list-style-type: none"> Improved walking/cycling pathways in and around park 	
<ul style="list-style-type: none"> Identifies removal of high maintenance, outworn stands 	
<ul style="list-style-type: none"> Improved main entrance and forecourt area 	
<ul style="list-style-type: none"> Redevelopment of pond as a leisure area 	
<ul style="list-style-type: none"> Enlarged area around Ascot Community Centre to include other community functions 	

Option Three – Do Nothing

37. If no Concept Plan is developed for QEII Park then the Council is left in the position it is at the moment, of having to make decisions on the use and development of QEII Park often on an ad hoc basis, with little frame of reference to use. There is no framework on which to base decisions on contentious issues, or issues that have not been adequately resolved over the years, eg on-site sports accommodation, what areas are designated as built space. Consequently, there can be confusion and/or controversy when requests or proposals for the use and development of QEII Park are made.

8. POLICY ON PRIVATELY-REQUESTED CHANGES TO THE CITY PLAN

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.
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.

8 Cont'd

- (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.

8 Cont'd

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.

8 Cont'd

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.*

8 Cont'd

- (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:

8 Cont'd

- 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>		

8 Cont'd

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

Extent to which community outcomes are achieved:
 Primary alignment with community outcome

- A city with a sustainable and natural environment

Also contributes to

- A prosperous city and
- A well governed city and
- A liveable city

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.

Effects on Maori:
 No particular impact

Consistency with existing Council policies:
 No known inconsistency

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.

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.

8 Cont'd

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>		

9. REVIEW OF PUBLIC STREETS ENCLOSURES POLICY AND FEES CHARGED

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Stuart McLeod, DDI 941-8520

PURPOSE OF REPORT

1. The purpose of this report is to inform the Council of the results of consultation with business owners and the wider community in relation to:
 - (a) The Public Streets Enclosures Policy (the policy); and
 - (b) The way fees are calculated for occupation of legal road for outdoor dining areas and to make recommendations (if any) for changes to that policy and the way fees are calculated.

EXECUTIVE SUMMARY

2. Significant time and effort has been expended over the years in trying to formulate a policy that meets the needs of business owners, the public and the Council. The response to the latest round of consultation to say the least has been disappointing, the writer can only conclude that although there are strong views from some of the operators/licensees there is limited interest from the public or business owners in the policy or the way fees are calculated.
3. Owing to the lack of participation and the mixed views of those that did respond it is considered that there is no mandate to change either the policy or the methodology used for fee calculations.

FINANCIAL AND LEGAL CONSIDERATIONS

4. Transport and City Streets currently budgets \$202,000 (excluding cell sites) for street site rentals. Income from outdoor dining licences contributes \$192,000, assuming all licensees are paying the full licence fee. The financial implications for any reduction of the outdoor dining licence fee would adversely affect the Council's Annual Plan.
5. There are no legal considerations unless the policy is radically altered.

STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Policy - Agree to option "A" – That the current policy be retained.
- (b) Fees - Agree to option "A" – That the current fee charging methodology be retained.
- (c) That the above recommendations form the basis of the Council's standard licence to occupy legal road by adjoining retailers.
- (d) That the Corporate Support Manager be delegated authority to commence enforcement proceedings where these policies are not accepted, documented in a licence and the licensee does not meet its terms and conditions. This delegation is to include termination of occupancy.

9 Cont'd

BACKGROUND ON THE PUBLIC STREETS ENCLOSURES POLICY

6. On 26 September 2002 the Christchurch City Council adopted its current Public Street Enclosures Policy. This policy was designed to guide the Council in decision making regarding the desirability or otherwise of licensing public space for dining. The Council, as landowner, needed to consider the private and commercial advantages and disadvantages and balance the environmental and community needs of these uses for licensed public space.
7. Prior to adopting this policy, consultation was undertaken with interest groups and the general public. Individual letters were sent to interest groups and notices and media releases were published in The Press and the Christchurch Star. An article appeared in an edition of City Scene and a bulletin was posted on the Council's web site.
8. Subsequently some business owners have continued to lobby the Council for changes to the policy and the way the Council calculates its fees. There is a small group (predominantly some of the operators on "The Strip") who are dissatisfied with the Council's methodology used to set the licence fees, the amount charged and the content of the policy itself. These operators even took it upon themselves to stop rental payments.
9. This continued lobbying and cessation of fee payments resulted in the General Manager City Environment giving an undertaking in February 2005 to again review the policy and the fee structure. This undertaking required the operators along The Strip to pay 50% of their rental from the day they ceased payment until the review was completed. Once the review is completed any fee reconciliation would be backdated to when the operators ceased payments.
10. Accordingly an officer subcommittee was formed and met on 14 April 2005 to consider aspects of the policy. The subcommittee considered that the policy was working well and that no amendments were necessary. Nevertheless as a result of the undertaking, affected business owners and the general public have again been given the opportunity to make submissions on the policy and the fees charged.
11. Individual letters were sent to all licensees requesting their comments, public notices were placed in The Press on 4 and 8 June 2005 and the Christchurch Star on 8 June 2005, and submission packs were also sent to service centres, inviting both written and online feedback. Submissions closed Friday 8 July 2005.

BACKGROUND ON FEES CHARGED FOR OUTDOOR DINING AREAS

12. On 23 September 1998 the Council resolved to adopt the following licence fees for Oxford Terrace and Cashel Mall:

Leased Area	Rental Calculation (per annum + GST)
0m ² - 30m ²	34% of Prime Rent Rate*
30m ² - 60m ²	34% of Prime Rent Rate* to 30m ² Plus 32% of Prime Rent Rate* for area above 30m ² and below 60m ²
60m ² - 100m ²	34% of Prime Rent Rate* to 30m ² Plus 32% of Prime Rent Rate* for area above 30m ² and below 60m ² Plus 30% of Prime Rent Rate* for area above 60m ² and below 100m ²
100m ² - 200m ²	34% of Prime Rent Rate* to 30m ² Plus 32% of Prime Rent Rate* for area above 30m ² and below 60m ² Plus 30% of Prime Rent Rate* for area above 60m ² and below 100m ² Plus 20% of Prime Rent Rate* for area above 100m ² and below 200m ²

*The Prime Rent Rate is the rate that would be payable for an area that is within five metres of the front inside ground floor of the premises owned or leased by the licensee. The Council employed a valuer to establish the Prime Rent Rate for various sites around the city.

13. The bar owners challenged these levels with their own valuation assessment. It was later agreed by the City Streets Manager, Property Manager and bar owners that the following table be used.

9 Cont'd

Leased Area	Rental Calculation (per annum + GST)
0m ² - 30m ²	30% of Prime Rent Rate*
30m ² - 60m ²	30% of Prime Rent Rate* to 30m ² Plus 26% of Prime Rent Rate* for area above 30m ² and below 60m ²
60m ² - 100m ²	30% of Prime Rent Rate* to 30m ² Plus 26% of Prime Rent Rate* for area above 30m ² and below 60m ² Plus 20% of Prime Rent Rate* for area above 60m ² and below 100m ²
100m ² - 200m ²	30% of Prime Rent Rate* to 30m ² Plus 26% of Prime Rent Rate* for area above 30m ² and below 60m ² Plus 20% of Prime Rent Rate* for area above 60m ² and below 100m ² Plus 15% of Prime Rent Rate* for area above 100m ² and below 200m ²

*The Prime Rent Rate is the rate that would be payable for an area that is within five metres of the front inside ground floor of the premises owned or leased by the licensee. The Council employed a valuer to establish the Prime Rent Rate for various sites around the city.

14. The Council resolved on 10 December 1998 to adopt this rental formula for occupation of public space for the purposes of outdoor dining.
15. The philosophy behind using a percentage of the Prime Rental Rate is simple, as most business owners do not own the area of land they occupy for outdoor dining they therefore do not have at their disposal the full range of potential property rights. It is reasonable to expect that they should not pay a full market rental. This methodology also takes into account inclement weather conditions and restrictions that are placed on the level of occupancy by the policy.
16. Outdoor dining has spread throughout the city. The methodology for fee calculation has spread with it. The Prime Rental Rates vary throughout the city and the rates currently being used are based on October 2003 valuations.
17. Under the above formula the businesses along the area known as "The Strip" pay on average \$9,204.55 plus GST for an average area of 75m². Small areas throughout Christchurch attract the minimum fee of \$600 plus GST per annum to cover administration costs. The average rent payable is \$2,652 and the average area occupied is 27m².
18. There are no direct comparables within Christchurch. Food stalls in Cathedral Square pay \$5,500 plus GST per annum for a five-day week occupancy arrangement and \$7,500 plus GST per annum for seven days week. The average area a food stall occupies is unknown but is estimated to be between 8-15m².

Assessment of Submissions Received

19. There are 72 current or under negotiation outdoor dining licences. Sixteen submissions were received from business owners and two from members of the general public. Of those 15 submissions received from business owners one purports to represent nine businesses, for the purposes of collating figures they have been treated as individual submissions. This same submission is the only one that has detailed comments on specific clauses in the policy.
20. The submissions are summarised as follows:

	No. Received	Fees to remain the same	Fees to be changed	Other comments
Business Owners	24	11	13	16
Public	2		1	2
Total	26	11	14	18

Public Submissions

21. Of the two submissions received from the public, one objects to tables and chairs being placed under verandas and makes no comment in relation to fees, the other seeks to reduce occupancy on footpaths by basing rental on annual profit margins with a minimum fee of \$3,000.

9 Cont'd

Submissions from business owners on The Public Streets Enclosures Policy

22. Twelve consider the policy to be working well. Nine (the joint submission) make comment on clauses within the policy and make other general comments. Two would like to see fair application and enforcement of the Policy. One states that screens should not have to be transparent.

Submissions on fees from business owners

23. Feedback on a number of payment options was solicited as part of the consultation process. Submissions from 24 business owners were received and comments are as follows.
24. One states the fee is a local government tax, fees should cover costs of administration only.
25. Eleven support the current method of calculating fees, of these one would like the calculation to be based on a percentage of the lease of their indoor premises rather than the valuations that were obtained by the Council in October 2003.
26. Twelve would prefer a dollar amount per chair per annum, of these nine consider \$50 per chair per annum to be an appropriate level of payment. One states \$10 per chair per month to be appropriate. One likes the per chair scenario but is silent on amount. One states \$5 per chair per month for up to five chairs then \$10 per chair per month for 6-10 chairs and so on.
27. The following table serves to compare the current rental for four areas and for four different numbers of chairs. The current rental is based on the Prime Rental Rate for The Strip area. All examples are exclusive of GST. The fourth scenario mentioned above has not been tabled.

Area	Number of Chairs	Current rental	\$50.00 per chair per annum	\$10.00 per chair per month (x12)
20m ²	14	\$2,850.00	\$700.00	\$1,680.00
40m ²	28	\$5,510.00	\$1,400.00	\$3,360.00
75m ²	52	\$9,405.00	\$2,600.00	\$6,240.00
100m ²	69	\$11,780.00	\$3,450.00	\$8,280.00

28. The joint submission makes comparisons between the main centres in New Zealand and argues that Christchurch City Council licence fees are more expensive the other centres in New Zealand.

CONCLUSION

29. There has been continued lobbying from some business owners to review the policy and charging methodology with some of the narrative around inadequate consultation and engagement in 1998 and 2002. That view is not supported by an officer review as outlined in this report which summarises when and what happened in relation to the prior consultations and goes on to summarise the results of the current round on consultation.
30. Owing to the lack of submissions received from both the general public and business owners in relation to the current consultation the writer feels it is impossible to draw any firm conclusions. Even if taken that the submissions received fairly represent the broader views of business owners and the public, the views expressed are divided. They can form no basis for changing the policy or the method used to calculate fees.
31. As stated previously the joint submission makes comparisons between the four main centres for the calculation of fees. This comparison does nothing other than suggest that the Christchurch City Council charges more than other centres for outdoor dining areas and perhaps the other centres are not charging enough. The later has been reflected in some officer discussions with other local authorities. Whilst this approach may have some merit the Christchurch City Council must make its own decisions as to how it deals with its own land.

9 Cont'd

OPTION

Public Street Enclosures Policy

- 32. (a) Do nothing
- (b) Amend the Public Streets Enclosures Policy to allow business owners greater freedom in selection of furniture, type of enclosure and amount of permitted space for advertising.

PREFERRED OPTION

- 33. Do nothing

OPTIONS

Fees

- 34. (a) Retain existing policy.
- (b) Alter the payment methodology to a set amount per chair per annum
- (c) Increase rentals by adopting a full market driven approach ie 100% of the adjoining retail space rental.

PREFERRED OPTION

- 35. (a) Retain existing policy.

ASSESSMENT OF OPTIONS – POLICY

	ADVANTAGES	DISADVANTAGES
(a) Retain existing Policy	Maintains status quo	Some operators will continue to be dissatisfied
	Keeps control of standards	Risk of continued lobbying of Council
(b) Amend the Policy	Greater freedom of use for businesses	Less Council control of furniture type
	Less enforcement action required	Risk of excessive advertising
	Possible increase in outdoor dining facilities	Possible increased enclosure of dining areas

ASSESSMENT OF OPTIONS - FEES

	ADVANTAGES	DISADVANTAGES
(a) Retain existing Policy	Maintains status quo	Some operators will continue to be dissatisfied
	Maintains income for allocated budget	Risk of continued lobbying of Council
		Risk of non payment from dissatisfied parties
(b) Alter payment to \$50 per chair per annum	Operators along the strip will be satisfied	Those supporting the current methodology will be dissatisfied
		Loss of budgeted revenue
		Continual monitoring of chair numbers
(c) Alter payment to \$100 per chair per annum	Maintains overall income for allocated budget	Those operators who support the current methodology will be dissatisfied
		Effective increase in fees for small to mid sized operators
		Continual monitoring of chair numbers required
(d) Full market rental	Increase Council revenue by up to 200%	Per chair payments cannot be used for "other " businesses occupying legal road.
		Dissatisfaction amongst most if not all operators
		Possible decrease in outdoor dining areas

15. 9. 2005

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10. MINUTES OF THE CANTERBURY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE OF 20 JUNE 2005

Attached.

11. REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD - MEETING OF 17 AUGUST 2005

Attached.

12. REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD - MEETING OF 2 AUGUST 2005

Attached.

13. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD - MEETING OF 9 AUGUST 2005

Attached.

14. NOTICES OF MOTION

15. QUESTIONS

16. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.