

# **CHRISTCHURCH CITY COUNCIL**

## **NOTES OF A SEMINAR OF THE COUNCIL**

**Held in the Council Chamber, Civic Offices  
on Tuesday 15 May 2007 at 9.30am**

### **PRESENT:**

#### **Christchurch City Council**

Councillor Sally Buck (Chairperson)  
Councillors Graham Condon, David Cox, Carole Evans,  
Bob Shearing, Gail Sheriff (from 9.50am) and  
Norm Withers

#### **Community Board**

Stewart Miller

### **APOLOGIES:**

Apologies for absence were received and accepted from  
Mayor Garry Moore, Councillors Barry Corbett,  
Anna Crighton, Bob Parker and Sue Wells

## **1. WATER CONSERVATION**

Bill Demeter, Water Wisdom Society provided a PowerPoint presentation on ideas for conserving water covering:

- Overseas examples Vancouver and Amsterdam cities
- Programme (lead by students)
  - the city of Christchurch
  - water wisdom
  - untouched world foundation
  - environmental education in schools
- A programme plan
  - student team ready 1 March
  - team design
- Water use (before and after)
- Water use – net survey
- Examples of water savings
  - new shower heads (40% reduction)
  - one litre of water in every toilet cistern
- Average city household use (720 litres per day)
- Water wisdom environmental education
- When, when, when
- What is required by Christchurch City Council
  - endorsement and approval of proposals

Questions and comments followed included:

- The Council's undertaking of a water wise campaign which features a seven pronged attack
- Was there sufficient Council resources to assist the programme envisaged

**Outcome**

1. Council water supply staff to meet with Bill Demeter with aim of working together to enhance water conservation education measures and avoid duplication.
2. Report be brought to the Council on environmental school programme and other water conservation matters.
3. Contact to be maintained with Mr Demeter and the Water Wisdom Society.
4. Council be asked to give its endorsement and approval to measures being taken by the Water Wisdom Society in the conserving of water.

The seminar concluded at 10am.

# CHRISTCHURCH CITY COUNCIL

## NOTES OF A SEMINAR OF THE COUNCIL

Held in the Council Chamber, Civic Offices  
on Tuesday 15 May 2007 at 10am

**PRESENT:** Councillor Sally Buck (Chair),  
Councillors Helen Broughton, Graham Condon,  
Barry Corbett, David Cox, Carole Evans, Bob Shearing,  
Gail Sheriff and Norm Withers.

**IN ATTENDANCE:** Community Board member Stewart Miller.

**APOLOGIES:** Apologies for absence were received and accepted from  
Mayor Garry Moore and Councillors Barry Corbett,  
Anna Crighton, Pat Harrow, Bob Parker, and Sue Wells.

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### 3. PUBLIC PLACES BYLAW REVIEW

Terry Moody and Alan Bywater presented information related to the review process of the Public Places Bylaw.

Points and questions raised included:

- Q: Where does street soliciting sit – with busking and hawking?

A: Offering to sell sexual activities is somewhat different from providing services such as busking or actually selling goods in a public place. The report back on the Manukau City Street Prostitution Bill to the Council addressed the matter of controlling this activity. The Select Committee effectively noted that reintroducing the offence of soliciting for sexual activities would be ultra vires the Prostitution Reform Act. The question is how to determine that this activity is taking place in a public place. Manakau City found they could not control the matter through the bylaws. There is other legislation in place to cover indecent acts in a public place. Suggested bylaw could have provisions in its objectives relating to trading in public places.

Bylaws were not the best method of dealing with behaviour as it is difficult to control without the power of arrest – central government legislation is usually more appropriate – need to consider Bill of Rights. In certain circumstances the Council is the body which owns the land or controls the public place. Council can change provisions with resolution.

- Q: Buskers and signboards?

A: The Council will be in a position to enforce provisions of bylaw. Objectives in bylaw, with conditions to be set by the Council. These can be changed by a resolution of the Council at any time.

Soliciting and prostitution separate issues: neither are illegal activities but it is acknowledged they are difficult for the Council to manage.

### ACTION

**ACTION**

- Q: Why not licence prostitutes using same process as for buskers?  
A: Legal Services and Inspections and Monitoring Units need to consider this as an operational matter. Most activities alleged to be associated with street prostitution are controllable under other legislation. It is probably difficult to identify “prostitutes” and licensing does not necessarily address the activity that may be a problem

Other matters raised:

- Q: Parties in public places/on streets: who prosecutes?  
A: The Council has to enforce its bylaws. Police work in conjunction.
- Review of bylaws requires SCP under LGA – the Council will need to make a decision on each occasion.
- Reviews of bylaws being currently undertaken by TLAs throughout the country.
- Officers assured elected members that the review will not weaken bylaws.
- Q: Prostitution – are there examples of “best practice” in other countries? How do other countries manage similar situations?
- Q: Ban on party pills – page 6 – could the Council move quickly if the sale of these became illegal?  
A: Bylaw would have provision to control any trading in public places and could cover any illegal drugs. In general, however, the Police tend to enforce illegal drug sales. The Council is not generally set up to undertake the analysis of mind altering substances to prove such cases.

**OUTCOME**

The information was received in conjunction with the comments noted above.

Terry/Alan

The seminar concluded at 10.45am

# CHRISTCHURCH CITY COUNCIL

## NOTES OF A SEMINAR OF THE COUNCIL

Held in the Council Chamber, Civic Offices  
on Tuesday 15 May 2007 at 10.45am

- PRESENT:** Councillor Sally Buck (Chair)  
Councillors Helen Broughton, Barry Corbett, David Cox,  
Carole Evans, Bob Shearing, Gail Sheriff and  
Norm Withers
- IN ATTENDANCE:** Community Board member Stewart Miller
- APOLOGIES:** Apologies for absence were received and accepted from  
Mayor Garry Moore and Councillors Graham Condon,  
Anna Crighton, Pat Harrow, Bob Parker and Sue Wells

	ACTION
<p>1. <b>SIGNS ON FOOTPATHS</b></p> <p>Miranda Charles, supported by Alan Bywater, spoke to a PowerPoint presentation on the context for a review of the Signs on Footpaths and other public places bylaw.</p> <p>Two handouts: a copy of the Council policy, SIGNBOARDS IN PUBLIC PLACES and SIGNS ON FOOTPATHS AND OTHER PUBLIC PLACES.</p> <p>Points and questions which arose relating to this presentation included:</p> <ul style="list-style-type: none"><li>● Is there a monetary incentive from suppliers for retailers to display their advertising signs on footpaths?</li><li>● Q: Public research – if current policy is enforced, would members of the public feel safer? A: Acceptable to a degree.</li><li>● Q: Enforcement level? A: Consistent – quoted July 2006 to 30 April 2007: 3659 complaints. 106 relating to signs in public place. Of these 43 related to signs on footpaths.</li><li>● Q: Only acting on complaints? A: The Council has been purely reactive for some time.</li><li>● Q: How many prosecutions? A: None – retailers are asked to remove non-complying signs.</li><li>● Q: How often does staff visit before prosecution. A: Lack of resources means enforcement of this particular bylaw has low priority.</li><li>● Q: Involve the parking wardens? A: Has been suggested and could happen within a month of training.</li><li>● Review a waste of time – policy OK as is. Need enforcement to make it work– get proactive, and reassess in 12 months time.</li></ul>	<p>Miranda</p>

**ACTION**

- Policy No 3 – get tough on removal and be consistent across the city.
- Q: Consent for signage which complies – whose, where, what form does it take? A: Applies to all signboards - general consent - as long as complies with policy will be allowed.
- Q: Would a statutory timeframe (by way of a resolution of Council) assist enforcement? A: Comes back to available resources – Building Act and RMA take up a large portion of resources.
- Examples of other major New Zealand cities cited – currently appears to be leaning towards eliminating signs citywide.
- Proposed that consideration be given to designating small areas for advertising, and restriction on placement of signs to be specified within the CBD.
- “Kerbside” - definition needs clarification, along with details eg minimum measurement from the kerb, freestanding, parallel or on a 90 degree angle. Existing policy leaves some degree of ambiguity.
- Consider a ban on footpath signage for ground floor business, (consider window displays only), and only allow footpath signage for upstairs and businesses within arcades.
- Provide a post or bollard listing retailers- maybe a revolving electronic bollard with 10 seconds per business.
- Is there a business in Christchurch which manufacturers signs, and if so, how many jobs involved?
- The seminar was reminded by elected members the Council sets the policy, and management needs to enact. Support for administering No 1 of the policy, then look at 2 and 3. Important to discuss options with retailers.
- Clear message to staff to enable effective enforcement.
- Noted that in the past the maximum fine for non-compliance was \$500: under the new Local Government Act the fine is now \$20,000.
- Q: No 7 – “seize and remove” – why not happening? A: Infringement notices can be issued when provisions are in place. Not difficult to enforce, but resources are the issue.

Miranda

**SUMMARY**

The views of elected members included the following:

- Enforcement first, then consider if a policy change is required.
- Investigate involving parking wardens to enforce and review policy in 12 months.
- Enforcement first, and consider minimum policy review to ensure one part of footpath is designated for signs.
- Communicate with retailers ....”if not tidied up as required, this is what we will do in 12 months”.
- Budget implications?
- Enforcement stressed. Are retailers aware of rules of consent? “Stewarts” coffee sign shown on PowerPoint was cited as an example of conforming placement, but would cause a problem with car doors opening when parked kerbside.

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- Ensure enforcement city-wide – don't forget Banks Peninsula

**ACTION**

**OUTCOME**

- Look at options for enforcement: i.e. involving parking wardens and staff resource issues and bring back to the Council.
- Provide information on sign making businesses within Christchurch, particularly footpath signage.
- Check issues re-incentives from suppliers to retailers for placing signage on footpath.
- Clarification of "kerbside" terminology sought.

Alan/Miranda

The seminar concluded at 11.55am.

# CHRISTCHURCH CITY COUNCIL

## NOTES OF A SEMINAR OF THE COUNCIL

Held in the Council Chamber, Civic Offices  
on Tuesday 15 May 2007 at 1.30 pm

- PRESENT:** Councillor Bob Shearing (Chair),  
Councillors Helen Broughton, Sally Buck,  
Graham Condon (from 2.30 pm), Anna Crighton,  
Barry Corbett, David Cox (from 2.25 pm), Carole Evans,  
Bob Parker, Gail Sheriff and Sue Wells.
- IN ATTENDANCE:** Community Board member Yani Johanson,  
Michael Aitken, Carolyn Ingles, Diana Plesovs,  
Kristy Rusher, Mike Theelen, Ivan Thomson,  
Doru Hozias, and Roy Eastman.
- APOLOGIES:** Apologies for absence were received and accepted from  
Mayor Garry Moore and Councillors Graham Condon,  
David Cox, Pat Harrow and Norm Withers.

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### 5. BRIDLE PATH AREA PLAN

Diana Plesovs spoke to a PowerPoint presentation, which provided an understanding of the issues, priorities and implementation process of the Bridle Path Road Area Plan and their confirmation, and for the Council to consider a Plan Change for public notification uplifting deferred nature of Living Hills A zone. Hard copy on file.

The following points and questions were noted:

- Presentation maps and proposals were based on a study undertaken by Mark Yetton, Geotechnical Consultant.
- Hazard mitigation: Given difficulty of terrain and lack of water, consider stipulating planting timeframe in any development proposals.
- “Bunding” = soil mound.
- The Council in preparation of its City Plan proposed zone rules for this area. The land owners appealed the Council’s decision on the proposed zone rules, to the Environment Court, that development be considered. Way forward from negotiated settlement (consent order) – the Council would investigate development options/issues.
- Costs of mitigating rock fall risk may fall with developers as project-progressed.

### ACTION



- Q: Is storm water disposal “dealt with in parallel”?  
A: Wider Heathcote scheme is already in place – any development will need to dovetail into this.
- Q: Has run-off, quality of silting, protection of floodplain been considered?  
A: Yes, all part of scheme.
- Q: Could there be an Integrated Catchment Management Plan (ICM) for this area?  
A: Is part of comprehensive scheme for the Heathcote Valley which will manage overland flows as any development proceeds.
- Q: Links with ECan potential issues?  
A: Heathcote scheme has been worked through with ECan staff.

**CONFLICT OF INTEREST**

2.05pm Councillor Evans declared a conflict of interest at this time, accordingly withdrew and took no further part in the seminar. Councillor Crighton also retired from the seminar at this time.

- The need to ensure no replication of the Aidanfield situation had been addressed – any proposal would need to be fully agreed with ECan re stormwater discharge.

Roy Eastman in attendance from 2.15 pm.

- Rock fall and potential for insurance claims – look into Council liability for report to Council.
- Q: Council funding for hazard mitigation – would not need to be mitigated if nothing built?  
A: No specific geotechnical advice has been sought on the extent of risk with current situation (the Plan Change is only concerned with the future scenario of what is appropriate development of this area of land). However, advice received confirms that for development to go ahead, appropriate mitigation is necessary for rock fall hazard.
- Q: Civil defence obligations etc raised. Council obligation, given existing hazard. Given existing power pylons and the rock face – does the Council still have appetite to progress this as a development area?  
A: It is within the Council’s ability to decline. However, has deferred zoning status which has given property owners a legitimate expectation of future zoning for residential purposes. The Council would be exposed to a judicial review unless there was new evidence (ie evidence that was not available at the time of the appeal), - available if sufficient strength to support such a change in position.
- Q: Give further consideration to the shape/contour of the area so some hazards are avoided.  
A: Subdivision layout only “notional”. Landowners keen to progress subdivision potential.

- Q: Why is the Council trying to drive this when should be developer driven, plus why not amalgamation of sites? Identify what the Council needs to do?  
A: Developers have been involved (ie they have attempted to purchase land, but sales have fallen through), with a variety of options proposed? If the Council has a plan, anticipated this would encourage developers to follow.
- Q: Why are property owners waiting for the Council to act before they consider selling their properties?  
A: At a point of decision – Council, land owners and potential developers had to see potential scope of area, and mitigation work starts to provide some certainty around potential scale of development. Developers need to consider, “Are we prepared to pick up this investment with these potential returns given costs of mitigation?”

### **STORMWATER MANAGEMENT**

Roy Eastman addressed the seminar and provided the following information: Integrated Catchment Management Plan (ICMP) goes back almost a decade from City Plan hearing. Waterway issues started prior to this area being considered as potential development area. Cost-share scheme put in place for whole of Heathcote Valley – Council up for 50%. Recent offshoots described. Heathcote Recreational Holdings: less than 30 allotments – as such did not require ECan consent at that time. Morgans Valley: 70-80 allotments covered by scheme. Council had to provide treatment scheme for Valley. Temporary discharge consent obtained which allows discharge through Heathcote Valley drain. Will eventually link into Cooks Lane. Expires 2008. Council working toward acquisition of corridor.

Rezoning of land has fallen behind. The Council is negotiating with two property owners on land purchase for new waterway; two others have expressed concern, did not wish to part with land until zoning changed – some recent softening of this view. Eventually the Council will seek overall consent for 35 years. Waterway has new alignment.

- Q: Has to be done whether subdivision or not?  
A: Important for Morgans Valley and Heathcote Village. These folk will be paying a development contribution - cost share scheme obsolete. Waterway is designed to align with the proposed internal road.
- Q: Way past, “You can’t build there” – beyond point of Council saying no?  
A: Investigations have taken time, taken in tandem with waterway planning. Clear assumption has emerged from consent.
- Q: Morgans Valley – how many problem rock falls from land above blue line?  
A: Last year, a rock rolled onto Baxters land and glasshouse. Landowner asked for a fence – told needs to be dealt with comprehensively. Morgans Valley has experienced range of rock fall situations. Council trying to minimise risk.  
Noted now many more hills (around harbour) within the city.

Ensuing general comments included:

- Concern about impact on amenity and shape of subdivision – potentially rectangular except for Morgans Valley.
- Apart from waterway, should be responsibility of developer. Provision for ongoing maintenance as part of subdivision.
- Look at plans carefully – area marked by green line. Comfortable with development of line of subdivision on lower slopes – in Geotech report No 2.
- Noted plans prepared on the assumption mitigation was in place.
- Staff spending too much time dealing with individual landowners – 10 too many. Cost of roads should be borne by developer. The Council should not deviate from standard practice.
- “Council should not be bearing unnecessary costs” clear message from seminar. Balance needs to be struck as to how much landowners are prepared to fund mitigation in order to be sustainable. If part of larger area, this discussion would probably not occur. Impart that this is a “development plan”, and the Council may consider not rezoning if property owners not prepared to deal with development collectively. Seen as a rezoning issue which comes with whole bundle of “extras” given locale and terrain. Need to agree on mitigation issues and how these will be funded.
- Even if dealing with only one landowner, the Council would need to deal with this issue, to enable City Plan to become fully operative. Cannot have an indefinite deferred zone. Regardless of nature of decision, there will have to be a Plan Change: cannot have a deferred Plan Change sitting there forever.
- Q: Issue around hazards – what will it cost for the council to build wall?  
A: Approx. \$1m. 1 20 sections: area of 20 hectares. \$10k per section.
- Q: S 32 – Council would know reserve was in area prone to rock fall? If the Council acquires land potentially prone to rock fall how could the Council not contribute to cost of fence?  
A: Moral and legal obligations. The Council can transfer some of obligations in return for assisting with development. Legal – can transfer responsibility to landowners.
- Impact on horticultural activities – request from Yani Johanson for more information for community board, to seek feedback from local residents. What does LHA mean for local community? Location of fence – would this not have to be above?

**ACTION**

Carolyn

**ACTION**

- Does there have to be a Plan Change, with the Council bearing cost, and constant discussions? Could this be a private plan change, to allow staff to move onto other work?  
A: The Council does receive benefits - expense of lawyers etc was avoided by settling the appeal and not going to a fully defended hearing. Statutory requirement/requirement of consent order to investigate, no greater obligation than what would be required under S 32.
- Karamea situation cited where owners were told to remove all the houses. Doesn't think the Council should be bearing mitigation costs - gains may not be worth it – could cost lives and liability.
- Q: Lower area 1 –why not consider something more intensive – warm, views, railway station – would fit aims of UDS. Opportunity there for significant – trade off for not going so far up the hill, and consider mix of scale and size, and consider opportunity for older persons to age in the area. Would fit with existing pattern of subdivision, rather than going up the hill.  
A: Deferred LHA, also LH zone - have looked at density mix. Site configuration difficulties on lower slopes due to existing housing, pylons etc. Transition areas on upper slope - would be seen as “own case” – would have own rules for density.
- Horticultural activities – set back would allow these to continue – have existing use rights. Some issues with horse grazing being worked through.

**OUTCOME**

Formal report to the Council covering issues raised during the seminar: how far can the Council go without mitigation; density issues; if going for hard intervention, what is legal obligation to put back to land owners in the area, Council liabilities.

Diana/Carolyn/  
Kristy

The seminar concluded at 3.25pm.