

**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 9.30AM ON THURSDAY 24 JULY 2008**

PRESENT: The Mayor, Bob Parker (Chairperson).
Councillors Helen Broughton, Sally Buck, Ngaire Button, Barry Corbett, David Cox,
Yani Johanson, Claudia Reid, Bob Shearing, Sue Wells, Chrissie Williams and
Norm Withers.

1. APOLOGIES

Leave of absence has been granted to Councillor Sheriff.

An apology for absence was received from Councillor Wall.

Leave of absence was granted to the Mayor for the period between 6 and 16 August 2008.

It was **resolved** on the motion of Councillor Cox, seconded by Councillor Withers that the apologies and leave of absence be accepted.

2. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 19 JUNE 2008

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Button, that the open minutes of the Council meeting held on Thursday 19 June 2008 be confirmed.

COUNCIL MEETING OF 25 JUNE 2008

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Button, that the open minutes of the Council meeting held on Thursday 25 June 2008 be confirmed subject to Councillor Wall's name being recorded as the representative to the Regional Governance Group.

COUNCIL MEETING OF 26 JUNE 2008

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Button, that the open minutes of the Council meeting held on Thursday 26 June 2008 be confirmed.

COUNCIL MEETING OF 10 JULY 2008

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Button, that the open minutes of the Council meeting held on Thursday 10 July 2008 be confirmed.

3. DEPUTATIONS BY APPOINTMENT

Nil.

4. PRESENTATION OF PETITIONS

Councillor Withers presented a petition from K and D Riley containing 568 signatures which was presented to the Shirley/Papanui Community Board requesting the removal of the easement/walkway on their property at 87 Harbour Road Brooklands, Christchurch and the petition to be presented to the next full Council meeting by Councillor Withers.

5. HERITAGE INCENTIVE GRANT GREATER THAN \$100,000

It was **resolved** on the motion of Councillor Broughton, seconded by Councillor Corbett, that:

- (a) The Council approve a heritage incentive grant to the Public Trust building of \$231,439, subject to a full conservation covenant being registered on the title in accordance with the Heritage Incentives Grants Policy, and the affixing of the Council seal.
- (b) A report be requested looking at the delegations to the Heritage Grants and Covenants Committee.

6. APPOINTMENT OF NEW ELECTORAL OFFICER FOR THE CHRISTCHURCH CITY COUNCIL

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Williams, that pursuant to Section 12(1) of the Local Electoral Act 2001, Clare Margaret Sullivan is appointed as the Christchurch City Council's Electoral Officer, with effect from 1 August 2008.

7. APPOINTMENT OF PRINCIPAL RURAL FIRE OFFICER

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Buck, that the Council agree to the appointment of Keith Marshall as Principal Rural Fire Officer in accordance with the Forest and Rural Fires Act and Forest 1977 and the Forest and Rural Fires Regulations 2005 reporting directly to the Manager, Civil Defence Emergency Management.

8. APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE CANTERBURY REGIONAL TRANSPORT COMMITTEE

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Buck, that the Council appoint the Mayor to the Canterbury Regional Transport Committee.

10. NEW STANDING ORDERS AND CODE OF CONDUCT

This clause report was considered at this stage of the meeting.

Councillor Wells moved:

"That the Council:

- (a) *Adopts new Standing Orders as amended in the form presented to the Council at its meeting on 24 July 2008.*
- (b) *Adopts an amended Code of Conduct in the form presented to the Council at its meeting on 24 July 2008.*
- (c) *Notes that approval of each document requires a vote in support of not less than 75 per cent of the members present.*
- (d) *Authorises the General Manager Regulation and Democracy Services to make any minor adjustments to the drafts to correct any clerical errors before the Standing Orders and Code of Conduct are published in their final form.*
- (e) *Notes that all Community Boards have voluntarily agreed to adopt a Code of Conduct similar to that of the Council, modified to reflect that it be intended for use by Community Boards.*
- (f) *Agrees that its Ethics Subcommittee (including the Convenor) can be used by Community Boards where a breach of the Code is alleged in respect of two Community Board members.*
- (g) *Where the Ethics Subcommittee procedure is to be used by a Community Board consideration of the membership of the Subcommittee is to be deferred until the Chairpersons consider the matter and staff report back to the Council in September."*

The motion was seconded by Councillor Shearing.

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Councillor Johanson moved by way of addition:

“That Standing Order 3.3.6 be amended by adding the words “or sign language” after the words “Maori”.”

The amendment was seconded by Councillor Broughton and on being put to the meeting was declared **carried**.

Councillor Johanson moved by way of amendment:

“That Standing Order 3.19.1.1 regarding deputations be deleted.”

The amendment was seconded by Councillor Buck and on being put to the meeting was declared **lost**.

Councillor Johanson moved by way of amendment:

“That Standing Order 3.19.2 (Deputations and presentations in other languages) and 3.20.3 (Petitions in other Languages) be amended by deleting the words “If the other language is an official language of New Zealand (e.g. Maori or New Zealand sign language) ...”

The amendment was seconded by Councillor Williams and on being put to the meeting was declared **lost** on division No. 1 by 4 votes to 8, the voting being as follows:

For (4): Councillors Johanson, Reid, Williams and the Mayor.

Against (8): Councillors Broughton, Buck, Button, Corbett, Cox, Shearing, Wells and Withers.

Councillor Williams moved by way of amendment:

“That a new Standing Order be added 2.19: Significant decisions in voting period.

That no decision on a significant issue is made by the Council in the voting period of a triennial local election.”

The amendment was seconded by Councillor Johanson and on being put to the meeting was declared **lost** on division No. 2 by 2 votes to 10, the voting being as follows:

For (2): Councillors Johanson and Williams.

Against (10): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Wells, Withers and the Mayor.

Councillor Williams moved by way of amendment:

“That a new Standing Order 3.6.2: Leave of absence applications be added and renumber subsequent standing orders:

An application for leave of absence must be made if an elected member intends to be absent for four (4) weeks or longer, with the reason for leave of absence included in the application.”

The amendment was seconded by Councillor Johanson and on being put to the meeting was declared **lost** on division No. 3 by 4 votes to 8, the voting being as follows:

For (4): Councillors Buck, Button, Johanson and Williams.

Against (8): Councillors Broughton, Corbett, Cox, Reid, Shearing, Wells, Withers and the Mayor.

Councillor Broughton moved by way of amendment:

“That the Council request a report on possible modification to Standing Orders regarding the making of “significant decisions” in the voting period of a triennial election.”

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The amendment was seconded by Councillor Johanson and on being put to the meeting was declared **lost** on division No. 4 by 5 votes to 7, the voting being as follows:

For (5): Councillors Broughton, Buck, Corbett, Johanson and Williams.

Against (7): Councillors Button, Cox, Reid, Shearing, Wells, Withers and the Mayor.

The motion including the amendment was put to the meeting as the substantive motion and declared **carried**.

9. DELEGATED AUTHORITY - SMALL PROJECTS FUND ASSESSMENT COMMITTEE (LOCAL)

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Button, that the Council amend its current Community Boards delegations with the following additional 'financial delegation' noted as new point 9 under the existing schedule of delegations to Community Boards:

"That each of the Community Boards 'Small Projects Fund Assessment Committees' have full authority to determine final funding decisions for their respective Community Boards 'Small Projects Fund Scheme' subject to full compliance with the Council's rules, policies, and criteria for the 'Small Projects Fund Scheme.'"

11. ŌTAUTAHI/CHRISTCHURCH AND TE PĀTAKA O RĀKAIHAUTŪ/BANKS PENINSULA BIODIVERSITY STRATEGY

It was **resolved** on the motion of Councillor Williams, seconded by Councillor Buck, that the Council adopt the Christchurch Biodiversity Strategy, Ōtautahi/Christchurch and Te Pātaka o Rākohautū/Banks Peninsula.

12. REPORT OF THE REGULATORY AND PLANNING COMMITTEE - MEETING OF 3 JULY 2008

1. PROPOSED PRIVATE PLAN CHANGE 34 TO CITY PLAN – REZONING 8 MANNING PLACE, WOOLSTON, FROM LIVING 2 TO BUSINESS 1

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Button, that the Council:

- (a) Decide, pursuant to Clause 29(4) of the First Schedule to the Resource Management Act 1991, to approve the Private Plan Change 34 for the reasons set out in the "Explanation" of the private Plan Change 34 document (Attachment 1 to this report).
- (b) Delegate to the General Manager Strategy and Planning the authority to determine the date on which the provision becomes operative.

2. REVIEW AND SUGGESTED REVOCATION OF CHRISTCHURCH CITY COUNCIL REFUSE BYLAW 1995 AND BANKS PENINSULA DISTRICT REFUSE BYLAW 2002, AND ADOPTION OF CHRISTCHURCH CITY COUNCIL WASTE MANAGEMENT BYLAW 2009

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Button that the Council:

- (a) Resolve that a bylaw is the most appropriate way to manage and regulate the management of municipal solid waste.
- (b) Resolve that there are no inconsistencies between the draft Christchurch City Council Waste Management Bylaw 2009 and the New Zealand Bill of Rights Act 1990, and that the draft bylaw is in the most appropriate form (including that it will revoke the Christchurch City Council Refuse Bylaw 1995 and Banks Peninsula District Refuse Bylaw 2002).

- (c) Note that the Terms and Conditions for the Operation of the kerbside collection service and the Council waste collection points are not part of the bylaw and will be reviewed by the Zero Waste Working Party and reported to Council.
- (d) Resolve that the attached Statement of Proposal (which includes the draft bylaw) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website, and that the Summary of Information be published in a newspaper having a wider circulation in the Council's district.
- (e) Appoint a hearings panel comprising Councillors Broughton, Buck, Reid, Shearing and Wells to consider submissions on the draft bylaw and to make recommendations to the Council.

On the motion of Councillor Wells, seconded by Councillor Button, the report as a whole was then adopted.

19. REQUIREMENT FOR ALTERATION TO AN EXISTING DESIGNATION

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Shearing, that the Council:

- (a) Adopt the recommendation of Commissioner Max Barber.
- (b) Recommend to Transit New Zealand that it confirm its Notice of Requirement dated 23 March 2007 to alter the general state highway designation and the road widening designation in the Christchurch City Plan subject to the conditions set out in the Commissioner's recommendation to the Council.

20. NEW CIVIC BUILDING

Councillor Corbett moved:

- “(a) That the report be received.*
- (b) That the Council approve the tenant variations to the original construction contract totalling \$892,000 as listed in Appendix 1.*
- (c) That the Council accept the proposal from Tuam 2 Ltd to create 3,266m² additional floor area at the new civic building.*
- (d) That the Council agree to the rental for the new civic building increasing by \$733,776 to \$8,233,776 plus GST as a result of both the provision of additional floor area and a credit for tenant variations to the original contract.*
- (e) That the Council borrow \$4,076,536 on the usual terms and conditions available to the council in respect of external borrowing, in accordance with the Liability Management Policy.*
- (f) That the Council advance \$4,076,536 to Civic Building Limited on terms which match, as far as practicable, the same terms on which the Council has borrowed externally, plus a margin to cover administrative costs.*
- (g) That the Council authorise the General Manager Corporate Services and the Corporate Finance Manager (jointly) to approve the detailed terms and conditions of the funding transactions.*
- (h) That the Council agree:*
 - (i) To construct a biogas pipeline from the wastewater treatment plant to the new civic building at an estimated cost of \$1,500,000.*
 - (ii) To construct a gas treatment station at the wastewater plant at an estimated cost of \$400,000.*
 - (iii) To install a tri-generation plant in the new civic building at an estimated marginal cost of \$3,076,000.*

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- (i) *That the cost of the expenditure in recommendation (h) be funded by borrowings with the amount borrowed, plus interest costs, being met by energy savings at both the new civic building and the Art Gallery.*
- (j) *That it be noted that the Council will be applying for a subsidy from EECA to offset the Council's cost relating to Tri-generation."*

The motion was seconded by Councillor Shearing, and was then put to the meeting as clauses (a) to (g) and clauses (h) to (j).

Clauses (a) to (g) were declared **carried** on division No. 5 by 8 votes to 3, the voting being as follows:

For (8): Councillors Buck, Button, Corbett, Reid, Shearing, Wells, Withers and the Mayor.

Against (3): Councillors Broughton, Johanson and Williams.

Clauses (h) to (j) were declared **carried** on division No. 6 by 9 votes, the voting being as follows:

For (9): Councillors Buck, Button, Corbett, Reid, Shearing, Wells, Williams, Withers and the Mayor.

Abstain (2): Councillors Broughton and Johanson.

(Note: Councillor Cox took no part in the voting or discussion of the clause.)

13. NOTICES OF MOTION

Nil.

14. QUESTIONS

Nil.

15. RESOLUTION TO EXCLUDE THE PUBLIC

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Wells, that the resolution to exclude the public set out on page 241 of the agenda be adopted.

CONFIRMED THIS 28TH DAY OF AUGUST 2008

MAYOR