



**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 9.30AM ON THURSDAY 26 MARCH 2009**

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

1. APOLOGIES

An apology for absence was received from Councillor Wall.

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Withers, that the apology be accepted.

2. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 16-18.2.2009

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Withers, that the open minutes of the Council meeting held on 16-18 February 2009 be confirmed subject to amendments as discussed including:

- Page 6 "3 per cent", should read "30 per cent".
- Remove all references to motions which lapsed for want of a seconder.
- Page 6, Councillor Buck's motion to be re-worded for clarity.

Councillor Johanson asked that his vote against the motion be recorded.

COUNCIL MEETING OF 26.2.2009

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Withers, that the open minutes of the Council meeting held on Thursday 26 February 2009 be confirmed.

EXTRAORDINARY COUNCIL MEETING OF 5.3.2009

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Withers, that the open minutes of the Council meeting held on Thursday 5 March 2009 be confirmed.

COUNCIL MEETING OF 12.3.2009

It was **resolved** on the motion of Councillor Corbett, seconded by Councillor Withers, that the open minutes of the Council meeting held on Thursday 12 March 2009 be confirmed.

3. DEPUTATIONS BY APPOINTMENT

Nil.

4. PRESENTATION OF PETITIONS

Nil.

5. RICCARTON BUSH TRUST STATEMENTS OF INTENT, 2009 AND 2010

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

- (a) Receive the Riccarton Bush Trust Statement of Intent for the year ending 30 June 2009.

- (b) Request that the Riccarton Bush Trust report to the Council before 30 June 2009 on the integrated development project including its effect on public access.

6. HALSWELL QUARRY PARK MANAGEMENT REVIEW

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

- (a) Approve the release of the Draft Halswell Quarry Park Management Plan for public consultation, as set out in s41(6) of the Reserves Act 1977.
- (b) Rescind the resolutions passed in August 2008 to use its authority to depart from the Halswell Quarry Management Plan to approve a shorter process for the approval of proposed structures from the Sister Cities Gardens Committees, whereby plans are submitted for approval before a Council subcommittee, until the new management plan review is complete.
- (c) Disestablish the Subcommittee appointed on 28 August 2008 comprising Councillors Sally Buck and Mike Wall, senior Transport and Greenspace staff, and the General Manager Public Affairs.
- (d) Appoint a Halswell Quarry Park Special Committee from Council members who are not members of a Sister City Committee nor members of the Riccarton/Wigram Community Board, namely the Mayor, Councillors Button, Reid, Sheriff, Wells, Williams and Withers to:
 - (i) hear any submissions on the revised Management Plan in May 2009
 - (ii) make a decision on the submissions and approve a new Management Plan.

(The above motion was carried unanimously.)

7. NEW CODE OF CONDUCT

It was **resolved** on the motion of Councillor Cox, seconded by Councillor Withers, that the Council:

- (a) Approve the Council members of the Ethics Subcommittee.
- (b) Note that the Community Boards have adopted the revised Code of Conduct.
- (c) Note that the Community Boards have considered the Ethics Subcommittee procedure.
- (d) Note that the membership of the Ethics Subcommittee, when applied to Community Boards, be considered on the particular occasion that an alleged breach arises.

8. TRANSFER OF BUILDING CONTROL FUNCTIONS FROM THE CHATHAM ISLANDS COUNCIL TO THE CHRISTCHURCH CITY COUNCIL

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that the Council:

- (a) Agree to the transfer, under section 233 of the Building Act 2004, by the Chatham Islands Council of such building control functions, duties and powers, to be detailed in a transfer agreement, to the Christchurch City Council.
- (b) Authorise the General Manager Regulation and Democracy Services to negotiate and sign:
 - (i) a transfer agreement, with the Chatham Islands Council, and identify in detail the exact type of functions, duties and powers to be transferred under the agreement; and
 - (ii) any other agreement with the Chatham Islands Council to give practical effect to the transfer agreement.

- (c) Note that due to the very small number of consents granted by the Chatham Islands Council in comparison to the number of consents granted by the Christchurch City Council, that there is no need for any specific consultation by this Council on this matter.
- (d) Agree that the transfer is desirable on the ground of efficiency in accordance with section 234 of the Building Act.
- (e) Ask that staff report back to the Council as part of the LTCCP process to establish a separate fee structure for building consents processed for the Chatham Islands Council.

9. COUNCIL RESPONSE TO THE PRELIMINARY FINDINGS AND RECOMMENDATIONS OF THE WILDLIFE PROTECTION REVIEW WITH REGARD TO CANADA GOOSE

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Williams, that the Council respond to the Department of Conservation advising that the Council:

- (a) Supports Canada goose being listed on Schedule 3 of the Wildlife Act 1953.
- (b) Agrees to consider to be a member of a Canada Goose Management Group administering the management of Canada goose, but to not be the lead management agency.
- (c) Suggests that Environment Canterbury be the lead management agency for an area covered by a Canada Goose Management Group as it is best positioned to manage effectively an area across several territorial jurisdictions, and that the Council be able to recover any extra costs, over and above the Council's current level of expenditure, resulting from Canada goose management from the lead management agency.
- (d) Proposes for the area to be covered by a Canada Goose Management Group to include the Christchurch urban area, Banks Peninsula, and part or all of the Selwyn and Waimakariri Districts.
- (e) Supports legislative change to enable the Minister of Conservation to be fully informed on whether or not ongoing management of Schedule 1 species is meeting the needs of non-hunting sectors of the community, and have the power to ensure that the management of Schedule 1 species does meet these needs.

10. HERITAGE GRANTS AND COVENANTS COMMITTEE REPORT TO COUNCIL

It was **resolved** on the motion of Councillor Broughton, seconded by Councillor Corbett, that the Council receive the Heritage Incentive Grants and Covenants six monthly report for information.

**11. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 2 MARCH 2009**

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Buck, that the report as a whole be adopted.

**18. RESOURCE MANAGEMENT ACT (SIMPLIFYING AND STREAMLINING) BILL - COUNCIL
SUBMISSION TO SELECT COMMITTEE**

This item was taken at this stage of the meeting.

It was **agreed** that clauses in Annexure 1 to the report be considered separately.

Removing frivolous, vexatious and anti-competitive objections (page 6)

Councillor Wells moved:

The Council supports the requirement that an application for security costs may be made, with the Court having a discretion to award security.

The Council opposed any amendments to section 285 that makes security for costs mandatory, due to the impact on community participation in the RMA process. Relief sought – retain the discretion for the Court to award security for costs on application.

The motion was seconded by Councillor Shearing and when put to the meeting was declared **carried** on Division No. 1 by 9 votes to 4, the voting being as follows:

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

Against(4): Councillors Broughton, Buck, Johanson, and Williams.

Improving plan development and plan change processes (page 20)

Councillor Wells moved:

In general, the Council supports its decision having higher standing. This change reinforces the Council's role of setting local policy.

However, the Council has concerns about the restrictions on the ability of members of the public to lodge appeals on the merits where they have real and genuine concerns about an issue.

The Council recognises that there is the ability for submitters to seek the leave of the Court to appeal on the merits. Further, that the grounds for seeking such leave are very broad ranging. However, the need to seek the leave of the Court where there is a valid ground for appealing on the merits is costly, and will cause further delay and complexity to the process, particularly if many submitters seek leave.

Overall, the Council opposes this amendment. Relief sought – reject the amendments to clause 14 (and the new section 280A) noting that in the event that the Council's submission is unsuccessful, the Council still supports section 280A.

The motion was seconded by Councillor Williams and when put to the meeting was declared **carried** on Division No. 2 by 9 votes to 4 with the voting being as follows:

For (9): Councillors Broughton, Buck, Button, Cox, Johanson, Reid, Sheriff, Wells, and Williams.

Against(4): Councillors Corbett, Shearing, Withers and the Mayor.

Improving resource consent processes (page 23)

Councillor Wells moved:

The Council opposes the change in presumption in favour of non-notification. It is concerned that these amendments will result in fewer applications being publicly notified than is currently the case, thereby further reducing the involvement of the community (including community groups) in the resource consent process.

The motion was seconded by Councillor Broughton and when put to the meeting was declared **carried** on Division No. 3 by 8 votes to 5, with the voting being as follows:

For (8): Councillors Broughton, Buck, Button, Johanson, Reid, Wells, Withers and Williams.

Against (5): Councillors Corbett, Cox, Shearing, Sheriff and the Mayor.

Councillor Withers moved:

However, the Council does support the proposed amendments to the extent that applications with wider effects will be publicly notified (rather than those with immediate effects that could be better addressed through the more streamlined limited notified process). There is however some uncertainty as to what would constitute the boundary between immediate and wider environment for the purposes of these amendments thereby affecting their workability.

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It is likely that Councils will be risk averse in identifying the immediate environment and that disputes between the Council applicants and residents regarding this definition could result. Unless 'immediate environment' is defined in the Act, it would fall to the Court to provide guidance about what is meant by this phrase.

The Council is also concerned about the lack of discretion in section 94AA(b) regarding how to process an application for consent where a request for further information pursuant to sections 92A or 92B is refused by an applicant. Applicants could agree to provide the requested information at any hearing. However, if requests for further information are refused, then this may trigger public notification by default in any case as there would be no certainty as to the levels of effects generated.

The motion was seconded by Councillor Buck and when put to the meeting was declared **carried** on Division No. 4 by 10 votes to 3, the voting being as follows:

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

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

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

- (a) Approve its submission as amended on the Government's Resource Management Act (Simplifying and Streamlining) Bill in the form attached and authorise the filing of the submission with the Local Government and Environment Select Committee.
- (b) Advise the Select Committee that the Council wishes to appear before the Select Committee in person to present the Council's submission.
- (c) Appoint the Mayor and Councillor Wells to attend the Select Committee hearings to present the Council's submission.

Councillor Broughton retired from the meeting at 12.25 pm.

19. BANKS PENINSULA DISTRICT PLAN LANDSCAPE APPEALS

It was **resolved** on the motion of the Mayor, seconded by Councillor Withers, that this item be discussed in public excluded under section 7(2)(g) of the Local Government Official Information and Meetings Act to maintain legal professional privilege.

12. NOTICES OF MOTION

Nil.

13. RESOLUTION TO EXCLUDE THE PUBLIC

It was **resolved** on the motion of the Mayor seconded by Councillor Withers:

- (a) That resolution to exclude the public set out on page 173 of the agenda be adopted.
- (b) That clause 19 be considered in public excluded as noted above.
- (b) That Cedric Carranceja, Legal Adviser, and Bert Hoffmann, Consultant, be allowed to remain in the meeting due to their specialist knowledge.

The meeting concluded at 1.12pm.

CONFIRMED THIS 23RD DAY OF APRIL 2009

MAYOR