

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 10 DECEMBER 2009**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

## CHRISTCHURCH CITY COUNCIL

**Thursday 10 December 2009 at 9.30am  
in the Council Chamber, Civic Offices**

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

<b>ITEM NO</b>	<b>DESCRIPTION</b>
1.	<b>APOLOGIES</b>
2.	<b>CONFIRMATION OF MINUTES: MEETING OF 12.11.2009</b>
3.	<b>DEPUTATIONS BY APPOINTMENT</b>
4.	<b>PRESENTATION OF PETITIONS</b>
5.	<b>REPORT OF THE LYTTELTON/MT HERBERT COMMUNITY BOARD: MEETING OF 13 OCTOBER 2009</b>
6.	<b>REPORT OF THE AKAROA/WAIREWA COMMUNITY BOARD: MEETING OF 7 OCTOBER 2009</b>
7.	<b>REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD: MEETING OF 2 NOVEMBER 2009</b>
8.	<b>REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 4 NOVEMBER 2009</b>
9.	<b>REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 21 OCTOBER 2009</b>
10.	<b>REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: MEETING OF 4 NOVEMBER 2009</b>
11.	<b>REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD: MEETING OF 3 NOVEMBER 2009</b>
12.	<b>JOINT REPORT BY THE CHAIRPERSONS OF THE RICCARTON/WIGRAM AND THE SPREYDON/HEATHCOTE COMMUNITY BOARDS</b>
13.	<b>REPORT BY THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 4 NOVEMBER 2009</b>
14.	<b>REPORT OF THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 13 OCTOBER 2009</b>
15.	<b>REPORT BY THE SPREYDON/HEATHCOTE COMMUNITY BOARD: MEETING OF 6 NOVEMBER 2009</b>
16.	<b>JOINT REPORT BY THE CHAIRPERSONS OF THE SPREYDON/HEATHCOTE AND LYTTELTON/MT HERBERT COMMUNITY BOARDS</b>
17.	<b>PROPOSED TREE POLICY FOR TREES ON PUBLICLY OWNED LAND OR SPACES</b>
18.	<b>REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD: MEETING OF 13 OCTOBER 2009</b>
19.	<b>UNSPENT FUNDS FROM 2009-10 METROPOLITAN SMALL GRANTS FUND</b>
20.	<b>HAGLEY PARK – TEMPORARY CLOSURE FOR ELLERSLIE INTERNATIONAL FLOWER SHOW 2010</b>
21.	<b>BARRINGTON STREET NEW GRASS BERM INSTALLATION</b>
22.	<b>REGULATING THE ACTIVITIES OF BEAUTICIANS, TATTOOISTS, AND SKIN PIERCERS</b>
23.	<b>HEARINGS PANEL REPORT ON THE PROPOSED REVOCATION OF THE CHRISTCHURCH CITY BROTHELS (LOCATION AND SIGNAGE) BYLAW 2004</b>
24.	<b>ADVICE ON POWERS OF COUNCIL IN RELATION TO HEARING PANEL REPORT ON THE PROPOSED REVOCATION OF THE CHRISTCHURCH CITY BROTHELS (LOCATION AND SIGNAGE) BYLAW 2004</b>
25.	<b>NOTICES OF MOTION</b>
26.	<b>RESOLUTION TO EXCLUDE THE PUBLIC</b>

10. 12. 2009

**1. APOLOGIES**

Leave of absence has been granted to Councillor Chrissie Williams.

**2. CONFIRMATION OF MINUTES: MEETING OF 12.11.2009**

**3. DEPUTATIONS BY APPOINTMENT**

**4. PRESENTATION OF PETITIONS**

**17. PROPOSED TREE POLICY FOR TREES ON PUBLICLY OWNED LAND OR SPACES**

<b>General Manager responsible:</b>	General Manager City Environment, DDI: 941-8608
<b>Officer responsible:</b>	Manager Transport and Greenspace
<b>Author:</b>	Shane Moohan, City Arborist

**PURPOSE OF REPORT**

The purpose of this report is:

1. To present the Proposed Tree Policy for adoption.
2. To present the Memorandum from the Tree Policy Working Party on tree and vegetation issues that were outside of the Proposed Tree Policy Working Party scope.

**EXECUTIVE SUMMARY**

3. Workshops with Councillors were held in June and September 2008 to discuss suggested changes to the current tree delegations.
4. The Combined Community Board Chairs Forum on 13 October 2008 requested that a working party made up of both staff and one nominated member from each Community Board be formed to work through issues relating to a City wide Tree Policy.
5. Since then the Tree Policy Working Party has met five times to prepare the attached Proposed Tree Policy document. Issues that arose during these discussions that were outside of the scope of the Working Party are documented in the attached Memorandum.
6. The Proposed Tree Policy encompasses suggested changes to the current delegations as well as operational issues for planting, maintaining and removing trees. It does not cover future direction for trees in Christchurch as this would be more appropriately addressed in a strategic document.
7. On 16 October 2009 the Combined Community Board Chairs Forum recommended:
  - (a) That the attached Proposed Tree Policy be presented to the Council for adoption.
  - (b) That the Working Party Memorandum be presented to the Council for consideration.

**FINANCIAL IMPLICATIONS**

8. Adoption of the Proposed Tree Policy is not expected to have significant effects on operational or capital budgets.
9. The Proposed Tree Policy suggests that there is a “user pays” process for some tree planting (3.3.1 Commemorative Trees), some tree pruning (3.7 Pruning Trees in Public Spaces) and some tree removals (3.4 Removal of Trees in Public Spaces, 3.5 Requests to Remove Trees in Public Spaces, 3.6 Cost of Removal of Trees in Public Spaces). This involves the actual cost to complete the work and the cost incurred in gathering sufficient information for Community Boards to make an informed decision.
10. The Proposed Tree Policy also suggests that for some tree removals that applicants pay for the value of the tree (3.6 Cost of Removal of Trees in Public Spaces). The value of the tree is based on the Standard Tree Evaluation Method (STEM) which is the nationally recognised system for evaluating and valuing trees (see “Definitions” in Proposed Tree Policy).
11. Should the suggested “user pays” process for tree removal and pruning be adopted, this will have financial implications for some members of the public.
12. Should the suggested user pays system be adopted this will need to be incorporated into the Council’s Fees and Charges Schedule under Section 12 Local Government Act 2002.

17 Cont'd

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

13. The recommendations align with the current LTCCP budgets.

**LEGAL CONSIDERATIONS**

14. Alignment with principal legislation:

- (a) Resource Management Act 1991:
  - (i) Banks Peninsula District Plan
  - (ii) City of Christchurch City Plan
- (b) Reserves Act 1977
- (c) Biosecurity Act 1993
- (d) Health and Safety in Employment Act 1992 plus amendments and regulations
- (e) Electricity Act 1992 plus regulations
- (f) Telecommunications Act 2001
- (g) Property Law Act 2007
- (h) Public Works Act 1981
- (i) Local Government Act 1974 and 2002
- (j) Christchurch City Council Parks & Reserves Bylaw 2008.

15. The following Council Policies will need to be rescinded:

- (a) Tree Planting in Streets Policy
- (b) Banks Peninsula District Council Tree and Vegetation Policy Resolutions 98/178 and 97/404
- (c) Banks Peninsula District Council Tree Trimmings (Private Plantings) Policy Resolution 94/636
- (d) Banks Peninsula District Council Tree Planting on Reserves Policy Resolution 99/236
- (e) Banks Peninsula District Council Wildling Trees – Removal from Road Reserve Resolution 98/178.

**Have you considered the legal implications of the issue under consideration?**

16. The Council has the legal right to adopt the Proposed Tree Policy.
17. Irrespective of Council Policies and Strategies the District Court can order the pruning or removal of trees under The Property Law Act 2007.
18. Irrespective of Council Policies and Strategies some pruning and removal of protected trees may require a Resource Consent be granted prior to work to being undertaken.

17 Cont'd

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

19. Recommendation aligns with current LTCCP and Activity Management Plans.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

20. Supports the following Levels of Service:

- (a) 6.0 Neighbourhood Parks 6.06 Planted areas and trees
- (b) 6.1 Sports Parks 6.1.8 Maintain planted areas and trees
- (c) 6.2 Garden and Heritage Parks 6.2.9 Planted areas and trees
- (d) 6.3 Regional Parks 6.3.2 Protecting biodiversity values
- (e) 6.4 Cemeteries 6.4.8 Maintain planted areas and trees
- (f) 6.5 Waterways and Land Drainage 6.5.3 Cost of maintaining waterways and land drainage system
- (g) 10.0 Road Network 10.0.11 Road landscaping and street trees.

21. Supports the Capital tree replacement programmes for street and park trees.

**ALIGNMENT WITH STRATEGIES**

22. There is currently no overarching city wide policy for vegetation management. In the attached Memorandum from the Tree Policy Working Party it is suggested that funding for the commencement of a City wide policy be included for consideration in the next LTCCP.

23. The Proposed Tree Policy aligns with the following Strategies:

- (a) New Zealand Biodiversity Strategy
- (b) Christchurch Biodiversity Strategy 2008-2035
- (c) Climate Smart Strategy.

24. The Proposed Tree Policy aligns with Council Policies:

- (a) Traffic Calming Policy
- (b) Sponsorship of Trees and Other Plantings on Reserves
- (c) Proposed central City Street Tree Plan
- (d) Central City Streetscape Plan
- (e) Consultation Policy.

17 Cont'd

25. The Proposed Tree Policy aligns with the following sections of the Christchurch City Plan:

Volume 2 : Section 4 City Identity

4.2.1 Policy: Tree Cover

To promote amenity values in the urban area by maintaining and enhancing the tree cover present in the City.

Tree cover and vegetation make an important contribution to amenity values in the City. Through the redevelopment of sites, existing vegetation is often lost and not replaced. The City Plan protects those trees identified as "heritage" or "notable" and the subdivision process protects other trees which are considered to be "significant". The highest degree of protection applies to heritage trees.

Because Christchurch is largely built on a flat plain, trees and shrubs play an important role in creating relief, contributing to visual amenity and attracting native birds.

The amount of private open space available for new planting and to retain existing trees is influenced by rules concerning building density and setback from boundaries. The rules do not require new planting for residential development but landscaping is required in business zones.

4.2.2 Policy: Garden City

To recognise and promote the "Garden City" identity, heritage and character of Christchurch.

A key aspect of achieving this policy will be maintaining and extending environments and vegetation types which compliment this image. A broad range of matters influence and contribute to this image, including the following:

- (a) Tree-lined streets and avenues
- (b) Parks and developed areas of open space

14.3.2 Policy: "Garden City" image identity

To acknowledge and promote the "Garden City" identity of the City by protecting, maintaining and extending planting which compliments this image

Volume 3: Part 8 Special Purpose Zone

14.3.5 Street Trees

Nearly half the length of streets within the city contains street trees, but the presence of very high quality street trees which add considerable presence to streets and neighbourhoods is confined to a relatively small proportion of the road network. These streets add particular character and amenity of the city, either in the form of avenues which form points into the city, or an important part of the local character of particular streets.

**CONSULTATION FULFILMENT**

- 26. All 8 Community Boards appointed representatives to the Tree Policy Working Party to ensure their Ward's views and concerns were represented.
- 27. On 16 October 2009 the Combined Community Board Chairs Forum recommended that the Proposed Tree Policy be presented to Council for adoption.
- 28. No public consultation has been undertaken as this document is intended for internal use.

17 Cont'd

**STAFF RECOMMENDATION**

It is recommended that the Council:

1. Receive the Working Party Memorandum dated 6 October 2009, and ask staff to report back on the three recommendations contained in the memorandum.
2. Rescind the following Policies:
  - (a) Tree Planting in Streets Policy
  - (b) Banks Peninsula District Council Tree and Vegetation Policy Resolutions 98/178 and 97/404
  - (c) Banks Peninsula District Council Tree Trimmings (Private Plantings) Policy Resolution 94/636
  - (d) Banks Peninsula District Council Tree Planting on Reserves Policy Resolution 99/236
  - (e) Banks Peninsula District Council Wildling Trees – Removal from Road Reserve Resolution 98/178.
3. That the following delegations be rescinded:

Greenspace Manager:

*“In consultation with any other units affected and the relevant Community Board, authorise the planting or removal of trees from any reserve or other property under the Manager’s control. (CR 23.10.96)”*

Community Boards:

*“To plant, maintain and remove trees on reserves, parks and roads under the control of the Council within the policy set by the Council. (CR 13.12.07)”*
4. That the Proposed Tree Policy as attached be adopted.
5. That the following delegations for the policy be made:
  - (a) The Transport and Greenspace Manager on the recommendation of the City Arborist and relevant infrastructure Manager, where appropriate, has delegated authority for the planting of trees under Section 3.3 (Planning & Planting of Trees in Public Spaces) and the removal of trees under Section 3.4 (Removal of Trees in Public Spaces) and the pruning of trees under Section 3.7 (Pruning Trees in Public Spaces) of this policy.
  - (b) The relevant Community Board has delegated authority in consultation with the Transport and Greenspace Manager and relevant infrastructure Manager to decide on any tree matter that either falls outside of the Transport and Greenspace Manager’s delegation or, after consultation with affected parties, has remained contentious and is unable to be resolved by the Transport and Greenspace Manager.
  - (c) In emergency situations, the Transport and Greenspace Manager or the City Arborist have full delegated powers to negate immediate danger.



17 Cont'd

**BACKGROUND**

29. On 12 June 2008 a workshop was held to discuss potential changes to the tree delegations.

The current delegations are as stated:

Greenspace Manager:

*"In consultation with any other units affected and the relevant Community Board, authorise the planting or removal of trees from any reserve or other property under the Manager's control. (CR 23.10.96)"*

Community Boards:

*"To plant, maintain and remove trees on reserves, parks and roads under the control of the Council within the policy set by the Council. (CR 13.12.07)"*

30. Changes were suggested to enable:
- (a) Clear parameters over what decisions staff can make
  - (b) Greater clarity over when decisions are to be made by Community Boards
  - (c) Timely and pragmatic decisions for residents requesting tree removals.
31. As a result of this meeting a Memorandum was issued to the Mayor, Councillors and Community Board Members on 1 August 2008 outlining the current tree delegations for the Community Boards and the Greenspace Manager, suggesting changes to the delegations, the reasons why the changes were being suggested, and safeguards.
32. On 29 September 2008 a further workshop was held providing an outline of issues faced by the arborists. These included:
- (a) Removal, replacement, removing otherwise healthy trees
  - (b) Pruning trees under power lines causing disfigurement to the tree
  - (c) Removing trees which are overcrowded
  - (d) Removing trees of poor shape
  - (e) Removing trees which pose a health and safety risk.
33. Proposals to clarify staff delegations were mainly around tree removal and tree planting. Some guidelines around staff decisions on tree removal and planting were suggested. These included the significance of the tree to be removed and the agreement of affected parties. Guidelines around tree planting included aligning to strategies or plans or direction, maintaining design integrity (e.g. Living Streets), maintaining existing levels of service for provision of street and park trees, and agreement of affected parties.
34. On 13 October 2008 the Combined Community Board Chairs forum requested that a working party made up of both staff and one nominated member from each Community Board be formed to work through issues relating to a tree policy.

17 Cont'd

35. The Working Party was made up of the following Community Board Members –

Paula Smith	Lyttleton/Mt Herbert (Chairperson)
Matt Morris	Shirley/Papanui (Deputy Chairperson)
Tim Carter	Hagley/Ferrymead
Mike Mora	Riccarton/Wigram
Val Carter	Fendalton/Waimairi
Stewart Miller	Akaroa/Wairewa
Linda Stewart	Burwood/Pegasus
Karolyn Potter	Spreydon/Heathcote
Tim Scandrett	Spreydon/Heathcote (proxy)

36. The following Terms of Reference were drawn up to guide the Working Party in its discussions:

- (a) Clarify understanding around proposed changes to the tree delegations
- (b) Clarify staff and Community Board roles in tree maintenance i.e. business as usual vs pruning for views or shade or light and cost recovery with pruning for views or shade or light
- (c) Clarify staff and Community Board roles in tree planting and removals and cost recovery with tree removal and replacement planting
- (d) Consider the application of STEM (Standard Tree Evaluation Method) in its application to tree maintenance and removal decision making
- (e) Recommend any changes to existing delegations or the implementation of a Tree Policy following on from discussions over the above.

37. During Working Party discussions matters that were outside of the scope were raised. These are detailed in the attached Memorandum from the Working Party.

**19. UNSPENT FUNDS FROM 2009-10 METROPOLITAN SMALL GRANTS FUND**

<b>General Manager responsible:</b>	General Manager Community Services, DDI: 941 8607
<b>Officer responsible:</b>	Community Support Manager
<b>Author:</b>	Matthew Pratt – Grants Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is for the Council to consider the apportionment of the unallocated amount of \$53,182 remaining in the 2009-10 Metropolitan Small Grants Fund.

**EXECUTIVE SUMMARY**

2. The Metropolitan Small Grants Fund Subcommittee met on 4 August 2009 to allocate the Metropolitan Small Grants Fund for 2009-10. The total pool available for allocation was \$376,640.
3. Applications requesting \$822,582 were received for the Small Grants Fund. The Metropolitan Small Grants Fund Subcommittee allocated a total of \$323,458 in grants. This left an unallocated balance of \$53,182 in the Small Grants Fund.
4. Of the unallocated balance of \$53,182, staff are requesting that the amount of \$1,094 be allocated to cover an overspend in the Metropolitan Strengthening Communities Fund.
5. The overspend relates to a timing matter. The Metropolitan Strengthening Communities Fund decision meeting took place prior to the Council determining the final budget cuts to individual grant schemes, following implementation of the LTCCP decision to reduce rates discretionary grants by \$750,000.
6. On 20 July, 2009, the amount of \$4,765,590 was allocated through the Metropolitan Strengthening Communities Fund. On 23 July 2009 the Council resolved its final cuts and a reduction of 5.84 per cent was applied to the Metropolitan Strengthening Communities Fund. The reduction of 5.84 percent changed the amount available for allocation from the Metropolitan Strengthening Communities Fund from \$5,060,000 to \$4,764,496. As a result, there was an overspend of \$1,094 for the Metropolitan Strengthening Communities Fund.
7. Staff recommend that the \$1,094 overspend is met by allocation of an equivalent amount from the unallocated monies remaining in the Metropolitan Small Grants Fund. The transfer of \$1,094 would leave a final unallocated amount of \$52,088 in Metropolitan Small Grants Fund.
8. Staff propose the following three options for the \$52,088 remaining:

**Option One**

9. To transfer the remaining \$52,088 from the Metropolitan Small Grants Fund to the Metropolitan Discretionary Response Fund.
10. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended. For 2009-10, the total pool available for allocation for the Metropolitan Discretionary Response Fund is \$160,072. At the time of writing, 17 requests, totalling \$308,619, have been received and five grants, totalling \$45,040, have been made. The transfer of the remaining \$52,088 would increase the total available in the Fund from \$115,032 to \$167,120.
11. The purpose of this Metropolitan Discretionary Response Fund is to assist community groups where the project and funding request falls outside other Council funding criteria and/or closing dates. The Fund is also for emergency funding for unforeseen situations. Applications requesting over \$15,000 require consideration by the Metropolitan Funding Committee. Staff have delegated authority to consider applications for \$15,000 or less.

# **CHRISTCHURCH CITY COUNCIL AGENDA (Cont'd)**

**THURSDAY 10 DECEMBER 2009**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

# AGENDA (Cont'd) - OPEN



## CHRISTCHURCH CITY COUNCIL

**Thursday 10 December 2009 at 9.30am  
in the Council Chamber, Civic Offices**

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

- | ITEM NO   | DESCRIPTION  |
|-----------|--|
| 30.       | CONFIRMATION OF MINUTES: MEETING OF 26.11.2009   |
| 3. Cont'd | DEPUTATIONS BY APPOINTMENT   |
| 31.       | REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD:<br>MEETING OF 16 NOVEMBER 2009  |
| 32.       | REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD:<br>MEETING OF 17 NOVEMBER 2009   |
| 33.       | REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:<br>MEETING OF 18 NOVEMBER 2009   |
| 34.       | REPORT BY THE CHAIRPERSON OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:<br>2 DECEMBER 2009  |
| 1.        | Central City Cycle Parking: Hire Cycles and Public Use   |
| 2.        | Hereford Street Upgrade  |
| 3.        | Hereford, Lichfield and Manchester Street – Proposed Night-Time Only Taxi Stands   |
| 4.        | Montreal Street – Proposed Extension to P5 Parking Restriction   |
| 35.       | REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD:<br>MEETING OF 17 NOVEMBER 2009   |
| 36.       | REPORT BY THE CHAIRPERSON OF THE RICcarton/WIGRAM COMMUNITY BOARD:<br>- 1 DECEMBER 2009 - RICcarton SERVICE CENTRE LEASE EXPIRING  |
| 37.       | REPORT BY THE SHIRLEY/PAPANUI COMMUNITY BOARD:<br>MEETING OF 18 NOVEMBER 2009  |
| 38.       | GRANTS WORKING PARTY CRITERIA CHANGES  |
| 39.       | REDUCTION OF RATES DISCRETIONARY GRANTS BY \$750,000   |
| 40.       | HAGLEY PARK – TEMPORARY CLOSURE FOR ZIRKA CIRCUS   |
| 41.       | BROUGHAM STREET PROPOSED MEDIAN CLOSURE AT COLLINS AND SIMEON STREETS  |
| 42.       | WASHINGTON WAY RESERVE SKATE PARK STAGE 3  |
| 43.       | HEARINGS PANEL DRAFT REPORT ON THE PROPOSED SPEED LIMITS BYLAW 2010  |
| 44.       | ENDORSEMENT OF THE CANTERBURY WATER MANAGEMENT STRATEGY  |
| 45.       | REPORT OF THE REGULATORY AND PLANNING COMMITTEE:<br>MEETING OF 3 DECEMBER 2009   |
| 1.        | Belfast Park Plan Change 43 - Private Plan Change Request for the Rezoning of Rural Land<br>between Belfast Road and Thompsons Road, East Belfast, Christchurch, to Living G |
| 2.        | Proposed Plan Change 53 – Living 3 and 4 Zones   |
| 3.        | Templeton/Old Tai Tapu Road Boundary Changes   |
| 4.        | Approval of Changes to Provisions in the City Plan   |
| 5.        | Revocation of Banks Peninsula District Council Public Places and Signs Bylaw   |
| 6.        | Bylaw Review Programme for the next ten years  |
| 46.       | EXCHANGE OF LAND WITH CANTERBURY DISTRICT HEALTH BOARD<br>– CONSULTATION PROCESS   |
| 47.       | RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)  |

10. 12. 2009

**30. CONFIRMATION OF MINUTES – 26 NOVEMBER 2009**

Attached.

**3. DEPUTATIONS BY APPOINTMENT (CONT'D)**

Yvonne Palmer and Phil Clearwater, on behalf of the eight Community Board Chairs, would like to address the Council re item 9, the report of the Hagley/Ferrymead Community Board: Meeting of 21 October 2009, clause 1, Review of Central City Delegations.

## 38. GRANTS WORKING PARTY CRITERIA CHANGES



<b>General Manager responsible:</b>	General Manager Community Services, DDI 941 8607
<b>Officer responsible:</b>	Community Support Unit Manager
<b>Author:</b>	Matthew Pratt – Grants Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to make recommendations with regard to criteria and process changes to the Strengthening Communities Grants Funding.

**EXECUTIVE SUMMARY**

2. The Council-established Grants Funding Working Party was tasked with reviewing the criteria of the various Funds that make up the Communities Grants Funding Programme.
3. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The Strengthening Communities Grants Funding Programme comprises four funding schemes:
  - Strengthening Communities Fund
  - Small Grants Fund
  - Discretionary Response Fund
  - Community Organisations Loan Scheme.
4. The Grants Funding Working Party has reviewed, line-by-line, all of the criteria for the Council's Strengthening Communities Grants Funding Programme. The Working Party's recommendations are summarised below, Appendix A summarises the issues that the Grants Funding Working Party have considered and their recommendations in regard to each issue.
5. The Grants Working Party recommend that Council adopt the changes as proposed.

**Summary of Recommendations**

6. **Recommendation A:** Strengthening Communities Fund - Capital items.
7. To change the Strengthening Communities criteria to reflect the decision for capital costs up to \$25,000 are to be limited to just public artworks.
8. **Recommendation B:** Strengthening Communities Fund - Clarification of 'Council responsibility'
9. Clear top-ups of government contracts should remain ineligible.
10. There is a difference, however, between funding a top-up to a government funded project (i.e. more bed nights at a homeless shelter, more budget advice sessions) and funding an enhancement to a government funded project (providing budget advice at a homeless shelter or providing wrap-around support for clients of an existing project). Therefore, enhancements to government funded projects or separate projects should remain eligible if criteria are met.
11. **Recommendation C:** Strengthening Communities Fund - Events during school time
12. It is acceptable to fund activities that occur during school time if they have community involvement and direct community benefit.
13. Curriculum based activities (i.e. French lessons, reading recovery) are to be considered ineligible.
14. **Recommendation D:** Strengthening Communities Fund - Internal bids from staff
15. Elected Member bids only at Board level, no bids from staff. Staff initiatives to be progressed through the Annual Plan/LTCCP.



**38 Cont'd**

16. Community Board Advisors to educate elected members around the process.
17. Staff to work with Community Boards early in the year to determine what Board bids will be progressed.
18. **Recommendation E:** Strengthening Communities & Discretionary Response Fund - Youth Development Fund Creation
19. To allow applications from the Community Board for the creation of a Youth Development Fund to become eligible through the Strengthening Communities Fund (as well as the Discretionary Response Fund).
20. **Recommendation F:** Strengthening Communities & Discretionary Response Fund - Youth Development Fund Cap
21. Remove the "cap" of \$10,000 placed on the Youth Development Fund.
22. **Recommendation G:** All funds - Legal entities
23. Change criteria to include all legal entities that are registered for a Charitable purpose.
24. **Recommendation H:** Small Grants Fund - Community Representation on Small Grants Funding Committees
25. No community representatives on Small Grants Fund Metropolitan decision making body.
26. Individual Community Boards to decide if they wish to retain community representatives.
27. **Recommendation I:** Small Grants Fund - Metropolitan Small Grants Funding Committee
28. Metropolitan Small Grants Subcommittee be comprised of a maximum of five Councillors, with full delegated authority.
29. As per the Recommendation H , the Committee would not include any Community Representatives.

**FINANCIAL IMPLICATIONS**

30. None.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

31. Yes.

**LEGAL CONSIDERATIONS**

32. Not applicable.

**Have you considered the legal implications of the issue under consideration?**

33. Not applicable.

38 Cont'd

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

34. Yes.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

35. Yes, Community Grants.

**ALIGNMENT WITH STRATEGIES**

36. Yes. Strengthening Communities Strategy.

**Do the recommendations align with the Council's strategies?**

37. Yes, Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

38. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council adopt the changes as proposed.

1. Amend the Strengthening Communities criteria by clarifying that capital costs up to \$25,000 are to be limited to just public artworks.
2. Note that the Strengthening Communities Fund will not be used to fund projects that are clear top-ups of government contracts and these should remain ineligible.

However, enhancements to government funded projects or separate projects should remain eligible if criteria are met.

3. Note that it is acceptable to fund activities that occur during school time if they have community involvement and direct community benefit. Curriculum based activities (ie French lessons, reading recovery) are to be considered ineligible.
4. Amend the Strengthening Communities Grants Funding Programme Operational Procedures for the Strengthening Communities Fund, Small Grants Fund and Discretionary Response Fund Local by adding the following:

*"That the Council officers be instructed that as a matter of future policy they are not to apply for funding from this source for Council projects."*

5. Amend the Strengthening Communities Strategy and the criteria for the Strengthening Communities Fund - Local to allow Community Boards to create a Youth Development Fund to allocate funding for Youth Development Grants.
6. Amend the Strengthening Communities Strategy and the criteria by removing the "cap" of up to \$10,000 for the Youth Development Fund.
7. Amend the criteria for all funds to allow applications from all legal entities that are registered for a charitable purpose.
8. Disestablish the Metropolitan Small Grants Funding Subcommittee comprising both Councillors and community representatives from 31 May 2010.
9. Establish a Metropolitan Small Grants Fund Subcommittee of five Councillors comprising.... to take effect from 1 June 2010 to allocate the Small Grants Fund – Metropolitan, to eligible applicants whose projects are consistent with the Council's Strengthening Communities Strategy and LTCCP.

## 39. REDUCTION OF RATES DISCRETIONARY GRANTS BY \$750,000



<b>General Manager responsible:</b>	General Manager Community Services, DDI 941 8607
<b>Officer responsible:</b>	Community Support Unit Manager
<b>Author:</b>	Matthew Pratt – Grants Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend how major organisations in the city that are currently funded annually via the Strengthening Communities fund be funded in future years, and to recommend options for Council to reduce rates funded discretionary grants by \$750,000 in the 2010-11 year, as required by the 2009-19 Long Term Council Community Plan (LTCCP).

**Funding of Major Organisations**

2. The Grants Funding Working Party has considered a number of options with regard to funding major organisations at a metropolitan level and believe that grants made to these organisations, listed below, should be for multiple years (in line with the LTCCP).
3. It is envisaged that grants made to these major organisations will come from within existing funds, as set out in the current LTCCP, not from new monies. Currently, these grants are from the Metropolitan Strengthening Communities Fund, and it is anticipated that this will continue.
4. Below is a list of the organisations that received over \$100,000 in 2008/09 and 2009/10.

Name of Group	2008/09		2009/10	
	Amount requested	Amount allocated	Amount requested	Amount allocated
Christchurch Symphony Trust	\$400,000	\$300,000	\$397,000	\$300,000
Orana Park Wildlife Trust	\$250,000	\$250,000	\$250,000	\$225,000
Christ Church Cathedral	\$350,000	\$240,000	\$300,000	\$240,000
Christchurch Community House	\$214,225	\$214,000	\$214,000	\$214,000
Ferrymead Park Ltd	\$160,000	\$160,000	\$200,000	\$160,000
The Court Theatre	\$135,000	\$135,000	\$140,000	\$135,000
Science Alive	\$157,500	\$125,000	\$125,000	\$110,000
Showbiz	\$110,000	\$110,000	\$165,500	\$100,000
Mayor's Welfare Fund	\$160,000	\$160,000	\$220,000	\$160,000
Surf Life Saving Canterbury Inc	\$148,157	\$148,000	\$202,918	\$173,000
Total	\$2,084,882	\$1,842,000	\$2,214,418	\$1,817,000

**Major Organisation Options**

5. The Grants Funding Working Party has considered three options, detailed in Appendix A, for funding for these groups over the next two years:

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**Option A** - Continue to fund the groups at the same level as the 2009-10 funding round in 2010-11 and 2011-12;

**Option B** - Reduce the grants that the groups received in the 2009-10 funding round by the relevant pro-rata amount and grant the reduced amount in 2010-11 and 2011-12;

**Option C** - Inflation adjust the grants that the groups received in the 2009-10 funding round and grant the increased amount in 2010-11 and 2011-12. (Inflation adjusted by 3.08% for 2010-11 year and 2.88% for 2011-12 year (inflation figures as per LTCCP pg 34)).

**Note:** Grants are not inflation adjusted in the LTCCP, therefore any increase through inflation adjusting grants to major organisations would reduce the remaining amount available in the Metropolitan Strengthening Communities Fund.

6. The Grants Funding Working Party notes that grants made to groups in the 2010-11 funding round would be for two years and not three. This is to allow funding for multiple years in future rounds to be aligned with the LTCCP cycle.
7. The Grants Funding Working Party also asked that Council consider the grants to the Arts Centre of Christchurch from the Heritage grant funds in the same way. The Arts Centre of Christchurch currently receive a grant of \$800,000 per annum for structural maintenance.
8. The Grants Funding Working Party notes that this grant was approved by Council in the LTCCP for ten years.
9. Staff recommend **Option A**.

**Reduction of Rates Discretionary Grants**

10. The 2009-19 LTCCP included a reduction of \$750,000 from the total rates funded discretionary grants in the 2009-10 year and a further reduction of \$750,000 in the 2010-11 year, and for the balance of the term of the 2009-19 LTCCP.
11. The Grants Funding Working Party was tasked with identifying and reporting back on where a saving of \$750,000 could be made in year one of the 2009-19 LTCCP (2009-10) and a further \$750,000 saving in year two (2010-11). A saving of \$750,000 was made in 2009-10.
12. Attached as Appendix B is a table outlining the various grants that are subject to the proposed reduction in funding. A number of the funds are not able to be reduced due to pre-existing contractual commitments or agreed level of service arrangements. These funds are shown with a grey background.
13. Furthermore, staff recommend that the Council-run events be removed from the contestable events fund and become operational expenditure, to be funded through line items via the Annual Plan process. This will reduce the contestable events fund by \$895,000, from \$1,354,962 to \$419,301.

**Reduction Options**

14. The Grants Funding Working Party has considered two options:
15. **Option One** - That Council reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to be reduced in 2010-11. See Appendix B for the full list of funds that are able to be reduced.
16. **Option Two** - That Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to be reduced in 2010-11.

39 Cont'd

17. Staff recommend **Option One**.
18. Staff note that depending on Council's decision with regard to of the Major Organisation Options, and their decision with regard to the Reduction Options, the level of the pro-rata reduction that is required will change. These variables are shown as **Option One A, One B , One C, Two A, Two B** and **Two C** in Appendix B.
19. **Option One A** - That Council continue to fund the groups, identified in the table above, at the same level as the 2009-10 funding round in 2010-11 and 2011-12 and reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010-11.
20. **Option One B** - That Council reduce grants to the groups identified in the table above by the relevant pro-rata amount and grant the reduced amount in 2010-11 and 2011-12 and that Council reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010-11.
21. **Option One C** - That Council inflation adjust the grants that the groups identified in the table above received in the 2009-10 funding round and grant the increased amount in 2010-11 and 2011-12. (Inflation adjusted by 3.08% for 2010-11 year and 2.88% for 2011-12 year (as per LTCCP pg 34)) and that Council reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010-11.
22. **Option Two A** - That Council continue to fund the groups, identified in the table above, at the same level as the 2009-10 funding round in 2010-11 and 2011-12 and that Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to reduced in 2010-11.
23. **Option Two B** - That Council reduce grants to the groups identified in the table above by the relevant pro-rata amount and grant the reduced amount in 2010-11 and 2011-12 and that Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to reduced in 2010-11.
24. **Option Two C** - That Council inflation adjust the grants that the groups identified in the table above received in the 2009-10 funding round and grant the increased amount in 2010-11 and 2011-12. (Inflation adjusted by 3.08% for 2010-11 year and 2.88% for 2011-12 year (as per LTCCP pg 34)) and that Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to reduced in 2010-11.

**FINANCIAL IMPLICATIONS**

25. The reduction of \$1,500,000 is consistent with the LTCCP, however the reductions to specific Funds will mean less money available to grant from each fund.

39 Cont'd

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

26. Yes, the 2009-19 LTCCP budgets include a \$1,500,000 reduction, however budgets of individual lines will change due to savings made.

**LEGAL CONSIDERATIONS**

27. The Council has resolved in its 2009-19 LTCCP to reduce Council's Grants Funding by \$1.5m with the reduction to be phased in over a two year period. A reduction of \$750,000 was required to be identified and implemented in year one (2009/10) and an additional \$750,000 is to be found and implemented in year two (2010/11) with the total reduction of \$1.5m per annum being applied to the balance of the 2009-19 LTCCP term.
28. The Council has resolved that the identification of the areas and the associated amounts to implement its resolution to reduce Council's Grants Funding is to be a task of the Grants Funding Working Party with its recommendations to be reported back to the Council for its consideration and resolution.
29. The Council's Grants Working Party in its deliberations has been advised of those areas where statutory and contractual obligations exist with respect to Council's Grants Funding.

**Have you considered the legal implications of the issue under consideration?**

30. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

31. Yes.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

32. Yes, achieves levels of service in grants as agreed in the LTCCP.

**ALIGNMENT WITH STRATEGIES**

33. The reduction in grants aligns with Council's strategies and with the LTCCP.

**Do the recommendations align with the Council's strategies?**

34. Yes, Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

35. Consultation was initially undertaken through the LTCCP public submission process.
36. Following concerns raised by a number of submitters on the lack of clarity in the initial public submission process of the proposed \$1.5m reduction in Council Grant Funding. The Council undertook a Special Consultative Process (SCP) with a Statement of Proposal clarifying the proposed reduction of the \$1.5m in Council Grants Funding in the 2009-19 draft LTCCP. The Statement of Proposal also proposed that the \$1.5m reduction be staged over a two year period, with \$750,000 being reduced in year one (2009/10) of the draft 2009-19 LTCCP and the remaining \$750,000 reduction being made in year two (2010/11) with the total reduction of \$1.5m per annum then being effected for each financial year thereafter for the life of the 2009-19 draft LTCCP.
37. The SCP for the reduction of \$1.5m in Council Grant Funding was open for public response for the period 16 May 2009 through to 17 June 2009, with oral submissions being held on Friday 19 June 2009 by Council.

**39 Cont'd**

38. At the close of the SCP, sixty-four written submissions were received with two being in favour of reducing the grants, fifty-nine not agreeing to the reduction, one submission was neutral and two did not deal directly with the issue. At the day set aside for the hearing of oral submissions (Friday 19<sup>th</sup> June, 2009), fifteen oral submissions were heard by the Council.
39. With regard to the Council's Grant Funding Statement of Proposal, the Council resolved to:
- Limit the proposed reduction in grants funding to \$750,000 in the 2009/10 year.
  - Reduce grants funding by a further \$750,000 in the 2010/11 year and the \$1.5m reduction being applied for the balance of the term of the 2009-19 LTCCP.
40. The Council ratified the 2009-19 LTCCP on June 30, 2009.

**STAFF RECOMMENDATION**

**Major Organisation Options**

It is recommended that the Council adopt Option A – to continue to fund the major organisations as per the 2009-10 funding round.

**Reduction Options**

It is recommended that the Council adopt Option One - that the Council reduce Community Grants Funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010/11.

40. HAGLEY PARK – TEMPORARY CLOSURE FOR ZIRKA CIRCUS

<b>General Manager responsible:</b>	General Manager City Environment, DDI: 941 8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Tanya Cokojevic, Events Development Account Manager John Allen, Policy and Leasing Administrator

**PURPOSE OF REPORT**

1. The purpose of this report is to gain Council approval to:
  - (a) The temporary closing of the Carlton Mill Corner of North Hagley Park for 23 days, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977 (the Act), to allow for the exclusive use of this area by Zirka Circus.
  - (b) The maximum charges that Zirka Circus can charge the public to attend the Circus, in accordance with the requirements of section 53(1) (e) of the Act pursuant to section 53(2) of the Act.

**EXECUTIVE SUMMARY**

2. Webber Brothers who have traditionally run this circus have moved to Australia, Zirka Circus having bought the big tent off them. There are no animals at this circus.
3. Staff recommend that the Council approve the temporary closure of the areas of North Hagley as set out below, to enable the Circus to be held:
  - (a) The Carlton Mill Corner from Sunday 27 December, 2009 to Monday 18 January 2010 inclusive (23 days) for the setting up of the circus, the circus and clearing away and restoration of the site, the circus itself being held from Tuesday 29 December, 2009 to Sunday 17 January, 2010 inclusive (19 days).
  - (d) The Carlton Mill Corner from Tuesday 29 December, 2009 to Sunday 17 January, 2010 inclusive (19 days) for the circus car parking.
4. Staff recommend that the Council, in accordance with the requirements of section 53(e) of the Act, approve the maximum amount that is able to be charged to enter the circus as set out below:

**Ticket Prices:**

	<b>Elevated</b>	<b>Ringside</b>	<b>VIP Ringside</b>
<b>Child</b>	\$16	20	25
<b>Student/Beneficiary</b>	\$20	24	28
<b>Adult</b>	\$22	26	30
<b>Family</b>	\$66	na	na

The circus is shown on the list of significant public events in the appendices section of the Hagley Park Management/Master Plans 2007 that occur regularly in North Hagley Park, and therefore the holding of the circus is in conformity with the Plan.

**FINANCIAL IMPLICATIONS**

5. Potential ground damage, this will be covered by the bond to be paid to the Council before the event. The Council will profit from the fees charged for use of the ground.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

6. The recommendations will have no impact upon the 2009-19 LTCCP budgets.



40 Cont'd

**LEGAL CONSIDERATIONS**

7. The specific area of North Hagley Park that this application applies to is the north-east sports-field area in North Hagley Park, this area being part of RS 41181 on SO Plan 15235 a classified recreation reserve of 87.1700 hectares vested in the Council, pursuant to the Reserves Act 1977. The holding of the circus on the park is in accordance with the purpose of recreation reserves.
  - (a) Section 53(1) (e) of the Reserves Act allows the Council to grant temporary exclusive use of part or all of a reserve, for up to six consecutive days
  - (b) The effect of section 53 (2) of the Reserves Act is to allow the Council to exercise the power and discretion that is vested in the Minister, to grant temporary exclusive use of part or all of a reserve for more than six consecutive days.
  - (c) An autonomous power that local authorities as administering bodies have had under the Reserves Act since 1 January, 1980 is that under section 53(2) they are able to fix charges for admission (up to 40 days) to a recreation reserve, without the need to refer any of the decisions required to the Minister of Conservation for approval.
  - (d) The first issue, therefore, that requires a Council decision is the closing of parts of Hagley Park for a period of longer than six consecutive days as set out above.
  - (e) The second issue that requires a Council decision is the maximum level of charges that may be charged for the public to attend the circus.
8. The use of part of north Hagley Park for the circus does not require resource consent under the Christchurch City Plan, but will require building consent for any tent erected temporarily on the site that is over 100 square metres in area, this being a requirement of the Building Act 2004.

**Have you considered the legal implications of the issue under consideration?**

9. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. The LTCCP's strong communities strategic directions section priorities: Providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; an protecting and promoting the heritage character and history of the city. By approving this application, the Council will support and add to the range of experiences people are able to enjoy and experience within the city, be that of a temporary nature.
11. The LTCCP's healthy environment strategic directions section priorities: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas of open spaces within the metropolitan area. The approval of this application and the resulting circus, will enhance the character of North Hagley Park for a period, be that of a temporary nature.
12. The LTCCP's liveable city strategic directions section priorities: improving the way in which public and private spaces work together. The approval of this application will add temporarily to the private infrastructure on the park thereby improving the value of the experiences members of the public can have at the park.

40 Cont'd

**Do the recommendations of this report support a level of service or project in the 2008-18 LTCCP?**

13. Yes – see above

**ALIGNMENT WITH STRATEGIES**

14. This application is aligned with the Christchurch Active Living Strategy, by adding value through mental stimulation, the general public will gain from their experience of visiting the Circus.

**Do the recommendations align with the Council's strategies?**

15. Yes – see above

**CONSULTATION FULFILMENT**

16. Public consultation is not required under section 53 of the Reserves Act 1977 before the Council resolves to temporarily close part of North Hagley Park for an extended temporary period.

**STAFF RECOMMENDATION**

It is recommended that the Council:

1. In accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, approve the exclusive use of the parts of North Hagley Park, indicated below by Zirka Circus, by temporarily fencing off these areas from the rest of the park for periods of time set out below:

Sunday 27 December 2009 to Monday 18 January 2010 inclusive, a period of 23 days, for the setting up, period of the Circus, and clearing away of the site at the conclusion of the circus.

2. The approval is subject to the following conditions:
- (i) The circus organisers are to be responsible for obtaining all building consents that may be required before the circus at their expense.
  - (ii) The circus organisers are responsible for meeting all conditions for site works including any restoration specified by the various authorities including the Council.

Abiding by the Council's normal set of conditions for events like the one being applied for, including the payment of bonds.

3. In accordance with the requirements of section 53(1)(e) of the Reserves Act 1977 the Council under powers granted to it under section 53 (2) approve the circus organisers application to charge the public attending the circus the maximum charges set out below:

Child	\$25
Student/Beneficiary	\$28
Adult	\$30
Family	\$66

40 Cont'd

**BACKGROUND (THE ISSUES)**

17. The circus will have limited impact on other events in North Hagley Park. There are no major events that have had to be changed due to this event. No smaller events have had to change dates or take place in any other part of Hagley Park due to this event.

**THE OBJECTIVES**

18. The objective is for the Council to grant approval for the closure of parts of North Hagley Park (Carlton Mill Corner) so that the circus can take place over an 18 day period from December, 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated on above.

**THE OPTIONS**

**Option 1**

19. Approve the application as presented in this report. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**Option 2**

20. Not approve the application as presented in the report. This action would not be in alignment and would not support the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**THE PREFERRED OPTION**

21. Option 1.

## 41. BROUGHAM STREET PROPOSED MEDIAN CLOSURE AT COLLINS AND SIMEON STREETS

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager,
<b>Author:</b>	Steve Dejong Traffic Engineer Transport

**PURPOSE OF REPORT**

1. The purpose of this report is to request that the Council support the New Zealand Transport Agency's (NZTA) proposal to construct/extend the solid median in Brougham Street and Jerrold Street across its intersection with Collins Street and Simeon Street.

**EXECUTIVE SUMMARY**

2. Council staff have received complaints from residents living in both Simeon Street and Collins Street regarding the increase of traffic and speed of vehicles cutting through these residential Streets. The Board will recall a deputation from residents, expressing their concern.
3. Brougham Street (State Highway 73) is designated a Major Arterial Road having a four day average vehicles per day (VPD) of 29,364 (with a large proportion of heavy vehicles) and joins the Southern Motorway via the one way portions of Jerrold Street. Being a State Highway it is under the jurisdiction of the NZTA. Brougham Street forms the "backbone" of the City's arterial network and is a critical link to the Port of Lyttelton.
4. Simeon Street and Collins Street which intersect Brougham Street forming a cross road junction are designated local roads, with a four day average VPD of 1,800 and 1,700 respectively. Collins Street leads into the L3 inner city residential zone of Church Square, Addington, while Simeon Street leads to into the L2 and L3 inner city residential zones of northern Spreydon.
5. The NZTA proposed Southern Motorway extension will significantly change the layout of this intersection with the ramp for the grade separation of the motorway over the top of Barrington Street beginning west of Collins Street and Simeon Street. The present one way portions of Jerrold Street are proposed to become the slip lanes to and from Barrington Street. The motorway pre-design safety audit has identified right turning into and out of Collins and Simeon Streets as a concern. The Council's Proposed Brougham Street median closure at Simeon/Collins and Jerrold Streets will complement the NZTA proposal and addresses the NZTA identified safety concerns.
6. The NZTA has approved the proposed plan (refer **Attachment One**) showing the proposed median closure and staggered signalised pedestrian/cycle crossing and will complete the physical works required as part of the Southern Motorway project. NZTA has stated that "the proposed median closure will address a safety issue raised during the safety audit of the design for the Southern Motorway project in respect to right turners at the intersection and significantly improve the intersection in respect to the facilities that will be able to be provided for pedestrians and cyclists." Because the proposal will affect residents in the Boards area, Council staff undertook to carry out the consultation.
7. The Brougham/Simeon/Collins/Jerrold Street intersection is presently controlled by traffic signals which were commissioned on the 4 October 1984. A primary reason for their installation was to assist children to safely cross Brougham Street on their way to and from Addington Primary School. Addington Primary School is situated at 178 Simeon Street and is a decile 3 school having a current role of 186 children.
8. The installation of the signals at Brougham/Simeon/Collins/Jerrold in 1984 encouraged more vehicular through traffic to use the local roads of Simeon and Collins as an alternate route to the designated collector route of Selwyn Street or the Minor Arterial route along Barrington Street. The signals made it easier to access and cross Brougham Street, which increased through traffic in both residential areas to the North and South of the intersection. Ensuing further development and expansion of the Barrington Mall encouraged still more traffic to use these local roads.

41 Cont'd

9. The installation of the signals were an improvement for pedestrians in providing a pedestrian phase which has a three second late start to motor vehicles. However because Brougham street is 30 metres wide with two lanes in each direction divided by a solid median, turning traffic still filters through pedestrians who do not have enough time to cross the second lane before the turning traffic starts filtering through them. With the majority of pedestrians being children and this issue being replicated on all four legs of the intersection, the present situation is not ideal.
10. Consultation was undertaken with those residents, tenants and property owners that were considered most likely affected by the proposal. Three hundred and seventy consultation documents were hand delivered and 152 were posted to absentee owners within the identified consultation area. Council staff received 117 returned consultation responses, 63 were opposed to the proposal while 54 were in support of the proposal. (Refer to paragraphs 22-25 for full consultation report).
11. It should be noted that the response from the consultation was slightly more opposed to the proposal than supportive.
12. Bearing this in mind the proposed installation of the solid median on Brougham Street at its intersection with Collins/Simeon/Jerrold Streets will provide some significant benefits to directly affected residents as well as the wider community. These benefits are:
  - (a) Banning all right turning traffic to and from Brougham Street into and out of both Simeon and Collins Streets will significantly improve safety at the eastern end of the proposed Southern Motorway extension by reducing the total number of turning movements.
  - (b) The proposed banning of the right turning to and from Simeon and Collins Streets will prevent vehicular/pedestrian conflict by removing the filtering of vehicles through crossing pedestrians; providing a greater level of service to pedestrians with the provision of shared pedestrian/cyclist on demand call signals.
  - (c) Preventing through traffic will enhance the living zone environments to the north and south of the intersection reducing the total number of vehicles per day in both Simeon and Collins Streets. This will require motorists to use Selwyn Street, the designated collector road and Barrington Street, the designated minor arterial which will improve safety by reducing the number of speeding short cutting vehicles.
  - (d) It will also improve the traffic flow of heavy vehicles travelling to and from the Port of Lyttelton, which will help make Brougham Street more attractive than other routes like Cashmeres Road and Centaurus Road.
13. This report was considered by the Spreydon/Heathcote Community Board at its meeting on 4 December 2009. The recommendation will be forwarded to the Council.

**FINANCIAL IMPLICATIONS**

14. Nil.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

15. The NZTA have agreed to cover all costs associated with the proposed closure of the Brougham Street solid median, as this will improve safety at the eastern end of the proposed Southern Motorway.

**LEGAL CONSIDERATION**

16. The Council does not have delegated authority from the New Zealand Transport Agency to make a decision regarding implementation of an intersection traffic control device on state Highways.

41 Cont'd

**Have you considered the legal implications of the issue under consideration?**

17. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

18. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes-Safety and Community.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

19. As above.

**ALIGNMENT WITH STRATEGIES**

20. The recommendations align with the Council Strategies including the Pedestrian Strategy 2001, Road Safety Strategy 2004, Safer Christchurch Strategy 2005 and the Cycle Strategy 2003.

**Do the recommendations align with the Council's Strategies?**

21. As above.

**CONSULTATION FULFILMENT**

22. Consultation was undertaken with those residents, tenants and property owners that were considered most likely affected by the proposal, 370 consultation documents were hand delivered and 152 were posted to absentee owners within the identified consultation area. Council staff received 117 returned consultation responses (22.4 per cent response rate), 63 or 54 per cent were opposed to the proposal while 54 or 46 per cent were in support of the proposal. **(Refer Attachment 2 and 3).**

23. Two petitions were initiated by residents after they received the consultation document; these residents felt the identified consultation area was not wide enough.

24. The Chair of the Addington Neighbourhood Association was consulted and verbal confirmation that the Association does not support the proposal received.

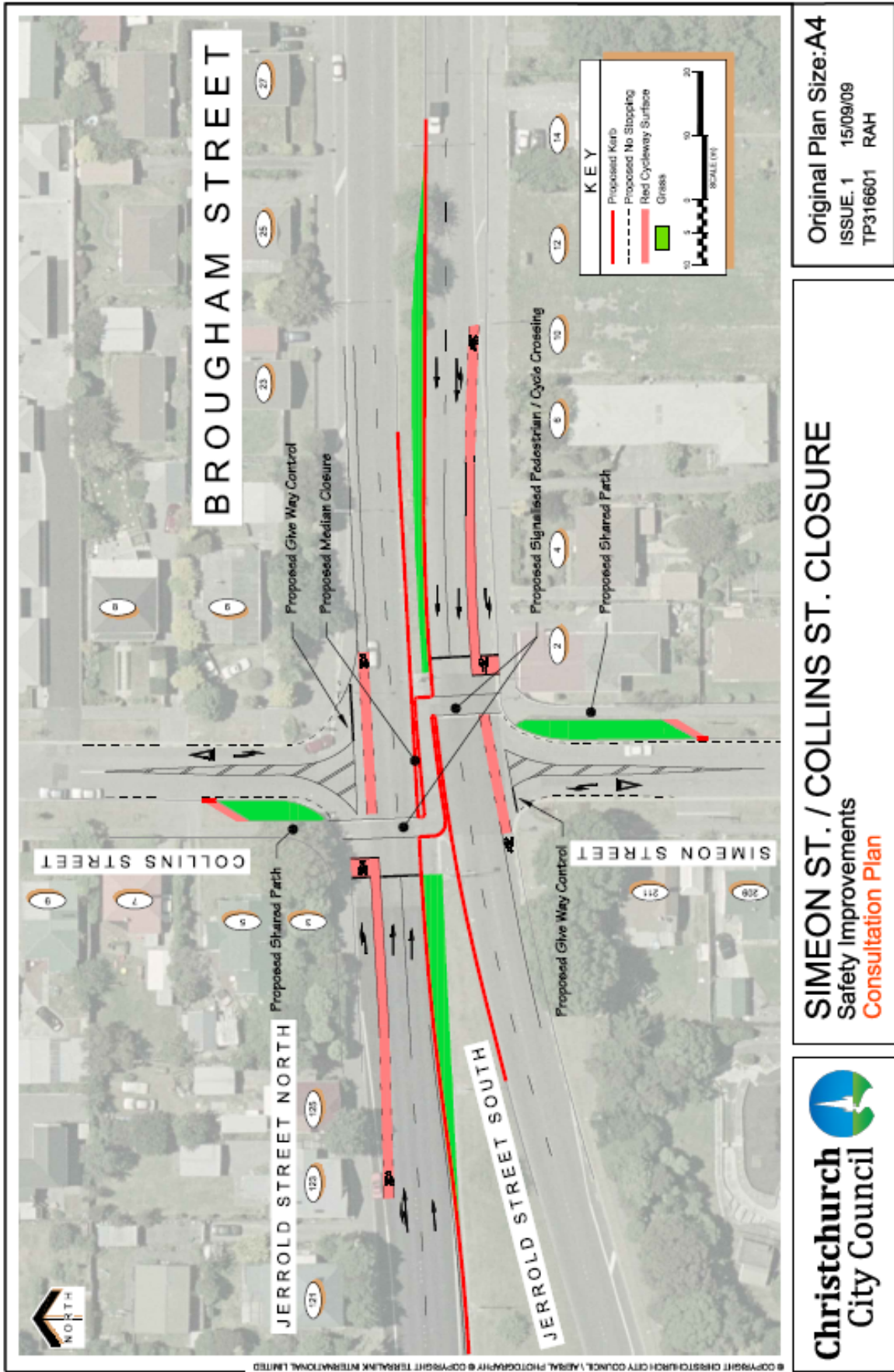
25. NZTA as the road controlling authority have been consulted and agrees with the staff recommendation

**STAFF RECOMMENDATION**

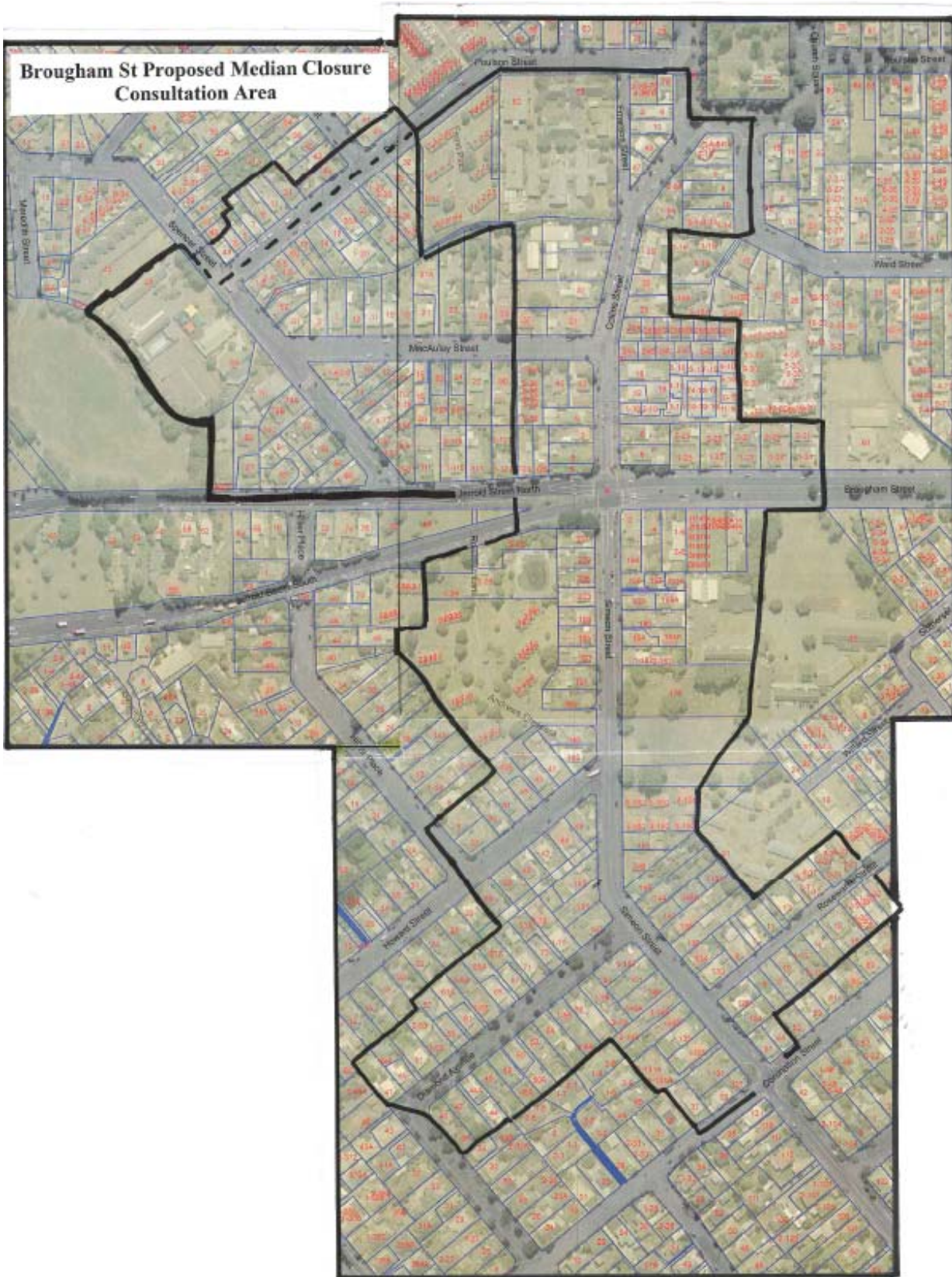
It is recommended that the Council support the New Zealand Transport Agency's proposal to construct/extend the solid median in Brougham Street across its intersection with Collins Street and Simeon Street, and maintain a staggered signalised pedestrian/cycle crossing.

**BOARD RECOMMENDATION**

That the staff recommendation be supported on the basis that the build takes place in conjunction with the Southern Motorway project.

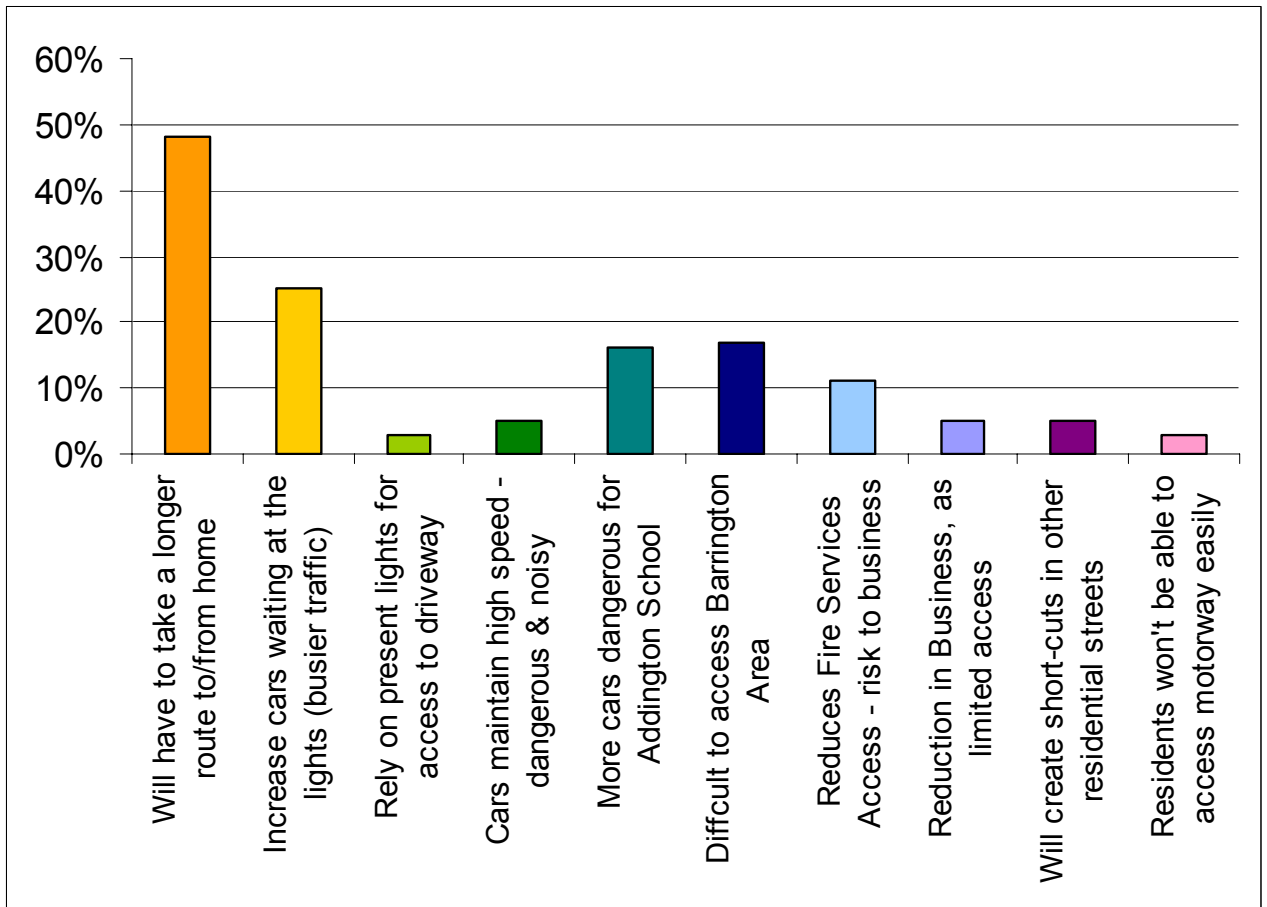
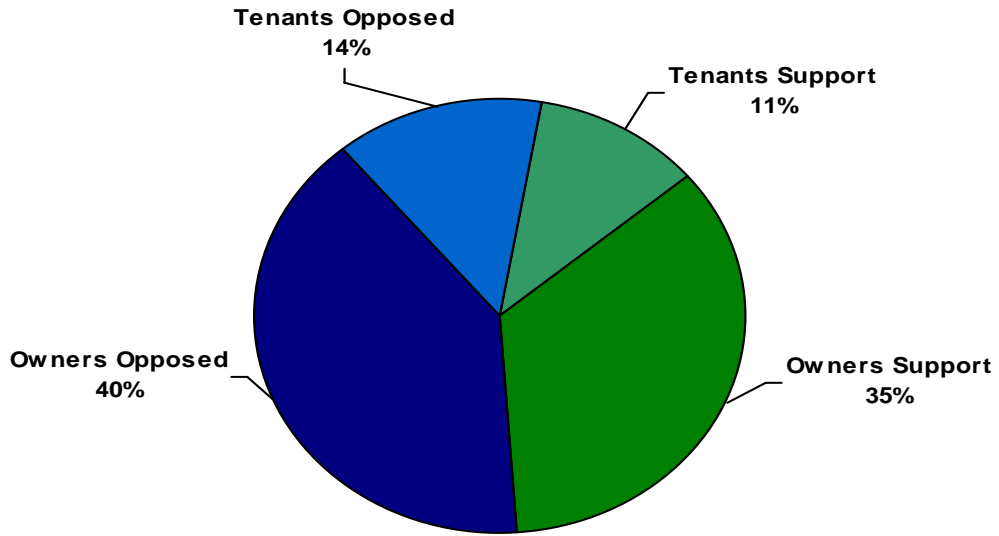








**Percentage of Owners and Tenants in Support or Opposition to Brougham, Jerrold, Simeon, Collins Proposed Median Closure**



**Attachment 3**

<b>Residents won't be able to access motorway easily</b>	2 out of 63 Opposition Submissions
<b>Will create short-cuts in other residential streets</b>	3 out of 63 Opposition Submissions
<b>Reduction in Business, as limited access</b>	3 out of 63 Opposition Submissions
<b>Reduces Fire Services Access - risk to business</b>	7 out of 63 Opposition Submissions
<b>Difficult to access Barrington Area</b>	11 out of 63 Opposition Submissions
<b>More cars dangerous for Addington School</b>	10 out of 63 Opposition Submissions
<b>Cars maintain high speed - dangerous &amp; noisy</b>	3 out of 63 Opposition Submissions
<b>Rely on present lights for access to driveway</b>	2 out of 63 Opposition Submissions
<b>Increase cars waiting at the lights (busier traffic)</b>	16 out of 63 Opposition Submissions
<b>Will have to take a longer route to/from home</b>	30 out of 63 Opposition Submissions

*Note: 63 submissions received with some submissions containing more than one opposition reason*

## 42. WASHINGTON WAY RESERVE SKATE PARK STAGE 3

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
<b>Author:</b>	Grant MacLeod, Recreation Planning Advisor

### PURPOSE OF REPORT

1. The purpose of this report is to provide further information to the Council following the 12 November 2009 Council meeting in relation to certain issues at Washington Skate Park. It was discovered after this Council meeting that the report had sections which had gone to the Hagley/Ferrymead Community Board that were mistakenly omitted from the Council report. These are in sections 37-64 in this report and contain much of the information requested.

In addition a chronology from 1993 – 2009 in regards to Washington Reserve has been added to section 65 of this report.

### EXECUTIVE SUMMARY

2. The concept plan for the completion of the entire Washington Way Reserve Skate Park was presented to the Board meeting on Wednesday 13 June 2007 prior to the Capital Development Unit carrying out consultation with the local community later that year.
3. Extensive consultation was undertaken with the community on the proposed concept plan for the completion of the Skate Park facility using a wide range of methods to cater for different groups and age demographics. There was a good response from the local community with a total of 140 people providing written feedback, and many more park users providing informal feedback at on-site events. Overall the response was positive with a majority of respondents clearly indicating their support for the plan, and many offering additional feedback on a variety of issues. Further details are provided under the “Consultation Fulfilment” section of this report.
4. An extensive planning and on-going design revision process has been undertaken by staff working with Australian-based designers at Convic Design Ltd, and other planning consultants, since the public consultation ended in December 2007. This was necessary to ensure that the concept design plans presented for final approval accurately reflect the feedback from the community and are also in alignment with requirements for the Resource Consent application. This has resulted in a delay in presenting the amended proposal for final approval. However it is the view of staff that the technical and other issues raised by submitters during the consultation period would not have changed significantly during this intervening time and remains valid.
5. The proposed concept plan for the entire Skate Park now provides an integrated design solution for the entire public open space that provides for the complete range of styles, that is, skateboarders, in-line skaters and BMX riders, and all skill levels. The integration of landscape elements, spaces and materials, allows unique skate experiences as well as providing seating and viewing, and improved safety and security.

### ADDITIONAL INFORMATION REQUESTED AT 12 NOVEMBER 2009 COUNCIL MEETING

#### 6. RESOURCE CONSENT

An issue was raised at the 12 November Council meeting about the monitoring of the car park that was required as a condition of the 2002 consent. The condition required the Council to undertake monitoring of the car park to identify if there was adequate supply for park users. This was to be carried out six months after stage 2 was completed so as to inform stage 3 implementation. This monitoring did not occur after six months however, it has been undertaken between 2006–2008 to advise car park demand for the current proposal. The condition in the resource consent stated that this monitoring was to be carried out before work begins on construction of stage 3.

42 Cont'd

7. Rebecca Wolt, at the 12 November Council meeting, raised an issue in regards to graffiti removal from the Canon building in relation to the resource consent granted in 2002 for Washington skate park. Council staff had taken into account safety and security issues even though they were outside the areas that the consent conditions applied to, and had made the comment that graffiti would be monitored and cleaned from the edges of the skate park. This monitoring/cleaning is not a condition of the consent (ref section 56) for information on CCC Graffiti Office.
8. The previous consent lapsed in February 2007. Legal advise was that due to the need for an updated design, the fact that stage 3 had not been given effect to, and the timing of the project, a new consent should be sought.

In regards to applying for one or two consents. It is seen as both a time and money saving initiative to apply for one consent for the completion of the skate park.

By having a resource consent in place, it gives certainty to the project in regards to applying for funding in the next LTCCP.

9. **NEIGHBOURING BUSINESSES**

A meeting took place between the neighbouring business and officers on 2 June 2006 (Tony Phibbs and Rachel Bright). Following the meeting several changes took place at the skate park. These included the locking of the gate at the front of the reserve during hours of darkness. The park was given additional clean up visits for litter and graffiti. Alcohol ban signs were put in place. The concerns raised by the business were put into the design as issues to be addressed. The intention was to mitigate concerns and issues that the business had detailed. The main step in rectifying this will be the installation of the fence as detailed on **Attachment 3**.

The planting around the toilet was thinned by the maintenance team following this meeting to open the skate park up on the Moorhouse Avenue and Waltham Road corner. This proved to be a success by giving better sightlines across the park and handing this area back over to skaters.

10. **VANDALISM**

Vandalism issues are dealt with through the new design and by placing barriers in areas of concern. The style of fence can be likened to a predator proof fence, where it will be designed to prevent passage of certain elements. This will be the same for both the rail way boundary and the neighbouring building. By limiting the opportunity for passage between the corridor and the park, Council will be limiting and negating in many situations the ability for illegitimate users to access both the building and reserve. This will need to be done in a manner to ensure that compliance with fire escape standards is retained.

**10.1 FENCING**

As part of the development of the design and in creating a safe separation between the neighbouring building and the skate area, staff propose that the fence should be developed with dialogue with the neighbouring tenant and advice be sought to identify if the fence can be installed as soon as possible. Council will have to give up reserve land to accommodate the fence as the adjoining building sits right on the reserve boundary. (refer section 51 to 53 for more detail on the fencing)

**10.2 PLANTING**

The planting between the Canon building and the skate area is currently offering cover to illegitimate users of the park. It is the intention of staff to restrict the ability for this to continue through the use of a suitable fence. With the installation of the fence the opportunity for people to pass into the planted area by the neighbouring building will be limited.

42 Cont'd

When the planting was thinned out at the front of the reserve, there was a decrease in use of that area by illegitimate users. By creating more space for legitimate users, the Council will be limiting and removing the opportunity for such vandalism to occur. With the completion of the design the issue of illegitimate use will be addressed and as a result the design has the support of both Police and the Safer Christchurch team.

11. **PHIBBS / WOLT MEETING 24/11-2009**

Staff met with Tony Phibbs and Rebecca Wolt (David Sloan's representative) on Tuesday 24 November 2009. Photos of areas discussed below are attached in attachment 6 of this report.

Several points were raised at the meeting which were as follows:

- Alteration to the car park. Tony Phibbs suggested that most of the trouble that was encountered was around the car parks that contacted directly with the Canon boundary. If the Council was willing to move these car parks closer to Moorhouse Ave that may address that issue.
- Installation of the fence (bearing in mind design will need to consider egress and fire compliance). This would create a suitable barrier to people getting access to the dense vegetation around the Canon building and to the Canon building itself. There was tagging on the wall behind the vegetation that cannot be seen until entering the vegetation. The barrier would restrict the movement of people getting to this wall.
- Thinning of vegetation outside the Canon boardroom. This would fall in line with CPTED principles and it would then be more difficult for people to hide behind the vegetation and enter into lewd behaviour. This has worked with some success at the Waltham/Moorhouse intersection where vegetation was thinned to allow better sightlines.
- Further lighting to highlight the Canon building. Rebecca Wolt suggested that the Council should look into this and other measures to create a safer situation at the Canon site. The opinion was that the Council had allowed the skate park, therefore the Council should make the alterations to the area to make it safer.
- Council staff would like to plant this area with thicker vegetation in consultation with the neighbouring property. This would be to create a further barrier for people accessing the building and entering into this vegetation stand.

Whilst Tony and Rebecca indicated this work would go some way to addressing their concerns, they are both still of the view that the skate park is an incompatible activity for the area and would like it to be relocated.

12. **CRIME CAMERAS**

Cost of camera to install at Washington for the purposes of using for criminal identification would be approximately \$30,000. We would also need to negotiate with the police to identify if they have the resource to monitor the cameras.

13. **TRANSITION AND PLAZA AREA**

Throughout the development of the completion of the design for Washington Way, one of the main directives was to avoid the confusion that has occurred in the past by labelling different areas as stages. With the completed design of the entire park and integrating the safety aspects to the whole setting, the design should be considered as a whole and not stages. The next area that is being requested as next in line to be built (with current funding) is the transition area to the south of the current skate area (as highlighted in red on attachment 3).

**Note:** Transition refers to elements that are free flowing in their use, i.e. this style of skate boarding was developed by skate boarding empty pools in California during the 1960s.

Plaza refers to elements that mimic street scenes such as Victoria square. This can include rails, stairs and ledges. This form of skate boarding became popular during the 1980s-1990s. Plaza areas are being developed as the next step in street skating. They are more in sync with what an urban street area would like.

42 Cont'd

**FINANCIAL IMPLICATIONS**

14. The current Capital Works Programme has funding to undertake the Washington Way Reserve Skate Park development as follows:
- (a) 2009/10: \$20,000
  - (b) 2010/11: \$180,000
  - (c) 2011/12: \$150,000

The current funding budget will enable construction of the transition area (the feature bowl and area to the south of stage 1 and fence), incorporating design, consultation, and any required consents. There maybe some slight modifications to the design as a result of resource and building consent requirements.

The total estimated construction cost for the completed design is estimated at \$1,200,000. This includes both the transition and plaza area as detailed in the proposed design. The \$1,200,000 would complete the design of Washington in its entirety. The additional \$850,000 will have to be considered through the 2012 / 2022 LTCCP.

The current funding does not include the possible car park alteration, security cameras or the plaza area and some of it's associated landscaping.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

15. Yes, as above.

**LEGAL CONSIDERATIONS**

16. Washington Way Reserve Skate Park is a metropolitan asset therefore the authority to approve the proposed plan lies with the Council.
17. The Council's new Significance Policy provides that the Council will treat as significant any proposal that does not flow consequentially from a decision in the LTCCP, Annual Plan or a public hearing process. This decision is one that flows from the LTCCP, so does not have to be treated as significant. Under the general approach to determining significance it is still likely to be a decision of some significance. The standard of compliance with the decision-making requirements should be in proportion to the significance of the matters affected by the decision. The level of consultation that has already taken place is proportionate to the level of significance and has resulted in the changes proposed in this report to the Concept Plan.
18. Washington Way Reserve is zoned Business 3B (Inner City Industrial Buffer) in the Christchurch City Plan. It has been identified at this stage that Resource Consent will be required for non-compliances with landscaping, car-parking, and night-time noise requirements of the City Plan. A Resource Consent (RMA 20008961) was granted in 2002 for Stages 2 and 3 of the project, but this original Stage 3 design was not implemented. This Resource Consent has now lapsed and a new Resource Consent application will be made for the amended Stage 3 design. The required resource and building consents will be applied for as part of the implementation process after final approval of the concept plans has been granted. No other legal issues have been identified.
19. Several matters in relation to the Christchurch City Plan and the previous existing Resource Consent (RMA 20008961) have been raised by one submitter. A new Resource Consent application will be lodged for the whole of Washington Way Reserve Skate Park.

42 Cont'd

20. Consideration of the Resource Consent for this project is outside the scope of this report. The process of public consultation, and Council decision making, under the Local Government Act 2002 is a separate process from that of obtaining any necessary Resource Consents under the Resource Management Act 1991. At this stage in the process, approval of the proposed concept plan, amended as a result of public consultation, is being sought from the Hagley/Ferrymead Community Board and Christchurch City Council prior to proceeding with detailed design and construction.

The detailed design and construction plans (as required for Resource Consent and building consent applications) are not prepared until after this approval has been given, to avoid the unnecessary expense of detailed design work on a concept design plan that may then be extensively revised as a result of public feedback. However in developing a draft concept plan for any project, careful consideration is given to the provisions of the Christchurch City Plan and other relevant legislation to ensure that the necessary consents will be able to be obtained at a later stage.

**Have you considered the Legal Implications of the Issues Under Consideration?**

21. Yes, no other legal implications have been identified.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

22. The project aligns with the 2009-2019 Long Term Council Community Plan:

**Parks, open spaces and waterways**

- (a) Safety: By ensuring that our parks, open spaces and waterways are healthy and safe places.
- (b) Community: By providing spaces for communities to gather and interact.
- (c) Environment: By enabling people to contribute to projects that improve our environment.
- (d) Governance: By involving people in decision-making about parks, open spaces and waterways.
- (e) Health: By providing areas for people to engage in healthy activities.
- (f) Recreation: By offering a range of recreational opportunities in parks, open spaces and waterways.
- (g) City Development: By providing an inviting, pleasant and well cared-for environment.

**Measures**

- (h) Sports parks are satisfactorily maintained.
- (i) Customers are satisfied with the range of recreation facilities available, including playgrounds, skateboard ramps, tennis and petanque courts, BMX tracks, and fitness equipment.
- (j) Overall customer satisfaction with sports parks.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

23. Yes, as above.

42 Cont'd

**ALIGNMENT WITH STRATEGIES**

24. This project has primary alignment with the following Council strategies and policies:
- (a) Skateboarding, Inline Skating and Freestyle BMX Cycling Strategy
  - (b) Youth Strategy
  - (c) Physical Recreation and Sport Strategy
  - (d) Safer Christchurch Strategy
  - (e) Parks & Waterways Access Policy
  - (f) Environmental Policy Statement
  - (g) Children's Policy
  - (h) Social Wellbeing Policy.

**Do the recommendations align with the Council's strategies?**

25. Yes, as above.

**CONSULTATION FULFILMENT**

26. Extensive consultation was undertaken with the community on the proposed concept plan for the completion of the Skate Park facility. This included issues gathering by both neighbouring building and skate park users.
27. During the initial design preparation stage, input was obtained from local skaters and user focus groups. In February 2007, an all day on-site event was held at the park where skaters were able to meet with designers from Convic Design Ltd to identify initial issues and design ideas. Feedback from these sessions was then incorporated into draft concept design plans.
28. Wider public consultation was then undertaken on these draft concept design plans in November-December 2007 using the following methods:
- (a) Focus group meetings were held with local Skate Park designers and skaters.
  - (b) Posters were displayed at Washington Way Reserve, other Skate Parks throughout the city, all Council libraries and service centres, other key retail locations throughout the central city including skate shops and sports shops, and distributed to all intermediate and secondary schools. The posters publicised the all-day events and dedicated website, and explained where to obtain information, and how to provide feedback.
  - (c) A post-card format with key information targeted at youth was made available in key retail locations, libraries and service centres, and at events, to be filled in and returned then or at a later date.
  - (d) The public information leaflet was hand delivered or posted to approximately 200 businesses and institutions, and absentee property owners, in the immediate vicinity of the park, along with a number of identified key stakeholder groups.
  - (e) The public information leaflet was also made available through local libraries and service centres across the city, and the Councils 'Have Your Say' website. As the Washington Way Reserve Skate Park is used by larger numbers of people who travel to the park from outside the immediate area, this enables these users who have come from across the wider city area have access to project information and an opportunity to provide feedback.



42 Cont'd

- (f) A dedicated website <http://www.ccc.govt.nz/washingtonstage3> was set up where people could download the plans and provide feedback on line.
  - (g) Two extensively publicised all day on-site events were held at the park on 24 November and 8 December 2007, one attended by the design team from Convic Design Ltd, to allow park users and caregivers to provide comments on proposed designs. These were attended by approximately 100-200 people during the course of each day.
  - (h) A public information session was held at Our City on the evening of 3 December so as to be outside of normal business hours.
29. The response rate from the public information leaflet was very low with 13 people returning the submission form or a letter, of which six clearly indicated their support of the proposal. Although two submitters did not indicate their preference, their written comments suggest that one is clearly in support of the plan and one is not.
30. The public information evening session was attended by two people.
31. The website <http://www.ccc.govt.nz/washingtonstage3> had approximately 1000 visits, with 1000 downloads of the concept plans, during the consultation period. From these, the online submission form had 125 visits with 22 submissions made. The online submitters did not have the option of indicating their preference by ticking yes or no, due to technical limitations on the website at this time, however their written comments were all generally positive. Many also made suggestions for technical and other improvements, or raised issues of concern to them.
32. In general, it proved to be most challenging to obtain written feedback from the children and young people using the Skate Park. The most effective feedback was obtained by getting them to talk face to face with the designers, or to draw their ideas on copies of the plans. However 85 of the total of 105 postcard format response forms received were collected at the two on-site events.
33. Approximately 66% of the total written submissions received clearly indicated their support for the proposal by ticking "Yes". Taking into account the additional positively worded responses received on-line, approximately 81% of submissions were in favour. Overall a very positive response was received from the skaters and other users, with many making general positive comments and suggestions.

Number of responses	Support for proposal			Total
	Yes	No	Not indicated	
<b>Written reply-paid submission forms or letters</b>	<b>6</b>	<b>5</b>	<b>2 (No)</b>	<b>13</b>
<b>On-line submissions (technical limitations did not allow Yes/No response)</b>	<b>N/A</b>	<b>N/A</b>	<b>22</b>	<b>22</b>
<b>Post card response forms</b>	<b>86</b>	<b>7</b>	<b>12</b>	<b>105</b>
Total numbers	92 (66%)	12	36	140

Support when on-line submissions are taken into account = 81%

**CONCLUSION**

34. Overall, it is the opinion of staff that the proposed completion of the Skate Park facility will play a valuable role in addressing the need for youth recreational facilities across the wider city. It is not considered that the completion of the Skate Park will result in an increase in anti-social behaviour. But rather the design will reduce opportunities for this type of behaviour to occur. There is a balance to be achieved by Council in ensuring that the large majority of our community have access to parks and recreational facilities and opportunities, and are not denied this because of the activities of a small anti-social minority of park visitors.

42 Cont'd

35. In recognition of the feedback received, and further technical advice and design planning, Council proposes to make some changes to the original proposed concept plan (refer to **attached** plans). The amendments proposed by staff are:
- (a) Relocation of the feature bowl from the south-west corner of the park to the south-east corner.
  - (b) Creation of a green landscaped buffer area with shade trees between the skate area and the adjoining commercial building.
  - (c) Separation of all street-style skate elements out to the sides of the skate area.
  - (d) An extra skate path in the entry plaza to connect to the footpath on Moorhouse Avenue.
  - (e) Removal of the bouldering wall.
  - (f) Security fencing installed along the park boundary with railway corridor.
  - (g) Security fencing installed 3.0 metres into the park from the boundary with the adjoining commercial building.
36. All respondents who provided contact details have been sent a final letter of reply thanking them for their input. The letter has also informed respondents that the final amended plan would be presented to the Hagley/Ferrymead Community Board and Council for approval. Details of the meetings were provided so that any interested people could attend.

The Hagley/Ferrymead Community Board discussed this at their meeting on 7 October 2009

**BOARD RECOMMENDATION**

That the Council:

- (a) Approve the proposed concept design plan for Washington Way Reserve Skate Park Stage 3, amended as a result of public consultation.
- (b) Make provision for features of the existing plan that cannot be completed within the current funding for this project be submitted for inclusion in the 2010/2011 Annual Plan.
- (c) Consider approaching Canterbury Community Trust and the New Zealand Lottery Grants Board for funding assistance to complete Stage 3 of the Washington Way Reserve Skate Park.
- (d) Investigate the installation of monitored crime cameras in Washington Way Reserve Skate Park.

**STAFF RECOMMENDATION**

It is recommended that Council:

- (a) Approve the proposed total concept design plan for Washington Way Reserve Skate Park.
- (b) Approve the seeking of a resource consent for the entire project design.
- (c) Note that this stage of the project, which is funded (\$350,000) includes the boundary fencing.
- (d) Support the Community Board Resolution that provision of funding for the balance of this project be submitted for consideration during the 2010/11 Annual Plan deliberations, noting that should this be unsuccessful, funding should be considered as part of the 2012/22 LTCCP.

**42 Cont'd**

- (e) Consider approaching Canterbury Community Trust and the New Zealand Lottery Grants Board for funding assistance to complete the Washington Way Reserve Skate Park.
- (f) Investigate the installation of monitored crime cameras in Washington Way Reserve Skate Park and request any funding requirements be considered either as part of the 2010/11 Annual Plan or 2012/22 LTCCP.
- (g) Request that the Hagley/Ferrymead Community Board establish a working party including neighbouring businesses to monitor the behaviour around the skate park area and report back in 12 months.

**BACKGROUND**

**Technical design changes**

- 37. The majority of comments made by submitters related to technical aspects or suggested improvements to the technical design of the Skate Park extension, particularly in relation to skate elements and construction materials.
- 38. The major amendment to the concept plan is an extensive redesign and relocation of the feature bowl extension to the opposite side of the site by the Waltham Road overbridge. This will enable the feature bowl to be better used in conjunction with the other bowl area, and will accommodate sun glare and to avoid drainage issues. This also creates a larger buffer between the skate facility and the adjoining commercial building. The issue of view lines to the rear corner has been addressed by locating a refuge area across the back of the site adjacent to the cup to encourage gathering in the area that has clear view line from the road. The orientation of the feature bowl still maximises views into the bowl from Waltham Road.
- 39. All street skate elements have now been separated out to the sides of the Skate Park rather than cutting through the centre. This avoids user conflicts between the street and transition styles of skateboarding.
- 40. There were six submitters opposed to the bouldering wall on the grounds that the park is for skaters. Another submitter, with a professional interest in climbing, suggested that unless it is actively facilitated, bouldering does not deliver a great experience to novices, therefore the wall would get little use. The bouldering wall was also to be off set from the crib retaining wall on the adjoining Waltham Road overbridge which is now being programmed for remedial repair work. In light of these factors, along with the change in position of the feature bowl, the proposed bouldering wall has now been removed from the concept design at this point.

**Opposition to the proposal**

- 41. Of those 14 submitters who clearly indicated their opposition to the proposal, seven submissions related to technical aspects of the design or opposition to the bouldering wall. A further four clearly stated their opposition to the proposed extension of the Skate Park. Two further submitters indicated they did not support the proposal unless graffiti, vandalism and noise issues at the Skate Park were resolved.
- 42. The main issues identified by those expressing opposition to the proposal, and also by several of those in favour, related to various anti-social behaviours in the existing Skate Park, and the potential for these to increase with the completion of Stage 3. Of greatest concern was a potential increase in graffiti and vandalism to the neighbouring business properties.

42 Cont'd

**Police report**

43. An intelligence report provided by the New Zealand Police District Intelligence Group (Canterbury) during the planning stages for the proposed extension (dated 20 November 2007) stated that the only concern for Police at that time was minor graffiti that appears on some of the obstacles, ground and rails around the park. The Police identified the park as having constant guardianship from cyclists and motor vehicle drivers using the busy arterial roads and also pedestrians passing by, noting that it would be difficult to cause major damage here without being reported to Police. Criminal activity such as theft, assault, and drug dealing should be reported to the Police and is a Police enforcement matter.

**Improved design layout to address issues**

44. Staff acknowledge that vandalism and graffiti to parks and recreational facilities, and the ongoing costs associated with maintenance and repair are a major issue, and is continually working to address this by a variety of means. A key tool is using the principles of Crime Prevention Through Environmental Design (CPTED) to improve the design and location of parks, buildings and equipment so that there is both improved safety for users and reduced opportunities for vandalism and other crime. The completion of the proposed Stage 3 design will address many of the concerns raised through effective environmental design.
45. The location of Washington Way Reserve between three road frontages already means that the Skate Park is open and clearly visible from the adjoining businesses and roads, including two major arterial routes. However the failure to complete the original third stage of the Skate Park has left an extensive area of grass and plantings at the rear of the park. This large area of undeveloped free space offers the opportunity for negative recreation and tends to attract use that is not desired on a public reserve.
46. With the completion of the new Stage 3 design, this area will now be occupied largely by the feature bowl extension. This will give this area over to use by skaters and remove the opportunities for vandalism. The proposed new design also elevates the general area at the southern end of the skate facility which maximises viewing and prevents blind spots "behind" the existing Skate Park, revealing the entire Skate Park to passing traffic at the Moorhouse Avenue and Waltham Road intersection and bridge. Importantly there is no dedicated seating immediately adjacent to the Waltham Road bridge, so that the layout and changes in level forces the "social gathering" areas away from the wall to more visible and central locations.
47. The proposed paved entry plaza further opens up views into the Skate Park from the surrounding areas of Moorhouse Avenue and Waltham Road, improving security through natural surveillance. However low barriers, which also provide seating, will be installed on the Moorhouse Avenue frontage to contain activity within the park and improve safety.
48. The need for more seating was identified as an issue for five submitters. Conversations with Skate Park users, and parents and caregivers, on site have also indicated a need for adequate seating for parents and caregivers to be able to sit while watching their children skating or biking in the park, and for other spectators. The concept plan provides for all planter boxes within the Skate Park entry, plaza and pedestrian zone to also serve as seating. In addition, the southern end of the concourse rises to create seating steps for viewing over the intermediate bowl. The additional seating and picnic tables provide for family-oriented activity, encourage adults to go there and to stay longer, and enable parents and caregivers to be able to see and supervise children using the Skate Park, and are also placed to encourage social interaction and casual surveillance.

**Landscape planting**

49. In accordance with the principles of CPTED, all existing and proposed new trees will be kept limbed up and all shrubs at a lower height to maintain visibility and sight lines and improve safety. The under-storey vegetation has previously been cleared from around the public toilet building to remove hiding places.

42 Cont'd

50. The need for shade in the Skate Park was noted by eight submitters, and has also been identified as an issue in conversations with park users. The current lack of shade at the park, in conjunction with the heat and glare of the concrete skate surfaces and adjoining building walls can make the park unpleasant for skaters and spectators alike. More shade trees, often associated with seating, have been incorporated into the park as part of the overall design and also to fulfil part of the site landscaping requirements under the provisions of the Christchurch City Plan. There is already a drinking fountain in the existing Skate Park, and this will remain.

**Fencing**

51. The rear boundary fence of Washington Way Reserve is currently of wire mesh construction and is frequently cut to provide access through the park from the adjoining railway corridor. It is evident that the railway corridor is a significant source of graffiti in the area. The concept plan proposes to replace this rear fence with a high strength 1.8 metre security fence of open design, in accordance with CPTED principles, to prevent access from the railway corridor.
52. The option for barrier fencing between the Skate Park and the adjoining commercial building has also been revisited in the proposed concept design plan. Council staff have previously discussed the installation of a fence with the adjoining building tenant but this has not been progressed to date. The adjoining building is built to the boundary line with Washington Way Reserve along two of its walls. It also has a small alcove with an exit door opening directly onto the park which is itself a design feature that provides shelter and cover for graffiti and vandalism to occur.
53. In the interests of ensuring the safe egress of occupants of the building, and preventing access to the walls and alcove of the building by park visitors, it is proposed that the 1.8 metre (or higher if deemed necessary) security fencing will extend around these boundaries at a distance of approximately 3.0 metres into the park from the boundary. Secured access will be available for maintenance of the park areas and of the building exterior. The constraints placed on the siting of the security fencing, by the design and location of the adjoining commercial building, effectively removes this strip of Council-owned land from the public open space of the park if any vandalism originating from the Skate Park is to be successfully mitigated.

**Lighting**

54. Three submitters have requested that the Skate Park has night time lighting for the safety of skaters. In accordance with the principles of Crime Prevention Through Environmental Design (CPTED), the use of parks at night is discouraged, and in general lighting is only provided in parks where the use of a particular path as a designated route is essential at all times. However in the case of Washington Way Reserve, the ambient light levels from the surrounding streets are high enough on their own to encourage people to enter the park, but insufficient for safe use of the park. Therefore Washington Way Reserve is fully lit, and will continue to have lighting during the hours of darkness.

**Maintenance issues**

55. Vandalism and littering was identified as an issue for several submitters. The majority of Requests for Service for this park processed by Council at present are related to graffiti (mostly in or on the toilet block which required 39 responses to vandalism between 13 November 2008 – 18 November 2009, not all of this was graffiti, there were requirements re blockages, broken handles and locks not working, this is in line with most other toilets in public spaces) damage to the car-park fencing and gates, and broken glass. The facilities in the Skate Park are currently serviced on a regular basis, including the cleaning of the toilets, servicing of rubbish bins, and cleaning of graffiti. The toilets and litter bins, including glass removal, are currently serviced daily over seven days of the week, and graffiti is checked for daily from Monday to Friday and water blasted as required. The repair of the crib walling on the Waltham Street overbridge will also contribute to a reduction in vandalism in this area through the removal of loose stone. On completion of the development works, the Skate Park will continue to be serviced under the Transport and Greenspace Unit maintenance contracts. There are specified levels of service that set the required maintenance standards to be adhered to within all parks across the city.

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**Graffiti**

56. The Christchurch City Council has shown its commitment to reducing graffiti by establishing the Graffiti Office to provide a collaborative structure city-wide approach to graffiti vandalism following on from the successful collaborative community partnership of the Phillipstown Strengthening Communities Team Graffiti Vandalism Reduction Project. The Graffiti Office was established in response to a significant growth in the incidence of graffiti around the city, particularly over the previous two years, and its main goals focus on restoration, education and prevention. Graffiti is not an issue confined to, or caused by, Washington Way Reserve Skate Park, however the proposed design changes will contribute to reducing graffiti and vandalism in this area.

**Noise**

57. One submitter has raised the issue of noise due to loud music from the increasing number of competition events at the Skate Park, stating that it is not conducive to the operation of their business. The submitter has also indicated that the noise from Saturday events would be acceptable if they were given prior notice.
58. Because Washington Way Reserve is zoned Business 3B in the Plan, it is in a Group 3 Zone (the least noise sensitive zones) in relation to noise standards in the Christchurch City Plan. However all events held at the Skate Park must comply with these noise limits. When booking Washington Way Reserve, event organisers should be advised of their obligations in relation to noise control by the Events Development Team. They are required to advise surrounding neighbours of the event by letterbox drop or similar, and this information should include a contact phone number for the organiser so that any issues arising from the event can be promptly addressed.
59. A noise assessment undertaken for Council by Marshall Day Acoustics Ltd identifies that the general noise environment is dominated by traffic from the adjacent major arterial roads, and the railway corridor. During the day, the ambient noise level in the area surrounding the Skate Park is generally above the limits set by the Christchurch City Plan. There is no significant difference in the average noise level (LAeq) when the Skate Park is in use and when it is not. The report also identifies that traffic and trains can generate maximum noise level events of similar magnitude to the sound of skate boards hitting the concrete.

**Car parking**

60. Two submitters have raised the issue of car parking at the Skate Park. In particular, one has suggested increasing the number of car-parking spaces, and changing the layout and position of the parks. The submitter suggests placing a green landscaped space between every 2 or 3 parks, and multiple small car parks at different angles to allow different "park and watch" views. The submitter believes that filling these green spaces with seating and shade trees would bring the "Garden City" to the skate-board park, and open the skate-boarding area to the family to balance the type of people who would consider stopping and enjoying the public space.
61. Currently the park has an existing car park for 16 vehicles. Survey data over a period of a year shows that, although the car park is provided for Skate Park users, it is also used by visitors to nearby businesses and institutions, and that approximately 35% of people are arriving by car, and parking on or off the site. A P120 Restricted Car Parking Area was put in place to deter all-day parking by commuters, thus allowing the car-parking to be available for park users. A new P5 Parking Restriction has recently been installed on the south side of Moorhouse Avenue, adjacent to the proposed entry plaza for the Skate Park, to provide the most convenient and safe location to drop off and pick up park users. Other measures have been put in place since 2006 to address problems with the use of the car-park identified by the adjoining business. Barrier arms and judder bars have been installed, and the car-park is locked at night on a security contract basis. The locking of the car-park overnight has been successful in removing the opportunity for people who are not legitimate park users to congregate in cars in the car-park. There is limited space within the reserve to extend the car-parking area to provide additional parking spaces, or to incorporate additional landscape planting and seating.

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**Alcohol ban**

62. Washington Way Reserve is within the South Colombo Permanent Alcohol Ban Area under the Council's Alcohol Restrictions in Public Places Bylaw 2009, and was also within an alcohol ban area under the previous bylaw. Alcohol restrictions are permanently in place in the park at all times, 24 hours a day, 7 days a week. There is existing signage at the park advising that it is an alcohol-free area. Possessing or consuming alcohol or bringing alcohol into the park, whether in a vehicle or not, is an offence and could result in a criminal conviction. Enforcement of this the role of the Police who under the bylaw have the power to seize alcohol, and to arrest people found to be breaching the by-law.

**Other support**

63. Letters of support for the proposed Stage 3 Washington Way Skate Park have also been received from two key organisations within the Canterbury region. Sport Canterbury have identified that the Skate Park provides opportunities for young people to become involved in physical activity and to achieve the benefits associated with this, and also that skating and freestyle biking are two key activities that attract youth who might otherwise not participate in a physical activity. Canterbury District Health Board staff support the Skate Park because it will provide increased opportunities for young people to be physically active, to network with their peers, and develop social and physical skills, with resulting positive health outcomes.

**Additional features requested**

64. A number of submitters suggested the provision of additional equipment, facilities and activities within the reserve which have not been able to be incorporated into the amended concept plan. The current budget for the upgrade of the reserve does not extend to the provision of these services. Funding is approved under the LTCCP for the completion of the Skate Park asset only, therefore additional facilities such as a play area for younger children, and an upgrade of the public toilets, are not able to be provided at this time. Other facilities including a café, first aid room or station with phone, and a tool box are also outside of the scope and budget of this project. There are already a number of food service related businesses in the surrounding area.

**ADDITIONAL INFORMATION CHRONOLOGY OF PROCESS**

65. Chronology of Washington Skate Park from 1993 – 2009 (Lot 20 refers to Washington Reserve)
- 29 June 1993 - The Council considers a report on proposed reserve in Washington Way. Parks and Recreation Committee expressed concern that Railcorp marketing development based on a concept plan which is not approved by the Council. This concept showed Lot 20 as open space. At that stage Railcorp conditionally sold one site overlooking reserve area.
  - The Council Resolved that Railcorp be informed that it is the Council's prerogative to determine how reserve land is classified.
  - 10 August 1993 - The Council resolved that upon receipt from Railcorp Lot 20 be classified as a recreation reserve. Council also resolved that the Office Solicitor draw up a contract binding the Council :to Council itself classifying the reserve as a recreation reserve and giving an undertaking not to permit the continuance of commercial activities, such as Daytona Raceway..."
  - Late November 1993- Issue of a skateboard ramp on Lot 20 becomes an issue that the Hagley/Ferrymead Community Board discuss with an outcome to recommend to the Parks and Recreation Committee, that Lot 20 be a suitable sight for skate boarding.

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- 8 November 1993 Railcorp forwards agreement to Christchurch City Council for signing with reference to Lot 20 being used *"for open passive recreation"*. Railcorp covering letter refers to issue of a skateboard ramp on Lot 20.
- Early November 1993 Telephone conversation between Railways and Office Solicitor. Railways advised by Office Solicitor that City Council could not sign agreement because of tag *"...for open passive recreation."*
- 17 November 1993 Hagley / Ferrymead Community Board resolved to recommend that City Council give consideration to use of Lot 20 as a skateboard ramp.
- 28 February 1994 Council resolved to permit skateboards on Lot 20.
- 1996 Christchurch skaters show demand for skating through use of Victoria Square. This becomes a high use area for skaters and leads to opposition by local businesses.
- 1996 – 1997 Businesses in Victoria Square request a ban on skate boards and that a site be located elsewhere in the central city that is purpose built for skate boarding. The claim is made that skate boards are dangerous when mixed with pedestrians, police voice their concern in regards to this as well, noting reports of pedestrians being knocked over by skate boarders. The issue is ongoing through the Press during 1996 and 1997.
- 1996 Council identify the need for skate board facility, and that the Victoria square option is not ideal as it is not purpose built and is hard to keep the general public safe as it is pedestrian area and not a designated skate area.
- 1997 – 1998 Council agrees to ban skate boarding in central city once Washington Reserve is ready for skate boards to move in.
- May 1997 The design for Washington skate area is drafted by Andy Wylie. The skate park focuses on transition skating and building skill levels from beginner through to advanced. This is earmarked to be finished within a 3 year timeframe.
- 1998 Businesses in Washington Way voice there opposition to skate park at Washington Reserve.
- March – June 1998 Stage one of Washington Reserve skate area commences and is open to coincide with the skate board ban coming into effect at Victoria Square. Skate park is officially opened on the 6<sup>th</sup> June 1998, skaters reflect there delight at the new park stating that the Council rocks.
- 1999 – 2001 The stage 2 design is amended to reflect the need for street skate elements that have not been included in the original design. Campbell Johnson drafts the new stage 2 design.
- January 18, 2001 Washington Reserve is zoned as Business 3 and the Open space zoning is repealed. The Environment Court has produced a decision pertaining to the zoning of Washington Reserve. Washington reserve is to be zoned as a Business 3. Therefore the resource consent application will be lodged soon.
- November 5, 2001 Preparation for an application for resource consent Council officer Suzanne Weld writes to the local businesses informing them that the council will be preparing an application for resource consent to extend the skateboard facility at Washington Reserve.
- February 12, 2002 Resource Consent RMA 20008961 Granted Regarding the Councils application for consent to extend the skateboard facility in two stages including the provision of associated car parking, lighting and landscaping. "The Resource Management Officer Committee has considered this application on a non-notified basis pursuant to section 94 of the Resource Management Act and consent has been granted.



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- February 20, 2002 Resource consent for Stage 2 granted Suzanne Weld writes to the local businesses informing them "that resource consent for the extension to the Washington Reserve skating facility has been granted. The decision to process the application on a non-notified basis and give approval to the application was made by an independent Commissioner David Collins 11 February 2002. It is likely that construction of stage 2, the street skating area will commence in April/May this year".
- 16<sup>th</sup> November 2002 Stage 2 is officially opened for public use. The skate park as it is now, is what was opened on that day.
- March 2004 The skate strategy is adopted through Council and identifies as its main target to have budget for the completion of Washington by 2007.
- 2005 Businesses in Washington Way submit further concerns re the skate park to Council. They state that graffiti and vandalism is occurring in the area as a result of the skate park. Council officers meet with them to discuss what could be done to mitigate the issue. Local businesses aware of stage 3 design and that it is over due in the time line originally set out in 2002 resource consent proposal.
- May 18 2005 Council Officers offer to cost share in a fence with neighbouring property at a rate of \$221.92 plus GST. Neighbour states that this should be the full cost of the Council as they have caused the issues by installing the skate park.
- May 2006 The Phillipstown Strengthening Communities Team Graffiti Vandalism Reduction Project commences and includes Washington at the request of Council Officers working on the project. The pilot scheme was deemed a success and the graffiti office is opened 6<sup>th</sup> October 2008. The graffiti office focussed on the city as a whole.
- May 2006 – August 2006 Issues gathering is undertaken through communication with skaters and local business during 2006. This information is utilised to form the brief for Washington skate park designers.
- October – November 2006 Convic Design Ltd is identified as a suitable vendor to complete the design of Washington. Convic are contracted to develop the design according to discussion with skaters and from issues raised by local businesses. Convic are a professional organisation that develops public spaces in Australia and the Asia Pacific region with an emphasis on skate and youth areas.
- November 2006 Car park monitoring commences and runs through to 2008 to identify future needs and meet conditions from previous consent.
- Early 2007 Council Officers working on the project undertake CPTED (Crime Prevention Through Environmental Design) training in order to better understand the elements required to make Washington Skate park a safer place through improved design. These methods are passed onto stage 3 designers Convic.
- 2007 Council Officers spend time during the weekends and night at the skate park to identify issues and try to see first hand some of the issues that have been raised since the skate park was opened.
- Consultation opens during late 2007, information sessions held on site at Washington and at Our City. Comments relate to either the design for those in favour, and for those opposed, submissions focus on the need to remove the skate park or mitigate the social issues businesses have identified as their main concern.
- 2008 – 2009 Issues worked on in relation to finalising the design and ensuring, functionality, CPTED and safety is paramount heading forward with any new design.
- October 2009 Report for Stage 3 goes to Community Board for approval, it is approved and is sent to the Council for approval.

## 43. HEARINGS PANEL DRAFT REPORT ON THE PROPOSED SPEED LIMITS BYLAW

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI: 941 8608
<b>Author:</b>	Speed Limits Bylaw Hearing Panel

**PURPOSE OF REPORT**

1. This is a report of the Speed Limits Bylaw Hearing Panel (the Hearing Panel). It summarises the consultation process on the proposed Speed Limits Bylaw and recommends the adoption of the Speed Limits Bylaw, as **attached**.

**EXECUTIVE SUMMARY**

2. The purpose of the proposed Speed Limits Bylaw is to provide a mechanism for setting speed limits for all roads under its jurisdiction. Speed limits will be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003 (Rule 54001) and recorded in the Christchurch City Register of Speed Limits. The register of speed limits does not form part of the bylaw, and a review of speed limits is being undertaken as a separate exercise. The proposed bylaw will replace two existing bylaws relating to speed limits: the Christchurch City Speed Limits Bylaw 2005 and the Banks Peninsula District Council Speed Limit Bylaw November 2005.
3. On 24 September 2009, the Council adopted the proposed Speed Limits Bylaw for consultation. Submissions on the proposed bylaw could be made between 30 September 2009 and 2 November 2009. No submissions were received. The Hearing Panel met to consider the proposed bylaw on 3 December 2009. The panel members were Councillors Gail Sheriff, David Cox and Mike Wall.
4. The Hearing Panel recommends that the Council adopt the Speed Limits Bylaw in the form proposed.

**DEVELOPMENT OF PROPOSED BYLAW**

5. The proposed Speed Limits Bylaw was developed as part of a review of two existing bylaws: the Christchurch City Speed Limits Bylaw 2005 and the Banks Peninsula District Council Speed Limit Bylaw November 2005. These bylaws are due to be reviewed by 7 April 2010 and 9 November 2010 respectively, in accordance with a Local Government Act 2002 requirement that bylaws made under the Act be reviewed within five years of first being made (section 158).
6. The proposed bylaw provides a mechanism for setting speed limits for all roads within the Council's jurisdiction. The creation of such a bylaw is a requirement of the Land Transport Rule: Setting of Speed Limits 2003 (the Rule). The speed limits themselves do not form part of the bylaw. Speed limits are set in accordance with the requirements of the Rule and then recorded in a separate register. The Christchurch City Register of Speed Limits already records speed limits for the Christchurch district as it was prior to amalgamation. Banks Peninsula speed limits will be transferred from a schedule of the Banks Peninsula District Council Speed Limit Bylaw to the register.
7. Council staff are undertaking a review of speed limits, as a separate process, using the guidelines and calculation process in the Rule. Once the new Speed Limits Bylaw is adopted, the Council will be in a position to undertake consultation on the speed limits that have been identified as in need of change. That consultation will be undertaken in accordance with the requirements of the Rule.

**CONSULTATION**

8. Public consultation on the proposed bylaw took place from 30 September 2009 to 2 November 2009, by use of the special consultative procedure. The consultation documents were sent directly to a range of groups, organisations and individuals, public notices were placed in The Press, The Star, and community newspapers, and the consultation documents were made available at service centres, Council libraries and on the internet. However, no submissions were received.

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**LEGAL CONSIDERATIONS**

9. A bylaw hearing panel has no decision-making powers, but can make recommendations to the Council, in accordance with its delegation for that purpose, as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit, bearing in mind that the Local Government Act 2002 requires views presented during consultation to be given "due consideration in decision-making".<sup>1</sup> In this case, no submissions have been made.
10. Section 157 of the Local Government Act requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect. It is recommended that the Speed Limits Bylaw come into effect on 1 January 2010, which is in advance of the dates by which the bylaws being revoked would automatically expire. This will allow work to progress on the review of speed limits as soon as possible.
11. The Legal Services Unit considers that the form of the bylaw, as proposed in this report, is the most appropriate form, and that the Speed Limits Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

**HEARING PANEL RECOMMENDATIONS**

The Hearing Panel recommends that the Council:

- (a) Adopt the Christchurch City Council Speed Limits Bylaw 2010, as attached.
- (b) Give public notice as soon as practicable, that the Christchurch City Council Speed Limits Bylaw 2010 has been adopted by the Council, that it comes into effect on 1 January 2010, and that copies of the bylaw will be made available.

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<sup>1</sup> Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".  
Council 10 December 2009 Agenda (Cont'd)

## 44. ENDORSEMENT OF THE CANTERBURY WATER MANAGEMENT STRATEGY

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager - Healthy Environment, Strategy and Planning
<b>Author:</b>	Jenny Ridgen

**PURPOSE OF REPORT**

1. The purpose of this report is to seek Council endorsement of the Canterbury Mayoral Forum's document, the "Canterbury Water Management Strategy" (CWMS), as published on 5 November 2009, subject to satisfactory progress in resolving the ongoing matters outlined in the strategy document.
2. In addition, the CWMS Steering Group has requested (**Attachment 1**) that the Council consider authorising the establishment of zone committees in line with the process outlined in the strategy.

**EXECUTIVE SUMMARY**

3. Development of the CWMS has been led by the Mayoral Forum and supervised by a multi-stakeholder Steering Group. Consultation with the public and territorial authorities has occurred throughout the development of the strategy, for example, through public meetings, presentations to councils, and via a website. The strategy recognises the challenges of water management in Canterbury and provides a framework for a new approach to the way water is allocated and managed. The primary principles for this approach include: sustainable management, regional approach and tangata whenua. Supporting principles include: natural character, indigenous biodiversity, access, quality drinking water, recreational opportunities, and community and commercial use.
4. The "Draft Canterbury Water Management Strategy" (August 2009) was presented to the Council by members of the Steering Group at a Council workshop on 22 September 2009, and was the subject of a further Council workshop on 30 September 2009. In response to submissions, the draft strategy has been amended and copies of the final strategy have been separately circulated to Councillors. The Council did not make a submission on the strategy.
5. To address concerns raised in submissions, particular attention was paid to the proposed governance structure of zone and regional committees. The strategy proposes that:

"Water management committees will be set up to develop, adopt, monitor and review the proposed water and land implementation programmes. The committees will develop the implementation programmes collaboratively so that they have a broad measure of stakeholder support – locally, regionally and nationally" (see pages 45-46 of CWMS).
6. The proposed three-tier governance structure comprises:
  - o Local level - Zone Water Management Committees for each of ten zones, with members drawn from Environment Canterbury, territory authorities with an interest in the zone, Ngāi Tahu/runanga, consent-holder representatives and stakeholders, and respected members of the community.
  - o Regional level – a Regional Water Management Committee to deal with issues that are common across the region or which need to be escalated from the local level. This committee to include representatives of each zone committee, local and central nominees, Ngāi Tahu and other stakeholders.
  - o National level – a national tripartite forum involving relevant Cabinet ministers together with representatives of Ngāi Tahu and the Canterbury regional and district councils.
7. The strategy states that the zone water management committees will be established in early 2010 using existing Local Government Act powers so that work can start on the preparation of implementation programmes. The timing for establishment of the committees will vary from zone to zone and it is expected that the Hurunui River zone committee will be the first to be established. The Implementation section of the CWMS recognises that further work is required before these committees can be fully functional (page 59 of the CWMS).

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This further work includes:

- (a) The legal status of the committees.
  - (b) Membership of the committees.
  - (c) Remuneration of committee members.
  - (d) Terms of Reference.
  - (e) Boundaries.
8. Once that work has been completed, then a further report will be put before the Council regarding establishment of the committee in relation to Christchurch city.

**FINANCIAL IMPLICATIONS**

9. There are no direct financial implications with regards to endorsing the Canterbury Water Management Strategy although additional costs are likely to be incurred as the strategy is implemented. Any costs associated with the implementation of the CWMS would need to be considered by the Council as part of the 20012-2022 LTCCP. The CWMS provides insufficient detail to estimate the scale and quantity of these costs. The establishment of zone committees, as recommended in this report, is likely to have a small impact on the costs of governance for the Council.

**LEGAL CONSIDERATIONS**

10. The CWMS is a non-statutory document, however, aspects of its implementation will rely on provisions of the Resource Management Act and the Local Government Act.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. Endorsement of the CWMS aligns with the LTCCP community outcome of a "well governed city", and in particular, the activity of providing a reliable supply of water which is safe to drink.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

12. As above.

**ALIGNMENT WITH STRATEGIES**

13. The CWMS recognises the need for quality drinking water and is consistent with the Council's Water Supply Strategy (2009).

**Do the recommendations align with the Council's strategies?**

14. As above.

**CONSULTATION FULFILMENT**

15. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Endorse the Canterbury Water Management Strategy as published on 5 November 2009, subject to satisfactory progress in resolving the ongoing matters outlined in the strategy document, and
- (b) Note that a report authorising the establishment of zone committees in line with the process outlined in the Canterbury Water Management Strategy, will come before the Council in 2010, and that any future funding issues associated with implementation of the strategy will need to be considered as part of the 2012-2022 LTCCP process.

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**BACKGROUND**

16. The Canterbury Water Management Strategy has been amended in response to submissions and was published in its final form on 5 November 2009. The CWMS has been prepared under the overall leadership of the Mayoral Forum. The strategy deals with management of the regions' water resources and was prepared by a Steering Group made up local and regional government representatives, Te Runanga o Ngāi Tahu, conservation groups, irrigation interests, commercial interests, recreation interests, and other key stakeholders.
17. Development of the strategy has included several rounds of stakeholder and public consultation and engagement over the past three years.
18. Key drivers for the development of a regional water management strategy are:
  - Competing demands for water resources
  - Pressures on aquatic and groundwater ecosystems
  - Uncertain reliability of available water for agricultural use.
19. A set of 'fundamental principles' underpin the draft strategy:
  - Primary principles include sustainable management, regional approach, and tangata whenua; as well as first and second order priorities:
    - First order priorities: environment, customary use, community supplies and stock water
    - Second order priorities: irrigation, renewable electricity generation, recreation and amenity
  - Supporting principles – natural character, indigenous biodiversity, access, quality drinking water, recreational opportunities, and community and commercial use.
20. The strategy proposes a tiered system to manage water resources:
  - Zone Water Management Committees, with one committee for each water management zone which will be created. Ten zones are proposed. Each committee would be made up of 7 to 10 members drawn from Environment Canterbury, territorial authorities with an 'interest' in the zone, Ngāi Tahu, consent-holder representatives and stakeholders, and 'respected' members of the community. The chair would be a stakeholder representative.
  - Regional Water Management Committee, made up of 10 to 15 representatives of each of the zone committees, local and central government, Ngāi Tahu and 'stakeholders with the chair nominated by Environment Canterbury and territorial authorities.
  - Water Executive, which would: manage the implementation programme on a day-to-day basis; be a semi-autonomous arm of Environment Canterbury; develop a charging regime (applies to new consents, with application to existing consents yet to be developed), and be an 'active facilitator' that will jointly develop consent applications and broker new consents.
  - Water Infrastructure and Services Entity, which would be responsible for designing, building, financing and operating larger storage and distribution systems in the region.
21. A suite of draft targets, to include a set of goals for 2015, 2020 and 2040, are proposed for nine criteria:
  - Drinking water quality
  - Irrigated land area
  - Energy security and efficiency
  - Ecosystem health/biodiversity
  - Water use efficiency
  - Kaitiakitanga
  - Contribution to regional and national economies
  - Natural character of braided rivers
  - Recreational opportunities.

10. 12. 2009

**45. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 3 DECEMBER 2009**

Attached.

46. EXCHANGE OF LAND WITH CANTERBURY DISTRICT HEALTH BOARD  
– CONSULTATION PROCESS



<b>General Manager responsible:</b>	General Manager Regulation and Democracy, DDI 941-8462
<b>Officer responsible:</b>	Programme Manager, Strong Communities
<b>Author:</b>	Ian Thomson, Solicitor

**PURPOSE OF REPORT**

1. The purpose of this report is to provide information to the Council about the consultation process to be used before the Council proceeds with an exchange of land with the Canterbury District Health Board (CDHB).

**EXECUTIVE SUMMARY**

2. At its meeting on 26 November 2009 the Council confirmed its willingness to consider a land exchange with the CDHB, subject to reaching agreement on the parcels of land and costs involved and to considering the results of consultation on the issue.
3. Councillors couldn't agree on the consultation process to be used and left the matter to lie on the table pending the receipt of further information from staff.
4. That information is contained in this report.

**STAFF RECOMMENDATION**

It is recommended that the Council resolves to:

- (a) Obtain and consider the views of the community by using the consultation process set out in the Proposed Consultation and Community Engagement Plan **attached** to this report.
- (b) Note the advice from the Council's Legal Services Unit that the level of consultation outlined in the proposed plan complies with the Council's decision-making obligations in the Local Government Act 2002.

**FINANCIAL IMPLICATIONS**

5. Any consultation process used by the Council will incur cost, particularly in terms of staff time. On top of that there are advertising and publishing costs, the hire of facilities and the cost of providing access to information held electronically.
6. The CDHB has agreed to share these costs and has confirmed this in a letter to the Council, a copy of which is **attached**.
7. If the Council was to use the special consultation procedure (SCP) set out in the Local Government Act 2002 its costs would increase as a result of the requirement to prepare and distribute a Statement of Proposal and Summary of Information and to hold public hearings. Although not quantified, the time spent by staff and panel members on the hearings process would be a cost to be considered.

**LEGAL CONSIDERATIONS**

8. As indicated earlier the Council, by resolution, has confirmed its willingness to consider a land exchange with the CDHB. If completed, the exchange would mean that Christchurch Hospital could be enlarged and improved on its current site. Land owned by the Council as part of Hagley Park is sought for the development and land owned by the CDHB adjoining the Avon river is offered in exchange. Hagley Park would be extended to include this area and although precise boundary lines have yet to be drawn, it is expected by both parties that there will be no loss of land in the park.
9. The decision to enter into the land exchange is not provided for in the Council's 2009-19 LTCCP, nor does it flow consequentially from anything contained in that document.



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10. In terms of the Council's significance policy therefore the decision will be a significant one. This means that the Council is required to consider whether or not to use the special consultative procedure before the decision is made.
11. However, whilst the exchange is significant in terms of the Council's significance policy, and will obviously be a matter of interest to Christchurch residents, in fact the transaction will have no adverse effect on the park. Therefore the consultation process in respect of the exchange is likely to attract less interest than might have been the case if the proposal was to simply take land out of Hagley Park to accommodate the development of Christchurch Hospital.
12. Section 78 of the Local Government Act 2002 requires the Council, in the course of its decision-making process, to give consideration to the views and preferences of the persons likely to be affected by, or to have an interest in, the proposed land exchange. Section 79 states that it is up to the Council in its own judgement to determine how to achieve compliance with that requirement, in proportion to the significance of the decision.
13. The Act sets out a number of consultation principles. These include:
  - (a) providing reasonable access to relevant information
  - (b) encouraging people to present their views
  - (c) providing clear information about the purpose and scope of the decision to be made
  - (d) providing a reasonable opportunity to present views to the Council
  - (e) receiving views that are presented to the Council with an open mind and giving them due consideration
  - (f) providing people who have presented their views with information about the relevant decision and the reasons for it.
14. The Council must consult in accordance with these principles, whether or not it uses the special consultative procedure. The only real difference is that an SCP requires the Council to prepare and distribute a Statement of Proposal, and Summary of Information, and to give people who make submissions a reasonable opportunity to be heard by the Council if they request this. How the Council fulfils its obligation to obtain and consider community views is for the Council itself to determine. It may decide (or be required) to use the SCP, or it may resolve to adopt another less prescriptive consultation process. Either way the need to comply with the provisions of the Local Government Act, and to use a process that is in proportion to the significance of the decision, remains the same.
15. The CDHB and Council staff have put together a Proposed Consultation and Community Engagement Plan in respect of the proposed land exchange and development of Christchurch Hospital. They believe that this reflects both the nature of that development and the significance of Hagley Park to Christchurch residents. The Plan involves both parties engaging with the people and organisations that have a particular interest in the project, as well as with the general public. The Council may determine that this process is preferred to an SCP.
16. One of the reasons for this could be that the SCP would require the Council to consult on those matters that are set out in a Statement of Proposal prepared in accordance with the requirements of the Local Government Act. The decision to be made by the Council is in respect of the land exchange only. Therefore there is a risk that the consultation process could be carried out largely in isolation to the process being followed by the CDHB. This appears to be at odds with the aim of both organisations to work together.
17. In fact there has been a high level of collaboration already and the CDHB intends to consult widely with the Council. The Proposed Consultation and Community Engagement Plan includes a list of key Stakeholders. This may be added to once the Plan is completed in its final form.

46 Cont'd

18. The CDHB has advised Council staff that it is prepared to meet with all key stakeholders and sees this as an important part of the consultation process. The process will include workshops, presentations and seminars involving Community Boards, Councillors and groups within the CDHB's own organisation. As much use as possible will be made of existing CDHB and CCC communication channels and networks.
19. For these reasons, it is suggested that a joint approach to consultation may be the better option for the Council to adopt.
20. A further matter to be taken into account is that obtaining and considering the views of the Christchurch community is only one step in the consultation process.
21. The Council can only effect the exchange of land with the CDHB by seeking an amendment to the Christchurch City (Reserves) Empowering Act 1971. This Act controls and protects the land comprising Hagley Park.
22. It would also be necessary for the CDHB to amend the Hospital Act, which controls and protects the CDHB land. If both amendments are enacted, it means that the CDHB land will become a reserve and part of Hagley Park, and the Council land will be available to the CDHB for its development project.
23. The promotion of a local Bill to amend both Acts would require a further more formal consultation process. Once drafted the new Bill will be publicly notified and copies provided to any person or organisation that has a direct interest in the matter. These will include local MPs. It is likely to be several months before the Clerk of the House of Representatives is able to accept the draft Bill.
24. The Bill will be promoted by a local MP who will introduce it to the House. After the Bill is read for the first time it will be referred to a select committee which will seek public submissions and sit as a hearings panel to hear submitters who wish to be heard. Again, depending on the number of submitters, this process could take several months. It is only when the select committee is satisfied that the Bill is in a proper form to be enacted that it is returned to the House for the second and third readings. At each reading there is the opportunity for debate in the House.
25. The consultation process proposed by Council staff and the CDHB is therefore the first step in what will be a relatively long process that could take 18 months - 2 years to complete. Whether or not the draft Bill has a smooth passage through Parliament will depend to a large extent on the quality and the extent of the consultation undertaken locally. It is therefore in the interests of both the Council and the CDHB to ensure that this is dealt with appropriately, not just to comply with the requirements of the Local Government Act 2002, but also so that the parliamentary process goes smoothly.
26. It is the view of the Legal Services Unit that the level of consultation outlined in the attached Proposed Consultation and Community Engagement Plan will achieve both of these objectives
27. It should be noted that using the special consultative procedure would not mean that the Council's decision-making process could not be challenged in the High Court. The Council's decision to fund a new School of Music for the University of Canterbury at the Art Centre, made following an SCP, is currently the subject of an application for judicial review.

**OPTIONS**

28. The Council has already indicated that it is willing to consider an exchange of land with the CDHB. The matter before it now is a decision on the process to be adopted for obtaining and considering community views on the proposal.
29. The special consultative procedure is a prescriptive process that requires a Statement of Proposal to be prepared and submitters to be given the opportunity to be heard by a Council-appointed Hearings Panel.

**46 Cont'd**

30. The Council's obligation to consult in accordance with the provisions of the Local Government Act 2002 remains the same, whether or not an SCP is used. The Council must still ensure that the steps it takes to obtain and consider community views are in proportion to the significance of the matter before it. As indicated in this report Council staff believe that the Proposed Consultation and Community Engagement Plan meets this obligation.
31. Sometimes the SCP just isn't the right tool for the job and it is suggested that this is one of those times. The consultation process recommended by the CDHB and Council staff is both sound and appropriate, particularly in view of the fact that there is still another, more formal, process to come.
32. Compliance with the decision-making processes in the Act is the basis on which the Council's process will be judged, whether or not an SCP is used. The use of an SCP will not eliminate the risk of an application for judicial review being filed against the Council.

**PREFERRED OPTION**

33. It is recommended that the Council approve the attached Proposed Consultation and Community Engagement Plan as the basis for obtaining and considering community views on the proposed exchange of land with the CDHB.

**47. RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)**

*Section 48, Local Government Official Information and Meetings Act 1987.*

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 48-52.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
48. MINUTES OF MEETING: 26.11.2009 )	GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)
)		
49. NEW CIVIL DEFENCE BUILDING )		
)		
50. REPORT BACK ON TRANSFER STATIONS AND MATERIALS RECOVERY FACILITY )		
)		
51. TUAM LIMITED DIRECTOR APPOINTMENTS )		
)		
52. PERFORMANCE REVIEW SUBCOMMITTEE )		
)		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 48	Protection of privacy of natural persons	(Section 7(2)(a))
Item 48	Commercial activities	(Section 7(2)(h))
Item 48	Right of appeal exists	(Section 48(2)(a))
Item 49	Commercial activities	(Section 7(2)(h))
Item 49	Conduct of negotiations	(Section 7(2)(i))
Item 50	Conduct of negotiations	(Section 7(2)(i))
Item 51	Conduct of negotiations	(Section 7(2)(i))
Item 52	Protection of privacy of natural persons	(Section 7(2)(a))

**Chairman's Recommendation:** That the foregoing motion be adopted.

**Note**

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”

19 Cont'd

**Option Two**

12. Do nothing. The \$52,088 would remain unallocated in the Metropolitan Small Grants Fund and could be taken as a one-off saving.

**Option Three**

13. Hold a second round later in the year of the Metropolitan Small Grants Fund.
14. Staff do not recommend this option as they believe that the time taken to advertise the second round and assess applications will not be cost effective.

**STAFF RECOMMENDATION**

Staff recommend **Option One** be adopted, with the remaining \$52,088 being transferred from the Metropolitan Small Grants Fund to the 2009/10 Metropolitan Discretionary Response Fund.

**FINANCIAL IMPLICATIONS**

15. The Metropolitan Discretionary Response Fund will be increased from \$160,072 to \$212,160.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

16. Yes.

**LEGAL CONSIDERATIONS**

17. None.

**Have you considered the legal implications of the issue under consideration?**

18. Not applicable.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

19. Yes, Community Support.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

20. Yes, Community Grants.

**ALIGNMENT WITH STRATEGIES**

21. Strengthening Communities Strategy.

**Do the recommendations align with the Council's strategies?**

22. Yes, Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

23. Not applicable.

**STAFF RECOMMENDATION**

24. It is recommended that the Council transfer \$1,094 from the 2009/10 Metropolitan Small Grants Fund to the 2009/10 Metropolitan Strengthening Communities Fund.
25. It is recommended that the remaining unspent funds of \$52,088 in the 2009/10 Metropolitan Small Grants Fund be transferred to the 2009/10 Metropolitan Discretionary Response Fund.

## 20. HAGLEY PARK – TEMPORARY CLOSURE FOR ELLERSLIE INTERNATIONAL FLOWER SHOW

<b>General Manager responsible:</b>	General Manager City Environment, DDI: 941-8608
<b>Officer responsible:</b>	Manager Transport and Greenspace
<b>Author:</b>	John Allen – Policy and Leasing Administrator

**PURPOSE OF REPORT**

1. The purpose of this report is two-fold, one to gain Council approval to an application by the Ellerslie International Flower Show Organisers (Show Organisers) requesting temporary exclusive use of parts of north-east Hagley Park, in February/March 2010, namely the major events areas, for more than six days. This action is required by section 53(1)(e) of the Reserves Act 1977 (the Act), the six day period being allowed for without special permission being granted from the Council. The periods of closure applied for the various areas of the show, shown as stages on the attached plans labelled Temporary Fence Map, (**Attachment 1**), and Public Parking, (**Attachment 2**), are set out below:
  - (a) Stage 1 from Wednesday 10 February 2010 to Wednesday 31 March 2010 inclusive (50 days) for the setting up and clearing away the show site in this area.
  - (b) Stage 2 from Monday 15 February 2010 to Wednesday 31 March 2010 inclusive (45 days) for the setting up and clearing away the show site in this area.
  - (c) Stage 3 from Friday 5 March 2010 to Wednesday 18 March 2010 inclusive (14 Days) for the setting up and clearing away the show site in this area. This includes both cycle ways/pedestrian footpaths through this area.
  - (d) Public car park from Monday 8 March 2010 to Monday 15 March 2010 inclusive (8 days) for the show public car park area.

The second requirement is that under section 53(1)(e) of the Act, the Council is required to specify the maximum charges that may be charged for admission to the show, (**Attachment 3**).

**EXECUTIVE SUMMARY**

2. Staff recommend that the Council approves the temporary exclusive use of the grass areas, which includes the cycling/pedestrian footpaths, in North Hagley Park, which will be fenced off for the show, as shown on Attachment 1 for the periods applied for as set out in 1(a),(b), (c) and as shown on Attachment 2 for (d) above. This area will include part of the main cycle/pedestrian footpaths from Fendalton Road and Harper Avenue to the Armagh Street bridge for a 14 day setup, show, and breakdown period. These main cycle ways from the north and west of the City are part of the main cycleway network use by cyclists and pedestrians travelling to and from the central business area from this quadrant of the City.
3. The experience gained by the show organisers from last year has resulted in the organisers deciding that they are able to shut off the show area in four stages, thereby minimising the inconvenience to general park users. The resulting big change that will occur is that the Deans Avenue cycleway that was closed for a period of 49 days last year, will only be closed for 14 days this year.
4. The footpath from beside the golf course clubhouse to the back of the Botanic Gardens Armagh Street Car Park has been upgraded to take cyclists and pedestrians from Riccarton, Fendalton Roads, and to a lesser extent Helmores Lane through to the Armagh Street Bridge for the 14 day period when part of the main cycle/pedestrian route is shut, an extra distance of approximately 100 metres.

20 Cont'd

5. During the 14 days when the footpaths through the show area are closed, cyclists and pedestrians using the signalised cycleway pedestrian crossing on Harper Avenue, will be redirected to use the pedestrian footbridge across the Avon River from North Hagley Park to Park Terrace opposite the end of Salisbury Street. This will increase the users distance of travel by approximately 400 metres during this period.
6. The closing of all the cycleway/pedestrian pathways through the show area for the same period will enable a simplification of the signage to occur at the points where the "traffic" will be re-directed onto alternative pathways to enable users to get around the show site. Clear signposting of the temporary cycle/pedestrian pathway arrangements in advance of the closed periods is important. The show organisers accept responsibility for organising and paying for this signage, which will be one of the conditions under which this application will be granted.
7. The Show is shown on the list of significant public events in the appendices section of the Hagley Park Management/Master Plans 2007 that occur regularly in North Hagley Park, and therefore the holding of the Show is in conformity with the Plan, (page 144 of the Master Plan).
8. Ellerslie International Flower Show is Christchurch's most premier event - not only for economic impact and community benefits to the city, but for the marketing of Christchurch – 'The Garden City'. It has been labelled an 'icon' event for Christchurch (based on the Events Strategy Framework) and receives all benefits stipulated by the Events Strategy of being an icon event. Benefits include:
  - (a) A proactive partnership with the Council for in-kind support.
  - (b) Strong marketing support from Christchurch and Canterbury Tourism.
9. The Events Strategy sets an objective to have two icon events by 2010 with whole of Council support to establish and grow the event. This is in line with other 'event friendly' cities such as Melbourne, who close their parks for key events such as almost the majority of Albert Park for the Melbourne Grand Prix and the Carlton Gardens for the Melbourne Flower Show.
10. Ellerslie International Flower Show is owned by the Council and it contracts out the management of the event to SMC Limited in Auckland. Governance of the event sits with Christchurch City Council, in particular the General Manager Public Affairs. This application is made for the Council on behalf of the Ellerslie International Flower Show organisers who are contracted to run the show for the Council.
11. Some disruption will occur to the main cycle/pedestrian routes into the city during the periods that the park is closed for the show. However, these are not considered to be great given the alternative routes available, it being during daylight saving, and the greatest disruption occurring over a relatively short period (14 days). Approximately 3,000 trips are made on the shared path on average over each day in summer (that going through Armagh Street Bridge on the way or the way back). Proportionately 2,040 are cycle trips and just over 900 are pedestrians trips. These people will be most affected with this report's recommendation to close the main cycle way for the 14 days. The majority of this group will be people choosing to actively commute (bar the weekend usage) and will therefore be the same people affected on many of the 14 days.

**FINANCIAL IMPLICATIONS**

12. There is a small financial implication to the Council with the proposed closure of part of North Hagley Park to enable the Ellerslie International Flower Show to be held, this being the costs of staff time spent preparing this report to gain Council approval or otherwise of the show organiser's application and other staff liaison with the organisers required, including the monitoring of the temporary developments and final clean of the site, these costs are already allowed for in existing staff budgets.

20 Cont'd

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

13. Staff are of the view that the recommendations will have no impact upon the 2009-19 LTCCP budgets, the one-off costs in closing the part of Hagley Park applied for, and associated liaison work being covered within existing budgets.

**LEGAL CONSIDERATIONS**

14. The Council, as owner of the show, has signed a contract with the show organisers to manage the show to be held in Christchurch annually for five years, with a right of renewal for a further five years if the parties are in agreement, 2010 being the second year of this contract.
15. The specific area of North Hagley Park that this application applies to is RS 41181 on SO Plan 15235 a classified recreation reserve of 87.1700 hectares vested in the Council (the administering body), pursuant to the Reserves Act 1977.
16. Section 53(1)(e) of the Act allows the Council to grant temporary exclusive use of part or all of a reserve, for up to six consecutive days.
17. The effect of section 53(2) of the Act is to allow the Council to exercise the power and discretion that is vested in the Minister, to grant temporary exclusive use of part or all of a reserve for more than six consecutive days.
18. An autonomous power that local authorities as administering bodies have had under the Act since 1 January 1980 is that under section 52(2) they are able to fix charges for admission (up to 40 days;) to a recreation reserve, without the need to refer any of the decisions required to the Minister of Conservation for approval.
19. The first issue, therefore, that requires a Council decision is the closing of parts of Hagley Park for a period of longer than six consecutive days as set out above.
20. The second issue that requires a Council decision is the maximum level of charges that may be made for the show.
21. The use of part of North Hagley Park for the show requires resource consent under the Christchurch City Plan. A resource consent application has been received and is currently being processed.

**Have you considered the legal implications of the issue under consideration?**

22. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

23. The LTCCP's strong communities strategic directions section prioritises: providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; and protecting and promoting the heritage character and history of the city. The fulfilment of the show organiser's ambitions by approving this application will support and add to the range of experiences people are able to enjoy and experience, within the City be that of a temporary nature.
24. The LTCCP's healthy environment strategic directions section prioritises: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas of open spaces within the metropolitan area. The approval of this application and the resulting show, will enhance the character of North Hagley Park for a period, be that of a temporary nature.



**20 Cont'd**

25. The LTCCP's liveable city strategic directions section prioritises: improving the way in which public and private spaces work together. The approval of this application will add temporarily to the private infrastructure on the park thereby improving the value of the experiences members of the public can have at the park.

**Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

26. Yes, see above.

**ALIGNMENT WITH STRATEGIES**

27. This application is aligned with the Christchurch Active Living Strategy, by adding value through mental stimulation, the general public will gain from their experience of visiting the show.
28. This Show supports the Christchurch Visitor Strategy because it is expected to attract many visitors to Christchurch from other parts of New Zealand, with resulting economic spin offs for the private sector within the City
29. The holding of this show is in alignment with the Council's Strategic Direction to support Strong Communities. It encourages residents to enjoy living in the city and to have fun, thereby supporting Christchurch as being a good place to live.
30. The pathways are important designated cycleways in the cycleway network. It is considered that the temporary closure of these cycleways will not unduly affect the aims of the Council adopted Cycling Strategy, these being:
- (a) Increase the level of cycling.
  - (b) Increase enjoyment of cycling.
  - (c) Increase safety for cyclists in Christchurch.

**Do the recommendations align with the Council's strategies?**

31. Yes –see above

**CONSULTATION FULFILMENT**

32. Public consultation is not required under section 53 of the Reserves Act 1977 before the Council resolves to temporarily close part of North Hagley Park for an extended temporary period.
33. Council staff have, however, sent "Spokes", the organisation which represents cyclists in the City, the application to close the park for their comment. The application has been discussed between members of their committee, before the report author received an emailed reply from their Chairperson, the main points of which are:
- (a) Their first choice, is of course that there be no closures or disruption to the normal flow of cyclist and pedestrians during this time, but they realise that this is an impossibility with the present position and set up for this show. They therefore ask that disruption to cyclists and pedestrians be kept to the minimum possible.
  - (b) They agree with the application that was emailed to them. They are pleased to see that the organisers have been willing to reduce the time the cycleway/pedestrian pathways are closed in light of their experience in setting up , running and packing up after the last show and commend them for that. They comment that they hope that the organisers will continue to further refine their organisation of the show, which may hopefully reduce the closure times even more in the future.

20 Cont'd

- (c) Spokes also comment that they believe that festivals such as the Ellerslie Flower Show, do much to enhance our city as a clean green place, indicating that it would be wonderful if the organiser incorporated active transport into the show to showcase Christchurch as a cycle- and pedestrian-friendly city as well.

**CONCLUSION**

- 34. Officers in recommending that Council approve the closure of part of North Hagley Park for the Show, and the maximum charges for entry to the closed area that may be made, have given consideration to:
  - (a) The fact that the show will be of a relative short duration.
  - (b) The fact that the show will only utilise a portion of the total reserve area (14.8725 of 87.17 hectares) of North Hagley Park.
  - (c) That the public will not be unduly prevented from the use and enjoyment of the majority of the park because of the show occurring.

**STAFF RECOMMENDATION**

- 1. That the Council, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, approve the exclusive use of the parts of North Hagley Park, indicated below, by the Ellerslie International Flower Show, by temporarily fencing off these areas from the rest of the park to enable the show to be set up, held, and dismantled, and the site cleared.
  - (a) Approximately 6.8985 hectares as shown on Attachment 1, for the periods of time set out below:
    - (i) Stage 1 from Wednesday 10 February 2010 to Wednesday 31 March 2010 inclusive (50 days) for the setting up and clearing away the show site in this area.
    - (ii) Stage 2 from Monday 15 February 2010 to Wednesday 31 March 2010 inclusive (45 days) for the setting up and clearing away the show site in this area.
    - (iii) Stage 3 from Monday 5 March 2010 to Wednesday 18 March 2010 inclusive (14 days) for the setting up and clearing away the show site in this area. This includes both cycle ways.
  - (b) Approximately 7.8180 hectares for the temporary public car park area as shown on Attachment 2:
    - (i) Public Car park from Monday 8 March 2009 to Wednesday 15 March 2010 inclusive (8 days) for the Show public car park area.
  - (c) This approval is subject to the following conditions:
    - (i) The show organisers are to be responsible for obtaining all resource and building consents required before the show at their expense.
    - (ii) The show organisers are to be responsible for the reinstatement of all areas after the show to the satisfaction of the Transport and Greenspace Manager or his nominee at their expense.
    - (iii) The temporary fencing of all areas is to be undertaken by the show's organisers at their expense to ensure that all activities are contained within the designated areas,

20 Cont'd

- (iv) The marshalling of cars within the temporary car park area is to be the responsibility of the show organisers, including ensuring the safety of other park users in these areas.
- (v) The show organisers being responsible for the maintenance of the areas, including the removal of rubbish during the period that the areas of the park are closed to the general public.
- (vi) The show organisers being responsible at their expense for engaging the services of a commercial traffic management plan provider to prepare a traffic management plan for the event, which is to be approved by the Council's traffic engineers prior to the event.
- (vii) The show organisers being responsible for the erection at the appropriate locations within North Hagley Park approved temporary cycle/pedestrian footpath signage 14 days before the temporary arrangements are to be put in place.
- (vii) The show organisers Club being responsible at their expense for the reinstatement of the area after the Show to the satisfaction of the Transport and Greenspace Manager or his nominee.

2. In accordance with section 53(1)(e) of the Reserves Act 1977, the Council approve the show organiser's application to charge the public attending the Show the maximum charges as set out below.

<b>EARLY BIRD (Purchased before 15 February)</b>	<b>COST</b>
Adult – Any Day	<b>\$32.00</b>
Adult – Specific Day	<b>\$28.00</b>
Adult – Specific Day Afternoon	<b>\$24.00</b>
Senior Citizens – Any Day	<b>\$28.00</b>
Senior Citizens – Specific Day	<b>\$24.00</b>
Senior Citizens – Specific Day Afternoon	<b>\$22.00</b>
Child – Any Day (5 – 14)	<b>\$4.00</b>
Family – 2 adults, 2 children – Specific Day	<b>\$60.00</b>
Group – 20 + Specific Day	<b>\$24.00</b>
Trade	<b>\$24.00</b>
PGP	<b>\$125.00</b>
Diamond Express Club	<b>\$65.00</b>
Diamond Express Club additional	<b>\$50.00</b>
Elite Experience	<b>\$160.00</b>
Car Parking	

<b>FULL (Purchased after 15 February)</b>	<b>COST</b>
Adult – Any Day	<b>\$40.00</b>
Adult – Specific Day	<b>\$ 35.00</b>
Adult – Specific Day Afternoon 3pm	<b>\$ 30.00</b>
Senior Citizens – Any Day	<b>\$35.00</b>
Senior Citizens – Specific Day	<b>\$31.00</b>
Senior Citizens – Specific Day Afternoon	<b>\$26.00</b>
Child – Any Day (5 – 14)	<b>\$5.00</b>
Family – 2 adults, 2 children – Specific Day	<b>\$75.00</b>
Group – 20+ Specific Day	<b>\$29.00</b>
Trade	<b>\$24.00</b>
PGP	<b>\$125.00</b>
Diamond Express Club	<b>\$65.00</b>
Diamond Express Club additional	<b>\$50.00</b>
Elite Experience	<b>\$160.00</b>
	<b>\$5.00</b>

**THE OBJECTIVES**

36. The objective is for the Council to grant approval for the closure of parts of North Hagley Park, (the Major Events Area) so that the Show (5 days) can take place during the 14 day period in March 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

20 Cont'd

**THE OPTIONS**

- 37. To approve the application, thereby allowing the Show (5 days) to take place during the 14 day period applied for in March 2010. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.
- 38. Not approve the application, which will mean that the Show (5 Days) is not able to take place during the 14 day period in March 2010. This action would not be in alignment and would not support the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**PREFERRED OPTION**

- 39. To approve the application, thereby allowing the Show (5 days) to take place during the 14 day period in March 2010.

**21. BARRINGTON STREET NEW GRASS BERM INSTALLATION**

<b>General Manager responsible:</b>	General Manager City Environment, DDI: 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Peter McDonald, Pavement Maintenance Team Leader

**PURPOSE OF REPORT**

- 1. The purpose of this report is to seek the Council's decision on the installation of new grass berms in response to a petition submitted by residents of Barrington Street requesting that berms not be installed as part of the footpath resurfacing. A copy of the report has been given to the Spreydon/Heathcote Community Board for information.

**EXECUTIVE SUMMARY**

- 2. The Council has a Footpath Berm Policy (last confirmed 1999) which requires that any path wider than 2.5m in a residential area has a grass berm installed.
- 3. Barrington Street currently has full width asphalt paths on both sides of the street from Rose Street to Ashgrove Terrace and these vary in width from 2.5 metres to 3.0 metres. These footpaths are due for resurfacing in the 2009/10 programme.
- 4. Under the Footpath Berm Policy the only sections that will remain full width path are at the shops at Somerfield Street and in the vicinity of the entrances to Cashmere High School and Hohepa Trust.
- 5. The Council has received a petition from Barrington Street residents objecting to the installation of new berms in the street.

**FINANCIAL IMPLICATIONS**

- 6. The estimated cost of installing 1500m<sup>2</sup> new grass berms is \$40,000 and this has been allowed for within the 2009/10 budget.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

- 7. The installation of New berms is within the LTCCP Streets and Transport Capital Budgets.

21 Cont'd

**LEGAL CONSIDERATIONS**

**Have you considered the legal implications of the issue under consideration?**

8. Not applicable.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

9. As above.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

10. As above.

**ALIGNMENT WITH STRATEGIES**

11. The Berm Policy supports the community outcome of an attractive and well designed city and is also aligned with the Open Spaces Strategy.

**Do the recommendations align with the Council's strategies?**

12. Yes.

**CONSULTATION FULFILMENT**

13. All affected residents were notified of the intention to install new berms as part of a start work notice delivered by the contractor. Cashmere High School and Hohepa Trust were both contacted directly by staff.

14. Commentary

Staff have made two site visits, one before and one after school hours, to observe student numbers and behaviour. It was observed that the density of students reduced quickly once they exited the gate. Students did tend to walk up to three and sometimes four abreast down the footpath, however, in Ashgrove Terrace, where berms are installed, they tended to walk in pairs on the sealed areas.

15. At the time of the site visits no mobility scooters were observed, however, during the deputation to the Spreydon/Heathcote Community Board it was noted that during the day there are a number of people who travel to the shops on this section of Barrington Street and it is suggested a 1.5 metre path width would not be suitable for these people.

16. While staff have recommended that the berms be installed in accordance with Council policy, in this instance there is a clear dissatisfaction with this from the residents of the street. There is little difference in the total cost of maintenance if residents maintain (mow) the berms, however if this is not the case the maintenance cost of having to mow a large number of the berms would be higher than the cost of maintaining the asphalt.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Confirm that new grass berms are to be installed in Barrington Street, from Ashgrove Terrace to Rose Street, during the footpath resurfacing in accordance with the current Footpath Berm Policy.

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- (b) Approve that the minimum path width for the section of Barrington Street from Ashgrove Terrace to Rose Street be extended to 1.8 metres to improve usability by mobility scooters.

## 22. REGULATING THE ACTIVITIES OF BEAUTICIANS, TATTOOISTS AND SKIN PIERCERS

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager Strong Communities
<b>Author:</b>	Terence Moody

## PURPOSE OF REPORT

1. To report to the Council as requested, on the following motion moved by the Mayor and seconded by Councillor Broughton and adopted by the Council at its meeting on the 23 July 2009:

*The Council asks staff to report back to the Council on whether there is a perceived problem regulating the activities of beauticians, tattooists and skin piercers, and the processes to make a bylaw.*

## EXECUTIVE SUMMARY

## Perceived problem

2. The Ministry of Health has advised that the practice of body piercing and tattooing are activities that can affect public health when operators use unsafe techniques. To provide guidance on means of control, the Ministry issued in 1998 *Guidelines for the Safe Piercing of Skin* which set out means of reducing risks of transmitting infectious diseases. There are significant hazards posed by contact with blood and body fluids, such as (the risk of) transmitting blood-borne viral diseases.<sup>1</sup> The first set guidelines were developed in 1989 in response to the then HIV epidemic and hepatitis B infection (and subsequently hepatitis C). These diseases are all easily passed from person to person by infected blood. The guidelines are written specifically for the tattooing and body piercing industry but where relevant they apply to acupuncturists, beauty therapists, hairdressers, pharmacists, jewellers, or other operators performing skin piercing procedures.
3. Advice from the local Medical Officer of Health has revealed that there is no evidence that any cases of HIV, hepatitis B or hepatitis C in Canterbury are associated with tattooing or skin piercing but rather relate to intravenous drug users. This has been so for a considerable time as a similar finding was revealed in 2002 when the issue of a bylaw was last examined in Christchurch.<sup>2</sup> There are possible risks from bacteria such as *Staphylococcus* from a number of skin treatment actions, including piercing of the skin, but there is no evidence of the level of post procedure complications. In any case these, if they occur, may be related to activities outside the initial activity and relate to failure by the client to follow post procedure advice. The latter infections are not considered to be a public health problem as they are not normally communicable.
4. There are no national regulations requiring the control or registration of skin piercing practitioners or premises and none are being promulgated at present. The Guidelines produced by the Ministry have the purpose of helping those in the skin piercing industry to better understand how to protect themselves and their clients from the risk of infection. They cover, in some depth, how to minimise the risk of transmitting blood borne and other infections by the use of standard precautions during skin piercing procedures. They set down the means of ensuring appliances and premises are clean and where appropriate sterile before being used

<sup>1</sup> Ministry of Health, *Guidelines for the Safe Piercing of Skin*, 1998

<sup>2</sup> Isobel Stout, Senior Environmental Health Officer. Skin Piercing and Tattooing, Draft Report for Regulatory and Consents Committee, Christchurch City Council, 25 September 2002

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for skin piercing. Means of minimising the risk of transmitting micro-organisms between the operator, the appliances used and other clients are specified. The 41 pages of the Guidelines cover in some detail issues relating to obtaining consent, preparing inks and other equipment, skin preparation and disinfection, personal hygiene, managing waste, including sharps, care of wounds, sterilisation of instruments, the keeping of records, and health and safety in the workplace, including monitoring of operators as to their antibody status for the appropriate viruses.

**Christchurch Situation**

5. The Council does not keep a record of tattoo, body piercing or beauty treatment premises. Records of hairdressers are kept as required by the Health (Hairdressers) Regulations 1980 and some of these offer skin piercing, waxing and depilatory services. In 2009 there are 319 hairdressers registered in the city. A search of the 2009 Christchurch Yellow Pages revealed there were at least 15 premises advertising body piercing, three of which were also hairdressers, and 21 premises advertising tattooing, four of which also offered piercing. The number of premises offering waxing was 115 and 43 provided electrolysis. In Christchurch there have been no recent complaints about any of the above premises or activities, although some time ago (2002) one person complained about her daughter obtaining body piercing without her approval. The issue of consent is considered in the Guidelines but a hard and fast rule is not stated. The Council has raised the issue of regulation of tattooists and skin piercing businesses in the past and reminded government of this in its submissions on the Public Health Bill in 2008.

The quotation from the Guidelines, *Skin piercing is a risk activity. There is the potential to cause harm and injury to a client or operator through unsafe practice. Public health is directly affected by the quality of the skin piercing service.*<sup>3</sup> sums up the reasons that those with a statutory role in protecting and promoting public health, as the Christchurch City Council does, may be concerned with monitoring and reviewing policies in this activity.

6. A survey of local tattooists and skin piercers undertaken in 1998 indicated that many were keen to have a certificate from the Council to showing a form of approval. It was not considered that there would be sufficient certainty that operators were complying with the operational guidelines without significant costs to the Council and it is unclear as to the benefits of this in reducing communicable disease cases.

**Current Action**

7. The environmental health staff of the Inspections and Enforcement Unit have, on the request of some operators, inspected premises using the Ministry of Health Guidelines as the basis for compliance. A public information brochure on tattooing has been printed and is available both in hard copy and on-line. The current view of the Inspections and Enforcement Unit is that a regulation promulgated by central government would be the preferred approach, particularly in regard to enforcement requirements and for national consistency. Any local health issues at present arising from tattooing and skin piercing services are reported to Community and Public Health. It should be noted that during the recent LTCCP submission process Community Public Health did not seek local regulation of these services.

**Making bylaws**

8. Section 155 states that before commencing the process for making a bylaw the Council must determine whether a bylaw is the most appropriate way of addressing the problem. The Council needs to identify the problem, or perceived problem, and then the outcome sought. The process must then undertake the identification and assessment of options to achieve the outcome sought. The consideration of the views and preferences of affected or interested people should be taken into account. If a bylaw is the preferred option the Council must also determine whether it is the most appropriate form of bylaw and is not inconsistent with the New Zealand Bill of Rights Act 1990.

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<sup>3</sup> Ministry of Health, *op cit*, 1998

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9. Six of 75 territorial authorities in the country have introduced bylaws that require the registration of premises. Auckland City, Manukau City, Napier City, and Dunedin City have bylaws which are closely based upon the advice given in the Ministry guidelines. Timaru City and Waimate District have bylaws in a slightly different format and both refer to Council Codes of Practice for compliance. Premises and operators covered by the bylaws include tattoo parlours, skin or body piercing parlours, and beauty salons offering waxing and depilatory services. Although registered pharmacists, medical practitioners, acupuncturists, dentists, nurses, physiotherapists, podiatrists or anyone working directly under their supervision may undertake skin piercing or similar risk activities they are typically not required to be registered by the bylaws relying on professional controls of the activities.
10. The councils which have bylaws appear to have made these based on section 23 of the Health Act 1956,<sup>4</sup> although the Dunedin City bylaw also referenced section 684(8) of the Local Government Act 1974 which stated bylaws may be made "conserving public health, wellbeing and safety". The latter section has since been repealed but section 145 of the Local Government Act 2002 states that a territorial authority may make bylaws for "protecting, promoting, and maintaining public health and safety". Section 64 (1) (t) of the Health Act 1956 enables bylaws to be made "Prescribing the sanitary precautions to be adopted in respect of any business or trade". Any such bylaw must be made pursuant to the Local Government Act 2002 but also must be sent to the Medical Officer of Health for submission to the Director-General not less than 28 days before its confirmation. As far as can be determined there has been not empirical evidence to support the need for the bylaws, although in one case it was noted that industry *provided examples of less than desirable practices and misunderstanding of "safe" best practices which could result in the rapid spread of diseases including Hepatitis B and C and HIV.*<sup>5</sup>
11. The bylaws above have no consistency regarding minimum age for procedures with Auckland having 18 for tattooing and piercing; Napier and Dunedin 16 for both tattooing and piercing; and Manukau 16 for piercing and 18 for tattooing. Timaru and Waimate have provisions requiring parents consent for those under 16 years of age. All bylaws require the parent or guardian's consent for underage procedures. Before seeking the consent of parents or guardians the child must give permission for the parent or guardian to be given the information to protect the child's privacy rights. It is unlikely a bylaw provision is likely to prevent deception should a person be determined.
12. Both the states of Victoria and New South Wales in Australia, for example, have regulations based on guideline documents very similar in content to those of the New Zealand Ministry of Health ones. In a published journal in 2002 (Environmental Health 2(2) 2002) there were three articles looking at the effectiveness of these regulations. Amongst the findings were that more investment in training of both the regulators and the regulated was needed to improve compliance with the guidelines and that there was little consistency across local authorities in terms of how, when or even if premises were inspected. There is no such data available here but the situation is likely to be somewhat similar. None of the papers were aimed at looking for any reduced incidence of disease as a result of regulation so there appears to be an absence of evidence for registration and inspection actually preventing the transmission of disease.

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<sup>4</sup> Section 23 of the Health Act 1956 states;

General powers and duties of local authorities in respect of public health

Subject to the provisions of this Act, it shall be the duty of every local authority to improve, promote, and protect public health within its district, and for that purpose every local authority is hereby empowered and directed—

(a) ...

(b) To cause inspection of its district to be regularly made for the purpose of ascertaining if any nuisances, or any conditions likely to be injurious to health or offensive, exist in the district:

(c) If satisfied that any nuisance, or any condition likely to be injurious to health or offensive, exists in the district, to cause all proper steps to be taken to secure the abatement of the nuisance or the removal of the condition:

(d) ...

(e) To make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the protection of [public health]:

(f) ...

<sup>5</sup> Environmental Hearings Committee, Manukau City Council, 4 March 2008



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**Conclusions**

13. There is on the face of it a potential risk of transmission of infectious disease from such activities with the greatest risk of infection and transmission of communicable diseases arising from tattooing and body piercing rather than waxing and electrolysis. The evidence for risk of transmission of communicable diseases is uncertain and although some operators want formal approval by the Council there is insufficient evidence of actual risk to warrant the development of regulations.
14. A limited number of councils have introduced such bylaws and therefore it is presumed there are not significant risks on a nation-wide basis. It has not been possible to find any references to surveys of the effects of regulation and inspection on preventing the transmission of disease in New Zealand. There is no evidence for actual risk from such practices and certainly there is no evidence of disease transference existing in this area.
15. Requiring regulatory controls over premises and equipment could be more simply undertaken than that of ensuring the operations are undertaken in a hygienic-manner. The latter may require concentrated educational activities and more regular inspections.
16. The continuation of the current approach would not require any additional costs in staff time or resources at this time. There would not be any additional compliance costs for the industry but responsibility for compliance with the guidelines remains with the industry.

**Options Considered**

17. The following options have been considered in regard to this matter.
18. Option 1. Continue with current actions and wait for Government regulation. This could occur with the introduction of the Public Health Act proposed to replace the Health Act 1956. The Bill waits reporting back from a Select Committee.
19. Option 2. Continue activities as in Option 1 but add further information or links to the website and advise premises or operators of the information links by post outs. This could provide the opportunity for improving the level of knowledge amongst the public and operators. There are some costs involved in staff researching and preparing educational material and possibly it is unlikely to change the unknown level of risk.
20. Option 3. Inspect premises undertaking tattooing and skin piercing as a public good using the Ministry of Health Guidelines as the basis for compliance. This would raise the level of knowledge of the state of the premises and how operations are being undertaken. It would involve providing additional funding from rates to support additional staffing for inspection and administrative support, and for developing computer administrative support and educational material. On that basis only the higher risk premises, such as tattooing and skin piercing could be possibly justified. The lower risk activities such as waxing and electrolysis would not be covered.
21. Option 4. Offer a "certificate of compliance" on request, using the Ministry guidelines to assess compliance. A fee for the service could be charged to ensure that additional resourcing as indicated in option 3 above is cost neutral, but this may introduce liability issues if the operations fail to comply with the guidelines. This would not cover all premises necessarily and may not capture the riskiest cases, if any. Potentially there would be less formal record keeping than registration but may be seen to favour certain premises over others. It could cover the range of premises undertaking tattooing, skin piercing, waxing and electrolysis.

**22 Cont'd**

22. Option 5. Formulate a bylaw based on the other bylaw examples and the Ministry guidelines as a template if a section 155 analysis shows a need for such. A formal public register can be kept and service fees could be charged to ensure that additional resources as detailed in option 3 above and ongoing enforcement matters are cost neutral. It may not make any impact on communicable disease statistics for the effort involved. It would add compliance costs to some businesses, and some businesses could be licensed multiple times, e.g. hairdressers who are also offering skin piercing and waxing. Costs would be involved in tracking down all the beauty therapists and other premises who offer skin piercing and hair removal techniques such as waxing or electrolysis.

**FINANCIAL IMPLICATIONS**

23. There could be considerable financial implications of all Options except 1 and 2. Options 3, 4, and 5 require time spent inspecting and examining, a potentially large number of premises and operations.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

24. Issue not considered in the budgets.

**LEGAL CONSIDERATIONS**

25. Considered in paragraphs 8 and 10 above. If a bylaw was to be considered a section 155 analysis needs to be undertaken.

**Have you considered the legal implications of the issue under consideration?**

26. Yes – see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

27. Not provided for in either.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

28. No.

**ALIGNMENT WITH STRATEGIES**

29. No Strategy associated with the subject.

**Do the recommendations align with the Council's strategies?**

30. No, no strategies exist

**CONSULTATION FULFILMENT**

31. Initial consultation with Inspections and Enforcement Unit and Community Public Health.

**STAFF RECOMMENDATION**

It is recommended that the Council:

Confirm its current stance and practice (Option 1) and reconsider these should the review of the Health Act 1956 (pending) direct local authorities to take a more interventionist approach.

**23. HEARING PANEL REPORT ON THE PROPOSED REVOCATION OF THE CHRISTCHURCH CITY BROTHELS (LOCATION AND SIGNAGE) BYLAW 2004**

<b>General Manager responsible:</b>	General Manager
<b>Author:</b>	Proposed Revocation of the Christchurch City Brothels (Location And Signage) Bylaw 2004 Hearing Panel

**PURPOSE OF REPORT**

This is the report of the Proposed Revocation of the Christchurch City Brothels (Location and Signage) Bylaw 2004 Hearing Panel (the Panel). It summarises the submissions received on the Proposed Revocation of the Christchurch City Brothels (Location and Signage) Bylaw 2004 (the Bylaw) and contains recommendations from the Panel. The Panel met on Monday 5 October 2009 and Wednesday 7 October 2009.

**EXECUTIVE SUMMARY**

At its meeting of 23 July 2009 Council resolved to revoke its resolutions made on 27 November 2008 on the Review of Christchurch City Brothels (Location and Signage) Bylaw 2004:

- (b) *That the Council determines that under the section 155(1) analysis, there is sufficient evidence of a problem in regards to signage advertising of commercial sexual services that needs to be addressed by way of a bylaw.*
- (c) *To consider a new bylaw controlling signage advertising commercial sexual services, in conjunction with the Brothels Location and Signage Subcommittee, for adoption under the provisions of the Prostitution Reform Act 2003, and that once any new bylaw is introduced the current Brothels (Location and Signage) Bylaw 2004 be revoked.*

The Proposed Revocation of the Christchurch City Brothels (Location and Signage) Bylaw 2004 was published for public consultation on 29 July 2009 and the submission period closed at 5pm on 4 September 2009.

The Council proposed revoking the Bylaw on the grounds that an examination under section 155 of the Local Government Act 2002 (LGA02) indicated that any perceived problems in regard to the location of brothels or signs advertising commercial sexual services could be controlled more appropriately by other means and therefore a bylaw was not the most appropriate way to address any perceived problems.

**SECTION 155 DETERMINATION - LOCATION OF BROTHELS**

On the basis of over four years' experience with the current Bylaw, and over three years since the location requirements of the Bylaw were quashed by the High Court, there have been limited problems with the location of brothels. The current Bylaw applies only to the Christchurch City area pre-amalgamation with Banks Peninsula. The former Banks Peninsula District Council did not have a similar bylaw controlling location and signage, and no issues have been raised regarding the location of brothels in that area.

The analysis undertaken under section 155 of the LGA02 revealed there is no significant evidence of nuisance problems caused by the location of brothels, and if any issues arose, they could be controlled under the current provisions of the City or District Plan as appropriate.

The Council has therefore concluded that there is no need for a bylaw that addresses the location of brothels.

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**SECTION 155 DETERMINATION - SIGNAGE ADVERTISING COMMERCIAL SEXUAL SERVICES IN, OR VISIBLE FROM, PUBLIC PLACES**

Section 12 of the Prostitution Reform Act 2003 (PRA) allows the Council to make bylaws prohibiting or regulating signage in, or visible from, a public place, that advertises commercial sexual services. The Council has to be satisfied that a bylaw is the most appropriate way to address the problem of signage advertising commercial sexual services, and, also has to be satisfied that the signage is likely to cause nuisance or serious offence to ordinary members of the public using the area, or that such signage is incompatible with the existing character or use of the area.

The need to be satisfied as to such matters arises from the potential offensiveness of such signs. The Council has received advice that the offensiveness of a sign must be assessed in the context in which it is found, and the offensiveness of a sign would also be a determinative issue in the enforcement of any bylaw made under section 12. The Council considered whether it could draft a bylaw which would address the issues and regulate signs appropriately but has determined that a bylaw is not the most appropriate way to address the possible problem of signs advertising commercial sexual services.

The Council considers that other controls, in particular the ability to use the enforcement order or abatement notice provisions of the Resource Management Act (RMA) 1991, or to make complaints to the Advertising Standards Authority (ASA), or the Police, under the Films Videos and Publications Classification Act 2003 will provide sufficient controls over signs advertising commercial sexual services.

Before making a decision the Council considered four options under which it might control signage advertising commercial sexual services. The first three options were for bylaws in various forms made under the Prostitution Reform Act (PRA) 2003, and the fourth option recommended that no bylaw be adopted and that the Council rely on other existing regulatory means to control offensive signage. These other means provide for easier and more effective enforcement and remove the difficulties with drafting an appropriate form of bylaw that would withstand legal challenge. The Council adopted the fourth option as its preferred option

**CONSULTATION AND SUBMISSIONS**

The Special Consultative Procedure took place from 29 July 2009 to 4 September 2009. 345 submissions from individuals, groups and organisations were received. Four of these submissions supported the proposed Revocation of the Bylaw but the remaining 341 submissions (99%) opposed it. Of the 345 submissions, 190 were received by email, 140 were received through the Have Your Say website, 5 were on the printed submission form and the remaining 10 were in the form of a printed letter. 43 submissions were from people out of Christchurch and one was from a national organisation's head office. 22 submitters wished to be heard although only 17 appeared.

**SUMMARY OF SUBMISSIONS**

There was some confusion among submitters regarding what was or was not included in revoking the Bylaw. In particular many submitters (130 or 38%) made comments about the locations of brothels. Some submitters were concerned that brothels should not be located close to places such as churches, schools and day care centres. Some submitters tended to include their belief that property values would decline as a consequence of the proposed Revocation.

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The table below shows the themes under which the submissions' comments were analysed. All these submissions wanted to retain the Bylaw. Most submissions made comments on more than one theme.

Theme	Number of submissions	Percent of submissions
Supporting the use of bylaws to ban or control signage	280	81%
Supporting the use of bylaws to restrict the both the location of brothels and signage	130	38%
Lack of faith that other tools such as the Advertising Standards Authority or the Resource Management Act would be effective in the absence of a bylaw	99	29%
General comments opposing prostitution because it has deleterious effects on the city's image, especially in regard to tourism, marriage and family values	34	10%
Support of Option 1 if amended to read: "Prohibition of all signage advertising sexual services"	17	5%

The 280 submitters who did not want the Bylaw revoked and wanted signage to be banned or controlled were mainly concerned that sex workers and brothel operators would advertise inappropriately, causing children to be exposed to offensive signage and approaches from clients.

The 130 submitters who did not want the Bylaw revoked and commented on the location of brothels and associated signage had the same concerns as those who wanted signage controlled or banned but commented additionally that they did not want brothels, in particular single owner operated brothels (SOOBs) in the suburbs, near churches, schools or child care centres.

99 submitters were concerned that other tools such as the Advertising Standards Authority or the Resource Management Act would not be effective in the absence of the Bylaw.

34 submitters had similar concerns to those who did not want the Bylaw revoked as they had moral objections to the existence of brothels and were concerned that brothels tarnished the City's image and/or had deleterious effects on marriages and family values.

17 submitters commented on Option 4, which they did not support at all, and on Option 1 which they said was closest to the position they held but considered it should be amended to read "Prohibition of all signage advertising sexual services".

Of the four submitters who were in support of revoking the Bylaw only two made substantive comments. These submitters agreed that sex workers who work privately tend to be very discreet and do not wish to draw attention to themselves or their clients. One of these submitters commented further that there is no need for a Bylaw as there are other tools that can be used if required. Furthermore this submitter believed that none of the perceived fears that were expressed by previous submitters in 2004 regarding inappropriate signage and decline in property values had been borne out.

Seventeen submitters presented verbal submissions in support of their written submissions. They were:

Trevor Foster, Mark Wells, Jo Wall, Leighton & Sue Baker, John Alpe, Owen Dryland, Andrew Hunter, Krysia Krawcsyk, Roshan Alpess, Simon Roughan, Phillipstown Community Centre Charitable Trust (Wayne Hawker), Gay Barretta, Michelle Beavon, Reformed Church of Bishopdale (Robert van Wichen), Max Palmer, John McNeil, Christchurch Branch of NZ Prostitutes Collective (Anna Read).

Following the hearing of oral submissions the panel considered the 328 written submissions.

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**ADDITIONAL STAFF ADVICE**

**LEGAL ADVICE**

The Council's solicitor tabled information on questions asked by the Panel on:

- Bylaw control provisions versus Resource Management Act provisions
- Signage Control – Public land versus Private land
- Removal of Signs process – Notice provisions
- Mobile Signs on Trailers etc.

This information is attached as Attachment 1.

**ADVICE REGARDING OTHER TERRITORIAL AUTHORITIES BYLAWS**

The Panel adjourned at 3.40pm on Monday 5 October 2009 to enable staff to prepare further answers to other questions raised during the course of the Hearing and to prepare additional information on matters identified during the course of the Panel's deliberations; namely Sign Requirements in Bylaws made under the Prostitution Reform Act by other Territorial Authorities. The latter is attached as Attachment 2.

The panel reconvened at 10am on Wednesday 7 October 2009.

**UNIT MANAGER INSPECTIONS AND ENFORCEMENT ADVICE**

The Unit Manager Inspections and Enforcement gave his advice regarding the use of the RMA processes relative to the use of the Bylaw:

Council has been on a path of continuous improvement with regard to enforcement over the past three years to improve enforcement service delivery and to overcome a reputation and perception that the Council's Enforcement Unit is ineffective.

One factor contributing to this perception is the existence of bylaws that prima facie outlaw activities and/or behaviour but in reality are all but impossible for Council enforcement staff to take definitive action when complaints in relation to the bylaw are received.

A good example of this was the previous provisions of the Public Places Bylaw where there were offences in relation to graffiti and wilful damage. These provisions caused confusion within the community because these behaviours are also offences under the Summary Offences Act. Any customer ringing the Council call centre or checking the Council bylaws perceived that Council enforcement had 'power' to act in relation to such matters.

In reality however, bylaws are ineffective in dealing with such anti-social behaviour because if a person is mindful to create wilful damage or graffiti, they are not going to stop that activity simply because a Council officer asks them to stop. Without the power of arrest (that is a means to immediately stop the activity from occurring), any Council attendance at such incidents re-enforces the perception that the Council does nothing, because if the offender refuses to stop Council Enforcement staff have no power to do anything at that time. Council needs to be very careful when considering passing bylaws that advertise that Council has powers to address issues but in reality it does not, without having recourse to the Court processes. Enacting a new, untested bylaw, with the only enforcement options being injunction and prosecution, and with the test as to whether the signage advertises commercial sexual services and is offensive being difficult to establish, sets the Council Enforcement Unit up to fail.

Advice has been provided that a bylaw is unnecessary to control offensive signs advertising commercial sexual services and that the RMA is more effective. Council enforcement staff are now skilled and well placed to enforce the RMA provisions as the RMA is a well tested enforcement tool.

23 Cont'd

In addition, it appears that due to the nature of the industry it is in the interests of the businesses involved to be discreet. Even if a new bylaw was enacted, testing this in Court would, in the public interest, require a blatant example of an objectionable sign (not, for example, a sign advertising 'Candy's good time parlour'). With the burden of proof for RMA matters being on the balance of probabilities as opposed to that of a bylaw being beyond a reasonable doubt Council is far wiser to utilise the RMA provisions as opposed to any bylaw provision.

**PROGRAMME MANAGER STRONG COMMUNITIES ADVICE**

The Programme Manager Strong Communities provided advice on problems associated with the way the current Bylaw is worded – there are some ambiguities which make for difficulties in applying it. The wording means that the existing bylaw is unlikely to be able to control the types of signage advertising commercial sexual services it purports on the face of it to do.

**DELIBERATIONS**

The Panel then discussed at some length the matters raised in submissions and brought forward by officers, much of which has been described and explained in the Executive Summary section above:

- The Panel noted that advertising provisions were included in the PRA but not the RMA or the Local Government Act 2002;
- The Panel queried whether it was more appropriate to use the PRA Regulations because signs bylaws under the PRA did not need to comply with the Bill of Rights;
- The Panel queried whether there was a link that could be made to Brothels when only commercial sexual services was referred to;
- The Panel determined there would be a need to go through a further consultation process if a new Bylaw was decided on;
- The Panel noted the difficulty of determining whether information on a Billboard was offensive or not and whether it was advertising a service or a building;
- The Panel queried the level of enforcement being conducted by the Council in respect of signs on footpaths (size, shape, placement, number of signs for a business etc can be controlled under the Public Places Bylaw 2008);
- The Panel noted the need to keep rules made simple so they were easy to interpret by Council officers;
- The Panel queried whether there was a perception by the public that the RMA, ASA and other provisions were at a lower level of enforcement than the Bylaw's;
- The Panel considered whether the RMA has a greater number of tools to use;
- The Panel noted that the RMA is easier to enforce than a Bylaw and does not require a prosecution through the Courts, however that at times enforcement of some RMA issues has involved a lengthy process;
- The Panel noted that under section 155 the Council had to determine whether the Bylaw is the most appropriate way to address the possible problem of signs advertising commercial sexual services;
- The Panel noted some submitters felt that the Council was not giving any guidance to its communities if it revoked the Bylaw;
- The Panel queried public understanding of what the Council was trying to achieve and what it could and could not do;
- The Panel noted there was nothing to stop signs going up anywhere across the city; the issue is what enforcement tools are available to get a sign removed.
- The Panel noted an implication of the High Court decision on the Bylaw; that the map in the Bylaw was drawn for the purposes of the location provisions, and not signage, was not revoked but still applies in respect of the signage provisions;
- The Panel considered resolving to revoke the Bylaw but to delay the revocation until 06 July 2011, the day before the current Bylaw lapses;
- The Panel considered the possibility of preparing a new Bylaw which would cover controls over signs and then revoking the current Bylaw once the new Bylaw came into effect;
- The Panel considered continuing the current Bylaw with no changes even though there were difficulties with its drafting. The Panel appreciated that the current Bylaw will lapse in July 2011 which is two years after its review date of 7 July 2009;

23 Cont'd

- The Panel briefly discussed whether or not to include location of brothels in a bylaw and confirmed Council's proposal not to have a bylaw for this;
- The Panel noted it could not recommend adoption of a bylaw that was not one of the options listed in the SCP without a further SCP being carried out.

The Panel explored a number of options regarding the development of a new bylaw.

1. Create a bylaw under the Local Government Act 2002; that is incorporate the Brothels Signage Bylaw into the Public Places Bylaw. This is the approach adopted by the Wellington City Council which requires Council approval prior to any sign advertising commercial sexual services being erected. There was serious doubt about whether the LGA02 provided appropriate provisions to control signs advertising commercial sexual services in this way, particularly given that there is specific legislation (in the form of the Prostitution Reform Act) designed to do so. Considerations under the New Zealand Bill of Rights Act 1990 would also apply to a bylaw made under the LGA02 but do not apply to a PRA bylaw.
2. Create a generic bylaw prohibiting signage advertising commercial sexual services across the city on the basis that such signs are likely to cause offence to ordinary members of the public. This approach would require considerable levels of judgement by Council Enforcement officers on a case by case basis to determine whether the sign concerned was (a) advertising commercial sexual services; and (b) that the sign was likely to cause offence to ordinary members of the public in the context within which it was displayed. The Council has been strongly advised not to provide any further guidance as to what would or would not be considered offensive. Rather each case would have to be considered individually. The Council has also had advice that it may only have power to prohibit signs under a PRA bylaw in parts of the Council's district rather than the whole district.
3. Create a bylaw that prohibits advertising commercial sexual services in some parts of the city based on incompatibility with the use and character of these areas. This approach is available to the Council and could potentially be used to create a bylaw that prohibits signs advertising commercial sexual services in residential areas and control them in the central city for example. This was not one of the options consulted on through the SCP.

The Panel then considered its recommendations. Initially the Panel was divided in its response to the recommendations it was being asked to consider; that is, it found it difficult to determine what those recommendations should be. There were a number of schools of thought:

1. The Council's proposal of revocation of the current Bylaw should be endorsed as other means of dealing with issues are able to be found;
2. That the existing Bylaw should be retained, despite the advice provided concerning its inadequacies. The Council's solicitor was of the opinion that this option is not legally viable.
3. That a Bylaw similar to the existing one be developed but with wording that overcomes the inadequacies in the existing Bylaw. This was not an option in the SCP, and would require a bylaw to be drafted and then consulted on under a further SCP.

**HEARING PANEL RECOMMENDATIONS**

The Panel unanimously recommends to Council that:

1. The Council's preferred option, Option 4, is confirmed in part and the current Bylaw is revoked from 6 July 2011. (Option 4 also provides that there be no Bylaw and that Council relies on the ability to enforce the display of offensive material through other means.)

The Panel (by a majority of 3:2) recommends to the Council that:

2. In light of the submissions received that staff be requested to develop a proposal for a revised Bylaw, which would address the matters of advertising "commercial sexual services" across the Christchurch City Council area prior to the existing Bylaw lapsing on 7 July 2011.

*For:* Councillors Broughton, Shearing and Wall  
*Against:* Councillors Wells (Chair) and Johanson.



**24. ADVICE ON POWERS OF COUNCIL IN RELATION TO HEARING PANEL REPORT ON THE PROPOSED REVOCATION OF THE CHRISTCHURCH CITY BROTHELS (LOCATION AND SIGNAGE) BYLAW 2004**

<b>Officer responsible:</b>	Programme Manager, Strong Communities
<b>Author:</b>	Alan Bywater

**Introduction**

1. This paper contains advice from staff about the powers available to the Council in considering the Hearing Panel Report on the Proposed Revocation of the Christchurch City Brothels (Location and Signage) Bylaw 2004.
2. The decision the Council needs to make is whether to accept or reject the Hearing Panel's recommendations (in whole or in part).

**If the Council accepts the Hearing Panel's recommendations in whole:**

3. Given the Council's expressed desire that the review of any bylaw take place wholly within a single term of Council, staff could either:
  - (a) Develop a proposal for a revised Bylaw, which would address the matters of advertising "commercial sexual services" across the Christchurch City Council area, so Council could consider and adopt the new Bylaw prior to the elections in October 2010. Clearly this would require the Council to make decisions on this matter in the lead up to the local body elections in 2010.
  - (b) Develop a proposal for a revised Bylaw, which would address the matters of advertising "commercial sexual services" across the Christchurch City Council area, so the Council could consider and adopt the new Bylaw after the elections but prior to the existing Bylaw lapsing on 7 July 2011. This will require the new Council to begin consideration of the new bylaw early in its new term (probably in late 2010) to be able to complete the bylaw review prior to 7 July 2011.

**If the Council rejects the Hearings Panel's recommendations in whole or in part:**

4. The Council can make a decision that differs from the Hearings Panel recommendations provided that in doing so the Council's decision is reasonable and can be justified by giving reasons, including identifying the submissions that have caused it to come to the view it has. The new decision may not have been expressly included in any submission, but must in some way arise out of the submissions made on the proposal.
5. Adopting one of the options the Council identified in its statement of proposal, as an alternative to the Hearings Panel recommendations, will be easier to justify than a completely new decision (although adopting one of those options would require a new special consultative procedure (SCP) because it requires the preparation of a new bylaw).
6. A decision that does not arise out of any of the options, and is different from the Hearings Panel could still be made, provided it is clearly referable to a submission on the proposal, and the Council can also explain why it is departing from the Hearings Panel recommendation. However, the Council will need to ask itself whether anyone who did not submit on the proposal would have wanted to submit on its new decision in order to decide whether the new decision does or does not required a further SCP before it can be confirmed.
7. The reasons the Council can decide that it will adopt the Hearing Panel's recommendations or make a different decision from the Panel's recommendations, if it chooses (or) are as follows:
  - (a) The Council is the only body able to make final decisions in relation to this Bylaw (see clause 32(1)(b), Schedule 7, LGA02).

24 Cont'd

- (b) It delegated to the Hearings Panel the task of hearing the submissions and making a recommendation, not to make a final determination on any submission.
- (c) The Council already has a background to this matter, by way of the reports it has received and decisions it has made (including under section 155 of the LGA02) on the SCP for the bylaw. This is a point of difference from other matters heard by Hearings Panels or Commissioners, where the final decision is left to the Council.
- (d) The SCP documents included discussion of other options which the Council considered in addition to the preferred option.
- (e) As final decision maker it should be in as good a position as the Hearings Panel as it can be. It can do this by reading the report on the oral submissions made to the Panel, and also reading the written submissions.
- (f) The Hearings Panel members are also councillors, rather than a completely separate commissioner or committee making recommendations to the Council, and so some of the decision makers have heard all of the submissions. (This means it can also seek further information from those Councillors about the oral submissions, if it requires.)
- (g) The Council is entitled to ask for additional comments from staff or others under section 83(3) of the LGA02 before making its decision, and that may add to or provide further information on the issues that is different from what the Hearings Panel considered.

10. 12. 2009

**25. NOTICES OF MOTION**

**26. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.

THURSDAY 10 DECEMBER 2009

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

*Section 48, Local Government Official Information and Meetings Act 1987.*

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 27-29.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
27. CONFIRMATION OF MINUTES: MEETING OF 12.11.2009	) ) )	
28. REPORT OF THE SHIRLEY/ PAPANUI COMMUNITY BOARD: MEETING OF 4 NOVEMBER 2009	) GOOD REASON TO ) WITHHOLD EXISTS ) UNDER SECTION 7 )	SECTION 48(1)(a)
29. JOINT REPORT BY THE CHAIRPERSONS OF THE SPREYDON/HEATHCOTE AND LYTTELTON/MT HERBERT COMMUNITY BOARDS 15.10.2009	) ) ) ) )	

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 27	Conduct of negotiations	(Section 7(2)(i))
	Commercial activities	(Section 7(2)(h))
	Prejudice commercial position	(Section 7(2)(b)(ii))
Item 28	Conduct of negotiations	(Section 7(2)(i))
Item 29	Commercial activities	(Section 7(2)(h))

**Chairman's**

**Recommendation:** That the foregoing motion be adopted.

**Note**

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

"(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority."

# **CHRISTCHURCH CITY COUNCIL AGENDA (Cont'd)**

**THURSDAY 10 DECEMBER 2009**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

# AGENDA (Cont'd) - OPEN



## CHRISTCHURCH CITY COUNCIL

**Thursday 10 December 2009 at 9.30am  
in the Council Chamber, Civic Offices**

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

- | ITEM NO   | DESCRIPTION  |
|-----------|--|
| 30.       | CONFIRMATION OF MINUTES: MEETING OF 26.11.2009   |
| 3. Cont'd | DEPUTATIONS BY APPOINTMENT   |
| 31.       | REPORT OF THE BURWOOD/PEGASUS COMMUNITY BOARD:<br>MEETING OF 16 NOVEMBER 2009  |
| 32.       | REPORT OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD:<br>MEETING OF 17 NOVEMBER 2009   |
| 33.       | REPORT OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:<br>MEETING OF 18 NOVEMBER 2009   |
| 34.       | REPORT BY THE CHAIRPERSON OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:<br>2 DECEMBER 2009  |
| 1.        | Central City Cycle Parking: Hire Cycles and Public Use   |
| 2.        | Hereford Street Upgrade  |
| 3.        | Hereford, Lichfield and Manchester Street – Proposed Night-Time Only Taxi Stands   |
| 4.        | Montreal Street – Proposed Extension to P5 Parking Restriction   |
| 35.       | REPORT OF THE RICcarton/WIGRAM COMMUNITY BOARD:<br>MEETING OF 17 NOVEMBER 2009   |
| 36.       | REPORT BY THE CHAIRPERSON OF THE RICcarton/WIGRAM COMMUNITY BOARD:<br>- 1 DECEMBER 2009 - RICcarton SERVICE CENTRE LEASE EXPIRING  |
| 37.       | REPORT BY THE SHIRLEY/PAPANUI COMMUNITY BOARD:<br>MEETING OF 18 NOVEMBER 2009  |
| 38.       | GRANTS WORKING PARTY CRITERIA CHANGES  |
| 39.       | REDUCTION OF RATES DISCRETIONARY GRANTS BY \$750,000   |
| 40.       | HAGLEY PARK – TEMPORARY CLOSURE FOR ZIRKA CIRCUS   |
| 41.       | BROUGHAM STREET PROPOSED MEDIAN CLOSURE AT COLLINS AND SIMEON STREETS  |
| 42.       | WASHINGTON WAY RESERVE SKATE PARK STAGE 3  |
| 43.       | HEARINGS PANEL DRAFT REPORT ON THE PROPOSED SPEED LIMITS BYLAW 2010  |
| 44.       | ENDORSEMENT OF THE CANTERBURY WATER MANAGEMENT STRATEGY  |
| 45.       | REPORT OF THE REGULATORY AND PLANNING COMMITTEE:<br>MEETING OF 3 DECEMBER 2009   |
| 1.        | Belfast Park Plan Change 43 - Private Plan Change Request for the Rezoning of Rural Land<br>between Belfast Road and Thompsons Road, East Belfast, Christchurch, to Living G |
| 2.        | Proposed Plan Change 53 – Living 3 and 4 Zones   |
| 3.        | Templeton/Old Tai Tapu Road Boundary Changes   |
| 4.        | Approval of Changes to Provisions in the City Plan   |
| 5.        | Revocation of Banks Peninsula District Council Public Places and Signs Bylaw   |
| 6.        | Bylaw Review Programme for the next ten years  |
| 46.       | EXCHANGE OF LAND WITH CANTERBURY DISTRICT HEALTH BOARD<br>– CONSULTATION PROCESS   |
| 47.       | RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)  |

10. 12. 2009

**30. CONFIRMATION OF MINUTES – 26 NOVEMBER 2009**

Attached.

**3. DEPUTATIONS BY APPOINTMENT (CONT'D)**

Yvonne Palmer and Phil Clearwater, on behalf of the eight Community Board Chairs, would like to address the Council re item 9, the report of the Hagley/Ferrymead Community Board: Meeting of 21 October 2009, clause 1, Review of Central City Delegations.



## 38. GRANTS WORKING PARTY CRITERIA CHANGES



<b>General Manager responsible:</b>	General Manager Community Services, DDI 941 8607
<b>Officer responsible:</b>	Community Support Unit Manager
<b>Author:</b>	Matthew Pratt – Grants Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to make recommendations with regard to criteria and process changes to the Strengthening Communities Grants Funding.

**EXECUTIVE SUMMARY**

2. The Council-established Grants Funding Working Party was tasked with reviewing the criteria of the various Funds that make up the Communities Grants Funding Programme.
3. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The Strengthening Communities Grants Funding Programme comprises four funding schemes:
  - Strengthening Communities Fund
  - Small Grants Fund
  - Discretionary Response Fund
  - Community Organisations Loan Scheme.
4. The Grants Funding Working Party has reviewed, line-by-line, all of the criteria for the Council's Strengthening Communities Grants Funding Programme. The Working Party's recommendations are summarised below, Appendix A summarises the issues that the Grants Funding Working Party have considered and their recommendations in regard to each issue.
5. The Grants Working Party recommend that Council adopt the changes as proposed.

**Summary of Recommendations**

6. **Recommendation A:** Strengthening Communities Fund - Capital items.
7. To change the Strengthening Communities criteria to reflect the decision for capital costs up to \$25,000 are to be limited to just public artworks.
8. **Recommendation B:** Strengthening Communities Fund - Clarification of 'Council responsibility'
9. Clear top-ups of government contracts should remain ineligible.
10. There is a difference, however, between funding a top-up to a government funded project (i.e. more bed nights at a homeless shelter, more budget advice sessions) and funding an enhancement to a government funded project (providing budget advice at a homeless shelter or providing wrap-around support for clients of an existing project). Therefore, enhancements to government funded projects or separate projects should remain eligible if criteria are met.
11. **Recommendation C:** Strengthening Communities Fund - Events during school time
12. It is acceptable to fund activities that occur during school time if they have community involvement and direct community benefit.
13. Curriculum based activities (i.e. French lessons, reading recovery) are to be considered ineligible.
14. **Recommendation D:** Strengthening Communities Fund - Internal bids from staff
15. Elected Member bids only at Board level, no bids from staff. Staff initiatives to be progressed through the Annual Plan/LTCCP.

**38 Cont'd**

16. Community Board Advisors to educate elected members around the process.
17. Staff to work with Community Boards early in the year to determine what Board bids will be progressed.
18. **Recommendation E:** Strengthening Communities & Discretionary Response Fund - Youth Development Fund Creation
19. To allow applications from the Community Board for the creation of a Youth Development Fund to become eligible through the Strengthening Communities Fund (as well as the Discretionary Response Fund).
20. **Recommendation F:** Strengthening Communities & Discretionary Response Fund - Youth Development Fund Cap
21. Remove the "cap" of \$10,000 placed on the Youth Development Fund.
22. **Recommendation G:** All funds - Legal entities
23. Change criteria to include all legal entities that are registered for a Charitable purpose.
24. **Recommendation H:** Small Grants Fund - Community Representation on Small Grants Funding Committees
25. No community representatives on Small Grants Fund Metropolitan decision making body.
26. Individual Community Boards to decide if they wish to retain community representatives.
27. **Recommendation I:** Small Grants Fund - Metropolitan Small Grants Funding Committee
28. Metropolitan Small Grants Subcommittee be comprised of a maximum of five Councillors, with full delegated authority.
29. As per the Recommendation H , the Committee would not include any Community Representatives.

**FINANCIAL IMPLICATIONS**

30. None.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

31. Yes.

**LEGAL CONSIDERATIONS**

32. Not applicable.

**Have you considered the legal implications of the issue under consideration?**

33. Not applicable.

38 Cont'd

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

34. Yes.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

35. Yes, Community Grants.

**ALIGNMENT WITH STRATEGIES**

36. Yes. Strengthening Communities Strategy.

**Do the recommendations align with the Council's strategies?**

37. Yes, Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

38. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council adopt the changes as proposed.

1. Amend the Strengthening Communities criteria by clarifying that capital costs up to \$25,000 are to be limited to just public artworks.
2. Note that the Strengthening Communities Fund will not be used to fund projects that are clear top-ups of government contracts and these should remain ineligible.

However, enhancements to government funded projects or separate projects should remain eligible if criteria are met.

3. Note that it is acceptable to fund activities that occur during school time if they have community involvement and direct community benefit. Curriculum based activities (ie French lessons, reading recovery) are to be considered ineligible.
4. Amend the Strengthening Communities Grants Funding Programme Operational Procedures for the Strengthening Communities Fund, Small Grants Fund and Discretionary Response Fund Local by adding the following:

*"That the Council officers be instructed that as a matter of future policy they are not to apply for funding from this source for Council projects."*

5. Amend the Strengthening Communities Strategy and the criteria for the Strengthening Communities Fund - Local to allow Community Boards to create a Youth Development Fund to allocate funding for Youth Development Grants.
6. Amend the Strengthening Communities Strategy and the criteria by removing the "cap" of up to \$10,000 for the Youth Development Fund.
7. Amend the criteria for all funds to allow applications from all legal entities that are registered for a charitable purpose.
8. Disestablish the Metropolitan Small Grants Funding Subcommittee comprising both Councillors and community representatives from 31 May 2010.
9. Establish a Metropolitan Small Grants Fund Subcommittee of five Councillors comprising.... to take effect from 1 June 2010 to allocate the Small Grants Fund – Metropolitan, to eligible applicants whose projects are consistent with the Council's Strengthening Communities Strategy and LTCCP.

## 39. REDUCTION OF RATES DISCRETIONARY GRANTS BY \$750,000



<b>General Manager responsible:</b>	General Manager Community Services, DDI 941 8607
<b>Officer responsible:</b>	Community Support Unit Manager
<b>Author:</b>	Matthew Pratt – Grants Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to recommend how major organisations in the city that are currently funded annually via the Strengthening Communities fund be funded in future years, and to recommend options for Council to reduce rates funded discretionary grants by \$750,000 in the 2010-11 year, as required by the 2009-19 Long Term Council Community Plan (LTCCP).

**Funding of Major Organisations**

2. The Grants Funding Working Party has considered a number of options with regard to funding major organisations at a metropolitan level and believe that grants made to these organisations, listed below, should be for multiple years (in line with the LTCCP).
3. It is envisaged that grants made to these major organisations will come from within existing funds, as set out in the current LTCCP, not from new monies. Currently, these grants are from the Metropolitan Strengthening Communities Fund, and it is anticipated that this will continue.
4. Below is a list of the organisations that received over \$100,000 in 2008/09 and 2009/10.

Name of Group	2008/09		2009/10	
	Amount requested	Amount allocated	Amount requested	Amount allocated
Christchurch Symphony Trust	\$400,000	\$300,000	\$397,000	\$300,000
Orana Park Wildlife Trust	\$250,000	\$250,000	\$250,000	\$225,000
Christ Church Cathedral	\$350,000	\$240,000	\$300,000	\$240,000
Christchurch Community House	\$214,225	\$214,000	\$214,000	\$214,000
Ferrymead Park Ltd	\$160,000	\$160,000	\$200,000	\$160,000
The Court Theatre	\$135,000	\$135,000	\$140,000	\$135,000
Science Alive	\$157,500	\$125,000	\$125,000	\$110,000
Showbiz	\$110,000	\$110,000	\$165,500	\$100,000
Mayor's Welfare Fund	\$160,000	\$160,000	\$220,000	\$160,000
Surf Life Saving Canterbury Inc	\$148,157	\$148,000	\$202,918	\$173,000
Total	\$2,084,882	\$1,842,000	\$2,214,418	\$1,817,000

**Major Organisation Options**

5. The Grants Funding Working Party has considered three options, detailed in Appendix A, for funding for these groups over the next two years:

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**Option A** - Continue to fund the groups at the same level as the 2009-10 funding round in 2010-11 and 2011-12;

**Option B** - Reduce the grants that the groups received in the 2009-10 funding round by the relevant pro-rata amount and grant the reduced amount in 2010-11 and 2011-12;

**Option C** - Inflation adjust the grants that the groups received in the 2009-10 funding round and grant the increased amount in 2010-11 and 2011-12. (Inflation adjusted by 3.08% for 2010-11 year and 2.88% for 2011-12 year (inflation figures as per LTCCP pg 34)).

**Note:** Grants are not inflation adjusted in the LTCCP, therefore any increase through inflation adjusting grants to major organisations would reduce the remaining amount available in the Metropolitan Strengthening Communities Fund.

6. The Grants Funding Working Party notes that grants made to groups in the 2010-11 funding round would be for two years and not three. This is to allow funding for multiple years in future rounds to be aligned with the LTCCP cycle.
7. The Grants Funding Working Party also asked that Council consider the grants to the Arts Centre of Christchurch from the Heritage grant funds in the same way. The Arts Centre of Christchurch currently receive a grant of \$800,000 per annum for structural maintenance.
8. The Grants Funding Working Party notes that this grant was approved by Council in the LTCCP for ten years.
9. Staff recommend **Option A**.

**Reduction of Rates Discretionary Grants**

10. The 2009-19 LTCCP included a reduction of \$750,000 from the total rates funded discretionary grants in the 2009-10 year and a further reduction of \$750,000 in the 2010-11 year, and for the balance of the term of the 2009-19 LTCCP.
11. The Grants Funding Working Party was tasked with identifying and reporting back on where a saving of \$750,000 could be made in year one of the 2009-19 LTCCP (2009-10) and a further \$750,000 saving in year two (2010-11). A saving of \$750,000 was made in 2009-10.
12. Attached as Appendix B is a table outlining the various grants that are subject to the proposed reduction in funding. A number of the funds are not able to be reduced due to pre-existing contractual commitments or agreed level of service arrangements. These funds are shown with a grey background.
13. Furthermore, staff recommend that the Council-run events be removed from the contestable events fund and become operational expenditure, to be funded through line items via the Annual Plan process. This will reduce the contestable events fund by \$895,000, from \$1,354,962 to \$419,301.

**Reduction Options**

14. The Grants Funding Working Party has considered two options:
15. **Option One** - That Council reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to be reduced in 2010-11. See Appendix B for the full list of funds that are able to be reduced.
16. **Option Two** - That Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to be reduced in 2010-11.

39 Cont'd

17. Staff recommend **Option One**.
18. Staff note that depending on Council's decision with regard to of the Major Organisation Options, and their decision with regard to the Reduction Options, the level of the pro-rata reduction that is required will change. These variables are shown as **Option One A, One B , One C, Two A, Two B** and **Two C** in Appendix B.
19. **Option One A** - That Council continue to fund the groups, identified in the table above, at the same level as the 2009-10 funding round in 2010-11 and 2011-12 and reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010-11.
20. **Option One B** - That Council reduce grants to the groups identified in the table above by the relevant pro-rata amount and grant the reduced amount in 2010-11 and 2011-12 and that Council reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010-11.
21. **Option One C** - That Council inflation adjust the grants that the groups identified in the table above received in the 2009-10 funding round and grant the increased amount in 2010-11 and 2011-12. (Inflation adjusted by 3.08% for 2010-11 year and 2.88% for 2011-12 year (as per LTCCP pg 34)) and that Council reduce rates funded discretionary grants funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010-11.
22. **Option Two A** - That Council continue to fund the groups, identified in the table above, at the same level as the 2009-10 funding round in 2010-11 and 2011-12 and that Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to reduced in 2010-11.
23. **Option Two B** - That Council reduce grants to the groups identified in the table above by the relevant pro-rata amount and grant the reduced amount in 2010-11 and 2011-12 and that Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to reduced in 2010-11.
24. **Option Two C** - That Council inflation adjust the grants that the groups identified in the table above received in the 2009-10 funding round and grant the increased amount in 2010-11 and 2011-12. (Inflation adjusted by 3.08% for 2010-11 year and 2.88% for 2011-12 year (as per LTCCP pg 34)) and that Council reduce Community Grants Funding by \$750,000 by:
  - o reducing the Small Grants Fund Metropolitan by 76,640, from \$376,640 to \$300,000;
  - o reducing the Character Housing Maintenance Fund by \$50,000, from \$50,000 to \$0; and
  - o making a pro-rata reduction to each of the remaining funds that are able to reduced in 2010-11.

**FINANCIAL IMPLICATIONS**

25. The reduction of \$1,500,000 is consistent with the LTCCP, however the reductions to specific Funds will mean less money available to grant from each fund.

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**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

26. Yes, the 2009-19 LTCCP budgets include a \$1,500,000 reduction, however budgets of individual lines will change due to savings made.

**LEGAL CONSIDERATIONS**

27. The Council has resolved in its 2009-19 LTCCP to reduce Council's Grants Funding by \$1.5m with the reduction to be phased in over a two year period. A reduction of \$750,000 was required to be identified and implemented in year one (2009/10) and an additional \$750,000 is to be found and implemented in year two (2010/11) with the total reduction of \$1.5m per annum being applied to the balance of the 2009-19 LTCCP term.
28. The Council has resolved that the identification of the areas and the associated amounts to implement its resolution to reduce Council's Grants Funding is to be a task of the Grants Funding Working Party with its recommendations to be reported back to the Council for its consideration and resolution.
29. The Council's Grants Working Party in its deliberations has been advised of those areas where statutory and contractual obligations exist with respect to Council's Grants Funding.

**Have you considered the legal implications of the issue under consideration?**

30. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

31. Yes.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

32. Yes, achieves levels of service in grants as agreed in the LTCCP.

**ALIGNMENT WITH STRATEGIES**

33. The reduction in grants aligns with Council's strategies and with the LTCCP.

**Do the recommendations align with the Council's strategies?**

34. Yes, Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

35. Consultation was initially undertaken through the LTCCP public submission process.
36. Following concerns raised by a number of submitters on the lack of clarity in the initial public submission process of the proposed \$1.5m reduction in Council Grant Funding. The Council undertook a Special Consultative Process (SCP) with a Statement of Proposal clarifying the proposed reduction of the \$1.5m in Council Grants Funding in the 2009-19 draft LTCCP. The Statement of Proposal also proposed that the \$1.5m reduction be staged over a two year period, with \$750,000 being reduced in year one (2009/10) of the draft 2009-19 LTCCP and the remaining \$750,000 reduction being made in year two (2010/11) with the total reduction of \$1.5m per annum then being effected for each financial year thereafter for the life of the 2009-19 draft LTCCP.
37. The SCP for the reduction of \$1.5m in Council Grant Funding was open for public response for the period 16 May 2009 through to 17 June 2009, with oral submissions being held on Friday 19 June 2009 by Council.

**39 Cont'd**

38. At the close of the SCP, sixty-four written submissions were received with two being in favour of reducing the grants, fifty-nine not agreeing to the reduction, one submission was neutral and two did not deal directly with the issue. At the day set aside for the hearing of oral submissions (Friday 19<sup>th</sup> June, 2009), fifteen oral submissions were heard by the Council.
39. With regard to the Council's Grant Funding Statement of Proposal, the Council resolved to:
- Limit the proposed reduction in grants funding to \$750,000 in the 2009/10 year.
  - Reduce grants funding by a further \$750,000 in the 2010/11 year and the \$1.5m reduction being applied for the balance of the term of the 2009-19 LTCCP.
40. The Council ratified the 2009-19 LTCCP on June 30, 2009.

**STAFF RECOMMENDATION**

**Major Organisation Options**

It is recommended that the Council adopt Option A – to continue to fund the major organisations as per the 2009-10 funding round.

**Reduction Options**

It is recommended that the Council adopt Option One - that the Council reduce Community Grants Funding by \$750,000 by making a pro-rata reduction to each of the funds that are able to reduced in 2010/11.



40. HAGLEY PARK – TEMPORARY CLOSURE FOR ZIRKA CIRCUS

<b>General Manager responsible:</b>	General Manager City Environment, DDI: 941 8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Tanya Cokojić, Events Development Account Manager John Allen, Policy and Leasing Administrator

**PURPOSE OF REPORT**

1. The purpose of this report is to gain Council approval to:
  - (a) The temporary closing of the Carlton Mill Corner of North Hagley Park for 23 days, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977 (the Act), to allow for the exclusive use of this area by Zirka Circus.
  - (b) The maximum charges that Zirka Circus can charge the public to attend the Circus, in accordance with the requirements of section 53(1) (e) of the Act pursuant to section 53(2) of the Act.

**EXECUTIVE SUMMARY**

2. Webber Brothers who have traditionally run this circus have moved to Australia, Zirka Circus having bought the big tent off them. There are no animals at this circus.
3. Staff recommend that the Council approve the temporary closure of the areas of North Hagley as set out below, to enable the Circus to be held:
  - (a) The Carlton Mill Corner from Sunday 27 December, 2009 to Monday 18 January 2010 inclusive (23 days) for the setting up of the circus, the circus and clearing away and restoration of the site, the circus itself being held from Tuesday 29 December, 2009 to Sunday 17 January, 2010 inclusive (19 days).
  - (d) The Carlton Mill Corner from Tuesday 29 December, 2009 to Sunday 17 January, 2010 inclusive (19 days) for the circus car parking.
4. Staff recommend that the Council, in accordance with the requirements of section 53(e) of the Act, approve the maximum amount that is able to be charged to enter the circus as set out below:

**Ticket Prices:**

	<b>Elevated</b>	<b>Ringside</b>	<b>VIP Ringside</b>
<b>Child</b>	\$16	20	25
<b>Student/Beneficiary</b>	\$20	24	28
<b>Adult</b>	\$22	26	30
<b>Family</b>	\$66	na	na

The circus is shown on the list of significant public events in the appendices section of the Hagley Park Management/Master Plans 2007 that occur regularly in North Hagley Park, and therefore the holding of the circus is in conformity with the Plan.

**FINANCIAL IMPLICATIONS**

5. Potential ground damage, this will be covered by the bond to be paid to the Council before the event. The Council will profit from the fees charged for use of the ground.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

6. The recommendations will have no impact upon the 2009-19 LTCCP budgets.

40 Cont'd

**LEGAL CONSIDERATIONS**

7. The specific area of North Hagley Park that this application applies to is the north-east sports-field area in North Hagley Park, this area being part of RS 41181 on SO Plan 15235 a classified recreation reserve of 87.1700 hectares vested in the Council, pursuant to the Reserves Act 1977. The holding of the circus on the park is in accordance with the purpose of recreation reserves.
  - (a) Section 53(1) (e) of the Reserves Act allows the Council to grant temporary exclusive use of part or all of a reserve, for up to six consecutive days
  - (b) The effect of section 53 (2) of the Reserves Act is to allow the Council to exercise the power and discretion that is vested in the Minister, to grant temporary exclusive use of part or all of a reserve for more than six consecutive days.
  - (c) An autonomous power that local authorities as administering bodies have had under the Reserves Act since 1 January, 1980 is that under section 53(2) they are able to fix charges for admission (up to 40 days) to a recreation reserve, without the need to refer any of the decisions required to the Minister of Conservation for approval.
  - (d) The first issue, therefore, that requires a Council decision is the closing of parts of Hagley Park for a period of longer than six consecutive days as set out above.
  - (e) The second issue that requires a Council decision is the maximum level of charges that may be charged for the public to attend the circus.
8. The use of part of north Hagley Park for the circus does not require resource consent under the Christchurch City Plan, but will require building consent for any tent erected temporarily on the site that is over 100 square metres in area, this being a requirement of the Building Act 2004.

**Have you considered the legal implications of the issue under consideration?**

9. Yes, see above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. The LTCCP's strong communities strategic directions section priorities: Providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; an protecting and promoting the heritage character and history of the city. By approving this application, the Council will support and add to the range of experiences people are able to enjoy and experience within the city, be that of a temporary nature.
11. The LTCCP's healthy environment strategic directions section priorities: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas of open spaces within the metropolitan area. The approval of this application and the resulting circus, will enhance the character of North Hagley Park for a period, be that of a temporary nature.
12. The LTCCP's liveable city strategic directions section priorities: improving the way in which public and private spaces work together. The approval of this application will add temporarily to the private infrastructure on the park thereby improving the value of the experiences members of the public can have at the park.

40 Cont'd

**Do the recommendations of this report support a level of service or project in the 2008-18 LTCCP?**

13. Yes – see above

**ALIGNMENT WITH STRATEGIES**

14. This application is aligned with the Christchurch Active Living Strategy, by adding value through mental stimulation, the general public will gain from their experience of visiting the Circus.

**Do the recommendations align with the Council's strategies?**

15. Yes – see above

**CONSULTATION FULFILMENT**

16. Public consultation is not required under section 53 of the Reserves Act 1977 before the Council resolves to temporarily close part of North Hagley Park for an extended temporary period.

**STAFF RECOMMENDATION**

It is recommended that the Council:

1. In accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, approve the exclusive use of the parts of North Hagley Park, indicated below by Zirka Circus, by temporarily fencing off these areas from the rest of the park for periods of time set out below:

Sunday 27 December 2009 to Monday 18 January 2010 inclusive, a period of 23 days, for the setting up, period of the Circus, and clearing away of the site at the conclusion of the circus.

2. The approval is subject to the following conditions:
- (i) The circus organisers are to be responsible for obtaining all building consents that may be required before the circus at their expense.
  - (ii) The circus organisers are responsible for meeting all conditions for site works including any restoration specified by the various authorities including the Council.

Abiding by the Council's normal set of conditions for events like the one being applied for, including the payment of bonds.

3. In accordance with the requirements of section 53(1)(e) of the Reserves Act 1977 the Council under powers granted to it under section 53 (2) approve the circus organisers application to charge the public attending the circus the maximum charges set out below:

Child	\$25
Student/Beneficiary	\$28
Adult	\$30
Family	\$66

40 Cont'd

**BACKGROUND (THE ISSUES)**

17. The circus will have limited impact on other events in North Hagley Park. There are no major events that have had to be changed due to this event. No smaller events have had to change dates or take place in any other part of Hagley Park due to this event.

**THE OBJECTIVES**

18. The objective is for the Council to grant approval for the closure of parts of North Hagley Park (Carlton Mill Corner) so that the circus can take place over an 18 day period from December, 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated on above.

**THE OPTIONS**

**Option 1**

19. Approve the application as presented in this report. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**Option 2**

20. Not approve the application as presented in the report. This action would not be in alignment and would not support the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

**THE PREFERRED OPTION**

21. Option 1.

## 41. BROUGHAM STREET PROPOSED MEDIAN CLOSURE AT COLLINS AND SIMEON STREETS

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager,
<b>Author:</b>	Steve Dejong Traffic Engineer Transport

**PURPOSE OF REPORT**

1. The purpose of this report is to request that the Council support the New Zealand Transport Agency's (NZTA) proposal to construct/extend the solid median in Brougham Street and Jerrold Street across its intersection with Collins Street and Simeon Street.

**EXECUTIVE SUMMARY**

2. Council staff have received complaints from residents living in both Simeon Street and Collins Street regarding the increase of traffic and speed of vehicles cutting through these residential Streets. The Board will recall a deputation from residents, expressing their concern.
3. Brougham Street (State Highway 73) is designated a Major Arterial Road having a four day average vehicles per day (VPD) of 29,364 (with a large proportion of heavy vehicles) and joins the Southern Motorway via the one way portions of Jerrold Street. Being a State Highway it is under the jurisdiction of the NZTA. Brougham Street forms the "backbone" of the City's arterial network and is a critical link to the Port of Lyttelton.
4. Simeon Street and Collins Street which intersect Brougham Street forming a cross road junction are designated local roads, with a four day average VPD of 1,800 and 1,700 respectively. Collins Street leads into the L3 inner city residential zone of Church Square, Addington, while Simeon Street leads to into the L2 and L3 inner city residential zones of northern Spreydon.
5. The NZTA proposed Southern Motorway extension will significantly change the layout of this intersection with the ramp for the grade separation of the motorway over the top of Barrington Street beginning west of Collins Street and Simeon Street. The present one way portions of Jerrold Street are proposed to become the slip lanes to and from Barrington Street. The motorway pre-design safety audit has identified right turning into and out of Collins and Simeon Streets as a concern. The Council's Proposed Brougham Street median closure at Simeon/Collins and Jerrold Streets will complement the NZTA proposal and addresses the NZTA identified safety concerns.
6. The NZTA has approved the proposed plan (refer **Attachment One**) showing the proposed median closure and staggered signalised pedestrian/cycle crossing and will complete the physical works required as part of the Southern Motorway project. NZTA has stated that "the proposed median closure will address a safety issue raised during the safety audit of the design for the Southern Motorway project in respect to right turners at the intersection and significantly improve the intersection in respect to the facilities that will be able to be provided for pedestrians and cyclists." Because the proposal will affect residents in the Boards area, Council staff undertook to carry out the consultation.
7. The Brougham/Simeon/Collins/Jerrold Street intersection is presently controlled by traffic signals which were commissioned on the 4 October 1984. A primary reason for their installation was to assist children to safely cross Brougham Street on their way to and from Addington Primary School. Addington Primary School is situated at 178 Simeon Street and is a decile 3 school having a current role of 186 children.
8. The installation of the signals at Brougham/Simeon/Collins/Jerrold in 1984 encouraged more vehicular through traffic to use the local roads of Simeon and Collins as an alternate route to the designated collector route of Selwyn Street or the Minor Arterial route along Barrington Street. The signals made it easier to access and cross Brougham Street, which increased through traffic in both residential areas to the North and South of the intersection. Ensuing further development and expansion of the Barrington Mall encouraged still more traffic to use these local roads.

41 Cont'd

9. The installation of the signals were an improvement for pedestrians in providing a pedestrian phase which has a three second late start to motor vehicles. However because Brougham street is 30 metres wide with two lanes in each direction divided by a solid median, turning traffic still filters through pedestrians who do not have enough time to cross the second lane before the turning traffic starts filtering through them. With the majority of pedestrians being children and this issue being replicated on all four legs of the intersection, the present situation is not ideal.
10. Consultation was undertaken with those residents, tenants and property owners that were considered most likely affected by the proposal. Three hundred and seventy consultation documents were hand delivered and 152 were posted to absentee owners within the identified consultation area. Council staff received 117 returned consultation responses, 63 were opposed to the proposal while 54 were in support of the proposal. (Refer to paragraphs 22-25 for full consultation report).
11. It should be noted that the response from the consultation was slightly more opposed to the proposal than supportive.
12. Bearing this in mind the proposed installation of the solid median on Brougham Street at its intersection with Collins/Simeon/Jerrold Streets will provide some significant benefits to directly affected residents as well as the wider community. These benefits are:
  - (a) Banning all right turning traffic to and from Brougham Street into and out of both Simeon and Collins Streets will significantly improve safety at the eastern end of the proposed Southern Motorway extension by reducing the total number of turning movements.
  - (b) The proposed banning of the right turning to and from Simeon and Collins Streets will prevent vehicular/pedestrian conflict by removing the filtering of vehicles through crossing pedestrians; providing a greater level of service to pedestrians with the provision of shared pedestrian/cyclist on demand call signals.
  - (c) Preventing through traffic will enhance the living zone environments to the north and south of the intersection reducing the total number of vehicles per day in both Simeon and Collins Streets. This will require motorists to use Selwyn Street, the designated collector road and Barrington Street, the designated minor arterial which will improve safety by reducing the number of speeding short cutting vehicles.
  - (d) It will also improve the traffic flow of heavy vehicles travelling to and from the Port of Lyttelton, which will help make Brougham Street more attractive than other routes like Cashmeres Road and Centaurus Road.
13. This report was considered by the Spreydon/Heathcote Community Board at its meeting on 4 December 2009. The recommendation will be forwarded to the Council.

**FINANCIAL IMPLICATIONS**

14. Nil.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

15. The NZTA have agreed to cover all costs associated with the proposed closure of the Brougham Street solid median, as this will improve safety at the eastern end of the proposed Southern Motorway.

**LEGAL CONSIDERATION**

16. The Council does not have delegated authority from the New Zealand Transport Agency to make a decision regarding implementation of an intersection traffic control device on state Highways.

41 Cont'd

**Have you considered the legal implications of the issue under consideration?**

17. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

18. Aligns with the Streets and Transport activities by contributing to the Council's Community Outcomes-Safety and Community.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

19. As above.

**ALIGNMENT WITH STRATEGIES**

20. The recommendations align with the Council Strategies including the Pedestrian Strategy 2001, Road Safety Strategy 2004, Safer Christchurch Strategy 2005 and the Cycle Strategy 2003.

**Do the recommendations align with the Council's Strategies?**

21. As above.

**CONSULTATION FULFILMENT**

22. Consultation was undertaken with those residents, tenants and property owners that were considered most likely affected by the proposal, 370 consultation documents were hand delivered and 152 were posted to absentee owners within the identified consultation area. Council staff received 117 returned consultation responses (22.4 per cent response rate), 63 or 54 per cent were opposed to the proposal while 54 or 46 per cent were in support of the proposal. **(Refer Attachment 2 and 3).**

23. Two petitions were initiated by residents after they received the consultation document; these residents felt the identified consultation area was not wide enough.

24. The Chair of the Addington Neighbourhood Association was consulted and verbal confirmation that the Association does not support the proposal received.

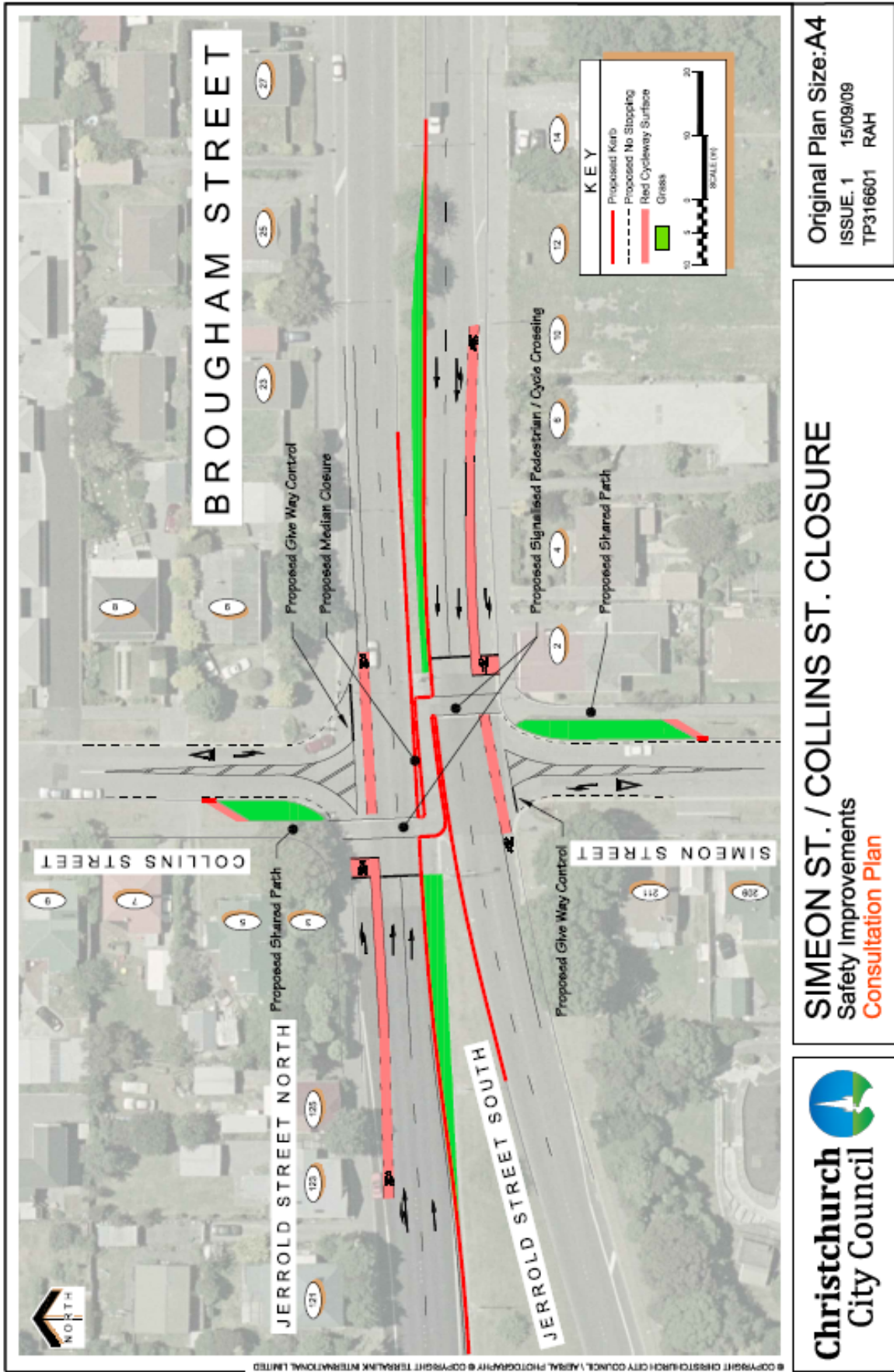
25. NZTA as the road controlling authority have been consulted and agrees with the staff recommendation

**STAFF RECOMMENDATION**

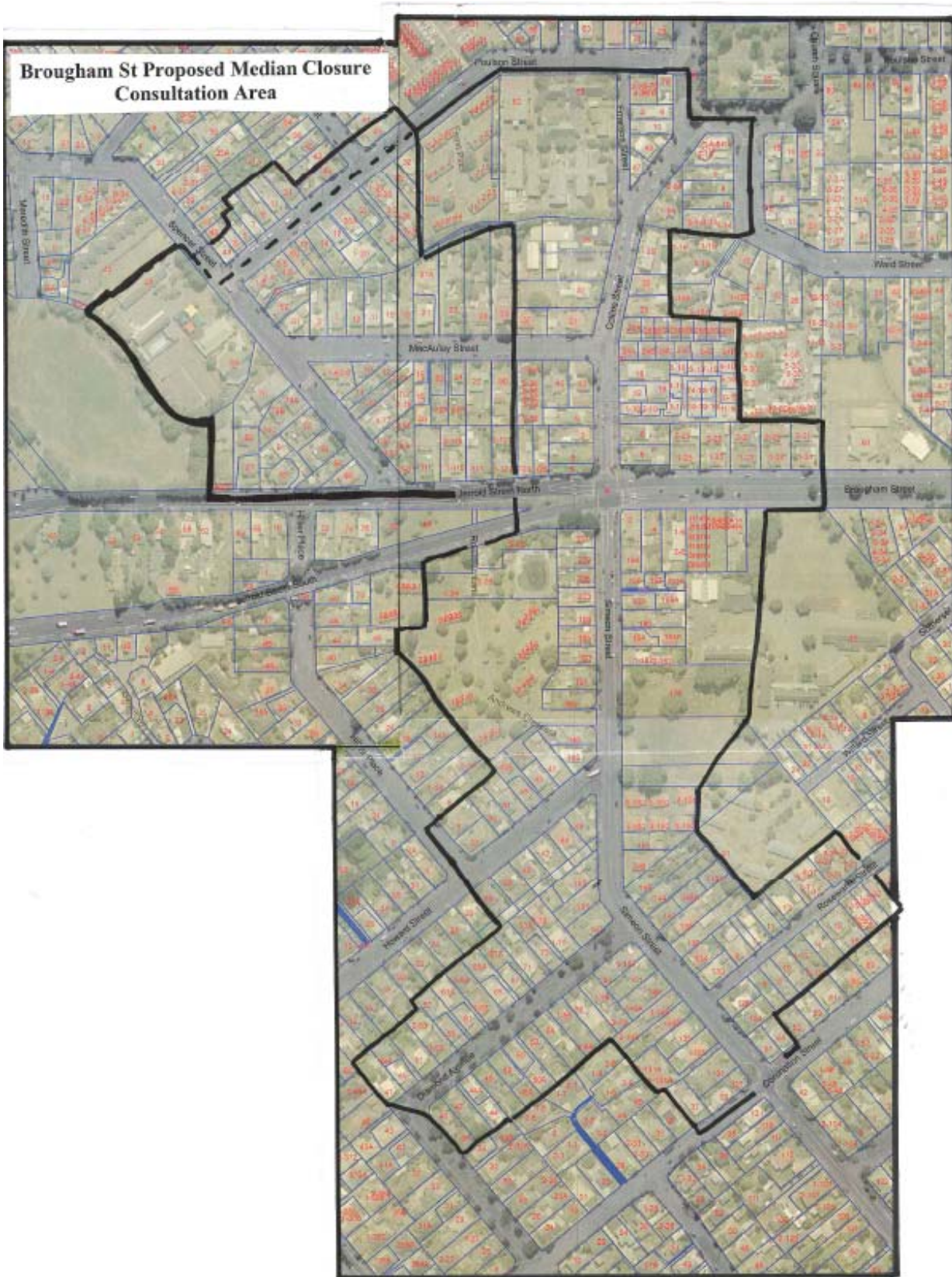
It is recommended that the Council support the New Zealand Transport Agency's proposal to construct/extend the solid median in Brougham Street across its intersection with Collins Street and Simeon Street, and maintain a staggered signalised pedestrian/cycle crossing.

**BOARD RECOMMENDATION**

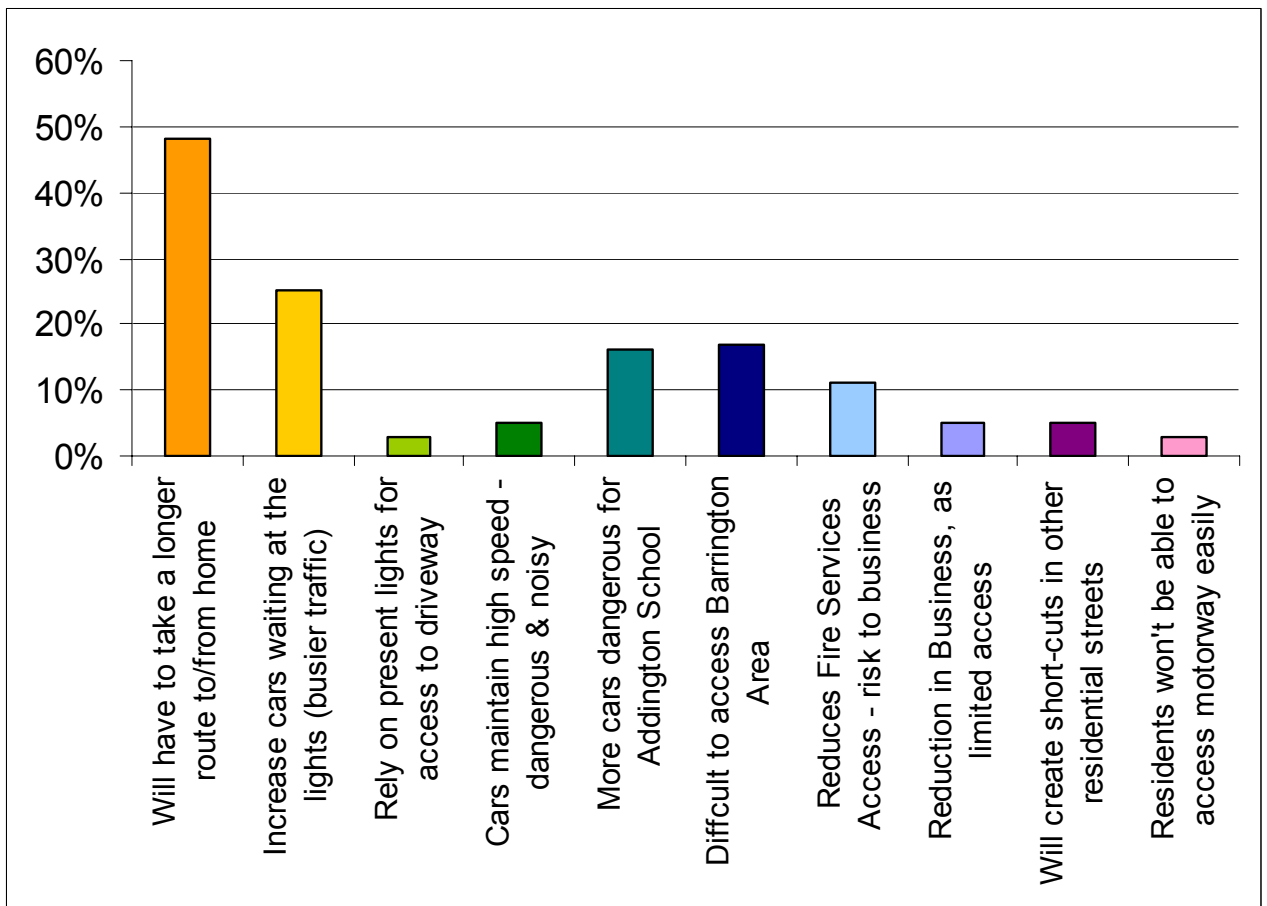
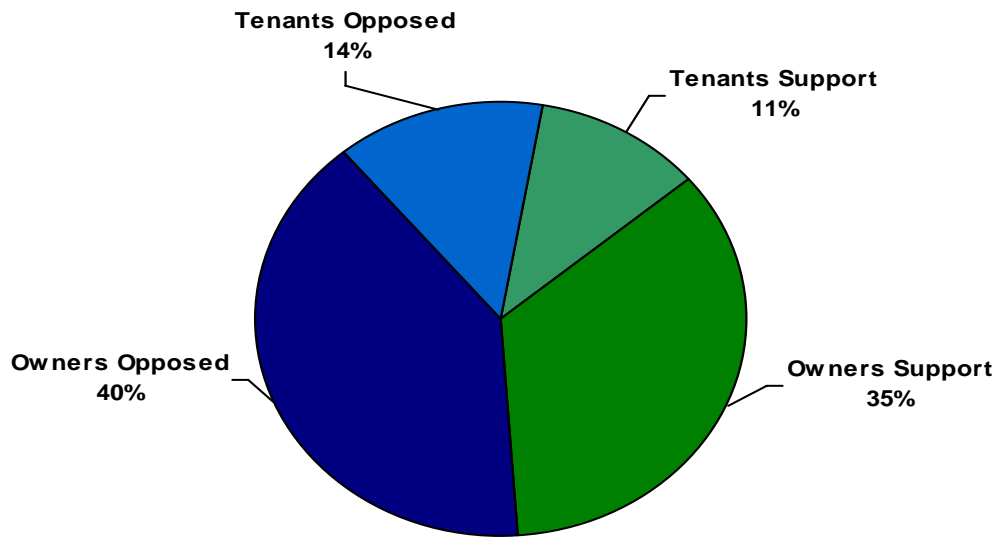
That the staff recommendation be supported on the basis that the build takes place in conjunction with the Southern Motorway project.







**Percentage of Owners and Tenants in Support or Opposition to Brougham, Jerrold, Simeon, Collins Proposed Median Closure**



**Attachment 3**

<b>Residents won't be able to access motorway easily</b>	2 out of 63 Opposition Submissions
<b>Will create short-cuts in other residential streets</b>	3 out of 63 Opposition Submissions
<b>Reduction in Business, as limited access</b>	3 out of 63 Opposition Submissions
<b>Reduces Fire Services Access - risk to business</b>	7 out of 63 Opposition Submissions
<b>Difficult to access Barrington Area</b>	11 out of 63 Opposition Submissions
<b>More cars dangerous for Addington School</b>	10 out of 63 Opposition Submissions
<b>Cars maintain high speed - dangerous &amp; noisy</b>	3 out of 63 Opposition Submissions
<b>Rely on present lights for access to driveway</b>	2 out of 63 Opposition Submissions
<b>Increase cars waiting at the lights (busier traffic)</b>	16 out of 63 Opposition Submissions
<b>Will have to take a longer route to/from home</b>	30 out of 63 Opposition Submissions

*Note: 63 submissions received with some submissions containing more than one opposition reason*

## 42. WASHINGTON WAY RESERVE SKATE PARK STAGE 3

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
<b>Author:</b>	Grant MacLeod, Recreation Planning Advisor

### PURPOSE OF REPORT

1. The purpose of this report is to provide further information to the Council following the 12 November 2009 Council meeting in relation to certain issues at Washington Skate Park. It was discovered after this Council meeting that the report had sections which had gone to the Hagley/Ferrymead Community Board that were mistakenly omitted from the Council report. These are in sections 37-64 in this report and contain much of the information requested.

In addition a chronology from 1993 – 2009 in regards to Washington Reserve has been added to section 65 of this report.

### EXECUTIVE SUMMARY

2. The concept plan for the completion of the entire Washington Way Reserve Skate Park was presented to the Board meeting on Wednesday 13 June 2007 prior to the Capital Development Unit carrying out consultation with the local community later that year.
3. Extensive consultation was undertaken with the community on the proposed concept plan for the completion of the Skate Park facility using a wide range of methods to cater for different groups and age demographics. There was a good response from the local community with a total of 140 people providing written feedback, and many more park users providing informal feedback at on-site events. Overall the response was positive with a majority of respondents clearly indicating their support for the plan, and many offering additional feedback on a variety of issues. Further details are provided under the “Consultation Fulfilment” section of this report.
4. An extensive planning and on-going design revision process has been undertaken by staff working with Australian-based designers at Convic Design Ltd, and other planning consultants, since the public consultation ended in December 2007. This was necessary to ensure that the concept design plans presented for final approval accurately reflect the feedback from the community and are also in alignment with requirements for the Resource Consent application. This has resulted in a delay in presenting the amended proposal for final approval. However it is the view of staff that the technical and other issues raised by submitters during the consultation period would not have changed significantly during this intervening time and remains valid.
5. The proposed concept plan for the entire Skate Park now provides an integrated design solution for the entire public open space that provides for the complete range of styles, that is, skateboarders, in-line skaters and BMX riders, and all skill levels. The integration of landscape elements, spaces and materials, allows unique skate experiences as well as providing seating and viewing, and improved safety and security.

### ADDITIONAL INFORMATION REQUESTED AT 12 NOVEMBER 2009 COUNCIL MEETING

#### 6. RESOURCE CONSENT

An issue was raised at the 12 November Council meeting about the monitoring of the car park that was required as a condition of the 2002 consent. The condition required the Council to undertake monitoring of the car park to identify if there was adequate supply for park users. This was to be carried out six months after stage 2 was completed so as to inform stage 3 implementation. This monitoring did not occur after six months however, it has been undertaken between 2006–2008 to advise car park demand for the current proposal. The condition in the resource consent stated that this monitoring was to be carried out before work begins on construction of stage 3.

42 Cont'd

7. Rebecca Wolt, at the 12 November Council meeting, raised an issue in regards to graffiti removal from the Canon building in relation to the resource consent granted in 2002 for Washington skate park. Council staff had taken into account safety and security issues even though they were outside the areas that the consent conditions applied to, and had made the comment that graffiti would be monitored and cleaned from the edges of the skate park. This monitoring/cleaning is not a condition of the consent (ref section 56) for information on CCC Graffiti Office.
8. The previous consent lapsed in February 2007. Legal advise was that due to the need for an updated design, the fact that stage 3 had not been given effect to, and the timing of the project, a new consent should be sought.

In regards to applying for one or two consents. It is seen as both a time and money saving initiative to apply for one consent for the completion of the skate park.

By having a resource consent in place, it gives certainty to the project in regards to applying for funding in the next LTCCP.

9. **NEIGHBOURING BUSINESSES**

A meeting took place between the neighbouring business and officers on 2 June 2006 (Tony Phibbs and Rachel Bright). Following the meeting several changes took place at the skate park. These included the locking of the gate at the front of the reserve during hours of darkness. The park was given additional clean up visits for litter and graffiti. Alcohol ban signs were put in place. The concerns raised by the business were put into the design as issues to be addressed. The intention was to mitigate concerns and issues that the business had detailed. The main step in rectifying this will be the installation of the fence as detailed on **Attachment 3**.

The planting around the toilet was thinned by the maintenance team following this meeting to open the skate park up on the Moorhouse Avenue and Waltham Road corner. This proved to be a success by giving better sightlines across the park and handing this area back over to skaters.

10. **VANDALISM**

Vandalism issues are dealt with through the new design and by placing barriers in areas of concern. The style of fence can be likened to a predator proof fence, where it will be designed to prevent passage of certain elements. This will be the same for both the rail way boundary and the neighbouring building. By limiting the opportunity for passage between the corridor and the park, Council will be limiting and negating in many situations the ability for illegitimate users to access both the building and reserve. This will need to be done in a manner to ensure that compliance with fire escape standards is retained.

**10.1 FENCING**

As part of the development of the design and in creating a safe separation between the neighbouring building and the skate area, staff propose that the fence should be developed with dialogue with the neighbouring tenant and advice be sought to identify if the fence can be installed as soon as possible. Council will have to give up reserve land to accommodate the fence as the adjoining building sits right on the reserve boundary. (refer section 51 to 53 for more detail on the fencing)

**10.2 PLANTING**

The planting between the Canon building and the skate area is currently offering cover to illegitimate users of the park. It is the intention of staff to restrict the ability for this to continue through the use of a suitable fence. With the installation of the fence the opportunity for people to pass into the planted area by the neighbouring building will be limited.

42 Cont'd

When the planting was thinned out at the front of the reserve, there was a decrease in use of that area by illegitimate users. By creating more space for legitimate users, the Council will be limiting and removing the opportunity for such vandalism to occur. With the completion of the design the issue of illegitimate use will be addressed and as a result the design has the support of both Police and the Safer Christchurch team.

11. **PHIBBS / WOLT MEETING 24/11-2009**

Staff met with Tony Phibbs and Rebecca Wolt (David Sloan's representative) on Tuesday 24 November 2009. Photos of areas discussed below are attached in attachment 6 of this report.

Several points were raised at the meeting which were as follows:

- Alteration to the car park. Tony Phibbs suggested that most of the trouble that was encountered was around the car parks that contacted directly with the Canon boundary. If the Council was willing to move these car parks closer to Moorhouse Ave that may address that issue.
- Installation of the fence (bearing in mind design will need to consider egress and fire compliance). This would create a suitable barrier to people getting access to the dense vegetation around the Canon building and to the Canon building itself. There was tagging on the wall behind the vegetation that cannot be seen until entering the vegetation. The barrier would restrict the movement of people getting to this wall.
- Thinning of vegetation outside the Canon boardroom. This would fall in line with CPTED principles and it would then be more difficult for people to hide behind the vegetation and enter into lewd behaviour. This has worked with some success at the Waltham/Moorhouse intersection where vegetation was thinned to allow better sightlines.
- Further lighting to highlight the Canon building. Rebecca Wolt suggested that the Council should look into this and other measures to create a safer situation at the Canon site. The opinion was that the Council had allowed the skate park, therefore the Council should make the alterations to the area to make it safer.
- Council staff would like to plant this area with thicker vegetation in consultation with the neighbouring property. This would be to create a further barrier for people accessing the building and entering into this vegetation stand.

Whilst Tony and Rebecca indicated this work would go some way to addressing their concerns, they are both still of the view that the skate park is an incompatible activity for the area and would like it to be relocated.

12. **CRIME CAMERAS**

Cost of camera to install at Washington for the purposes of using for criminal identification would be approximately \$30,000. We would also need to negotiate with the police to identify if they have the resource to monitor the cameras.

13. **TRANSITION AND PLAZA AREA**

Throughout the development of the completion of the design for Washington Way, one of the main directives was to avoid the confusion that has occurred in the past by labelling different areas as stages. With the completed design of the entire park and integrating the safety aspects to the whole setting, the design should be considered as a whole and not stages. The next area that is being requested as next in line to be built (with current funding) is the transition area to the south of the current skate area (as highlighted in red on attachment 3).

**Note:** Transition refers to elements that are free flowing in their use, i.e. this style of skate boarding was developed by skate boarding empty pools in California during the 1960s.

Plaza refers to elements that mimic street scenes such as Victoria square. This can include rails, stairs and ledges. This form of skate boarding became popular during the 1980s-1990s. Plaza areas are being developed as the next step in street skating. They are more in sync with what an urban street area would like.



42 Cont'd

**FINANCIAL IMPLICATIONS**

14. The current Capital Works Programme has funding to undertake the Washington Way Reserve Skate Park development as follows:
- (a) 2009/10: \$20,000
  - (b) 2010/11: \$180,000
  - (c) 2011/12: \$150,000

The current funding budget will enable construction of the transition area (the feature bowl and area to the south of stage 1 and fence), incorporating design, consultation, and any required consents. There maybe some slight modifications to the design as a result of resource and building consent requirements.

The total estimated construction cost for the completed design is estimated at \$1,200,000. This includes both the transition and plaza area as detailed in the proposed design. The \$1,200,000 would complete the design of Washington in its entirety. The additional \$850,000 will have to be considered through the 2012 / 2022 LTCCP.

The current funding does not include the possible car park alteration, security cameras or the plaza area and some of it's associated landscaping.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

15. Yes, as above.

**LEGAL CONSIDERATIONS**

16. Washington Way Reserve Skate Park is a metropolitan asset therefore the authority to approve the proposed plan lies with the Council.
17. The Council's new Significance Policy provides that the Council will treat as significant any proposal that does not flow consequentially from a decision in the LTCCP, Annual Plan or a public hearing process. This decision is one that flows from the LTCCP, so does not have to be treated as significant. Under the general approach to determining significance it is still likely to be a decision of some significance. The standard of compliance with the decision-making requirements should be in proportion to the significance of the matters affected by the decision. The level of consultation that has already taken place is proportionate to the level of significance and has resulted in the changes proposed in this report to the Concept Plan.
18. Washington Way Reserve is zoned Business 3B (Inner City Industrial Buffer) in the Christchurch City Plan. It has been identified at this stage that Resource Consent will be required for non-compliances with landscaping, car-parking, and night-time noise requirements of the City Plan. A Resource Consent (RMA 20008961) was granted in 2002 for Stages 2 and 3 of the project, but this original Stage 3 design was not implemented. This Resource Consent has now lapsed and a new Resource Consent application will be made for the amended Stage 3 design. The required resource and building consents will be applied for as part of the implementation process after final approval of the concept plans has been granted. No other legal issues have been identified.
19. Several matters in relation to the Christchurch City Plan and the previous existing Resource Consent (RMA 20008961) have been raised by one submitter. A new Resource Consent application will be lodged for the whole of Washington Way Reserve Skate Park.

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20. Consideration of the Resource Consent for this project is outside the scope of this report. The process of public consultation, and Council decision making, under the Local Government Act 2002 is a separate process from that of obtaining any necessary Resource Consents under the Resource Management Act 1991. At this stage in the process, approval of the proposed concept plan, amended as a result of public consultation, is being sought from the Hagley/Ferrymead Community Board and Christchurch City Council prior to proceeding with detailed design and construction.

The detailed design and construction plans (as required for Resource Consent and building consent applications) are not prepared until after this approval has been given, to avoid the unnecessary expense of detailed design work on a concept design plan that may then be extensively revised as a result of public feedback. However in developing a draft concept plan for any project, careful consideration is given to the provisions of the Christchurch City Plan and other relevant legislation to ensure that the necessary consents will be able to be obtained at a later stage.

**Have you considered the Legal Implications of the Issues Under Consideration?**

21. Yes, no other legal implications have been identified.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

22. The project aligns with the 2009-2019 Long Term Council Community Plan:

**Parks, open spaces and waterways**

- (a) Safety: By ensuring that our parks, open spaces and waterways are healthy and safe places.
- (b) Community: By providing spaces for communities to gather and interact.
- (c) Environment: By enabling people to contribute to projects that improve our environment.
- (d) Governance: By involving people in decision-making about parks, open spaces and waterways.
- (e) Health: By providing areas for people to engage in healthy activities.
- (f) Recreation: By offering a range of recreational opportunities in parks, open spaces and waterways.
- (g) City Development: By providing an inviting, pleasant and well cared-for environment.

**Measures**

- (h) Sports parks are satisfactorily maintained.
- (i) Customers are satisfied with the range of recreation facilities available, including playgrounds, skateboard ramps, tennis and petanque courts, BMX tracks, and fitness equipment.
- (j) Overall customer satisfaction with sports parks.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

23. Yes, as above.



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**ALIGNMENT WITH STRATEGIES**

24. This project has primary alignment with the following Council strategies and policies:
- (a) Skateboarding, Inline Skating and Freestyle BMX Cycling Strategy
  - (b) Youth Strategy
  - (c) Physical Recreation and Sport Strategy
  - (d) Safer Christchurch Strategy
  - (e) Parks & Waterways Access Policy
  - (f) Environmental Policy Statement
  - (g) Children's Policy
  - (h) Social Wellbeing Policy.

**Do the recommendations align with the Council's strategies?**

25. Yes, as above.

**CONSULTATION FULFILMENT**

26. Extensive consultation was undertaken with the community on the proposed concept plan for the completion of the Skate Park facility. This included issues gathering by both neighbouring building and skate park users.
27. During the initial design preparation stage, input was obtained from local skaters and user focus groups. In February 2007, an all day on-site event was held at the park where skaters were able to meet with designers from Convic Design Ltd to identify initial issues and design ideas. Feedback from these sessions was then incorporated into draft concept design plans.
28. Wider public consultation was then undertaken on these draft concept design plans in November-December 2007 using the following methods:
- (a) Focus group meetings were held with local Skate Park designers and skaters.
  - (b) Posters were displayed at Washington Way Reserve, other Skate Parks throughout the city, all Council libraries and service centres, other key retail locations throughout the central city including skate shops and sports shops, and distributed to all intermediate and secondary schools. The posters publicised the all-day events and dedicated website, and explained where to obtain information, and how to provide feedback.
  - (c) A post-card format with key information targeted at youth was made available in key retail locations, libraries and service centres, and at events, to be filled in and returned then or at a later date.
  - (d) The public information leaflet was hand delivered or posted to approximately 200 businesses and institutions, and absentee property owners, in the immediate vicinity of the park, along with a number of identified key stakeholder groups.
  - (e) The public information leaflet was also made available through local libraries and service centres across the city, and the Councils 'Have Your Say' website. As the Washington Way Reserve Skate Park is used by larger numbers of people who travel to the park from outside the immediate area, this enables these users who have come from across the wider city area have access to project information and an opportunity to provide feedback.

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- (f) A dedicated website <http://www.ccc.govt.nz/washingtonstage3> was set up where people could download the plans and provide feedback on line.
  - (g) Two extensively publicised all day on-site events were held at the park on 24 November and 8 December 2007, one attended by the design team from Convic Design Ltd, to allow park users and caregivers to provide comments on proposed designs. These were attended by approximately 100-200 people during the course of each day.
  - (h) A public information session was held at Our City on the evening of 3 December so as to be outside of normal business hours.
29. The response rate from the public information leaflet was very low with 13 people returning the submission form or a letter, of which six clearly indicated their support of the proposal. Although two submitters did not indicate their preference, their written comments suggest that one is clearly in support of the plan and one is not.
30. The public information evening session was attended by two people.
31. The website <http://www.ccc.govt.nz/washingtonstage3> had approximately 1000 visits, with 1000 downloads of the concept plans, during the consultation period. From these, the online submission form had 125 visits with 22 submissions made. The online submitters did not have the option of indicating their preference by ticking yes or no, due to technical limitations on the website at this time, however their written comments were all generally positive. Many also made suggestions for technical and other improvements, or raised issues of concern to them.
32. In general, it proved to be most challenging to obtain written feedback from the children and young people using the Skate Park. The most effective feedback was obtained by getting them to talk face to face with the designers, or to draw their ideas on copies of the plans. However 85 of the total of 105 postcard format response forms received were collected at the two on-site events.
33. Approximately 66% of the total written submissions received clearly indicated their support for the proposal by ticking "Yes". Taking into account the additional positively worded responses received on-line, approximately 81% of submissions were in favour. Overall a very positive response was received from the skaters and other users, with many making general positive comments and suggestions.

Number of responses	Support for proposal			Total
	Yes	No	Not indicated	
<b>Written reply-paid submission forms or letters</b>	<b>6</b>	<b>5</b>	<b>2 (No)</b>	<b>13</b>
<b>On-line submissions (technical limitations did not allow Yes/No response)</b>	<b>N/A</b>	<b>N/A</b>	<b>22</b>	<b>22</b>
<b>Post card response forms</b>	<b>86</b>	<b>7</b>	<b>12</b>	<b>105</b>
Total numbers	92 (66%)	12	36	140

Support when on-line submissions are taken into account = 81%

**CONCLUSION**

34. Overall, it is the opinion of staff that the proposed completion of the Skate Park facility will play a valuable role in addressing the need for youth recreational facilities across the wider city. It is not considered that the completion of the Skate Park will result in an increase in anti-social behaviour. But rather the design will reduce opportunities for this type of behaviour to occur. There is a balance to be achieved by Council in ensuring that the large majority of our community have access to parks and recreational facilities and opportunities, and are not denied this because of the activities of a small anti-social minority of park visitors.

42 Cont'd

35. In recognition of the feedback received, and further technical advice and design planning, Council proposes to make some changes to the original proposed concept plan (refer to **attached** plans). The amendments proposed by staff are:
- (a) Relocation of the feature bowl from the south-west corner of the park to the south-east corner.
  - (b) Creation of a green landscaped buffer area with shade trees between the skate area and the adjoining commercial building.
  - (c) Separation of all street-style skate elements out to the sides of the skate area.
  - (d) An extra skate path in the entry plaza to connect to the footpath on Moorhouse Avenue.
  - (e) Removal of the bouldering wall.
  - (f) Security fencing installed along the park boundary with railway corridor.
  - (g) Security fencing installed 3.0 metres into the park from the boundary with the adjoining commercial building.
36. All respondents who provided contact details have been sent a final letter of reply thanking them for their input. The letter has also informed respondents that the final amended plan would be presented to the Hagley/Ferrymead Community Board and Council for approval. Details of the meetings were provided so that any interested people could attend.

The Hagley/Ferrymead Community Board discussed this at their meeting on 7 October 2009

**BOARD RECOMMENDATION**

That the Council:

- (a) Approve the proposed concept design plan for Washington Way Reserve Skate Park Stage 3, amended as a result of public consultation.
- (b) Make provision for features of the existing plan that cannot be completed within the current funding for this project be submitted for inclusion in the 2010/2011 Annual Plan.
- (c) Consider approaching Canterbury Community Trust and the New Zealand Lottery Grants Board for funding assistance to complete Stage 3 of the Washington Way Reserve Skate Park.
- (d) Investigate the installation of monitored crime cameras in Washington Way Reserve Skate Park.

**STAFF RECOMMENDATION**

It is recommended that Council:

- (a) Approve the proposed total concept design plan for Washington Way Reserve Skate Park.
- (b) Approve the seeking of a resource consent for the entire project design.
- (c) Note that this stage of the project, which is funded (\$350,000) includes the boundary fencing.
- (d) Support the Community Board Resolution that provision of funding for the balance of this project be submitted for consideration during the 2010/11 Annual Plan deliberations, noting that should this be unsuccessful, funding should be considered as part of the 2012/22 LTCCP.

**42 Cont'd**

- (e) Consider approaching Canterbury Community Trust and the New Zealand Lottery Grants Board for funding assistance to complete the Washington Way Reserve Skate Park.
- (f) Investigate the installation of monitored crime cameras in Washington Way Reserve Skate Park and request any funding requirements be considered either as part of the 2010/11 Annual Plan or 2012/22 LTCCP.
- (g) Request that the Hagley/Ferrymead Community Board establish a working party including neighbouring businesses to monitor the behaviour around the skate park area and report back in 12 months.

**BACKGROUND**

**Technical design changes**

- 37. The majority of comments made by submitters related to technical aspects or suggested improvements to the technical design of the Skate Park extension, particularly in relation to skate elements and construction materials.
- 38. The major amendment to the concept plan is an extensive redesign and relocation of the feature bowl extension to the opposite side of the site by the Waltham Road overbridge. This will enable the feature bowl to be better used in conjunction with the other bowl area, and will accommodate sun glare and to avoid drainage issues. This also creates a larger buffer between the skate facility and the adjoining commercial building. The issue of view lines to the rear corner has been addressed by locating a refuge area across the back of the site adjacent to the cup to encourage gathering in the area that has clear view line from the road. The orientation of the feature bowl still maximises views into the bowl from Waltham Road.
- 39. All street skate elements have now been separated out to the sides of the Skate Park rather than cutting through the centre. This avoids user conflicts between the street and transition styles of skateboarding.
- 40. There were six submitters opposed to the bouldering wall on the grounds that the park is for skaters. Another submitter, with a professional interest in climbing, suggested that unless it is actively facilitated, bouldering does not deliver a great experience to novices, therefore the wall would get little use. The bouldering wall was also to be off set from the crib retaining wall on the adjoining Waltham Road overbridge which is now being programmed for remedial repair work. In light of these factors, along with the change in position of the feature bowl, the proposed bouldering wall has now been removed from the concept design at this point.

**Opposition to the proposal**

- 41. Of those 14 submitters who clearly indicated their opposition to the proposal, seven submissions related to technical aspects of the design or opposition to the bouldering wall. A further four clearly stated their opposition to the proposed extension of the Skate Park. Two further submitters indicated they did not support the proposal unless graffiti, vandalism and noise issues at the Skate Park were resolved.
- 42. The main issues identified by those expressing opposition to the proposal, and also by several of those in favour, related to various anti-social behaviours in the existing Skate Park, and the potential for these to increase with the completion of Stage 3. Of greatest concern was a potential increase in graffiti and vandalism to the neighbouring business properties.

42 Cont'd

**Police report**

43. An intelligence report provided by the New Zealand Police District Intelligence Group (Canterbury) during the planning stages for the proposed extension (dated 20 November 2007) stated that the only concern for Police at that time was minor graffiti that appears on some of the obstacles, ground and rails around the park. The Police identified the park as having constant guardianship from cyclists and motor vehicle drivers using the busy arterial roads and also pedestrians passing by, noting that it would be difficult to cause major damage here without being reported to Police. Criminal activity such as theft, assault, and drug dealing should be reported to the Police and is a Police enforcement matter.

**Improved design layout to address issues**

44. Staff acknowledge that vandalism and graffiti to parks and recreational facilities, and the ongoing costs associated with maintenance and repair are a major issue, and is continually working to address this by a variety of means. A key tool is using the principles of Crime Prevention Through Environmental Design (CPTED) to improve the design and location of parks, buildings and equipment so that there is both improved safety for users and reduced opportunities for vandalism and other crime. The completion of the proposed Stage 3 design will address many of the concerns raised through effective environmental design.
45. The location of Washington Way Reserve between three road frontages already means that the Skate Park is open and clearly visible from the adjoining businesses and roads, including two major arterial routes. However the failure to complete the original third stage of the Skate Park has left an extensive area of grass and plantings at the rear of the park. This large area of undeveloped free space offers the opportunity for negative recreation and tends to attract use that is not desired on a public reserve.
46. With the completion of the new Stage 3 design, this area will now be occupied largely by the feature bowl extension. This will give this area over to use by skaters and remove the opportunities for vandalism. The proposed new design also elevates the general area at the southern end of the skate facility which maximises viewing and prevents blind spots "behind" the existing Skate Park, revealing the entire Skate Park to passing traffic at the Moorhouse Avenue and Waltham Road intersection and bridge. Importantly there is no dedicated seating immediately adjacent to the Waltham Road bridge, so that the layout and changes in level forces the "social gathering" areas away from the wall to more visible and central locations.
47. The proposed paved entry plaza further opens up views into the Skate Park from the surrounding areas of Moorhouse Avenue and Waltham Road, improving security through natural surveillance. However low barriers, which also provide seating, will be installed on the Moorhouse Avenue frontage to contain activity within the park and improve safety.
48. The need for more seating was identified as an issue for five submitters. Conversations with Skate Park users, and parents and caregivers, on site have also indicated a need for adequate seating for parents and caregivers to be able to sit while watching their children skating or biking in the park, and for other spectators. The concept plan provides for all planter boxes within the Skate Park entry, plaza and pedestrian zone to also serve as seating. In addition, the southern end of the concourse rises to create seating steps for viewing over the intermediate bowl. The additional seating and picnic tables provide for family-oriented activity, encourage adults to go there and to stay longer, and enable parents and caregivers to be able to see and supervise children using the Skate Park, and are also placed to encourage social interaction and casual surveillance.

**Landscape planting**

49. In accordance with the principles of CPTED, all existing and proposed new trees will be kept limbed up and all shrubs at a lower height to maintain visibility and sight lines and improve safety. The under-storey vegetation has previously been cleared from around the public toilet building to remove hiding places.

42 Cont'd

50. The need for shade in the Skate Park was noted by eight submitters, and has also been identified as an issue in conversations with park users. The current lack of shade at the park, in conjunction with the heat and glare of the concrete skate surfaces and adjoining building walls can make the park unpleasant for skaters and spectators alike. More shade trees, often associated with seating, have been incorporated into the park as part of the overall design and also to fulfil part of the site landscaping requirements under the provisions of the Christchurch City Plan. There is already a drinking fountain in the existing Skate Park, and this will remain.

**Fencing**

51. The rear boundary fence of Washington Way Reserve is currently of wire mesh construction and is frequently cut to provide access through the park from the adjoining railway corridor. It is evident that the railway corridor is a significant source of graffiti in the area. The concept plan proposes to replace this rear fence with a high strength 1.8 metre security fence of open design, in accordance with CPTED principles, to prevent access from the railway corridor.
52. The option for barrier fencing between the Skate Park and the adjoining commercial building has also been revisited in the proposed concept design plan. Council staff have previously discussed the installation of a fence with the adjoining building tenant but this has not been progressed to date. The adjoining building is built to the boundary line with Washington Way Reserve along two of its walls. It also has a small alcove with an exit door opening directly onto the park which is itself a design feature that provides shelter and cover for graffiti and vandalism to occur.
53. In the interests of ensuring the safe egress of occupants of the building, and preventing access to the walls and alcove of the building by park visitors, it is proposed that the 1.8 metre (or higher if deemed necessary) security fencing will extend around these boundaries at a distance of approximately 3.0 metres into the park from the boundary. Secured access will be available for maintenance of the park areas and of the building exterior. The constraints placed on the siting of the security fencing, by the design and location of the adjoining commercial building, effectively removes this strip of Council-owned land from the public open space of the park if any vandalism originating from the Skate Park is to be successfully mitigated.

**Lighting**

54. Three submitters have requested that the Skate Park has night time lighting for the safety of skaters. In accordance with the principles of Crime Prevention Through Environmental Design (CPTED), the use of parks at night is discouraged, and in general lighting is only provided in parks where the use of a particular path as a designated route is essential at all times. However in the case of Washington Way Reserve, the ambient light levels from the surrounding streets are high enough on their own to encourage people to enter the park, but insufficient for safe use of the park. Therefore Washington Way Reserve is fully lit, and will continue to have lighting during the hours of darkness.

**Maintenance issues**

55. Vandalism and littering was identified as an issue for several submitters. The majority of Requests for Service for this park processed by Council at present are related to graffiti (mostly in or on the toilet block which required 39 responses to vandalism between 13 November 2008 – 18 November 2009, not all of this was graffiti, there were requirements re blockages, broken handles and locks not working, this is in line with most other toilets in public spaces) damage to the car-park fencing and gates, and broken glass. The facilities in the Skate Park are currently serviced on a regular basis, including the cleaning of the toilets, servicing of rubbish bins, and cleaning of graffiti. The toilets and litter bins, including glass removal, are currently serviced daily over seven days of the week, and graffiti is checked for daily from Monday to Friday and water blasted as required. The repair of the crib walling on the Waltham Street overbridge will also contribute to a reduction in vandalism in this area through the removal of loose stone. On completion of the development works, the Skate Park will continue to be serviced under the Transport and Greenspace Unit maintenance contracts. There are specified levels of service that set the required maintenance standards to be adhered to within all parks across the city.

42 Cont'd

**Graffiti**

56. The Christchurch City Council has shown its commitment to reducing graffiti by establishing the Graffiti Office to provide a collaborative structure city-wide approach to graffiti vandalism following on from the successful collaborative community partnership of the Phillipstown Strengthening Communities Team Graffiti Vandalism Reduction Project. The Graffiti Office was established in response to a significant growth in the incidence of graffiti around the city, particularly over the previous two years, and its main goals focus on restoration, education and prevention. Graffiti is not an issue confined to, or caused by, Washington Way Reserve Skate Park, however the proposed design changes will contribute to reducing graffiti and vandalism in this area.

**Noise**

57. One submitter has raised the issue of noise due to loud music from the increasing number of competition events at the Skate Park, stating that it is not conducive to the operation of their business. The submitter has also indicated that the noise from Saturday events would be acceptable if they were given prior notice.
58. Because Washington Way Reserve is zoned Business 3B in the Plan, it is in a Group 3 Zone (the least noise sensitive zones) in relation to noise standards in the Christchurch City Plan. However all events held at the Skate Park must comply with these noise limits. When booking Washington Way Reserve, event organisers should be advised of their obligations in relation to noise control by the Events Development Team. They are required to advise surrounding neighbours of the event by letterbox drop or similar, and this information should include a contact phone number for the organiser so that any issues arising from the event can be promptly addressed.
59. A noise assessment undertaken for Council by Marshall Day Acoustics Ltd identifies that the general noise environment is dominated by traffic from the adjacent major arterial roads, and the railway corridor. During the day, the ambient noise level in the area surrounding the Skate Park is generally above the limits set by the Christchurch City Plan. There is no significant difference in the average noise level (LAeq) when the Skate Park is in use and when it is not. The report also identifies that traffic and trains can generate maximum noise level events of similar magnitude to the sound of skate boards hitting the concrete.

**Car parking**

60. Two submitters have raised the issue of car parking at the Skate Park. In particular, one has suggested increasing the number of car-parking spaces, and changing the layout and position of the parks. The submitter suggests placing a green landscaped space between every 2 or 3 parks, and multiple small car parks at different angles to allow different "park and watch" views. The submitter believes that filling these green spaces with seating and shade trees would bring the "Garden City" to the skate-board park, and open the skate-boarding area to the family to balance the type of people who would consider stopping and enjoying the public space.
61. Currently the park has an existing car park for 16 vehicles. Survey data over a period of a year shows that, although the car park is provided for Skate Park users, it is also used by visitors to nearby businesses and institutions, and that approximately 35% of people are arriving by car, and parking on or off the site. A P120 Restricted Car Parking Area was put in place to deter all-day parking by commuters, thus allowing the car-parking to be available for park users. A new P5 Parking Restriction has recently been installed on the south side of Moorhouse Avenue, adjacent to the proposed entry plaza for the Skate Park, to provide the most convenient and safe location to drop off and pick up park users. Other measures have been put in place since 2006 to address problems with the use of the car-park identified by the adjoining business. Barrier arms and judder bars have been installed, and the car-park is locked at night on a security contract basis. The locking of the car-park overnight has been successful in removing the opportunity for people who are not legitimate park users to congregate in cars in the car-park. There is limited space within the reserve to extend the car-parking area to provide additional parking spaces, or to incorporate additional landscape planting and seating.

42 Cont'd

**Alcohol ban**

62. Washington Way Reserve is within the South Colombo Permanent Alcohol Ban Area under the Council's Alcohol Restrictions in Public Places Bylaw 2009, and was also within an alcohol ban area under the previous bylaw. Alcohol restrictions are permanently in place in the park at all times, 24 hours a day, 7 days a week. There is existing signage at the park advising that it is an alcohol-free area. Possessing or consuming alcohol or bringing alcohol into the park, whether in a vehicle or not, is an offence and could result in a criminal conviction. Enforcement of this the role of the Police who under the bylaw have the power to seize alcohol, and to arrest people found to be breaching the by-law.

**Other support**

63. Letters of support for the proposed Stage 3 Washington Way Skate Park have also been received from two key organisations within the Canterbury region. Sport Canterbury have identified that the Skate Park provides opportunities for young people to become involved in physical activity and to achieve the benefits associated with this, and also that skating and freestyle biking are two key activities that attract youth who might otherwise not participate in a physical activity. Canterbury District Health Board staff support the Skate Park because it will provide increased opportunities for young people to be physically active, to network with their peers, and develop social and physical skills, with resulting positive health outcomes.

**Additional features requested**

64. A number of submitters suggested the provision of additional equipment, facilities and activities within the reserve which have not been able to be incorporated into the amended concept plan. The current budget for the upgrade of the reserve does not extend to the provision of these services. Funding is approved under the LTCCP for the completion of the Skate Park asset only, therefore additional facilities such as a play area for younger children, and an upgrade of the public toilets, are not able to be provided at this time. Other facilities including a café, first aid room or station with phone, and a tool box are also outside of the scope and budget of this project. There are already a number of food service related businesses in the surrounding area.

**ADDITIONAL INFORMATION CHRONOLOGY OF PROCESS**

65. Chronology of Washington Skate Park from 1993 – 2009 (Lot 20 refers to Washington Reserve)
- 29 June 1993 - The Council considers a report on proposed reserve in Washington Way. Parks and Recreation Committee expressed concern that Railcorp marketing development based on a concept plan which is not approved by the Council. This concept showed Lot 20 as open space. At that stage Railcorp conditionally sold one site overlooking reserve area.
  - The Council Resolved that Railcorp be informed that it is the Council's prerogative to determine how reserve land is classified.
  - 10 August 1993 - The Council resolved that upon receipt from Railcorp Lot 20 be classified as a recreation reserve. Council also resolved that the Office Solicitor draw up a contract binding the Council :to Council itself classifying the reserve as a recreation reserve and giving an undertaking not to permit the continuance of commercial activities, such as Daytona Raceway..."
  - Late November 1993- Issue of a skateboard ramp on Lot 20 becomes an issue that the Hagley/Ferrymead Community Board discuss with an outcome to recommend to the Parks and Recreation Committee, that Lot 20 be a suitable sight for skate boarding.



42 Cont'd

- 8 November 1993 Railcorp forwards agreement to Christchurch City Council for signing with reference to Lot 20 being used *"for open passive recreation"*. Railcorp covering letter refers to issue of a skateboard ramp on Lot 20.
- Early November 1993 Telephone conversation between Railways and Office Solicitor. Railways advised by Office Solicitor that City Council could not sign agreement because of tag *"...for open passive recreation."*
- 17 November 1993 Hagley / Ferrymead Community Board resolved to recommend that City Council give consideration to use of Lot 20 as a skateboard ramp.
- 28 February 1994 Council resolved to permit skateboards on Lot 20.
- 1996 Christchurch skaters show demand for skating through use of Victoria Square. This becomes a high use area for skaters and leads to opposition by local businesses.
- 1996 – 1997 Businesses in Victoria Square request a ban on skate boards and that a site be located elsewhere in the central city that is purpose built for skate boarding. The claim is made that skate boards are dangerous when mixed with pedestrians, police voice their concern in regards to this as well, noting reports of pedestrians being knocked over by skate boarders. The issue is ongoing through the Press during 1996 and 1997.
- 1996 Council identify the need for skate board facility, and that the Victoria square option is not ideal as it is not purpose built and is hard to keep the general public safe as it is pedestrian area and not a designated skate area.
- 1997 – 1998 Council agrees to ban skate boarding in central city once Washington Reserve is ready for skate boards to move in.
- May 1997 The design for Washington skate area is drafted by Andy Wylie. The skate park focuses on transition skating and building skill levels from beginner through to advanced. This is earmarked to be finished within a 3 year timeframe.
- 1998 Businesses in Washington Way voice there opposition to skate park at Washington Reserve.
- March – June 1998 Stage one of Washington Reserve skate area commences and is open to coincide with the skate board ban coming into effect at Victoria Square. Skate park is officially opened on the 6<sup>th</sup> June 1998, skaters reflect there delight at the new park stating that the Council rocks.
- 1999 – 2001 The stage 2 design is amended to reflect the need for street skate elements that have not been included in the original design. Campbell Johnson drafts the new stage 2 design.
- January 18, 2001 Washington Reserve is zoned as Business 3 and the Open space zoning is repealed. The Environment Court has produced a decision pertaining to the zoning of Washington Reserve. Washington reserve is to be zoned as a Business 3. Therefore the resource consent application will be lodged soon.
- November 5, 2001 Preparation for an application for resource consent Council officer Suzanne Weld writes to the local businesses informing them that the council will be preparing an application for resource consent to extend the skateboard facility at Washington Reserve.
- February 12, 2002 Resource Consent RMA 20008961 Granted Regarding the Councils application for consent to extend the skateboard facility in two stages including the provision of associated car parking, lighting and landscaping. "The Resource Management Officer Committee has considered this application on a non-notified basis pursuant to section 94 of the Resource Management Act and consent has been granted.

42 Cont'd

- February 20, 2002 Resource consent for Stage 2 granted Suzanne Weld writes to the local businesses informing them "that resource consent for the extension to the Washington Reserve skating facility has been granted. The decision to process the application on a non-notified basis and give approval to the application was made by an independent Commissioner David Collins 11 February 2002. It is likely that construction of stage 2, the street skating area will commence in April/May this year".
- 16<sup>th</sup> November 2002 Stage 2 is officially opened for public use. The skate park as it is now, is what was opened on that day.
- March 2004 The skate strategy is adopted through Council and identifies as its main target to have budget for the completion of Washington by 2007.
- 2005 Businesses in Washington Way submit further concerns re the skate park to Council. They state that graffiti and vandalism is occurring in the area as a result of the skate park. Council officers meet with them to discuss what could be done to mitigate the issue. Local businesses aware of stage 3 design and that it is over due in the time line originally set out in 2002 resource consent proposal.
- May 18 2005 Council Officers offer to cost share in a fence with neighbouring property at a rate of \$221.92 plus GST. Neighbour states that this should be the full cost of the Council as they have caused the issues by installing the skate park.
- May 2006 The Phillipstown Strengthening Communities Team Graffiti Vandalism Reduction Project commences and includes Washington at the request of Council Officers working on the project. The pilot scheme was deemed a success and the graffiti office is opened 6<sup>th</sup> October 2008. The graffiti office focussed on the city as a whole.
- May 2006 – August 2006 Issues gathering is undertaken through communication with skaters and local business during 2006. This information is utilised to form the brief for Washington skate park designers.
- October – November 2006 Convic Design Ltd is identified as a suitable vendor to complete the design of Washington. Convic are contracted to develop the design according to discussion with skaters and from issues raised by local businesses. Convic are a professional organisation that develops public spaces in Australia and the Asia Pacific region with an emphasis on skate and youth areas.
- November 2006 Car park monitoring commences and runs through to 2008 to identify future needs and meet conditions from previous consent.
- Early 2007 Council Officers working on the project undertake CPTED (Crime Prevention Through Environmental Design) training in order to better understand the elements required to make Washington Skate park a safer place through improved design. These methods are passed onto stage 3 designers Convic.
- 2007 Council Officers spend time during the weekends and night at the skate park to identify issues and try to see first hand some of the issues that have been raised since the skate park was opened.
- Consultation opens during late 2007, information sessions held on site at Washington and at Our City. Comments relate to either the design for those in favour, and for those opposed, submissions focus on the need to remove the skate park or mitigate the social issues businesses have identified as their main concern.
- 2008 – 2009 Issues worked on in relation to finalising the design and ensuring, functionality, CPTED and safety is paramount heading forward with any new design.
- October 2009 Report for Stage 3 goes to Community Board for approval, it is approved and is sent to the Council for approval.

## 43. HEARINGS PANEL DRAFT REPORT ON THE PROPOSED SPEED LIMITS BYLAW

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI: 941 8608
<b>Author:</b>	Speed Limits Bylaw Hearing Panel

**PURPOSE OF REPORT**

1. This is a report of the Speed Limits Bylaw Hearing Panel (the Hearing Panel). It summarises the consultation process on the proposed Speed Limits Bylaw and recommends the adoption of the Speed Limits Bylaw, as **attached**.

**EXECUTIVE SUMMARY**

2. The purpose of the proposed Speed Limits Bylaw is to provide a mechanism for setting speed limits for all roads under its jurisdiction. Speed limits will be set in accordance with the Land Transport Rule: Setting of Speed Limits 2003 (Rule 54001) and recorded in the Christchurch City Register of Speed Limits. The register of speed limits does not form part of the bylaw, and a review of speed limits is being undertaken as a separate exercise. The proposed bylaw will replace two existing bylaws relating to speed limits: the Christchurch City Speed Limits Bylaw 2005 and the Banks Peninsula District Council Speed Limit Bylaw November 2005.
3. On 24 September 2009, the Council adopted the proposed Speed Limits Bylaw for consultation. Submissions on the proposed bylaw could be made between 30 September 2009 and 2 November 2009. No submissions were received. The Hearing Panel met to consider the proposed bylaw on 3 December 2009. The panel members were Councillors Gail Sheriff, David Cox and Mike Wall.
4. The Hearing Panel recommends that the Council adopt the Speed Limits Bylaw in the form proposed.

**DEVELOPMENT OF PROPOSED BYLAW**

5. The proposed Speed Limits Bylaw was developed as part of a review of two existing bylaws: the Christchurch City Speed Limits Bylaw 2005 and the Banks Peninsula District Council Speed Limit Bylaw November 2005. These bylaws are due to be reviewed by 7 April 2010 and 9 November 2010 respectively, in accordance with a Local Government Act 2002 requirement that bylaws made under the Act be reviewed within five years of first being made (section 158).
6. The proposed bylaw provides a mechanism for setting speed limits for all roads within the Council's jurisdiction. The creation of such a bylaw is a requirement of the Land Transport Rule: Setting of Speed Limits 2003 (the Rule). The speed limits themselves do not form part of the bylaw. Speed limits are set in accordance with the requirements of the Rule and then recorded in a separate register. The Christchurch City Register of Speed Limits already records speed limits for the Christchurch district as it was prior to amalgamation. Banks Peninsula speed limits will be transferred from a schedule of the Banks Peninsula District Council Speed Limit Bylaw to the register.
7. Council staff are undertaking a review of speed limits, as a separate process, using the guidelines and calculation process in the Rule. Once the new Speed Limits Bylaw is adopted, the Council will be in a position to undertake consultation on the speed limits that have been identified as in need of change. That consultation will be undertaken in accordance with the requirements of the Rule.

**CONSULTATION**

8. Public consultation on the proposed bylaw took place from 30 September 2009 to 2 November 2009, by use of the special consultative procedure. The consultation documents were sent directly to a range of groups, organisations and individuals, public notices were placed in The Press, The Star, and community newspapers, and the consultation documents were made available at service centres, Council libraries and on the internet. However, no submissions were received.

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**LEGAL CONSIDERATIONS**

9. A bylaw hearing panel has no decision-making powers, but can make recommendations to the Council, in accordance with its delegation for that purpose, as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit, bearing in mind that the Local Government Act 2002 requires views presented during consultation to be given "due consideration in decision-making".<sup>1</sup> In this case, no submissions have been made.
10. Section 157 of the Local Government Act requires that the Council give public notice of the making of a bylaw as soon as practicable after the bylaw is made. A recommendation has been made to this effect. It is recommended that the Speed Limits Bylaw come into effect on 1 January 2010, which is in advance of the dates by which the bylaws being revoked would automatically expire. This will allow work to progress on the review of speed limits as soon as possible.
11. The Legal Services Unit considers that the form of the bylaw, as proposed in this report, is the most appropriate form, and that the Speed Limits Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

**HEARING PANEL RECOMMENDATIONS**

The Hearing Panel recommends that the Council:

- (a) Adopt the Christchurch City Council Speed Limits Bylaw 2010, as attached.
- (b) Give public notice as soon as practicable, that the Christchurch City Council Speed Limits Bylaw 2010 has been adopted by the Council, that it comes into effect on 1 January 2010, and that copies of the bylaw will be made available.

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<sup>1</sup> Section 82(1)(e). This is also supported by the Council's Consultation Policy, which states: "we will receive presented views with an open mind and will give those views due consideration when making a decision".  
Council 10 December 2009 Agenda (Cont'd)

## 44. ENDORSEMENT OF THE CANTERBURY WATER MANAGEMENT STRATEGY

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager - Healthy Environment, Strategy and Planning
<b>Author:</b>	Jenny Ridgen

**PURPOSE OF REPORT**

1. The purpose of this report is to seek Council endorsement of the Canterbury Mayoral Forum's document, the "Canterbury Water Management Strategy" (CWMS), as published on 5 November 2009, subject to satisfactory progress in resolving the ongoing matters outlined in the strategy document.
2. In addition, the CWMS Steering Group has requested (**Attachment 1**) that the Council consider authorising the establishment of zone committees in line with the process outlined in the strategy.

**EXECUTIVE SUMMARY**

3. Development of the CWMS has been led by the Mayoral Forum and supervised by a multi-stakeholder Steering Group. Consultation with the public and territorial authorities has occurred throughout the development of the strategy, for example, through public meetings, presentations to councils, and via a website. The strategy recognises the challenges of water management in Canterbury and provides a framework for a new approach to the way water is allocated and managed. The primary principles for this approach include: sustainable management, regional approach and tangata whenua. Supporting principles include: natural character, indigenous biodiversity, access, quality drinking water, recreational opportunities, and community and commercial use.
4. The "Draft Canterbury Water Management Strategy" (August 2009) was presented to the Council by members of the Steering Group at a Council workshop on 22 September 2009, and was the subject of a further Council workshop on 30 September 2009. In response to submissions, the draft strategy has been amended and copies of the final strategy have been separately circulated to Councillors. The Council did not make a submission on the strategy.
5. To address concerns raised in submissions, particular attention was paid to the proposed governance structure of zone and regional committees. The strategy proposes that:

"Water management committees will be set up to develop, adopt, monitor and review the proposed water and land implementation programmes. The committees will develop the implementation programmes collaboratively so that they have a broad measure of stakeholder support – locally, regionally and nationally" (see pages 45-46 of CWMS).
6. The proposed three-tier governance structure comprises:
  - o Local level - Zone Water Management Committees for each of ten zones, with members drawn from Environment Canterbury, territory authorities with an interest in the zone, Ngāi Tahu/runanga, consent-holder representatives and stakeholders, and respected members of the community.
  - o Regional level – a Regional Water Management Committee to deal with issues that are common across the region or which need to be escalated from the local level. This committee to include representatives of each zone committee, local and central nominees, Ngāi Tahu and other stakeholders.
  - o National level – a national tripartite forum involving relevant Cabinet ministers together with representatives of Ngāi Tahu and the Canterbury regional and district councils.
7. The strategy states that the zone water management committees will be established in early 2010 using existing Local Government Act powers so that work can start on the preparation of implementation programmes. The timing for establishment of the committees will vary from zone to zone and it is expected that the Hurunui River zone committee will be the first to be established. The Implementation section of the CWMS recognises that further work is required before these committees can be fully functional (page 59 of the CWMS).

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This further work includes:

- (a) The legal status of the committees.
- (b) Membership of the committees.
- (c) Remuneration of committee members.
- (d) Terms of Reference.
- (e) Boundaries.

8. Once that work has been completed, then a further report will be put before the Council regarding establishment of the committee in relation to Christchurch city.

**FINANCIAL IMPLICATIONS**

9. There are no direct financial implications with regards to endorsing the Canterbury Water Management Strategy although additional costs are likely to be incurred as the strategy is implemented. Any costs associated with the implementation of the CWMS would need to be considered by the Council as part of the 20012-2022 LTCCP. The CWMS provides insufficient detail to estimate the scale and quantity of these costs. The establishment of zone committees, as recommended in this report, is likely to have a small impact on the costs of governance for the Council.

**LEGAL CONSIDERATIONS**

10. The CWMS is a non-statutory document, however, aspects of its implementation will rely on provisions of the Resource Management Act and the Local Government Act.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. Endorsement of the CWMS aligns with the LTCCP community outcome of a "well governed city", and in particular, the activity of providing a reliable supply of water which is safe to drink.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

12. As above.

**ALIGNMENT WITH STRATEGIES**

13. The CWMS recognises the need for quality drinking water and is consistent with the Council's Water Supply Strategy (2009).

**Do the recommendations align with the Council's strategies?**

14. As above.

**CONSULTATION FULFILMENT**

15. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Endorse the Canterbury Water Management Strategy as published on 5 November 2009, subject to satisfactory progress in resolving the ongoing matters outlined in the strategy document, and
- (b) Note that a report authorising the establishment of zone committees in line with the process outlined in the Canterbury Water Management Strategy, will come before the Council in 2010, and that any future funding issues associated with implementation of the strategy will need to be considered as part of the 2012-2022 LTCCP process.

44 Cont'd

**BACKGROUND**

16. The Canterbury Water Management Strategy has been amended in response to submissions and was published in its final form on 5 November 2009. The CWMS has been prepared under the overall leadership of the Mayoral Forum. The strategy deals with management of the regions' water resources and was prepared by a Steering Group made up local and regional government representatives, Te Runanga o Ngāi Tahu, conservation groups, irrigation interests, commercial interests, recreation interests, and other key stakeholders.
17. Development of the strategy has included several rounds of stakeholder and public consultation and engagement over the past three years.
18. Key drivers for the development of a regional water management strategy are:
  - Competing demands for water resources
  - Pressures on aquatic and groundwater ecosystems
  - Uncertain reliability of available water for agricultural use.
19. A set of 'fundamental principles' underpin the draft strategy:
  - Primary principles include sustainable management, regional approach, and tangata whenua; as well as first and second order priorities:
    - First order priorities: environment, customary use, community supplies and stock water
    - Second order priorities: irrigation, renewable electricity generation, recreation and amenity
  - Supporting principles – natural character, indigenous biodiversity, access, quality drinking water, recreational opportunities, and community and commercial use.
20. The strategy proposes a tiered system to manage water resources:
  - Zone Water Management Committees, with one committee for each water management zone which will be created. Ten zones are proposed. Each committee would be made up of 7 to 10 members drawn from Environment Canterbury, territorial authorities with an 'interest' in the zone, Ngāi Tahu, consent-holder representatives and stakeholders, and 'respected' members of the community. The chair would be a stakeholder representative.
  - Regional Water Management Committee, made up of 10 to 15 representatives of each of the zone committees, local and central government, Ngāi Tahu and 'stakeholders with the chair nominated by Environment Canterbury and territorial authorities.
  - Water Executive, which would: manage the implementation programme on a day-to-day basis; be a semi-autonomous arm of Environment Canterbury; develop a charging regime (applies to new consents, with application to existing consents yet to be developed), and be an 'active facilitator' that will jointly develop consent applications and broker new consents.
  - Water Infrastructure and Services Entity, which would be responsible for designing, building, financing and operating larger storage and distribution systems in the region.
21. A suite of draft targets, to include a set of goals for 2015, 2020 and 2040, are proposed for nine criteria:
  - Drinking water quality
  - Irrigated land area
  - Energy security and efficiency
  - Ecosystem health/biodiversity
  - Water use efficiency
  - Kaitiakitanga
  - Contribution to regional and national economies
  - Natural character of braided rivers
  - Recreational opportunities.

10. 12. 2009

**45. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 3 DECEMBER 2009**

Attached.



46. EXCHANGE OF LAND WITH CANTERBURY DISTRICT HEALTH BOARD  
– CONSULTATION PROCESS



<b>General Manager responsible:</b>	General Manager Regulation and Democracy, DDI 941-8462
<b>Officer responsible:</b>	Programme Manager, Strong Communities
<b>Author:</b>	Ian Thomson, Solicitor

**PURPOSE OF REPORT**

1. The purpose of this report is to provide information to the Council about the consultation process to be used before the Council proceeds with an exchange of land with the Canterbury District Health Board (CDHB).

**EXECUTIVE SUMMARY**

2. At its meeting on 26 November 2009 the Council confirmed its willingness to consider a land exchange with the CDHB, subject to reaching agreement on the parcels of land and costs involved and to considering the results of consultation on the issue.
3. Councillors couldn't agree on the consultation process to be used and left the matter to lie on the table pending the receipt of further information from staff.
4. That information is contained in this report.

**STAFF RECOMMENDATION**

It is recommended that the Council resolves to:

- (a) Obtain and consider the views of the community by using the consultation process set out in the Proposed Consultation and Community Engagement Plan **attached** to this report.
- (b) Note the advice from the Council's Legal Services Unit that the level of consultation outlined in the proposed plan complies with the Council's decision-making obligations in the Local Government Act 2002.

**FINANCIAL IMPLICATIONS**

5. Any consultation process used by the Council will incur cost, particularly in terms of staff time. On top of that there are advertising and publishing costs, the hire of facilities and the cost of providing access to information held electronically.
6. The CDHB has agreed to share these costs and has confirmed this in a letter to the Council, a copy of which is **attached**.
7. If the Council was to use the special consultation procedure (SCP) set out in the Local Government Act 2002 its costs would increase as a result of the requirement to prepare and distribute a Statement of Proposal and Summary of Information and to hold public hearings. Although not quantified, the time spent by staff and panel members on the hearings process would be a cost to be considered.

**LEGAL CONSIDERATIONS**

8. As indicated earlier the Council, by resolution, has confirmed its willingness to consider a land exchange with the CDHB. If completed, the exchange would mean that Christchurch Hospital could be enlarged and improved on its current site. Land owned by the Council as part of Hagley Park is sought for the development and land owned by the CDHB adjoining the Avon river is offered in exchange. Hagley Park would be extended to include this area and although precise boundary lines have yet to be drawn, it is expected by both parties that there will be no loss of land in the park.
9. The decision to enter into the land exchange is not provided for in the Council's 2009-19 LTCCP, nor does it flow consequentially from anything contained in that document.

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10. In terms of the Council's significance policy therefore the decision will be a significant one. This means that the Council is required to consider whether or not to use the special consultative procedure before the decision is made.
11. However, whilst the exchange is significant in terms of the Council's significance policy, and will obviously be a matter of interest to Christchurch residents, in fact the transaction will have no adverse effect on the park. Therefore the consultation process in respect of the exchange is likely to attract less interest than might have been the case if the proposal was to simply take land out of Hagley Park to accommodate the development of Christchurch Hospital.
12. Section 78 of the Local Government Act 2002 requires the Council, in the course of its decision-making process, to give consideration to the views and preferences of the persons likely to be affected by, or to have an interest in, the proposed land exchange. Section 79 states that it is up to the Council in its own judgement to determine how to achieve compliance with that requirement, in proportion to the significance of the decision.
13. The Act sets out a number of consultation principles. These include:
  - (a) providing reasonable access to relevant information
  - (b) encouraging people to present their views
  - (c) providing clear information about the purpose and scope of the decision to be made
  - (d) providing a reasonable opportunity to present views to the Council
  - (e) receiving views that are presented to the Council with an open mind and giving them due consideration
  - (f) providing people who have presented their views with information about the relevant decision and the reasons for it.
14. The Council must consult in accordance with these principles, whether or not it uses the special consultative procedure. The only real difference is that an SCP requires the Council to prepare and distribute a Statement of Proposal, and Summary of Information, and to give people who make submissions a reasonable opportunity to be heard by the Council if they request this. How the Council fulfils its obligation to obtain and consider community views is for the Council itself to determine. It may decide (or be required) to use the SCP, or it may resolve to adopt another less prescriptive consultation process. Either way the need to comply with the provisions of the Local Government Act, and to use a process that is in proportion to the significance of the decision, remains the same.
15. The CDHB and Council staff have put together a Proposed Consultation and Community Engagement Plan in respect of the proposed land exchange and development of Christchurch Hospital. They believe that this reflects both the nature of that development and the significance of Hagley Park to Christchurch residents. The Plan involves both parties engaging with the people and organisations that have a particular interest in the project, as well as with the general public. The Council may determine that this process is preferred to an SCP.
16. One of the reasons for this could be that the SCP would require the Council to consult on those matters that are set out in a Statement of Proposal prepared in accordance with the requirements of the Local Government Act. The decision to be made by the Council is in respect of the land exchange only. Therefore there is a risk that the consultation process could be carried out largely in isolation to the process being followed by the CDHB. This appears to be at odds with the aim of both organisations to work together.
17. In fact there has been a high level of collaboration already and the CDHB intends to consult widely with the Council. The Proposed Consultation and Community Engagement Plan includes a list of key Stakeholders. This may be added to once the Plan is completed in its final form.

46 Cont'd

18. The CDHB has advised Council staff that it is prepared to meet with all key stakeholders and sees this as an important part of the consultation process. The process will include workshops, presentations and seminars involving Community Boards, Councillors and groups within the CDHB's own organisation. As much use as possible will be made of existing CDHB and CCC communication channels and networks.
19. For these reasons, it is suggested that a joint approach to consultation may be the better option for the Council to adopt.
20. A further matter to be taken into account is that obtaining and considering the views of the Christchurch community is only one step in the consultation process.
21. The Council can only effect the exchange of land with the CDHB by seeking an amendment to the Christchurch City (Reserves) Empowering Act 1971. This Act controls and protects the land comprising Hagley Park.
22. It would also be necessary for the CDHB to amend the Hospital Act, which controls and protects the CDHB land. If both amendments are enacted, it means that the CDHB land will become a reserve and part of Hagley Park, and the Council land will be available to the CDHB for its development project.
23. The promotion of a local Bill to amend both Acts would require a further more formal consultation process. Once drafted the new Bill will be publicly notified and copies provided to any person or organisation that has a direct interest in the matter. These will include local MPs. It is likely to be several months before the Clerk of the House of Representatives is able to accept the draft Bill.
24. The Bill will be promoted by a local MP who will introduce it to the House. After the Bill is read for the first time it will be referred to a select committee which will seek public submissions and sit as a hearings panel to hear submitters who wish to be heard. Again, depending on the number of submitters, this process could take several months. It is only when the select committee is satisfied that the Bill is in a proper form to be enacted that it is returned to the House for the second and third readings. At each reading there is the opportunity for debate in the House.
25. The consultation process proposed by Council staff and the CDHB is therefore the first step in what will be a relatively long process that could take 18 months - 2 years to complete. Whether or not the draft Bill has a smooth passage through Parliament will depend to a large extent on the quality and the extent of the consultation undertaken locally. It is therefore in the interests of both the Council and the CDHB to ensure that this is dealt with appropriately, not just to comply with the requirements of the Local Government Act 2002, but also so that the parliamentary process goes smoothly.
26. It is the view of the Legal Services Unit that the level of consultation outlined in the attached Proposed Consultation and Community Engagement Plan will achieve both of these objectives
27. It should be noted that using the special consultative procedure would not mean that the Council's decision-making process could not be challenged in the High Court. The Council's decision to fund a new School of Music for the University of Canterbury at the Art Centre, made following an SCP, is currently the subject of an application for judicial review.

**OPTIONS**

28. The Council has already indicated that it is willing to consider an exchange of land with the CDHB. The matter before it now is a decision on the process to be adopted for obtaining and considering community views on the proposal.
29. The special consultative procedure is a prescriptive process that requires a Statement of Proposal to be prepared and submitters to be given the opportunity to be heard by a Council-appointed Hearings Panel.

**46 Cont'd**

30. The Council's obligation to consult in accordance with the provisions of the Local Government Act 2002 remains the same, whether or not an SCP is used. The Council must still ensure that the steps it takes to obtain and consider community views are in proportion to the significance of the matter before it. As indicated in this report Council staff believe that the Proposed Consultation and Community Engagement Plan meets this obligation.
31. Sometimes the SCP just isn't the right tool for the job and it is suggested that this is one of those times. The consultation process recommended by the CDHB and Council staff is both sound and appropriate, particularly in view of the fact that there is still another, more formal, process to come.
32. Compliance with the decision-making processes in the Act is the basis on which the Council's process will be judged, whether or not an SCP is used. The use of an SCP will not eliminate the risk of an application for judicial review being filed against the Council.

**PREFERRED OPTION**

33. It is recommended that the Council approve the attached Proposed Consultation and Community Engagement Plan as the basis for obtaining and considering community views on the proposed exchange of land with the CDHB.

**47. RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)**

*Section 48, Local Government Official Information and Meetings Act 1987.*

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 48-52.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
48. MINUTES OF MEETING: 26.11.2009 )	GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)
)		
49. NEW CIVIL DEFENCE BUILDING )		
)		
50. REPORT BACK ON TRANSFER STATIONS AND MATERIALS RECOVERY FACILITY )		
)		
51. TUAM LIMITED DIRECTOR APPOINTMENTS )		
)		
52. PERFORMANCE REVIEW SUBCOMMITTEE )		
)		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 48	Protection of privacy of natural persons	(Section 7(2)(a))
Item 48	Commercial activities	(Section 7(2)(h))
Item 48	Right of appeal exists	(Section 48(2)(a))
Item 49	Commercial activities	(Section 7(2)(h))
Item 49	Conduct of negotiations	(Section 7(2)(i))
Item 50	Conduct of negotiations	(Section 7(2)(i))
Item 51	Conduct of negotiations	(Section 7(2)(i))
Item 52	Protection of privacy of natural persons	(Section 7(2)(a))

**Chairman's Recommendation:** That the foregoing motion be adopted.

**Note**

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”