

**MINUTES OF A MEETING OF THE CHRISTCHURCH CITY COUNCIL
HELD AT 9.30AM ON FRIDAY 19 DECEMBER 2008**

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

COUNCIL MEETING OF 27 NOVEMBER 2008

It was **resolved** on the motion of Councillor Wall, seconded by Councillor Withers, that the open minutes of the Council meeting held on Thursday 27 November 2008 be confirmed subject to removing the word "on" in part (b) of the resolution from items 9, 10 and 11.

3. DEPUTATIONS BY APPOINTMENT

(a) **ISAAC CONSERVATION AREA MANAGEMENT PLAN**

Diana, Lady Isaac addressed the Council to speak to the item regarding the Isaac Conservation Area Management Plan (item 9). Lady Isaac tabled a copy of the management plan. She commented that she is a passionate supporter of the conservation of wildlife, trees and buildings and the management plan is the culmination of eight years work.

The Mayor on behalf of the Council thanked Lady Isaac for the contribution she and her late husband have made to the city of Christchurch.

(b) **HALSWELL QUARRY**

The Mayor advised those wanting to make a deputation on this issue that there will be an opportunity in 2009 to make a submission on a consultation document for the Halswell Quarry Park Management (refer item 10).

(c) **Gambling Consent Application**

Laurie Siegel-Woodward from Problem Gambling addressed the Council in relation to the application from the Sumner RSA for consent for four gaming machines. They noted their concerns about breaching Council policy if the Council agreed to the request from the Sumner RSA.

4. PRESENTATION OF PETITIONS

Councillor Corbett presented a petition containing 1684 signatures re Ernlea Clark reserve, the walkway by the river linking Colombo street to the Barrington Bridge:

"We request the City Council to save the adjacent land with its priceless trees. Offered by the 1684 people. Offered by the owner to the council, the land was rejected due to the cost. All the trees behind the fence are under immediate threat of being felled for housing subdivision. The trees are pronounced healthy by an arborist and are home to a multitude of birds and wintering butterflies. It is a once-only opportunity to save this peaceful haven."

It was **resolved** on the motion of Councillor Corbett seconded by Councillor Wells, that the petition be referred to staff.

5. NAMING STEWART PLAZA - CITY MALL

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

- (a) That the area of the former Stewart Fountain be officially designated and known in perpetuity as: The Stewart Plaza.
- (b) It is also a recommendation and a requirement of the bequest that a suitable plaque identifying the Stewart family contribution be placed at the foot or alongside the sculpture.

6. PROPOSED STANMORE ROAD CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (STANMORE ROAD) BYLAW 2009

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

- (a) Resolve that the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Stanmore Road, is the most appropriate way to address the perceived problems identified in paragraphs 16 & 17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the draft amendments to the Bylaw are in the most appropriate form.
- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the attached Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets as shown on the distribution plan within the summary of information, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to be a subcommittee of the Regulatory and Planning Committee to consider submissions on the proposed Traffic and Parking Amendment (Stanmore Road) Bylaw 2009.
- (g) Note that this report is included in the Council agenda of 19 December 2008.
- (h) Note that, in order to meet the consultation and hearing timetable outlined in the Statement of Proposal and the Summary of Information, staff advise that the Board's recommendation will be forwarded to the 19 December 2009 Council meeting by way of memorandum from the Community Board Adviser.

7. PROPOSED KILMORE STREET CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (KILMORE STREET) BYLAW 2009

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

- (a) Resolve that the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009, amending the Christchurch City Council Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Kilmore Street, is the most appropriate way to address the perceived problems identified in paragraphs 15 to 17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the draft amendments to the Bylaw are in the most appropriate form.

- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the attached Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website, noting that the submissions will close at 5pm on Friday 13 February 2009.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to be a subcommittee of the Regulatory and Planning Committee to consider submissions on the proposed Traffic and Parking Amendment (Kilmore Street) Bylaw 2009, during the week beginning Monday 9 March 2009.
- (g) Note that this report is included in the Council agenda of 19 December 2008.
- (h) Note that, in order to meet the consultation and hearing timetable outlined in the Statement of Proposal and the Summary of Information, staff advise that the Board's recommendation will be forwarded to the 19 December 2009 Council meeting by way of memorandum from the Community Board Advisor.

8. PROPOSED LINWOOD AVENUE CYCLE LANE AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (LINWOOD AVENUE) BYLAW 2009

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

- (a) Resolve that the proposed Traffic and Parking Amendment (Linwood Ave) Bylaw 2009, amending the CCC Traffic & Parking Bylaw 2008 and providing for special vehicle lanes (Cycle Lanes) on Linwood Ave, is the most appropriate way to address the perceived problems identified in paragraphs 15-17 of this report.
- (b) Resolve that there are no inconsistencies between the amendments and the New Zealand Bill of Rights Act 1990, and that the proposed Amendment Bylaw is in the most appropriate form.
- (c) Resolve that Council commence a special consultative procedure to make the Bylaw and that the attached Statement of Proposal (which includes the proposed Traffic and Parking Amendment (Linwood Ave) Bylaw 2009) and the Summary of Information be adopted for consultation and made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
- (d) Determine that the Summary of Information be distributed to all properties and businesses along the route and nearby properties in adjacent streets, and any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident Groups in the distribution area.
- (e) Resolve that public notice of the proposal be published in a newspaper having a wide circulation in the Council's district.
- (f) Appoint a hearings panel to be a subcommittee of the Regulatory and Planning Committee to consider submissions on the proposed Traffic and Parking Amendment (Linwood Avenue) Bylaw 2009.
- (g) Note that this report is included in the Council agenda of 19 December 2008.
- (h) Note that, in order to meet the consultation and hearing timetable outlined in the Statement of Proposal and the Summary of Information, staff advise that the Board's recommendation will be forwarded to the 19 December 2009 Council meeting by way of memorandum from the Community Board Advisor.

9. ISAAC CONSERVATION AREA MANAGEMENT PLAN

It was **resolved** unanimously on the motion of Councillor Wall, seconded by Councillor Wells, the Council approve the attached Isaac Conservation Park Management Plan, subject to the proviso that this approval shall lapse unless the Bird Hazard Management Plan has been completed within 12 months of approval of the Park Management Plan in consultation with Christchurch International Airport Ltd and to the satisfaction of the General Manager Strategy and Planning.

These clauses were taken at this stage of the meeting.

13. PROVISION OF KERBSIDE COLLECTION SERVICES TO PROPERTIES FOR WHICH A RATES REMISSION HAS BEEN GRANTED

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

- (a) Allow occupying properties for which a rates remission has been granted, to participate in the Council's kerbside collection.
- (b) That the kerbside collection service to occupying properties for which a rates remission has been granted, be funded by an annual charge payable by the applicant for the service.

14. TERMS AND CONDITIONS FOR THE USE OF THE KERBSIDE COLLECTION SERVICES AND WASTE COLLECTION POINTS

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

- (a) Adopt the attached terms and conditions.
- (b) Note that the Chief Executive will make appropriate sub-delegations to the Council's contractors to enable them to enforce clauses 5(1) and 5(2) of the Waste Management Bylaw 2008, as may be required.

15. HARPER AVENUE AND DEANS AVENUE – NO STOPPING (11PM TO 5AM) RESTRICTION

It was **resolved** unanimously on the motion of Councillor Buck, seconded by Councillor Broughton, that the Council approve that the stopping of vehicles be prohibited between the hours of 11pm and 5am on both sides of Harper and Deans Avenue for their entire lengths and Helmores Lane to the bridge.

16. RECESS COMMITTEE

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

- (a) Establish a Recess Committee comprising the elected members of the Audit and Risk Management Subcommittee with the Deputy Mayor as an alternate for the Mayor be authorised to make any decisions of the Council for the period from 20 December 2008 to 30 January 2009.
- (b) Any decisions made be reported to the Council for record purposes.
- (c) That notice of any Recess Committee be publicised and forwarded to all Councillors.

17. EARLY PROCESSING AND ORDERING OF CANDIDATES' NAMES ON VOTING DOCUMENTS: ELECTION OF ONE MEMBER OF THE SHIRLEY/PAPANUI COMMUNITY BOARD

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

- (a) The returned voting documents for the election to be held on 10 March 2009 to elect one member of the Shirley/Papanui Community Board be processed during the voting period, with such early processing to be undertaken in accordance with section 79 of the Local Electoral Act 2001; the Local Electoral Regulations 2001 and the Society of Local Government Managers' Code of Good Practice for the Management of Local Authority Elections and Polls.
- (b) The names of the candidates be arranged in random order.

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

It was **resolved** on the motion of the Mayor, seconded by Councillor Buck, that the Council nominate Councillor Shearing an alternate representative to the Canterbury Regional Transport Committee.

19. METROPOLITAN DISCRETIONARY RESPONSE FUND APPLICATIONS

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Corbett, that the Council consider only the applications that requested more than \$15,000.

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

Councillor Corbett moved:

That the Council grant \$25,000 from the Metropolitan Discretionary Response Fund to the Dance and Physical Theatre Trust for the Dancing Like the Stars Programme to be extended across the city.

The motion was seconded by Councillor Buck.

Councillor Williams moved by way of amendment

That the Council grant \$10,000 from the Metropolitan Discretionary Response Fund to the Dance and Physical Theatre Trust for the Dancing Like the Stars Programme to be extended across the city.

The amendment was seconded by Councillor Johanson and when put to the meeting was declared **lost** on division No. 1 by 2 votes to 12, the voting being as follows:

Against (12): Councillors Broughton, Buck, Button, Corbett, Cox, Reid, Shearing, Sheriff, Wall, Wells, Withers and the Mayor.

For (2): Councillors Johanson and Williams.

The motion was then put to the meeting and declared **carried**.

It was **resolved** on the motion of Councillor Williams, seconded by Councillor Wall, that the Council grant \$10,000 from the Metropolitan Discretionary Response Fund, to Ka Wahine ki Otautahi Trust as a contribution towards staffing costs.

20. APPROVAL OF CHANGES TO PROVISIONS IN THE CITY PLAN

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

- (a) Approve, pursuant to clause 17(2) of the First Schedule to the Resource Management Act 1991, the changes to City Plan provisions introduced by its decision on Plan Change 1/Variation 95.
- (b) Authorise the General Manager Strategy and Planning to determine the date on which the changes become operative.

**21. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 4 DECEMBER 2008**

Norm Withers requested that it be noted that he was present at the Regulatory and Planning meeting of 4 December. The minutes would be amended accordingly.

(1) GAMBLING CONSENT APPLICATION – SUMNER RSA

Councillor Corbett withdrew from clause (1) and took no part in the discussion or voting thereon.

Councillor Wells moved

That the Council grant the Sumner-Redcliffs RSA (Inc.) territorial authority consent application under section 98(c) of the Gambling Act 2003 and that the Council resolve (in order to comply with section 80 of the Local Government Act 2003) that:

- (a) *A territorial authority consent is granted to the Sumner-Redcliffs RSA (Inc.) under sections 98(c) and 100 of the Gambling Act 2003 and by applying section 80 of the Local Government Act 2002, for the Sumner-Redcliffs RSA (Inc.) to operate four gaming machines from its premises at 34 Wakefield Avenue, Sumner, Christchurch.*
- (b) *This decision is made in the knowledge that it is inconsistent with the Council's Gambling Venue and Totalisator Agency Board Venue Policy.*
- (c) *The reasons for the inconsistency are that when the Council adopted the Gambling Venue and Totalisator Agency Board Venue Policy in 2006 the situation which the Sumner-Redcliffs RSA (Inc) is in, was not a matter that was directly contemplated by the Council in developing the Policy. That is, where a not-for-profit club needs a section 98(c) consent to allow it to recommence operation of the same number of machines that were in operation at the premises when the Council adopted its first Gambling policy, because, although the Department of Internal Affairs granted a licence to the club on the basis of a section 98(d) consent issued by the Council it then cancelled the licence, so the club has no other options that would allow it to continue to operate its machines.*
- (d) *The Council does not intend to amend the Gambling Venue and Totalisator Agency Board Venue Policy to accommodate the decision at this time, however, when the Council reviews the Policy in 2009, the matter of section 98(c) consents for clubs, and for the purposes of section 96 (in addition to section 95), will be considered as part of that review.*
- (e) *That it be noted that staff advice is that this decision does not trigger the Significance Policy.*

The motion was seconded by Councillor Cox and when put to the meeting was declared **carried** on division No. 2 by 10 votes to 3 the voting being as follows:

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

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

(2) TERMS OF REFERENCE FOR STRATEGIC REVIEW OF HERITAGE POLICY

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

- (a) Support the strategic review of heritage policy.
- (b) Resolve that the heritage plan change currently being prepared proceed in concert with this review.

(7) RMA REVIEW – CHRISTCHURCH CITY COUNCIL INITIAL FEEDBACK TO THE MINISTER FOR THE ENVIRONMENT

Councillor Wells moved:

- (a) *That the Council adopt the submission (as amended) developed by the Submissions Panel on the RMA Review – Christchurch City Council Initial Feedback to the Minister for the Environment.*
- (b) *That the amendments be forwarded to Local Government New Zealand as the Council's submission.*

The motion was seconded by Councillor Broughton.

Councillor Broughton moved by way of amendment:

That the section "Consent Hearings" be amended as follows: There are opportunities to streamline the limited notification process to reflect the relative confined issues that such applications present. Delete the remainder of the current paragraph.

The amendment was seconded by the Mayor and when put to the meeting was declared **carried** on division No. 3 by 9 votes to 5, the voting being as follows:

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

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

Councillor Johanson moved by way of amendment:

That the section "Notification of Consents" be amended by deleting paragraph two.

The amendment was seconded by the Mayor and when put to the meeting was declared **carried** on division No. 4 by 9 votes to 5, the voting being as follows:

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

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

The motion as amended when put to the meeting as the substantive motion was declared **carried** on division No. 5 by 9 votes to 5, the voting being as follows:

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

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

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

10. HALSWELL QUARRY PARK SISTER CITIES KOREAN AND CHINESE AREAS

This item was taken at this stage of the meeting.

It was **resolved** unanimously on the motion of Councillor Williams, seconded by Councillor Reid:

- (a) That a report to review the 1998 Halswell Quarry Park Management Plan be brought to the Council at its March 2009 meeting.
- (b) To disestablish the Subcommittee appointed on 28 August 2008.

- (c) To appoint a Halswell Quarry Park Special Committee to:
 - (i) hear any submissions on the revised Management Plan in May 2009
 - (ii) make a decision on the submissions and approve a new Management Plan.
- (d) To appoint to the Special Committee the following Council members who are not members of a Sister City Committee nor members of the Riccarton/Wigram Community Board:

The Mayor, Councillors Button, Reid, Sheriff, Wells, Williams and Withers.

Note: The report in March will include a recommendation to rescind the resolutions passed in August 2008.

38. HEARINGS PANELS

It was **resolved** on the motion of Councillor Wells, seconded by Councillor Shearing, that the Council adopt the following hearings panels with the members listed:

Special Vehicle Lanes (Kilmore/Linwood/Stanmore): Bob Todd (Chair) or his representative, Councillors Buck and Williams

Alcohol in Public Places Bylaw: Councillors Wells (Chair), Broughton, Button, Johanson, Shearing and Withers

Water Supply Strategy: Councillors Williams (Chair), Buck, Corbett, Cox, Reid, Sheriff and Wall.

The Mayor as ex-officio on all.

11. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW

It was **resolved** on the motion of Councillor Shearing, seconded by Councillor Wells, that the item lie on the table.

12. NORTHWATER DRIVE –ROAD LEGISLATION

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Button, that pursuant to Section 111 of the Reserves Act 1977, the Christchurch City Council hereby resolves to dedicate the existing road reserve more particularly described as Lot 15 DP 340443.

22. NOTICES OF MOTION

It was **resolved** on the motion of Councillor Wall, seconded by Councillor Buck, that the item lie on table.

36. SUPPLEMENTARY REPORT

It was **resolved** on the motion of Councillor Withers, seconded by Councillor Broughton that the supplementary report on Social Housing Funding – Special Consultative Procedure be received and considered at meeting on 19 December 2008.

37. SOCIAL HOUSING FUNDING – SPECIAL CONSULTATIVE PROCEDURE

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

- (a) Approve the statement of proposal as amended attached to the staff report.
- (b) Authorise the Chief Executive and the General Manager Community Services to amend the statement of proposal where necessary in consultation with the Chairperson of the Housing Working Party, provided such amendments are not material.
- (c) Authorise the Chief Executive and General Manager Community Services to take such steps as are appropriate to complete the consultation process required for the special consultative procedure and to make any adjustments to that process that may be required.
- (d) Appoint a hearings panel comprising all Councillors to consider any oral submissions that may be made in respect of the statement of proposal and to report on the outcome of the consultation process.

23. RESOLUTION TO EXCLUDE THE PUBLIC

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

- (a) That the resolution to exclude the public set out on page 295 of the agenda be adopted.
- (b) That Mr Cedric Carranceja from Buddle Findlay be permitted to remain at the meeting following the exclusion of the public, in his capacity as a consultant to enable him to advise the Council on item 33.

CONFIRMED THIS 26TH DAY OF FEBRUARY 2009

MAYOR