

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 26 NOVEMBER 2009

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL

**Thursday 26 November 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
1.	APOLOGIES
2.	CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 8.10.2009 AND 22.10.2009
3.	DEPUTATIONS BY APPOINTMENT
4.	PRESENTATION OF PETITIONS
5.	RECESS COMMITTEE
6.	REPORT BY THE CHAIRPERSON OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD - POUND ROAD – ROAD STOPPING AND LAND SWAP
7.	SURFACE WATER STRATEGY
8.	CHRISTCHURCH HOSPITAL LAND EXCHANGE
9.	METROPOLITAN DISCRETIONARY RESPONSE FUND APPLICATIONS
10.	NOTICES OF MOTION
11.	RESOLUTION TO EXCLUDE THE PUBLIC

1. APOLOGIES

The Mayor.
Leave of absence has been granted to Councillor Williams.

2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 8.10.2009 AND 22.10.2009

Attached.

3. DEPUTATIONS BY APPOINTMENT

Representatives from the Canterbury District Health Board would like to address the Council regarding item 8.

4. PRESENTATION OF PETITIONS

5. RECESS COMMITTEE

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Clare Sullivan

PURPOSE OF REPORT

1. The purpose of the report is to seek the Council's approval to establish a Council Recess Committee to consider issues that require a Council decision in the period following its last scheduled meeting for 2009 (being 10 December) up until 10 February 2010.

EXECUTIVE SUMMARY

2. As there is a period of up to two months between meetings of the Council, it is recommended that a Recess Committee with power to act, be appointed to deal with any issue requiring a Council decision that cannot wait until the first scheduled meeting for 2010 being 11 February 2010.

FINANCIAL IMPLICATIONS

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

3. Yes. Costs associated with holding meetings is provided for in the LTCCP. Refer page 159.

LEGAL CONSIDERATIONS

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

4. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

5. Yes – Democracy and Governance pages 154 to 159 of the 2009-19 LTCCP.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

6. Not applicable.

CONSULTATION FULFILMENT

7. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Establish a Recess Committee comprising the Mayor or Deputy Mayor and three Councillors authorised to make any decisions of the Council for the period from 11 December 2009 to 10 February 2010.
- (b) Note that any decisions made will be reported to the Council for record purposes.
- (c) Agree that notice of any Recess Committee be publicised and forwarded to all Councillors.

**6. REPORT BY THE CHAIRPERSON OF THE FENDALTON/WAIMAIRI COMMUNITY BOARD
- 4 NOVEMBER 2009**

1. POUND ROAD – ROAD STOPPING AND LAND SWAP

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Asset and Network Planning Manager
Authors:	Weng-Kei Chen, Asset Engineer (Policy) Bill Morgan, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval as follows:
 - (a) (i) To approve the acquisition by agreement under Section 17 of the Public Works Act 1981 of those parcels of land shown as Sections 1, 3 to 9 inclusive and Section 12 on Survey Office Plan 424971 for road from Christchurch International Airport Limited, Environment Canterbury and the private landowners affected;
 - (ii) To set apart those parcels of land owned by the Council and shown as Sections 10 and 11 on Survey Office Plan 424971 as road pursuant to Section 114 of the Public Works Act 1981;
 - (iii) To approve the disposal of that parcel of land owned by the Council shown as Section 15 on Survey Office Plan 424971 in exchange for that land depicted as Sections 13 and 14 on Survey Office Plan 424971 owned by Christchurch International Airport Limited, which Sections 13 and 14 are intended to be held by the Council as an addition to the Council's existing adjoining ecological park as scenic reserve subject to the Reserves Act 1977;
 - (iv) To grant delegated authority to the Unit Manager Corporate Support to negotiate and conclude such agreements with Christchurch International Airport Limited, the Crown, Environment Canterbury and the affected private landowners to give effect to the above arrangements on such terms and conditions as he/she shall consider appropriate;
 - (v) That, should any objection(s) be received under the Tenth Schedule of the Local Government Act 1974 to the proposed road stopping of those parcels of Pound, Savills and Jessons Roads shown as Sections 16 to 23 inclusive on Survey Office Plan 424971, the Council Secretary be delegated the power to appoint an Independent Commissioner to hear those objections and to report his or her recommendations in respect of those objections to the Council.
- (b) To note that the Board, under delegated authority, has resolved:
 - (i) Pursuant to sections 319(h), 342(1)(a) and the Tenth Schedule of the Local Government Act 1974, to commence road stopping procedures in respect of those parcels of Pound, Savills and Jessons Roads shown as Sections 16 to 23 inclusive on Survey Office Plan 424971;
 - (ii) Subject to such road stopping procedures being successfully completed, pursuant to Clause 32(3) of Schedule 7 of the Local Government Act 2002 to sub-delegate to the Corporate Support Manager the power under section 345 of the Local Government Act 1974 to dispose of those parcels of land created by such road stopping to Christchurch International Airport Limited ("CIAL") and Environment Canterbury ("ECan") to such parties and on such terms and conditions as he/she shall consider appropriate (including any requirement under section 345(2) and (2A) that they be amalgamated with such land parcels as he/she shall consider appropriate).

6 Cont'd

EXECUTIVE SUMMARY

2. The Board at its 14 September 2009 meeting approved in principle, a proposal to proceed with the stopping of parts of Pound Road and Savills Road between Jessons Road and Savills Road. This was prompted by a request from CIAL to realign the location of the existing Pound Road from Savills Road to McLeans Island Road as shown on Survey Office Plan 424971. The deviation is required to facilitate the extension of the east-west airport runway which is scheduled to be completed by 2011.
3. In order to commence the process a number of Board resolutions are required as detailed in paragraph 1(a) above, together with a number of Board recommendations to the Council as detailed in paragraph 1(b) above. The road stopping is necessary to accommodate the runway extension and to protect the flight path.
4. At the date of the writing of this report Survey Office Plan 424971 was not available in final form. However, to assist the Board, a draft of that plan, shown as Plan RPS 141-17 (**Attachment 1**) and Plan RPS 141-16 (**Attachment 2**) and Plan RPS 141-19 (**Attachment 3**), are **attached** to this report. The formal Survey Office Plan will be available to the Board at the date of the Board's meeting to consider this report.
5. To facilitate the construction of the new road to replace the road to be stopped there are a number of land acquisitions and exchanges required to take place. It has been agreed with CIAL that the transaction is to be cost neutral to the Council and that CIAL is to be responsible to obtain all of the required purchase agreements from the various existing landowners on the Council's behalf. The new road alignment traverses land owned by ECan (Section 1), CIAL (Sections 3,4,5 and 6), the Crown (Sections 7 and 8), the Isaac Construction Company Ltd (Section 9), the Council (Sections 10 and 11) and Harewood Gravels Ltd (Section 12). All of the parcels of land (including the road to be stopped) have been valued by Simes Limited on behalf of the Council, the result of which is that there is expected to be a net cost to CIAL of \$12,000 plus GST following the acquisition and exchange of all the various land parcels required.
6. The new road alignment is to be constructed to the Council's specifications at CIAL's cost.
7. Currently Pound Road acts as a bypass from the Main South Road to McLeans Island Road and diverts some industrial and general traffic away from the city. The new link will still provide this connection although it will be slightly longer than the current route. Pound Road is also used regularly by plane spotters and as such it is proposed to follow the procedures of the Tenth Schedule of the Local Government Act 1974 to stop the road to ensure that a public objection process is available. To satisfy any concerns that the plane spotters may have CIAL has indicated that continuing public access to Pound Road, which serves the various aviation businesses from Jessons Road end, will remain open for these activities during business hours.
8. Clearly the runway extensions are critical for the continued operation of the international airport and are to be supported given its importance to the city and region. The proposal represents the best outcome that can be achieved under the circumstances and has a minimum impact on the surrounding properties. It will have some additional benefits to the City by increasing the size of its Ecological Grassland Park through the acquisition of surplus Crown Land and will also create a long road frontage to the reserve which currently has limited access from McLeans Island Road.
9. It is recommended that the proposal should be supported given the strategic importance of the airport to the City and surrounding regions.
10. The transactions proposed by this report are summarized in the Schedules are included as part of this report.

FINANCIAL IMPLICATIONS

11. There will be no financial implications to the Council as the land acquisition, road construction, survey, legal and staff costs are all to be met by CIAL (including the Council's costs if the road stopping application is referred to the Environment Court).

6 Cont'd

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

12. Not applicable.

LEGAL CONSIDERATIONS

13. There are a number of property transactions involved within this project, including land acquisition, land exchanges, road stopping and resulting land disposals. The Council's Legal Services Unit has advised on the negotiations with CIAL to date and has prepared the draft contractual documentation proposed to be entered into by the Council, CIAL and the other affected parties to give effect to this proposal. Appropriate delegated authority to staff is required to enable this documentation to be concluded and signed.
14. At this stage, it appears that appropriate agreements are likely to be concluded by agreement under 17 of the Public Works Act 1981 with ECan, the Crown and the private landowners affected by the proposal to construct the new road alignment. As it is therefore unlikely that recourse will be required to the compulsory acquisition provisions of the Public Works Act 1981, the Council is not at this stage being asked to authorise the use of those provisions.
15. Under the Council's Road Stopping Policy the delegation to stop the road lies with the Board.
16. Given that this project is likely to be of public interest it is recommended that the road stopping process provided for in the Tenth Schedule of the Local Government Act 1974 is employed. The relevant sections of that Act are as follows:

Section 319 (h) - General powers of councils in respect of roads:

This Section gives local authorities the general power to stop any road or part thereof in accordance with the Act.

Section 342 (1) (a) - Stopping of roads:

Confers on the Council the ability to declare a road to be formally stopped.

Section 345 - Disposal of land not required for road:

In relation to stopped road that is no longer required by the local authority, this section provides that the Council may sell or lease that part of the stopped road to the owner(s) of any adjoining land.

This Section goes on further to provide that the price or rent for the stopped road is to be fixed by a competent valuer appointed by the Council. If the owner(s) is not prepared to pay the fixed price or rent, the Council may sell the land by public auction or private tender.

Section 345 (2) - Amalgamation of stopped road with adjoining land:

This Section enables the Council to require the amalgamation of stopped road with adjoining land if deemed appropriate.

6 Cont'd

Tenth Schedule – Conditions as to Stopping of Roads:

Outlines the procedure to be undertaken in order to stop a road. The following table summarises the various steps:

1.	The Council prepares: (a) a survey plan of the road proposed to be stopped; and (b) an explanation as to why the road is to be stopped and the purpose or purposes to which the stopped road will be put. And lodges the plan at LINZ for approval.
2.	Once LINZ has approved the plan, the plan is made available to the public with a view to receiving objections to the proposal(s). The Council must: (a) at least twice, at intervals of not less than 7 days, give public notice of the proposal(s); (b) serve the same notice on the occupiers of all land adjoining the road; The Plan is open for public objection for a minimum period of 40 days from the date of the first publication of the public notice.
3.	A notice of the proposed stopping is fixed in a conspicuous place at the end of the road proposed to be stopped for the duration of the public notification period.
4.	If no objections are received, the Council may by public notice declare that the road is stopped.
5.	If objections are received, the Council shall, unless it decides to allow the objections, send the objections together with the plans and a full description of the proposed alterations to the Environment Court.

17. The above detailed processes will be initiated as soon as the necessary Board resolutions are available and an appropriate agreement with CIAL and other parties concluded.

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

18. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. Not applicable.

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

20. Not applicable.

ALIGNMENT WITH STRATEGIES

21. Not applicable.

Do the recommendations align with the Council's strategies?

22. Not applicable.

CONSULTATION FULFILMENT

23. The road stopping procedure under the Local Government Act 1974 provides for a statutory process of public consultation in respect of the proposed road stopping. That process includes:
- (a) The service of notice on each owner of land adjoining the road
 - (b) Notice to the public generally; the ability of adjoining landowners and the public generally to object

6 Cont'd

- (c) The hearing of objections by the Council or an independent commissioner and a formal hearing in the Environment Court in the event that any objection is not allowed.
24. CIAL has delivered a preliminary presentation to the residents of Jessons Road from which there was a positive outcome.

GENERAL

25. As previously indicated, in order to provide the new road deviation CIAL will be required to purchase all of the land from the respective parties on the Council's behalf and at its cost. With respect to Section 9 on the plan it will be noted that this passes through an existing quarry owned by The Isaac Construction Company Limited. This will effectively compromise that company's mining operation and it is looking to offset this loss through the acquisition of Section 15 on Survey Office Plan 424971. Section 15 is part of the land contained in Certificate of Title 33K/1024 containing 4.0473 ha and is currently owned by the Council in fee simple. It is not held for any particular purpose and following agreement with CIAL it is proposed to exchange this land with CIAL for Sections 13 and 14 which CIAL is to acquire from the Crown. These sections contain some rare plants and will be amalgamated with the Council's adjoining reserve once the exchange is completed. Following the transfer of Section 15 into CIAL's ownership, CIAL will then be able to complete its transaction with The Isaac Construction Company Limited.
26. Section 10 is also part of the above land held by the Council in Certificate of Title 33K/1024 and is to be set apart as road together with Section 11, which is held by the Council for road diversion purposes.
27. Section 1 is to be acquired for road from ECan. The property is presently held in trust for the improvement and protection of the Waimakariri River and the sale to the Council will require the Minister of Conservation's consent.
28. None of the above transactions can be completed until the road stopping has been approved and the new road constructed and open to traffic. The road to be stopped is to be amalgamated with the adjoining titles once the final notice has been gazetted.

Site plans are **attached** (attachment 4).

STAFF RECOMMENDATION

That the Council resolve:

- (a) To approve the acquisition by agreement under Section 17 of the Public Works Act 1981 of those parcels of land shown as Sections 1, 3 to 9 inclusive and Section 12 on Survey Office Plan 424971 for road from Christchurch International Airport Limited, Environment Canterbury and the private landowners affected and once acquired, to set apart the above sections, as described in the Second Schedule below as road pursuant to Section 114 of the Public Works Act 1981:

SECOND SCHEDULE		
LAND TO BE LEGALISED AS ROAD		
Section Number	Area	Plan
1	11873 m ²	SO 424971
3	7657 m ²	SO 424971
4	1913 m ²	SO 424971
5	3989 m ²	SO 424971
6	2759 m ²	SO 424971
7	8078 m ²	SO 424971
8	1018 m ²	SO 424971
9	7371m ²	SO 424971
10	3902m ²	SO 424971
11	131m ²	SO 424971
12	824m ²	SO 424971

6 Cont'd

- (b) To set apart those parcels of land owned by the Council and shown as Sections 10 and 11 on Survey Office Plan 424971 as road pursuant to Section 114 of the Public Works Act 1981;
- (c) To approve the disposal of that parcel of land owned by the Council shown as Section 15 on Survey Office Plan 424971 as described in the Third Schedule below, in exchange for that land depicted as Sections 13 and 14 on Survey Office Plan 424971 as described in the Fourth Schedule below, which Sections 13 and 14 are intended to be held by the Council as an addition to the Council's existing adjoining ecological park as scenic reserve subject to the Reserves Act 1977;

THIRD SCHEDULE		
LAND TO BE DISPOSED OF		
Section Number	Area	Plan
15	21603 m ²	SO 424971

FOURTH SCHEDULE		
LAND TO BE ACQUIRED		
Section Number	Area	Plan
13	124384m ²	SO 424971
14	12093 m ²	SO 424971

- (d) To grant delegated authority to the Unit Manager Corporate Support to negotiate and conclude such agreements with Christchurch International Airport Limited, the Crown, Environment Canterbury and the affected private landowners to give effect to the above arrangements on such terms and conditions as he/she shall consider appropriate;
- (e) That, should any objection(s) be received under the Tenth Schedule of the Local Government Act 1974 to the proposed road stopping of those parcels of Pound, Savills and Jessons Roads shown as Sections 16 to 23 inclusive on Survey Office Plan 424971, the Council Secretary be delegated the power to appoint an Independent Commissioner to hear those objections and to report his or her recommendations in respect of those objections to the Council.
- (f) Subject to the land shown as Sections 13 and 14 on Survey Office Plan 424971 being acquired by the Council, that Sections 13 and 14 on Survey Office Plan 424971 be classified pursuant to Section 16(2)(a) of the Reserves Act 1977 as a scenic reserve within the meaning of Section 19(1)(a) of the Reserves Act 1977.

BOARD CONSIDERATION

The initial consideration of this matter was undertaken by the Board's Works Traffic and Environment Committee on 27 October 2009. The Board subsequently agreed to recommend to the Council that the recommendations presented by the Committee as set out in the form of the staff recommendations above should be adopted.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

(Note: Cheryl Colley declared an interest and retired from the discussion and voting thereon, when Andrew Yoon temporarily assumed the chair.)

The Board also made decisions under delegated authority relating to this item.

7. SURFACE WATER STRATEGY

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Healthy Environment
Author:	Lizzy Pearson, Senior Policy Analyst, Strategy and Planning Group

PURPOSE OF REPORT

1. To seek Council adoption of the Surface Water Strategy for Christchurch.
2. A draft Surface Water Strategy was approved for consultation on 25 June 2009. Submissions were heard by a panel of Councillors on 7 September 2009. The Strategy has been amended in response to submissions and is now presented to the Council for adoption. This is separately circulated.

EXECUTIVE SUMMARY

- 3 The primary purpose of the Surface Water Strategy is to guide the Council's decision-making relating to surface water management.
4. The Surface Water Strategy updates the *Natural Asset Management Strategy*, adopted by the Council in 1999. The *Natural Asset Management Strategy* represented a significant shift in Council management of surface water – from focussing solely on drainage, to a more holistic, multi-value approach that also considered landscape, culture, heritage, ecology, and recreation. Over the last ten years, however, the policy and planning framework for surface water management has changed considerably, particularly due to:
 - (a) The Proposed Natural Resources Regional Plan (PNRRP), notified by Environment Canterbury in 2004.
 - (b) The Greater Christchurch Urban Development Strategy (UDS), adopted by the Council in 2007.
5. The Surface Water Strategy builds on the 'values-based' approach to surface water management adopted by the Council in the *Natural Asset Management Strategy*. It includes a vision, plus goals and objectives, and states the Council's policy for stormwater management in different land-use areas, setting out a programme for meeting the surface water management challenges identified.
6. The vision for Christchurch surface water is that:

The surface water resources of Christchurch support the social, cultural, economic and environmental well-being of residents, and are managed wisely for future generations.
7. The goals are to:
 1. Improve the water quality of our surface water resources.
 2. Reduce the adverse effects of flooding.
 3. Improve the ecosystem health of surface water resources.
 4. Restore Tangata Whenua values associated with surface water resources.
 5. Support a range of recreation activities on and around waterways.
 6. Protect heritage values associated with surface water.
 7. Protect and enhance the landscape values of surface water.
 8. Support community involvement in surface water management.
 9. Manage stormwater in an efficient manner that supports Goals 1-8.

7 Cont'd

8. To work towards achieving the goals, the Strategy includes an implementation programme which focuses on areas where the Council can make the most difference and address the most pressing issues. It reflects a realistic expectation of what the Council can put into action. The programme states the Council will:
 - (a) *Minimise sources of pollutants*
 - (b) *Manage stormwater in line with policies stated in the Strategy*
 - (c) *Develop Integrated Catchment Management Plans (ICMPs)*
 - (d) *Review development standards*
 - (e) *Implement a community education programme*
 - (f) *Undertake further investigations.*
9. A summary of the current situation and issues was discussed with Councillors at a workshop on 27 May 2008. The Councillors also had an opportunity to discuss the Draft Strategy at a workshop on 23 June 2009. The Council approved the release of the Draft Surface Water Strategy for public consultation at its meeting on 25 June 2009.
10. The public consultation period began on 13 July 2009 and closed 14 August 2009. A total of 34 submissions were received during the public consultation period. Of the 34 submitters, 21 requested to speak on their submissions to a Hearings Panel.
11. A Hearings Panel comprising Councillors Williams (Chair), Buck, Corbett, Reid and Wall met on 7 September 2009 to hear submissions, and on 1 October 2009 to discuss changes to the Strategy.
12. Major themes emerged from the consultation process. These were:
 - (a) General support for the Strategy, its goals and objectives.
 - (b) A desire to progress the implementation of the Strategy as early as possible.
 - (c) Water quality being of great significance to the community.
 - (d) Support for ICMPs.
 - (e) On-going and collaborative involvement with the community needed.
 - (f) Support for multi-value stormwater management, and waterway enhancement.
 - (g) The need for better management of sewage.
 - (h) Confusion around water quality standards, their use and interpretation.
13. A report analysing submissions and summarising the consultation process is attached. The most significant changes made to the Draft Strategy subsequent to consultation and Hearings Panel discussion include:
 - (a) Strengthening references to working with neighbouring Council's and Environment Canterbury.
 - (b) Reference to public health issues.
 - (c) Reinforcement of surface water as part of the 'Garden City' image.
 - (d) Clarification of definition of surface water.
 - (e) Including direction on how flooding on private land should be managed.
 - (f) Stating Council's support of community organisations and individuals involved in surface water management.
 - (g) Adding references to Council's maintenance/operations activities and their impact on surface water.
 - (h) Signalling Council's support for 'Low-Impact Urban Design and Development'.
 - (i) Clarification of water quality objectives.

7 Cont'd

FINANCIAL IMPLICATIONS

14. As with any strategy the achievement of it is dependent on balancing the goals against the ability to achieve the outcomes. The Strategy builds on established principles and practices, but continues to develop these to address emerging standards, pressures and issues. Within the Strategy we estimate that all of the short-term (0–3 years) tasks identified in the implementation programme can be financed through existing budgets. Additional funding would be needed to fully fund the medium-term (4–10 years) and long-term (10 plus years) projects. The majority of these costs would be for the preparation of ICMPs:
- (a) \$1.175m in the medium-term (4 – 10 years)
 - (b) \$1.25m in the long-term (10 plus years).
15. Implementation beyond current resources will need to be addressed as part of the 2012 and future LTCCPs.

LEGAL CONSIDERATIONS

16. The Strategy provides policy guidance for the Council on surface water matters pursuant to the LGA (2002) and the RMA (1991).
17. The Council's surface water management responsibilities are primarily described in the Local Government Act (LGA 2002) and Resource Management Act (RMA 1991). The LGA (2002) requires the Council to promote the social, economic, environmental and cultural well-being of current and future generations (Section 10 a and b). The Act confers specific land drainage responsibilities on territorial authorities – to assess stormwater services and maintain the capacity of existing stormwater networks (Section 125 and 130). The RMA (1991) promotes the sustainable management of natural and physical resources, and requires the Council to manage the use, development and protection of these resources, including wetlands, lakes and rivers (Section 6). The RMA also requires the Council to give effect to the Regional Policy Statement. The RPS contains two chapters directly relevant to surface water management: Chapter 9 (water) and Chapter 10 (beds of rivers and lakes and their margins). The preparation of ICMPs will enable the Council to meet the requirements of the PNRRP.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Preparation of the Strategy is in line with the Parks, Open Spaces and Waterways Activity in the current 2009-19 LTCCP, and contributes to the City and Community Long-Term Policy and Planning Activity performance measure *“Advice is provided on key issues that affect the social, cultural, environmental and economic well-being of the City”*.

ALIGNMENT WITH STRATEGIES

19. The Surface Water Strategy supports the implementation of the UDS – integrating land-use, infrastructure and funding. The Strategy assesses the capacity of stormwater infrastructure in current 'intensification zones' (L2 / L3 and L4 City Plan zones), and provides guidance for stormwater management in Greenfield and urban intensification areas.
20. The Draft Surface Water Strategy is also part of the suite of 'Healthy Environment' Strategies:
- Biodiversity Strategy (adopted). The Surface Water Strategy supports the Biodiversity Strategy through improving water quality and the ecosystem health of our waterways.
 - Water Supply Strategy (adopted). The Surface Water Strategy is linked to the Water Supply Strategy, particularly in those Banks Peninsula communities that rely on surface water for drinking water supply.
 - Open Space Strategy (in preparation). The rivers, lakes, streams and multi-value stormwater management mechanisms (for example, swales and rain gardens) discussed in the Surface Water Strategy form part of the public open space network.
 - Climate Smart Strategy (in preparation). The impact of climate change on surface water resources is discussed in the Surface Water Strategy, and will inform the development of the Climate Smart Strategy.

7 Cont'd

CONSULTATION FULFILMENT

21. The development of the Draft Strategy was informed by feedback from Community Boards, Te Runanga o Ngai Tahu, Mahaanui Kurataiao Limited, UDS Partners, and external stakeholders including the Avon/Heathcote Ihutai Trust, Banks Peninsula Conservation Trust, Environment Canterbury, North Canterbury Federated Farmers, Waihora Ellesmere Trust, and Travis Wetland Trust.
22. Formal public consultation commenced on 13 July 2009 and closed 14 August 2009. Copies of the Draft Strategy were sent to 207 organisations for comment. The consultation process was publicly notified in The Press and other local publications and two 'drop-in' information sessions were held during the public consultation period. Information stands, using a rolling presentation on a computer, were installed at four public libraries. A total of 34 submissions were received.
23. Of the 34 submitters, 21 requested to speak on their submissions to the Hearings Panel, which convened on 7 September 2009. The consultation summary report (attached) provides greater detail about consultation on this Strategy.

STAFF RECOMMENDATION

It is recommended that the Council adopt the Christchurch City Council Surface Water Strategy 2009.

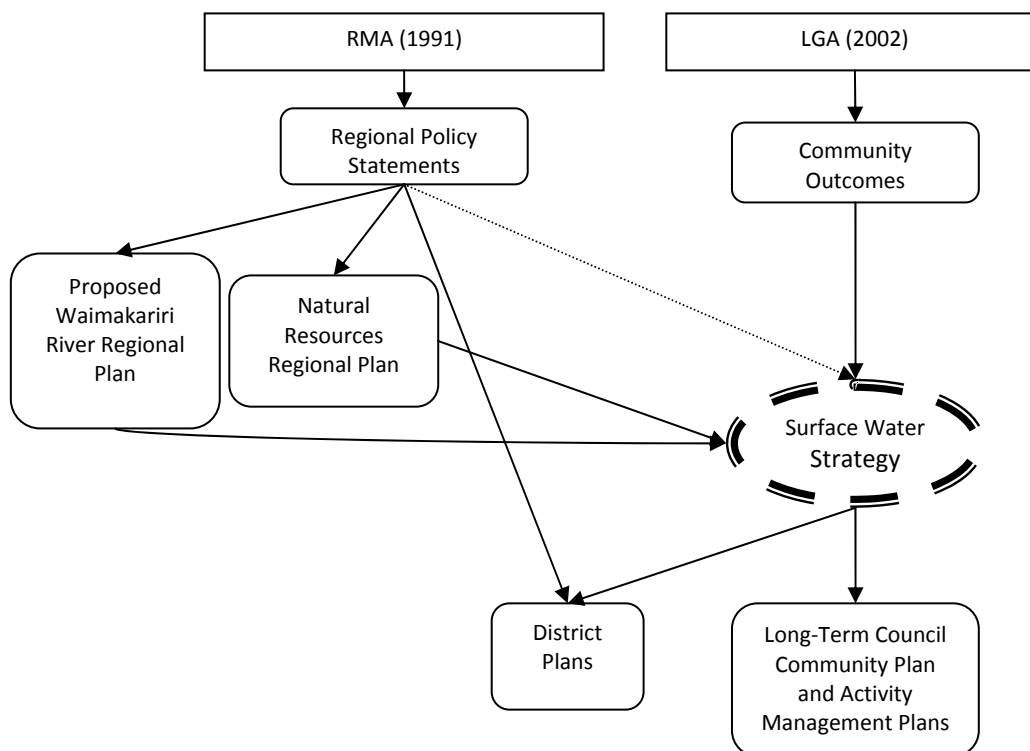
7 Cont'd

BACKGROUND

THE POLICY AND PLANNING CONTEXT

24. The Council's planning and management of surface water sits within a complex national and regional policy framework, set out in both statutory and non-statutory documents. At a national level the RMA (1991) and the LGA (2002) describe the Council's responsibilities in relation to surface water.
25. The LGA (2002) requires the Council to promote the social, economic, environmental and cultural well-being of current and future generations (Section 10 a and b). The Act confers specific land drainage responsibilities on territorial authorities – to assess stormwater services and maintain the capacity of existing stormwater networks (Sections 125 and 130).
26. The RMA (1991) promotes the sustainable management of natural and physical resources, and requires the Council to manage the use, development, and protection of these resources, including wetlands, lakes and rivers (Section 6). This is achieved through a hierarchy of policy statements and plans.
27. The Regional Policy Statement (RPS) contains objectives for enabling the use of freshwater while safeguarding the life supporting capacity of the resource, preserving natural character, protecting habitats, and maintaining and enhancing amenity values. The Council is required to give effect to the RPS, and must comply with the regional objectives, policies and rules established in the Proposed Natural Resources Regional Plan (PNRRP). The PNRRP contains objectives, policies and rules, governing water quality, quantity, beds and margins of lakes and rivers, and wetlands. It sets water quality standards and minimum flow levels for freshwater resources, including surface water.
28. The Surface Water Strategy establishes the Council's strategic framework for meeting policy and planning requirements (for example, the proposed ICMP programme is included in response to PNRRP requirements). It also identifies other challenges, such as providing infrastructure to support the UDS, and managing the impact of climate change. The proposed implementation programme identifies changes needed to current development standards (set in the District Plans, the Infrastructure Design Standards, and the Waterways, Wetlands and Drainage Guide). It also recommends the preparation of ICMPs and development of community education programmes.

Figure 1. The relationship of the Surface Water Strategy to the RMA (1999) and LGA (2002)



7 Cont'd

DEVELOPMENT OF THE STRATEGY

29. The Strategy development began with an analysis of the present situation. A series of background reports were prepared by Council staff:

- (a) *Community involvement in surface water*
- (b) *Climate change effects on surface water*
- (c) *Minimum development standards*
- (d) *Policy and planning framework*
- (e) *Proposed community education programme for surface water*
- (f) *Proposed ICMP programme*
- (g) *Proposed monitoring programme for waterways Summary of key issues and drivers*
- (h) *Stormwater management outcomes and mechanisms*
- (i) *The ecology of Christchurch's surface water*
- (j) *The heritage values of Christchurch's surface water*
- (k) *The recreation value of Christchurch's surface water*
- (l) *The Tangata Whenua values associated with Christchurch's surface water*
- (m) *The urban growth of the Christchurch and its impact on surface water*
- (n) *The water quality and quantity of Christchurch's surface water*

These reports were supplemented by consultant work:

- (a) *Landscape values of Christchurch's surface water (Di Lucas Associates)*
- (b) *Market research: public perceptions for the Healthy Environment Programme (Opinions Research)*
- (c) *Change in impervious surfaces (Landcare Research)*

30. From these reports the current surface water issues and their drivers were identified and presented to Councillors and Community Boards. Key external stakeholders were also invited to comment on the draft reports and the issues identified.

31. Draft goals and objectives were then prepared, based on the holistic, values-based approach to surface water management established in the *Natural Asset Management Strategy*. These goals and objectives were discussed with Community Boards, Ngai Tahu, and the Greater

Christchurch Urban Development Strategy partners and committee (which includes Waimakariri District Council, Selwyn District Council, and the New Zealand Transport Agency).

32. The vision for Christchurch surface water is that:

The surface water resources of Christchurch support the social, cultural, economic and environmental well-being of residents, and are managed wisely for future generations.

33. The goals are to:

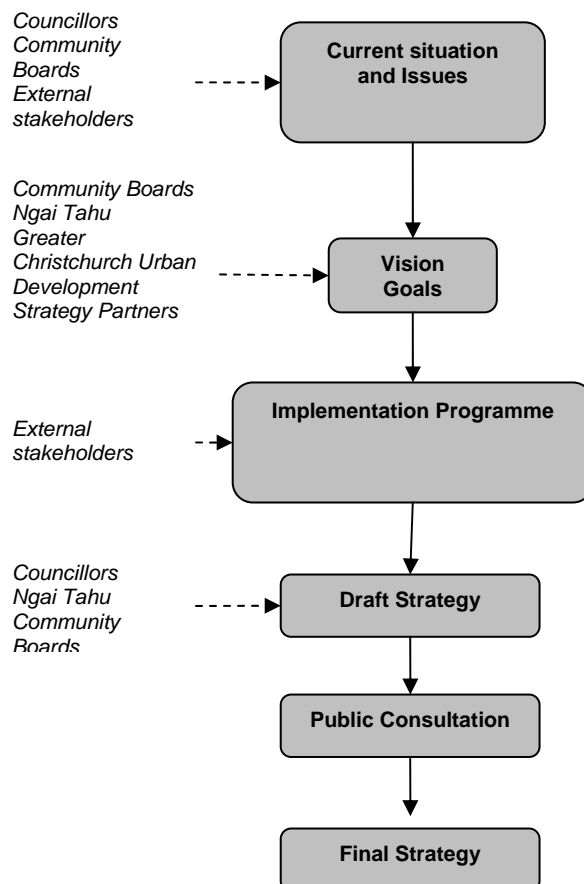
1. *Improve the water quality of our surface water resources.*
2. *Reduce the adverse effects of flooding.*
3. *Improve the ecosystem health of surface water resources.*
4. *Restore Tangata Whenua values associated with surface water resources.*
5. *Support a range of recreation activities on and around waterways.*
6. *Protect heritage values associated with surface water.*
7. *Protect and enhance the landscape values of surface water.*
8. *Support community involvement in surface water management.*
9. *Manage stormwater in an efficient manner that supports Goals 1 to 8.*

34. These goals are aspirational, long term, and reflect the direction Council is committed to head in, for example, stating the Council's commitment to improving water quality, rather than maintaining or allowing a reduction in water quality. The goals and objectives are intended to guide the Council's decision-making at various levels, from the Long-Term Council Community Plan (LTCCP) to individual street renewals. They are long-term goals, reflecting that the Council has a range of strategic objectives that must be balanced and prioritised. Over time, the Council will work towards achieving the goals and objectives, improving surface water management in the City.

7 Cont'd

35. The stormwater policies stated in the Strategy are the result of an assessment of stormwater mechanisms. A range of stormwater management mechanisms (for example, detention basins, pipes, swales and rain tanks) were assessed against their ability to meet the Draft Strategy's goals. Capital and operational costs of the different mechanisms were also compared. Finally, the feasibility of the mechanisms in different land-use areas was considered.
36. The development and implementation of Integrated Catchment Management Plans (ICMPs) are a key component of the implementation programme. ICMPs are required for urban catchments stipulated in the PNRRP. ICMPs establish water quality and stormwater management objectives for a given area, and set out how stormwater will be managed to meet those objectives. The South-West ICMP has already been completed, and the Styx ICMP is underway. The Strategy states the Council's commitment to developing ICMPs for all catchments in its jurisdiction, sets the ICMP boundaries, and establishes a programme for development.
37. The proposed ICMP programme was developed by assessing the ICMP areas against a set of criteria: whether the ICMP is required by the PNRRP, whether Greenfield or urban intensification development is planned, flood risk is high, or existing water quality and biodiversity values are high. This assessment allowed a 'ranking' of ICMP areas, which is reflected in the timeframes outlined in the implementation programme.
38. Due to the need for co-ordination with other organisations (particularly Environment Canterbury), the policies and programmes relating to stormwater management were reviewed by external stakeholders
39. To develop the proposed community education plan, existing community education relating to surface water was reviewed. Key target markets were identified and outlines for education plans drawn up. These are summarised in the Strategy.
40. The extent to which the draft implementation programme is actioned and funded will depend on decisions made in future Long-Term Council Community Plan processes.

Figure 2: Development of the Surface Water Strategy



7 Cont'd

41. The Council considered the Draft Surface Water Strategy at its 25 June 2009 meeting, and approved the release of the Draft Strategy for public consultation. The public consultation period commenced 13 July 2009 and closed 14 August 2009. Copies of the Draft Strategy were sent to 207 organisations for comment.
42. The consultation process was publicly notified in The Press and other local print publications and two 'drop-in' information sessions were held during the consultation period. Information stands, using a rolling presentation on a computer, were installed at four public libraries.
43. A summary of the consultation process is attached. A total of 34 submissions were received during the public consultation period. Of the 34 submitters, 21 requested to speak on their submissions to a Hearings Panel. Notable among the comments received were the following major themes:
- (a) General support for the Strategy, its goals and objectives.
 - (b) A desire to progress the implementation of the Strategy as early as possible.
 - (c) Water quality being of great significance to the community.
 - (d) Support for ICMPs.
 - (e) On-going and collaborative involvement with the community needed.
 - (f) Support for multi-value stormwater management, and waterway enhancement.
 - (g) The need for better management of sewage.
 - (h) Confusion around water quality standards, their use and interpretation.
44. A Hearings Panel was convened on 7 September 2009. The Panel comprised Councillors Williams (Chair), Buck, Corbett, Reid, and Wall. The Hearings Panel directed staff to amend the Draft Strategy. On 1 October 2009 the Hearings Panel reconvened to review changes made to the Draft Strategy as a result of the public consultation.
45. Substantive changes made to the Draft Strategy as a consequence of the public consultation process, are summarised in Table 1:

Table 1. Substantive Changes to Draft Surface Water Strategy

Change	Section of Draft Strategy changed
Strengthening references to working with neighbouring Council's and Environment Canterbury.	<i>Section 8.4: Framework for Development, pg. 58.</i> <i>Section 13.2: Working with others, pg. 71.</i>
Reference to public health issues.	<i>Section 1: Introduction, pg.9.</i> <i>Section 3.5: Water Quality, pg.18.</i> <i>Section 3.7: Recreation, pg.23.</i> <i>Section 4.3: Climate Change,pg.25.</i>
Reinforce importance of surface water to 'Garden City' image.	<i>Section 5.3: Our Objectives, pg.33.</i>
Clarification of definition of surface water.	<i>Section 1.2: Definition of Surface Water, pg.10.</i>
Including direction on how flooding on private land should be managed.	<i>Section 5.3:Our Objectives, pg. 35.</i>
Stating Council's support for community organisations and individuals involved in surface water management.	<i>Section 5.4: Our Objectives, pg.38.</i>
Adding references to Council's maintenance/operations activities and their impact on surface water	<i>Section 10.2: Council Taking the Lead, pg.65 & 66.</i>
Signalling Council's support for 'Low-Impact Urban Design and Development'.	<i>Section 5.3: Our Objectives, pg.34.</i> <i>Section 7: Stormwater Management Policies, pg. 41.</i>
Clarification of water quality objectives	<i>Section 5.3: Our Objectives, pg. 33.</i>

8. CHRISTCHURCH HOSPITAL LAND EXCHANGE PROPOSAL

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager, Strong Communities
Author:	Alan Bywater

PURPOSE OF REPORT

1. The purpose of this report is to:
 - Outline the proposal from the Canterbury District Health Board (CDHB's) of a land exchange to enable the re-development of Christchurch Hospital.
 - Advise the Council of the next steps.
 - Gain approval for the Chief Executive Officer to negotiate the land details and to initiate joint consultation.

EXECUTIVE SUMMARY

2. The Council has received a proposal to exchange land between Hagley Park and the Christchurch Hospital to facilitate the redevelopment of Christchurch Hospital
3. The proposal has come about as a result of regional health facilities planning undertaken by the CDHB. The CDHB has been considering the future health services needs and how best to utilise its sites to provide for those needs.
4. The redevelopment of the Christchurch Hospital site is central to the wider facilities plan for the region. The redevelopment of Christchurch Hospital aims to achieve a facility to meet service and capacity demands, that are post-disaster enabled, replaces outdated buildings with contemporary facilities, minimises disruption to services during construction, improves access and circulation on the site and enhances the hospital's identity.
5. The proposed redevelopment of Christchurch Hospital supports the Central City Revitalisation Strategy by securing the long term future of the site with its associated level of activity and work force. The land exchange proposal is also broadly consistent with the Hagley Park and Botanical Gardens Master Plan.
6. The proposal involves the exchange of an area of Hagley Park (that includes a car park currently used by the hospital) with a similar sized piece of land between the hospital's Riverside Block and the Avon River. These areas are illustrated in **Attachment 1**. The detailed sizes and boundaries of the areas to be subject to the exchange are yet to be determined.
7. The process illustrated in the following table is recommended to reach a point at which the Council (and the CDHB) can decide whether or not to authorise the land exchange.

Stage	Timeline
Negotiate proposed land exchange details	December 2009 – End February 2010
Prepare for consultation	February – March 2010
Consultation	March – April 2010
Analysis and consideration of submissions	April – June 2010
Report to Council for decision	June 2010

If at the end of this process the Council decides to proceed with the land exchange a procedure to amend two local Acts of parliament will have to be initiated following the Council's decision in June 2010.

8. Both the Council and CDHB are required to carry out consultation before they decide whether to authorise the land exchange. It is proposed that this consultation be carried out jointly in the interests of efficiency and to eliminate the need for interested parties to respond to more than one consultation.

8 Cont'd

9. The Council has, over the years, demonstrated a strong interest in protecting the Nurses Memorial Chapel. Whilst the Nurses Memorial Chapel is not part of the proposal from the CDHB, given Council's previous intent to preserve it, the existing protection order, the lease and the fact that the Council already maintains the land, it would be feasible and appropriate to consider progressing Council ownership of the Chapel site within the wider discussions.
10. The report recommends initiating the process to reach a stage at which the Council can decide whether to authorise the land exchange, to provide delegated authority to the Chief Executive Officer to negotiate on the details of the land exchange, to carry out a process of consultation and to, as part of the wider discussions, negotiate regarding Council ownership of the Nurses Memorial Chapel. Following that the Council can decide whether to approve the land exchange and initiate the process to amend the relevant local Acts of parliament.
11. It is recommended that the Council clearly indicates that it requires there to be no reduction in the size of Hagley Park as a result of the negotiations on the specific land parcels and that pedestrian access across the River Avon to Rolleston Avenue is to be retained as this is an important pedestrian link.

FINANCIAL IMPLICATIONS

12. There will be continued staff costs involved in reaching a stage at which the Council can decide whether to authorise the land exchange. Broadly, these staff costs will involve negotiating the details of the land exchange, legal input, coordinating the consultation and communications with the CDHB, carrying out the consultation and providing advice to the Council.
13. The costs associated with the consultation phase indicated in the process is estimated to be between \$3000 - \$5000 in addition to staff time. These costs will be shared with the CDHB.
14. If the Council decides to authorise the land exchange there will be legal costs involved in drafting and promulgating the amendment to the Christchurch City (Reserves) Empowering Act 1971. Discussing how these costs might be shared with the CDHB will be part of the negotiations in arriving at the specific areas of land subject to the exchange.
15. If the land the Council is to acquire through the exchange has a higher value than that which it is losing, there will be an expectation that the difference in value be paid to the Crown. The quantum of any costs involved and whether the Council or CDHB ultimately pay those costs will be determined through the negotiations with the CDHB.
16. There are potentially some costs related to increased maintenance of Hagley Park should the land exchange proceed. An increase in the net area of park to maintain is likely given that part of the land the CDHB would like to obtain is covered by a car park that the board currently maintains. These costs are however likely to be insignificant.
17. If the land exchange proceeds the current area of car parking will be replaced by a new hospital building. This may have some impact on the Council's car parking contract with the CDHB. However the CDHB's redevelopment plan also identifies the provision of further car parking elsewhere on the site so the loss in one area may be compensated for in another. The redevelopment in general suggests that there will need to be a review of the car parking management arrangements between the Council and CDHB.
18. The Council currently pays for the grounds maintenance around the Nurses Memorial Chapel so there would be no additional costs in this regard should the Council acquire the chapel. The Friends of the Chapel currently care for the day to day maintenance of the Chapel and on the face of it there is no reason why this arrangement should change if the Council was to become the owner. The Council would be liable for the longer term asset management costs of the Chapel should it acquire the chapel's ownership. No conservation plan has been prepared for this building.

8 Cont'd

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

19. No.

LEGAL CONSIDERATIONS

20. The Christchurch City (Reserves) Empowering Act 1971 redefined the purposes for which certain reserves in the City of Christchurch (including Hagley Park and the Botanic Gardens) are held. This states the location and size of Hagley Park and includes the land sought by CDHB. This Act specifically excludes exchange of reserves for other land as provided within the then equivalent of s15 of the Reserves Act 1977.
21. The Empowering Act must therefore be amended to allow an exchange of the land in question. Any amendment will also need to include amend the area of North Hagley Park as stated in the Empowering Act.
22. The Christchurch Hospital Act 1887 (as amended) transferred to the North Canterbury Hospital District (now CDHB) the buildings used for the purposes of Christchurch Hospital together with the grounds thereof or connected therewith. This covered the hospital land which is stated as being held in trust for the purposes of "*pleasure-gardens and recreation-grounds for the use of inmates of the Christchurch Hospital.*" The land is also a reserve under the Reserves Act. The Act prevents a sale or transfer of land and consequently will have to be amended to enable the exchange to take place
23. The two Acts of Parliament therefore both need to be amended to allow the exchange to take place. It is proposed that an amendment to the Empowering Act is promoted which, if passed, consequentially amends the Hospital Act.
24. It will also be necessary for both the Council and the CDHB to obtain the consent of the Minister of Conservation.
25. It is proposed that the Amendment Bill will give effect to all steps required to achieve the outcomes sought by the Council and the CDHB. These are:
- (a) To remove the 'protected' status from the land owned by the Council
 - (b) Effect the exchange of land between the Council and the CDHB
 - (c) Change the reserve status of that part of the CDHB land being retained by the CDHB for hospital purposes
 - (d) Change the status of the balance of the CDHB land being transferred to the Council
 - (e) Change the reserve status of the Council land being transferred to the CDHB to 'Hospital Purposes'
 - (f) Give the land being transferred to the Council 'protected status' under the Christchurch City (Reserves) Empowerment Act 1971.
26. The hospital land is also governed by the Ngai Tahu Claims Settlement Act 1998. This Act provides rights of first refusal to Ngai Tahu in the event the land is disposed of. The CDHB is advised that changing the purpose of the reserve status of its land will not trigger any obligation to offer the land back to Ngai Tahu.
27. The proposal to exchange the land is significant in terms of the Council's significance policy. It is an activity that does not flow consequentially from the 2009-19 LTCCP. The Council is proposing to undertake an activity that is not specified in that document.
28. As a result of this, the significance policy requires the Council to consider undertaking a special consultative procedure before it makes a decision. The Legal Services Unit advises that it should be possible to obtain the views of the community with regard to the proposed land exchange without having to use a special consultative procedure. The CDHB is also required to consult and it is suggested that both organisations work together. The CDHB does not have a process that requires public hearings.
29. Advice is provided under the *Consultation Fulfilment* section of this report as to the type and form of consultation staff recommend be undertaken.

8 Cont'd

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

30. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

31. The proposal from the CDHB concerning this land exchange was not anticipated in the LTCCP. There are significant potential benefits in improved health services through the redevelopment of the Christchurch Hospital site on the well being of the community. Given these benefits to the wider community, the Council should give the CDHB's proposal careful consideration.

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

32. Not specifically.

ALIGNMENT WITH STRATEGIES

33. The redevelopment of Christchurch Hospital contributes to achieving the vision and goals of the Central City Revitalisation Strategy. The redevelopment will secure the long-term future of the hospital in the central city. As a large source of employment to a relatively well paid workforce the hospital makes a significant contribution to strengthening the Central City as a vibrant and prosperous business centre, as well as contributing to the mix of uses in the Central City.
34. In the Hagley Park and Botanic Gardens Master Plan (2007), the Council resolved to notify the Canterbury District Health Board of the Council's wish to reclaim the part of Hagley Park being used for hospital car parking for outdoor recreation purposes and for discussions to be held with the Board on feasible win-win solutions for the Park and the Hospital, including land exchange options. The redevelopment of Christchurch Hospital will also provide an avenue to relocate the helipad for air ambulance, an initiative consistent with the Hagley Park and Botanic Gardens Master Plan.

Do the recommendations align with the Council's strategies?

35. Yes. As above.

CONSULTATION FULFILMENT

36. As noted in the Legal Implications section of this report, there is a clear requirement for the Council to consult prior to making a decision whether or not to initiate the proposed land exchange to meet its obligations under the Local Government Act 2002 (LGA02).
37. In addition the CDHB has a requirement to consult prior to deciding whether or not to initiate the land exchange. The CDHB must be aware of the views of the public on its intention to exchange the land and wishes to consult, as part of its pre-application process, in support of a subsequent resource consent application.
38. Given that both the Council and the CDHB have a requirement to consult on various aspects of the same proposal, it is recommended that the two organisations work together on one consultation process (rather than having separate processes) to meet all of both parties consultation needs. This has the advantage of not only sharing the costs of consultation, but also avoiding interested parties having to respond to several different consultation processes.
39. The purpose of the consultation process is to present the Christchurch Hospital Redevelopment Plan to the community, and seek initial views and issues around the following:
- (a) The proposed land to be exchanged between the Council and the CDHB
 - (b) Aspects of the hospital redevelopment plan such as the size and bulk of the buildings, plot ratios, car parking and the proposal to demolish the Hagley Hostel that are pertinent to the resource consent application.

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40. The consultation will involve a process of engaging with stakeholder groups and a wider process of consultation with the general public.
41. Meetings with stakeholders (either individually or in groups) will be carried out. These stakeholder groups include local residents/neighbours, New Zealand Historic Places Trust Pouhere Taonga, Hagley Park and Botanic Gardens user and interest groups, Community Boards, Central City business groups and Mahaanui Kurataiao Ltd. (MKT).
42. In terms of the wider communications and consultation process material will be published, widely advertised and submissions invited. Many of the Council and CDHB's established communication channels can be used to publicise the plans and the opportunity for submissions. In addition it may be appropriate to utilise project information displays at venues associated with the site.
43. The feedback from this consultation process will be analysed and can then be considered by the Council in deciding whether to initiate the land exchange. Similarly it will be used by the CDHB in considering whether to initiate the land exchange and in informing any amendments to its general plan for the hospital development prior to a resource consent being applied for.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Confirms its willingness to consider a land exchange with the CDHB subject to, reaching agreement on the parcels of land and costs involved and subject to considering the results of consultation on the issue.
- (b) Delegate the Chief Executive to negotiate with the CDHB the specific areas of land to be the subject of the land exchange and values (if any), with the requirements that the negotiation results in:
 - (i) No reduction in the size of North Hagley Park
 - (ii) Continued pedestrian access across the River Avon to Rolleston Avenue.
- (c) Instructs the Chief Executive to negotiate with the CDHB over the possible acquisition of the Nurses Memorial Chapel as part of the exchange process.
- (d) Authorises the Chief Executive to carry out a joint consultation process with the CDHB and report its results back to the Council for a decision to be made as to whether to initiate a change to the Acts of parliament to enable the land exchange to take place.

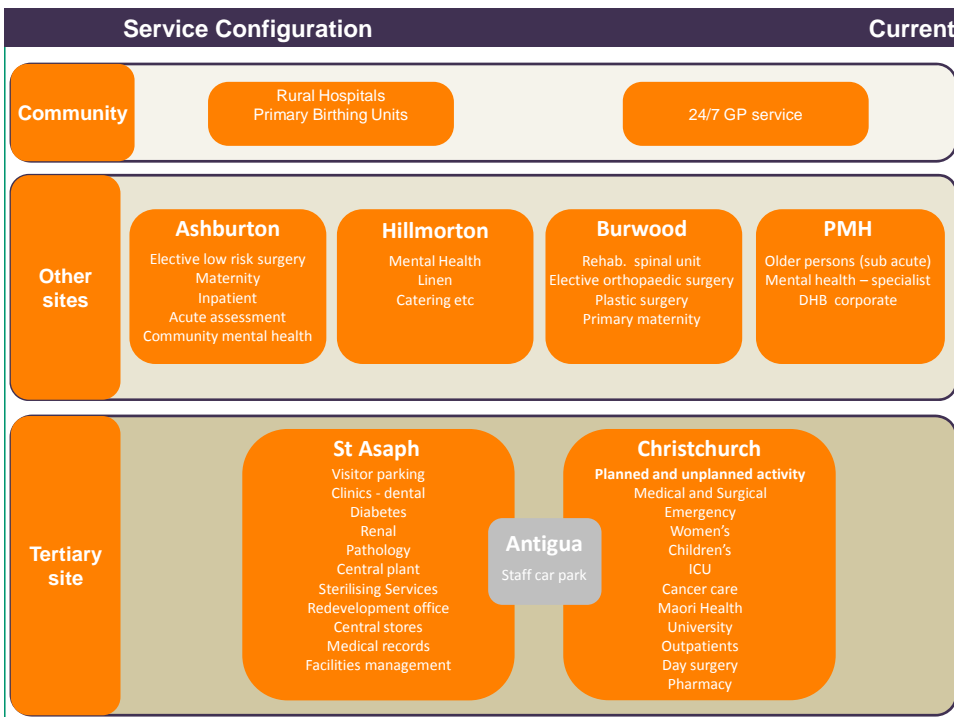
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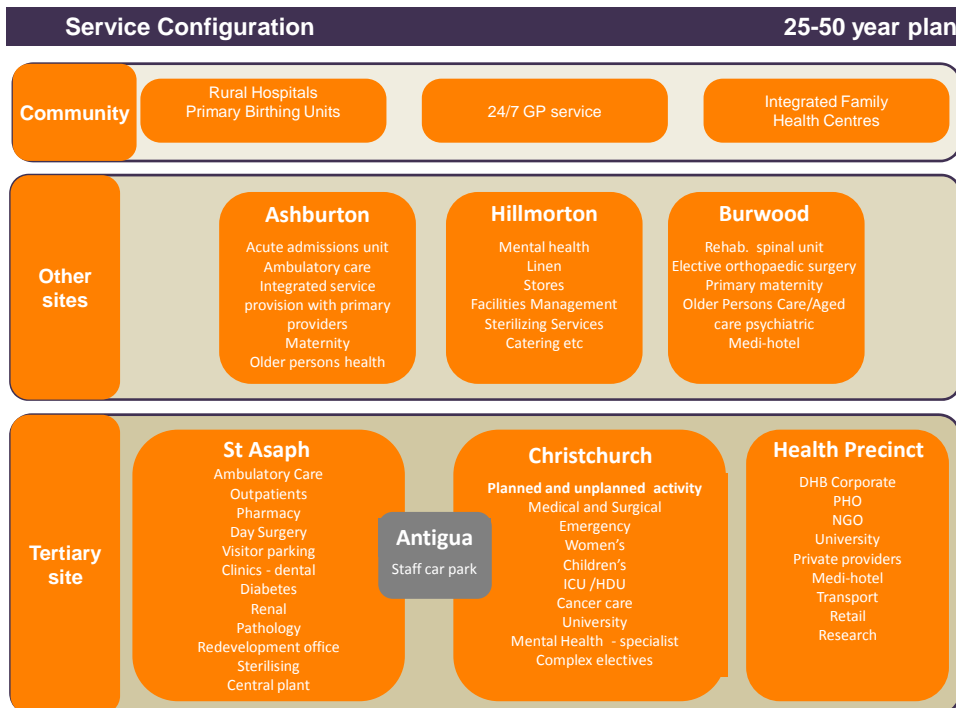
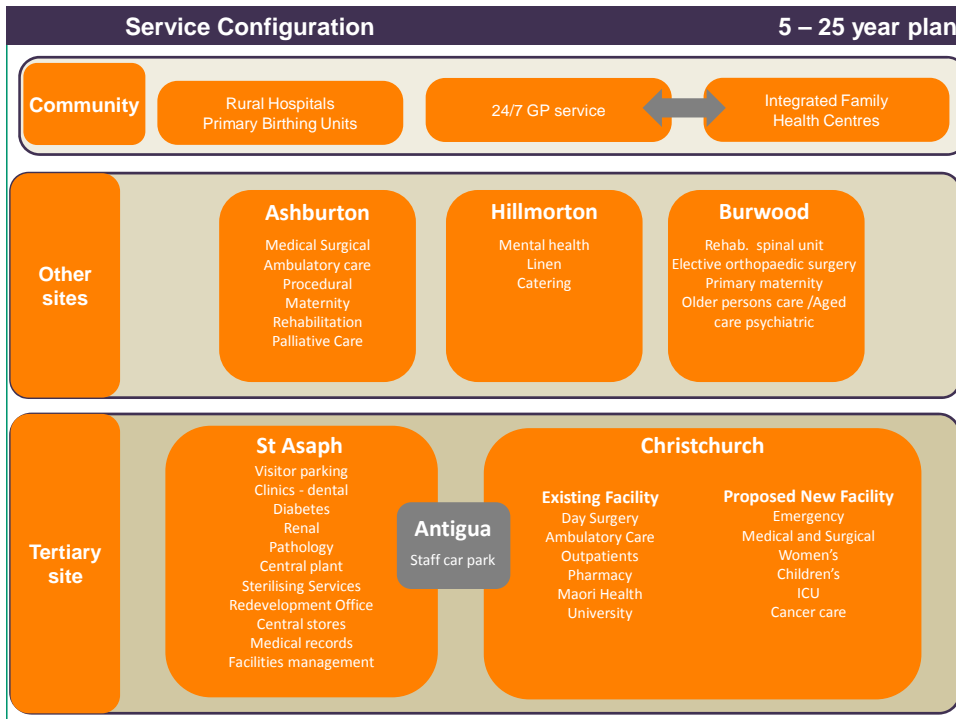
BACKGROUND (THE ISSUES)

CDHB Future Health Facilities Master Plan

44. The Canterbury District Health Board (CDHB) has undertaken two major pieces of work:

Vision 2020 and Health Services Planning. These pieces of work provide the foundation for the development of a Future Facilities Master Plan.
45. The Facility Planning Project has three streams of work:
 - (a) A Statement of Clinical Service and Asset Requirements
 - (b) An Asset Appraisal
 - (c) A Concept Planning Report.
46. The Clinical Service and Asset Requirements Statement provided profiles for clinical services and facilities; identified future service and facility needs; and explored opportunities for innovation and change.
47. An Asset Appraisal was carried out for each site which determined the capacity of each of the CDHB's health service sites for potential change and reuse.
48. The CDHB has a number of different sites from which it provides a variety of services and is planning which sites will provide which services in the medium to long-term.
49. The diagram below illustrates the current service configuration and the planned changes to the configuration over the next 5-25 years and 25-50 years.





50. In order to move from the current to the proposed service configuration, redevelopment of most of the sites will be required. The most pressing of these is the Christchurch Hospital site, as detailed below.

Key Issues for the Christchurch Hospital Site

51. The asset appraisal for the Christchurch Hospital site found the following key issues:
- (a) Many buildings are ageing and do not meet contemporary planning guidelines – they are no longer suitable for the delivery of acute care

8 Cont'd

- (b) Most buildings used for providing acute clinical care and treatment are not post-disaster enabled; should a major earthquake occur the majority of buildings would not be able to be used
- (c) The site is very constrained with virtually no practical opportunity to construct a major facility within the existing boundaries while maintaining the delivery of existing health services
- (d) Unless a solution is found to redevelop, the future sustainability of health services on the site is questionable
- (e) Access from the car park is tortuous and open to the elements, and way-finding within the hospital is complex
- (f) The Hospital lacks an identity and address.

Key Christchurch Hospital Site Planning Objectives

52. As a consequence of these issues it is clear that major redevelopment of the site is required. The following key site planning objectives were determined:
- (a) The facility must be designed to meet service and capacity demands
 - (b) All clinical inpatient and procedural facilities must be post-disaster enabled
 - (c) Older clinical buildings, namely Riverside and the Clinical Service Block, must be replaced with new purpose built contemporary health facilities while minimising disruption to service provision during development
 - (d) It should be easy for the public to access all services and to find their way around the site
 - (e) Access from the car park should be improved, as should vehicular circulation and drop-off
 - (f) The Hospital identity and address must be improved.
53. In order to achieve these objectives the CDHB proposes to develop the site in two stages. The first stage is to build a new building behind the present oncology building and the Women's Hospital. This will require the use of the piece of land owned by Christchurch City Council, some of which is presently used as a car park.
54. Stage one of the new development will house acute services enabling the demolition of the Riverside and Clinical Service blocks, which in turn will enable stage two of the development. Stage two then facilitates the vehicular circulation and drop-off, pedestrian access and way finding.
55. The development of the Christchurch Hospital site is critical to the master plan for the District Health Board to ensure the effective management of services. Concurrently with the development of the Christchurch Hospital site the developments of the other sites will be scheduled to ensure ongoing effective delivery of services.
56. Illustrations of the CDHB's plans for the redevelopment of the Christchurch Hospital site are included in **Attachment 1**.

Land Exchange Proposal

57. The CDHB owns a piece of Hagley Park in front of the Riverside Block which is used as *pleasure gardens and recreation grounds for the use of inmates of the Christchurch Hospital*. The CDHB has proposed that they give part of this to the Council in return for the piece of land owned by the Council – a land exchange. If this does not occur, the site development described above will not be possible and the District Health Board will need to pursue the option of a greenfields development.
58. Due to a range of factors including Ministry of Health capital requirements and timelines, the timeframes the CDHB are currently proposing for the redevelopment are extremely tight. For example, it is required to complete its full business case for the Ministry by September 2010. In order to meet these timeframes the CDHB has asked for a significant level of certainty that the land exchange and key resource consent issues can be resolved within that timeframe.

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59. The CDHB propose to exchange part of the land they hold in trust identified on Certificate of Title CB20K/1038. The parcel of land that is proposed to be exchanged with Council is indicated on the plan in Attachment 1. The land benefits from a boundary to the Avon River extending for some 180 metres. The land currently includes a disused playground together with some large tree specimens.
60. The Council owned land comprises part of North Hagley Park identified on Certificate of Title CB30A/94. The area sought by the CDHB includes a car park which occupies approximately 1,550m² of this area. It should be noted that this car park area was identified as one that the Council aimed to reclaim for outdoor recreation purposes through a win-win arrangement with the CDHB in the Hagley Park and Botanic Gardens Master Plan. The remainder of the land includes some large tree specimens.
61. The exact size and location of the land parcels to be exchanged is subject to negotiation with the CDHB.

Hospital Land

62. The Christchurch Hospital Act 1887 (as amended) transferred to the North Canterbury Hospital District (now CDHB) the buildings used for the purposes of Christchurch Hospital together with the grounds thereof or connected therewith. This covered the hospital land which is stated as being held in trust for the purposes of *"pleasure-gardens and recreation-grounds for the use of inmates of the Christchurch Hospital."*
63. Any exchange must therefore amend this Act to permit the parcel of land to be disposed of and the use to be changed to Recreation Reserve in accordance with the use of the rest of Hagley Park. The use on the remaining portion of this land would also need to be amended to allow the construction of the hospital extension.
64. Flood protection works were undertaken in 2002 to create stop banks to the north of the Hospital's Riverside Building to protect the hospital from major flooding of the Avon River (that is, floods with a 1 in 200 year return period). The \$64,000 project was carried out by the Canterbury District Health Board with the Council, which met half the costs. This development also served to improve the Nurse's Lawn area opposite the Riverside Building. Council staff assisted in planning to have the lawn redeveloped so as to enhance its look and feel, and to create an amphitheatre affect and a more enclosed feel, by having the stop banks designed to have a gentle slope to allow people to lounge on them. Additional plantings incorporated existing gardens, and all access paths were made wheelchair accessible. Council staff sought to improve the linkage between the botanic gardens and the hospital grounds and saw the project as an ideal opportunity to begin that process.
65. There is currently ready pedestrian access from Hagley Park, through the hospital land and over a shared vehicle and pedestrian bridge to Rolleston Avenue. This is an important pedestrian link that should be retained as part of the land exchange negotiations.
66. The hospital land is currently zoned SP – Special Purpose Hospital which is intended to facilitate the further development of hospital sites and associated health care complexes, including the provision of associated activities and support services appropriate to the primary health care function of the site.

Council Land

67. The Christchurch City (Reserves) Empowering Act 1971 redefined the purposes for which certain reserves in the City of Christchurch (including Hagley Park and the Botanic Gardens) are held. This states the location and size of Hagley Park and includes the land sought by CDHB. This Act specifically excludes exchange of reserves for other land as provided within the then equivalent of s15 of the Reserves Act 1977.
68. The Empowering Act must therefore be amended to allow an exchange of the land in question pursuant to section 15 of the Reserves Act. Any amendment will also need to include a change to the area of North Hagley Park as stated in the Empowering Act.

8 Cont'd

69. The Council manages the Christchurch Hospital Car Park building and the on-site parking at the hospital through a Parking Management Agreement and a Deed of Sublease dated 2 March 1999. Both these documents make it clear that the car parking charges shall be set by the Council and have requirements for consultation with the CDHB. Should the redevelopment proceed car parking on the land subject to the exchange will cease to allow the construction of the Phase 1 new hospital building. The CDHB's plans for the site include the provision of some new car parking. It is not yet clear whether the Council will play a continued role in managing car parking in relation to the redeveloped hospital site.
70. This part of North Hagley Park (that is, the part, South of the Avon River) is zoned C2 (Historic and Garden City Parks) which covers sites which are very important for passive recreational activities, ranging from walking and picnicking, to large functions, weddings and outdoor theatre. These areas are also very well utilised by visitors, both domestic and international. Zone provisions acknowledge the wide range of uses undertaken in these parks as well as providing a high level of protection to the heritage and scenic values present. Also taken into account are the varied nature of these sites and their high level of public use being reflected in the requirements for facilities.
71. The Council's land which is part of Hagley Park includes some trees. If the exchange proceeds it is likely that many of these trees will be lost to enable the construction of the new hospital building.

Formal Process Required if the Council decides to initiate the land exchange

72. If the Council decides to initiate the land exchange a survey of both land parcels will need to be completed to identify the land to be exchanged. If the land the Council is to acquire through the exchange has a higher value than that which it is losing, there will be an expectation that the difference in value be paid to the Crown.
73. Both the Council and the CDHB will need to get the consent of the Minister of Conservation to the exchange of land.
74. Sale and purchase agreements will need to be completed for both parcels of land to commit the parties to the transaction subject to the changes to the two Acts being passed by Parliament.
75. The two Acts of Parliament will need to be amended to allow the exchange to take place. It is proposed that an amendment to the Empowering Act is promoted which, if passed, consequentially amends the Hospital Act. To amend the Acts the Council is required to comply with the standing orders of the House of Representatives. The process for promoting the Local Bill is as follows:
- (a) The Council must firstly gain the support of a local MP;
 - (b) The Council will then promote the Bill amending the Act and is responsible for drafting it;
 - (c) The Council's intention to introduce the Bill must be publicly notified. Separate notice is to be given to every person or organisation that has a direct interest, including each local MP;
 - (d) Within six months of publication of the notice, the Bill is sent to the Clerk of the House of Representatives, who will ensure that the standing orders have been complied with. If they have, then the Bill is ready for introducing into the House;
 - (e) Following the first reading of the Bill, it will then be referred to the Local Government and Environment Select Committee for consideration. The Select Committee must report to the House within six months. The Bill is then set down for its second reading; and
 - (f) When the Bill has been read a third time, it has been passed by the House of Representatives and only requires Royal Assent to be enacted.

Nurses Memorial Chapel

76. Whilst the Nurses Memorial Chapel is not part of the proposal for the land exchange by the CDHB, the land exchange process provides an opportunity to progressing Council ownership of it.

8 Cont'd

77. In 1989 the Canterbury Area Health Board advertised its intention to demolish the building to make way for internal road and car parking as part of the hospital's redevelopment. Subsequently, the Council resolved to support the retention and restoration of the building and for the site it is on to be vested in the Council as a historic reserve as part of Hagley Park. The Minister of Conservation issued a Protection Notice for the building in August 1989 and that order remains in place.
78. The history of agreements and potential land exchange negotiations is detailed in Attachment 2. At that time the Nurses Memorial Chapel was a primary consideration along with the area used for car parking within Hagley Park. A proposed land exchange was agreed by the Council and the Canterbury Area Health Board, with a lease arrangement in the interim. To give effect to the land exchange Council was to promote a local Bill to amend the Christchurch City Council (Reserves) Empowering Act 1971 to remove the car park area from Hagley Park which would in turn allow for the exchange of that land for the Chapel site. In 2000 the Council resolved that the issue be deferred to allow other options to be explored and the land exchange has not been progressed.
79. With adoption of the Hagley Park and Botanic Gardens Master Plan in 2007, the Council resolved to delete the first exchange option (involving the ex-caretaker's house) from the plan, and for the Canterbury District Health Board to be notified of the Council's wish to reclaim the part of Hagley Park being used for hospital car parking for outdoor recreation purposes and for discussions to be held with the Board on feasible win-win solutions for the Park and the Hospital, including land exchange options.
80. The Nurses Memorial Chapel is currently owned by Canterbury Health Ltd. A monthly tenancy has continued to give effect to lease of the Chapel site by the Council and Trust. The Council subleases the Chapel building to the Nurses Memorial Trust, which is responsible for its administration. The Friends of the Chapel care for the building on a day to day basis, arrange bookings (e.g. weddings), maintain a small museum within the Chapel, and keep this open to the public through a system of volunteers. The land surrounding the Chapel is the responsibility of the Council and maintained by staff from the Botanic Gardens.
81. The current land exchange issue is now much larger than that considered previously and does not directly involve the Nurses Memorial Chapel. However, given Councils previous intent to preserve the Nurses Memorial Chapel, the protection order, and the existing lease and maintenance arrangements it would be feasible and appropriate to consider progressing Council ownership of the Chapel site within the wider discussions. The hospital currently has no involvement in the maintenance or administration of the building and it may now be of benefit for the ownership to rest with the Council.
82. Should the Council assume ownership of the Chapel this would not immediately require funding in addition to the current expenditure under the lease arrangement for maintenance. This would however be a further asset within the Council's portfolio with associated asset management responsibilities.

Next Steps

83. The process and timelines indicated in the table below are recommended as the broad steps to arrive at a position at which the Council can make a decision about whether or not to authorise the land exchange.

Stage	Timeline
Negotiate proposed land exchange details	December 2009 – End February 2010
Prepare for consultation	February – March 2010
Consultation	March – April 2010
Analysis and consideration of submissions	April – June 2010
Report to Council for decision	June 2010

If the Council decides to proceed with the land exchange the process to amend the two local Acts of parliament would be initiated following the Council's decision in June 2010.

9. METROPOLITAN DISCRETIONARY RESPONSE FUND APPLICATIONS

General Manager responsible:	General Manager Community Services, DDI: 941-8607
Officer responsible:	Community Support Manager
Author:	Courtenay Mackie, Funding Adviser

PURPOSE OF REPORT

1. The purpose of this report is for the Metropolitan Funding Committee to consider applications for funding from Risingholme Community Centre Inc. for \$31,239 and from Floyds Creative Arts Charitable Trust for \$50,000 to the 2009/10 Metropolitan Discretionary Response Fund.

EXECUTIVE SUMMARY

2. In 2009/10, the total pool available for allocation for the Metropolitan Discretionary Response Fund is \$160,072. At the time of writing, there is \$155,072 remaining in the Metropolitan Discretionary Response Fund for 2009/10.
3. The purpose of the Fund is to assist community groups where the project and funding request falls outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
4. Applications requesting over \$15,000 require consideration by the Metropolitan Funding Committee. Staff have delegated authority to consider applications for less than \$15,000.
5. The applications from the Risingholme Community Centre Inc. and Floyds Creative Arts Charitable Trust request \$31,239 and \$50,000 respectively and therefore require a decision from the Metropolitan Funding Committee. Attached as **Appendix A** is detailed information on the application from each group.
6. Staff recommend that the Committee decline the application from Risingholme Community Centre Inc.
7. Staff recommend that the Committee decline the application from Floyd's Creative Arts Charitable Trust.
8. Accepting staff recommendations would leave \$155,072 available in the Discretionary Response Fund for the remainder of the 2009/10 funding year.

FINANCIAL IMPLICATIONS

9. None.

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

10. Yes.

LEGAL CONSIDERATIONS

11. None.

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

12. N/A.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Yes, Community Support.

9 Cont'd

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

14. Yes, Community Grants.

ALIGNMENT WITH STRATEGIES

15. Strengthening Communities Strategy and Physical Recreation and Sport Strategy.

Do the recommendations align with the Council's strategies?

16. Yes, Strengthening Communities Strategy and Physical Recreation and Sport Strategy.

CONSULTATION FULFILMENT

17. N/A.

STAFF RECOMMENDATION

That the application from Risingholme Community Centre Incorporated be declined.

That the Metropolitan Funding Subcommittee decline the application from Floyds Creative Arts Charitable Trust.

9 Cont'd

BACKGROUND

Discretionary Response Fund

18. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The Strengthening Communities Grants Funding Programme comprises four funding schemes:
 - (a) Strengthening Communities Fund
 - (b) Small Projects Fund
 - (c) Discretionary Response Fund
 - (d) Community Organisations Loan Scheme
19. The purpose of the Discretionary Response Fund is to assist community groups where the project and funding request falls outside other Council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
20. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended. There is currently \$155,072 available to allocate.

Application from Risingholme Community Centre Incorporated

21. Please see page one of Appendix A for detailed information on this application.
22. Risingholme Community Centre Inc. has applied to the Council for funding due to an anticipated financial shortfall resulting from decreased central government funding for Adult and Community Education.
23. It should be noted that the Risingholme Community Centre building was gifted to the city of Christchurch in 1943, for the "health, amusement and instruction of the public" and this places the Trust in a unique position, unlike other providers of Adult and Community Education courses who are generally based in high schools.
24. As such, the building is owned by the Christchurch City Council, and the Council is responsible for maintaining the exterior of the building. The Risingholme Community Centre Inc. does not pay any rent to the Council for the use of the facility. Additionally, as a source of income the Community Centre Committee is able to rent out the facility to other community groups. The Community Centre Committee maintains the interior of the building and is responsible for ongoing costs, such as electricity.
25. The Council has committed to a significant capital investment in the Risingholme Community Centre Theatre, installing new kitchen and toilet facilities this financial year.
26. Staff recommend that the Metropolitan Funding Subcommittee decline the Discretionary Response Fund application from Risingholme Community Centre.

Application from Floyds Creative Arts Charitable Trust

27. Please see page two of Appendix A for further detailed information on this application.

10. NOTICES OF MOTION

11. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 26 NOVEMBER 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 12-17.

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
12. CONFIRMATION OF MINUTES OF COUNCIL MEETINGS: 8.10.2009 AND 22.10.2009))	
13. METROPOLITAN DISCRETIONARY RESPONSE FUND APPLICATIONS))	
14. PURCHASE OF PROPERTY FOR RICCARTON MAIN DRAIN))	
15. PROPOSED RATING SALE OF TWO PROPERTIES FOR ARREARS OF RATES)	GOOD REASON TO) WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)
16. PLAN CHANGE 22: REZONING OF LAND AT MAIN NORTH ROAD/RADCLIFFE ROAD, BELFAST – REPORT AND RECOMMENDATION OF COMMISSIONERS))	
17. RECOMMENDATION ON PLAN CHANGE 25 TO THE CITY PLAN))	

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 12. Conduct of negotiations	(Section 7(2)(i))
Commercial activities	(Section 7(2)(h))
Prejudice commercial position	(Section 7(2)(b)(ii))
Protection of privacy of natural persons	(Section 7(2)(a))
Right of appeal exists	(Section 48(2)(a))
Recommendation by Ombudsman	(Section 48(1)(c))
Council to make a recommendation	(Section 48(2)(d))
Item 13. Commercial activities	(Section 7(2)(h))
Item 14. Protection of privacy of natural persons	(Section 7(2)(a))
Item 15. Protection of privacy of natural persons	(Section 7(2)(a))
Item 16. Right of appeal against decision exists	(Section 48(2)(a))
Item 17. Right of appeal against decision exists	(Section 48(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.”