

# **CHRISTCHURCH CITY COUNCIL AGENDA**

**THURSDAY 22 APRIL 2010**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

## CHRISTCHURCH CITY COUNCIL

**Thursday 22 April 2010 at 9.30am  
in the Council Chamber, Civic Offices**

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

- | <b>ITEM NO</b> | <b>DESCRIPTION</b>   |
|----------------|--|
| 1.             | <b>APOLOGIES</b>   |
| 2.             | <b>CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 25.3.2010 AND 8.4.2010</b>  |
| 3.             | <b>DEPUTATIONS BY APPOINTMENT</b>  |
| 4.             | <b>PRESENTATION OF PETITIONS</b>   |
| 5.             | <b>2010 CHRISTCHURCH CITY ELECTIONS: EARLY PROCESSING AND ORDERING OF CANDIDATES' NAMES ON VOTING DOCUMENTS</b>  |
| 6.             | <b>DRAFT STATEMENT OF INTENT FOR THE COUNCIL'S SUBSIDIARY AND ASSOCIATED COMPANIES FOR YEAR ENDING 30 JUNE 2011 AND CHRISTCHURCH CITY HOLDINGS HALF YEAR REPORT TO DECEMBER 2009</b> |
| 7.             | <b>CENTRAL PLAINS WATER TRUST: 2010/11 STATEMENT OF INTENT AND RE-APPOINTMENT OF THREE TRUSTEES</b>  |
| 8.             | <b>REPORT BY THE CHAIRPERSON OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: 31 MARCH 2010</b>  |
| 9.             | <b>166 GLOUCESTER STREET – PROPOSED P5 PARKING RESTRICTION</b>   |
| 10.            | <b>DUNDAS STREET – PROPOSED REMOVAL OF PARKING METERS</b>  |
| 11.            | <b>BUS PRIORITY PROJECT - BUS LANE OPERATIONAL TIMES</b>   |
| 12.            | <b>PROHIBITED TIMES ON ROADS</b>   |
| 13.            | <b>REPORT BY THE CHAIRPERSON OF THE RICCARTON/WIGRAM COMMUNITY BOARD: 2 MARCH 2010</b>   |
| 14.            | <b>CHRISTCHURCH CENTRAL CITY ELECTRIC SHUTTLE PASSENGER SERVICE CONTRACT</b>   |
| 15.            | <b>DRAFT STATEMENT OF INTENT FOR CCC TWO LIMITED</b>   |
| 16.            | <b>STRENGTHENING COMMUNITIES GRANTS FUNDING PROGRAMME – SMALL GRANTS FUND METROPOLITAN</b>   |
| 17.            | <b>STRENGTHENING COMMUNITIES GRANTS FUNDING PROGRAMME – OPERATION OF LOCAL DISCRETIONARY RESPONSE FUND</b>   |
| 18.            | <b>COMMUNITY ORGANISATIONS LOAN FUND – 2009/10 FUNDING ROUND</b>   |
| 19.            | <b>HERITAGE GRANTS AND COVENANTS COMMITTEE SIX MONTHLY REPORT</b>  |
| 20.            | <b>URBAN DESIGN PANEL INTERIM REPORT</b>   |

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- | ITEM NO | DESCRIPTION  |
|---------|--|
| 21.     | CANTERBURY ECONOMIC DEVELOPMENT COMPANY LIMITED'S (CED CO. LTD.) DRAFT STATEMENT OF INTENT FOR 2011  |
| 22.     | REPORT OF THE REGULATORY AND PLANNING COMMITTEE:<br>MEETING OF 1 APRIL 2010 – ATTACHMENTS SEPARATELY CIRCULATED<br>1. WEATHERTIGHT HOMES<br>2. CONSULTATION ON DRAFT REGIONAL POLICY STATEMENT CHAPTERS ON WATER<br>3. BANKS PENINSULA DISTRICT COUNCIL PUBLIC PLACES BYLAW REVIEW<br>HOLDOVER<br>4. APPROVAL OF CHANGES TO PROVISIONS IN THE CITY PLAN<br>5. PROPOSED PLAN CHANGE 61 GENERAL LIVING G OBJECTIVES AND POLICIES<br>6. PROPOSED PRIVATE PLAN CHANGE 62 WIGRAM (PPC 62) |
| 23.     | NOTICES OF MOTION  |
| 24.     | RESOLUTION TO EXCLUDE THE PUBLIC   |

**22. 4. 2010**

- 1. APOLOGIES**
  
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 25.3.2010 AND 8.4.2010**  
Attached.
  
- 3. DEPUTATIONS BY APPOINTMENT**
  
- 4. PRESENTATION OF PETITIONS**

## 5. 2010 CHRISTCHURCH CITY ELECTIONS: EARLY PROCESSING AND ORDERING OF CANDIDATES' NAMES ON VOTING DOCUMENTS

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Democracy Services Manager
<b>Author:</b>	Clare Sullivan, Electoral Officer

### PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the early processing of the returned voting documents used at the next Christchurch City triennial elections, to be held on Saturday 9 October 2010. A decision is also sought as to the order in which the candidates' names are to be shown on the voting documents used at that election.

### EXECUTIVE SUMMARY

#### Early Processing

2. Section 79 of the Local Electoral Act 2001 permits a local authority to process (but not count) returned voting documents over the voting period.
3. Early processing of voting documents was introduced for the 1998 Christchurch City elections (but restricted to the 84 hours before the close of voting) and was used very successfully throughout the country. Because of the success of early processing in 1998 and the benefits which early processing provides, the early processing period was subsequently increased to the entire three week voting period now provided under the current legislation. The immediate benefit of adopting early processing is that much, if not all, of the cumbersome and time-consuming task of extracting and checking the voting documents is undertaken progressively over the three week voting period (under strict security and under the supervision of a Justice of the Peace). This means a quicker and more accurate result can be achieved on polling day.

#### Order of Candidates' Names on Voting Documents

4. Clause 31(1) of the Local Electoral Regulations 2001 allows the Council to decide whether the names are to be arranged on the voting documents in alphabetical order of surname, pseudo-random order or random order. In the absence of any Council resolution approving another arrangement, the candidates' names must be arranged in alphabetical order of surname.
5. The features of each arrangement are described below:

(a) **Arrangement 1 - Alphabetical Order of Surname**

This is the order which was used for all local authority elections prior to 2004, and is self-explanatory.

(b) **Arrangement 2 - Pseudo-Random Order\***

Under this arrangement, the candidates' names for each issue are placed in a hat (or similar receptacle) mixed together, and then drawn out of the receptacle, with the candidates' names being placed on all voting documents for that issue in the order in which they are drawn. (\*Note: Although the term "pseudo random order" is used in the Local Electoral Regulations to describe this arrangement, this is a somewhat imperfect description, in that the term "pseudo random" is understood by mathematicians and/or information technology specialists to have a different meaning.)

(c) **Arrangement 3 - Random Order**

Under this arrangement, the names of the candidates for each issue are shown in a different order on each and every voting document, utilising software which permits the names of the candidates to be laser printed in a different order on each paper.

**5 Cont'd**

This is the order which was used for all the issues included in the voting documents used for the 2004 and 2007 Christchurch City elections, ie:

- Election of Mayor
- Election of Councillors
- Election of Community Board Members
- Election of Christchurch City Members of the Canterbury Regional Council (ECan)
- Election of Canterbury District Health Board Members.

6. Should the City Council again decide on random order for the Mayoral, Council and Community Board issues, the Canterbury District Health Board will need to pass a separate resolution if random order is also to be used for this issue at this year's elections.

**FINANCIAL CONSIDERATIONS**

7. The cost of printing the voting documents employing Arrangement 1, Arrangement 2 or Arrangement 3 will be identical. Thus, there will be no additional costs should random order be chosen for any or all of the five issues to be contested.

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

8. Yes. Provision has been made for the costs of the 2010 elections.

**LEGAL CONSIDERATIONS**

9. The early processing of the returned voting documents is provided for in section 79 of the Local Electoral Act 2001 and clause 101 of the Local Electoral Regulations 2001.
10. The ability to choose between alphabetical order of surname, pseudo-random order or random order for arranging the candidates' names on the voting documents is provided for in clause 31(1) of the Local Electoral Regulations 2001.
11. The regulations provide that if a local authority has determined that pseudo-random order or random order is to be used, the electoral officer must state, in a public notice required to be given, the date, time and place at which the order of the candidates' names will be arranged. Any person is then entitled to attend while the arrangement is in progress.

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

12. Yes, see paragraphs 9 to 11 above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. Yes.

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

14. Yes. Democracy and governance - public participation.

**ALIGNMENT WITH STRATEGIES**

15. Not applicable.

**CONSULTATION FULFILMENT**

16. Not required.

**5 Cont'd**

**STAFF RECOMMENDATION**

It is recommended:

- (a) That the returned voting documents for the 2010 Christchurch City elections be processed during the voting period, 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) That the names of the Mayoral, Council and Community Board candidates at the 2010 Christchurch City elections be arranged in random order.

**6. DRAFT STATEMENT OF INTENT FOR THE COUNCIL'S SUBSIDIARY AND ASSOCIATED COMPANIES FOR YEAR ENDING 30 JUNE 2011 AND CHRISTCHURCH CITY HOLDINGS HALF YEAR REPORT TO DECEMBER 2009**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services DDI 941-8462
<b>Officer responsible:</b>	General Manager Regulation and Democracy Services
<b>Author:</b>	Peter Mitchell

**PURPOSE OF REPORT**

1. The purpose of this report is to present to Council:
  - (a) A report on the draft Statement of Intent for Council's subsidiary and associated companies for review and comment. **(Attachment A)**
  - (b) The half year financial statements of the Christchurch City Holdings Limited (CCHL) parent company and group to 31 December 2009. **(Attachment B - separately circulated)**
2. Sols from the following companies are attached for information:
  - Christchurch City Holdings Ltd;
  - Orion New Zealand Ltd;
  - Christchurch International Airport Ltd;
  - Lyttelton Port Company Ltd;
  - Christchurch City Networks Ltd;
  - Red Bus Ltd;
  - City Care Ltd;
  - Selwyn Plantation Board Ltd,

and Council-owned subsidiaries:

  - Vbase Ltd
  - Tuam Ltd
  - Civic Building Ltd.
3. The CCHL board has reviewed the Sols of the subsidiary, associated and monitored companies, and will relay its comments (summarised in this report under the appropriate company heading) to the companies, together with any from the Council, following the Council's review.
4. The Local Government Act provides that the Council, as 100 per cent shareholder of CCHL, must make any comments on the Sol to CCHL by 1 May 2010. CCHL must then consider these comments and deliver its completed Statement of Intent to the Council by 30 June 2010.
5. With regard to the statement of intent for CCHL subsidiaries and associate companies the Council has been asked to provide comment to CCHL which has the statutory role under the Local Government Act 2002 of providing comments, or not as the case may be, to those subsidiary and associate companies by 1 May 2010. The Council's role with those companies is in the nature of providing informal comment to CCHL.
6. With regard to the three Council owned subsidiaries the Council itself as the shareholder is entitled to formally make comments on the draft statements of intent for those three companies by 1 May 2010 and those companies must deliver the completed statement of intent to the Council by 30 June 2009.
7. The CEO of Christchurch City Holdings Limited will be at the meeting to answer questions.

**STAFF RECOMMENDATION**

It is recommended that the Council:

1. (a) Receive the draft Statements of Intent for Christchurch City Holdings Limited and the subsidiary and associate companies.



**6 Cont'd**

- (b) Receive the draft Statement of Intent for the Council owned subsidiaries.
- 2. (a) Decide whether or not to make any formal comments to Christchurch City Holdings Limited and associated companies regarding the draft Statements of Intent.
- (b) Decide whether or not to make any formal comment on the Statement of Intent for the Council owned subsidiary companies.
- 3. Agree to the Statements of Intent if it does not wish to make any formal comment.
- 4. Receive, for information, the half year report and financial statements of the Christchurch City Holdings Limited parent company and group to 31 December 2009.

**7. CENTRAL PLAINS WATER TRUST: 2010/11 STATEMENT OF INTENT AND RE-APPOINTMENT OF THREE TRUSTEES**

<b>General Manager responsible:</b>	General Manager Regulations and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	General Manager Regulations and Democracy Services
<b>Author:</b>	Peter Mitchell

**PURPOSE OF REPORT**

1. The purpose of this report is to present, for the Council's consideration:
  - (a) The 2010/11 Statement of Intent of the Central Plains Water Trust. **(Attachment A)**
  - (b) The re-appointment of three Trustees.
  - (c) Financial Statements for the six months ended 31 December 2009. **(Attachment B)**

**FINANCIAL IMPLICATIONS**

2. There are no direct financial implications in relation to the Central Plains Water Trust arising out of consideration of the 2010/11 Statement of Intent.

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

3. See above.

**LEGAL CONSIDERATIONS**

4. The Statement of Intent is provided by the Trust as a Council Controlled Organisation in accordance with the provisions of the Local Government Act 2002.

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

5. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

6. Not applicable.

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

7. Not applicable.

**ALIGNMENT WITH STRATEGIES**

8. No specific strategies involved.

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

9. Yes.

**CONSULTATION FULFILMENT**

10. Not applicable.

**STATEMENT OF INTENT**

11. The Statement of Intent specifies for Central Plains Water Trust (CPWT) the objectives, the nature and scope of the activities to be undertaken, and the performance targets and other measures by which the performance of the group may be judged in relation to its objectives, amongst other requirements.

**7 Cont'd**

12. With regard to the attached 2010/11 Statement of Intent the Council's role, under the Local Government Act, is to make any comments as settlor to the Trustees on the draft Statement of Intent.
13. The Trustees are required to consider those comments before completing the final version of the Statement of Intent and delivering it to the Council.
14. If the Council does not have any comments to make then it could resolve that:  
  
*"The Central Plains Water Trust be advised that the Council has no comments to make on its 2010/11 Statement of Intent"*

**REAPPOINTMENT OF TRUSTEES**

15. CPWT is also seeking confirmation from Christchurch City Council for the re-appointment of Messrs Catherwood, Haslam and Smart. Ngai Tahu has confirmed it wishes Mr Smart to be reappointed as a trustee.
16. The three trustees have been members of the CPWT for a number of years and have confirmed their wish to stay as members of the Trust for the foreseeable future.
17. Accordingly it is recommended that Messrs Catherwood, Haslam and Smart be re-appointed for a three year term commencing 1 July 2010.

**FINANCIAL STATEMENT FOR THE 6 MONTHS ENDED 31 DECEMBER 2009.**

18. The financial statements of the Trust have been prepared in accordance with the requirements of the Local Government Act 2002 and Generally Accepted Accounting Practice in New Zealand (NZ GAAP). They comply with the New Zealand equivalent to Internal Financial Reporting Standards.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Confirm the re-appointment of Douglas Catherwood, David Haslam and Vivian Smart for a three year term commencing 1 July 2010.
- (b) Decide whether or not it wants to make any formal comments to the Central Plains Water Trust on the attached draft 2010/11 Statement of Intent.
- (c) Agree to the Statement of Intent if it does not wish to make any formal comment.
- (d) Receive the Financial Statements for the six months ended 31 December 2009.

22. 4. 2010

**8. REPORT BY THE CHAIRPERSON OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD:  
31 MARCH 2010**

Attached

## 9. 166 GLOUCESTER STREET – PROPOSED P5 PARKING RESTRICTION

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

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Councils approval to install a P5 parking restriction in Gloucester Street.

**EXECUTIVE SUMMARY**

2. Staff received a request from The Marque Hotel at 166 Gloucester Street for a five minute parking restriction outside their premises (refer to **Attachment 1**).
3. This hotel has been recently constructed on Gloucester Street alongside the tram entrance into Cathedral Junction. The hotel has 171 guest rooms and opens in March 2010.
4. Prior to the demolition of the previous building that was at this site, there was motorcycle, P5 and metered parking spaces outside the premises. During the construction period, this area was used for the parking and operation of construction vehicles.
5. A vehicle entrance/exit into the hotel has now taken up some of the space that was previously used as metered parking, leaving a 21 metre gap between this new vehicle entrance and the tram tracks into Cathedral Junction. It is proposed to utilise 16 metres of this 21 metre gap in front of the hotel as P5 At Any Time parking for use by hotel guests arriving or departing by taxi or coach, or for the use of customers to nearby businesses. This will leave 3.5 metres clearance between the western end of the proposed vehicle parking and the tram tracks and leave a 1.5 metre gap between the eastern end and the new vehicle entrance.
6. The creation of this vehicle entrance results in two metered parking spaces being lost. However on the western side of the tram tracks there is a six metre long P5 At Any Time Parking space and a now redundant vehicle entrance area outside the demolished Press Printing and Distribution building. Depending on the development of this site, it may be possible to gain some additional metered parking to off-set the loss outside the Marque Hotel.
7. The motorcycle, P5 and metered parking spaces that were originally outside the hotel site will need to be officially revoked, and the three remaining metered parking spaces between Manchester Street and the new vehicle entrance into the hotel officially resolved.
8. Consultation was carried out with businesses on both sides of Gloucester Street near the premises. 100 per cent of the respondents supported the installing of the 16 metre length of P5 At Any Time parking as proposed. See clause 18 for full details.

**FINANCIAL IMPLICATIONS**

9. The estimated cost of installing the signs and road markings for the P5 At Any Time parking area, and moving the Pay and Display Metered Parking signs is approximately \$350.

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

10. The installation of road markings and signs is within the LTCCP Streets and Transport Operational Budgets.

**LEGAL CONSIDERATIONS**

11. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides Council with the authority to install parking restrictions by resolution.
12. The installation of any parking restriction signs and/ or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

9 Cont'd

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

13. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

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

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

15. As above.

**ALIGNMENT WITH STRATEGIES**

16. The recommendations align with the Council Strategies including the Parking Strategy 2003.

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

17. As above.

**CONSULTATION FULFILMENT**

18. 12 consultation documents were distributed to businesses on either side of Gloucester Street in the vicinity of this location.
- Three were returned.
  - All three of the respondents supported the proposed installation of the P5 At Any Time parking.
19. The Officer-in-Charge Parking Enforcement agrees with this recommendation.

**STAFF RECOMMENDATION**

It is recommended that the Council approve:

- (a) That any existing parking restrictions on the south side of Gloucester Street commencing 12 metres west of the intersection with Manchester Street and extending for 57 metres in a westerly direction be revoked.
- (b) That Parking Meters with a time limit of 60 minutes applying 9am to 5pm from Monday to Thursday, from 9am to 8.30pm on Friday, and from 9am to 1pm on Saturday be resolved to be installed on the south side of Gloucester Street commencing at a point 12 metres west from its intersection with Manchester Street and extending in a westerly direction for a distance of 18.5 metres.
- (c) That the parking of vehicles be restricted to a maximum period of five minutes on the south side of Gloucester Street commencing at a point 40.5 metres west from its intersection with Manchester Street and extending in a westerly direction for a distance of 16 metres. This restriction to apply at any time.

## 10. DUNDAS STREET – PROPOSED REMOVAL OF PARKING METERS

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

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Council's approval to remove the Pay and Display parking meters on Dundas Street.

**EXECUTIVE SUMMARY**

2. Dundas Street runs between Manchester and Colombo Street just north of Moorhouse Avenue. Seven pay and display parking meters were installed in the street in August 2006. There are now four meters as three have been stolen or damaged beyond repair and have not been replaced. (See **Attachment 1** for details of meters and parking)
3. There is a total of 59 on-street parking spaces in Dundas Street made up of 56 x P120 pay and display metered parking spaces and three P10 free parking spaces.
4. The parking meters in Dundas Street are under utilised. The average annual return for the Dundas Street parking meters in 2009 was \$2,419 per meter. This is way below the average return for all parking meters in the CBD during the same period of \$10,675. (See **Attachment 2**). Three meters returned less than the \$1,504 that it costs the Council to service and maintain a meter for a year.
5. There has been an on-going campaign of theft and intentional damage of parking meters in Christchurch. Subsequently a number of parking meters have been damaged beyond repair. The remaining four pay and display parking meters in Dundas Street could be used as replacements for some of the irretrievably damaged meters in better utilised parking areas of Christchurch.
6. There will be no reduction in the number of parking spaces in Dundas Street and no change in the 120 minute time limit. The only change is in the requirement to pay for using these parking spaces.
7. Payment was required for metered parking in Dundas Street from 9am to 5pm Monday to Thursday, and to 8.30pm on Fridays. During weekends, no payment for parking is required. The standard hours of operation of parking time limits set down in legislation is from 8am to 6pm Monday to Sunday unless other hours are indicated on signs. It is proposed in this instance that the standards hours of operation of 8am to 6pm apply in Dundas Street from Monday to Friday only, with no time limits applying during weekends as was the case with the parking meters.
8. No consultation has been done with the businesses in or near Dundas Street as the only change being proposed in the street is that there will now be no need to pay for parking. This may encourage more people to park in Dundas Street.

**FINANCIAL IMPLICATIONS**

9. The estimated cost of removing the remaining four pay and display parking meters and the removing of the existing pay and display parking signs, and replacing them with new signs advising the maximum parking time limit is estimated to be \$1,500.

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

10. The removal and replacement of any associated road markings and signs is within the LTCCP Streets and Transport Operational Budgets.

10 Cont'd

**LEGAL CONSIDERATIONS**

11. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides Council with the authority to install or remove parking restrictions or meters by resolution.
12. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.

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

13. As above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Aligns with the Streets and Transport activities by allocating resources to where they can be better utilised.

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

15. As above.

**ALIGNMENT WITH STRATEGIES**

16. The recommendations align with the Council Strategies including the Parking Strategy 2003.

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

17. As above.

**CONSULTATION FULFILMENT**

18. No consultation with local businesses has been done as no actual parking spaces have been removed.

**STAFF RECOMMENDATION**

It is recommended that the Council approve the following:

- (a) That the Parking Meters with a time limit of 120 minutes installed on the north side of Dundas Street that commence at a point 13.5 metres east from its intersection with Colombo Street and extending in a easterly direction for a distance of 182.5 metres be removed.
- (b) That the Parking Meters with a time limit of 120 minutes installed on the south side of Dundas Street that commence at a point 61.5 metres east from its intersection with Colombo Street and extending in a easterly direction for a distance of 139 metres be removed.
- (c) That the parking of vehicles be restricted to a maximum period of 120 minutes on the north side of Dundas Street commencing at a point 13.5 metres east from its intersection with Colombo Street and extending in a easterly direction for a distance of 182.5 metres. This restriction is to apply to from 8am to 6pm Monday to Friday.
- (d) That the parking of vehicles be restricted to a maximum period of 120 minutes on the south side of Dundas Street commencing at a point 61.5 metres east from its intersection with Colombo Street and extending in a easterly direction for a distance of 139 metres. This restriction is to apply to from 8am to 6pm Monday to Friday.



## 11. BUS PRIORITY PROJECT - BUS LANE OPERATIONAL TIMES

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Greg Rozen, Project Manager - Major Transport Projects

**PURPOSE OF REPORT**

1. The purpose of this report is for Council to formally ratify the resolutions it made in May and June 2008 regarding the operational times for the bus lanes on the Papanui and Queenspark routes.

The reason this needs to happen is that the Traffic and Parking Amendment Bylaw 2009 which was established on the 1 July 2009 requires specific resolutions for bus lanes. The requested ratification ensures that the original resolutions comply with both the legal process in place at the time and the legal process required through the Bylaw Amendment which was established a year later.

In addition, the report requests Council to approve some minor changes to the lanes themselves for safety reasons, and to make one correction to the resolutions made on the Colombo Street Route.

**EXECUTIVE SUMMARY**

2. A report was presented to Council at its 11 February 2010 meeting, seeking approval for the proposed Colombo Street Bus Priority Lanes. After considering this report Council resolved that:

*“A report be prepared for the Council in relation to all the bus lane operation times in line with those originally resolved by Council in May and June 2008, such that it can ratify the 2008 operational times and make any changes required.”*

3. In May and June 2008, the Council resolved on the projects for three Bus Priority Routes; Papanui, Colombo and Queenspark (refer **Attachments 1 and 2**). This report has been prepared in response to the 11 February 2010 resolution. Further background is outlined in the Legal Considerations section of this report.
4. The tables below describe the three Bus Priority routes and, notes changes that are now required to some of the original resolutions and why those changes are required.

## 11 Cont'd

<b>Papanui/Main North Road route</b>	Summary of route: Bus Lanes both sides of the road between Bealey Avenue and Northcote/QE II Drive. Bus lanes operate between 7am – 9am (inbound) and 3pm – 6pm (outbound) except outside schools where they are between 4pm – 6pm (outbound). <b>The project was resolved on by Council on 15 May 2008 on the basis of the recommendations of staff and the Community Boards recorded in the Joint Report by the Chairpersons of the Fendalton/Waimari Community Board and the Shirley / Papanui Community Board (attachment 1)</b>	
<b>May 2008 report clause ref:</b>	<b>Amendment Resolution now required</b>	<b>Reason for Amendment</b> <i>Note: the amendments to the resolutions for the Papanui Route reflect what is marked/signed on that route, which is now operational</i>
Staff recommendation (b)(vii)	On Main North Road between the hours of 4pm to 6pm Monday to Friday adjacent to the kerbside on the west side of Main North Road in a section between Sawyers Arms Road and Vagues Road	The time of 3pm to 6pm Monday to Friday was incorrectly noted in the resolution dated 15 May 2008. This section of the route is outside St Joseph's School, therefore the parking restriction should be 4pm to 6pm
Staff recommendation (b)(xii)	Revoke	The revocation of the section of bus lane on Main North Road commencing at a point 143 metres North of its intersection with Meadow Street and extending in a northerly direction for 11 metres is required for safety reasons. Cranford Street has a free left turn movement at any time onto Main North Road. A bus travelling straight through the intersection along Main North Road on a green light could potentially collide with a vehicle turning left using the free left turn from Cranford Street onto Main North Road.

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<b>Queenspark route</b>	Summary of route: Bus Lanes both sides of the road to the north from Cambridge Terrace to Bealey Ave, then along Whitmore Street and Hills Road to Shirley Road, along Shirley Road and New Brighton Road to Bassett Street. Bus lanes operate between 7am – 9am (inbound) and 3pm – 6pm (outbound) except outside schools where they are between 4pm – 6pm (outbound). <b>The project was resolved on by Council on 12 June 2008 on the basis of the recommendations of staff and the Community Boards recorded in the Joint Report by the Chairpersons of the Burwood/Pegasus, Hagley/Ferrymead, and the Shirley/Papanui Community Board (attachment 2)</b>	
<b>June 2008 report clause ref:</b>	<b>Amendment Resolution now required</b>	<b>Reason for Amendment</b>
Staff recommendation (c)(1)	On the north side of New Brighton Road operating between the hours of 7am to 9am and 3pm to 6pm Monday to Friday, in the section between the intersections of New Brighton Road / Marshland Road and New Brighton Road / Golf Links Road	The existing resolution allowed for the provision of 24-hr special vehicle lane restrictions. For consistency throughout the city, bus lanes should be limited to standard operational times for am/pm peak.
Staff recommendation (c)(2)	Revoke	The revocation of the section of bus lane commencing at the intersection of Golf Links Road and continuing for 38 metres along New Brighton Road is required for safety reasons. Golf Links Road has a free left turn movement at any time onto New Brighton Road. A bus travelling straight through the intersection along New Brighton Road on a green light could potentially collide with a vehicle turning left using the free left turn from Golf Links Road onto New Brighton Road.
Staff recommendation (c)(4)	On the south side of New Brighton Road operating between the hours of 7am to 9am and 3pm to 6pm Monday to Friday, in the section between the intersections of New Brighton Road / Cresswell Avenue and New Brighton Road / Golf Links Road	The existing resolution allowed for the provision of 24-hr special vehicle lane restrictions. For consistency throughout the city, bus lanes should be limited to standard operational times for am/pm peak.
Staff recommendation (c)(7)	On the west side of Whitmore Street between the hours of 3pm to 6pm Monday to Friday, commencing at its intersection Bealey Avenue to the end of Whitmore Street at its intersection with Hills Road	The existing resolution allowed for the provision of 24-hr special vehicle lane restrictions. For consistency throughout the city, bus lanes should be limited to standard operational times for pm peak.
Staff recommendation (c)(8)	Not required	Extent of bus lane include within amended C (7) resolution
Staff recommendation (c)(10)	Not required	The original resolution was a duplicate of C (7), therefore no longer required
Staff recommendation (c)(11)	Not required	The original resolution was a duplicate of C (8), therefore no longer required
Staff recommendation (c)(12)	Not required	The original resolution was a duplicate of C (9), therefore no longer required
Staff recommendation (c)(13)	On the North side of Shirley Road between the hours of 3pm to 6pm, Monday to Friday, commencing opposite the intersection of Petrie Street / Shirley Road to Quinns Road / Shirley Road.	The existing resolution allowed for the provision of 24-hr special vehicle lane restrictions. For consistency throughout the city, bus lanes should be limited to standard operational times for pm peak.

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5. The bus lane operational times for the Colombo Street route were resolved by the Council on 11 February 2010. However, a small amendment is required to one of the resolutions made by the Council regarding the Colombo route, as it included the following typographical error:

“That the times for the bus lanes on Colombo Street between ~~the Bus Exchange~~ **Moorhouse Avenue** and Brougham Street be changed to apply from 4pm to 6pm.”

The bus lanes for the Colombo Street/City South bus priority route resolved by Council in May 2008, began at Moorhouse Avenue, not the Bus Exchange.

**FINANCIAL IMPLICATIONS**

6. Not applicable.

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

7. Funding is not required for the Council to ratify the May and June 2008 resolutions regarding the Bus Priority Routes and the operational times of the bus lanes.

**LEGAL CONSIDERATIONS**

*Bus lanes*

8. As part of the investigation of the issues arising in relation to the Colombo Street Bus lanes, Council staff became aware that there may be a need for Council to formally ratify the operation times of the bus lanes approved by the Council for the Colombo Street South route and the Papanui route (both approved in May 2008), and the Queenspark Route (approved in June 2008).
9. Resolutions made by the Council on 11 February confirmed the bus lane operation times for Colombo Street (although a minor change is now needed to one of those resolutions, as referred to above). Another resolution requested this report, as follows:  
  
*“A report be prepared for the Council in relation to all the bus lane operation times in line with those originally resolved by Council in May and June 2008, such that it can ratify the 2008 operational times and make any changes required.”*
10. The bus lanes were legally established as of 1 July 2009, when the Traffic and Parking Amendment Bylaw 2009 (“Amendment Bylaw”), which inserted a new second schedule for special vehicle lanes into the Traffic and Parking Bylaw 2008 (among other things), came into force. The bus lanes can only be enforced once they are marked out on the road and are operational (as is now the case for the Papanui Route; the Queenspark route is not yet operational). The new second schedule inserted by the Amendment Bylaw provides that: “the hours of operation of any traffic lane restricted to specific classes of vehicles will be determined by Council by resolution as required from time to time, in accordance with the decision-making requirements in the Local Government Act 2002.”
11. At the time of making the Amendment Bylaw, the Council may impliedly have ratified the operational times for the bus lanes, however, for the avoidance of any doubt it is appropriate that the Council now formally confirm the times of operation for the bus lanes that were decided as part of the approval of those projects in May and June 2008. Apart from the few minor changes required to the resolutions that were made in May and June 2008, as noted above, there are no other changes along these routes. The Council can rely on the consultation carried out on these routes prior to its decisions in May and June 2008.
12. The fact that the bus lanes are already in operation on the Papanui Route, potentially without a ratification of the operational times having been made, does not affect any enforcement that has already been carried out in relation to that route. The bus lanes are all marked and signed as required by the Land Transport Rule: Traffic Control Devices 2004 (TCD Rule). The TCD

11 Cont'd

Rule (11.2) provides that a special vehicle lane such as a bus lane can be signed as a full time restriction, but also specifically provides for "other than a 24-hour restriction". The operation times for the bus lanes are marked on the signs. The public using the road clearly know what is required of them in relation to the bus lanes and at what times.

*Amendment of previous resolutions*

13. Council staff advise changes in relation to some of the resolutions made by Council in May and June 2008 (for the reasons identified above), and an amendment is also needed to the resolution made on 11 February 2010. Amendments to previous resolutions can be made by the Council in accordance with clause 3.9.18 of the current standing orders, dated July 2008, which provides that:

*"A local authority meeting may, on a recommendation contained in a report by the chairperson or chief executive, or the report of any committee, revoke or alter all or part of resolutions previously passed at meetings. At least 2 clear working days notice of any meeting to consider such a proposal must be given to members, accompanied by details of the proposal to be considered."*

14. The Chief Executive has approved this report.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

15. Funding for the Bus Priority project is programmed in the 2009–19 Long Term Council Community Plan (LTCCP).

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

16. Yes, as above.

**ALIGNMENT WITH STRATEGIES**

17. This project is consistent with the National Transport Strategy, as well as key regional and local Council strategies including the Regional Land Transport Strategy, Metropolitan Christchurch Transport Statement, Public Passenger Transport Strategy, Pedestrian Strategy, Parking Strategy, Cycling Strategy, Road Safety Strategy, Citywide Public Transport Priority Plan, Metro Strategy 2006-2012, and the Greater Christchurch Urban Development Strategy.

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

18. Yes, as above.

**CONSULTATION FULFILMENT**

19. This report was sought by Council through a resolution at the 11 February 2010 meeting. No further consultation has been undertaken as part of this project, but the consultation carried out prior to the May and June 2008 reports is still relevant in relation to the recommendations to ratify the resolutions made at that time (with some minor changes).

**STAFF RECOMMENDATIONS**

It is recommended that the Council:

- (a) Ratify its resolutions made for the Papanui Road/Main North Road bus priority route on 15 May 2008 in relation to the Joint Report by the Chairpersons of the Fendalton/Waimari Community Board and the Shirley/Papanui Community Board (**Attachment 1**), including the operational times for the bus lanes, subject to the following amendments, that:

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- (i) Staff Recommendation (b)(vii) be amended to:

“On Main North Road between the hours of 4pm to 6pm Monday to Friday adjacent to the kerbside on the west side of Main North Road in a section between Sawyers Arms Road and Vagues Road”

- (ii) Staff Recommendation (b)(xii) be revoked.

- (b) Ratify its resolutions made for the Queenspark bus priority route on 12 June 2008 in relation to the Joint Report by the Chairpersons of the Burwood/Pegasus Community Board, Hagley/Ferrymead Community Board, and the Shirley/Papanui Community Board (**Attachment 2**), including the operational times for the bus lanes, subject to the following amendments, that:

- (i) Staff Recommendation (c)(1) be amended to:

“On the north side of New Brighton Road operating between the hours of 7am to 9am and 3pm to 6pm Monday to Friday, in the section between the intersections of New Brighton Road / Marshland Road and New Brighton Road / Golf Links Road”.

- (ii) Staff Recommendation (c)(2) be revoked.

- (iii) Staff Recommendation (c)(4) be amended to:

“On the south side of New Brighton Road operating between the hours of 7am to 9am and 3pm to 6pm Monday to Friday, in the section between the intersections of New Brighton Road / Cresswell Avenue and New Brighton Road / Golf Links Road”.

- (iv) Staff Recommendation (c)(7) be amended to:

“On the west side of Whitmore Street between the hours of 3pm to 6pm Monday to Friday, commencing at its intersection Bealey Avenue to the end of Whitmore Street at its intersection with Hills Road”.

- (v) Staff Recommendation (c)(8) be revoked.

- (vi) Staff Recommendation (c)(10) be revoked.

- (vii) Staff Recommendation (c)(11) be revoked.

- (viii) Staff Recommendation (c)(12) be revoked.

- (ix) Staff Recommendation (c)(13) be amended to:

“On the North side of Shirley Road between the hours of 3pm to 6pm, Monday to Friday, commencing opposite the intersection of Petrie Street / Shirley Road to Quinns Road / Shirley Road”

- (c) It is recommended that the Council amend its resolution made on 11 February 2010, to change the reference in the resolution to the “Bus Exchange” to read “Moorhouse Avenue”, as follows:

“That the times for the bus lanes on Colombo Street between Moorhouse Avenue and Brougham Street be changed to apply from 4pm to 6pm.”

**12. PROHIBITED TIMES ON ROADS**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
<b>Author:</b>	Barry Cook, Team Leader Network Operations

**PURPOSE OF REPORT**

1. The purpose of this report is to inform the Council of the different times of operation of "Prohibited Times on Roads" and the implications of extending these to seven days per week, and to make recommendations for a new policy for days and times for "Prohibited Times on Roads".

**EXECUTIVE SUMMARY**

2. The Council received a report from the Riccarton/Wigram Community Board at its meeting on 11 March 2010 requesting roads in the Sockburn industrial area to be included in the "Prohibited Times on Roads" register, but in this case the request was for the "prohibition" to operate seven days per week.
3. There are currently two different regimes for "Prohibited Times on Roads" and this request would create a third.
4. The history of "Prohibited Times on Roads" is provided in the Background section of this report (para 19 to 40). A list of other options for dealing with anti-social road users is provided in para 41.
5. The provision of two different regimes can be justified for the two different environments, one for industrial areas and one for lifestyle areas.
6. For well-defined industrial roads, with no through traffic function, where the problems can arise every night of the week, a "prohibition" implemented seven days a week, will not affect a person's right to freedom of movement under the New Zealand Bill of Rights Act 1990.
7. In areas where there is a through traffic function, or where people live, a four-day prohibition is a more reasonable limitation on people's rights. In this case it is recommended that 10pm Thursday, Friday, Saturday, Sunday nights to 5am the following morning, and 10pm the night prior to and on statutory holiday nights, to 5am the following morning, be used for these roads.
8. All the other criteria set out in the policy for "Prohibited Times on Roads" also need to be met for any new roads to have a "prohibition" imposed under clause 15 of the Christchurch City Council Traffic and Parking Bylaw 2008.

**FINANCIAL IMPLICATIONS**

9. An estimated cost for changing the times on existing signs to meet the new policy, if approved, is \$2,000.

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

10. The installation of road signs and markings are within the LTCCP Transport and Greenspace operational budgets.

**LEGAL CONSIDERATIONS**

11. Clause 15 (1) of the Christchurch City Council Traffic and Parking Bylaw 2008 provides that "The Council may by resolution specify any road or part of a road and the days and times during which motor vehicles weighing less than 3,500 kilograms are prohibited from being used on the road or part of that road or roads".

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12. The Council adopted the staff recommendation for a policy for prohibited times on roads, on 27 November 2008. The recommendations in this report are consistent with that policy but effectively add to the existing policy to provide for further considerations for the Council to apply to a request for a prohibited time on a road to be imposed.

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

13. As noted above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Aligns with the Transport and Greenspace activities by contributing to the Council's Community outcomes Safety and Community.

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

15. This contributes to improve the level of service for safety and access.

**ALIGNMENT WITH STRATEGIES**

16. The recommendations align with the Council's Safer Christchurch Strategy and Litter Strategy.

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

17. As noted above.

**CONSULTATION FULFILMENT**

18. The Police are in agreement with the information in this report.

**STAFF RECOMMENDATION**

That Council resolve:

- (a) That the following be added as a second and third paragraph of the Scope and Definitions section of the "Prohibited Times on Roads" policy (**Attachment 2**):
- (i) Where a "Prohibited Times on Roads" request is for well-defined industrial areas with no through function, the prohibition should be seven days a week, from 10pm to 5am the following morning.
  - (ii) Where a "Prohibited Times on Roads" request is for an area where people live or where the roads have a through function then the prohibition is to apply only during limited times, in particular: – Thursday to Friday 10pm-5am; Friday to Saturday 10pm-5am; Saturday to Sunday 10pm-5am; Sunday to Monday 10pm-5am; and from 10pm on the day preceding any public holiday until 5am on that statutory holiday; and from 10pm on the public holiday to 5am the following morning.
- (b) That the issues to be considered section of the flowchart (**Attachment 2**) in the "Prohibited Times on Roads" policy be amended so that the second bullet point reads "The problem has persisted for a considerable period of time (at least two years), even though other enforcement has been carried out."
- (c) That the issues to be considered section of the flowchart in the "Prohibited Times on Roads" policy be amended so that the fourth bullet point reads "No arterial roads, or collector roads, are included."
- (d) That the existing "Prohibited Times on Roads" be reassessed into the two categories and a report be presented to the Council to align the days and times of the prohibitions on the existing roads with (a)(i) and (ii) above.



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**BACKGROUND**

19. The initial "prohibitions" on roads were created on 9 July 2001 for industrial roads in the Wigram area and operated on Friday, Saturday and Sunday nights from 9pm to 5am the following morning.
20. These roads were all in well-defined industrial areas with no through function. For this reason, there were no New Zealand Bill of Rights issues as the "prohibitions" did not affect the public's right to freedom of movement, in relation to any right of passage in these areas.
21. The expansion of the "prohibition" to seven days a week is also considered to have no effect on the public's right of passage in these industrial roads because the roads are principally used by the public during the day.
22. Exemptions for vehicles that have a legitimate reason for entering these roads at night is provided for in clause 15(3) of the Traffic and Parking Bylaw 2008.
23. On 21 June 2007 the Council also made resolutions for "Prohibited Times on Roads" for roads with lifestyle blocks, as the anti-social road user behaviour had spread into these areas. The behaviour in these roads resulted in the residents being held captive in their own homes on Thursday, Friday and Saturday nights.
24. For these roads the effects on the right of persons to use public roads for the purpose of passage (under the right to freedom of movement in the New Zealand Bill of Rights 1990) had to be weighed up against the effects of the anti-social road user behaviour on the people living in the area.
25. The inclusion of these roads was only approved after the Council considered a number of conditions that were recommended in the 21 June 2007 report (at that time the applicable bylaw was clause 68A(2) of the Traffic and Parking Bylaw 1991). They were as follows:

*"Furthermore, it is considered that in seeking to achieve the objective the measure has been designed to interfere as little as possible with the right to freedom of movement. In this regard:*

- (a) *None of the roads in question are classified as major arterials, minor arterials or collector roads in the City Plan. They are all classified as local roads.*
  - (b) *The roads in question are very limited in extent. There are alternative roads upon which through traffic may avoid the roads in question without any significant degree of inconvenience.*
  - (c) *The roads which are already listed in the Ninth Schedule are not in the vicinity of the roads in question consequently there will be no adverse cumulative effects to road traffic in general by adding the roads in question to that schedule.*
  - (d) *The prohibition only applies to motor vehicles weighing less than 3,500 kg.*
  - (e) *Some vehicles are exempted from the prohibition. These exemptions are set out in clause 68A(2) of the bylaw. This clause is set out below.*
  - (f) *The prohibition is to apply only during limited times, in particular: – Friday-Saturday 9.00pm-5.00am; Saturday-Sunday 9.00pm-5.00am; Sunday-Monday 9.00am-5.00pm; and from 9.00pm on the day preceding any public holiday until 5.00am on that statutory holiday. These are the times during which, having regard to past experience, illegal street racing is likely to occur."*
26. After consideration by the Council, it was resolved to implement these "prohibitions" on Thursday, Friday, Saturday and Sunday nights from 10pm to 5am the following morning.

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27. The 10pm to 5am times are consistent with the times for night time stopping bans like the ones in Harper Avenue and Deans Avenue and is also consistent with the proposed "Cruising Bylaw".
28. In addition to the industrial roads that had "prohibitions" approved on 9 July 2001 and the lifestyle areas that had "prohibitions" approved on 21 June 2007, there have been a number of other roads where "prohibitions" were approved on 28 February 2008, 11 September 2008 and 25 June 2009 (see Register of Prohibited Times on Roads). Some of these roads are industrial roads with no through traffic function. Some are industrial roads with a through traffic function. Some are lifestyle areas.
29. If the Council approve the staff recommendation in this report, then the existing "prohibitions" would need to be reassessed under the new policy decision.
30. The latest list of streets presented to the Council on 11 March 2010 are in well defined industrial areas, similar to those that were the subject of the first "prohibitions". However the request from the Riccarton/Wigram Community Board was for these roads to operate from 10pm to 5am, seven days a week.
31. This would create three different "days of the week" regimes.
32. The Police have indicated "that the inconsistency will cause issues" for enforcement. Confusion over what days and times exist when a call comes in and having to check the details on the signs on arrival does not provide effective enforcement.
33. As the number of roads being added increases and the number of days per week increases, the City faces the real problem of being seen as unsafe and therefore needing a night time curfew.
34. It is important to put measures in place that enable future requests for "prohibitions" to be processed in such a way as to avoid creating this image for Christchurch.
35. It is also appropriate to extend the "prohibition" to include the night of a public holiday through to the following morning, as this time is similar to a Sunday night which is already covered by the "prohibition".
36. Currently the Council Policy on "Prohibited Times on Roads" states under issues to be considered that "No arterial roads are included". Collector roads should be added to this clause as the "City Plan" definition states "They link to the arterial network and act as local spine roads". The installation of a "prohibition" on a Collector road is in conflict with this definition.
37. As the "prohibitions" do not eliminate the anti-social road user problems, it is important that all possible avenues have been explored (see para 41) before a prohibition is imposed. There should also be sufficient time allowed between when an anti-social road user problem occurs and a prohibition is imposed, otherwise there would be a never-ending process of imposing a "prohibition", moving the problems on, imposing a new "prohibition" etc.
38. In the case of Hasketts Road, the time taken to impose a "prohibition" was between three and four years. This timeframe is unacceptable, and two years would be more appropriate, as recommended be added to the criteria in the policy. The policy currently provides that the problem must have "persisted for a considerable period of time even though enforcement has been carried out."
39. It is recommended that "considerable period of time" be clarified so that it will only apply where there has been at least two years of problems associated with anti-social road user behaviour, and all other avenues have failed to reduce the problems, including regular Police enforcement. This will avoid the potential for "over regulation" using this provision in the Council's district.
40. The proposals in the staff recommendations are consistent with the Council policy on "Prohibited Times on Roads" and therefore do not conflict, but add to that policy.

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41. There are several methods of dealing with the anti-social road user behaviour, in addition to education of road users:
- (a) Police enforcement. There is a variety of legislation that allow the Police to deal with:
    - (i) Sustained loss of traction (Land Transport Act 1998).
    - (ii) The impoundment of vehicles (Land Transport Act 1998).
    - (iii) The illegal modification of vehicles or excessive noise of vehicles (Land Transport Act 1998).
    - (iv) Non compliance with the "Land Transport Road User Rule 2003" (speed etc.).
    - (v) The use of a vehicle to exhibit the power or noise of the engine (cruising).
    - (vi) Inappropriate behaviour (Crimes Act 1961 / Summary Offences Act 1981).
    - (vii) The enforcement of alcohol laws and alcohol bans (Local Government Act).
  - (b) Physical works that reduce the area of road sufficiently to prevent the accumulation of large numbers of vehicles or the carrying out of "burnouts". An example of this is the work carried out by the Council on the Summit Road.
  - (c) The night time ban on the stopping of vehicles. This has been very successful on central city streets like Colombo Street in Sydenham and Deans Avenue and Harper Avenue.
  - (d) The implementation of liquor bans. These have had an effect on anti-social road user behaviour in the areas scheduled in the "Alcohol Restrictions in Public Places Bylaw 2009".
  - (e) "Prohibited Times On Roads" for vehicles weighing less than 3,500 kilograms at night.
  - (f) Proposed Cruising Bylaw.

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**13. REPORT BY THE CHAIRPERSON OF THE RICCARTON/WIGRAM COMMUNITY BOARD:  
2 MARCH 2010**

Attached

## 14. CHRISTCHURCH CENTRAL CITY ELECTRIC SHUTTLE PASSENGER SERVICE CONTRACT

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
<b>Author:</b>	Judith Cheyne, Solicitor, Legal Services Unit

**PURPOSE OF REPORT**

1. The purpose of the report is to seek a decision to enter into negotiations with Red Bus Limited (Red Bus) in respect of the current Christchurch Central City Electric Shuttle Passenger Service Contract (Shuttle Bus contract) that will expire on 30 June 2010.

**EXECUTIVE SUMMARY**

2. Red Bus has been involved in the shuttle bus service since its inception in 1998. The current contract with Red Bus is dated 25 May 2005. Through this contract a free inner city shuttle bus service is provided to visitors and residents of the city. The value of the contract is approximately \$1 million a year.
3. The initial contract was awarded to Red Bus as they were the only company that submitted a proposal for the provision of the service. The current contract was publicly tendered, with two companies submitting tenders for consideration. The tender was awarded to Red Bus, and the contract granted for a period of five years. It is due to expire on 30 June 2010.
4. Red Bus is a Council Controlled Trading Organisation (CCTO). All of its shares are held by Christchurch City Holdings Limited (CCHL). The equity that CCHL holds in Red Bus is listed as one of the Council's strategic assets in its 2009-19 LTCCP.
5. For these and other reasons set out in this report, it is recommended that the Council enter into negotiations with Red Bus for a new contract to replace the one that is due to expire.

**FINANCIAL IMPLICATIONS**

6. Red Bus is monitored by CCHL. Its financial results are included in the Council's group accounts. There will be an effect on Red Bus if they do not have the Shuttle Bus contract. They have four dedicated buses that provide the Shuttle Bus service and employ drivers for that purpose. While they may be able to redeploy the buses and drivers there is no certainty around this.
7. It is likely that any decision to award the contract to a company other than Red Bus would affect not only the financial position of that organisation but also that of the Council and group.
8. If the recommendations contained in this report are adopted by the Council it is proposed that the General Manager City Environment be authorised to appoint a panel for the purpose of entering into negotiations with Red Bus and include an external industry expert and be supported by appropriate legal advice.

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

9. Yes, the shuttle bus service is budgeted on the current contract terms in the LTCCP.

**LEGAL CONSIDERATIONS**

10. The issue is whether or not the Council is able to enter into negotiations with Red Bus for a new contract, rather than going through a contestable tender process. Given the special relationship that it has with Red Bus and CCHL, entering into negotiations, the former is an option that is legally open to the Council to pursue.

**The Council's Statutory Obligations**

11. The power of general competence contained in section 12 of the Local Government Act 2002 (LGA02) enables the Council to carry on or undertake any activity or business, do any act, or

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enter into any transaction. The LGA02 gives the Council the rights, powers and privileges that it needs to do so. However, the exercise of the Council's powers is subject to the provisions contained in the LGA02 and in any other legislation, and the general law.

12. One of those provisions is section 101(1) of the LGA02. It states that the Council must manage its expenses, assets and general financial dealings prudently and in a manner that promotes the current and future interests of its community.
13. Advice provided by the Council's Legal Services Unit and by its external strategic legal adviser, Simpson Grierson, in relation to a similar situation concerning the City Care Limited maintenance contracts (which were considered by the Council in September 2008) is that the Council is able to negotiate a new contract with a body such as Red Bus provided all of the Council's statutory obligations are satisfied. Those statutory obligations include complying with the decision-making requirements in sections 76-82 of the LGA02.
14. Under section 76(1), a local authority must first decide on the applicability of the provisions in sections 77, 78, 80, 81, and 82 to the particular decision to be made, then decide under section 79 how to achieve compliance with those provisions (see *Whakatane DC v Bay of Plenty RC 9/4/09*, Duffy J, HC Rotorua CIV-2007-463-606). This includes the following decision making processes:
  - (a) Sections 77 and 78 are the primary sections applicable in this instance. The significance of the matters affected by the decision (in order to ensure that the level of compliance with sections 77 and 78 is largely in proportion to significance) is discussed further below.
  - (b) Before making its decision the Council must identify all reasonably practicable options for achieving its objectives and assess those options by considering:
    - (i) The benefits and costs of each, in terms of the present and future social, economic, environmental and cultural wellbeing of the Councils district;
    - (ii) The extent to which community outcomes would be promoted or achieved in an integrated and efficient manner;
    - (iii) The impact of each option on the Council's capacity to meet future and present needs in relation to its statutory responsibility;
    - (iv) Any other matters that in the Council's opinion are relevant.
15. The *Whakatane* case confirmed that it is up to the Council to determine how it achieves compliance with the provisions of the LGA02. The Council is able to judge for itself:
  - (a) The extent to which different options are to be identified and assessed;
  - (b) The degree to which benefits and costs are to be quantified.
16. Here there are only two options in relation to the decision to be made: negotiate with Red Bus or run a competitive tender. The principal objective in this matter is to ensure that any terms and conditions agreed upon between the Council and Red Bus represent value for money. They should be no less favourable than those terms and conditions that the Council would have obtained had it conducted a competitive tender process. This is prudent financial management.
17. In addition to identifying and assessing all reasonably practicable options, the Council must give consideration to the views and preferences of persons and organisations likely to be affected by, or to have an interest in, the decision that the Council ultimately makes. In the present instance, these would include other contractors wishing to compete with Red Bus for the Shuttle Bus contract, as well as Red Bus itself. It is likely that the views of other contractors would favour the Council making a decision to put this contract out for tender instead of negotiating in the first instance with Red Bus.

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**Reasons for Entering into Negotiations with Red Bus**

18. The Council must have regard to section 14 of the LGA02. This requires the Council to conduct its business in an open, transparent and democratically accountable manner and in accordance with sound business practices. Simpson Grierson advises that often the best way of ensuring compliance with section 14 is to seek competitive tenders in an open market.
19. However, Simpson Grierson also recognises that there may be good reasons for not going to the market. These include:
  - (a) The fact that Red Bus is a CCTO and a strategic asset;
  - (b) By supporting Red Bus's business the Council is showing prudent stewardship and the efficient and effective use of its resources; and
  - (c) The benefit that the Council derives as a shareholder (through CCHL) of Red Bus. The Council is entitled to take such benefits into account.
20. To ensure that the Council's process is transparent, these reasons are acknowledged and recorded.
21. The Council will ensure sure that the terms and conditions of any contracts entered into with Red Bus are consistent with sound business practice and will include an industry expert to provide confirmation that the contract will need give value for money.
22. The industry expert will also be required to confirm any terms and conditions agreed upon by the Council and Red Bus are similar to those that the Council would have obtained in the market from a competitive tender process.

**Significance**

23. The Council's policy on determining significance is set out in its 2009-19 LTCCP. The policy includes a list of assets that the Council considers to be strategic assets. These include the equity that CCHL holds in Red Bus. The significance policy states that "where a proposal requires a decision by the full Council the Council will treat as significant any proposal or decision that does not flow consequentially from a decision in an LTCCP, (as amended) an Annual Plan or any process involving a public hearing. This decision is one to be made by the full Council and may also be one that flows consequentially from the LTCCP.
24. The free shuttle service (and impliedly the continuation of that service) is budgeted in the LTCCP (see pages 77 and 80), but the decision to be made by the Council is whether it should enter into negotiations with Red Bus in respect of the contract or whether it should seek competitive tenders, to continue to run the free shuttle service. Arguably, that decision is not one that flows consequentially from the shuttle service being included in the LTCCP.
25. If the decision is to be treated as significant (because it does not flow consequentially from the LTCCP) then the Council's policy does not require it to carry out a special consultative procedure in relation to such a decision. In this particular instance, where the decision is essentially a commercial decision for the Council there is little to be gained from carrying out an SCP, or other general consultation with the public.
26. Turning to the general approach to determining significance set out in the policy (and the LGA02) the Council's decision does not have a high degree of significance in terms of:
  - (a) Its impact on the wellbeing of Christchurch; or
  - (b) The costs to or capacity of the Council to provide for the wellbeing of the City.

14 Cont'd

27. In relation to the likely impact on and consequences for any persons who are likely to be particularly affected by, or interested in the issue, proposal, decision or matter, the Council acknowledges that this would include other contractors wishing to compete with Red Bus for the Shuttle Bus contract. However, as those person/companies are not currently involved with the contract, and could not have an expectation that Council would run a tender for this process the impact and consequences for them is not likely to be significant. Red Bus itself, is an affected party so far as its continued viability is concerned
28. Consideration has also been given to the possible effect of section 97 of the Act. This requires explicit provision in the LTCCP for a decision to alter significantly the intended level of service for any significant activity undertaken by or on behalf of the Council. The advice on this point is that although the contractor may be different as a result of any decision made by the Council, the intended level of service will not be significantly altered. Therefore, section 97 would not apply.

**Conflict of Interest**

29. The matter of whether or not a conflict of interest exists in this matter has also been considered. Notwithstanding the fact that the Council is not a shareholder in Red Bus, the company is nevertheless a CCTO. The Council indirectly controls the shares held by Christchurch City Holdings Limited, which is itself a CCTO. The Council will be considering issues relating to the delivery of services that could affect the financial position of Red Bus.
30. The office of the Auditor-General in looking at conflicts of interest affecting public entities in its report on the policies and practices of the three Auckland District Health Boards. The report notes that the existence of a conflict of interest does not have to cause problems, it just needs to be identified and managed carefully. The Auditor-General's view is that managing a conflict of interest requires careful judgement and involves a balance between the need to reduce risk and the need for an organisation to operate effectively.
31. Council staff intend to manage this issue by the recruitment of an independent member of the panel appointed to conduct the negotiations with Red Bus. The panel will also undertake the competitive tender process, if that is required at the end of the negotiation process.

**Contractual Obligations**

32. The 2005 contract with Red Bus agreed to an extension of the contract beyond 2008 for two further 1 year periods, the second of which expires on 30 June 2010. There are no other contractual obligations that would require the Council to negotiate solely with Red Bus.

**Auditor-General's Guidelines for Procurement**

33. The Auditor-General's office has issued updated guidelines for the procurement of goods and services by public entities, including local authorities. The Auditor-General clearly intends that organisations such as the Council will comply with the provisions of the Guidelines.
34. The Auditor-General's Office expects a public entity, when selecting the method to be used to engage with the potential suppliers of goods or services, to consider:
  - (a) The need, wherever possible, to promote open and effective competition throughout the procurement process; and
  - (b) The value of, and risk associated with, the procurement.
35. The guidelines also state that open tender or proposal processes are used to promote transparency and value for money. It is the view of the Auditor-General's office that these processes are most appropriate for middle to high value procurements where there are a number of potential suppliers in the market. Although closed tender or proposal processes may be appropriate in some circumstances, limited use should be made of this method and when it is, the public entity should document its reasons for doing so. It should also properly justify using a closed tender or proposal method.



14 Cont'd

36. "Value for Money" is defined in the guidelines as meaning:

*"The use of resources effectively, economically and without waste, with due regard for the total costs and benefits of an arrangement and its contribution to the outcomes the entity is trying to achieve.*

*The principle of value for money when procuring goods or services does not necessarily mean selecting the lowest price but rather the best possible outcome for the total costs of ownership (or whole-of-life cost).*

*Value for money is achieved by selecting the most appropriate procurement method for the risk and value of the procurement, and not necessarily by using a competitive tender".*

37. The Council's objective is to obtain value for money in respect of the Shuttle Bus contract. Council staff are of the view that given the nature of the relationship with Red Bus, it is appropriate for the Council to enter into negotiations with that company, provided due regard is given to the total costs and benefits that would accrue and that the best possible outcome is achieved.
38. Council staff recommend that the Council enters into negotiations with Red Bus before a decision is made whether or not to award contracts to Red Bus, or to then conduct an open tender process.

**ALIGNMENT WITH STRATEGIES**

39. The proposal that the Council enter into negotiations with Red Bus is not in breach of any policy or strategy for the procurement of goods and services by the Council.

**CONSULTATION FULFILMENT**

40. There is no statutory obligation imposed on the Council to consult before it makes a decision on this matter. However, it must give consideration to the views and preferences of persons and organisations likely to be affected by, or to have an interest in, the decision that the Council ultimately makes. Staff have considered this issue and believe that the likely views and preferences of other bus operators would be to favour a competitive tender process, but conversely any company selected for a direct negotiation process would likely prefer that process. Therefore further discussion would yield little additional information.
41. Internal advice has been provided by the Transport and Greenspace Unit, the Legal Services Unit and Procurement and Purchasing.

**STAFF RECOMMENDATION**

It is recommended that the Council resolves to:

- (a) Authorise the General Manager City Environment to appoint a panel comprising Council staff members and an external industry expert to enter into negotiations with Red Bus Limited for a new Shuttle Bus contract.
- (b) Direct the panel to follow the Auditor - General's "Procurement Guidelines for Public Entities (June 2008).
- (c) Authorise the General Manager City Environment to sign either:
- (i) A new Shuttle Bus contract with Red Bus Limited on terms recommended by the panel, if entering into a contract with Red Bus Limited is recommended by the panel;
  - (ii) To instigate a competitive tender process for the new Shuttle Bus contract, if this is recommended by the panel.
- (d) Authorise the General Manager City Environment to sign a new Shuttle Bus contract with the successful tenderer following completion of that process.

14 Cont'd

**BACKGROUND (THE ISSUES)**

42. The free Central City Shuttle Bus operation commenced in 1998 using, what were then, state of the art electric powered buses. The original concept for the service was as a three way partnership between the Council, Red Bus and the bus manufacturer, Designline (from Ashburton). The objectives for the service included to further improve and add to the central city image, in relation to easier access to various activities in the city for both residents and visitors, allowing people to use a wider parking catchment for the city, promote environmentally friendly transport and also promote public passenger transport.
43. Some of the original aims of the shuttle bus service are still found in the 2009-19 LTCCP in the references to public transport infrastructure. The free central city shuttle is one of the services that supports the bus system and in providing this service the Council is trying to achieve a safe, attractive and convenient service that is free to users and connects key attractions (see pages 77 and 80 of the LTCCP).
44. The initial contract to run the shuttle service was for a period of five years. It was awarded to Red Bus (who at that time were Christchurch Transport Limited) as they were the only company that submitted a proposal for the provision of the service, even though 10 companies were provided with the proposal documentation. The first contract was extended for a further 6 months to allow contract negotiations to be completed. The next five-year period (expiring on 30 June 2010) was publicly tendered, with two companies submitting tenders for consideration. The tender was awarded to Red Bus.
45. Red Bus is a Council Controlled Trading Organisation (CCTO), and all of its shares are held by CCHL. Its Statement of Intent for the year ending 30 June 2010 states that one of its objectives is "to operate and grow a successful, sustainable and innovative business in providing passenger transport and associated infrastructural ownership and services." The forecast ordinary dividend for 2009/10 is \$1.3 million, and for 2010/11, \$550,000.
46. The form of the contract originally entered into with Red Bus needs to be updated to reflect the current requirements of both parties. It is appropriate that a new contract is negotiated, either with Red Bus (or with any other contractor that successfully tenders for the contract, if that is the end result of this process).
47. The decision to be made by the Council is whether or not to enter into negotiations with Red Bus for a new Shuttle Bus contract or to open it up for tender by way of a competitive process. In the normal course of events, the competitive tender process would usually be applied to a contract like this.
48. In this case, the fact that Red Bus is CCTO and the Council's interest in the organisation is a strategic asset means that there are other considerations to be taken into account.
49. Red Bus does not exist purely to carry out work under contract to the Christchurch City Council. Its vision is "to be recognised as leading the way in passenger transport" and achievement of the vision means that Red Bus will be recognised as the preferred urban passenger service operator by the Regional Council, among other things. Its key objectives include building strong and positive relationships with the regional and local councils. The company has annual revenue of \$37 million and employs more than 450 people.
50. The Council could support Red Bus with its vision and its objective "to operate and grow" its business by maintaining this contract. Such a move could be seen as prudent stewardship and the efficient and effective use of the Council's resources. The benefits of a strong, financially sound organisation which is also a strategic asset, is one of the matters that the Council is entitled to take into account when considering whether or not to enter into negotiations with CC, or to seek competitive tenders.
51. As indicated earlier, the Council also has an obligation to undertake any commercial transactions in accordance with sound business practices. It is recommended that a panel be appointed to enter into negotiations with Red Bus and at the end of the process to provide independent confirmation that the contracts negotiated represent value for money.

14 Cont'd

52. The panel should also aim to achieve agreed terms and conditions similar to what the Council would have obtained in the market from a competitive tender process.
53. As well as complying with the relevant provisions in the Local Government Act 2002, the Council is required to have regard to its own procurement policies and strategies. If a decision to negotiate only with City Care was inconsistent with these, then under section 80 of the Act the Council would have to identify any inconsistency and the reasons for it and then indicate its intention to amend the policy or strategy to accommodate the Council's decision.
54. The Council has a policy in respect of the competitive tendering of Council services. It states that all Christchurch City Council services where possible should be tested against those provided by the private sector and contracted out where appropriate. Although it is a CCTO, City Care is not an "in-house" provider. If negotiations with City care fail to produce a satisfactory outcome, it would be appropriate to then go to an open tender process.
55. The Council also has a policy of preferring local firms. Negotiating with Red Bus would not be inconsistent with that policy.
56. In June 2008 the Auditor-General's Office issued new guidelines for the procurement of goods and services by public entities. A "public entity" includes a local authority.
57. This document sets out the Auditor-General's view of the good practice that public entities should adopt to procure goods or services. It outlines expectations that the Auditor-General may use when carrying out performance audits or enquiries. The principles on which the guidelines are based should be considered when a public entity is considering any funding arrangement with an external party, including procuring goods or services.
58. The principles are summarised as follows:
  - (a) Accountability. Public entities should be accountable for their performance.
  - (b) Openness. They should be transparent in their administration of funds.
  - (c) Value for money. Public entities should use resources effectively, economically and without waste. The principle of value for money for procuring goods or services does not necessarily mean selecting the lowest price, but rather the best possible outcome for the total cost of ownership.
  - (d) Public entities must act within the law, and meet their legal obligations.
  - (e) Fairness. Public entities have a general public law obligation to act fairly and reasonably. They must be, and must be seen to be, impartial in their decision making.
  - (f) Integrity. Anyone who is managing public resources must do so with the utmost integrity.
59. The Council's procurement unit has looked closely at the Auditor General's guidelines and is satisfied that provided the appropriate steps are taken to ensure that, in particular, the principle of getting value for money is met then a decision to negotiate a new contract with Red Bus can be managed in accordance with those guidelines.
60. An important point to remember is that a decision to enter into negotiations with Red Bus will not mean that the Council is bound to complete a contract with that organisation. The Council will be free to undertake a competitive tender process if it cannot be satisfied that the terms and conditions agreed to with Red Bus give value for money.

14 Cont'd

**THE OPTIONS**

**ASSESSMENT OF THE MOST PRACTICABLE OPTIONS**

**Option 1 - Entering into negotiations with Red Bus:**

61. Matters to be considered in relation to this option are:
- (a) The organisation is a CCTO;
  - (b) The Council's equity in Red Bus is a strategic asset;
  - (c) The Council would be supporting Red Bus's business;
  - (d) A strong dividend stream contributes to the financial strength of the Council group;
  - (e) Possible redundancies would be avoided;
  - (f) The Council would be supporting its community;
  - (g) Provided the negotiated contracts give value for money there should be no impact on the Council's statutory responsibilities;
  - (h) Disaffected contractors could challenge the Council's decision to negotiate only with Red Bus;
  - (i) If suitable terms and conditions can't be negotiated, then the Council still has the option of going to the market.
62. Dealt with properly this option will comply with the provisions of the LGA02 and the Auditor General's guidelines. It acknowledges that Red Bus is a CCTO and a strategic asset. The advice from Council staff is that provided the appropriate steps are taken to ensure that any recommendation following the negotiation process is independently verified as being in accordance with sound business practice then it is open to the Council to adopt this option. The independent consultant engaged on the panel will be able to do this.
63. It is important to note that any decision to enter into negotiations with Red Bus will not bind the Council to contractual arrangements with that organisation. If the recommendations of staff are adopted, then it is open to the General Manager City Environment to undertake a competitive tender process once the outcome of negotiations with Red Bus are known.

**Option 2 - Adopting a competitive tender process:**

64. Matters to be considered in relation to this option are:
- (a) Could be the best way to ensure compliance with the Council's statutory responsibilities;
  - (b) May result in the Council obtaining the best contractual terms and conditions;
  - (c) The successful tenderer may not be based in Christchurch or in New Zealand. This may have an adverse effect on the local economy;
  - (d) There may be redundancies if Red Bus was to lose the Shuttle Bus contract;
  - (e) The emergence of another Canterbury-based contractor may provide a boost to the local economy;
  - (f) Red Bus is strong enough to continue developing its business despite the potential loss of this contract;

**14 Cont'd**

- (g) There would be a reduction in the level of dividends derived from Red Bus, at least in the short term;
- (h) The Council could be criticised for not supporting a local based business; and
- (i) Lack of support from its own Council could reflect badly on Red Bus.

65. It is acknowledged that in the normal course of events this would be the most appropriate method of dealing with the matter. However, it is the advice of Council staff that the Council is entitled to take into account the fact that Red Bus is a CCTO and a strategic asset. For the reasons set out in this report, Option 2 is not recommended.

**PREFERRED OPTION**

66. The preferred option is option 1.

## 15. DRAFT STATEMENT OF INTENT FOR CCC TWO LIMITED

<b>General Manager responsible:</b>	General Manager Corporate Services, DDI 941-8528
<b>Officer responsible:</b>	Funds & Financial Policy Manager
<b>Author:</b>	Steve Kelsen, Funds & Financial Policy Manager

**PURPOSE OF REPORT**

1. The purpose of this report is to present the CCC Two Limited (CTL) draft Statements of Intent (SOI) for 2009/10 and 2010/11

**BACKGROUND**

2. On 29 July 2009 the Council resolved to acquire the assets and liabilities of the Meta group of companies via Council's subsidiary company CTL. At the time, and again in December 2009, the Council indicated that the ownership and operation of Meta's assets by CTL may be a temporary arrangement and resolved to review, at a future date, long term options for the operation of the Materials Recovery Facility (MRF) and transfer stations.
3. Although the Council has yet to determine the long term future of CTL, as a Council Controlled Organisation as defined by the Local Government Act 2002 (LGA) the Transitional Board are required to deliver a draft statement of intent to the Council by 1 March each year. This draft SOI must relate to a three-year period. Council is required by the LGA to make any comments on the draft SOI by 30 April, and CTL must then consider these comments and deliver its completed SOI to the Council by 30 June.
4. Until 4 August 2009 CTL was an inactive company. On that date CTL acquired the assets and liabilities of the Meta group of companies and commenced operations. Because CTL was not activated until 4 August it does not currently have a SOI for the 2009/10 year. CTL is therefore presenting draft SOIs for both the current year of operations and 2010/11.
5. The Council has received a number of documents from the Transitional Board of CTL which are listed below:
  - (a) CTL draft Statement of Intent for the year ending 30 June 2010 (**Attachment A**).
  - (b) CTL draft Statement of Intent for the year ending 30 June 2011 (**Attachment B**).
6. Because the long term future of CTL has not yet been resolved the SOI's have been prepared on a going concern basis and this will be subject to a report to Council before the end of June 2010. Council staff and the Transitional Board of CTL note that this assumption is subject to future resolutions by the Council.

**STAFF RECOMMENDATION**

It is recommended that the Council:

1. (a) Receive the CCC Two Ltd draft Statement of Intent for the year ending 30 June 2010.  
(b) Receive the CCC Two Limited draft Statement of Intent for the year ending 30 June 2011.
2. Note that the Statements of Intent have been prepared on a going concern basis and Council will make a decision on the long-term options for the operation of the Materials Recovery Facility and transfer stations before the end of June 2010.
3. Decide whether or not to make any formal comments to CCC Two Ltd regarding the draft Statements of Intent.
4. Agree to the Statements of Intent if it does not wish to make any formal comment.

## 16. STRENGTHENING COMMUNITIES GRANTS FUNDING PROGRAMME – SMALL GRANTS FUND METROPOLITAN

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

### PURPOSE OF REPORT

1. The purpose of this report is to suggest changes regarding the Metropolitan Small Grants Fund. Suggested changes are to take place from the 2010-11 funding round onwards.

### EXECUTIVE SUMMARY

2. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The Strengthening Communities Grants Funding Programme comprises four funding schemes:
  - Strengthening Communities Fund
  - Small Projects Fund (now Small Grants Fund)
  - Discretionary Response Fund
  - Community Organisations Loan Scheme.
3. The purpose of the Small Grants Fund is to assist projects that enhance community groups' capacity and/or increase participation. The upper limit for applications to this Fund is \$5,000 and provides funding leverage through the provision of a number of small grants to a large number of community groups.

### Metropolitan Small Grants Fund

4. In December 2009, the Council resolved to establish a Metropolitan Small Grants Fund Subcommittee comprising Councillors Johanson, Shearing, Wall, Button, Corbett and Buck (with the Deputy Mayor as ex-officio) to take effect from 1 June 2010 to allocate the Metropolitan Small Grants Fund, to eligible applicants whose projects are consistent with the Council's Strengthening Communities Strategy and LTCCP (2009-19).
5. Staff recommend that the Council disestablish this sub-committee and appoint a new subcommittee comprising of all of the Community Board Chairs (or their delegate) to allocate the Metropolitan Small Grants Fund, from 1 June 2010

### FINANCIAL IMPLICATIONS

6. None.

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

7. Yes.

### LEGAL CONSIDERATIONS

8. Not applicable.

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

9. Not applicable.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Yes.

16 Cont'd

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

11. Yes.

**ALIGNMENT WITH STRATEGIES**

12. Yes.

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

13. Yes, Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

14. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council disestablish the current Metropolitan Small Grants subcommittee and appoint a new subcommittee comprising of all of the Community Board Chairs (or their delegate) from 1 June 2010 to allocate the Metropolitan Small Grants Fund, to eligible applicants whose projects are consistent with the Council's Strengthening Communities Strategy and LTCCP (2009-19).



## 17. STRENGTHENING COMMUNITIES GRANTS FUNDING PROGRAMME – OPERATION OF LOCAL DISCRETIONARY RESPONSE FUND

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

### PURPOSE OF REPORT

1. The purpose of this report is to suggest changes around the operation of the Local Discretionary Response Fund, with amendments to take place from the 2010-11 funding round onwards.

### EXECUTIVE SUMMARY

2. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The Strengthening Communities Grants Funding Programme comprises four funding schemes:
  - Strengthening Communities Fund
  - Small Projects Fund (now called Small Grants Fund)
  - Discretionary Response Fund
  - Community Organisations Loan Scheme
3. The Discretionary Response Fund (DRF) operates at both a Metropolitan and Community Board level.
4. The purpose of the DRF 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”***.
5. Applications to the DRF open on 1st July each year. The DRF closes on the 30 June of each year or when the Fund is fully expended, whichever is the earlier.
6. The following table shows details of the Discretionary Response Funds across the city:

	2010-11
Metropolitan	\$ 145,057
City Board	\$ 51,197
Lytelton / Mt Herbert	\$ 12,799
Akaroa / Wairewa	\$ 12,799

### Metropolitan Discretionary Response Fund

7. All requests to the Metropolitan DRF are assessed on a monthly basis by the Community Grants Funding Adviser, with input from other relevant staff. A recommendation is then put for consideration to a cross-unit Council Staff Panel, who make a final recommendation to the Community Support Unit Manager.
8. The Community Support Unit Manager currently has delegation to approve applications to the Metropolitan DRF up to the amount of \$15,000. Applications to the Metropolitan DRF for over \$15,000 are put to the Metropolitan Funding Committee for consideration and a final decision.

### Local Discretionary Response Fund

9. All requests to the local DRF are assessed by an appropriate member of staff and then reported to the Community Board for consideration and a final decision.
10. Under the Community Board delegations, Community Boards have ***“absolute discretion over the implementation of their respective discretionary funding allocation, (subject to being consistent with any policies or standards or resolutions adopted by the Council).”***

17 Cont'd

11. In recent months there have been occasions where Community Boards have made grants to applicants to the DRF where requests have fallen outside the criteria of the DRF (attached as **Appendix A**). In these cases, the granting of funding to these requests have been inconsistent with Council policies.
12. There has been discussion regarding the phrase "**absolute discretion...**". In December 2009, staff were asked by the Council to provide options to consider the future operation of the local Discretionary Response Fund.
13. The following four options are submitted for consideration:

**Option A**

14. Change the current criteria of the local Discretionary Response Fund, limiting the items that the Fund does not cover to:
  - Legal challenges against Council, Community Boards or Environment Court decisions.
  - Projects or initiatives that change the scope of a Council project.
  - Projects or initiatives that will lead to ongoing operational costs to the Council.

**Option B**

15. Change the name of the Fund from the Discretionary Response Fund, to the Response Fund.
16. Change the process of the Fund so that all decisions made by Community Boards that are not "**... consistent with any policies or standards or resolutions adopted by the Council**", require a Part A report to the Council – as with other decisions made outside of Community Board delegation.

**Option C**

17. Change delegations to give Community Boards absolute discretion in the true sense of the phrase, by deleting the words "**subject to being consistent with any policies or standards or resolutions adopted by the Council**".

**Option D**

18. Retain the status quo. Do not make any changes and allow local Discretionary Response Funds to operate as they have been.

**Recommendation**

19. Staff recommend Option A.

**FINANCIAL IMPLICATIONS**

20. None.

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

21. Yes.

17 Cont'd

**LEGAL CONSIDERATIONS**

22. Not applicable.

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

23. Not applicable.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

24. Yes.

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

25. Yes.

**ALIGNMENT WITH STRATEGIES**

26. Yes.

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

27. Yes, Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

28. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that Council adopt Option A, that the Council change the current criteria of the local Discretionary Response Fund, limiting the items that the Fund does not cover to:

- Legal challenges against the Council, Community Boards or Environment Court decisions.
- Projects or initiatives that change the scope of a Council project.
- Projects or initiatives that will lead to ongoing operational costs to the Council.

## 18. COMMUNITY ORGANISATIONS LOAN FUND – 2009/10 FUNDING ROUND

<b>General Manager responsible:</b>	General Manager Community Services, DDI 941-8607
<b>Officer responsible:</b>	Community Development Manager
<b>Author:</b>	Lincoln Papali'i, Community Development Manager

**PURPOSE OF REPORT**

1. To provide information to the Metropolitan Funding Committee to assist in its loan allocation decisions when considering eligible applications from community organisations to the 2009/10 round of the Community Organisations Loan Scheme.

**EXECUTIVE SUMMARY**

2. The total amount of the funding available for the 2009/10 Community Loan Scheme for new applicants at 1st March 2010 is **\$1,089,846.00**.
3. Four eligible applications to the Community Loan Scheme were received, with loan funding requests totalling **\$670,000.00**
4. Staff recommend the Committee consider loan funding be approved for three applicants totalling **\$390,000.00**
5. A Decision Matrix is provided as Attachment One to assist the Committee members in their deliberations. The matrix details the loan funding request from each applicant organisation and provides information, commentary and recommendations from staff.

**FINANCIAL IMPLICATIONS**

6. The Community Organisations Loan Scheme is a revolving fund and distributions from this fund to applicants is reliant upon the ability of successful recipients being able to meet their debt servicing commitments as they fall due. Where recipients are unable to meet their loan repayment commitments, the financial impact is that the fund will be worse off by the amount of the arrears or bad debt write-down, with a consequential impact for new applicants seeking loan funding from the Council.

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

7. Yes.

**LEGAL CONSIDERATIONS**

8. There are no legal impacts for the Council, however the Council may resolve to put in place some legal protections for the Council such as mortgage securities.

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

9. Yes. The Council is generally able to seek security where it is the only holder of debt and the property to be covered by security is generally free of other debt holder encumbrances.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. Yes, Community Support.

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

11. Yes, Community Grants.

**18 Cont'd**

**ALIGNMENT WITH STRATEGIES**

12. Strengthening Communities Strategy.

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

13. Yes.

**CONSULTATION FULFILMENT**

14. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Metropolitan Funding Committee consider and approve the recommendations contained in the attached Community Organisations Loans Scheme Decision Matrix.

18 Cont'd

**BACKGROUND**

15. The Council adopted the Strengthening Communities Strategy in July 2007 which incorporated the Community Group Grants Review. This provided the framework, principles and funding outcomes for the new Strengthening Communities Grants Funding Programme.
16. The Strengthening Communities Grants Funding Programme incorporates four funding schemes, including the Community Organisations Loans Scheme.
17. The Community Organisations Loan Scheme is a low-interest finance scheme designed to assist not-for-profit community organisations to improve or develop new or existing sport, recreation or community facilities and major projects. The loan interest rate is currently set at 4.5 per cent per annum with a term of five years generally being offered to successful applicants. The Council also has the ability to award loan terms up to a maximum of ten years.
18. The Council has approved one application round per annum for the Community Organisations Loan Scheme. The closing date for the loans scheme is 31 January.
19. The total amount of available loan funding as at 1 March 2010 for the 2009/10 funding round is \$1,089,846.
20. There are four eligible applications seeking loan funding to the value of \$670,000.00.
21. In assessing the applications, the following information has been taken into consideration.
  - The Council's Community Grants funding outcomes and funding priorities.
  - Alignment with the primary intent of the loans fund to support immediate capital expenditure requests to undertake capital purchases, development and improvements.
  - Ability to meet all debt servicing commitments as they fall due without compromising the operational and financial stability of the applicant organisation and without recourse to Council grant funding.
  - Risk to the Council and also to the applicant organisation.
  - Ability to provide appropriate security in return for loan undertakings.
22. A Decision Matrix is provided as Attachment One to assist the Committee members in their deliberations. The matrix details the loan funding request from each applicant organisation and provides information, commentary and recommendations from staff. Staff recommend the Committee consider loan funding be approved for three applicants totalling \$390,000.00.
23. All applications on the Decision Matrix have been assigned a Priority Rating for funding. The Priority Ratings are as follows:
  - P1.** Meets all eligibility and criteria, contributes significantly to Funding Outcomes and Priorities and strongly satisfies the risk, debt servicing, alignment and security considerations. Strongly recommended for funding.
  - P2.1.** Meets all eligibility and criteria, contributes to Funding Outcomes and Priorities and satisfies the risk, debt servicing, alignment and security considerations. Recommended for funding.
  - P2.2.** Meets all eligibility and criteria, contributes to Funding Outcomes and Priorities and satisfies the risk, debt servicing, alignment and security considerations. Recommended for funding.

Loan funding is NOT recommended due to insufficient funds, other alternatives to a Council loan being available to the applicant or because adequate financial resources exist within the organisation.

18 Cont'd

**P3.** Meets all eligibility and criteria, has minimum contribution to Funding Outcomes and Priorities and/or has minimal or no satisfactory coverage relating to risk, debt servicing, alignment and security considerations. Not recommended for funding.

24. **Priority 1 recommendations (P1)** generally meet the following criteria:

- High impact within the city.
- Widespread reach across the community.
- Value for money.
- Best practice and/or innovation.
- Strong alignment to Council Outcomes and Priorities.
- Noteworthy leverage or partnership/matched funding from other organisations or Government.
- Strong financial base.
- Low debt to equity ratio(s).
- Strong balance sheet.
- Strong security potential.

*Loan funding to P1 applicants is strongly recommended*

25. **Priority 2.1 recommendations (P2.1)** generally meet the following criteria:

- Impact within the city.
- Demonstrated reach within at least one or two sectors of the sport and recreation, arts and social service communities of interest.
- Alignment to Council Outcomes and Priorities.
- Sound financial base.
- Moderate debt to equity ratio(s).
- Sound balance sheet.
- Sound security potential.

*Loan funding to P2.1 applicants is recommended*

26. **Priority 2.2. recommendations (P2.2)** also meet the above criteria, however loan funding to P2.2 applicants is *NOT recommended* due to insufficient funds being available, other alternatives to a Council being available to the applicant or because adequate financial resources exist within the organisation.

27. **Priority 3 recommendations (P3)** generally meet the following criteria:

- Impact within the city.
- Demonstrated reach within at least one or two sectors of the sport and recreation, arts and social service communities of interest.
- Alignment to Council Outcomes and Priorities.
- Weak to moderate financial base.
- High debt to equity ratio(s).
- Weak to moderate balance sheet.
- Low to moderate security potential.

*Loan funding to P3 applicants is NOT recommended.*

## 19. HERITAGE GRANTS AND COVENANTS COMMITTEE SIX MONTHLY REPORT

<b>General Manager responsible:</b>	General Manager Strategy and Planning Group, DDI 941-8281
<b>Officer responsible:</b>	Programme Manager, Liveable City
<b>Author:</b>	Ceciel DelaRue, Team Leader Urban Design and Heritage

**PURPOSE OF REPORT**

1. The purpose of this report is to update the Council on the Heritage Incentive Grants and Covenants approved by the Committee during the six month period 1 July to 31 December 2009.

**EXECUTIVE SUMMARY**

2. The attached report provides a summary of heritage grants and covenants approved during the period 1 July to 31 December 2009. The Committee are to report to the Council as required under the delegated authority of the Council to the Heritage Grants and Covenant Committee:

*“The Committee be requested to report back to the Council twice a year, listing heritage grants which have been approved by the Committee pursuant to its delegated powers within the preceding six months”.*

3. The Heritage Incentive Grant Fund has a budget of \$842,106 for the 2009/10 financial year.
4. Eight grants had been approved from the 2009/10 budget by 31 December 2009 with a total value of \$341,873, leaving a remaining grant fund of \$500,233. Based on a number of pre-application discussions, a full take up of the Heritage Incentive Grant Fund is anticipated in the latter six months of 2009/10 financial year.
5. Statements of Heritage Significance, which have been provided as part of the decision making process for each grant application, are attached to the Council report for reference purposes.

**FINANCIAL IMPLICATIONS**

6. Heritage Incentive Grants are budgeted for on an annual basis through the Council's LTCCP. The total Heritage Incentive Grant Fund for 2009/10 is \$842,106.
7. Larger heritage maintenance and conservation projects may receive grant funding over more than one financial year. In the 2009/10 financial year the grant commitments include \$141,920 to St Pauls Trinity Pacific Presbyterian Church; the total grant of \$638,000 approved by Council in June 2009 is to be paid over four financial years.

	<b>2009/10</b>
<b>Annual Budget</b>	<b>\$842,106</b>
<b>Commitment from previous year</b> (St Paul's Presbyterian Church)	\$141,920
<b>Grant approvals July to December 2009</b>	\$199,873
<b>Total Grant funds approved 2009/10</b> (at 31 December 2009)	<b>\$341,793</b>
<b>Total Available Funds at 31 December 2009</b>	<b>\$500,313</b>

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

8. Yes. The Heritage Incentive Grant budget is an annual fund provided for in the 2009-19 LTCCP.

**LEGAL CONSIDERATIONS**

9. Limited Conservation Covenants are required under the Heritage Conservation Policy for properties receiving Heritage Incentive Grants of \$5,000 to \$49,999. A Full Conservation Covenant is required for grants of \$50,000 or more.



19 Cont'd

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

10. Yes. Covenants are a more comprehensive form of protection for the buildings because they are registered against the property title, ensuring that the Council's investment is protected. For all grants approved in the six month period 1 July to 31 December 2009, covenants have been required as a condition of grant approval where the value of the grant exceed \$5,000.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. The Heritage Incentive Grants Scheme is aligned to the Community Outcome *'An attractive and well-designed City'* (LTCCP 2009-19, page 50). 'Community Outcome 9. Development' provides for, among other things, ensuring *"our lifestyles and heritage are enhanced by our urban environment"* (page 54). One of the success measure is that *"Our heritage is protected for future generations"* (page 54). *"Progress will be measured using these headline indicators ... number of heritage buildings, sites and objects."* (page 54). Heritage Incentive Grants contribute towards the number of protected heritage buildings, sites and objects, which is the measure under the outcome.
12. Within the 'Activities and Services' section of the LTCCP, is 'City planning and development' which aims to help improve Christchurch's urban environment, among other things. One of the activities included in 'City planning and development' is 'Heritage protection'. *"A city's heritage helps to sustain a sense of community identity, provides links to the past, and helps to attract visitors. The Council is committed to protecting the heritage of our city and works with developers, landowners and other stakeholders to conserve heritage buildings, areas and other items"* (page 187).
13. 'Heritage Protection', requires the Council to *"Research and promote the heritage of Christchurch and Banks Peninsula. Work with developers, landowners and other stakeholders to conserve heritage areas, buildings, and other items. Promote development that is sensitive to the character and heritage of the city and existing communities."* (page 192). The Council provides information, advice and funding for city heritage and heritage conservation, and will be expected to continue to do so, as part of its objective to retain heritage items.

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

14. Yes.

**ALIGNMENT WITH STRATEGIES**

15. Alignment of the requirement for Heritage Incentive Grants and Conservation Covenants stems from the Heritage Conservation Policy which in turn is relevant to:
- Greater Christchurch Urban Development Strategy (UDS).
  - Christchurch City Plan and Banks Peninsula District Plan.
  - Central City Revitalisation Strategy.
  - New Zealand Urban Design Protocol.

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

16. Yes.

**CONSULTATION FULFILMENT**

17. There is no requirement for community consultation for Heritage Incentive Grants or Covenants.

**COMMITTEE RECOMMENDATION**

It is recommended:

- (a) That the Council receive the six monthly grants and covenants report for the period 1 July to 31 December 2009.

## 19 Cont'd

## BACKGROUND

## 18. Heritage Incentive Grants Approved by Committee July to December 2009

Property name and address	Value of grant	Date approved by Committee	Covenant
St Josephs Church 18 Winchester Street, Lyttelton	\$20,238	3 August 2009	Full covenant
'Lochranza' 14 Godley Quay, Lyttelton	\$12,417	3 August 2009	Limited covenant
'The Tin Palace' 13 Oxford Street, Lyttelton	\$18,923	3 August 2009	Limited covenant
Former Crown Hotel 192 Moorhouse, Christchurch	\$106,760	6 October 2009	Full covenant
Dame Ngaio Marsh House 37 Valley Road, Christchurch	\$16,910	6 October 2009	Full covenant
Commercial Building 112 Lichfield Street, Christchurch	\$3,419	3 November 2009	No covenant required
The Canterbury Club 129 Cambridge Terrace, Christchurch	\$21,206	1 December 2009	Full covenant (limited area)
<b>Total</b>	<b>\$199,873</b>		

## 19. Heritage Incentive Grants Approval by Council for 2009/10 Financial Year

St Pauls Presbyterian Church, 236 Cashel Street, Christchurch	\$141,920	24 June 2009	Full covenant
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In June 2009 a grant of \$638,000 was approved by Council for St Paul's Presbyterian Church to be paid over a four-year period. The commitment for the 2009/10 financial year is noted above.

## 20. Covenants Approved July to December 2009

Property name and address	Value of grant	Date approved by Committee/Council	Covenant
266 Prestons Road	Nil, covenant only	3 November 2009	Limited covenant

**20. URBAN DESIGN PANEL INTERIM REPORT**

<b>General Manager responsible:</b>	General Manager Strategy and Planning, DDI 941-8281
<b>Officer responsible:</b>	Liveable City, Programme Manager
<b>Author:</b>	Fiona Wykes, Urban Designer

**PURPOSE OF REPORT**

1. The purpose of this report is to present the second review of the Christchurch City Urban Design Panel (UDP) to the Council.

**EXECUTIVE SUMMARY**

2. The Panel was established in June 2008 and will be due for a full review in September 2010 to consider all aspects of the Panel, including a budget review for inclusion in the Annual Plan process. This report is the second annual review of the panel, prior to this.
3. The panel has met on 31 occasions and has reviewed 48 projects This has included four Council projects and four projects returning to the panel for further advice. Panel meetings are triggered by receipt of resource consent applications which meet the panel terms of reference.
4. As yet it is too soon to evaluate the impact of the panel on built projects as the applications that have gone to the panel have not yet been constructed, but the review can address alterations made to proposals by applicants as a result of recommendations from the panel.
5. The panel is fully subscribed up to two months in advance, with consultants often contacting the Council in order to ensure a position on a panel meeting before submitting their resource consent applications. There has been positive feedback from applicants both to members of Council staff and to panel members.

**PANEL MEMBERSHIP**

6. The Panel generally consists of four members at each meeting. It is selected to avoid conflicts of interest and to ensure a range of skills appropriate to the application
7. Following last year's report to Council it was agreed to extend the pool of members for the UDP. Nominations have been received from the New Zealand Institute of Surveyors (NZIS) and the New Zealand Planning Institute (NZPI). It will be recommended to the Mayor and CEO of the Council that David Fox and Malcolm Smith from the NZIS and Janet Reeves and Stephanie Styles from the NZPI be added to the pool of panellists, to extend the range of relevant skills
8. Nominations from the New Zealand Property Council are currently being awaited.
9. In addition regarding heritage, staff are working with Historic Places Trust to identify heritage experts to join the pool of panellists.
10. As agreed at the last review, a change to the Terms of Reference requiring a quorum of three members has been made. This has allowed meetings to proceed when a panel member has had to leave a panel meeting early or has arrived late.

**EFFECTIVENESS OF THE PANEL TO DATE**

11. In spite of the limited weight of panel opinion in terms of the City Plan, their review of projects has led to the alteration and amendment of many of the proposals that have been brought before them. These alterations have been positive and welcomed by the planners associated with the projects. They have included:
  - Alterations to Parklands Hospital, in line with UDP advice, working with the Council planner and urban designer to achieve a design that the Council was able to support at hearing.

20 Cont'd

- Alterations to Chateau Blanc Apartments and Ronald McDonald House taking on board all of the comments made by the UDP, although these were limited as the proposal assessed by the UDP was of a high standard.
  - Alterations to multi unit housing developments – at least two proposals have been completely revised in line with panel advice and four more were amended to reflect with UDP suggestions. This has also resulted in similar developments applying some of the UDP suggestions at the early stages, thereby improving the overall quality of proposals.
  - Alterations to two proposals for alterations to suburban malls, in line with UDP suggestions
  - Alterations to a private dwelling application in line with UDP suggestions so that the Council were able to support the proposal that was previously unacceptable.
  - Alterations to a central city office application in line with UDP recommendations.
12. We are now contacted in advance by some applicants who are ascertaining when they will be able to attend a panel meeting and timing their resource consent process to work with this. Some applicants have returned to the panel more than once to get further advice and/or to refine proposals with the help of the panel. In general applicants seem to find attending the panel a positive process and several have commented on the fact that they found the process both helpful and practical.
13. Council planners note that they find attending the UDP both in terms of suggestions made to applicants regarding proposals and in terms of a learning experience where the planners can become more conversant with standard urban design concerns. Generally the response to the panel internally from EPA planners has been a positive one.

**FINANCIAL IMPLICATIONS**

14. There are no financial implications arising from this report, the budget for the Urban Design Panel is within the Long Term Council Community Plan 2009-19.

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

15. Yes.

**LEGAL CONSIDERATIONS**

16. No legal considerations have arisen in connection with the urban design panel since the review undertaken last year.

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

17. There are no additional legal issues arising from this report.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

18. As discussed in previous reports to Council, the UDP aligns with a number of community outcomes including:
- *An attractive and well designed city*
  - *A safe city*
  - *A prosperous city and*
  - *A well governed city.*

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

19. No, the UDP trial was established following adoption of the 2006-2016 LTCCP.

20 Cont'd

**ALIGNMENT WITH STRATEGIES**

20. The UDP aligns with the Council's strategies of a Liveable City, Strong Communities and Healthy Communities. The UDP also aligns with the Greater Christchurch Urban Development Strategy.

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

21. In terms of the Council's Strategic directions the recommendations of this report contribute to:

**Liveable City**

Maintain and enhance the quality of development and renewal of the city's built environment, by:

- Championing high quality urban design
- Encouraging improved accessibility in public and commercial buildings
- Improving the way in which public and private spaces work together

**Strong Communities**

*Reduce injury and crime and increase perceptions of safety, by:*

- Using and regulating urban design to maintain and improve public safety

**Healthy Communities**

*Strengthen the Garden City image, by:*

- Providing street landscapes and urban open space that enhance the character of the city

22. The report is also aligned with the Greater Christchurch Urban Development Strategy and the Central City Revitalisation Strategy Stage II.

**CONSULTATION FULFILMENT**

23. Consultation with the UDP and with Environmental Policy and Approvals planners at the Council is ongoing. It is intended that more comprehensive feedback from the development community will be sought at the end of the three year trial period as part of the report back to the Council at that time.

**STAFF RECOMMENDATION**

It is recommended that:

- (a) The Council receives this Interim Report on the Urban Design Panel effectiveness.
- (b) The Council notes that new Urban Design Panel members will be agreed by the Mayor and CEO to extend the range of skills and broaden the pool of members in the areas of planning, surveying and heritage.

20 Cont'd

**BACKGROUND (THE ISSUES)**

24. Consultation with senior planners in the Council's Environmental Policy and Approvals Unit revealed that there was concern the current City Plan does not carry enough weight in terms of urban design to enforce the panel's recommendations. The planners would support a plan change to increase the effectiveness of the UDP's recommendations.
25. Consultation with the UDP panel members also noted that the City Plan is very limited in terms of urban design and the weight that can be given to the panel's recommendations. A full yearly review of the panel will be held with all panel members later this year.

**THE SCOPE OF THE PANEL**

26. Currently the UDP can consider matters which meet the following criteria:
  - (i) Proposals that require a resource consent from the Christchurch City Council under the City Plan and which are located within any site within the four Avenues (all zones) and or any land zoned L3 or Business 2 (Suburban Malls) in the City Plan. The trigger points for review by the panel within these areas/zones are:
    - Multi Unit Residential Development of five units or more.
    - Multi Unit Commercial Development of three units or more
    - Any building with a gross floor area (GFA) of 1500m<sup>2</sup> or greater.
    - Any building adjoining any item contained in the "List of Protected Buildings, Places, and Objects", in the City Plan.
    - Any building adjoining any Conservation, or Open Space Zone land in the City Plan.
  - (ii) Any Christchurch City Council Capital Project with a value of \$5 million or greater, which is intended for public use, or to which the public have regular access.
  - (iii) Any of the following types of development, in any zone:
    - Hospitals.
    - Retirement villages.
    - Elderly persons housing, where a multi unit development of five units or more is proposed.

## 21. CANTERBURY ECONOMIC DEVELOPMENT COMPANY LIMITED'S (CED CO. LTD.) DRAFT STATEMENT OF INTENT FOR 2011

<b>General Manager responsible:</b>	General Manager, Strategy and Planning, DDI 941-8462
<b>Officer responsible:</b>	Alan Bywater, Programme Manager, Strong Communities, DDI 941 6430
<b>Author:</b>	Alan Bywater

### PURPOSE OF REPORT

1. The purpose of this report is to present to Council the Canterbury Economic Development Company Limited (CED Co. Ltd) draft Statement of Intent for 2011 for review and comment.

### BACKGROUND (THE ISSUES)

2. CED Co. Ltd is the regional governance group formed to act as a promoter for transformational economic development projects that will benefit Canterbury, and to utilise the Canterbury Economic Development Strategy (CREDS) to coordinate strategic initiatives. CED Co. Ltd. will act as a liaison with Central Government regarding economic development on behalf of the Council shareholders and community of Canterbury.

In line with requirements from the Ministry of Economic Development (MED) and New Zealand Trade and Enterprise (NZTE), CED Co. Ltd. will be able to participate in and contest for the Regional Strategy Fund (RSF) – (\$750 000 over three years)

3. CED Co. is made up of representatives from the following organisations:
  - Hurunui District Council
  - Waimakariri District Council
  - Kaikoura District Council
  - Christchurch City Council
  - Ashburton District Council
  - Waimate District Council
  - MacKenzie District Council
  - Timaru District Council
  - Environment Canterbury.

In addition there is a Maori representative and four representatives from industry.

4. Councillor Mike Wall is the Christchurch City Council representative.
5. As part of the CED Co. Ltd's annual process, a Statement of Intent (**Attachment 1**) has been drafted and there is an opportunity for the various constituent bodies to provide feedback on it by 3 May 2010.
6. In considering the Statement of Intent last year, the Council recommended some fairly minor wording changes. The Statement of Intent was amended to reflect most of the wording changes suggested by the Council and these have been carried through to the 2010/11 version as well.

### STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Receive the draft Statement of Intent for 2011.
- (b) Advise the CEDCo Board that it has no comment to make on the Proposed Statement of Intent.

22. 4. 2010

**22. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:  
MEETING OF 1 APRIL 2010**

Attached.



22. 4. 2010

23. NOTICES OF MOTION

24. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 22 APRIL 2010

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 25 and 26.

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:

	<b>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER</b>	<b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</b>
25.	<b>CONFIRMATION OF MINUTES – COUNCIL MEETING OF 25.3.2010</b>	) <b>GOOD REASON TO WITHHOLD EXISTS</b>	<b>SECTION 48(1)(a)</b>
26.	<b>DATA CENTRE CONTRACT</b>	) <b>UNDER SECTION 7</b>	

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:

<b>Item 25</b>	<b>Protection of Privacy of Natural Persons Conduct of Negotiations Right of Appeal Exists Commercial Activities</b>	<b>(Section 7(2)(a)) (Section 7(2)(i)) (Section 48(2)(a)) (Section 7(2)(h))</b>
<b>Item 26</b>	<b>Commercial Activities</b>	<b>(Section 7(2)(h))</b>

**Chairman's**

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

**Note**

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

- “(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- (a) Shall be available to any member of the public who is present; and
  - (b) Shall form part of the minutes of the local authority.”

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

**THURSDAY 22 APRIL 2010**

**9.30AM**

**COUNCIL CHAMBER, CIVIC OFFICES**

## CHRISTCHURCH CITY COUNCIL

**Thursday 22 April 2010 at 9.30am  
in the Council Chamber, Civic Offices**

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

<b>ITEM NO</b>	<b>DESCRIPTION</b>
27.	<b>REPORT BY THE CHAIRMAN OF THE BURWOOD/PEGASUS COMMUNITY BOARD: 12 APRIL 2010</b>
28.	<b>JOINT REPORT BY THE CHAIRPERSONS OF THE FENDALTON/WAIMAIRI AND SHIRLEY/PAPANUI COMMUNITY BOARDS: 14 APRIL 2010</b>
29.	<b>CANTERBURY MUSEUM - DRAFT ANNUAL PLAN 2010/11</b>
23.	<b>NOTICES OF MOTION (Cont'd)</b>
30.	<b>RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)</b>

22. 4. 2010

**27. REPORT BY THE CHAIRMAN OF THE BURWOOD/PEGASUS COMMUNITY BOARD:  
12 APRIL 2010**

Attached

22. 4. 2010

**28. JOINT REPORT BY THE CHAIRPERSONS OF THE FENDALTON/WAIMAIRI AND SHIRLEY/PAPANUI COMMUNITY BOARDS: 14 APRIL 2010**

Attached.

22. 4. 2010

**29. CANTERBURY MUSEUM - DRAFT ANNUAL PLAN 2010/11**

<b>General Manager responsible:</b>	General Manager Regulation & Democracy Services Group DDI 941-8549
<b>Officer responsible:</b>	General Manager Regulation & Democracy Services Group
<b>Author:</b>	Jason Rivett, Community Services Finance Manager

**PURPOSE OF REPORT**

1. The purpose of this report is to submit to the Council the Draft Annual Plan of the Canterbury Museum Trust Board (**Attachment A**) for the year ending 30 June 2011 to enable the Council to consider the plan to make, if it wishes to do so:
  - (a) Submissions on the draft annual plan.
  - (b) An objection to the levies proposed in the draft plan.

**EXECUTIVE SUMMARY**

2. The increase in the levies proposed to be made in the 2010/11 draft annual plan from contributing local authorities are the same increases as those forecast in the 2009/10 Annual Plan. Christchurch City Council's share of the increase in levies is \$260,906, and this has been factored into the 2010/11 Draft Annual Plan. The increase will bring the Council's levy to \$5,696,840.

**FINANCIAL AND LEGAL CONSIDERATIONS**

3. The Canterbury Museum Trust Board Act 1993 requires the Canterbury Museum Trust's Board to prepare and adopt an annual plan for each financial year. The plan includes the levies to be paid by the contributing local authorities.
4. The draft annual plan is referred to the four contributing local authorities (Christchurch City Council, Selwyn District Council, Hurunui District Council and Waimakariri District Council) for a period of consultation which concludes on 23 April 2010.
5. The levies proposed in the draft Annual Plan may be objected to by the Christchurch City Council or two or more of the remaining contributing authorities and if an objection is received the Board must convene a meeting. The Christchurch City Council, or not less than three other contributing authorities, may resolve that the levy be reduced to an amount which is not less than the total levy made in respect of the previous year. The proposed levies are binding on the four contributing authorities, unless the Council or three of the other contributing authorities resolve to hold the levies. (Section 16 of Canterbury Museum Trust Board Act 1993)
6. Submissions may be made to the Museum requesting them to amend the plan.
7. Given that the operating levies are the same as forecast in the 2009/10 year it is recommended that the Council advise the Canterbury Museum Trust Board that it does not wish to make a submission to the Trust Board's 2010/11 Annual Plan.

**STAFF RECOMMENDATION**

It is recommended:

- (a) That the Council consider what submissions it wishes to make on the Canterbury Museum Trust Board's draft 2010/11 Annual Plan.
- (b) If objections are received from other Councils, the Council then need to appoint a Councillor to represent the Council at the Hearing.

22. 4. 2010

29 Cont'd

**BACKGROUND ON CANTERBURY MUSEUM - 2010/11 DRAFT ANNUAL PLAN**

8. The draft Annual Plan sets out in broad outline the mission, vision and core values of the Museum together with detail on the organisation structure, performance objectives, financial summaries and an outline of the proposed operating, capital and revitalisation budgets.
9. The plan is available for consideration by the contributing local authorities until Friday 23 April 2010.

**OPERATING BUDGET**

10. This Council considered the Board's financial forecasts at Council meetings considering the draft Annual Plan during February 2010, and supported the Museum's proposed 2010/11 operating levies for inclusion in the Council's draft 2010/11 Annual Plan.
11. While there are rights of objection if the levies have increased, it is considered inappropriate to object as those levies are the same as those in the Council's Annual Plan.

**ANNUAL LEVY AND GRANTS**

12. The annual levy on local authorities is distributed according to an agreed formula based primarily on population. The share of the total operating levy for this Council is estimated at \$5,696,840.

**OTHER CONTENT OF THE PLAN**

13. The general content of the 2010/11 annual plan is largely the same as the previous year's plan.



22. 4. 2010

### 23. NOTICES OF MOTION (Cont'd)

To consider the following motions, notice of which has been given by Councillor Williams, pursuant to Standing Order 3. 10. 1.

#### 23.1 That the Council:

1. (a) Note that in the recent decision to appoint Commissioners to replace the ECan Council the Ministers for the Environment and for Local Government stated that the city and district councils agreed that the 'Government's intervention was required to address the important issue of water management in Canterbury' and 'requested a rapid response on the grounds that it is important to minimise disruption and uncertainty, first and foremost to the staff of Environment Canterbury but also to the community'.
- (b) Note that the Christchurch City Council has not debated these matters or arrived at a view on these matters and that therefore the Minister's statement is not applicable in the case of the Christchurch City Council.
- (c) Resolve to write to the Ministers informing them of this.
2. (a) Note that *Canterbury Local Authorities Triennial Agreement* has a 'no surprises' policy whereby early notice will be given of potential disagreements between local authorities.
- (b) Note that when the Canterbury Mayors wrote their letter dated 19 September 2009 to the Minister of Local Government that the chair of ECan was not give a copy of the letter.
- (c) Note that this appears to be a breach of the Triennial Agreement by the Mayors toward another equal member of the Canterbury Mayoral Forum.

#### 23.2 That the Council resolves:

1. That under Clause 21 of the *Environment Canterbury (Temporary Commissioners and Improved Water Management) Act* when the commissioners appointed to ECan seek advice from the Mayor of Christchurch the Mayor supplies such advice only when there is a Christchurch City Council resolution supporting such.
2. That the Council review the *Canterbury Local Authorities Triennial Agreement and Canterbury Mayoral Forum Charter of Purpose* to ensure they are adequate in the new circumstances.

**Note:** *Environment Canterbury (Temporary Commissioners and Improved Water Management) Act* Clause 21 states:

**Commissioners must establish advice process.**

The commissioners must as soon as practicable establish a process for seeking advice from the mayors of the territorial authorities in the Canterbury region on local issues that affect the exercise of the powers, and the performance of the functions, of ECan.

22. 4. 2010

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

Attached.

THURSDAY 22. 4. 2010

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 31, 32 and 33.

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
31. CENTRAL PLAINS WATER SCHEME	)	
32. LAND ACQUISITION	) GOOD REASON TO WITHHOLD EXISTS	SECTION 48(1)(a)
33. LYTTELTON PORT COMPANY	) UNDER SECTION 7	

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 31	Conduct of negotiations	(Section 7(2)(i))
Item 32	Commercial activities	(Section 7(2)(h))
Item 33	Commercial activities	(Section 7(2)(h))

**Chairman's**

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

**Note**

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

- "(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):
- (a) Shall be available to any member of the public who is present; and
  - (b) Shall form part of the minutes of the local authority."