

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 26 AUGUST 2010

9.30AM

**COUNCIL CHAMBER, CIVIC OFFICES,
53 HEREFORD STREET**

CHRISTCHURCH CITY COUNCIL

Thursday 26 August 2010 at 9.30am
in the Council Chamber, Civic Offices, 53 Hereford Street

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.

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1. **APOLOGIES**
2. **CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 23.7.2010 AND 12.8.2010**
Attached.
3. **DEPUTATIONS BY APPOINTMENT**
4. **PRESENTATION OF PETITIONS**

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5. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 1 JULY 2010

Attached.

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6. OUTSIDE APPOINTMENTS - CONFLICT OF INTEREST

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	General Manager Regulation and Democracy Services
Author:	Peter Mitchell, General Manager Regulation and Democracy Services

PURPOSE OF REPORT

1. The purpose of this report is to advise Councillors regarding the conflict of interest issues that can arise with Councillors being appointees to outside bodies and to recommend that the Council ask the new Council to cease, with some exceptions, making appointments to outside bodies. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Recommend to the next Council that it not make Councillor appointments to outside organisations, except to organisations making a significant contribution to the finances or development of the City.
- (b) Recommend to the next Council that it alter the 2007 Policy on Appointment and Remuneration of Directors by deleting paragraph 83 and substituting the following paragraph:

83. Appointments to COs will only be made to organisations that make a significant contribution to the finances or development of the city
- (c) Advise the Riccarton Bush Trust that it wishes the Riccarton Trust Bill to be altered to include a new provision so that the Council has the right to appoint three persons in place of clause 5(2)(a) and (c).

BACKGROUND (THE ISSUES)

2. From time to time questions arise at a Council meeting regarding the involvement of a Councillor in debating and voting on a matter. These questions do not raise questions of any pecuniary interest but do raise issues of a non pecuniary interest, also known as a conflict of interest.
3. When these conflict of interest issues arise there is often discussion as to the need for Councillors to withdraw. The Chief Executive has previously indicated to the Council that there would be a report back to the Council on the issue of Councillors being members of outside bodies, the potential for conflicts of interest as a result of such appointments and how those can be managed going forward. This is the report referred to by the Chief Executive.
4. By way of background **Attachment A** is a list of the current appointments of Councillors the Council has chosen to make in this term. Councillors may also be members of other organisations, either as a member on an Executive or Committee, in their own right.
5. Some organisations, when they write their constitution, provide for a member of the Executive or Management Committee of the organisation to be appointed by the Council and then ask the Council to make that appointment. That in no way compels the Council to do so but Council has done so on a number of occasions over the years. Except for its 2007 Policy on Appointment and Remuneration of Directors (see below), there are no written criteria as to when the Council will or will not make an appointment to an outside organisation.

AUDITOR GENERAL REPORTS

6. In 2007 the Auditor General issued two reports which are relevant to this report. Those reports are:
 - Managing Conflicts of Interest; Guidance for public entities.
 - Guidance for members of local authorities about the law on conflicts of interest.

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7. What follows is a summation of general information from those two reports and information specific in the context of appointments to outside organisations and how those appointments may lead to conflicts of interest for Councillors involved.
8. Councillors will be aware that the Local Authorities (Members' Interests) Act 1968 provides a statutory framework for when they may not take part in discussions in which they have a **pecuniary** interest. While the 1968 Act does not regulate non pecuniary interests (or conflicts of interest) the common law, the law as developed by the Courts in individual cases over the years, does provide a framework as to when Councillors should and should not be involved in discussion on a particular matter before the Council. This report considers those occasions where there may be a conflict of interest in relation to being an appointee by the Council to an outside body.

What is a Conflict of Interest?

9. The Auditor General has said:
 - *A conflict of interest exists where two different interests intersect; in other words, where your responsibilities as a (Councillor) could be affected by some other separate interest or duty that you may have in relation to a particular matter.*
 - *That other interest or duty might exist because of:*
 - *your own financial affairs.*
 - *a relationship or role that you have.*
 - *something you have said or done.*
10. The separate interests or duties referred to by the Auditor-General can arise because all Councillors, when coming into office after an election, sign the declaration required by the Local Government Act 2002 which says:

*“I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, **in the best interests of Christchurch City**, the powers, authorities, and duties vested in, or imposed upon me as Mayor/member of the Christchurch City Council ...”*
11. The words in bold establish the duty the Councillor then owes to the Council.
12. When Councillors are appointed by the Council as directors of a statutory body, a company or as a trustee (or are a director or a trustee in their own right) other legislation relevant to that appointment can create a separate duty on the Councillor to that statutory body, company or trust. The creation of those separate duties can be seen in legislation as follows:

*“.....a director of a company, when exercising powers or performing duties, must act in good faith and **in what the director believes to be the best interest of the company**”*

(Section 131 Companies Act 1993)
13. A trustee has a duty to:

*“...exercise the powers of a **trustee in the best interests of all present and future beneficiaries of the trust.**”*

(Section 13F Trustee Act 1956)
14. In his reports the Auditor-General goes onto say:

“The common law requires that public decision-making be procedurally fair. In particular, conflicts of interest are usually dealt with under the rule about bias.

The law about bias exists to ensure that people with the power to make decisions affecting the rights and obligations of others carry out their duties fairly and free from bias.

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It is summed up in the saying "no one may be judge in their own cause".

15. He says the current judicial expression of the test for bias is:

"Is there a real danger of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with a favour (or disfavour) the case of a party to the issue under consideration?"

16. Another way of expressing the issue is:

- *Would a reasonable, informed observer think that your impartiality **might** have been affected?*

OR

- *Is there a real danger of bias on the part of a (Councillor), in the sense that he or she **might** unfairly regard with favor (or disfavor) the case of a party to the issue under consideration?*

17. If a person challenges a local authority's decision by way of judicial review proceedings, the courts could invalidate the decision because of bias arising from a conflict of interest on the part of a member of the decision-making body.
18. The law about bias does not put a Councillor at risk of personal liability. Instead, the validity of the Council's decision could be at risk.
19. It is the appearance of bias, not proof of actual bias, that is important. Whether or not a Councillor believe they are not biased is irrelevant.
20. If a Council's decision is tainted by bias then the Courts may declare the decision invalid and the risks, delay and expense in the Council then defending a decision against a legal challenge can be significant. Further a party who made a financial commitment in reliance on a Council decision which is subsequently held by a Court to be invalid because of bias, for example, a decision by a party to enter into a lease, can sue the Council to recover the loss they will suffer because they cannot rely on the decision to grant the lease.

Managing Conflicts of Interest

21. Regarding managing potential conflicts the Auditor-General has said:
- *The management of conflicts of interest also involves appearances - what an outside observer might reasonably perceive. Most often, what needs to be managed (and be seen to be managed) is the risk of the adverse public perception that could arise from the overlapping interests.*
 - *Sometimes there may be a perception of conflict of interest but the interest comes close but do not actually overlap. It may still be necessary to take some steps to manage these situations. Not taking steps to manage these risks can undermine an entity's reputation.*
22. He goes on to note that judgement will need to be exercised as to whether or not a conflict exists. There are two aspects of dealing with a particular situation:
- firstly, identify and disclose any conflict of interest.
 - secondly, deciding what action needs to be taken to avoid or mitigate the effects of that conflict of interest.
23. He says there is an obligation on a Councillor with a conflict of interest to identify and disclose to relevant people in a timely and effective manner. He notes there is scope for a range of options and exercise of judgment. The Council needs to carefully assess the seriousness of the conflict and the range of possible mitigation options.

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24. He notes that the assessment is about:
- (a) the seriousness of the connection between the interests;
 - (b) the risk that the Council's capacity to make decisions lawfully and fairly may be compromised; and
 - (c) the risk that the Council's reputation may be damaged.
25. In making this assessment the Council needs to consider how the situation may reasonably appear to an outside observer.
26. Usually mitigation of a conflict of interest means that the Councillor withdraws or is excluded from being involved in any of the Council's work on that particular matter.
27. He notes that every member of a public entity (such as a Councillor) has a number of professional and personal interests in roles, and that occasionally some of those interests or roles may overlap. This is almost inevitable in a small country like New Zealand where communities and organisations are often close knit and people have many different connections. Conflicts of interest sometimes cannot be avoided and can arise without anyone being at fault. They are a fact of life but they need to be managed carefully.

Membership of other organisations

28. Regarding membership of other organisations he notes a conflict of interest can arise in a wide range of circumstances.
29. For example the Councillor's other interest could be:
- Holding another public office.
 - Being a member of a club, society or association.
 - Having a professional or legal obligation for someone else (such as being a trustee).
 - Being a director of another organisation.
30. He says:
- “A conflict of interest may exist if you have a close relationship with a person or organisation involved in or affected by the matter before the local authority; for example, if the matter involves ...an organisation to which you belong, ..”*
31. Such a connection could affect how other people view your impartiality.
32. In deciding whether to participate, you should consider:
- The extent of your personal links or involvement with the other group; and
 - The degree to which the matter under discussion directly affects that group.
33. However, remember that, in politics, the merest perception of impropriety can be extremely damaging, whether or not a court would find your actions to be lawful.
34. If you have any relationship with a person or organisation involved in a matter, you should seriously consider the wisdom of whether to participate at all. The safest advice is always “if in doubt, stay out”.
35. We consider that it is unwise to participate in consideration of a matter before the (Council) involving or affecting a club or similar organisation if:
- You are an executive officeholder or trustee, or are otherwise strongly publicly identified with the club; or
 - The matter specifically and significantly involves or affects the club – such as a proposed grant of money to the club, or something else directly affecting the club's finances or property.

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Appointment by Council as Council representative to another organisation

36. Regarding being appointed as a Council representative on another organisation such as statutory bodies (e.g. Canterbury Museum Trust Board, Riccarton Bush Trustees), companies (e.g. CCHL) or trusts or incorporated societies.

he said:

"That role will not usually prevent you from participating in (Council) matters concerning the organisation – especially if the role gives you specialised knowledge that would be valuable to contribute.

However, you should not participate in a matter that raises a conflict between your duty as a member of the (Council) and your duty to act in the interests of the other organisation."

37. An example may be if the council is considering a change in the mode of delivery of one of its services that could affect the financial position of a council controlled organisation, or where the authority is making a decision about funding the other organisation.
38. It will also be unwise to participate if your involvement with the other organisation raises a risk of predetermination – for example, if the other organisation has made a formal submission to the authority as part of a public submissions process.
39. Regarding the scenario of membership of another public body where the appointment has not been made by the Council then the Auditor General comments:

"Membership of some other public body

If you have been appointed or elected to the governing body of some other public entity unconnected with your position on the local authority (such as a district health board), you will need to consider potential conflicts of interest on a case by- case basis. You should consider whether your ability to consider a matter before the local authority with an open mind could be affected by:

- *your legal duty to act in the interests of the other body;*
- *any involvement you may have had in the matter through the other body; or*
- *the degree to which the other body is affected by or interested in the local authority's decision on the matter.*

We consider that it will often be wise to not participate.

Other personal involvement with an organisation

Even if you are not formally associated with an organisation affected by a matter before the local authority, it may be unwise to participate if you have a close personal involvement with the organisation – for example, if you have helped the organisation prepare its application to the authority, or have been paid to do so in a professional capacity."

Council Policy on Appointments

40. The only Council policy which touches on the matter of the Council making appointments to outside organisations is the Council's September 2007 Policy on Appointment and Remuneration of Directors. That policy, which is required by the Local Government Act 2002, sets out an objective and transparent process for the appointment and remuneration of Directors to a Council organisation. A Council organisation is defined in the Policy as an organisation in which the Council has a voting interest or the right to appoint a Director, Trustee or Manager. So this is a very wide definition which covers the outside appointments that the Council currently makes.

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41. While most of the 2007 Policy refers to appointments of directors to Council Controlled Organisations the Policy contains the following provision regarding appointment of persons to Council Organisations ('COs'). Those provisions in the 2007 policy provide:
- "82. *The Council has non-controlling interests in numerous COs. These are not-for-profit bodies and, in contrast with CCTOs, Christchurch City Holdings Ltd has no involvement in monitoring or the director/trustee appointment process.*
83. *Appointments to COs are made for a number of reasons. These include:*
- (a) *To provide a means of monitoring where the Council has made a grant to that body.*
 (b) *To enable Council involvement where the CO's activity is relevant to the Council.*
 (c) *To satisfy a request from the CO that the Council appoint a representative.*
 (d) *Statutory requirements.*
84. *Appointments to a CO are generally for a three year term, and are made after the triennial Council elections.*
85. *The Council will endeavour to minimise the number of appointments where the benefit to the Council of such an appointment is minimal. Identification of required skills, knowledge and experience of CO directors, and appointment.*
86. *The range of reasons for the appointment of Council representatives to COs results in a wider range of desired attributes for appointees to these bodies.*
87. *The Council will determine the required skills, knowledge and experience for each appointment. Candidates are not restricted to Councils – in some cases, it may be more appropriate to appoint Council staff or external people with affiliations to the Council.*

Remuneration of CO directors

88. *CO directors appointed by the Council (or Community Boards) will receive the remuneration (if any), offered by that body. Council staff members appointed to such bodies will not accept any remuneration."*
42. It will be appreciated from the discussion above regarding the Auditor General's comments that conflicts of interest are inevitable when Councillors are appointed to, or are members, of outside bodies.
43. There will be situations where there is a clear conflict between their duty to the Council as a Councillor, and their duty to the other organisation as a director or trustee.
44. The Auditor General notes it is important for the Council to be able to effectively manage these conflicts. He noted that there was scope for a range of options with the exercise of judgement and with a range of possible mitigation options. There can be a risk that the Councils capacity to make lawful decisions fairly can be compromised and that the Council reputation can be damaged. He also noted that usually mitigation meant that the Councillor withdrew or was excluded from being involved in any of the Councils work on a particular matter.
45. His advice can be best summed up by his comments:
- "you should not participate in a matter that raises a conflict between your duty as a member of the (Council) and your duty to act in the interests of the other organisation.*
-remember that, in politics, the merest perception of impropriety can be extremely damaging, whether or not a court would find your actions to be lawful.*
- If you have any relationship with a person or organisation involved in a matter, you should seriously consider the wisdom of whether to participate at all. The safest advice is always "if in doubt, stay out".*

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46. As Councillors will be aware from past experiences these questions can often arise suddenly during the course of a debate and often Councillors are inclined to withdraw from a discussion on a particular item to avoid any concern around potential conflict of interest.
47. Councillors are elected to act on behalf of the people of Christchurch. Given the practical experience of the number of occasions (and which will be ongoing) where Councillors have properly chosen to withdraw from a matter before the Council, and where that withdrawal is in accordance with the Auditor General's advice "*if in doubt, stay out*" the question needs to be asked, when a Councillor has in the past been appointed by the Council to an outside organisation, as to the real value to the Council itself of making such appointments if that appointment is going to result in a Councillor, or a number of Councillors at the same time, not being able to participate in a matter at the Council table.
48. As noted earlier in this report the Council's Policy on Appointment and Remuneration of Directors stated that there are a number of reasons for making such appointments to outside bodies. These include:
 - (a) To provide a means of monitoring where the Council has made a grant to a body.
 - (b) To enable Council involvement where the organisations activity is relevant to the Council.
 - (c) To satisfy a request from the organisation that Council appoints a representative.
 - (d) Statutory requirements.
49. Given the experience Councillors have had the question needs to be asked whether a) to c) are now of sufficient value to the Council to continue the current practice of such appointments. today. There are high expectations from the public regarding the Council being able to manage any conflict of interest and given the inclination, in the case of any potential conflict, of the Councillor withdrawing if its doubtful whether it is considered that the value to the Council of having a Councillor being able to continue to discuss and vote on items before the Council outweighs any of the reason provided for in (a) to (c) above.
50. Regarding reason (a) with the appointment as a means of monitoring where the Council has made a grant to the body, the processes the Council has now put in place since 2005 can provide that reassurance to the Council that any grants it has made are being effectively spent. It is not considered that there should be a need to appoint a Councillor to act in that monitoring role on behalf of the Council. The funding arrangements entered into by the Council establish separate monitoring processes to provide the accountability the Council seeks when making a grant.
51. Regarding reason (b) enabling Councillor involvement where the organisation's activity is relevant to the Council could be seen today to be of lesser value than having the Councillor being able to take part in discussions regarding that organisation at the Council table.
52. Regarding reason (c) simply satisfying a request from an organisation for a Councillor, while understandable, should not be a reason for the Council making an appointment which then results in a Councillor being unable to take part in a discussion and decision regarding that organisation at the Council table.
53. Over the last 20 years the Council has reduced the number of appointments it has made to outside organisations and experience in time has shown that that has not lessened the contact the Council has with those organisations which no longer have a Councillor representative. As can be seen from the table attached there are a number of organisations which do not have a Councillor and there has been no feedback from such organisations that the appointees are of any less value to them than if a Councillor had been appointed. It can just the opposite. If a Councillor is an appointee that now invariably has the effect of that Councillor not discussing or voting on issues important to the organisation. If the Councillor was not an appointee there would be no conflict arising to stop the Councillor's involvement in a matter.
54. Regarding reason (d) and the reason of statutory appointments these are of little number today with the Canterbury Museum Trust Board and Riccarton Bush Trust being the significant requirements. The Museum's 1993 legislation, while providing for 4 appointees by this Council, does not require those appointees to be Councillors, and the Museum currently has non – councillors appointed by territorial authorities.

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55. As the Riccarton Bush Bill is currently drafted, and as approved by the Council in June last year, the Bill requires the appointment of two Councillors and two community boards to appoint two community board members each. Councillors have previously indicated that following their decision on this report they would advise the Riccarton Bush Trust as to whether they wish the appointment of Councillors to be mandatory to that Trust, or whether the Council has the discretion to appoint any person to the Trust.
56. It is recommended that the Council advise the Riccarton Bush Trustees that the Council wishes the Bill to provide for the Council to have the right to appoint four persons to the Trust, and the two community boards to appoint two persons each (rather than the Bill stating they must be elected members). This appointment system would then align with the Canterbury Museum.
57. While staff advice above is that value for the Council in minimising the conflicts of interest that can be created by making appointments to outside bodies then can be situations where the Council may take the view that the organisation makes a significant contribution to the finances or development of the city and that the council would wish to continue to make Councillor appointments recognising the conflict situations that can arise and that the appointees from time to time will not be able to fully participate in all matters relating to that organisation.

Examples of such organisations could be Christchurch city Holdings Ltd, Canterbury Development Corporation, Christchurch and Canterbury Marketing, Vbase and the Christchurch Agency for Energy Trust. In other words those organisations make a significant contribution to the Christchurch economy or development that it balances the value in having a Councillor being able to participate in all matters relating to that organisation.

Proposed Amendment to the 2007 Policy

58. If the Council accepts the staff recommendations above not to make appointments to outside bodies other than where there is a significant reason to do so then it is considered appropriate for the Council to amend its 2007 policy on Appointment and Remuneration of Directors to reflect this change in approach by the Council.
59. It is considered the following proposed amendments to the 2007 policy are provided for the Council's consideration:

83. *Appointments to COs will only be made to organisations that make a significant contribution to the finances or development of the city*

Summary

60. In summary is it the staff advice that the Council resolve to recommend to the next Council that it not make Councillor appointments to outside bodies except to organisations making a significant contribution to the finances or development of the City. Current examples of such organisations are Christchurch City Holdings Ltd, Canterbury Development Corporation, Christchurch and Canterbury Marketing, Vbase and the Christchurch Agency for Energy Trust.

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7. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW

At the 12 August 2010 Council meeting it was recommended that this item lie on the table and that staff be requested to provide information on the cost of implementing the following policy change:

“That where there is a footpath only on one side of the cul-de-sac, when the footpath is re-sealed, all residents with vehicle crossings in the cul-de-sac have the option for their vehicle crossing to be resealed in standard seal material at the Council’s cost”.

Further information will be separately circulated.

26. 8. 2010

**8. REPORT BY THE CHAIRMAN OF THE AKAROA/WAIREWA COMMUNITY BOARD:
7 JULY 2010**

Attached.

26. 8. 2010

9. CCHL DIRECTOR ROTATION

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	General Manager Regulation and Democracy Services
Author:	Peter Mitchell, General Manager Regulation and Democracy Services

PURPOSE OF REPORT

1. The purpose of this report is to approve the reappointment of Messrs Dwyer and Pearce for a further term on the board of Christchurch City Holdings Ltd.
2. The Appointments Committee met in July and reviewed the attached report.
2. Please see **Attachment A** for a full report from CCHL.

STAFF RECOMMENDATION

That the Council confirms the re-appointments of Messrs Dwyer and Pearce for a further term of two years on the board of Christchurch City Holdings Ltd commencing at the November 2010 Christchurch City Holdings Ltd Annual General Meeting.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

26. 8. 2010

10. REPORT OF THE HEARINGS PANEL ON THE BURNSIDE PARK MANAGEMENT PLAN

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Asset and Network Planning Unit Manager
Author:	Eric Banks, Planner

PURPOSE OF REPORT

1. The purpose of this report is to seek approval from the Council for the revised Burnside Park Management Plan to be adopted as the operative plan.

EXECUTIVE SUMMARY

2. A draft Burnside Park Management Plan was prepared in 2010 with public consultation. The Fendalton Waimairi Community Board approved the public release of the draft plan at their meeting on 22 February 2010. The draft plan was available for public consultation from 27 February 2010 to 29 April 2010. A total of 19 submissions were received.
3. A hearing was held on 24 May 2010 where five submitters made oral submissions. The Hearings Panel visited the reserve on 3 June 2010 to further investigate some issues. They reconvened on 3 August 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted.
4. The decisions of the Hearings Panel have been incorporated in to the revised management plan, attached both in tracked changes format (**Attachment 1 separately circulated**) and clean copy (**Attachment 2 separately circulated**).

FINANCIAL IMPLICATIONS

5. The management plan contains a number of projects that will be put forward for consideration in the 2012-22 LTCCP. The plan clearly states that the projects are subject to approval through the LTCCP process.

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

6. Yes, as above.

LEGAL CONSIDERATIONS

7. The management plan has been prepared in accordance with the requirements of the Reserves Act 1977.

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

8. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The Burnside Park Management Plan comes under the activity of Sports Parks in the LTCCP and Activity Management Plans. Funding is available in the current LTCCP for playground renewal of \$10,000 for 2013/14 and \$80,000 for 2014/15; \$150,000 has been set aside for tree removal and replacement in the park and will be apportioned over the next 10 years.

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

10. Yes, as above.

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ALIGNMENT WITH STRATEGIES

11. Council strategies relevant to the management plan include Biodiversity Strategy 2008, Christchurch Active Living Strategy 2004, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Physical Recreation and Sport Strategy 2002, Recreation and Sport Policy 1996, Safer Christchurch Strategy 2005, Safer Canterbury Creating Safer Communities Design Guide 2005, Christchurch City Council Dog Control Bylaw 2008, Draft Public Open Space Strategy 2010-2040.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. Yes, consultation has exceeded the requirements of the Reserves Act 1977.

RESERVE HEARINGS PANEL RECOMMENDATION

That the Council:

- (a) Approves the Burnside Park Management Plan, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, as the operative plan.

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11. PROPOSED BOWER AVENUE (NEW BRIGHTON ROAD TO MARRIOTTS ROAD) STREET RENEWAL PROJECT AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (BOWER AVENUE) BYLAW 2010

General Manager responsible:	General Manager City Environment, DDI 941-8608
Author:	Special Vehicle Lanes Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to present the Hearings Panel recommendations for the Bower Avenue (New Brighton Road to Marriotts Road) street renewal project and seek the Council's approval to adopt the Christchurch City Council Traffic and Parking Amendment (Bower Avenue) Bylaw 2010 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
2. The report also contains a number of recommendations to implement parking restrictions associated with the proposed Bower Avenue (New Brighton Road to Marriotts Road) street renewal project, if the proposal is approved.

EXECUTIVE SUMMARY

3. The Bower Avenue (New Brighton Road to Marriotts Road) street renewal project is located on Bower Avenue between New Brighton Road and Marriotts Road. This section of Bower Avenue (New Brighton Road to Marriotts Road) is classified as a minor arterial road with an average daily traffic count of approximately 7,000 vehicles per day.
4. The surrounding area is a mixture of residential and commercial land use.
5. This kerb and channel renewal project includes the provision of cycle lanes (special vehicle lanes) on both sides of Bower Avenue (New Brighton Road to Marriotts Road) In order to do this, it is necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
6. The approval plans (TP319403, Issue 2 and TP319404, Issue 2) showing the proposed road layout incorporating changes recommended by the Hearing Panel is shown in **Attachments 1 and 2**. The full Amendment Bylaw to be adopted by the Council is shown in **Attachment 3**. A summary of the submissions including staff comments and Hearing Panel's response is shown in **Attachment 4**. A full set of the original submissions is available.
7. On 22 April 2010, Council resolved to commence the special consultative procedure to undertake an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008. The Consultation was carried out from 30 April 2010 to 31 May 2010. 31 submissions were received, and five people requested to be heard by the Hearings Panel.
8. The Council appointed a Hearings Panel comprising of Gail Sherriff (Chair), David Cox and David East, who deliberated on all written and verbal submissions prior to confirming the Hearing Panel's recommendations on the proposed Bower Avenue (New Brighton Road to Marriotts Road) kerb and channel renewal project for the Council to consider.
9. Some changes to the original proposal were recommended by the Hearings Panel. These changes related to resolving issues raised in submissions. The recommended changes are covered in more detail further on in the report under the section titled "Recommended changes to the plan".
10. A list of the key features of the proposed plan being recommended by the Hearing Panel is shown below:
 - (a) Replacement of the existing kerb and dish channel generally on the same alignment with new kerb and flat channel.
 - (b) Continuous 1.5 to 1.8 metre wide cycle lanes on both sides of Bower Avenue (New Brighton Road to Marriotts Road).

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- (c) Parking is located adjacent to the kerbs where possible on both sides of Bower Avenue over this section.
- (d) Inclusion of build outs to provide traffic calming and accommodate increased landscaping.
- (e) A total of 149 car parks are proposed. This is an increase of 9 car parks over the original consultation plan. Parking surveys show that the proposed amount of car parking easily caters for the parking demand along the street.
- (f) Improved pedestrian crossing points by the addition of build outs and a pedestrian island to reduce the crossing distance at several intersections.
- (g) Construction is planned for the 2011/12 financial year.

FINANCIAL IMPLICATIONS

- 11. The proposed construction works for Bower Avenue (New Brighton Road to Marriotts Road) are included in the Transport and Greenspace Unit's capital programme for implementation in the 2011/12 financial year.
- 12. Recent project cost estimates indicate that this project can be achieved within the allocated budget. Application will be made for New Zealand Transport Agency (NZTA) co-funding for the components of this project that qualify.

CONSULTATION FULFILMENT

- 13. The consultation period for the special consultative procedure was from 30 April 2010 to 31 May 2010. The consultation documents were sent directly to a range of groups, organisations and individuals, and hand-delivered to all properties including businesses on the route. Public notices appeared in relevant newspapers, and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page. A public information evening was also held in the project area on Wednesday, 12 May 2010 for interested people to drop-in and talk to project staff.
- 14. At the close of the consultation period a total of 31 submissions had been received. Five people requested to be heard by the Hearings Panel in support of their submissions. The hearings were held on 28 June 2010. The panel deliberated and considered the submissions and requested staff to amend the proposed plan in line with their recommended changes. The full Summary of Submissions, including staff comments and the Hearing Panel's recommendation is shown in **Attachment 4**.
- 15. Of the 31 submissions received, 18 submitters were generally in support of the proposal, eight were opposed, and three did not indicate if they supported or opposed the plan.
- 16. Common submission themes included support for the addition of street trees and cycle lanes and concerns about the loss of parking, concern about the type of grass and planting for a seaside location, concern about the location of bus stops, and a request for more tactile paving.

RECOMMENDED CHANGES TO THE PLAN

- 17. The Hearings Panel has recommended various changes to the plan that was distributed for consultation.
 - (a) The bus stop at #196 has been removed from the plan.
 - (b) The Palmers Road intersection with Bower Avenue is changed to a type 'B' threshold (narrowed entry with raised platform).
 - (c) The bus stop at #217 has been moved back to #215.

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- (d) The cycle lane taper outside the car sales at #81 Rookwood Avenue has been moved closer to the roundabout to re-gain two car parks. These parks will be restricted to P120.
- (e) The property at #27 Saltaire Street has been redeveloped. The plan has been updated to show the new driveway location.
- (f) The parking outside #204 Bower Avenue has been indented by 1 metre gaining back two car parks.
- (g) Tactile pavers and directional paving has been added where necessary.
- (h) All bus stops have been checked. All will provide space for bus doors to open onto a sealed path and full height kerb. Two power poles outside #101 Bower Avenue and #174 Bower Avenue will need relocation due to bus conflicts.
- (i) A proposed new tree outside #50 has been removed from the plan.
- (j) The bus stop at #253 Bower Avenue has been indented slightly to reduce a potential pinch point.
- (k) The plan has been altered to provide car parking at the following locations:
 - (i) One carpark at #10 Bower Ave.
 - (ii) Two carparks at #196 Bower Ave.
 - (iii) One carpark at #167 Bower Ave.
 - (iv) One carpark to left of Dick Taylor Drive.
 - (v) Two carparks at car yard (P120).
 - (vi) Two carparks at #204.

This results in a total of 146 car parks proposed in the attached plan, a gain of nine parks compared to the original plan for consultation. Based on estimates that take into account the 95 percentile car size, with 1 metre spacing between cars and no parking within 1 metre of driveways.

LEGAL CONSIDERATIONS

- 18. Public consultation has been completed via the special consultative procedures, as described above.
- 19. The Hearings Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making"¹.
- 20. The Local Government Act 2002 requires that the Council give public notice of the amendment of a bylaw as soon as practicable after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment.
- 21. The Legal Services Unit considers that the form of the bylaw, as proposed, is the most appropriate form, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

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

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HEARING PANEL RECOMMENDATIONS

The Hearing Panel recommends that the Council:

- (a) Approve the proposed Bower Avenue (New Brighton Road to Marriotts Road) street renewal project, as shown on the attached plans (TP319403, Issue 2 and TP319404, Issue 2) in Attachments 1 and 2, to proceed to detailed design and construction.
- (b) Adopt the Christchurch City Council Traffic and Parking Amendment (Bower Avenue) Bylaw 2010 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008, as shown in Attachment 3.
- (c) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Bower Avenue) Bylaw 2010 has been made by the Council, and that it comes into effect on 1 April 2011, and that copies of the Bylaws will be made available.
- (d) Send a copy of the amended Bylaw to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962.
- (e) Send copies of the Bylaw and approved plan to those people or organisations that made submissions, advising them of the outcome.
- (f) Revoke existing no stopping restrictions:
 - (i) That all existing parking restrictions on the west side of Bower Avenue between New Brighton Road and Dick Tayler Drive be revoked.
 - (ii) That all existing parking restrictions on the east side of Bower Avenue between New Brighton Road and Marriotts Road be revoked.
 - (iii) That the existing parking restrictions on the south side of Sandy Avenue commencing at its intersection with Bower Avenue and extending in a westerly direction for a distance of 11 metres be revoked.
 - (iv) That the existing parking restrictions on the north side of Sandy Avenue commencing at its intersection with Bower Avenue and extending in a westerly direction for a distance of 8 metres be revoked.
- (g) Revoke existing Stop controls:
 - (i) That the existing Stop control on Sandy Avenue at its intersection with Bower Avenue be revoked.
- (h) Revoke existing Give-Way controls:
 - (i) That the existing Give-Way control on Bower Avenue at its intersection with New Brighton Road be revoked.
 - (ii) That the existing Give-Way control on Bower Avenue on the southern approach to the intersection with Travis Road and Rockwood Avenue be revoked.
 - (iii) That the existing Give-Way control on Travis Road at its intersection with Bower Avenue and Rockwood Avenue be revoked.
 - (iv) That the existing Give-Way control on Rockwood Avenue at its intersection with Bower Avenue and Travis Road be revoked.
 - (v) That the existing Give-Way control on Bower Avenue on the northern approach to the intersection with Travis Road and Rockwood Avenue be revoked.

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- (i) Adopt New No Stopping restrictions in the locality of New Brighton Road:
 - (i) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at its intersection with New Brighton Road and extending in a northerly direction for a distance of 44 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 55 metres north of its intersection with New Brighton Road and extending in a northerly direction for a distance of 23 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 92 metres north of its intersection with New Brighton Road and extending in a northerly direction for a distance of 7 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 160 metres north of its intersection with New Brighton Road and extending in a northerly direction for a distance of 24 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 270 metres north of its intersection with New Brighton Road and extending in a northerly direction for a distance of 19 metres.
 - (vi) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 406 metres north of its intersection with New Brighton Road and extending in a northerly direction for a distance of 45 metres.
 - (vii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 465 metres north of its intersection with New Brighton Road and extending in a northerly direction for a distance of 9 metres.
 - (viii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 528 metres north of its intersection with New Brighton Road and extending in a northerly direction for a distance of 22 metres.
- (j) Adopt New No Stopping restrictions in the locality of Sandy Avenue:
 - (i) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at its intersection with Sandy Avenue and extending in a southerly direction for a distance of 28 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the south side of Sandy Avenue commencing at its intersection with Bower Avenue and extending in a westerly direction for a distance of 15 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the north side of Sandy Avenue commencing at its intersection with Bower Avenue and extending in a westerly direction for a distance of 16 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at its intersection with Sandy Avenue and extending in a northerly direction for a distance of 24 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 38 metres north of its intersection with Sandy Avenue and extending in a northerly direction for a distance of 27 metres.

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- (vi) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 182 metres north of its intersection with Sandy Avenue and extending in a northerly direction for a distance of 23 metres.
 - (vii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 214 metres north of its intersection with Sandy Avenue and extending in a northerly direction for a distance of 11 metres.
 - (viii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 239 metres north of its intersection with Sandy Avenue and extending in a northerly direction for a distance of 11 metres.
- (k) Adopt New No Stopping restrictions in the locality of Travis Road:
- (i) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at its intersection with Travis Road and extending in a southerly direction for a distance of 54 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at its intersection with Travis Road and extending in a northerly direction for a distance of 18 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 43 metres north of its intersection with Travis Road and extending in a northerly direction for a distance of 9 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 66 metres north of its intersection with Travis Road and extending in a northerly direction for a distance of 14 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 89 metres north of its intersection with Travis Road and extending in a northerly direction for a distance of 35 metres.
 - (vi) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 206 metres north of its intersection with Travis Road and extending in a northerly direction for a distance of 20 metres.
- (l) Adopt New No Stopping restrictions in the locality of Dick Tayler Drive:
- (i) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at its intersection with Dick Tayler Drive and extending in a southerly direction for a distance of 39 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the south side of Dick Tayler Drive commencing at its intersection with Bower Avenue and extending in a westerly direction for a distance of 13 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the north side of Dick Tayler Drive commencing at its intersection with Bower Avenue and extending in a westerly direction for a distance of 14 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at its intersection with Dick Tayler Drive and extending in a northerly direction for a distance of 13 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the west side of Bower Avenue commencing at a point 27 metres north of its intersection with Dick Tayler Drive and extending in a northerly direction for a distance of 10 metres.

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- (m) Adopt New No Stopping restrictions in the locality of Marriotts Road:
- (i) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Marriotts Road and extending in a northerly direction for a distance of 17 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the north side of Marriotts Road commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 10 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the south side of Marriotts Road commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 10 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Marriotts Road and extending in a southerly direction for a distance of 42 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 56 metres south of its intersection with Marriotts Road and extending in a southerly direction for a distance of 37 metres.
 - (vi) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 125 metres south of its intersection with Marriotts Road and extending in a southerly direction for a distance of 26 metres.
- (n) Adopt New No Stopping restrictions in the locality of Saltaire Street:
- (i) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Saltaire Street and extending in a northerly direction for a distance of 17 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Saltaire Street and extending in a southerly direction for a distance of 12 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 40 metres south of its intersection with Saltaire Street and extending in a southerly direction for a distance of 8 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 62 metres south of its intersection with Saltaire Street and extending in a southerly direction for a distance of 7 metres.
- (o) Adopt New No Stopping restrictions in the locality of Rockwood Avenue:
- (i) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Rockwood Avenue and extending in a northerly direction for a distance of 27 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Rockwood Avenue and extending in a southerly direction for a distance of 35 metres.
- (p) Adopt New No Stopping restrictions in the locality of Palmers Road:
- (i) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Palmers Road and extending in a northerly direction for a distance of 23 metres.

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- (ii) That the stopping of vehicles be prohibited at any time on the north side of Palmers Road commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 13 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the north side of Palmers Road commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 13 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Palmers Road and extending in a southerly direction for a distance of 13 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 82 metres south of its intersection with Palmers Road and extending in a southerly direction for a distance of 17 metres.
- (q) Adopt New No Stopping restrictions in the locality of Castletown Place:
- (i) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Castletown Place and extending in a northerly direction for a distance of 14 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the north side of Castletown Place commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 15 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the south side of Castletown Place commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 14 metres.
 - (iv) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Castletown Place and extending in a southerly direction for a distance of 67 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 127 metres south of its intersection with Castletown Place and extending in a southerly direction for a distance of 25 metres.
 - (vi) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 196 metres south of its intersection with Castletown Place and extending in a southerly direction for a distance of 15 metres.
 - (vii) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 225 metres south of its intersection with Castletown Place and extending in a southerly direction for a distance of 5 metres.
- (r) Adopt New No Stopping restrictions in the locality of Thurso Place:
- (i) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Thurso Place and extending in a northerly direction for a distance of 14 metres.
 - (ii) That the stopping of vehicles be prohibited at any time on the north side of Thurso Place commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 15 metres.
 - (iii) That the stopping of vehicles be prohibited at any time on the south side of Thurso Place commencing at its intersection with Bower Avenue and extending in an easterly direction for a distance of 14 metres.

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- (iv) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with Thurso Place and extending in a southerly direction for a distance of 13 metres.
 - (v) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 123 metres south of its intersection with Thurso Place and extending in a southerly direction for a distance of 32 metres.
 - (vi) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at a point 237 metres south of its intersection with Thurso Place and extending in a southerly direction for a distance of 27 metres.
 - (vii) That the stopping of vehicles be prohibited at any time on the east side of Bower Avenue commencing at its intersection with New Brighton Road and extending in a northerly direction for a distance of 39 metres.
- (s) Adopt New Parking Restrictions – P30:
- (i) That the parking of vehicles be restricted to a maximum period of 30 minutes At Any Time on the west side of Bower Avenue commencing at a point 18 metres north from its intersection with Travis Road and extending in a northerly direction for a distance of 25 metres.
 - (ii) That the parking of vehicles be restricted to a maximum period of 30 minutes At Any Time on the east side of Bower Avenue commencing at a point 27 metres north from its intersection with Rockwood Avenue and extending in a northerly direction for a distance of 11 metres.
- (t) Adopt New Parking Restrictions – P120:
- (i) That the parking of vehicles be restricted to a maximum period of 120 minutes At Any Time on the east side of Bower Avenue commencing at a point 35 metres south from its intersection with Rockwood Avenue and extending in a northerly direction for a distance of 9 metres.
- (u) Adopt New Parking Restrictions - Bus stops:
- (i) That a bus stop be installed on the west side of Bower Avenue commencing at a point 78 metres north from its intersection with New Brighton Road and extending in a northerly direction for a distance of 14 metres.
 - (ii) That a bus stop be installed on the west side of Bower Avenue commencing at a point 451 metres north from its intersection with New Brighton Road and extending in a northerly direction for a distance of 14 metres.
 - (iii) That a bus stop be installed on the west side of Bower Avenue commencing at a point 24 metres north from its intersection with Sandy Avenue and extending in a northerly direction for a distance of 14 metres.
 - (iv) That a bus stop be installed on the west side of Bower Avenue commencing at a point 225 metres north from its intersection with Sandy Avenue and extending in a northerly direction for a distance of 14 metres.
 - (v) That a bus stop be installed on the west side of Bower Avenue commencing at a point 52 metres north from its intersection with Travis Road and extending in a northerly direction for a distance of 14 metres.
 - (vi) That a bus stop be installed on the west side of Bower Avenue commencing at a point 13 metres north from its intersection with Dick Tayler Drive and extending in a northerly direction for a distance of 14 metres.

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- (vii) That a bus stop be installed on the east side of Bower Avenue commencing at a point 42 metres south from its intersection with Marriotts Road and extending in a southerly direction for a distance of 14 metres.
- (viii) That a bus stop be installed on the east side of Bower Avenue commencing at a point 48 metres south from its intersection with Saltaire Street and extending in a southerly direction for a distance of 14 metres.
- (ix) That a bus stop be installed on the east side of Bower Avenue commencing at a point 99 metres south from its intersection with Palmers Road and extending in a southerly direction for a distance of 14 metres.
- (x) That a bus stop be installed on the east side of Bower Avenue commencing at a point 211 metres south from its intersection with Castletown Place and extending in a southerly direction for a distance of 14 metres.
- (v) Adopt New Stop controls:
 - (i) That a Stop control be placed against Sandy Avenue at its intersection with Bower Avenue.
- (w) Adopt New Give-Way controls:
 - (i) That a Give-Way control be placed against Bower Avenue at its intersection with New Brighton Road.
 - (ii) That a Give-Way control be placed against Bower Avenue on the southern approach to the intersection with Travis Road and Rockwood Avenue.
 - (iii) That a Give-Way control be placed against Travis Road at its intersection with Bower Avenue and Rockwood Avenue.
 - (iv) That a Give-Way control be placed against Rockwood Avenue at its intersection with Bower Avenue and Travis Road.
 - (v) That a Give-Way control be placed against Bower Avenue on the northern approach to the intersection with Travis Road and Rockwood Avenue.
- (x) That recommendations (f) to (w) take effect once the respective painted lines and controls are installed on the road associated with the new kerbs in the Bower Avenue (New Brighton Road to Marriotts Road) Street Renewal Project.

26. 8. 2010

12. HEARINGS PANEL REPORT ON THE PROPOSED CONDELL AVENUE (BLIGHS ROAD TO MATSONS AVENUE) STREET RENEWAL PROJECT AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (CONDELL AVENUE) BYLAW 2010

General Manager responsible:	General Manager City Environment, DDI 941-8608
Author:	Special Vehicle Lanes Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to present the Hearings Panel recommendations for Condell Avenue (Blighs Road to Matsons Avenue) street renewal project and seek the Council's approval to adopt the Christchurch City Council Traffic and Parking Amendment (Condell Avenue Blighs Road to Matsons Avenue) Bylaw 2010 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
2. The report also contains a number of recommendations to implement parking restrictions associated with the (Condell Avenue Blighs Road to Matsons Avenue) proposed street renewal project, if the proposal is approved.

EXECUTIVE SUMMARY

3. Condell Avenue is a Collector Road, with an average traffic count of approximately 3,200 vehicles per day. The adjacent land use along the route is predominantly residential, although the route also contains a rest home, a retirement village, Laidlaw College and is used as a route to school for many children. Condell Avenue is one of several memorial streets to those who served in World War II, in the Papanui area.
4. On 22 April 2010, the Council resolved to commence the special consultative procedure to undertake an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
5. This kerb and channel renewal project includes the provision of cycle lanes (a special vehicle lane) on both sides of Condell Avenue between Matsons Avenue and Blighs Road. In order to do this, it is necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
6. The amended plan (TP319302, Issue 2) showing the proposed road layout incorporating changes recommended by the Hearing Panel is shown in **Attachment 1**. The full Amendment Bylaw to be adopted by the Council is shown in **Attachment 2**. A summary of the submissions including staff comments and Hearing Panel's response is shown in **Attachment 3**. A full set of the original submissions is available.
7. The Council appointed a Hearings Panel comprising of Councillor Ngaire Button (Chair), Community Board Chairperson Val Carter and Community Board member Kathy Condon, who deliberated on all written and verbal submissions prior to confirming the Hearing Panel's recommendations on the proposed Condell Avenue (Blighs Road to Matsons Avenue) kerb and channel renewal project for the Council to consider.
8. Changes to the original proposal were recommended by the Hearings Panel. These changes relate to resolving issues raised in submissions. The recommended changes are covered in more detail further on in the report under the section titled "Recommended changes to the plan".
9. A list of the key features of the proposed plan being recommended by the Hearing Panel is shown below:
 - (a) Replacement of the existing kerb and dish channel generally on the same alignment with new kerb and flat channel.
 - (b) Two 3.1 metre wide traffic lanes.
 - (c) Continuous 1.5-1.8 metre wide cycle lanes on both sides of Condell Avenue from Blighs Road to Matsons Avenue.

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- (d) Parking is located adjacent to the kerbs where possible on both sides of Condell Avenue.
- (e) Inclusion of build outs to provide traffic calming and accommodate increased landscaping.
- (f) 69 of the existing 84 car parks are retained. I.e. a reduction of 15 car parking spaces spread along the length of the project. Parking surveys found the maximum number of vehicles that were observed to be parked on the street was 42, so the proposed number of parks more than caters for the observed parking demand.
- (g) Improved pedestrian crossing points by the addition of pedestrian islands and kerb build outs.
- (h) Construction is planned for the 2011/12 financial year.

FINANCIAL IMPLICATIONS

- 10. The proposed construction works for Condell Avenue are included in the Transport and Greenspace Unit's capital programme for implementation in the 2011/2012 financial year.
- 11. Recent project cost estimates indicate that this project can be achieved within the allocated budget.

CONSULTATION FULFILMENT

- 12. The consultation period for the special consultative procedure took place from Friday 30 April to Monday 31 May 2010. The consultation documents were sent directly to a range of groups, organisations and individuals, and hand-delivered to all properties on this section of Condell Avenue. Public notices appeared in relevant newspapers, and the consultation documents were made available at service centres, Council libraries and on-line via the Council's "Have Your Say" web page. A public information evening was also held in the Laidlaw College Hall, 70 Condell Avenue on Wednesday, 19 May for interested people to drop-in and talk to project staff.
- 13. At the close of the consultation period a total of 21 submissions had been received. Two people requested to be heard by the Hearings Panel in support of their submissions. The hearings were held on Monday 28 June 2010. The panel deliberated and considered the submissions on Monday 28 June 2010 and requested staff to amend the proposed plan in line with their recommended changes. The full Summary of Submissions, including staff comments and the Hearing Panel's recommendation is shown in **Attachment 3**.
- 14. Of the 21 submissions received, 10 submitters were generally in support of the proposal, seven were opposed, and 4 did not indicate if they generally supported or opposed the plan.
- 15. Common submission themes included general support for the plan, queries about why a cycle lane was required and concerns about the parking and pedestrian island layout particularly in the vicinity of No. 107.

RECOMMENDED CHANGES TO THE PLAN

- 16. The Hearings Panel has recommended changes to the plan that was distributed for consultation. These changes include:
 - Replacing the proposed pedestrian island outside No. 107 with a pedestrian build out and introducing two P120 car parks outside No. 4 that are available outside 7am to 9am Monday to Friday.
 - Changing the pedestrian island outside No. 107 to a pedestrian build out. This will still provide an improved pedestrian crossing facility, while removing the potential conflict for accessing properties. It allows for 3 more parks to be included in this area.
 - Double rails will be reviewed for all the proposed pedestrian islands to provide better support for the disabled when waiting to cross the carriageway.

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17. Existing pedestrian facilities in this section of Condell Avenue and the Blighs/Condell intersection will also be reviewed and tactile pavers installed where appropriate to help the partially sighted.

LEGAL CONSIDERATIONS

18. Public consultation has been completed via the special consultative procedures, as described above.
19. The Hearings Panel has no decision-making powers, but can make recommendations to Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given "due consideration in decision-making".
20. The Local Government Act requires that the Council give public notice of the amendment of a bylaw as soon as practicable after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment.
21. The Legal Services Unit considers that the form of the bylaw, as proposed, is the most appropriate form, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government 2002).

HEARING PANEL RECOMMENDATIONS

It is recommended that the Council:

- (a) Approve the proposed Condell Avenue (Blighs Road to Matsons Avenue) street renewal project, as shown on the attached plans (TP319302, Issue 2) in Attachment 1, to proceed to detailed design and construction.
- (b) Adopt the Christchurch City Council Traffic and Parking Amendment (Condell Avenue) Bylaw 2010 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008, as shown in Attachment 2.
- (c) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Condell Avenue) Bylaw 2010 has been made by the Council, and that it comes into effect on 1 April 2011, and that copies of the Bylaws will be made available.
- (d) Send a copy of the amended Bylaw to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962.
- (e) Send copies of the Bylaw and approved plan to those people or organisations that made submissions, advising them of the outcome.
- (f) Revoke the existing no stopping restrictions:
 - (i) That all existing parking restrictions on the west side of Condell Avenue between Blighs Road and Aorangi Road be revoked.
- (g) Revoke the existing parking restrictions:
 - (i) That all existing parking restrictions on the east side of Condell Avenue between Blighs Road and Matsons Avenue be revoked.
- (h) Revoke the existing Give Way controls:
 - (i) That the existing Give-Way control on Condell Avenue at its intersection with Blighs Road be revoked.

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- (ii) That the existing Give-Way control on Matsons Avenue at its intersection with Condell Avenue be revoked.

- (i) Adopt New No Stopping restrictions:

New Stopping Restrictions – Blighs Road

- (i) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at its intersection with Blighs Road and extending in a northerly direction for a distance of 27 metres.
- (ii) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 103 metres north of its intersection with Blighs Road and extending in a northerly direction for a distance of 18 metres.
- (iii) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 154 metres north of its intersection with Blighs Road and extending in a northerly direction for a distance of 48 metres.
- (iv) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 209 metres north of its intersection with Blighs Road and extending in a northerly direction for a distance of 8 metres.
- (v) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 231 metres north of its intersection with Blighs Road and extending in a northerly direction for a distance of 4 metres.
- (vi) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 255 metres north of its intersection with Blighs Road and extending in a northerly direction for a distance of 36 metres.
- (vii) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 363 metres north of its intersection with Blighs Road and extending in a northerly direction for a distance of 29 metres.
- (viii) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 454 metres north of its intersection with Blighs Road and extending in a northerly direction for a distance of 32 metres.

New Stopping Restrictions – Aorangi Road

- (ix) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at its intersection with Aorangi Road and extending in a southerly direction for a distance of 13 metres.
- (x) That the stopping of vehicles be prohibited at any time on the south side of Aorangi Road commencing at its intersection with Condell Avenue and extending in a westerly direction for a distance of 8 metres.
- (xi) That the stopping of vehicles be prohibited at any time on the north side of Aorangi Road commencing at its intersection with Condell Avenue and extending in a westerly direction for a distance of 6 metres.
- (xii) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at its intersection with Aorangi Road and extending in a northerly direction for a distance of 12 metres.
- (xiii) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 37 metres north of its intersection with Aorangi Road and extending in a northerly direction for a distance of 26 metres.

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- (xiv) That the stopping of vehicles be prohibited at any time on the west side of Condell Avenue commencing at a point 88 metres north of its intersection with Aorangi Road and extending in a northerly direction for a distance of 42 metres.

New Stopping Restrictions – Matsons Avenue

- (xv) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at its intersection with Matsons Avenue and extending in a northerly direction for a distance of 11 metres.
- (xvi) That the stopping of vehicles be prohibited at any time on the north side of Matsons Avenue commencing at its intersection with Condell Avenue and extending in a easterly direction for a distance of 13 metres.
- (xvii) That the stopping of vehicles be prohibited at any time on the south side of Matsons Avenue commencing at its intersection with Condell Avenue and extending in a easterly direction for a distance of 15 metres.
- (xviii) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at its intersection with Matsons Avenue and extending in a southerly direction for a distance of 21 metres.
- (xix) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 27 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 18 metres.
- (xx) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 110 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 29 metres.
- (xxi) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 148 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 10 metres.
- (xxii) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 172 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 4 metres.
- (xxiii) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 223 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 23 metres.
- (xxiv) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 328 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 19 metres.
- (xxv) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 411 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 46 metres.
- (xxvi) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 471 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 4 metres.
- (xxvii) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at a point 496 metres south of its intersection with Matsons Avenue and extending in a southerly direction for a distance of 25 metres.
- (xxviii) That the stopping of vehicles be prohibited at any time on the east side of Condell Avenue commencing at its intersection with Blighs Road and extending in a northerly direction for a distance of 25 metres.

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- (j) Adopt New Parking Restrictions – P120
 - (i) That the parking of vehicles be restricted to a maximum period of 120 minutes Monday to Friday outside the hours of 7am to 9am on the west side of Condell Avenue commencing at a point 577 metres south from its intersection with Matsons Avenue and extending in a southerly direction for a distance of 13 metres.
 - (ii) The stopping of vehicles be prohibited between 7am to 9am Monday to Friday on the west side of Condell Avenue commencing at a point 577 metres south from its intersection with Matsons Avenue and extending in a southerly direction for a distance of 13 metres.
- (k) Adopt New Parking Restrictions - Bus stops:
 - (i) That a bus stop be installed on the west side of Condell Avenue commencing at a point 217 metres north from its intersection with Blighs Road and extending in a northerly direction for a distance of 14 metres.
 - (ii) That a bus stop be installed on the west side of Condell Avenue commencing at a point 486 metres north from its intersection with Blighs Road and extending in a northerly direction for a distance of 14 metres.
 - (iii) That a bus stop be installed on the east side of Condell Avenue commencing at a point 158 metres south from its intersection with Matsons Avenue and extending in a southerly direction for a distance of 14 metres.
 - (iv) That a bus stop be installed on the east side of Condell Avenue commencing at a point 457 metres south from its intersection with Matsons Avenue and extending in a southerly direction for a distance of 14 metres.
- (l) Adopt New Stop controls:
 - (i) That a Stop control be placed against Condell Avenue at its intersection with Blighs Road.
- (m) Adopt New Give-Way controls:
 - (i) That a Give-Way control be placed against Matsons Avenue at its intersection with Condell Avenue.
- (n) That recommendations (f) to (m) take effect once the respective painted lines and controls are installed on the road associated with the new kerbs in the Condell Avenue (Blighs Road to Matsons Avenue) Street Renewal Project.

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13. HEARINGS PANEL REPORT ON THE PROPOSED HAREWOOD ROAD CYCLE LANE EXTENSION AND THE CHRISTCHURCH CITY COUNCIL TRAFFIC AND PARKING AMENDMENT (HAREWOOD ROAD) BYLAW 2009

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Author:	Special Vehicle Lanes Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to present the Hearings Panel recommendations on the proposed Harewood Road cycle lane extension and seek the Council's approval to adopt the Christchurch City Council Traffic and Parking Amendment (Harewood Road) Bylaw 2009 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008.
2. The report also contains a number of recommendations to implement parking restrictions associated with the proposed Harewood Road (Nunweek Boulevard to Highsted Road) cycle lane extension, if the proposal is approved.

EXECUTIVE SUMMARY

3. This proposal creates cycle lanes on Harewood Road between Highsted Road and Nunweek Boulevard as part of a scheme to address pedestrian and cycle safety concerns at the intersection of Harewood Road, Breens Road and Gardiners Road. The project includes reducing the number of traffic lanes from four to two on Harewood Road.
4. Harewood Road is a major arterial road with an average daily traffic count (Monday to Thursday) of approximately 17,400 vehicles at Highsted Road, dropping to about 14,000 at the Breens Road and Gardiners Road intersection, and 12,100 vehicles at Crofton Road.
5. The speed limit in the section of Harewood Road within the project area is 50 kilometres per hour. A speed survey on Harewood Road, west of the Breens Road - Gardiners Road intersection, for a week in December 2009 indicated an 85 percentile of 59.4 kilometres per hour.
6. The Harewood Road cycle lane extension proposal originates from the Breens Intermediate School Cycle Bubble project to investigate and, where possible, implement improvements to road safety for children cycling to and from school.
7. As a result of these investigations a Cycle Lane (Special Vehicle Lane) was proposed on both sides of Harewood Road between Highsted Road and Nunweek Boulevard.
8. Under the Council's bylaw making powers in section 72(1)(kb) of the Transport Act 1962, a special vehicle lane can only be created by specifying the road on which the lane is on in a bylaw. In order to do this, and to ensure that the proposed cycle lane can be enforced, it is necessary to amend Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008 (the Bylaw) which came into force on 1 July 2008.
9. On 13 August 2009, the Council resolved to commence the special consultative procedure to initiate the process prior to any amendment to the Bylaw enabling cycle lanes to be installed in this section of Harewood Road.
10. Consultation with residents, property owners and other key stakeholders was undertaken from Monday 31 August 2009 to Friday 2 October 2009. A full set of submissions, meeting notes and responses is shown in **Attachment 1** (separately circulated).
11. The Council appointed a Hearings Panel comprising Councillors Ngaire Button (Chair) and Mike Wall, and Community Board member Faimeh Burke. The Panel deliberated on all written and verbal submissions as well as outcomes of further consultation with the New Zealand Transport Agency (NZTA), Christchurch International Airport Limited (CIAL), and views expressed at a joint seminar of the Fendalton/Waimairi and Shirley/Papanui Community Boards.

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12. The panel is recommending, in a majority decision, that the proposed Harewood Road cycle lane extension should proceed. The Panel considers that the reduction in traffic lanes as part of the Harewood Road cycle lane extension was the most effective way to improve safety at the Breens-Harewood-Gardiners intersection until funding was available to install traffic lights.
13. The Panel requested that the Council review the project one year after completion. In line with standard Council practice, the project will not receive certification 12 months after completion until a further safety audit has been passed and all design and construction standards have been met. All residents' concerns raised before and after certification through the Council's Request For Service process (ph 941 8666 or on line) are tracked and the outcomes recorded.
14. Staff advised the panel that traffic lights were not likely to attract a NZTA subsidy for at least the next 10 years due to the delays that would be imposed (by signals) on the arterial road. The Panel was informed that traffic lights in the future would complement the proposed scheme.
15. Staff also advised that while it would be possible to have cycle lanes and four traffic lanes, this option would require the removal of all on-street parking.
16. Panel member Faimeh Burke said that, although she strongly supported cycle ways she would not support this proposal and preferred a better plan for this section of Harewood Road, which was a major arterial road and a major access road to the Airport. She noted that most submitters opposed the proposal and that they had valid concerns about compromising safety when turning onto and off Harewood Road, as well as issues such as congestion and pollution.
17. Several changes to the original proposal are being recommended by the Hearings Panel. These changes related to resolving issues raised in submissions and further investigations by the project team. The recommended changes are covered in more detail further on in the report under the section titled "Recommended changes to the plan" in paragraph 35.
18. The amended plans (TP311401 Issue 3 and TP 311402 Issue 2) incorporating changes recommended by the Hearings Panel are shown as **Attachments 2 and 3** respectively. The proposed Amendment Bylaw to be adopted by the Council is shown in **Attachment 4**.
19. A summary of the key features of the proposed plan being recommended by the Hearings Panel is shown below:
 - (a) The marking of cycle lanes, 1.8 metres wide, on both sides of Harewood Road between Highsted Road and Nunweek Boulevard.
 - (b) Reduction of traffic lanes on Harewood Road from two to one, 3.5 metres wide, in each direction by painting chevron markings alongside the median island.
 - (c) Widening of the central median at the Breens-Harewood-Gardiners intersection to improve pedestrian crossing facilities.
 - (d) Construction of a kerb build-out at the junction of Harewood Road and Crofton Road to remove the informal left turn slip from Crofton Road.
20. Installation of the proposed cycle lane extension and associated construction is scheduled in the 2011/12 financial year.
21. This scheme requires a resource consent prior to implementation because of the reduction in traffic lanes from two to one in each direction on Harewood Road.

FINANCIAL IMPLICATIONS

22. Funding for the proposed Harewood Road cycle lane extension is provided for within the Cycleways Improvements Programme of the Active Travel activity. Total funding for this programme is on page 243 of the 2009-19 LTCCP.

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23. The funding for this project covers all costs from design and consultation through to construction and implementation. Installation is programmed in the 2011/12 financial year.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

24. Funding for the project is provided in the 2009-19 LTCCP and is consistent with Activity 10.0: Road Network in the Streets and Transport Asset Management Plan.

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

25. Yes, as above.

ALIGNMENT WITH STRATEGIES

26. The proposed cycle lane is aligned to the following strategies:

- (a) The City Council's Cycle Strategy 2004.
- (b) New Zealand Land Transport Strategy.
- (c) National Walking and Cycling Strategy.
- (d) Metro Strategy.
- (e) Sustainable Energy Strategy.
- (f) Physical Recreation and Sport Strategy.
- (g) Road Safety Strategy.

CONSULTATION FULFILMENT

27. Following internal Council consultation between relevant units, a seminar on the proposed Harewood Road cycle lane extension, including Breens-Gardiners-Harewood intersection safety improvements, was presented to the Fendalton/Waimairi Community Board on 3 June 2009.
28. After considering a report on the Proposed Harewood Road cycle lane extension on 14 July 2009, the Fendalton/Waimairi Community Board recommended to the Council that a Special Consultative Procedure be commenced for the establishment of a cycle lane on both sides of Harewood Road, between Highsted Road and Nunweek Boulevard, and the amendment of the Christchurch City Council Traffic and Parking Bylaw 2008.
29. At its meeting on 13 August 2009 the Council resolved that the proposed Traffic and Parking Amendment (Harewood Road) Bylaw 2009, amending the Christchurch City Council Traffic and Parking Bylaw 2008 and providing for special vehicle lanes (cycle lanes) on Harewood Road, was the most appropriate way to address the perceived problems identified in paragraph 30 and 31 of this report. It also resolved that the Council commence a special consultative procedure.
30. The period for the special consultative procedure ran from 31 August 2009 to 2 October 2009. Consultation documents were posted or delivered to key stakeholders including residents, property owners and businesses. Public notices appeared in relevant newspapers, and the consultation documents were made available at service centres, Council libraries and online via the Council's 'Have Your Say' web page. A public information evening was also held at Breen's Intermediate School on Wednesday 9 September 2009 for interested people to drop in and talk to project staff.

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31. At the close of the consultation period a total of 47 submissions had been received. Of these 16 were generally in support of the proposal, 27 were opposed and four did not indicate whether they supported or opposed the plan.
32. Common submission themes by those opposed to the proposal included the need for traffic lights at the Breen-Harewood-Gardiniers intersection, concern about reduction in traffic lanes from two to one in each direction, and increased traffic congestion at peak hours. Those in favour of the proposal supported dedicated lanes for cyclists which would encourage cycle use.
33. Seven people requested to be heard by the Hearings Panel in support of their submissions. The hearings were held on 2 November 2009. The Panel requested that staff also obtain the views of the New Zealand Transport Agency (NZTA) and Christchurch International Airport Limited (CIAL), and discuss the project at a joint seminar of the Shirley/Papanui and Fendalton/Waimairi Community Boards.
34. NZTA commented that its main concern was with the status of Harewood Road in the City Plan, but if the Council was seeking to revise the status then he stated that he was reasonably comfortable with the proposed scheme.
35. Christchurch International Airport Limited advised the project team that the proposal would not have a notable impact on accessibility to the Airport and that likely traffic volumes could be accommodated within the two lane road as proposed.
36. Details of the proposal were presented to a joint seminar for Fendalton/Waimairi and Shirley/Papanui Community Board members on 14 December 2009 at the Fendalton Service Centre. Community Board members expressed views for and against the proposal.

PANEL DELIBERATIONS

37. The Panel decided to recommend to the Council that the Council adopt the recommendations set out below and including the attachments referred to in paragraphs (a) and (b) of those recommendations. Councillor Faimeh Burke requested that her vote against the motion be recorded for the reasons set out in paragraph 16 of this report.

RECOMMENDED CHANGES TO THE PLAN

38. The Hearings Panel has recommended changes to the plan that was distributed for consultation. These changes, which also include revisions from a Safety Audit and requests from Network Operation, are:
 - (a) The bus stop is to be retained in the existing location outside number 412 Harewood Road, in front of the Orion sub station.
 - (b) Provision of No Stopping lines at bus stops allow for lead in/out in line with bus stop design guidance. Markings of the existing bus stop bays remain the same.
 - (c) No Stopping outside 424 Harewood Road shortened to allow an additional park in front of the property.
 - (d) Existing Stop signs on Gardiners Road and Breens Road to be retained as these are already the maximum size for this environment.
 - (e) Provision of one P5 space outside the dairy and extension of No Stopping lines from the corner of Trafford Street extending west to improve visibility.
 - (f) Addition of a Give-way control at the Trafford Street intersection with Harewood Road.
 - (g) Addition of a Give-way control at the Leacroft Street intersection.
 - (h) Extension of No Stopping lines on the east side of Nunweek Boulevard.

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- (i) Extension of No Stopping lines on Harewood Road on the exit lane from the Highsted Road roundabout.
 - (j) A dashed line to be marked between the parallel parking line and the outside line of the cycle lane to allow for the parking of vehicles wider than 2 metres.
 - (k) Inclusion of a 0.6 metre painted flush median between the cycle lane and vehicle lane.
 - (l) Change from red to green cycle lanes due to change in Council policy.
 - (m) Existing pedestrian crossing points shown on plan for Council approval.
 - (n) Modification to a cut-down at the pedestrian crossing point in front of Bishopdale Park to align the crossing points from the median to the footpath on the eastbound carriageway.
 - (o) Addition of No Stopping lines between Bishopdale Court and the left in/left out access.
 - (p) Addition of coloured surfacing for cyclists exiting the Highsted Road roundabout.
39. The panel also recommends investigation during the detailed design phase of the use of kerb top markers to highlight crossing points at night.

LEGAL CONSIDERATIONS

- 40. Public consultation has been completed via the special consultative procedure, as described above.
- 41. The Hearings Panel has no decision-making powers, but can make recommendations to the Council as a result of considering written and oral submissions. The Council can then accept or reject those recommendations, as it sees fit. However, Section 82 (1) (e) of the Local Government Act states that the views presented during consultation should be received by the Council with an open mind and should be given 'due consideration in decision-making'.
- 42. Section 157 of the Act requires the Council give public notice of the amendment of a bylaw as soon as practical after the bylaw is made. This is covered in recommendation (c) providing the Council adopts the proposed bylaw amendment.
- 43. The Legal Services Unit considers that the form of the bylaw, as proposed, is the most appropriate form, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (in accordance with section 155 of the Local Government Act).
- 44. A resource consent will be required before the cycle lane extension is installed because of the reduction of traffic lanes from two to one in each direction on Harewood Road. This would be applied for after Council approval has been given for the scheme.

HEARINGS PANEL RECOMMENDATIONS

The Hearings Panel recommends that the Council:

- (a) Approve the proposed Harewood Road cycle lane, as shown on the attached plans (TP 311401 Issue 3 and TP 311402 Issue 2) in Attachments 2 and 3, subject to a resource consent.
- (b) Adopt the Christchurch City Council Traffic and Parking Amendment (Harewood Road) Bylaw 2009 as an amendment to Schedule 2 of the Christchurch City Council Traffic and Parking Bylaw 2008, as shown in Attachment 4.
- (c) Give public notice as soon as practicable, that the Christchurch City Council Traffic and Parking Amendment (Harewood Road cycle lane extension, Nunweek Boulevard to Highsted Road) Bylaw 2009 has been made by the Council and that it comes into effect in 2010 and that copies of the Bylaw will be made available.

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- (d) Send a copy of the amended Bylaw to the Minister of Transport within one week of the Bylaw being made, as required by section 72(4) of the Transport Act 1962.
- (e) Sends copies of the Bylaw and approved plan to those people or organisations that made submission, advising them of the outcome.
- (f) Approve the following parking restrictions to take effect once the No Stopping lines associated with the cycleway project on Harewood Road (Nunweek Boulevard to Highsted Road) are painted on the road:

Revoke existing parking restrictions:

- (i) That all existing parking restrictions on the north side of Harewood Road between Crofton Road and Highsted Road be revoked.
- (ii) That all existing parking restrictions on the south side of Harewood Road between Nunweek Boulevard and Highsted Road be revoked.
- (iii) That the existing parking restrictions on the south side of Harewood Road commencing at its intersection with Nunweek Boulevard and extending in a westerly direction for a distance of 39 metres be revoked.
- (iv) That the existing parking restrictions on the west side of Gardiners Road commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 20 metres be revoked.
- (v) That the existing parking restrictions on the east side of Gardiners Road commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 20 metres be revoked.
- (vi) That the existing parking restrictions on the east side of Bishopdale Court commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 6 metres be revoked.
- (vii) That the existing parking restrictions on the east side of Trafford Street commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 10 metres be revoked.
- (viii) That the existing parking restrictions on the east side of Nunweek Boulevard commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 9 metres be revoked.
- (ix) That the existing parking restrictions on the west side of Nunweek Boulevard commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 24 metres be revoked.

Revoke existing Stop controls:

- (i) That the existing Stop control on Crofton Road at its intersection with Harewood Road be revoked.
- (ii) That the existing Stop control on Gardiners Road at its intersection with Harewood Road be revoked.
- (iii) That the existing Stop control on Breens Road at its intersection with Harewood Road be revoked.

Revocation of existing Give-Way controls:

- (i) That the existing Give-Way control on Cotswold Avenue at its intersection with Harewood Road be revoked.

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- (ii) That the existing Give-Way control on Harewood Road at its intersection with Highsted Road be revoked.
- (iii) That the existing Give-Way control on Bishopdale Court at its intersection with Harewood Road be revoked.
- (iv) That the existing Give-Way control on Nunweek Boulevard at its intersection with Harewood Road be revoked.

Adopt new No Stopping restrictions:

- (i) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at its intersection with Crofton Road and extending in a westerly direction for a distance of 52 metres.
- (ii) That the stopping of vehicles be prohibited at any time on the west side of Crofton Road commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 21 metres.
- (iii) That the stopping of vehicles be prohibited at any time on the east side of Crofton Road commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 21 metres.
- (iv) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at its intersection with Crofton Road and extending in an easterly direction for a distance of 17 metres.
- (v) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at a point 66 metres east of its intersection with Crofton Road and extending in a easterly direction for a distance of 8 metres.
- (vi) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at a point 87 metres east of its intersection with Crofton Road and extending in a easterly direction for a distance of 8 metres.
- (vii) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at its intersection with Gardiners Road and extending in a westerly direction for a distance of 40 metres.
- (viii) That the stopping of vehicles be prohibited at any time on the west side of Gardiners Road commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 37 metres.
- (ix) That the stopping of vehicles be prohibited at any time on the east side of Gardiners Road commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 35 metres.
- (x) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at its intersection with Gardiners Road and extending in an easterly direction for a distance of 27 metres.
- (xi) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at a point 44 metres east of its intersection with Gardiners Road and extending in a easterly direction for a distance of 8 metres.
- (xii) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at a point 66 metres east of its intersection with Gardiners Road and extending in a easterly direction for a distance of 4 metres.
- (xiii) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at a point 38 metres west of its intersection with Cotswold Avenue and extending in a westerly direction for a distance of 8 metres.

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- (xiv) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at its intersection with Cotswold Avenue and extending in a westerly direction for a distance of 22 metres.
- (xv) That the stopping of vehicles be prohibited at any time on the west side of Cotswold Avenue commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 13 metres.
- (xvi) That the stopping of vehicles be prohibited at any time on the east side of Cotswold Avenue commencing at its intersection with Harewood Road and extending in a northerly direction for a distance of 13 metres.
- (xvii) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at its intersection with Cotswold Avenue and extending in an easterly direction for a distance of 19 metres.
- (xviii) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at its intersection with Highsted Road and extending in a westerly direction for a distance of 34 metres.
- (xix) That the stopping of vehicles be prohibited at any time on the north side of Harewood Road commencing at a point 45 metres west of its intersection with Highsted Road and extending in a westerly direction for a distance of 96 metres.
- (xx) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at a point 41 metres east of its intersection with Bishopdale Court and extending in an easterly direction for a distance of 40 metres.
- (xxi) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Bishopdale Court and extending in an easterly direction for a distance of 26 metres.
- (xxii) That the stopping of vehicles be prohibited at any time on the east side of Bishopdale Court commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 7 metres.
- (xxiii) That the stopping of vehicles be prohibited at any time on the west side of Bishopdale Court commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 7 metres.
- (xxiv) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Bishopdale Court and extending in a westerly direction for a distance of 77 metres.
- (xxv) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at a point 45 metres east of its intersection with Leacroft Street and extending in a easterly direction for a distance of 8 metres.
- (xxvi) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Leacroft Street and extending in an easterly direction for a distance of 27 metres.
- (xxvii) That the stopping of vehicles be prohibited at any time on the east side of Leacroft Street commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 12 metres.
- (xxviii) That the stopping of vehicles be prohibited at any time on the west side of Leacroft Street commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 14 metres.

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- (xxix) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Leacroft Street and extending in a westerly direction for a distance of 18 metres.
- (xxx) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at a point 63 metres east of its intersection with Breens Road and extending in an easterly direction for a distance of 8 metres.
- (xxxii) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Breens Road and extending in an easterly direction for a distance of 51 metres.
- (xxxiii) That the stopping of vehicles be prohibited at any time on the east side of Breens Road commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 22 metres.
- (xxxiv) That the stopping of vehicles be prohibited at any time on the west side of Breens Road commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 24 metres.
- (xxxv) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Breens Road and extending in a westerly direction for a distance of 23 metres.
- (xxxvi) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Trafford Street and extending in an easterly direction for a distance of 36 metres.
- (xxxvii) That the stopping of vehicles be prohibited at any time on the east side of Trafford Street commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 14 metres.
- (xxxviii) That the stopping of vehicles be prohibited at any time on the west side of Trafford Street commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 11 metres.
- (xxxix) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Trafford Street and extending in a westerly direction for a distance of 14 metres.
- (xl) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at a point 20 metres west of its intersection with Trafford Street and extending in a westerly direction for a distance of 11 metres.
- (xli) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at a point 45 metres west of its intersection with Trafford Street and extending in a westerly direction for a distance of 4 metres.
- (xlii) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Nunweek Boulevard and extending in an easterly direction for a distance of 57 metres.
- (xliii) That the stopping of vehicles be prohibited at any time on the east side of Nunweek Boulevard commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 29 metres.
- (xliv) That the stopping of vehicles be prohibited at any time on the west side of Nunweek Boulevard commencing at its intersection with Harewood Road and extending in a southerly direction for a distance of 23 metres.

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(xlv) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at its intersection with Nunweek Boulevard and extending in a westerly direction for a distance of 26 metres.

(xlvi) That the stopping of vehicles be prohibited at any time on the south side of Harewood Road commencing at a point 39 metres west of its intersection with Nunweek Boulevard and extending in a westerly direction for a distance of 14 metres.

Adopt new P5 parking restrictions

(i) That the parking of vehicles be restricted to a maximum period of 5 minutes At Any Time on the south side of Harewood Road commencing at a point 14 metres west from its intersection with Trafford Street and extending in a westerly direction for a distance of 6 metres.

Adopt new parking restrictions – Bus Stops

(i) That a bus stop be installed on the north side of Harewood Road commencing at a point 74 metres east from its intersection with Crofton Road and extending in an easterly direction for a distance of 13 metres.

(ii) That a bus stop be installed on the north side of Harewood Road commencing at a point 52 metres east from its intersection with Gardiners Road and extending in an easterly direction for a distance of 14 metres.

(iii) That a bus stop be installed on the north side of Harewood Road commencing at a point 22 metres west from its intersection with Cotswold Avenue and extending in an westerly direction for a distance of 16 metres.

(iv) That a bus stop be installed on the north side of Harewood Road commencing at a point 34 metres west from its intersection with Highsted Road and extending in a westerly direction for a distance of 11 metres.

(v) That a bus stop be installed on the south side of Harewood Road commencing at a point 26 metres east from its intersection with Bishopdale Court and extending in an easterly direction for a distance of 15 metres.

(vi) That a bus stop be installed on the south side of Harewood Road commencing at a point 27 metres east from its intersection with Leacroft Street and extending in a easterly direction for a distance of 18 metres.

(vii) That a bus stop be installed on the south side of Harewood Road commencing at a point 51 metres east from its intersection with Breens Road and extending in a easterly direction for a distance of 12 metres.

(viii) That a bus stop be installed on the south side of Harewood Road commencing at a point 31 metres west from its intersection with Trafford Street and extending in a westerly direction for a distance of 14 metres.

(ix) That a bus stop be installed on the south side of Harewood Road commencing at a point 26 metres west from its intersection with Nunweek Boulevard and extending in a westerly direction for a distance of 13 metres.

Adopt new Stop controls:

(i) That a Stop control be placed against Crofton Road at its intersection with Harewood Road.

(ii) That a Stop control be placed against Gardiners Road at its intersection with Harewood Road.

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- (iii) That a Stop control be placed against Breens Road at its intersection with Harewood Road.

Adopt new Give-Way controls:

- (i) That a Give-Way control be placed against Cotswold Avenue at its intersection with Harewood Road.
- (ii) That a Give-Way control be placed against Harewood Road at its intersection with Highsted Road.
- (iii) That a Give-Way control be placed against Bishopdale Court at its intersection with Harewood Road.
- (iv) That a Give-Way control be placed against Leacroft Street at its intersection with Harewood Road.
- (v) That a Give-Way control be placed against Trafford Street at its intersection with Harewood Road.
- (vi) That a Give-Way control be placed against Nunweek Boulevard at its intersection with Harewood Road.

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BACKGROUND

45. The length of road from Nunweek Boulevard to Highsted Road has recreational reserve, retail, and residential land uses. Customers of the retail areas at Bishopdale Mall, Highsted Road corner and the Trafford Street corner predominantly use the Mall parking area, an off-street parking lot and the on-street parking in Trafford Street respectively.
46. This project was initiated in 2005 by a survey undertaken at Breens Intermediate School as part of a Cycle Bubble project. The principal aim was to improve the safety of children cycling to and from school. Several student cyclists identified the Breens-Harewood-Gardiners intersection as the most intimidating part of their journey to school.
47. An Initial Issues survey of residents in the vicinity of the intersection of Harewood Road, Breens Road and Gardiners Road in 2005 identified safety as a key issue. Traffic volume and traffic speed were identified as concerns in Breens Road and Harewood Road. Pedestrian safety in terms of road crossing was a key issue in Harewood Road.
48. The Fendalton/Waimairi Works, Traffic and Environment Committee supported the introduction of traffic signals at its meeting on 26 August 2006. However, the Council's project team advised that the cost of a scheme incorporating traffic signals at that time would be approximately \$422,000, well in excess of the budget for a cycleway. In addition, the provision of signals at this intersection fell below the priority threshold. Staff were asked to continue their investigations and consider these in relation to the Gardiners Road-Sawyers Arms Road intersection.
49. The cost of installing signals at the Breens-Harewood-Gardiners intersection has been reviewed. The estimated cost is in the range of \$350,000 to \$400,000 plus approximately \$100,000 depending on the requirements of existing services e.g. power cables. This work cannot be funded from the cycleways budget and there is no provision for a signalised intersection in this location in the 2009-19 LTCCP.
50. The proposed plan reduces the number of lanes in this section of Harewood Road from four lanes to two lanes. The Council's network transport planners have completed traffic modelling exercises and, based on projected traffic volumes over the next 20 years, they do not have concerns that this scheme will have an adverse effect on the network.
51. The New Zealand Transport Agency (NZTA) is proposing to widen Russley Road to four lanes. A flyover at the Memorial Avenue intersection is being considered as part of the Russley Road project. One option is to have a left-in left-out arrangement onto Wairakei Road but staff understand that at present no decision has yet been made by NZTA. The Council's network transport planners advised that even if both proposals proceed a single vehicle lane plus a cycle lane would have the capacity to cope with any increase in traffic volumes in the project area for at least the next 20 years.
52. The New Zealand Transport Agency Crash Analysis System shows that 42 vehicle crashes were recorded along and within 25 metres of Harewood Road between the Highsted Road and Nunweek Boulevard study area in the five year period between January 2005 and December 2009, an average of 8.4 crashes per annum.
53. Cyclists were involved in two of the reported crashes within the five year study period. One crash occurred at the Cotswold Avenue intersection and one occurred on the approach to the Highsted Road roundabout.
54. The proposed Harewood Lane cycle lane extension (between Nunweek Boulevard and Highsted Road) is identified as part of Christchurch's Primary Cycle Network within the Council's full Cycle Network Plan for Christchurch. At peak periods (one and a half hours) up to 27 cyclists travel along Harewood Road.

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Features of the Proposed Plan

55. Key features of the proposed plan being recommended by the Hearings Panel are shown below:
- (a) The marking of cycle lanes, 1.8 metres wide, on both sides of Harewood Road between Highsted Road and Nunweek Boulevard.
 - (b) Reduction of traffic lanes on Harewood Road from two to one, 3.5 metres wide, in each direction by painting chevron markings alongside the median island.
 - (c) Widening of the central median at the Breens-Harewood-Gardiners intersection to improve pedestrian crossing facilities.
 - (d) Existing pedestrian refuges on Harewood Road relocated closer to the Breens-Gardiners-Harewood intersection.
 - (e) New kerb build-outs on the eastern and western quadrants of the intersection to reduce the crossing distance.
 - (f) No stopping lines at the intersection.
 - (g) Installation of tactile pavers in the median and pedestrian crossing points at the Breens-Gardiner-Harewood intersection.
 - (h) Construction of a kerb build-out at the junction of Harewood Road and Crofton Road to remove the informal left turn slip from Crofton Road.
 - (i) Bus stop to be retained in the existing location outside number 412 Harewood Road in front of the Orion sub station.
 - (j) Provision of No Stopping lines at bus stops allow for lead in/out in line with bus stop design guidance. Markings at existing bus stop bays remain the same.
 - (k) No Stopping outside 424 Harewood Road shortened to allow an additional park in front of the property.
 - (l) Existing Stop signs on Gardiners Road and Breens Road to be retained as these are already the maximum size for this environment.
 - (m) Provision of one P5 space outside the dairy and extension of No Stopping lines from the corner of Trafford Street extending west to improve visibility.
 - (n) Addition of a Give-way control at the Trafford Street intersection with Harewood Road.
 - (o) Addition of a Give-way control at the Leacroft Street intersection.
 - (p) Extension of No Stopping lines on the east side of Nunweek Boulevard.
 - (q) Extension of No Stopping lines on Harewood Road on the exit lane from the Highsted Road roundabout.
 - (r) Addition of a continuity line adjacent to the parking to accommodate oversize vehicles.
 - (s) Inclusion of a 0.6 metre painted flush median between the cycle lane and vehicle lane.
 - (t) Change from red to green cycle lanes due to change in Council policy.
 - (u) Existing pedestrian crossing points shown on plan for Council approval.
 - (v) Modification to a cut-down at the pedestrian crossing point in front of Bishopdale Park to align the crossing points from the median to the footpath on the eastbound carriageway.

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- (w) Addition of coloured surfacing for cyclists exiting the Highsted Road roundabout.

How Proposed Plan Meets Project Objectives

56. The project objectives are achieved by implementing the following changes:
- (a) Replacement of the vehicle lane with a cycle lane in each direction on Harewood Road between Nunweek Boulevard and Highsted Road improves the level of service and safety for cyclists.
 - (b) Pedestrian safety is improved by new pedestrian facilities closer to the Breens Road intersection, widening of the median island, and new kerb build-outs on the eastern and western quadrants of the intersection which reduce the crossing distance.
 - (c) Widening the central islands provides an area for vehicles attempting to turn right from either Breens Road or Gardiners Road into Harewood Road to wait until there is an appropriate space to pull into. This will reduce the risk of crashes.
 - (d) Removing one traffic lane reduces the road width available to vehicles and will assist in reducing vehicle speeds.

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14. PROPOSED PEDESTRIAN CROSSING IMPROVEMENTS IN MOORHOUSE AVENUE

General Manager responsible:	General Manager City Environment, DDI 941-8528
Officer responsible:	Transport and Greenspace Unit Manager
Author:	Jennie Hamilton, Consultation Leader – Transport

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to proceed with the proposed pedestrian crossing improvement projects at the Moorhouse Avenue – Fitzgerald Avenue – Falsgrave Street intersection (**Attachment 2**) and the Moorhouse Avenue – Barbadoes St – Waltham Road intersection (**Attachment 1**)

EXECUTIVE SUMMARY

2. Both proposals are part of an overarching project that provides stronger, safer connections between the central city and AMI Stadium in time for the Rugby World Cup in 2011, and also delivers long-term benefits for Christchurch.
3. The original project brief in 2007 followed a request from the Central City Steering Team for the investigation of a pedestrian corridor and connection between the central city and AMI Stadium in time for the Rugby World Cup.
4. The project aims to satisfy the following objectives:
 - (a) Provide streets, footpaths and crossings that meet council base standards for pedestrian service and amenity.
 - (b) Provide a quality arrival and departure experience for users of AMI Stadium who approach the facility on foot either by walking from destinations in the central city or from the stadiums parking catchment area.
 - (c) Create stronger, safer connections between AMI Stadium and the central city.
 - (d) Provide a street environment that Christchurch is proud to show all visitors on time for the 2011 Rugby World Cup.
5. The walkway connection will be strengthened by an upgrade of Lancaster Street, which runs from Ferry Road to the front gates of AMI Stadium, and event management activities in Ferry Road. The route from the city to the stadium will be highlighted by displays, white lighting and signage.
6. Street amenity and safety improvements included in the AMI Stadium Rugby World Cup capital projects are:
 - (a) Moorhouse Avenue - Fitzgerald Avenue intersection enhancement.
 - (b) Moorhouse Avenue – Barbadoes Street signalised crossing.
 - (c) Moorhouse Avenue median planting (Barbadoes Street to Fitzgerald Avenue) which has already been completed.
 - (d) Pedestrian/cycle underpass enhancement.
 - (e) CCTV cameras in selected locations.
 - (f) Blade signage to provide directions to visitors.
7. The two Moorhouse Avenue intersection projects to improve pedestrian crossings are the focus of this report and have both been safety audited.

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8. The proposed design for the Moorhouse Avenue – Fitzgerald Avenue – Falsgrave Street intersection includes:
 - (a) Provision of a zebra crossing on the left turn from Moorhouse Avenue to Fitzgerald Avenue.
 - (b) Removal of the landscaping on the existing island adjacent to the proposed zebra crossing to be replaced with a hard surface.
 - (c) A kerb build-out on the southern side of Moorhouse Avenue to reduce the crossing distances for pedestrians.
 - (d) Provision of tactile paving at new and existing pedestrian crossing points.
 - (e) Re-alignment of the three crossing facilities for pedestrians.
9. The proposed design for the Moorhouse Avenue – Barbadoes Street – Waltham Road intersection includes:
 - (a) Provision of a staggered pedestrian crossing on Moorhouse Avenue to the east of Barbadoes Street, similar to that outside Science Alive on Moorhouse Avenue.
 - (b) Widening of the median island to accommodate the staggered crossing arrangement.
 - (c) Provision of a zebra pedestrian crossing on the left turn from Moorhouse Avenue to Waltham Road.
 - (d) Tactile paving at existing pedestrian crossing locations.
 - (e) Removal of landscaping at the existing island between the left turn from Moorhouse Avenue to Waltham Road, and replace with a hard surface.
10. Moorhouse Avenue, Waltham Road, Barbadoes Street and Fitzgerald Avenue are classified as major arterial roads. The two major intersections are surrounded by businesses and are also close to the Christchurch Polytechnic Institute of Technology, Roman Catholic Cathedral, Cathedral College and the Music Centre of Christchurch.

FINANCIAL IMPLICATIONS

11. The proposed pedestrian crossing improvements scheme in Moorhouse Avenue is part of a programme of works for 'AMI Stadium Walkway'. The total available budget in the 2010/11 financial year to support the programme is \$575,000. This is part of the Inner City Transport project in page 247 of the Long term Council Community Plan (LTCCP).
12. Based on current estimates, there is sufficient funding to complete the proposed pedestrian crossing improvements at the two Moorhouse Avenue intersections.
13. Application will be made for NZTA co-funding for the components of this project that qualify.

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

14. Yes. As above.

LEGAL CONSIDERATIONS

15. Part 1, Clause 5 of the Christchurch City Council Traffic and Parking Bylaw 2008 provides the Council with the authority to install traffic and parking restrictions by resolution.

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16. The installation of any parking restriction signs and/or markings must comply with the Land Transport Rule: Traffic Control Devices 2004.
17. The Council has delegated authority to make decisions in this area of the central city following its decision made on 10 December 2009 and set out in the Christchurch City Council Register of Delegations, as of 24 June 2010.

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

18. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. Funding for the project is provided in the 2009-19 LTCCP and is consistent with Activity 10.0: Road Network in the Streets and Transport Asset Management Plan.

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

20. Yes.

ALIGNMENT WITH STRATEGIES

21. The recommendations in this report align with current Council strategies including the Parking Strategy 2003, the Road Safety Strategy 2004, the Christchurch Public Passenger Transport Strategy 1998, the Cycling Strategy 1998 and 2004 and Pedestrian Strategy 2001; and are consistent with the requirements for arterial and local roads as defined within the City Plan.

Do the recommendations align with the Council's strategies?

22. Yes.

CONSULTATION FULFILMENT

23. The Hagley/Ferrymead Community Board was briefed on the AMI Stadium projects, including the proposed pedestrian crossing improvements, on 2 June 2010. It was suggested that the cycling advocacy group SPOKES Canterbury and the New Zealand Transport Agency be included in the list of stakeholders to be consulted. The Board was subsequently advised that Moorhouse Avenue is an arterial road under the jurisdiction of the City Council, not NZTA.
24. Community Board members were also informed in early June that both sides of Moorhouse Avenue fall within the central city area which is outside the area covered by their delegated authority.
25. An information leaflet was posted or delivered to key stakeholders including absent property owners and nearby businesses and organisations, including the Christchurch Polytechnic Institute of Technology, the Music Centre of Christchurch, Catholic Diocese and Cathedral College.
26. Verbal feedback from businesses in the vicinity was generally very supportive. In addition, five written submissions were received.
27. One submitter requested a right turn lane from Moorhouse Avenue (west) to Falsgrave Street because vehicles turning right from the shared lane have to wait for traffic to clear to complete their turn, which frustrates drivers waiting behind them to travel straight on. The submitter stated that there have been a number of near misses because cars swerve into another lane.
28. A spokesperson for the Royal New Zealand Foundation for the Blind sought directional tiles to all zebra pedestrian crossing points, and also the new build-out at the Falsgrave – Moorhouse corner, as these were not easy to locate. She also pointed out problems associated with a sensor pad at another Moorhouse Avenue crossing point.

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29. SPOKES commented that there is a problem for cyclists heading north from Falsgrave Street into Fitzgerald Avenue and seeking to move into the left lane (e.g. to access Ferry Road to the city). A spokesman said the slip lane from Moorhouse Avenue into Fitzgerald Avenue carries a lot of traffic. Cyclists travelling north from Falsgrave Street often end up being "marooned" beside the triangular island at the Moorhouse - Fitzgerald intersection waiting for a gap in this traffic in order to move to the left. The spokesman suggested a flush median refuge for cyclists on the north east side of the traffic island. Raising (or humping) the proposed pedestrian crossing could also assist both pedestrians and cyclists by slowing traffic through the slip lane. A Give Way sign at the junction of the slip lane and Fitzgerald Avenue may also assist.
30. One submitter described a tree in Fitzgerald Avenue near the Moorhouse Avenue intersection as a hindrance. He also asked the Council to widen Moorhouse Avenue between Ferry Road and Fitzgerald Avenue before the World Rugby Cup.
31. Another respondent commented on the state of the pedestrian and cyclist underpass which was littered with broken glass and was prone to flooding. He was informed that the Council would be undertaking some improvements in the underpass to make it a safer and a more pleasant place for pedestrians and cyclists.
32. As a result of community consultation and further investigations the following changes have been made to the proposed plans:
 - (a) Additional tactile pavers to cover all pedestrian crossing points;
 - (b) Directional tactile paving to some pedestrian crossing points;
 - (c) Modifications to line markings to reduce the Moorhouse Avenue (west) exit from the intersection to provide two exit lanes, rather than the existing three. This is to reduce potential conflict from vehicles attempting to use the existing middle lane when turning from Fitzgerald Avenue or Moorhouse Avenue (east), which both have two lane approaches to this exit;
 - (d) The proposed extension of No Stopping lines on the southern side of Moorhouse Avenue to the east of Waltham Road has been removed from the plan for Council approval.
33. Although the staggered pedestrian crossing on Moorhouse Avenue to the east of Barbadoes Street, will be similar to that outside Science Alive on Moorhouse Avenue, alternatives to the sensor pad will be investigated.
34. No right turn lane will be created from Moorhouse Avenue (west) to Falsgrave Street as there is insufficient space for an additional lane. (However, this issue is likely to be considered during the design of the proposed Ferry – Moorhouse (Aldwins – Fitzgerald) scheme that is programmed in the LTCCP in 2015/16 and 2016/17.) Any changes to signal timings would have an impact on the operation of the intersection. Crash data indicates that only two crashes involved drivers turning right from Moorhouse Avenue (east) to Falsgrave Street in the past five years. See paragraph 43.
35. Traffic engineers do not consider that it safe to provide a flush median refuge on the north east side of the traffic island for cyclists travelling north from Falsgrave Street to Fitzgerald Avenue. This would encourage cyclists to wait in an unsafe area. If traffic is particularly heavy cyclists may wish to dismount and use the pedestrian crossing.
36. Constructing a hump on the slipway pedestrian crossing to slow traffic is not supported by some heavy traffic users, including bus drivers. A give way in this location is not required as drivers turning left from Moorhouse Avenue to Fitzgerald Avenue have their own lane to enter Fitzgerald Avenue.
37. The tree, which was described as a hindrance, has been checked by an arborist and will not be removed as part of this project. The submitter was also advised that the project team had investigated the possibility of four laning Moorhouse Avenue before the Rugby World Cup. However, time constraints associated with the Resource Management Act, detailed design and construction meant that this was not feasible.

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38. All respondents who commented on the consultation plan in March 2010 were sent a letter thanking them for their input and a colour copy of the recommended plan for the two intersections. The letter informed respondents when the plan would be presented to the Council for approval. Details of the meeting (time, venue etc) were also provided so that any interested people could attend or address the Council prior to the decision being made.
39. All submitters will be advised of the Council's decision.

STAFF RECOMMENDATION

It is recommended that the Council approve:

- (a) The proposed pedestrian crossing improvements at the Moorhouse Avenue – Barbadoes Street – Waltham Road intersection, as shown in Attachment 1, and the Moorhouse Avenue – Fitzgerald Avenue – Falsgrave Street intersection, as shown in Attachment 2.
- (b) The following parking restrictions to take effect following completion of construction:

Revoke existing Parking Restrictions

- (i) That the existing parking restrictions on the south side of Moorhouse Avenue commencing at its intersection with Falsgrave Street and extending in a westerly direction for a distance of 11 metres be revoked.
- (ii) That the existing parking restrictions on the west side of Falsgrave Street commencing at its intersection with Moorhouse Avenue (west) and extending in a southerly direction for a distance of 76 metres be revoked.

Adopt New Stopping Restrictions

- (i) That the stopping of vehicles be prohibited at any time on the south side of Moorhouse Avenue (west) commencing at its intersection with Falsgrave Street and extending in a westerly direction for a distance of 25 metres.
- (ii) That the stopping of vehicles be prohibited at any time on the west side of Falsgrave Street commencing at its intersection with Moorhouse Avenue (west) and extending in a southerly direction for a distance of 80 metres.
- (iii) That the stopping of vehicles be prohibited at any time on the east side of Falsgrave Street commencing at its intersection with Moorhouse Avenue (east) and extending in a southerly direction for a distance of 15 metres.

Adopt new Traffic Signal Controls

- (i) That the intersection of Moorhouse Avenue, Barbadoes Street and Waltham Road excluding the left turn slip lane from Moorhouse Avenue (east) to Waltham Road be controlled by Traffic Signals.
- (ii) That the intersection of Moorhouse Avenue, Fitzgerald Avenue and Falsgrave Street excluding the left turn slip lane from Moorhouse Avenue (west) to Fitzgerald Avenue be controlled by Traffic Signals.

Adopt new Zebra (pedestrian) Crossings

- (i) That a zebra (pedestrian) crossing be installed on the south east corner of the Moorhouse Avenue, Barbadoes Street and Waltham Road intersection across the left turn slip lane from Moorhouse Avenue (east) to Waltham Road.
- (ii) That a zebra (pedestrian) crossing be installed on the north west corner of the Moorhouse Avenue, Fitzgerald Avenue and Falsgrave Street intersection across the left turn slip lane from Moorhouse Avenue (west) to Fitzgerald Avenue.

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BACKGROUND

40. Moorhouse Avenue is a six lane, median-divided arterial route carrying an average of 39,000 vehicles over the peak four days, and an average of 37,800 vehicles over seven days.
41. Morning peak hour (8am - 9am) traffic at the Moorhouse Avenue – Barbadoes Street – Waltham Road intersection shows 913 from Barbadoes Street, 1017 vehicles approaching from Waltham Road, 1766 entering the intersection from Moorhouse Avenue (east), and 721 from Moorhouse Avenue (west).
42. Morning peak hour (8am – 9am) traffic at the Moorhouse – Fitzgerald Avenue – Falsgrave Street intersection shows 1156 vehicles entering the intersection from Fitzgerald Avenue, 138 from Falsgrave Street, 726 entering from Moorhouse Avenue east, and 945 from Moorhouse Avenue west.
43. A detailed investigation for crash history has been carried out using New Zealand Transport Agency (NZTA) Crash Analysis System over the 5 year period 2005-2009. The crash data for the Moorhouse Avenue – Barbadoes Street – Waltham Road intersection shows a total of 32 crashes, eight resulting in personal injury, one of these reported as serious. Fourteen involved vehicles hitting the car in front and seven involved turning movements. No crashes involved pedestrians or cyclists.
44. Crash data revealed 28 crashes at the Moorhouse Avenue – Fitzgerald Avenue – Falsgrave Street intersection from 2005 - 2009. Eight involved personal injury, one serious. Ten drivers were turning right from Fitzgerald Avenue and 11 drivers lost control while travelling through the intersection. Two crashes involved drivers turning right from Moorhouse Avenue (east) to Falsgrave Street but there were no crashes involving vehicles swerving into another lane to avoid right turning movements. No crashes involved cyclists and one pedestrian was hit by a car turning left from Falsgrave Street.

26. 8. 2010

15. OFFICIAL NAMING OF THE PARK OF REMEMBRANCE

General Manager responsible:	General Manager City Environment DDI 941-8608
Officer responsible:	Unit Manager Asset and Network Planning
Author:	David Sissons , Senior Parks and Waterways Planner

PURPOSE OF REPORT

1. To seek a Council resolution to adopt the name "Park of Remembrance" for the area of reserve lying between Cashel Street and Hereford Street, bounded on the west by Cambridge Terrace, and on the east by the River Avon.

EXECUTIVE SUMMARY

2. On 7 March 2007 a memorial to Private Henry Nicholas was unveiled at the Park of Remembrance, alongside the Avon River, on the downstream side of the Bridge of Remembrance. The memorial was commissioned by the Canterbury District Returned and Services' Association (RSA) and the Council.
3. This name for the park was first used by staff in February 2004. The idea of a Park of Remembrance was suggested as a logical progression from the nearby Bridge of Remembrance, which it was feared could in time become cluttered with commemorative plaques unless alternative sites were identified and planned. It was also proposed that the new park could acknowledge future overseas peacekeeping activity.
4. The new name was used in the titles of the various staff reports and in the public consultation that led to the erection of the statue to Private Nicholas in the park. Councillors made no recorded comment for or against the use of the name at that time.
5. Up to that time there had been no popular name for the area. The Council maintenance staff had generally referred to it as 'Police Bank' because it was near to the police station.
6. On 17 June 2008 the RSA wrote to Council staff requesting the erection of a name sign and offering a contribution towards the cost of the sign. In this letter the RSA explained that "when the project was first approved by the Christchurch City Council it was agreed to name the area where the Nicholas statue is positioned as "The Park of Remembrance" reflecting the closeness of the Bridge of Remembrance, and the "Peace Theme" that Christchurch is known for.
7. To date, the Council has avoided introducing name signs which might clutter the open space character of the river corridor. At present the only name sign is a cast bronze one at the Firefighters' Reserve. However several of the riverbank areas do have names, for instance The Bricks (named before 1850), Victoria Square (named around 1896), Rhododendron Island (named before 1902, probably 1880s), Barker Avenue (named around 1898), Mill Island (named around 1898), Poplar Crescent (name formalised around 1928), Friendship Corner (named by Council resolution in 1978), Cambridge Green (named by Council resolution in 2000), and Firefighters' Reserve (named by Council resolution in 2002).
8. At the time of the RSA letter, staff were about to prepare a new standard practice for park signage throughout the city, and therefore there was a need to delay this matter until the new sign standards had been introduced. They are now being installed, for instance around Hagley Park and the Botanic Gardens, and therefore it is now possible to move forward on the RSA proposal.

FINANCIAL IMPLICATIONS

9. See below.

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

10. The RSA have offered funds to be put towards the cost of the sign. They have also said that they "would be more than happy to make representation direct to the Mayor for some financial support if required", should the cost of the sign installation (including obtaining resource consent if needed) is greater than the funds that they have set aside for it.

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LEGAL CONSIDERATIONS

11. See below.

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

12. This report is directed to the Council meeting rather than first going through the Hagley/Ferrymead Community Board because the Delegations Register says that Delegations for "Roading and Parks issues" in the "Central City Area" are to be exercised by the Council with reports on those matters coming directly to the Council.
13. The Policy Register's Naming of Reserves and Facilities Policy says that "For reserves having local or major status, naming proposals, including options, shall in the first instance be referred to the appropriate Community Board. To the extent deemed necessary, proposals will then be referred to the community for comment prior to formal adoption and recommendation, to the Council", but in practice the Hagley/Ferrymead Community Board has traditionally treated naming as a delegated power.
14. There are no other known legal implications. The park is already a reserve managed for the purposes of lawns, ornamental gardens, and ornamental buildings under the Christchurch City (Reserves) Empowering Act 1971 and the Reserves Act 1977, and this will not change.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. See below.

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

16. Not applicable. The LTCCP is not concerned with the naming of features.

ALIGNMENT WITH STRATEGIES

17. See below.

Do the recommendations align with the Council's strategies?

18. The recommendations align with the Council Policy Register's code of practice for the naming of parks and reserves.

CONSULTATION FULFILMENT

19. The Policy Register's code of practice requires public consultation for naming of reserves "to the extent deemed necessary". Staff consider that consultation would not be needed, because this has been the unofficial name of the area for at least six years.
20. On 17 June 2010 Mana whenua were invited, through Mahaanui Kurataiao Ltd (MKT), to propose a Maori name for the park. MKT concurred "that it is unlikely the Rūnanga would now oppose the erecting of a sign", but at the time of writing they have not been able to provide a Maori name.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Formally resolve to adopt the name "Park of Remembrance" for the area of reserve lying between Cashel Street and Hereford Street, bounded on the west by Cambridge Terrace, and on the east by the River Avon.
- (b) Confirm that no public consultation on the name is required.
- (c) Thank the Returned and Services' Association for the offer to pay for the erection of a name sign.

26. 8. 2010

16. SOUTHERN OPERA APPLICATION TO THE 2010/11 METROPOLITAN DISCRETIONARY RESPONSE FUND

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

PURPOSE OF REPORT

1. The purpose of this report is to provide information to the Council to consider an application for funding from the Southern Opera Charitable Trust. The Southern Opera Charitable Trust have applied for \$100,000 from the 2010/11 Metropolitan Discretionary Response Fund.

EXECUTIVE SUMMARY

2. In 2010/11, the total pool available for allocation for the Metropolitan Discretionary Response Fund is \$145,057. At the time of writing, there is \$145,057 remaining in the Metropolitan Discretionary Response Fund for 2010/11.
3. The purpose of the Fund is to assist community groups where the project and funding request falls outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
4. Applications requesting over \$15,000 require consideration by the Metropolitan Funding Committee. Staff have delegated authority to consider applications up to \$15,000.
5. The application from Southern Opera was originally made to the Metropolitan Strengthening Communities Fund At the Metropolitan Strengthening Communities Fund decision meeting on 5 July 2010, the Metropolitan Funding Committee resolved to consider the application from Southern Opera through the Metropolitan Discretionary Response Fund 2010/11.
6. Attached as **Attachment 1** is detailed information on the application.
7. Staff recommend that the Council make a grant of \$37,500 to the Southern Opera Charitable Trust towards production costs to stage Puccini's opera "Tosca" and Strauss' "Die Fledermaus".

BACKGROUND

Discretionary Response Fund

8. The Council adopted the Strengthening Communities Strategy on 12 July 2007. The Strengthening Communities Grants Funding Programme comprises four funding schemes:
 - (a) Strengthening Communities Fund
 - (b) Small Grants Fund
 - (c) Discretionary Response Fund
 - (d) Community Organisations Loan Scheme.
9. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
10. For detailed information on the Strengthening Communities Strategy's Outcomes and Priorities please see **Attachment 2**. The specific criteria for the Discretionary Response Fund is also attached, see **Attachment 3**.

Application from Southern Opera

11. The application from Southern Opera was originally made to the Metropolitan Strengthening Communities Fund. However, despite the organisation believing that it had electronically submitted an application, no application from this group was received by Council staff.

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16 Cont'd

12. At the Metropolitan Funding Committee decision meeting on 5 July 2010, this application was discussed by the Committee. However, due to the late arrival of the application and its supporting information, and the short timeframe for an staff to make an assessment, the Committee resolved:

That the Metropolitan Funding Committee declines the application from Southern Opera; and That staff be asked to evaluate the Southern Opera application through the Metropolitan Discretionary Fund.

13. Please see **Attachment 1** for detailed information on this application.
14. Staff have recommended this organisation as Priority 2 and for a grant of \$37,500. While the organisation aligns with the Council's outcomes and contributes to arts in the city, it does not have the reach into the community of other performing arts organisations. In comparison:

Organisation	No. of Paid Attendances	No. of Volunteer Hours	Council Priority	Level of Council Grant (2010/11)
Showbiz	36,000	10,660	Priority 1	\$ 110,000 (SCF)
The Court Theatre	138,000	7,830	Priority 1	\$ 135,000 (SCF)
Christchurch Symphony Orchestra	25,200	2,600	Priority 1	\$ 300,000 (SCF) \$ 61,000 (DRF)
City Choir	8,000	250	Priority 2	\$ 15,000 (SCF)
Southern Opera	9,000	500	Priority 2	\$ 37,500 (DRF)

15. In recommending \$37,500, staff have been consistent in the approach taken with other Priority 2 organisations that applied to the 2010/11 Strengthening Communities Fund. As such, staff have recommended a 25 per cent reduction to Southern Opera's previous year's grant of \$50,000.

FINANCIAL IMPLICATIONS

16. None.

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

17. Yes, see LTCCP pages 176 and 177 regarding community grants schemes including Board funding.

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

18. Not applicable.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

19. Yes. Strengthening Communities Funding and Community Board Funding, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding.

ALIGNMENT WITH STRATEGIES**Do the recommendations align with the Council's strategies?**

20. Yes. The funding allocation process is covered in the Council's Strengthening Communities Strategy.

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16 Cont'd

CONSULTATION FULFILMENT

21. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Make a grant of \$37,500 to the Southern Opera Charitable Trust towards production costs to stage Puccini's opera "Tosca" and Strauss' "Die Fledermaus".

26. 8. 2010

17. PERFORMANCE REPORT FOR THE TWELVE MONTHS TO 30 JUNE 2010

General Manager responsible:	General Manager Corporate Services DDI 941-8528
Officer responsible:	Corporate Performance Manager Corporate Finance Manager
Author:	Paul Anderson, General Manager Corporate Services

PURPOSE OF REPORT

- The purpose of this report is to update Council on service delivery, financial, and capital works programme performance results for the 12 months to 30 June 2010. The budgets and targets in this paper are based on those approved by Council in the 2009-19 LTCCP.

EXECUTIVE SUMMARY

- Attached are appendices showing summaries of:
 - Performance against organisational targets as at 30 June 2010 (**Appendix 1**)
 - Financial performance as at 30 June 2010 (**Appendix 2**)
 - Significant capital projects (>\$250,000) as at 30 June 2010 (**Appendix 3**)
 - Housing development fund as at 30 June 2010 (**Appendix 4**)
 - Operational carry forward requests from 2009/10 to 2010/11 (**Appendix 5**)
 - Capital carry forward requests from 2009/10 to 2010/11 (**Appendix 6**)

Levels of Service

- The following paragraphs detail the Council's performance against the levels of service, financial results and delivery of the capital works programme. In summary the results for these targets are:
 - Levels of Service: Result is 90.4 per cent (target 85 per cent).
 - Financial performance: Ratepayer cash operating surplus of \$4.6 million (1.3 per cent of total operating expenditure) and a capital works programme borrowing reduction of \$5.65 million.
 - Capital Works Programme: Gross carry forwards are \$67.4 million, 25.1 per cent of the programme (target 15 per cent).
- The attached report (**Appendix 1**) shows the Council's year-end performance for Level of Service delivery. The actual result was 90.4 per cent of 2009-19 LTCCP levels of service delivered against a target of 85 per cent; 9.6 per cent of levels of service were not achieved. Details of these are included in **Appendix 1**.

Financial Performance

- The key financials for the year are summarised in the table below, with more detail provided in **Appendix 2**:

\$000's	Annual Results			After Carry Forwards		
	Actual	Plan	Variance	Carry Fwd	Result	% Var
Financial Summary						
Operational Funding	352,464	344,550	7,914	9	7,923	2.3%
Operational Expenditure	342,139	344,618	2,480	4,153	-1,673	-0.5%
Cash operating surplus	10,326	-68	10,394	4,144	6,250	
Existing Council allocations					-1,675	
Unallocated cash operating surplus					4,575	
Capital Works Programme	201,109	268,339	67,230	56,494	10,736	4.0%
Works Programme Funding	137,185	150,668	-13,483	8,400	-5,083	-3.4%
Works Programme Borrowing Reqmt	63,924	117,671	53,747	48,094	5,653	

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6. A cash operating surplus of \$6.2 million was achieved in 2009/10, after allowing for operational carry forwards of \$4.1 million. Existing Council allocations of \$1.7 million reduce the unallocated cash operating surplus to \$4.6 million, which is recommended to be used to reduce Council borrowing. There are three key contributors to the cash operating surplus.
- Council's levels of service were delivered for \$1.8 million less budgeted. The main activities contributing to this were: Recreation and Sport Services through higher than expected admittances and memberships; Active Travel through lower maintenance costs on footpaths and berms as a result of mild weather; Public Transport Infrastructure through additional NZTA subsidy revenue; and Wastewater Treatment and Disposal through higher trade waste revenue and lower operating costs at the Waste-water Treatment Plant. Further details of activity performance to budget and can be found in paragraphs 18 to 34, and in **Appendix 2**.
 - Interest expense was less than budgeted by \$2.6 million 2009/10 as a result of lower costs and delayed borrowing.
 - Rates income was higher than budget by \$2.2 million due to a low level of rating objections and higher-than-expected rates penalties.
7. Significant carry forwards proposed include the energy strategy (\$1.1 million) and heritage grants (\$1.2 million). A schedule of all proposed operational carry forwards is attached (**Appendix 5**).

Existing Council allocations of the surplus are comprised of the following (\$000):

Riskpool prepayment	1,098
Events in 2010/11	202
Cruising bylaw signage	340
Early Learning Centres 2010/11 grants shortfall	<u>35</u>
Total	\$1,675

8. The capital works programme was \$10.7 million under budget at year end, after allowing for net carry forwards of \$56.5 million. This is a result of tight management of the scope of Council capital works and favourable tender prices. However, this is offset by lower than expected development contribution revenue and NZTA subsidy, amounting to \$5.1 million. The overall result is a \$5.65 million surplus represented by reduced borrowing.

Operational Funding

9. Operational funding was \$7.9 million better than budget. The key variances were:
- Fees, Charges and Operational Subsidies were \$6.4 million above budget, driven by higher than planned revenue from building consents and inspections (\$3.4 million), cost recoveries relating to private plan changes (\$0.8 million), grants revenue for safety projects and Early Learning Centres (\$0.8 million) as well as higher-than-planned revenue from trade waste charges (\$0.7 million). Partially offsetting this was revenue from fines and court recoveries which was \$0.8 million under budget.
 - Rates income was \$2.2 million higher than budget, \$0.9 million of which is due to penalties.
 - Subvention receipts were \$0.7 million under budget, which is a timing impact as higher receipts were received in the prior year.

Operational Expenditure

10. Operating costs excluding debt servicing were very close to budget for the year. The main reasons were personnel costs, which were \$3.2 million higher than budget, offset by grants costs, which were \$3.0 million less than planned. This consists of community grants not paid out as budgeted and proposed for carry forward, \$1.2 million of Heritage Grants and \$0.4 million for the Arts Centre seismic grant also not paid out, but which are both proposed to be carried forward to 2010/11.

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11. Debt servicing costs were \$2.6 million less than budget, mainly due to lower than planned interest rates and higher than planned capital works carry forwards.

Capital Programme

12. The Capital Works Programme delivered was \$67.2 million below budget (as shown in **Appendices 2 and 3**). The main reason for this variance was delays across the Streets and Transport area, which was \$23.8 million below budget. \$3.4 million relates to the Transport Interchange, \$2.4 million is a result of NZTA funding issues and design delays associated with the Ferrymead Bridge project, while another \$7.5 million was due to delays on various Kerb and Channel projects. In addition, Recreation and Leisure was \$10.1 million below budget, mainly due to delays associated with the Graham Condon Leisure Centre. Financial details of significant capital projects are shown in **Appendix 3** including carry forwards and bring backs.
13. There are \$67.4 million of projects (25.1 per cent of programme) proposed to be carried forward, which exceeds the 15 per cent target. Offsetting this is \$10.9 million of work programmed in future years that has been undertaken in 2009/10, reducing net carry forwards to \$56.5 million. In addition, \$7.3 million of Vbase equity funding for the Town Hall refurbishment is being carried forward to 2010/11, as well as \$3.0 million for Cashmere Forest Park, and \$16,000 for Energy Efficiency projects. Details of all capital carry forwards and brings backs requested is shown in **Appendix 6**.
14. A review of major carry forwards (over \$0.2 million) indicates 40 per cent are caused by internal planning, scheduling or resourcing issues and 60 per cent are caused by delays due to external influences. External influences include land availability and negotiation (\$18.2 million), consenting (\$8.9 million), and key stakeholder issues (\$2.1 million). A small number of projects (\$2.5 million) have also been recommended for carry-forward due to structural assessment results, better alignment with other projects, or NZTA funding delays.
15. Key identified carry-forwards include: Strategic Land Purchases (\$13.6 million), Graham Condon Leisure Centre (\$8.5 million), Christchurch Transport Interchange (\$3.4 million), Cashmere Forest Park (\$3.0 million), Botanic Gardens Entry Pavilion (\$2.8 million), and the Ferrymead Bridge (\$2.1 million).

Capital Funding

16. Capital grants and subsidies were \$4.7 million behind budget, with nearly all being NZTA capital subsidy, which is in line with the Transport capital delays. It is proposed that this amount be carried forward to 2010/11.
17. Development contributions applied to the capital works programme were \$9.6 million less than budget, however \$3.0 million of this will be carried forward for the Cashmere Forest Park, to be drawn down when the project occurs. The balance was principally due to lower receipts than budgeted.
18. Asset sales were \$1.9 million higher than budgeted after taking into account \$3.7 million of carry forwards for central-city properties and remaining Blenheim Road land sales. The higher-than-budgeted asset sales result from the sale of the energy home, the sale of two properties in Upper Riccarton not required for the capital works programme and a refund from IRD for overpaid GST on a previous land sale.

Operational Activities

19. City and Community Long-Term Policy and Planning – This activity was \$1.2 million under budget due to an underspend on consultants' fees, which is a result of changes in delivery timing of some streams of work in a number of projects across the activity and additional work undertaken to support the District Plan. The UDS also required additional resources to address the preparation for various appeals, which have been captured with the District Plan activity.
20. District Plan – This activity was \$1.0 million over budget, primarily as a result of various Council plan changes and appeals for which the costs are not recoverable (eg. Section 293 Belfast).

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21. Heritage Protection – This activity was \$1.8 million under budget, mainly as a result of planned Heritage grants (\$1.2 million) and the Arts Centre seismic grant (\$0.4 million) not yet paid out. Both are proposed to be carried forward to 2010/11.
22. Energy Conservation – The variance of \$1.0 million under budget relates to expenditure delays due to the deferment in starting the Energy Conservation Programme until carbon credit funding was certified and received. The proposal is to carry \$90,000 funding over to 2010/11 and the balance to the end of the programme (2013/14). The spend is committed, sourced from Carbon Credit funding.
23. Strengthening Communities – This activity was \$0.7 million under budget due to an under spend in the Christchurch Safe City Officers and Safety Projects areas, mainly as a result of contractors under-delivering on staffing levels, as well as savings in Injury and Crime Prevention areas from using Ministry of Justice grants carried forward from the previous year.
24. Cultural and Learning Services Capital Revenues – Development Contributions were \$0.5 million less than budgeted.
25. Regional Economic Development – This activity was \$1.2 million higher than budget. The majority of this variance relates to unbudgeted depreciation costs for the Town Hall, which was originally expected to be transferred to Vbase in June 2009.
26. Neighbourhood Parks – This activity was \$1.1 million under budget due to lower-than-budgeted depreciation costs (\$1.1 million).
27. Recreation and Sports Services – This activity was \$0.7 million under budget, due to savings from building capacity projects, combined with strong revenues in admittances and memberships, a reduction in programmed maintenance and savings in electricity costs.
28. Recreation and Leisure Capital Revenues – Development Contributions were \$0.8m less than budgeted.
29. Recyclable Materials Collection and Processing – The \$0.5 million unfavourable variance is largely due to higher depreciation costs (\$0.3 million) than planned.
30. Residual Waste Collection and Disposal – This activity was \$0.8 million over budget due to a revenue shortfall from the Waste Minimisation levy (\$0.2 million) as well as lower-than-expected sales of rubbish bags within the CBD area (\$0.5 million). This was partially offset by depreciation costs being \$0.3 million under budget.
31. Organic Material Collection and Composting – This activity was \$0.8 million under budget due to an under spend on various service contracts. Depreciation costs were also \$0.5 million below budget.
32. Enforcement and Inspections – This activity had a \$1.4 million unfavourable result, primarily due to lower than planned fines revenue around Bus Lane enforcement (\$0.9 million).
33. Regulatory Approvals – This activity was \$1.0 million below budget, driven by revenue from Building Consents and Inspections (\$3.0 million higher), which was partially offset by higher-than-planned expenditure on consultants and legal fees (\$1.1 million). In addition, costs incurred relating to weathertight homes claims were \$0.7 million higher than planned.
34. Road Network – Excluding depreciation costs, which were \$0.7 million lower than planned, this activity was close to budget for the year.
35. Active Travel – This activity was \$0.7 million under budget, due to lower than planned maintenance costs (mainly relating to Footpaths and Berms \$0.3 million) as a result of mild weather for most of the year resulting in less reactive work required. In addition, depreciation costs were also \$0.3 million lower than planned.

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36. Streets and Transport Capital Revenues – Revenue was \$6.5 million less than budget, \$4.9 million of which relates to NZTA capital subsidies (\$4.7 million of which will be carried forward to 2010/11) and \$1.6 million to Road Network Development Contributions.
37. Wastewater Collection – This activity was under budget by \$1.8 million due to lower than planned depreciation costs.
38. Wastewater Treatment and Disposal – This activity was under budget by \$1.0 million, due to higher than planned trade waste revenues (\$0.7 million) and reduced maintenance and polymer costs at the Christchurch Wastewater Treatment Plant (CWTP), in addition to lower than planned depreciation costs (\$0.5 million). This was partially offset by additional maintenance expenditure at the Banks Peninsula treatment plants.
39. Wastewater Collection and Treatment Capital Revenues – Development Contributions were \$2.5 million less than budgeted.
40. Water Supply Capital Revenues – Development Contributions were \$0.4 million less than budgeted.
41. Corporate Revenues and Expenses – The favourable \$4.5 million variance was driven by net interest which is \$2.9 million better than budget (due to lower interest rates and delayed borrowing) and rates income \$2.2 million higher than budget.
42. Revenue recognised from Vested Assets and Land DC's were \$6.7 million and \$2.5 million less than budgeted respectively.

FINANCIAL IMPLICATIONS

43. As above.

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

44. Yes.

LEGAL CONSIDERATIONS

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

45. Yes – there are none.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

46. Both service delivery and financial results are in direct alignment with the LTCCP and Activity Management Plans.

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

47. As above.

ALIGNMENT WITH STRATEGIES

48. Not applicable.

CONSULTATION FULFILMENT

49. Not applicable.

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17 Cont'd

STAFF RECOMMENDATIONS

It is recommended that Council:

- (a) Receive the report.
- (b) Approve operational carry forward requests from 2009/10 of \$4.144 million, funded from the 2009/10 operational surplus, as detailed in Appendix 5, to enable completion of projects in 2010/11 other than the Energy Strategy which will be reprogrammed to 2013/14.
- (c) Approve net capital carry forward requests from 2009/10 of \$63.076 million as detailed in Appendix 6, and an New Zealand Transport Agency capital subsidy carry forward of \$4.7 million as detailed in Appendix 5, to enable completion of capital projects in 2010/11 or later as indicated.
- (d) Allocate \$4.575 million, being the 09/10 cash operational surplus, to the Debt Repayment Reserve to be used to reduce future borrowing requirements.

26. 8. 2010

18. EXTENSION OF THE CHRISTCHURCH MUSIC CENTRE LEASE AND SUB-LEASE

General Manager responsible:	General Manager Strategy & Planning, DDI 941-8281
Officer responsible:	Programme Manager Liveable City
Author:	Neil Carrie, Principal Advisor Heritage

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to the extensions of the term done by variation to the current leases (the extensions) for the Christchurch Music Centre. The proposed extensions are for the Head Lease between the Institute de Notre Dame des Missions Trust Board and the Council and the Sublease between the Council and the Christchurch City Music Trust (site shown in **Attachment 1**).

EXECUTIVE SUMMARY

2. On 25 February 1994 the Council signed a Head Lease of the Christchurch Music Centre Premises with the landowner, the Institute De Notre Dame Des Missions Trust Board (Sisters of Our Lady of the Missions). The Head Lease granted to the Council, as Head Lessee, a lease of the Music Centre for 19 years and 364 days from 24 February 1994, and expiring on 23 February 2014. The Head Lease also granted the Council consent to Sublease the Music Centre premises to groups that had music as a core activity.
3. With the signing of the Head Lease on 25 February 1994 the Council entered into a Sublease with the Christchurch City Music Trust (the Trust) granting a sublease of the Music Centre premises for a term commencing on 24 February 1994 and expiring on 23 February 2014. The area of land was extended in 2001 to include the Portery and Hostel.
4. The terms of the Head Lease and the Sublease were limited to 19 years and 364 days to avoid the provisions of the Resource Management Act 1991 that deemed a lease of 20 years or more to be a subdivision of land requiring a subdivision consent.
5. In 2003 the Resource Management Act was amended such that a deemed subdivision subject to a lease arrangement would only arise if the term of the lease and all renewals exceeded 35 years. This statutory change therefore permits the term of the Head Lease and the Sublease to be extended from 20 years to 35 years without the need to obtain a subdivision consent.
6. Both the Sisters of our Lady of the Missions and the Trust gave initial approval to the Council in 2008 for the extension of the Head Lease and the Sublease respectively, (on the same terms and conditions as the original Heads of Agreements) for a further 15 years to 2029. The Sister's solicitors have reconfirmed on 28 July 2010 of their written agreement to extend the lease with the Council to 2029. The Diocese provided written support for the Council lease extension on 20 July 2010. Reconfirmation to extend the lease the lease agreement was also obtained from the Trust on 30 June 2010.
7. The Council has a very good working relationship with the Trust. The building is fully occupied and all discussions with the Trust indicate it is likely to remain so. It is in the city's interests to retain the heritage buildings and to have a centre devoted to education and other activities in the music-related arts. It also contributes towards enhancing the city's reputation as a centre of the arts and of learning including the relationship with the Christchurch Polytechnic Institute of Technology. The Music Centre and the reuse of the heritage building also has a complementary relationship with the Central City Revitalisation Strategy and the Central City South Masterplan.
8. The Music Centre Trust Board intends to fund \$2 million for deferred maintenance and minor construction. This includes a \$750,000 grant contribution over seven years approved by the Council in the 2009-2019 LTCCP. The extension of the lease would provide additional security of tenure for the works to be undertaken.

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9. Continued funding from sources such as the New Zealand Lottery Grants Board would benefit from the certainty of this lease extension. In the medium term, once the lease extension is resolved, it will be possible to investigate the most appropriate long-term lease arrangement with the Sisters of Our Lady of the Missions. This would require that the Council obtain a resource consent for the subdivision. The current lease between the Sisters and the Council provides for a lease extension to 2060, subject to the Council obtaining subdivision approval. The Catholic Diocese and the Trust have also indicated their support for investigating a longer-term lease arrangement.

FINANCIAL IMPLICATIONS

10. There are no direct financial implications in extending the term of the Heads of Agreement to Lease for a further 19 years other than that the Council pays a nominal annual rental of \$1.00 to the Landlord under the Head Lease and receives a nominal annual rental of \$1.00 under the Sublease.
11. The proposed extension of the term of the Head Lease will involve the Council accepting the obligations of the Head Lessee under the Head Lease for the extended period. The obligations imposed on the Council under the Head Lease substantially relate to matters of repair and maintenance. Under the Head Lease the Council as Lessee is to "carry out, complete and meet all costs of all repairs, maintenance, strengthening, improvements and other works necessary to bring the premises to a standard required for the [business use] and in compliance with the Resource Management Act 1991, the Building Act 2004 and all other statutes ordinances regulations and by laws". In addition the Lessee is required to "keep the exterior of the buildings and the grounds of the property in a neat and tidy and attractive condition throughout the term of the lease".
12. However, it should be noted that the Trust, as subtenant under the Sublease, has agreed to be responsible for these repair and maintenance obligations. The risk of these arrangements is that if the Sublease was terminated for whatever reason the obligation for repairs and maintenance of the Music Centre buildings would fall to the Council.
13. However, the Head Lease makes provision that in such circumstances the Council could terminate the Head Lease on the giving of three months written notice. In addition the Head Lease contains an express provision excluding any right of the Head landlord (ie the Sisters) to make any claim against the Council as Head Lessee in the event that the premises are "in need of repair or structurally unsound".

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

14. Not applicable.

LEGAL CONSIDERATIONS

15. In 2003 the Resource Management Act was amended to provide that a deemed subdivision in respect of a lease arrangement would only arise if the term of the lease and all renewals exceeded 35 years. Previously the relevant period was only 20 years. This statutory change therefore permits the term of the Head Lease and the Sublease to be extended from 20 years to 35 years without the need to obtain a subdivision consent under the Resource Management Act.

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

16. Yes, see above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. 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). The lease extension will contribute towards the continuing protection of the heritage buildings, and site of the Music Centre which is the measure under the outcome. The Community Outcome 8 "A city of lifelong learning" (LTCCP 2009-19, page 54) includes a success measure – "A broad range of learning opportunities is available in Christchurch" which is supported by the continuing Music Centre activities.

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

18. Yes.

ALIGNMENT WITH STRATEGIES

19. Council Strategies and Policies which are directly aligned with heritage conservation, the arts, culture and learning include:
20. Greater Christchurch Urban Development Strategy (UDS)
Heritage development projects provide opportunities for increased commercial and residential activity in the City while at the same time enhancing the heritage townscape. The UDS considers heritage as an integral part of Christchurch and an aspect of growth management provided for is through the protection, maintenance and enhancement of heritage.
21. Christchurch City Plan
Heritage redevelopment projects are consistent with the Heritage provisions of the City Plan: Volume 2, Section 4, City Identity, Objective 4.3 Heritage Protection provides for objectives and policies in relation to Heritage protection. It recognises that Christchurch is a cultural and tourist centre, a role mainly dependent on its architectural, historic and scenic attractions. Much of its distinctive character is derived from buildings, natural features, other places and objects which have over time, become an accepted part of the cityscape and valued features of the City's identity ... Protection of heritage places includes cultural, architectural, ... areas of character, intrinsic or amenity value, visual appeal or of special significance to the Tangata Whenua, for spiritual, cultural or historical reasons. This protection may extend to include land around that place or feature to ensure its protection and reasonable enjoyment. A heritage item may include land, sites, areas, buildings, monuments, objects, archaeological sites, sacred sites, landscape or ecological features in public or private ownership.
22. Central City Revitalisation Strategy
Inner city heritage improvement projects are consistent with the vision for the Central City to cultivate a distinct identity that is unique to the city's environment and culture. This strategy places particular emphasis on the heritage of our Central City. The Christchurch Central City contains over half of the city's entire heritage assets. The Vision for the Strategy includes the fostering of Christchurch as a place of culture, recreation, social interaction and learning. Implementation of the Strategy includes the development of central city precincts. Precincts identified in the Strategy in its priority projects and programmes include the Catholic Cathedral – Christchurch Polytechnic Institute of Technology (CPIT) and the Central City South precincts. The Strategy also recognises the importance of heritage conservation, and the adaptive re-use of heritage items.
23. Arts Policy and Strategy
The Christchurch City Council is committed to achieving an enlivened and creative city in which the arts are widely recognised as being essential. The Council's role includes being a planner, co-ordinator and facilitator of arts development and the provision of the arts in the City

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24. New Zealand Urban Design Protocol
Heritage projects improve the quality and design of the urban environment by protecting the heritage of the city, which is stated in the Protocol as being an attribute of successful towns and cities. The extension of the lease period will contribute towards the continued implementation of the New Zealand Urban Design Protocol of March 2005 of which the Council is a signatory body.
25. Heritage Conservation Policy
The need for Heritage Protection is recognised under Section 5 of the Heritage Conservation Policy. The Re-use of Heritage buildings provides for the adaptive re-use of heritage buildings as a means of heritage protection under Section 7 of the Policy. As noted above under the LTCCP heading, the Heritage Conservation Policy aligns with the Community Outcome "An attractive and well-designed City" through the indicator "Number of heritage buildings, sites and objects".
The Heritage Vision and Mission policy provides for the Council to provide support to the community for the protection of heritage.
26. ICOMOS New Zealand Charter
Heritage protection is aligned with the ICOMOS New Zealand Charter 1993 for the Conservation of Places of Cultural Heritage Value, which the Council has adopted. The concept of places incorporates landscape, buildings, archaeological sites, sacred places, gardens and other objects. ICOMOS considers that countries have a "general responsibility towards humanity" to safeguard their heritage for present and future generations.

Do the recommendations align with the Council's strategies?

27. Yes.

CONSULTATION FULFILMENT

28. As noted above, agreement for the lease extension has been obtained from the Institute De Notre Dame Des Missions Trust Board, the Christchurch City Music Trust and support from the Catholic Diocese.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approves the extension of the term of the Head Lease of the Christchurch Music Centre premises from The Institute de Notre Dame des Missions Trust Board to the Council for an additional period of 15 years commencing on 24 February 2014 and expiring on 23 February 2029.
- (b) Approves the extension of the term of the Sublease of the Christchurch Music Centre premises from the Council to the Christchurch City Music Centre Trust Board for an additional period of 15 years commencing on 23 February 2014 and expiring on 22 February 2029.
- (c) Authorises and delegates to the Unit Manager, Corporate Support the power to enter into, on behalf of the Council, such documentation as is required to implement the above arrangements.

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BACKGROUND

29. At its meeting of 10 August 1993 the Council agreed to the lease of the former Convent and Chapel vacated by the Sisters of Our Lady of the Missions (the Sisters). The buildings that now constitute the Music Centre had become too expensive to maintain and would have been demolished had it not been for public support to retain the buildings for re-use as a Music Centre. A Notice of Requirement for a Heritage Order was issued to prevent its demolition but subsequently lifted as a condition that a Head Lease was entered into between the Sisters and the Council.
30. On 25 February 1994 the Council signed a Head Lease (varied on 21 August 2001 to include the former Portery and hostel) of the Music Centre Premises with the landowner, the Institute De Notre Dame Des Missions Trust Board (Sisters of Our Lady of the Missions). The Head Lease granted to the Council, as Head Lessee, a lease of the Music Centre for nineteen years and 364 days from 24 February 1994 and expiring on 23 February 2014 and granted the Council consent to sublease the Music Centre premises to groups that had music as a core activity.
31. With the signing of the Head Lease on 25 February 1994 (varied on 21 August 2001) the Council entered into a Sublease with the Christchurch City Music Trust granting a sublease of the Music Centre premises for a term commencing on 25 February 1994 and expiring on 23 February 2014.
32. The Council agreed to pay the Sisters \$90,000 in consideration of the Sisters entering into the Agreement.
33. A further term under the Head Lease was that the term could be extended to a period of sixty six years from the commencement date if Council, at its own expense, obtained an appropriate resource consent for subdivision under the Resource Management Act 1991.
34. The Christchurch City Music Trust was formed to administer the buildings and the Music Centre with the Head Lessee being the Christchurch City Council. In August 2001 the Portery and Hostel buildings were offered for lease by the Sisters of our Lady of the Missions to the Council and were added to the Music Centre complex administered by the same Trust under the same terms with the same expiry date of 24 February 2014.
35. In 2006 the provisions of the Resource Management Act 1991 defining when a resource consent to subdivide land is required were amended. It is now possible to extend the terms of the Head Lease and the Sublease to 35 years without being required to obtain a subdivision consent. The Council has obtained the approval of the Institute De Notre Dame Des Missions Trust Board to extend the term of the head lease to 35 years. The Christchurch City Music Trust has also agreed to the extension of the term of the Sublease for the same period.

THE OBJECTIVES

36. The continuing support of the music related cultural activities of the Christchurch Music Centre and the protection and maintenance of the significant heritage buildings of the former Convent, Chapel and Portery on the site.

THE OPTIONS

37. There are relatively few options for the Council. Doing nothing would result in the existing Head Lease and Sublease expiring in 2014. The option of undertaking a subdivision of the site to enable a longer term lease of the site and heritage buildings is a medium term option which will require further investigation and negotiation with the Sisters of our Lady of the Missions and the Catholic Diocese.

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THE PREFERRED OPTION

38. To extend the Head Lease and Sublease to the maximum period of 35 years allowed under the amended Resource Management Act 2003 to 2029. To extend the leases of the buildings for a further 15 years will enable the existing arrangement to extend for that period and will provide greater security for planned expenditure of \$2 million by the Christchurch City Music Trust for improvements to the buildings. It is sensible to make use of the current provisions of the Resource Management Act. It is an easier option administratively to extend the lease rather than subdivide earlier than would otherwise be required.

ASSESSMENT OF OPTIONS**The Preferred Option**

39. To extend the term of the lease with the Sisters of our Lady of the Missions and the Sublease to the Christchurch Music Centre to 35 years.

	Benefits (current and future)	Costs (current and future)
Social	Supports the well-being of the Christchurch music community including school children.	Nil
Cultural	Benefits the continuation of Christchurch music related cultural activities.	Nil
Environmental	Supports the retention and continuing use of the heritage buildings and site.	Nil
Economic	Direct economic benefits would be insignificant.	Continuing financial support for maintenance and administrative assistance.
<p>Extent to which community outcomes are achieved: This option supports the Community Outcome 'An attractive and well-designed City' and the success measure that "Our heritage is protected for future generations" and the Community Outcome "A city of lifelong learning" and the success measure "A broad range of learning opportunities is available in Christchurch".</p> <p>Impact on the Council's capacity and responsibilities: Support for the social, cultural and environmental benefits and possible continued financial assistance would be for a longer period than for which the Council is currently committed.</p> <p>Effects on Maori: Not applicable.</p> <p>Consistency with existing Council policies: Supports continuing use and protection of heritage buildings and the re-use of heritage buildings for cultural purposes. Consistent with the priority actions identified in the Central City Revitalisation Strategy.</p> <p>Views and preferences of persons affected or likely to have an interest: Agreement has been reached to extend the lease with the Sisters of our Lady of the Mission as owners, and the Christchurch Music Centre Trust as sub-lessee for the heritage buildings and site.</p> <p>Other relevant matters: Nil.</p>		

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Maintain the Status Quo (if not preferred option)

40. To leave the term of the lease with the Sisters of our Lady of the Missions and the Sublease to the Christchurch Music Centre unaltered.

	Benefits (current and future)	Costs (current and future)
Social	Nil	Loss of support to the community for an extended period.
Cultural	Nil	Loss of support for cultural activities at the Music Centre for an extended period.
Environmental	Nil	Limiting the period for protection of heritage buildings on this site for the future.
Economic	Limiting Council financial support to the shorter current term.	Ability of Music Centre to attract external funding likely to be impacted.
<p>Extent to which community outcomes are achieved: A reduction in the continuing achievement of Community Outcomes for <i>'An attractive and well-designed City'</i> and the success measure that <i>"Our heritage is protected for future generations"</i> and a reduction in the activities for the Community Outcome <i>"A city of lifelong learning"</i> and the success measure <i>"A broad range of learning opportunities is available in Christchurch"</i>.</p> <p>Impact on the Council's capacity and responsibilities: Not extending the lease could leave the Music Centre, a successful adaptive reuse of a heritage building, without a home.</p> <p>Effects on Maori: Not applicable.</p> <p>Consistency with existing Council policies: Does not support current Council policies for heritage protection or Central City Revitalisation Strategy</p> <p>Views and preferences of persons affected or likely to have an interest: A loss of support and the expectations of the Sisters of the Lady of the Missions, the Christchurch Music Centre Trust.</p> <p>Other relevant matters: Nil</p>		

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19. REPORT OF THE REGULATORY AND PLANNING COMMITTEE: MEETING OF 5 AUGUST 2010

Attached.

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20. NOTICES OF MOTION

21. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 26 AUGUST 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 22, 23, 24, 25, 26 and 27.

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
22. CONFIRMATION OF MINUTES: COUNCIL MEETING OF 23.7.2010 AND 12.8.2010)	
23. REPORT OF A MEETING OF THE SHIRLEY/PAPANUI COMMUNITY BOARD: MEETING OF 30 JUNE 2010)	
24. REPORT OF A MEETING OF THE RICcarton/WIGRAM COMMUNITY BOARD: MEETING OF 29 JUNE 2010)	
25. REPORT BY THE CHAIRPERSON OF THE HAGLEY/FERRYMEAD COMMUNITY BOARD: 4 AUGUST 2010) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7	SECTION 48(1)(a)
26. APPOINTMENT OF DIRECTOR TO THE BOARDS OF LYTTELTON PORT COMPANY AND CHRISTCHURCH INTERNATIONAL AIRPORT LTD)	
27. BANKS PENINSULA PROPOSED DISTRICT PLAN: VARIATION 6 – HELICOPTER LANDING AREAS)	

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 22	Conduct of negotiations	(Section 7(2)(i))
Item 22	Commercial activities	(Section 7(2)(h))
Item 22	Prejudice commercial position	(Section 7(2)(b)(ii))
Item 23	Protection of privacy of natural persons	(Section 7(2)(a))
Item 24	Protection of privacy of natural persons	(Section 7(2)(a))
Item 25	Conduct of negotiations	(Section 7(2)(i))
Item 25	Prejudice commercial position	(Section 7(2)(b)(ii))
Item 26	Protection of privacy of natural persons	(Section 7(2)(a))
Item 27	Council to make a recommendation	(Section 48(1)(d))
Item 27	Right of appeal exists	(Section 48(2)(a))

Chairman's

Recommendation: That the foregoing motion be adopted.

Note

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

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

CHRISTCHURCH CITY COUNCIL AGENDA (Cont'd)

THURSDAY 26 AUGUST 2010

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES, 53 HEREFORD STREET

CHRISTCHURCH CITY COUNCIL

Thursday 26 August 2010 at 9.30am
in the Council Chamber, Civic Offices, 53 Hereford Street

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

ITEM NO	DESCRIPTION	PAGE NO
28.	NOTICES OF MOTION (CONT'D)	3

28. NOTICES OF MOTION (CONT'D)

To consider the following motion, notice of which has been given by Councillor Williams and pursuant to Standing Order 3.10.1.

28.1 That the Council:

- (a) Note that by resolution on 23 April 2009 the Council supported a reduction in the legal blood alcohol concentration (BAC) for drivers over 20 years old from 0.08% to 0.05%.
- (b) Write to the Minister of Transport and members of Cabinet asking them to promote a change to transport legislation to lower the legal blood alcohol concentration for drivers over 20 years old from 0.08% to 0.05%, to reduce the impact of drink driving on our roads.

CHRISTCHURCH CITY COUNCIL AGENDA (Cont'd) No 2

THURSDAY 26 AUGUST 2010

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES, 53 HEREFORD STREET

CHRISTCHURCH CITY COUNCIL

Thursday 26 August 2010 at 9.30am
in the Council Chamber, Civic Offices, 53 Hereford Street

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

ITEM NO	DESCRIPTION	PAGE NO
29.	RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D)	3

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29. RESOLUTION TO EXCLUDE THE PUBLIC (CONT'D)

Attached.

THURSDAY 26 AUGUST 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 30 and 31.

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
30. INNER CITY DEVELOPMENT) GOOD REASON TO) WITHHOLD EXISTS) UNDER SECTION 7	SECTION 48(1)(a)
31. CANTERBURY DEVELOPMENT CORPORATION		

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 30	Conduct of negotiations	(Section 7(2)(i))
Item 31	Conduct of negotiations	(Section 7(2)(i))

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."

To consider the following motion, notice of which has been given by Councillor Williams and pursuant to Standing Order 3.10.1.

28.1 That the Council:

- (a) Note that by resolution on 23 April 2009 the Council supported a reduction in the legal blood alcohol concentration (BAC) for drivers over 20 years old from 0.08% to 0.05%.
- (b) Write to the Minister of Transport and members of Cabinet asking them to promote a change to transport legislation to lower the legal blood alcohol concentration for drivers over 20 years old from 0.08% to 0.05%, to reduce the impact of drink driving on our roads.