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**REGULATORY AND PLANNING COMMITTEE
5 AUGUST 2010**

**A meeting of the Regulatory and Planning Committee
was held in the No. 3 Committee Room
on Thursday 5 August 2010 at 9am.**

PRESENT: Councillor Sue Wells (Chairperson),
Councillors Helen Broughton, Sally Buck, Ngaire Button, Yani Johanson,
Claudia Reid, Bob Shearing, Mike Wall.

APOLOGIES: An apology for absence was received and accepted from Councillor
Chrissie Williams.

Councillor Broughton retired at 11.41am and was absent for items 2-7 and 9.

Councillor Shearing retired at 11.41am and was absent for items 2-7 and 9.

The Committee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

**1. REPORT TO THE REGULATORY AND PLANNING COMMITTEE FROM THE ALCOHOL POLICY
AND LIQUOR CONTROL BYLAW SUBCOMMITTEE ON ALCOHOL-RELATED ISSUES IN THE
ILAM AREA**

General Manager responsible:	General Manager Strategy and Planning DDI 941-8281
Officer responsible:	Programme Manager Strong Communities
Author:	Ilam Alcohol Working Party

PURPOSE

1. This report presents the findings and recommendations of the Committee and the Alcohol Policy and Liquor Control Bylaw Subcommittee based on the report from the Ilam Alcohol Working Party. The report summarises the information gathered by the working party and discusses possible options for addressing alcohol-related issues in the Ilam area.

EXECUTIVE SUMMARY

2. On 28 May 2009 the Council adopted the Alcohol Restrictions in Public Places Bylaw 2009 (the "Bylaw"). At the same meeting, the Council agreed that further work be undertaken to investigate the possibility of applying the Bylaw to an area around the University of Canterbury in response to residents' concerns.
3. On 23 June 2009, the Liquor Control Bylaw and Alcohol Policy Subcommittee resolved to form the Ilam Alcohol Working Party consisting of Councillors Yani Johanson (Chair), Helen Broughton and Bob Shearing, and Beth Dunn as the nominated member of the Riccarton/Wigram Community Board. The Terms of Reference of the Working Party were:

That further work be undertaken to investigate the possibility of applying the Bylaw to an area in the public places around the University of Canterbury in Ilam, in conjunction with the Liquor Control Bylaw and Alcohol Policy Subcommittee, and that the Subcommittee be authorised to form any appropriate working parties to give effect to this resolution.

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4. The Working Party asked a range of interested parties to comment on their perception of alcohol-related problems or nuisances in the Ilam area¹ (with a focus on the past 12 to 18 months) and any evidence of such problems/nuisances. These parties were Community Watch Riccarton, the Ilam and Upper Riccarton Residents Association, the New Zealand Police, the University of Canterbury Students' Association (UCSA), the University of Canterbury and a small group of residents living in the vicinity of the University. A summary of these meetings is appended as **Attachment 1** (separately circulated).
5. Stakeholders differed in their view of the scale and extent of problems but there appears to be a general consensus that there are problems associated with intoxicated people on the streets. Problems predominantly occur late at night and include:
 - Damage and disorderly behaviour.
 - Broken glass and other litter (on the street and footpaths, and in parks).
 - Noise (both from parties and people walking by late at night).
 - Local residents, particularly elderly residents, feeling scared and intimidated as a result.
6. The Police and other stakeholders noted that there have been particular issues associated with Bush Bar at the Bush Inn relating to large numbers of people congregating and drinking in the car park area. Problems are also associated with intoxicated people walking from the Foundry Bar at the University to the Bush Bar after the Foundry closed for the night, but this appears to have been moderated by the Liquor Licensing Authority bringing back the time to which the Bush Bar may sell alcohol from 2am to 1am.
7. There was a marked difference in view on the scale of alcohol-related problems and the extent to which the situation has improved in recent years. Residents report problems are worse than in previous years but Community Watch, NZ Police, Ilam and Upper Riccarton Residents Association and the UCSA all stated they believed 2009 was a better year and there was a distorted perception of the issues due to media coverage of historical events.
8. There is limited data of the evidence available to help determine the scale of problems. The Council statistics on complaints about broken glass in the Ilam area indicate that ten or less (non-accident-related) complaints were recorded in each of the past five years. However, due to the fact that broken glass has multiple sources aside from alcohol use and there is limited ability to identify the persons responsible, using broken glass as the defined measure of alcohol issues with students in Ilam is a flawed methodology. Hence, it is not possible to collect this information separately for Ilam within the Council database.
9. Police data on disorder, assaults and wilful damage in the area in the 18 months between 1 January 2008 and 30 June 2009 suggests that the area between Riccarton Road and Blenheim Road is of more concern than the area around the University. The data does not provide a clear picture about whether the situation is improving or getting worse.
10. Residents have stated they feel applying the Bylaw to public places around Ilam would address some of the issues. However, there are mixed views on the cause of the issues being attributed to drinking in public places; most stakeholders feel it is intoxication rather than drinking in a public place that is the underlying issue and an alcohol restriction in public places according to the Bylaw would not address this.
11. Various options aside from instating the Bylaw to the Ilam area have been identified by the Working Party as part of the process of determining appropriate solutions, many of which involve outside agencies and/or lie outside the scope of Council.
12. Two of these tactics have already been actioned due to the critical timing with the start of the university year and orientation week. These were to write to local residents about knowing which agency to contact (either the Council or Police) depending on the issue arising, and to

¹ The area under investigation was broadly defined by the working party as being bounded by Memorial Avenue, Fendalton Road, Deans Avenue, Blenheim Road, Curletts Road, Peer Street and Waimairi Road.

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write to the Vice-Chancellor encouraging him to communicate his expectations to students for their alcohol use.

13. One of these options included the establishment of an inter-agency group of key stakeholders that would carry on investigating collaborative tactics to address the issues within the community and to explore ongoing monitoring of the situation in Ilam. As Community and Public Health has taken the initiative to bring together a number of key stakeholder agencies to look at the wider issues of alcohol use amongst university students, it was agreed the best way forward would be to continue this work as part of this overall project with a particular focus on Ilam. This was to avoid duplication of meetings and purpose with the same stakeholders.
14. The Community Development Advisor and the Community Engagement Advisor for Riccarton/Wigram will be the Council's representatives on this inter-agency group, and will be taking a leading role in the management and liaison with the other agencies' representatives, local residents and the Community Board.
15. The key recommendations from the Ilam Alcohol Working Party are:
 - Not to consider applying the Alcohol Restrictions in Public Places Bylaw 2009 (either permanent or temporary) in the Ilam and Riccarton area at this time.
 - To propose that the Council investigate further the installation of CCTV cameras for Ilam Road that will link into the University Security system
 - To propose the kerbside bin collection days are changed from Thursday to earlier in the week.
 - Note the Council is to be a lead agency working with key stakeholders in the community to monitor the situation, compile data and look at collaborative short and long term options to address the ongoing issues within the Ilam area.
 - To reconvene the Ilam Alcohol Working Party in July to review the monitoring and effectiveness of initiatives put in place with a view to giving consideration to the formation of a governance group.
 - To requests that the Call Centre develop an improved system to record nuisance type complaints in the Ilam area that do not generate a request for service.

BACKGROUND

16. On 28 May 2009 the Council adopted the Alcohol Restrictions in Public Places Bylaw 2009. The bylaw prohibits the consumption of alcohol and restricts the possession and carriage of alcohol in public places within certain areas of the district (Alcohol Ban Areas). At the same meeting, the Council agreed:

That further work be undertaken to investigate the possibility of applying the Bylaw to an area in the public places around the University of Canterbury in Ilam, in conjunction with the Liquor Control Bylaw and Alcohol Policy Subcommittee, and that the Subcommittee be authorised to form any appropriate working parties to give effect to this resolution.

17. On 23 June 2009, the Liquor Control Bylaw and Alcohol Policy Subcommittee resolved to form a working party consisting of Councillors Yani Johanson (Chair), Helen Broughton and Bob Shearing, and a nominated member of the Riccarton/Wigram Community Board. Beth Dunn was subsequently nominated by the Community Board.

Legislative requirements*Power to make a liquor control bylaw*

18. The Local Government Act 2002 enables the Council to make bylaws for liquor control purposes. Such bylaws can prohibit, regulate or control:
 - (a) The consumption of liquor in a public place.
 - (b) The bringing of liquor into a public place.

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- (c) The possession of liquor in a public place.
 - (d) In conjunction with a prohibition under (a) to (c), the presence or use of a vehicle in a public place (section 147(2)).
19. A public place is defined as a place that is “under the control of the territorial authority” and “open to, or being used by the public, whether or not there is a charge for admission”. It includes a road, whether or not the road is under the control of the territorial authority (section 147(1)).
20. Section 147(3) provides for certain exemptions relating to unopened bottles or containers, including commercial deliveries to licensed premises, carrying alcohol bought from an off-licence, carrying alcohol to or from BYO licensed premises and carrying alcohol to or from private residences. Some of these exemptions require the alcohol to be promptly removed from public places covered by alcohol restrictions.

Procedure for making bylaws

21. Other sections of the Local Government Act 2002 set out the procedure that must be followed in making bylaws.
22. Section 155(1) provides that, before making a bylaw, the Council must “determine whether a bylaw is the most appropriate way of addressing the perceived problem.” If so, the Council must then determine whether the proposed bylaw (a) is the most appropriate form of bylaw and (b) gives rise to any implications under the New Zealand Bill of Rights Act 1990 (section 155(2)). A bylaw cannot be made that is inconsistent with the New Zealand Bill of Rights Act 1990 (section 155(3)).
23. Section 156 requires that the special consultative procedure, as modified by section 86, be used when making, amending or revoking a bylaw made under the Act. Section 86 requires that the Council’s statement of proposal include a draft of the proposed bylaw or a statement that the bylaw is to be revoked, reasons for the proposal and a report on the Council’s determinations under section 155. Section 157 sets out requirements for public notice of the bylaw and the availability of copies, once a bylaw has been made.

Problem definition

24. The Working Party asked a range of interested parties to comment on their perception of alcohol-related problems or nuisances in the Ilam area² (with a focus on the past 12 to 18 months) and any evidence of such problems/nuisances. The working party met with Community Watch Riccarton, the Ilam and Upper Riccarton Residents Association, the New Zealand Police, the University of Canterbury Students’ Association (UCSA), the University of Canterbury and a small group of residents living in the vicinity of the University. A summary of these meetings is appended as **Attachment 1** (separately circulated).

Nature of problems

25. While stakeholders differed in their view of the scale and extent of problems (see below), there appears to be a general consensus that there are problems associated with intoxicated people on the streets. Problems predominantly occur late at night but also during the day at times. Problems include:
- Damage and disorderly behaviour.
 - Broken glass and other litter (on the street and footpaths, and in parks).
 - Noise (both from parties and people walking by late at night).
 - Local residents, particularly elderly residents, feeling scared and intimidated as a result.

² The area under investigation was broadly defined by the working party as being bounded by Memorial Avenue, Fendalton Road, Deans Avenue, Blenheim Road, Curletts Road, Peer Street and Waimairi Road.

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26. Residents living in the area – most of whom live on or near the section of Ilam Road that runs between Riccarton Road and the University – identified a wide range of damage and disorderly behaviour, including:
- Damage to trees, fences and letterboxes.
 - Bottles being thrown into residents' gardens and at their windows.
 - People urinating on parked cars and defecating in parks and gardens.
 - Plants and a watering system being ripped out of a resident's garden.
 - Shopping trolleys being used as barbeques.
 - People lighting bonfires.
 - Full wheelie bins being tipped over at night
 - Damage to the road surface as a result of a mattress, couch and other items being burnt.

Location-specific issues

27. As noted above, most of the issues identified by residents relate to the streets and area around Ilam Road between Riccarton Road and the university. Residents commented that issues can vary from street to street.
28. The Police and other stakeholders noted that there have been particular issues associated with Bush Bar at the Bush Inn. The main problem appears to relate to large numbers of people congregating and drinking in the car park area rather than the bar itself. There have also been problems associated with intoxicated people walking from the Foundry Bar at the university to the Bush Bar after the Foundry closed for the night. However, this particular issue appears to have been moderated by the Liquor Licensing Authority bringing back the time to which the Bush Bar may sell alcohol from 2am to 1am.

Times/days of week

29. Stakeholders reported that most problems occur at the end of the week on Thursday, Friday or Saturday nights. There have also been issues on Wednesday nights in the vicinity of the Bush Inn, which seem to have reduced following the reduction to the Bush Bar opening hours.
30. Since the introduction of the new kerbside bin system, Wednesday nights have proved problematic for tipping bins along Ilam roads and other residential streets between the Bush Bar and University halls.
31. Residents report that most incidents occur late at night (after midnight) and that incidents are more likely to occur on warm nights, nights when there is a Super 14 game on, and after a big student event (such as the end of lectures function). Residents noted that Community Watch Riccarton stops patrolling the streets at 11pm, before most incidents arise.

Scale of problems

32. There was a marked difference in view on the scale of alcohol-related problems and the extent to which the situation has improved in recent years. Community Watch Riccarton and the Ilam and Upper Riccarton Residents Association consider that 2009 has been a 'better' year than previous years. Community Watch Riccarton commented that many issues reported in the media are historical and that it appears there are discrepancies between the residents' perceptions of events and the actual events that occur, which may lead to an over-reporting of incidents at times. The University of Canterbury and the UCSA commented that the scale of the problem needs to be kept in perspective, given the large number of students and other young people living in the area, and that at times behavioural problems were incorrectly attributed to students
33. Residents living in the area, on the other hand, report that the situation has worsened in the past five years. One resident expressed particular concern about the impact such issues are having on elderly residents, who have become frightened and intimidated and are considering moving. Residents acknowledge, however, that the recently reduced hours of the Bush Bar has led to fewer problems on Wednesday and Thursday nights.

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34. There is limited data available to help determine the scale of problems. Council statistics on complaints about broken glass in the Ilam area indicate that ten or less (non-accident-related) complaints were recorded in each of the past five years. Discussions with residents and the Ilam and Upper Riccarton Residents Association suggest broken glass is under-reported, with residents either unaware that they can call the Council or unprepared to do so because of a perceived lack of response when calls have been made.
35. Police data on disorder, assaults and wilful damage in the area in the 18 months between 1 January 2008 and 30 June 2009 suggests that the area between Riccarton Road and Blenheim Road is of more concern than the area around the university. The data does not provide a clear picture about whether the situation is improving or getting worse.

Cause of problems

36. There appears to be a general consensus that problems are alcohol-fuelled and arise when intoxicated people migrate between licensed premises, parties and other events, and their home. A number of stakeholders commented on how the easy availability and low price of alcohol purchased from supermarkets and bottle stores contributes to high levels of alcohol consumption and 'pre-loading' before going to licensed premises and events.
37. A number of stakeholders noted that it is not necessarily students that are causing all the problems. Community Watch Riccarton, for example, advised that approximately half of those excluded from local bars through the Com-Be-Zone initiative were not students. Residents living near the university, on the other hand, feel that students are the cause of most of the problems they experience and noted that things tend to quieten down at the end of the university year in November.
38. There are also mixed views on whether people are drinking alcohol in the streets and other public places. Community Watch Riccarton and the Police are of the view that the underlying issue is intoxication rather than people consuming alcohol in the streets. The UCSA also sees intoxication as the primary issue. Residents, on the other hand, consider that both intoxication and the consumption of alcohol in the streets are issues of concern and point to the level of broken glass in the streets as evidence of the latter.

Options

39. The Working Party was established for the express purpose of investigating the possibility of applying the Bylaw to the Ilam area. However, in doing so, it is necessary to determine whether applying the Bylaw is the most appropriate way of addressing perceived problems. A number of options have been canvassed in discussions with stakeholders.
40. Existing mechanisms for addressing alcohol-related issues in the Ilam area include:
 - patrols of the area by Community Watch Riccarton
 - the Com-Be-Zone initiative
 - Police response to specific incidents as they occur
 - the presence of a Police officer on-campus, available to encourage responsible behaviour by students and respond to complaints
 - the UCSA Neighbourhood Relationship and Responsibility Programme
 - University of Canterbury disciplinary procedures.
41. Additional options raised in discussions include:
 - Ensuring that residents are aware of who to ring to make complaints about specific issues such as broken glass, noise and damage to private property.
 - Extending community patrols through a "guardians of the streets" approach and/or the use of Safe City Officers (while not raised in discussions, the use of Maori wardens is another possible approach).
 - Placing CCTV cameras in known trouble spots.

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- Bush Bar security staff and Police making more use of their authority to trespass people from the Bush Inn car park area.
 - The Vice-Chancellor setting out expectations for student behaviour at the start of every academic year.
 - Making environmental changes to the car park area at the Bush Inn in order to discourage congregation.
 - Approaching the landlords of tenants known to be a source of problems.
 - Restricting the number of liquor licences in the area
 - Changing the dates of kerbside bin collection from Thursdays to earlier in the week.
 - Providing greater education about the effects of alcohol.
 - Applying the Bylaw to the Ilam area permanently
 - Applying the Bylaw to the Ilam area temporarily, focused on specific events such as Orientation and/or the Tea Party.
 - Establishing a mechanism for key stakeholders to jointly 'own' the problem, determine what actions are necessary and regularly review the situation.
 - Doing nothing – bearing in mind that legislative changes are likely to result from the Law Commission's review of liquor laws.
42. There are advantages and disadvantages associated with each option and no one option will provide 'the answer' to what is a longstanding social problem. A summary analysis of options is provided in **Attachment 2** (separately circulated).

Permanent liquor ban

43. The purpose of the Alcohol Restrictions in Public Places Bylaw is "to reduce alcohol-related harm, damage, disorder and crime and to improve community safety by putting alcohol restrictions in some public places." The bylaw aims to achieve this by prohibiting the consumption of alcohol and restricting the possession and carriage of alcohol in certain areas of the district.
44. There are mixed views about whether applying the Bylaw would help to address alcohol-related issues in the Ilam area. Residents who met with the working party strongly support this, as does the Ilam and Upper Riccarton Residents Association. However, other stakeholders do not support it. Crucially, applying the Bylaw to the Ilam area is not supported by the New Zealand Police, who would be responsible for its enforcement.
45. The difference in views reflects the different views of the problem to be addressed. As noted above, most stakeholders consider that intoxication is the key problem and that applying the Bylaw would not prevent intoxicated people from walking along the streets at night (and potentially creating a nuisance). In addition, they note that the Police does not have the resources to enforce a permanent alcohol ban in public places, which means that the ban would also be ineffective in preventing people from drinking in the streets (if indeed this is a problem). Moreover, applying the Bylaw would not apply to private land such as the car park area at the Bush Inn, outdoor areas in student flats or any of the university grounds.
46. Residents who met with the Working Party, on the other hand, consider that there is a problem with people drinking in the streets and that applying the Bylaw would provide an additional tool for the Police to deal with those who are causing (or may go on to cause) problems in the neighbourhood. It may also help to reduce the level of broken glass and other litter in the streets.

How is Ilam different from the other areas where the Bylaw prohibiting alcohol in public places applies?

47. During the working party's meetings, there has been some discussion about how the situation in Ilam compares to the situation in areas where the Bylaw is already in place. The area assessments undertaken for the Alcohol Restrictions in Public Places Bylaw 2009 indicate different issues in different areas:

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- In some areas, issues relate to the congregation of people specifically for the purpose of consuming alcohol, leading to problems of broken glass, disorder and other alcohol-related crime. Such areas include the Central City, Hagley Park, New Brighton Mall and beachfront and Jellie Park. There are particular safety issues around the presence of broken glass in popular park and beach areas. At Jellie Park, older youths were apparently supplying alcohol to children using the skate park.
 - In two areas – Akaroa and Spencer Park – issues are confined to New Year's Eve, when large numbers of young people have gathered for the purpose of consuming alcohol.
 - Some areas have been a meeting point for 'boy racers' and their associates. Consumption of alcohol has been identified as an aggravating factor in the resulting damage and disorder in these areas. Examples include the South Colombo Street area, the Sumner Esplanade and the boundaries of the Central City and Hagley Park.
 - With regards to the Northlands Mall area, problems have arisen from a combination of 'party bus' clientele being dropped off in the area and consuming alcohol in the streets, people migrating between bars with takeaway alcohol, and people gathering in the nearby St James Park area to drink.
48. None of the above situations applies to the Ilam area. While there are issues associated with the congregation of drinkers in the Bush Inn car park and for special events at the University, these are not public places, unlike the other areas that are subject to the Bylaw. The existing Bylaw areas are also different in that the Police supported applying the Bylaw to these areas. In these cases, the Police viewed applying the Bylaw prohibiting alcohol in public places as providing an opportunity to remove potential offenders or victims from 'hot spots' and thereby preventing crime from occurring later in the evening.
49. Consideration was also given to implementing the Bylaw to the Merivale Mall area due to alcohol-related problems associated with the migration of people between the various licensed premises in the area. However, it was noted that problems related largely to private land (such as car parks) and that applying the Bylaw was not the most appropriate way of addressing these problems.

Working Party conclusion

50. On balance, the working party considers that there is insufficient evidence to justify permanently applying the Bylaw to the Ilam area at this stage. The Working Party notes that this may be a consequence of the limited systems for capturing the evidence – particularly whether alcohol-related issues in the area are caused by people drinking in public places. Moreover, Police support is critical to ensure that the Bylaw can be enforced. As already noted, the Police do not support applying the Bylaw to the Ilam area. However, continued monitoring of the situation is required to enable the Council to act should the need arise.

Temporary liquor ban

51. The Alcohol Restrictions in Public Places Bylaw 2009 makes provision for the Council to declare a temporary alcohol prohibition public area by resolution. One option is therefore to apply the Bylaw temporarily to help address alcohol-related issues associated with certain special events (for example, Orientation week or the end of year Tea Party).
52. The Bylaw requires the Council to consider the following before it declares a temporary alcohol ban in public places area:
- (a) If the proposed ban relates to an event:
 - (i) The nature of the expected event.
 - (ii) The number of people expected to attend.
 - (iii) The history of the event (if any).
 - (iv) The area in which the event is to be held.

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- (b) The nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems
 - (c) Whether the benefits to local residents and to the city would outweigh the restrictions the resolution would impose on local residents and other people, including those who may be attending any events, in the area covered by the resolution
 - (d) Any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution
 - (e) Whether the Police support the proposed temporarily applying of the Bylaw to an area
 - (f) Any other information the Council considers relevant.
53. The agreed process for temporarily applying the Bylaw to an area is that the relevant Community Board investigates the proposal, including the matters listed above and any implementation requirements such as signage or advertising, and associated costs. If the Community Board agrees that there is a need for this, it must then report to the Regulatory and Planning Committee, which, if it agrees, will refer the report to the Council. The process takes a number of months to complete.
54. There are mixed views about the value of temporarily applying the Bylaw to the Ilam area. On the one hand, any such ban can be timed to coincide with large special events, when there is likely to be large numbers of people consuming alcohol before and after the event, and when the Police have additional resources to enforce the Bylaw. On the other, temporarily applying the Bylaw to an area will not prevent people from becoming intoxicated and subsequently causing damage or other nuisances in the area, and would not apply to privately owned land.
55. Temporarily applying the Bylaw to the Ilam area would only apply to a specific event in a specific year. If the Bylaw were to apply to an event (such as Orientation) every year, then permanently applying the Bylaw that is only in force on certain dates (such as the existing bans on New Year's Eve) would be a more appropriate option.

Working Party conclusion

56. The Working Party is of the view that temporarily applying the Alcohol Restrictions in Public Places Bylaw 2009 may be a useful tool around particular events that exacerbate the behavioural issues. The inter-agency stakeholder group (identified later in this report) is best positioned to approach the Community Board about the application of temporarily applying the Bylaw if and when it believes such a temporary measure is warranted.

Non-regulatory options

57. A number of the options summarised in **Attachment 2** (separately circulated) require other agencies such as the Police or University to action; hence they are beyond the scope of the Council's authority. However, the Council can provide leadership and support in a collaborative approach with other key stakeholders to develop a package of non-regulatory options to address the issue.
58. The option for communication to local residents about which agency to contact for the different issues (i.e. broken glass or damage to private property) has been implemented by staff. A letter to Ilam residents was drafted and approved by the Police Southern Area Commander and the University of Canterbury Campus Security Manager. This letter, along with a Safer Christchurch refrigerator magnet highlighting the main numbers to phone for the various issues, was letter-dropped to residents in the area surrounding the University and along Riccarton Road during Orientation Week. Please refer the **Attachment 3** (separately circulated) for a copy of the letter and fridge magnet sent to residents.

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59. Another option identified and actioned has been the letter sent to the Vice-Chancellor, Dr Rod Carr, by the Working Party chairperson and the Mayor encouraging his communication to students about their responsibilities over alcohol consumption and their behaviour reflecting on the university's position as a good neighbour (refer **Attachment 4** separately circulated). Dr Carr has confirmed he received the letter in personal communication, but has not written to the students in the current academic year as of yet due to the other tactics employed by the UCSA, the University Security Team and the Student Village Manager appearing to effectively be managing the issues at present. Dr Carr also acknowledged there are times that it is appropriate for the university to be involved and he will consider exploring those options at the times it is needed.
60. An issue that has arisen since the start of the University term has been the vandalism and tipping over of kerbside bins. This is because the collection day of the bins is on Thursday morning, so residents put them out for collection on Wednesday nights, a known heavy drinking night at the Bush Bar. When intoxicated people are travelling back from the Bush Bar, these bins have been knocked over and their contents scattered in the streets. The Police Southern Area Commander has complained about the 'warzone' state of the streets on Thursday mornings. The kerbside collection contractor has reported this has a weekly cost for the extra time his staff needs to clean up after the students. Changing the collection day is a possible action Council can take to address this.
61. One option identified is the establishment of a working group comprising key stakeholders such as the Community Board, the Police, Community and Public Health, the University of Canterbury, the UCSA, residents and licensees. The role of such a working group would be to develop a shared view of the problem, determine what actions are required to address it and review progress over time. Working collaboratively in this way would ensure a more integrated response and may encourage the identification of more creative solutions.
62. A new working group would need to establish mechanisms for gathering better information on the nature of the problem and monitoring the extent to which agreed actions are having an effect in improving the situation. This would enable a more informed assessment of whether applying the Bylaw is necessary in the Ilam area. However, bringing together key stakeholders provides an opportunity to pursue alternative options, regardless of whether or not applying the Bylaw is recommended at this stage.
63. Community and Public Health (CPH) has contracted a tertiary health promoter to focus on university student alcohol consumption in the Christchurch city region. Some of the key identified agencies were brought together for discussion around the wider issues in early February by CPH. Contact was made with the health promoter to suggest collaboration for ongoing issues in Ilam specifically.
64. Initial discussions to gauge interest in a collaborative approach have occurred with key stakeholders from the Police, Community and Public Health, University of Canterbury Campus Security, the UCSA, the University Village (student accommodation) management, and Liquor Licensing staff about working collaboratively as an inter-agency group within the Ilam area. All are in agreement thus far. The option exists for local residents to be involved on neighbourhood-specific tactics and it is anticipated they will be approached in the near future.
65. As this is a local community issue, the Council Community Development Team has agreed to take the lead role on behalf of the Council to work with the inter-agency group. Currently, the Riccarton/Wigram Community Development Advisor is working with the Community Engagement Advisor to develop the Terms of Reference for the key stakeholders to operate under.
66. Ilam residents have expressed concern that they have been talking to the Council (and others) about alcohol-related issues for a number of years now and have yet to see any real progress. While there is a risk that a new working group could be seen as 'more talk', it also provides an opportunity for the local community to take greater ownership of the problem and play a role in finding solutions.

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67. The working party considers that there would be value in the Council coordinating an inter-agency group to jointly develop a package of non-regulatory options (which might include some of the options summarised in **Attachment 2** - separately circulated). A key task of this group should be to collect better information on the nature of the problems in order to monitor the effectiveness of any initiatives put in place. If necessary, the group could also reconsider the need for permanent applying the Alcohol Restrictions in Public Places Bylaw 2009 timed to coincide with certain events (such as Orientation) once better information is available.
68. Additionally, the working party request that the kerbside collection days be looked at to address the bin tipping issue occurring on Wednesday evenings.

FINANCIAL IMPLICATIONS

69. There are financial implications for Council for a variety of tactics identified. Immediate resourcing needs include the leading by and involvement of Council staff in the inter-agency group. Additional resourcing for identified recommendations includes the cost of security cameras for the CCTV and communication to residents if the kerbside bin collection days are changed.
70. If Council decides to proceed with applying any form of the Bylaw to the area (either temporarily or permanently), signage and communication costs will need to be factored into the costs of implementing the ban.
71. Some of the initiatives identified have already been implemented; for instance, the communication to Ilam residents about which agency to ring for the different issues. The costs of this tactic have been absorbed within the existing budgets of Safer Christchurch and Strategy and Planning. However, this was limited to a targeted area and if the communication material was to be spread to a wider area, additional resourcing will be needed to do this.

ALIGNMENT WITH COUNCIL STRATEGIES

72. The recommendations align with the Strengthening Communities Strategy 2007 and the Safer Christchurch Strategy 2005.

WORKING PARTY RECOMMENDATION

The Working Party:

- (a) Does not consider applying the Alcohol Restrictions in Public Places Bylaw 2009 (either permanent or temporary) in the Ilam and Riccarton area at this time.
- (b) Recommends Council investigates further the provision of additional CCTV cameras for Ilam Road to link into the University Security System.
- (c) Recommend Council staff investigate changing the kerbside bin collection day from Thursday to earlier in the week to save operational costs for cleanup and vandalism to bins.
- (d) Notes that the Council is to be a lead agency working with key stakeholders in the community to monitor the situation, compile data and look at collaborative short and long term options to address the ongoing issues within the Ilam area.
- (e) Reconvenes the Ilam Alcohol Working Party in July to review the monitoring and effectiveness of initiatives put in place by hearing from stakeholders and the inter-agency group with a view to giving consideration to the formation of a governance group.
- (f) Requests that the Call Centre develop an improved system to record nuisance type complaints in the Ilam area that do not generate a request for service.

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1 Cont'd**SUBCOMMITTEE RECOMMENDATION**

The Subcommittee recommends to the Council that it:

- (a) Does not consider applying the Alcohol Restrictions in Public Places Bylaw 2009 (either permanent or temporary) in the Ilam and Riccarton area at this time.
- (b) Recommends Council investigates further the provision of additional CCTV cameras for Ilam Road to link into the University Security System and in the first instance, the request for funding for CCTV cameras be considered by the Riccarton/Wigram Community Board.
- (c) Recommends Council staff investigate changing the kerbside bin collection day from Thursday to earlier in the week to save operational costs for cleanup and vandalism to bins and report back to the Council by the end of July 2010.
- (d) Notes that the Council is to be a lead agency working with key stakeholders in the community to monitor the situation, compile data and look at collaborative short and long term options to address the ongoing issues within the Ilam area.
- (e) Reconvenes the Ilam Alcohol Working Party in July to review the monitoring and effectiveness of initiatives put in place by hearing from stakeholders and the inter-agency group with a view to giving consideration to the formation of a governance group to investigate Community safety and well-being initiatives in the Ilam area and to report back to the Regulatory and Planning Committee by the end of the current term. (Note: See Additional Staff Recommendation).
- (f) Requests that the Call Centre develop an improved system to record nuisance type complaints in the Ilam area that do and do not generate a request for service.

ADDITIONAL WORKING PARTY RECOMMENDATION

At its meeting of 19 July 2010, the Ilam Alcohol Working Party met and made the following recommendation to the Regulatory and Planning Committee. Given the time constraints this recommendation was considered by the Committee and not the Alcohol and Liquor Control Bylaw Subcommittee, and is as follows:

- (g) The Ilam Alcohol Working Party recommends that Council establishes an Ilam Community Safety Joint Working Party with the attached membership and terms of reference.

The terms of reference provided as **Attachment 5** - separately circulated.

COMMITTEE RECOMMENDATION

Councillor Johanson moved, seconded by Councillor Wells:

The Committee recommends to the Council that it:

- (a) *Note that the Ilam Alcohol Working Party met in July to review the monitoring and effectiveness of initiatives put in place by hearing from stakeholders and the inter-agency group with a view to giving consideration to the formation of a governance group to investigate Community safety and well-being initiatives in the Ilam area and to report back to the Regulatory and Planning Committee by the end of the current term.*
- (b) *Does not consider applying the Alcohol Restrictions in Public Places Bylaw 2009 (either permanent or temporary) in the Ilam and Riccarton area at this time.*
- (c) *Recommends Council investigates further the provision of additional CCTV cameras for Ilam Road to link into the University Security System and in the first instance, the request for funding for CCTV cameras be considered by the Riccarton/Wigram Community Board.*

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- (d) *Recommends Council staff investigate changing the kerbside bin collection day from Thursday to earlier in the week or the time they are required to be at the kerb to save operational costs for cleanup and vandalism to bins and report back to the Regulatory and Planning Committee in September 2010.*
- (e) *Notes that the Council is to be a lead agency working with key stakeholders in the community to monitor the situation, compile data and look at collaborative short and long term options to address the ongoing issues within the Ilam area.*
- (f) *Requests that the Call Centre develop an improved system to record nuisance type complaints in the Ilam area that do and do not generate a request for service.*
- (g) *Recommends that the Council establishes and administers an Ilam Community Safety Joint Working Party with the attached membership and terms of reference.*

Councillor Buck moved by way of amendment, seconded by Councillor Button:

- (b) *Will consider applying the Alcohol Restrictions in Public Places Bylaw 2009 in the Ilam and Riccarton area.*

With the consent of the mover and seconder, the amendment was withdrawn.

Councillor Shearing moved by way of amendment:

- (b) *Initiate an amendment to the Alcohol Restrictions in Public Places Bylaw 2009 to incorporate permanent restrictions in the Ilam and Riccarton areas.*

The amendment was seconded by Councillor Reid and on being put to the meeting was declared **carried** on Division No. 1 by 7 votes to 1, the voting being as follows:

For (7): Councillors Broughton, Buck, Button, Reid, Shearing, Wall and Wells.

Against (1): Councillor Johanson.

The amendment was then put as part of the substantive motion and declared **carried**.

2. STRUCTURES ON ROADS POLICY 2010

General Manager responsible	General Manager City Environment, DDI 941-8608
Officer responsible	Asset and Network Planning Manager
Authors	Tina von Pein, Consultant / Weng-Kei Chen, Asset Engineer (Policy) / Zefanja Potgieter, Senior Resource Planner

PURPOSE OF REPORT

1. This report aims to seek Council approval for the proposed Structures on Roads Policy 2010 (**Attachment A** (tracked) and **Attachment B** (final) both separately circulated).

EXECUTIVE SUMMARY

2. With the 2006 amalgamation of Banks Peninsula District Council (BPDC) and Christchurch City Council (the Council) some operational policies specific to each area remained in existence for the respective areas.
3. With the adoption of the Public Places Bylaw 2008 (the bylaw) the policies related to structures on roads were identified as needing review to ensure they appropriately give effect to the bylaw

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The Council therefore appointed a Public Places Policies Working Party which has worked with staff on the review of this policy and the other operational policies that relate to matters covered by the bylaw.

4. On 4 March 2010 the committee considered the draft policy and requested that feedback from all Community Boards be obtained, with feedback listed in **Attachment C** (separately circulated). Valuable contributions were received from the Boards, resulting in improvements to the policy.
5. The proposed Structures on Roads Policy 2010 provides a single policy for the whole of the city and incorporates and replaces the following:

(a) Current Council policies:

- (i) Airspace over Public Roads - Granting Rights.
- (ii) Structures on Roads (Ramp, Retaining Walls, Garage, Parking Platform etc).

Note: "Use of Legal Road as Licensed Premises policy": The ability of the Council to revoke a permit to occupy legal road as licensed premises as currently contained in this policy now forms part of each individual permit issued by the Council and is therefore not retained.

(b) Current BPDC policies (all part of the Banks Peninsula roading Policy):

- (i) Structures on Legal Roads in Urban Areas - License to Occupy Policy.
- (ii) Retaining Walls - Responsibility Policy.
- (iii) Fencing Policy.

The proposed policy therefore provides clarity and consistency in the management of applications for structures on or above roads throughout the Council area.

6. For most of its content the proposed policy incorporates the current Council policies with updated wording and minor changes. The provisions in the existing 'city' and 'peninsula' policies are overall similar in nature. There are also some additions e.g. the provisions relating to verandas and fences, and inclusion of the Banks Peninsula fences policy into the new policy for the whole city. Current provisions in both Council and BPDC policies which addresses council operational procedures (and do not belong in policy statements) were not retained.
7. This policy addresses only structures of permanent nature on or above roads and therefore does not deal with temporary structures on roads such as those associated with restaurants and cafes occupying sidewalks, which is planned for consideration and consultation during 2011. The policy also does not address boat sheds.
8. In summary, the proposed policy achieves a streamlining and consolidation of policies, and incorporates:
 - (a) Provisions relating only to verandas previously in the Public Places Bylaw 1992.
 - (b) Changed provisions relating to fences.
 - (c) New provisions on the use of airspace over roads for architectural features.
 - (d) New provisions for infrastructural services and other structures including that no permit is required for private letter boxes in rural areas or where they are not adjacent to footpaths, if the placement is in accordance with policy requirements.
 - (e) Various improvements recommended by the Community Boards as detailed in **Attachment C** (separately circulated).

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Key stakeholder groups were contacted in writing about the proposed review, and no concerns were received.

9. It is not proposed to have a Special Consultative Procedure for the Structures on Roads Policy. The policy will become operative once adopted by the Council, where after relevant stakeholders will be notified in writing.

FINANCIAL IMPLICATIONS

10. Current policy enforcement is undertaken on a 'response to a complaint' basis. It is anticipated that this will remain the same with the adoption of a reviewed policy, with no anticipated additional expenses.

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

11. Yes.

LEGAL CONSIDERATIONS

12. The Public Places Bylaw 2008 came into force on 1 July 2008. Clause 8 of the bylaw provides for operational policies to be formulated, relating to matters regulated by the bylaw. Such policies must be adopted by Council resolution, and may include information on application procedures, administrative arrangements, terms and conditions related to activities in public places, definition of terms and other guidance information.
13. The consideration and adoption of such policies must be done in accordance with the Council's usual decision-making processes under the Local Government Act 2002.

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

14. Initial analysis of this policy and the potential review requirements have been considered in relation to the Council Policy on Determining Significance, and the level of formal consultation that may be required has also been considered.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. The following LTCCP chapters are relevant: 5.3 City Promotions – 5.3.2 Promoting the City as an attractive place to live, learn and work.– 9.0 Enforcement and Inspections – Protect public health & safety; enforce compliance.

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

16. As above.

ALIGNMENT WITH STRATEGIES OR OTHER BYLAWS

17. The Structures on Roads Policy is aligned to the following Christchurch City Council strategies, plans and policies:
 - (a) Central City Revitalisation Strategy.
 - (b) Safer Christchurch Strategy.
 - (c) Pedestrian Strategy.
 - (d) Parking Strategy.
 - (e) Equity and Access for People with Disabilities Policy.
 - (f) Long Term Council Community Plan.
18. This policy gives effect to the Public Places Bylaw 2008 and should be read in conjunction with the Council's General Bylaw 2008, the Traffic and Parking Bylaw 2008, the Parks and Reserves Bylaw 2008, and the relevant rules, policies and objectives in the District Plan/City Plan.

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Do the recommendations align with the Council's strategies?

19. Yes.

CONSULTATION FULFILMENT

20. **Attachment C** (separately circulated) contains the feedback received from Community Boards. Potentially affected external parties and associations were invited to provide feedback on any concerns, and no concerns were raised.

STAFF RECOMMENDATION

That the Council:

- (a) Adopt of the Structures on Roads Policy 2010.
- (b) Revoke of the following policies:
 - (a) Christchurch City policies:
 - (i) Airspace over Public Roads - Granting Rights.
 - (ii) Structures on Roads (Ramp, Retaining Walls, Garage, Parking Platform etc).
 - (b) The following sections of the Banks Peninsula Roading Policy:
 - (i) Structures on legal Roads in Urban Areas - License to Occupy Policy.
 - (ii) Retaining Walls - Responsibility Policy.
 - (iii) Fencing Policy.

COMMITTEE RECOMMENDATION

That the Council:

- (a) Adopt the staff recommendation.
- (b) Adopt the following recommended changes by the Committee:
 - Add the comments from Hagley Ferrymead Community Board to Attachment C (Comments from Community Boards) which had been inadvertently omitted:

55	Hagley / Ferrymead	Why is the horizontal projection limited to 1m. Why put a restriction in there if it is going to the Urban Design Panel	Clause 2.2 (ii)	The restriction aligns with the requirements relating to signs attached to buildings.
56	Hagley / Ferrymead	Staff should contact Maori in relation to sensitive areas.		There is a general commitment by staff to consider all cultural issues as an operational procedure.
57	Hagley / Ferrymead	How are fees assessed?		Not part of this policy – fees are set as part of the LTCCP Annual Fees and Charges Policy.
58	Hagley / Ferrymead	Delegations – are these changing?		Clause 6 deals with updated delegations, which differ depending on the structures concerned.
59	Hagley / Ferrymead	Poster bollards – does this need to be a separate point in the policy?	Clause 3.3	Poster bollards are grouped together with information stations and private bus shelters.
60	Hagley / Ferrymead	Who funds the removal of structures? This needs to be in the policy as well as the licence agreement.		Licence agreements do include this and the general approach of 'no cost to the Council' is addressed in the policy under the Introduction section under 'General'.
61	Hagley / Ferrymead	How is the cost of monitoring funded? There needs to be better enforcement.		Cost of monitoring is not part of this policy as it is set as part of the LTCCP Annual Fees and Charges Policy. Enforcement is being carried out.

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- Amend Clause 6 of the policy relating to 'Delegations' be changed for Clause 3.1 (*Retaining structures, carports, garages, parking platforms and cable-car stations*) to require that Community Boards also provide advice on these structures. The delegation will therefore read as follows:

Clauses 3.1 and 3.2: The Chief Executive, or a nominated manager, as advised by the relevant Community Board.

BACKGROUND

21. On 1 July 2008 the Christchurch City Council Public Places Bylaw 2008 became operative.
22. The bylaw enables the management of public places in order to balance the various different, and sometimes competing, lawful uses for which public places may be used. It seeks to provide for reasonable controls to protect health and safety, to protect the public from nuisance and to provide for the regulation of trading in public places.
23. Following the adoption of the bylaw a new operational policy was proposed to be developed from a review of the 12 relevant existing policies and associated matters. The policies all relate to the clauses in the bylaw that regulate commercial activities and obstructions in public places (clauses 6 and 7). This report only deals with the specific policies of the 12 that deal with structures on roads. The remaining policies have either already been considered by the Council (Trading and Events in Public Places in February 2010) or will be considered later in 2010/2011.
24. The current policies were developed before the amalgamation of Banks Peninsula District Council and the Christchurch City Council, and all were developed before the adoption of the new bylaw. The policies therefore needed to be reviewed to ensure that they are still necessary, appropriate and that they are fit for purpose. The review of the policies addresses the following criteria:
 - (a) Rationalise the current policies where needed.
 - (b) Establish whether current practice and needs align with the policies.
 - (c) Assess whether any new matters need to be included.
 - (d) Establish whether the policies align with the bylaw.
 - (e) Take account of internal (Council) needs and external (stakeholder) needs.
25. In addition to these 12 policies, related operational issues have been identified that would benefit from being included in or adopted into the new operational policy, resulting in some new areas of consideration.
26. On 2 February 2009, the Regulatory and Planning Committee agreed to appoint a working party to work with staff to discuss the review of operational policies that relate to matters covered by the Public Places Bylaw 2008. The members of the Public Places Policies Working Party are Councillors Wells, Wall, Shearing, Reid and Johanson. The working party concluded its deliberations during 2009 with a meeting on 4 December 2009. Due to the considerable workload of reviewing all 12 policies, the Council on 24 September 2009 approved a timetable to split consideration of the 12 policies into a first group to be finalised by June 2010 (including those considered in this report), with the remainder to be considered in 2011 after the 2010 local government elections.

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27. The proposed Christchurch City Council Structure on Roads Policy 2010 provides a single policy for the whole of the city and incorporates and replaces the following:

(a) Current Council policies:

- (i) Airspace over Public Roads - Granting Rights.
- (ii) Structures on Roads (Ramp, Retaining Walls, Garage, Parking Platform etc).

Note: "Use of Legal Road as Licensed Premises policy": The ability of the Council to revoke a permit to occupy legal road as licensed premises as currently contained in this policy now forms part of each individual permit issued by the Council and is therefore not retained.

(b) Current BPDC policies (all part of the Banks Peninsula Roading Policy):

- (i) Structures on legal Roads in Urban Areas - License to Occupy Policy.
- (ii) Retaining Walls - Responsibility Policy.
- (iii) Fencing Policy.

The proposed policy provides clarity and consistency in the management of applications for structures on and over roads throughout the Christchurch City Council area.

28. For most of its content the proposed policy incorporates the current Council policies with updated wording and minor changes. The provisions in the existing 'city' and 'peninsula' policies are materially the same. There are also some additions e.g. the provisions relating to verandas and fences, as set out in the Background section below. Current provisions in both Council and BPDC policies which addresses council operational procedures (and do not belong in policy statements) were not retained.
29. In summary the proposed policy achieves an overdue streamlining and consolidation of policies and introduces (1) provisions relating only to verandas previously in the 1992 Public Places Bylaw; (2) changed provisions relating to fences which are taken from the Banks Peninsula policy and is now proposed for the whole city, (3) new provisions on the use of airspace over roads for architectural features; (4) new provisions for infrastructural and other structures and (5) various recommendations from Community Boards.

THE OBJECTIVES

30. The key objectives of the public places policy review are to:
- (a) Review and update, as appropriate, the policy clauses and to enable a working policy that is supported by the Council and the community.
 - (b) Bring together the current policies and practices for both the former BPDC and the Council.
 - (c). Align the policy with current Council plans and strategies.
31. The key objective of this policy is to manage structures on and above roads and to develop a single policy to assist the public in identifying what can happen where and under what conditions.

THE OPTIONS

32. Two options have been identified in relation to managing structures on roads.
- (a) The adoption of a new Council policy.
 - (b) Maintain the status quo with some editing to factually update of current policies.

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THE PREFERRED OPTION

33. The preferred option is the adoption of the proposed Council policy. The proposed policy is attached (**Attachment 2** separately circulated) to this report.

ASSESSMENT OF OPTIONS

The Preferred Option

34. The preferred option is the adoption of a new Council wide policy (as tabled with this report). In addition to updating the wording and minor changes to the text this policy brings together the key elements of current policies and practices and incorporates new policy clauses which will assist with developing clarity and consistency in policy understanding and application.

	Benefits (current and future)	Costs (current and future)
Social	Clarity to community as to the policy, how to apply and how it applies. Alignment of policies between the former BPDC policies and the CCC policies will assist clarity and ease of use and application.	Communication of policies is part of Council core business.
Cultural	None specific.	None specific.
Environmental	Policy will enable more robust and transparent management of structures on roads	None specific.
Economic	Consolidated policy.	None specific.
<p>Extent to which community outcomes are achieved: This policy option aligns with the following Community Outcomes:</p> <p>-A Safe City – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated.</p> <p>-An Attractive and well designed City – Christchurch has a vibrant centre, attractive neighbourhoods and well-designed transport networks. Our life styles and heritage are enhanced by our urban environment.</p> <p>-A City for recreation, fun and creativity – We value leisure time and recognise that the arts, sports and other recreational activities contribute to our economy, identity, health and wellbeing.</p> <p>- A Prosperous City – We have a strong economy that is based on a range of successful and innovative businesses. We value sustainable wealth creation, invest in ourselves and in our future.</p> <p>Impact on the Council's capacity and responsibilities: The development of a consolidated policy will enable Council to better manage structures on roads through more transparent and consistent processes and procedures.</p> <p>Effects on Maori: No specific effects noted.</p> <p>Consistency with existing Council policies: The policy pulls together the key elements of the current policies and practices of the Council into a consolidated policy document and incorporates some new provisions consistent with existing Council policies.</p> <p>Views and preferences of persons affected or likely to have an interest: No comments were received from relevant stakeholders invited to comment. As only minor changes are proposed from the existing policies and as there have been no issues with the operation of those policies it is not likely to have any significant effects.</p>		

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Maintain the Status Quo with some editing (not preferred option)

35. The option of maintaining the status quo with some editing would mean maintaining the series of policies and current practices that apply to the post-amalgamation Council area, and some specific policies that only apply to pre-amalgamation areas. Within this option it would be logical to update the policies (desk top activity) to ensure that historical and no longer relevant clauses are not included.

	Benefits (current and future)	Costs (current and future)
Social	Communities should be aware of the current policies / practices as most have been operational since the early 1990's.	Continued segregation of the City / District Council areas as per pre-amalgamation.
Cultural	None specific.	None specific.
Environmental	Current status will continue to promote the areas of CCC and the former BPDC as two separate regions.	None specific.
Economic	None specific.	None specific.
<p>Extent to which community outcomes are achieved: This policy option aligns with the following Community Outcomes:</p> <p>-A Safe City – we live free from crime, violence, abuse and injury. We are safe at home and in the community. Risks from hazards are managed and mitigated.</p> <p>-An Attractive and well designed City – Christchurch has a vibrant centre, attractive neighbourhoods and well-designed transport networks. Our life styles and heritage are enhanced by our urban environment.</p> <p>-A City for recreation, fun and creativity – We value leisure time and recognise that the arts, sports and other recreational activities contribute to our economy, identity, health and wellbeing.</p> <p>- A Prosperous City – We have a strong economy that is based on a range of successful and innovative businesses. We value sustainable wealth creation, invest in ourselves and in our future.</p> <p>Impact on the Council's capacity and responsibilities: Maintaining the status quo will mean business as usual for council enforcement and policy development.</p> <p>Effects on Maori: No specific effects noted.</p> <p>Consistency with existing Council policies: The current policies broadly align with existing council strategies and plans, however the factual update is recommended, should this option be chosen, as many of the clauses are either out of date or no longer relevant.</p> <p>Views and preferences of persons affected or likely to have an interest: No comments were received from relevant stakeholders invited to comment.</p>		

At Least one Other Option (or an explanation of why another option has not been considered)

36. No other option has been considered as the Council has previously adopted (24 September 2008) the recommendations to review the policies.

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3. PROPOSED REVIEW OF THE DOG CONTROL POLICY IN 2010

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Inspections and Enforcement Manager
Authors:	Mark Vincent, Team Leader Animal Control, Siobhan Storey, Senior Policy Analyst, Strategy and Planning

PURPOSE OF REPORT

1. To consider the best means to address a number of issues that were identified during the consultation and hearing phases of the Dog Control Policy and Bylaw review in 2008.

EXECUTIVE SUMMARY

2. At its meeting of 19 June 2008 the Council:
 - (a) Resolved to adopt the Christchurch City Council Dog Control Policy 2008 and the Christchurch City Council Dog Control Bylaw 2008 as amended;
 - (b) Resolved that the necessary funding be allocated for signage to enable the implementation of the Dog Control Policy; and
 - (c) Identified a desire to address a number of issues raised in the consultation, namely:
 - (i) Establishing a Responsible Dog Owner sub-category for older persons (pensioners).
 - (ii) The inclusion of a property inspection as a criterion for Responsible Dog Owner status.
 - (iii) Investigating and resolving the "Limitation on Dogs"/permit requirements for the Christchurch District.
 - (iv) The introduction of Honorary Dog Rangers in local communities particularly in Banks Peninsula.
 - (v) Documenting the criteria and decision process for determining the establishment of designated dog parks or dog exercise areas.
 - (vi) Investigating the possibility of establishing a specified dog exercise beach(es).
 - (vii) Releasing some areas in the Port Hills out of grazing lease to establish future dog exercise areas.
 - (viii) The inclusion of 'dog hitching posts' near children's playground areas.
 - (ix) Liaison with the Department of Conservation regarding their Controlled or Open Dog areas under the Conservation Act 1987, or National Parks Act 1980.

The Council resolved to review the Dog Control Policy in 2010 to address these issues.

3. In regards to the resolution detailed in 2(b) funding has been allocated in the 2009-19 LTCCP for replacement and renewal of structures including signage in the Parks and Open Spaces Planned Capital Programme . The programme does not go to the detail of specifying signs for specific bylaws, but funding is being spent on upgrading signs at priority areas where Dog Control policy information is needed. Planning is ongoing to inform the community on the Dog Control Policy through a variety of means including signage. This work is not reliant on a review of the Policy.

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4. Staff have investigated these matters and have determined that, except for (iii), the matters in 2(c) above that the Council wanted consideration given to in the proposed review are largely operational and can be considered or implemented outside the Policy review process. Indeed, preliminary work has begun on all the matters except (iii).
5. (i) Establishing a Responsible Dog Owner sub-category for older persons (pensioners).

For the 2008/09 period there were 3,955 registered dogs owned by people aged 65 years or older. The table below shows how these dogs were classified and the fees paid.

	Classification	Number of dogs	Fee per dog	Total fees
1	Dangerous dogs	5	\$120	\$600
2	Un-neutered dogs	203	\$85	\$17,255
3	Spayed/neutered dogs	453	\$75	\$33,975
4	Responsible Dog Owner status <ul style="list-style-type: none"> • First dog • Second and subsequent dogs 	2,558 552	\$52 \$37	\$133,016 \$20,424
5	Working dog <ul style="list-style-type: none"> • First dog • Second and subsequent dogs 	44 126	\$25 \$20	\$1,100 \$2,520
6	Disability assist dogs	14	\$0	\$0
	Total	3,955		\$208,890

It is presumed that the purpose of establishing such a sub-category would be to reduce dog registration fees for older persons. The current 2008 Dog Control Policy sets the framework for Dog Registration fees and Classification of Owners but does not state what the fees are. Fees are set through the Annual Plan process and it is not a requirement under the Dog Control Act 1996 to consult with dog owners in relation to fee increases. There is requirement, however, pursuant to section 37 of the Act to publicly notify the annual dog control fees fixed for the registration year one month proceeding the start of the registration year. Reduced fees for older persons does not need a separate sub-category; rather this could be achieved by providing lower fees for older people within the existing categories through the Annual Plan and this does not require a Policy review. The public would then be advised in accordance with the Dog Control Act on the fees through the Annual Plan process as well as being informed through the normal advertising channels, the Council's public website and formal notification through the annual registration renewal.

If the Council was of a mind to give effect to create a new sub category for dog owners aged over 65 costing \$208,890, the Council would need to recover this shortfall requiring an extra \$7.50 on current dog registration fees for every other dog registered for the 2011/12 period.

The introduction of this new sub category would therefore have all dog owners subsidising the cost of the creation of this sub category. It is the recommendation of staff that Council not create this new sub category due to the consequential cost implications for all dog owners

The dog control account is currently funded 92 per cent from dog registration fees along with an 8 per cent contribution from rates.

Accordingly, the Council's decision can be achieved without the need for a Policy review. Any decision on establishing a separate fee for older persons will need to be addressed during the 2011/12 Annual Plan round.

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6. (ii) The inclusion of a property inspection as a criterion for Responsible Dog Owner status.

There are a number of conditions to be fulfilled for Responsible Dog Owner status, one of which is that the property is fully fenced and gated and there is dog-free access to at least one door for visitors. These conditions are outlined in the application process for Responsible Dog Owner status. Currently no property inspection is included in the process to confer Responsible Dog Owner status, although Animal Control may choose to visit a property to check it.

Approximately 1,500 applications are received for Responsible Dog Owner status each year so considerable resource would be needed if a property inspection were required for each application. The cost implications need to be fully investigated to enable Council to further consider this issue.

Any responsible dog owners having previously breached either the Dog Control Act 1996 or the Christchurch City Dog Control bylaws 2008, are automatically removed from the Responsible Dog Owner status for a period of two years. They can reapply after this two year suspension period for re-instatement as a responsible dog owner.

As in paragraph 4 above the Policy sets the framework for Dog Registration fees and Classification of Owners but does not state what the conditions are in detail. These conditions can be amended or changed at any time and do not require a Policy review. The public could be apprised of any changes through normal advertising channels, the Council's public website and formal notification through the annual registration renewal notices.

7. (iii) Investigating and resolving the "Limitation on Dogs" permit requirements for the Christchurch District.

Clause 9(d) in the Policy states: "A Council permit needs to be issued to authorise anyone to keep two or more dogs on any property zoned commercial, industrial, residential, or rural residential in the Christchurch City Plan. This clause does not apply to the Wards of Banks Peninsula District."

Removing or amending clause 9(d) as above requires a review of the Policy; noting that to make such a change the entire Policy and Bylaw would have to be reviewed, in accordance with section 10 of the Dog Control Act 1996:

- (1) *Every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.*
- (2) *For the purposes of subsection (1), the territorial authority must, under section 83(1)(e) of the Local Government Act 2002, give notice of the draft policy to every person who is, according to its register, the owner of a dog.*

The financial implications of removing or amending the limitation on dogs is considerable as a result of the consequential need to amend both the policy and bylaw. Based on the costs associated with the Dog Control Policy and Bylaw review that occurred in 2008, the costs would be proximately \$240,000 to consult with and provide information packs for approximately 30,000 registered dog owners.

8. (iv) The introduction of Honorary Dog Rangers in local communities particularly in Banks Peninsula.

This issue came about as a result of concerns about the number of additional areas in which dogs were being controlled or prohibited in Banks Peninsula and the relative lack of resources for enforcement to patrol these areas.

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Animal Control staff currently provide a regular presence on the Peninsula with weekly visits to Akaroa and Lyttelton Wards addressing dog related matters.

It should also be noted that any member of the public can register a complaint with the Council which will result in an Animal Control Officer being assigned to investigate the matter and take enforcement action as required.

An agreement between the Animal Control Section and Regional Parks Operations Team, Transport and Greenspace Unit has resulted in a proposed trial to train some Regional Parks Park Rangers on dog control matters. These Rangers will, during this trial, provide education and/or information to the public on dogs in Regional Parks and will notify the Animal Control Section via the Request For Service process of any offending or re-offending of dog owners to enable enforcement action to proceed.

With the service Animal Control currently provides in Banks Peninsula along with the proposed assistance of Park Rangers within the Banks Peninsula Regional Parks, a better service may be provided without the additional costs associated of recruiting, training, equipping, co-ordinating and managing a group of volunteer Dog Rangers.

In addition the need for volunteer Dog Rangers on the Banks Peninsula wards is still not obvious as Council has only received 285 complaints over the last 12 months about dog related matters. Ninety per cent of these complaints came from the Lyttelton/Mount Herbert Wards and related to barking, wandering dogs and non-registration matters.

The Council can decide whether or not to introduce Honorary Dog Rangers without the need to review the Dog Control Policy.

9. (v) Documenting the criteria and decision process for determining the establishment of designated dog parks or dog exercise areas.

While other New Zealand city councils have recognised Christchurch City Council as a leader in the provision of dog parks and exercise areas, to date planning for dog parks or dog exercise areas has been done on an ad-hoc basis without the benefit of formalised decision processes or criteria. An increase in demand for the provision of dog parks and exercise areas means that clearer processes are required. Accordingly, staff in the Network Planning Team Greenspace, are developing a process so that identification of sites occur in appropriate locations. This will be an internal process (non statutory). Its implementation is dependant on funding through the LTCCP.

This work is able to be undertaken and implemented without the need for a review of the Dog Control Policy.

10. (vi) Investigating the possibility of establishing a specified dog exercise beach(es).

The Council may determine where specific dog exercise places are at any time and this could include one or more beaches as required. There are numerous places along the Council's coastline beaches that currently have no dog restraints (other than that they must be under effective control by voice, signal or leash), so in effect these are already dog exercise areas. Should further specific dog exercise areas be established the public could be apprised of the location of any existing and new areas through normal advertising channels, the Council's public website and formal notification through the annual registration renewal notices. Again, this can be achieved without the need for a Policy review.

If, however, the Council wishes to establish beach areas where dogs may be exercised without any controls, a policy and subsequent bylaw review would be required. It is a legal requirement to identify in a policy any such places within the Council's district that are to be designated by a bylaw made under this Act as dog exercise areas in which dogs may be exercised *at large*.

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Given that there are currently numerous areas of coastline where dogs can be exercised under control, along with the ability of Council to establish additional dog exercise areas without a policy review, staff recommend that the issue of dog exercise areas can be effectively managed without the need for a Policy review.

11. (vii) Releasing some areas in the Port Hills out of grazing lease to establish future dog exercise areas.

This is a management issue which would require discussions between staff and the leaseholders if it was deemed appropriate to establish further dog exercise areas in the future. The proposed Port Hills Reserves Plan commencing in 2010, (managed by the Asset and Networks Planning Team) will review the provision of dog parks. A Policy review is not required to achieve this initial work.

12. (viii) The inclusion of 'dog hitching posts' near children's playground areas.

These posts can be considered when designing playground equipment and become part of the capital renewal or replacement programme. Dog hitching posts are already installed in some locations. This can be achieved without a Policy review as it is an operational matter.

13. (ix) Liaison with the Department of Conservation regarding their Controlled or Open Dog areas under the Conservation Act 1987, or National Parks Act 1980.

Council staff already liaise directly with Department of Conservation (DOC) staff on dog issues of mutual concern. Ongoing liaison is able to be achieved without the need for a Policy review. Staff peruse the DOC website on a regular basis.

The public can determine how to access places to take dogs on the DOC estate through DOC's publications.

Summary

14. The Council resolved to review the Dog Control Policy in 2010 to address a number of issues raised in consultation. To date this review has not commenced due to the programme of other regulatory policy work, (for example the Cruising Bylaw and Freedom Camping).
15. The Dog Control Policy can be reviewed at any point between now and the statutory ten year review period. The next review of this policy in the ten year timetable is scheduled for June 2016.
16. In summary, all but one of the issues identified by the Council may be undertaken without the need for a review of the Policy and can be achieved through operational changes or existing processes such as the Annual Plan. Any review of the Policy would be costly, and if the Bylaw then required review, further costs would be incurred.
17. Given the costs involved in a review of the Policy (and the likely consequential Bylaw review) and the proximity to the local body elections, it is recommended that a further review of the Policy not be commenced in 2010. Rather, that this Council refers a decision on the timing of a review of the Dog Control Policy to the incoming Council.

FINANCIAL IMPLICATIONS

18. There are considerable financial implications inherent in the review of the Dog Control Policy and Bylaw. In 2008, the Policy and Bylaw were reviewed together, which required consultation, inclusive of full information packs with the approximately 30,000 registered dog owner.

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19. If the Policy were to be reviewed to amend the "Limitation on Dogs" permit requirements, the associated consultation would cost about \$120,000, plus staff time. If, as a consequence of this, the Bylaw also needed to be reviewed, further consultation would be required and hence a further cost of approximately \$120,000 plus staff time would be incurred.

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

20. Yes. A review of the Dog Control Policy and Bylaw has not been specifically budgeted for in 2010. It could be accommodated in budgets in the City and Community Long-Term Policy and Planning Activity but would be at the expense of other work.

LEGAL CONSIDERATIONS

21. The Dog Control Act 1996 and its amendments require the Council to adopt a Dog Control Policy and Council must give effect to the Policy by making appropriate bylaws. Hence the Dog Control Policy 2008 and the Dog Control Bylaw 2008 work together. The current bylaw is required to be reviewed before 2018 (see section 20 of the Dog Control Act 1998 and section 159 of the Local Government Act 2002). If a review of the policy is not done before that time then the policy will also need to be reviewed in conjunction with the bylaw review.
22. Should it be decided that a Policy review is required to address one or more of the issues c(i) – (ix) identified by the Council at its 19 June 2008 meeting, it is not possible to limit the policy review to only these issues. Rather the Policy must be reviewed as a whole and the Council can anticipate submissions on other clauses in the Policy as well, even if it does not propose any changes to them.
23. If any review of the Policy left it unchanged there would be no necessity to review the Bylaw. However, should there be any changes to the Policy as a result of the review, the Bylaw would also have to be reviewed and the changes in the Policy would have to be reflected in the Bylaw. These two could be reviewed together necessitating only a single special consultative procedure. This would require information being sent to all registered dog owners in addition to the usual information provision and requirements of the special consultative procedure; a costly process.

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

24. As above.

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?

25. Not applicable.

STAFF RECOMMENDATION

That the Council:

- (a) Note that issues (c)(i), (ii), (iv), (v), (vi), (vii), (viii), and (ix) of the Council's resolution of 19 June 2008 can be achieved without the need for a Policy review as detailed in this report.
- (b) Not proceed with (c)(i) of this report which would create a sub category for dog owners aged 65 and over, thereby reducing or remitting their dog registration fees.
- (c) Note that removing or amending the policy clause in relation to the Limitation on Dogs (issue (c)(iii)) can only be achieved through a review of the Dog Control Policy and Bylaw.

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- (d) Rescind its resolution of 19 June 2008 to review the Dog Control Policy in 2010 to address the issues identified.
- (e) Refer a decision on how soon to review the Dog Control Policy in 2010 to the incoming Council.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

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4. PROPOSED PLAN CHANGE 61 GENERAL OBJECTIVE AND POLICY FRAMEWORK FOR GREENFIELD RESIDENTIAL GROWTH AREAS

General Manager responsible:	General Manager Strategy and Planning DDI 941-8281
Officer responsible:	Programme Manager, District Planning
Author:	Scott Blair, Senior Planner, District Planning Team A, Strategy & Planning

PURPOSE OF REPORT

1. This report discusses the Council initiated Proposed Plan Change 61 General Objective and Policy Framework for Greenfield Residential Growth. It also discusses and reports on a presentation and bus trip workshop undertaken with Councillors on 30 June 2010 on the plan change and subsequent feedback from Mahaanui Kurataiao Limited on the plan change. The report seeks that Proposed Plan Change 61 and the associated Section 32 assessment be adopted by the Council for public notification in September of 2010.

EXECUTIVE SUMMARY

2. Proposed Plan Change 61 (PPC 61) introduces a new set of general Objectives and Policies to apply across all new greenfield residential growth pockets..
3. Recent greenfield growth has been facilitated by the Living G zone. Living G has 'evolved' and is evolving through several separate Resource Management Act 1991 (RMA) processes. Living G had its genesis in the Masham section 293 application before the Environment Court. Since then Living G has been used by both the Council and private plan change applicants as a starting point to develop each separate plan change. Separate statutory processes currently underway are:
 - Belfast Section 293 – Johns Road Horticulture Limited – currently before the Environment Court
 - Proposed Plan Change 5 – Awatea
 - Private Plan Change 62 – Wigram
 - Private Plan Change 30 – Preston's Road
 - Private Plan Change 43 – East Belfast.
4. The Council has the option of:
 - (a) Resolving to notify Proposed Plan Change 61, or
 - (b) Resolving not to notify Proposed Plan Change 61.
5. PPC 61 introduces a number of new General greenfield residential growth objectives and policies in regard to the structure of outline development plans (ODPs) in peripheral greenfield areas. There is a new objective in the peripheral urban growth objective (6.3B) that aligns the City Plan with Proposed Change 1 (PC1) to the Regional Policy Statement (RPS) as amended by the Commissioners decisions on PC 1 to the RPS. There is also a new Living Zone Objective 11.7 Greenfield Residential Growth and a number of supporting policies that relate to the structure of ODPs and the supporting layer diagrams that should accompany the ODP. These policies also reflect the ODP policies 7 and 8 in PC 1 to the RPS. There is an amendment to policy 10.3.2 Innovative Design that makes specific mention of good urban design outcomes in subdivision and minor word changes to Policy 6.1.1 Population Densities.
6. These objectives and policies have been reviewed legal counsel, who are considering the Council's position in regard to appeals on the Commissioners decision on PC 1 to the RPS for consistency with that position. They have found that there are no inconsistencies or conflicts.

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7. The reason for the plan change is that while the Environment Court has determined that the outline development plan method (as developed in Living G) fits with the existing general urban growth objectives and policies in the City Plan, there is currently no overarching or linking policy structure in the City Plan that provides a consistent approach to comprehensive outline development plans in the City Plan. PPC 61's objectives and policies will provide direction as to how this complex method should be used for consistent administration of the method by the Council across the various plan change areas. PPC 61 is also consistent with and reflects the policy directives of PC 1 to the RPS in regard to the mechanics and contents of outline development plans (ODPs).
8. PPC 61 does not provide objective or policy about the 'where' or the 'when' (timing) of urban growth – that is for resolution of PC 1 to the RPS process to determine. Rather it provides additional guidance and direction to Council and landowners as to the expected character and form of greenfield residential growth. PPC 61 supports and reinforces existing City Plan policies and objectives which emphasise urban consolidation, a land form that promotes close proximity and accessibility between living and employment areas, avoids adverse environmental impacts and makes efficient use of physical infrastructure.
9. PPC 61 was presented to the 1 April 2010 Regulatory and Planning Committee and this was followed up by a workshop and visit to a number of examples of greenfield zones around the city as they have evolved. The bus trip visited Delamaine (Masham Section 293), Aidanfield, Milnes Estate, and Linden Grove. Councillors who attended were given a hand out, relevant parts of which are attached as **Attachments 1 and 2**. Examples of 'good' and 'bad' built outcomes were pointed out and discussed by officers and Councillors in the context of PPC 61.
10. The version of PPC 61 attached in **Attachment 3** has been changed following feedback from the workshop and a general review of the intent of the plan change and legal advice. The major change has been to make it clear that the Plan Change relates to any new greenfield residential growth – regardless of whether it is called Living G or not. This will ensure that all plan changes (private or Council initiated) will fall within the ambit of the objectives and policies of the proposed plan change – regardless of whether they are called Living G or not.
11. Mahaanui Kurataiao Limited (MKT) have provided feedback on the proposed plan change. Some suggested changes regarding protection of natural and cultural values have been taken up, and some other matters in regard to restoration and pre-treatment of stormwater before it enters natural water courses have not. A copy of the MKT response is attached as **Attachment 4**.

FINANCIAL IMPLICATIONS

12. This plan change will require approximately \$100,000 to progress in this financial year. This includes public notification fees, consultants fees and legal opinion fees. This expenditure is covered in the approved 2010/11 City Plan work program.

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

13. Refer to the preceding paragraph on Financial Implications.

LEGAL CONSIDERATIONS

14. There is a legal process of notification, submissions, reporting, hearings, decisions and possible appeals which must be followed set out in the RMA.
15. PPC 61 refers to and takes direction from policies 7 and 8 of PC 1 to the RPS. If any significant changes are made to policies 7 and 8 of PC 1 through decisions of the Environment Court on appeals this could impact on PPC 61. However the risk is minimal. Policies 7 and 8 deal with issues of detailed implementation rather than significant policy directions.

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16. PC 1 of the RPS is currently open to appeal and any appeals lodged are unlikely to be heard until September 2010 at the earliest.
17. The reason PPC 61 is being pursued now is to align it with several current judicial processes, and that it appropriately has regard to PC 1 to the RPS in its current form. It is therefore not considered a legal or planning risk to include reference to and take direction from PC 1 to the RPS at this stage. This matter is discussed in detail at paragraphs 34 and 35 of this report.
18. This matter has been discussed in detail with Mr James Winchester, Legal Counsel, Simpson Grierson.
19. Simpson Grierson have reviewed the PPC 61, including the version attached to this report, and provided advice on drafting to ensure that the plan change is tight enough to avoid other matters beyond the plan change coming into scope. Simpson Grierson were also asked specifically whether the Plan Change should refer to greenfield residential growth in general (rather than just 'Living G') to ensure that the plan change covered all potential greenfield residential growth scenarios. They were also asked to consider whether a rule should be introduced to the general rules section of the City Plan as a critical standard to ensure that all greenfield residential growth areas are subject to the objectives and policies. Overall Simpson Grierson agreed that the plan change should be redrafted to focus on all greenfield residential growth and noted that a general rule stating that all greenfield growth areas will require an ODP is not needed.
20. Simpson Grierson have also reviewed PPC 61 in relation to the recommended position that the Council takes on appeals to decisions on PC 1 to the RPS and found that there is no conflict with this recommended position.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

21. Aligns with Activity Management Plan for 2009 – 2019 LTCCP – Activity 1.3 District Plan: Prioritised program of plan changes is prepared and approved by the Council on an annual basis. PPC 61 was initially developed as part of Proposed Plan Change 5 – Awatea.

ALIGNMENT WITH STRATEGIES

22. Aligns with the Greater Christchurch Urban Development Strategy (UDS) and Proposed Change 1 to the Regional Policy Statement.

CONSULTATION FULFILMENT

23. Council undertook consultation by mail out to known participants in the Living G processes (including those persons Officers have received enquiries from in terms of prospective plan changes). That mail-out closed on 19 January 2010. The matters raised in feedback are set out in the consultation section of the Section 32 report in **Attachment 3** to this report. In general responses acknowledge the need for an overarching objective and policy direction in the City Plan but some question the level of detail specified for ODPs.
24. Mr Steve Higgs, Regional Planning Manager, of the New Zealand Transport Agency had a telephone conference with Mr Blair of the Strategy and Planning Group. Mr Higgs was very supportive of Proposed Plan Change 61 and discussed relatively minor drafting matters with Mr Blair.
25. Andrea Lobb of Mahaanui Kurataiao Ltd (MKT) has been contacted for comments on the Proposed Plan Change. MKT provided some written comments on the plan change after the Regulatory and Planning Committee on 1 April. Officers have reviewed those comments and made some changes to the Plan Change in response.
26. The Ministry for the Environment was provided a copy of the draft Proposed Plan Change by Council. At the time of drafting this report no response has been received.

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27. Partner UDS Council's have been given an opportunity to respond (as either parties to an existing Living G process, i.e. Environment Canterbury or by mail in the case of Selwyn District Council and Waimakariri District Council).

STAFF RECOMMENDATION

That the Council:

- (a) Adopt the Section 32 Assessment Proposed Plan Change 61 General Objective and Policy Framework for Greenfield Residential Growth.
- (b) Agree to publicly notify Proposed Plan Change 61 pursuant to the first schedule of the Resource Management Act 1991.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND

28. To date the Living G zone has evolved and is evolving through several separate RMA processes. Living G had its genesis in the Masham Section 293 application by Applefields Ltd before the Environment Court. Given that the Environment Court has heard and endorsed this structure (in the Masham case) it has been used by both the Council and private plan change applicants as a starting point to develop separate plan changes. Several separate statutory processes currently underway are:
- Belfast Section 293 – Johns Road Horticulture Limited – currently before the Environment Court
 - Proposed Plan Change 5 – Awatea
 - Private Plan Change 62 – Wigram
 - Private Plan Change 30 – Preston's Road
 - Private Plan Change 43 – East Belfast.
29. Officers also receive enquiries from other prospective private plan change applicants now that the Commissioner's decisions from PC 1 to the RPS have been released.
30. In the Masham Environment Court case the Court determined that the mechanics and structure of Living G fit with the wider objectives and policies of the City Plan. Nevertheless, given the number of disparate statutory processes involving Living G, either before the Environment Court, Council initiated plan changes or private plan changes, it is a concern that there is the potential for these processes to arrive at different outcomes with different and potentially conflicting individual policy structure leading to an unnecessarily complex City Plan. An overarching structure in policy format is considered necessary to ensure that the mechanical form of Living G maintains some consistency across these and future Living G processes.
31. On 11 April 2008 the Environment Court released an interim decision on the Belfast Section 293 application (another Living G process). In that decision the Court made directions as to how the Living G rules package for the Belfast 293 was to be amended. Amongst others the Court, directed that the 'Aims and Principles' and 'key structural elements' written material that sat with the layer diagrams and the ODP would become objectives and policies within the City Plan.
32. Further, the Commissioner's decision for PC 1 to the RPS was released in December 2009. Over the course of developing Proposed Plan Change 5 (Awatea) (PPC 5 (Awatea)), which is currently going through the public notification process, Officers have been cognisant of Policies 7 and 8 of PC 1 to the RPS. These refer to the matters that the Council has to ensure are addressed in plan changes for Greenfield areas. The new Living G policies in PPC 61 take

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some direction from Policies 7 and 8 of PC 1 to the RPS. PPC 61 also deletes existing City Plan Policy 6.3.9 Urban Extensions as it creates ambiguity with the urban growth position of Proposed Change 1 to the Regional Policy Statement. The Proposed Plan Change also amends Policy 6.1.1 Population Densities. Comment has been sought from Officers reviewing the Commissioner's decision and drafting the Council's appeal (if any) to the Proposed Change 1 RPS decisions. Other than identifying the ambiguity or conflict with Policies 6.3.9 and 6.1.1, these Officers have indicated that there are no apparent conflicts with this position. Further to this, Simpson Grierson, the Council's legal representatives on Proposed Change 1 to the RPS have reviewed Proposed Plan Change 61 and found no conflicts. The amendment to Policy 6.1.1 is relatively minor.

33. It is recommended that the policy format in PPC 61, given the aforementioned directions of the Environment Court, and Proposed Change 1 to the RPS be pursued for all greenfield residential growth in the future. Proposed Plan Change 61 is seen as an opportunity to align the City Plan's approach to greenfield residential growth in general with the directions of the Environment Court and Proposed Change 1 to the RPS. It is also noted that later in 2010 the Council will be presenting further evidence to the Environment Court on format of the Objectives and Policies in the Belfast Section 293 case. This package will align with PPC 61.
34. Individual greenfield growth plan changes will still contain their own policies – but those policies would be specific to the plan change area and relate directly to the peculiarities of that particular greenfield growth site. For example in PPC 5 (Awatea) a policy supported by a non-complying activity rule restricts development of the Awatea Block until it can be serviced by sewer infrastructure that will not be available for that particular area for several years – this only affects the Awatea block.
35. Existing City Plan Policy 6.1.1 talks about promoting opportunities for higher densities in larger areas of peripheral urban growth. PPC 61 talks about ensuring mixes of densities including higher densities. An amendment to Policy 6.1.1 has is recommended to align 6.1.1 to the new policies in PPC 61.
36. For clarity, it is useful to discuss what PPC 61 does not do. PPC 61 does not introduce objective or policy that talks about where greenfield growth is to occur in Christchurch City or when it is to occur. Those are matters that are specifically dealt with in PC 1 to the RPS. They are issues that are likely to be hotly debated by appellants to the Commissioner's decisions on PC 1.

Further presentation and workshop

37. This plan change was brought before the 1 April 2010 Regulatory and Planning Committee on 30 June 2010. The workshop consisted of a half hour presentation and then a bus trip to view examples of 'good' and 'bad' built outcomes at recent large greenfield residential developments that the proposed objectives and policies are designed to address. A copy of the presentation is attached as **Attachment 1** to this report. The presentation reviewed the development, purpose and structure of Living G, reasons for the plan change and, a number of questions that had been raised by Councillors at the 1 April 2010 committee meeting.
38. Questions addressed at the presentation were:
 - (a) What is the relationship between outline development plan design and setting developer contributions under the Long Term Council Community Plan (LTCCP)?
 - (b) Is the amount of open space acquired by the Council in greenfield subdivisions diminishing?
 - (c) Can open space be specified in objectives and policies in the City Plan?
 - (d) Will Plan Change 61 lead to or prescribe repetitive subdivision with no individual flair or design?
 - (e) Should an issues or options paper be produced?
 - (f) Can the Council apply to the Environment Court to have the provisions of the plan change have immediate effect upon public notification?

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39. The Development Contributions Manager addressed question on the relationship between ODPs and developer contributions. In general, for a Council initiated Living G rezoning, the ODP and the capital works programme (CWP) are developed together. Development Contributions are then set to the requirements of the capital works program. Private plan change applicants should develop their plan changes in consultation with Council officers. If they do not they could create a conflict with the capital works programme. The significance of this conflict could go towards a recommendation to reject the plan change for notification (e.g. 'Prestons') or be dealt with by a recommendation in the subsequent Officer's Section 42A RMA report. It was also noted by Officers that the layer diagrams supporting ODPs are not designed to be 'exact'. There is often room for adjustment within the parameters of the layer diagram to meet the CWP. The final design, within the constraints of the CWP and the DC's policy is determined at the subdivision stage giving effect to the ODP.
40. Staff, addressed the perception that open space for neighbourhood parks in greenfield subdivisions is diminishing. As a generality the amount of contribution per allotment for neighbourhood parks has reduced from the former 7.5 per cent of the of the allotment's under value, under the former Local Government Act (LGA), to an equivalent of 3.5 per cent of the value under the newer household unit equivalent (HUE) in the DCs policy. The Development Contributions that in future the capital works programme will align with the general requirements of the ODP in the plan change.
41. Staff addressed the matter of whether the location and amounts of open space could be specified in the City Plan. It was noted that the City Plan already has objectives and policies on open space in the City Plan, in Section 14 of Volume 2. Plan Change 61 complements and enhances these policies and brings them into a Living G context. The Planner specifically noted that PPC 61 does not specify a quantum or area of open space that has to be provided. It specifies general location and how the space is to function (which is much the same as the role of the existing objectives and policies, but with more detail in regard to bottom lines for Living G).
42. Staff addressed the question of repetitive subdivision design. The Planner said that PPC 61 only prescribes a general built outcome. It is concerned about 'bottom lines' and ensures integrated development and sustainable management. It is not designed to completely pre determine the outcome of a development area. It does determine how aspects of the development such as servicing, transport, open space, convenience retail, urban design and density are to be delivered. Outside of those bottom lines there is room for a developer to bring their own vision of the physical development to fruition through the subdivision and building process. It was also noted that the consultancy firm Boffa Miskell, who have been undertaking some computer modelling work for the PPC 5 Awatea and Proposed Private Plan Change 62 Wigram Plan changes (both written within the parameters of PPC 61) have found that there are many different ways in which each of these development areas could be delivered within the bottom lines.
43. Staff addressed the issue of whether an issues and options paper should be produced. Living G, as method, has been canvassed through several statutory processes – Council plan changes, private plan changes and Environment Court cases. As a general method it is well established and accepted. Importantly the general concept was widely consulted on as part of Change 1 to the Regional Policy Statement – particularly through policies 7 Urban Design and Form and 8 Outline Development Plans and Changes to zoning in District Plans.
44. Finally staff addressed the issue of whether the Council could apply to the Environment Court to have the objectives and policies have effect immediately. The answer is no. The provisions of sections 86A-86G of the RMA apply to rules only. PPC 61 is an objective and policy based plan change.
45. A three hour bus trip followed the presentation. Officers and Councillors went to Delamaine (Masham section 293 – west Christchurch), Aidanfield (South West Christchurch), Milnes Estate (South West Christchurch), and Linden Grove (South West Christchurch). The officers

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accompanying the Councillors were the District Plan Programme Manager, a Senior Planner, a Urban Designer, a Senior Stormwater Engineer, and a Senior Parks and Waterways Planner. Some hand out material was distributed to the Councillors. The material relevant to this discussion is attached as **Attachments 1** and **2**. At each stop Councillors were shown built outcomes and discussion ensued with officers as to whether that outcome was 'good' or 'bad' and which specific objective or policy the example related to.

46. At Masham the general theme was that the desired outcomes of multimodal connectivity, comprehensive integrated stormwater design, open space planning, provision of local convenience retail were provided. However some of the finer urban design aspects of the development needed addressing – particularly the way in which higher density was constructed (obtrusive firewalls were notable on one terrace block) and how some of the residential units addressed open space. Issues around the delivery of the storm water system arising from a lack of specificity in the blue network layer diagram, which were satisfactorily resolved, were pointed out and discussed
47. A stop was made on the way to Aidanfield to discuss the amenity of the Wigram detention basins, their role in the refit of stormwater for the southwest, and how comprehensive and integrated design sought in the objectives and policies can help avoid the need to undertake such work in the future.
48. At Aidanfield the Councillors were shown a general theme of uniform density, poor interconnectivity with surrounding existing development, difficulties arising from a lack of comprehensive stormwater design, difficulties with the design and function of Bibiana Reserve. An aerial photograph overlaid with zoning – showing how local convenience retail and some areas of L3 density were forgone in favour of uniform Living 1 density was discussed on the bus.
49. At Milnes Estate the Councillors were shown a stormwater system set out under pylons that had reasonable amenity but was poorly designed as a series of 'bath tubs'. This design creates difficulties for operation and maintenance for the Council when vested. Another aerial photograph with cadastral boundaries was discussed. This photograph showed how interconnectivity and permeability (evident at Delamaine) had failed to be achieved on parts of Milnes Estate. The walking distance between two houses 60 metres apart is illustrated as 830 meters and the driving distance as 1310 metres.
50. At Linden Grove the Councillors were shown a higher density terrace development that exemplified the out comes that PPC 61's Objectives and Policies are seeking to achieve in terms of location with open space, relationship with open space, connectivity between streets and open space, Crime Prevention Through Environmental Design (CPTED), well designed and functioning back lanes.

Feedback from Mahaanui Kurataiao Limited.

51. The earlier report on this plan change noted that MKT had not responded to requests to provide feedback on the plan change. Feedback has now been received. Comments generally sought greater recognition of habitat and cultural and spiritual values of concern to Ngāi Tahu. Changes have been made to the Plan Change (attached as **Attachment 3** and shown as red tracked changes) to reflect some of these comments. These changes generally align with Section 5 of Volume 2 of the City Plan – Tangata Whenua.
52. However not all of the changes sought have been taken up. Some of the changes sought by MKT went to 'restoration' of sites of cultural significance. Actual restoration is not a matter that is currently dealt with by existing objective and policy in Part 5 of Volume 2. The existing policies are concerned about avoiding, remedying or mitigating adverse effects on values of significance. Investigation to extend policy to actual restoration of adversely affected taonga is wider matter that should be explored in the forth coming review of Part 5 of Volume 2 of the City Plan (as part of the general city plan review) in the context of Section 8 Treaty of Waitangi, and Section 74(2A)(a) Matters to be considered by territorial authorities (taking into account relevant planning documents by an Iwi) of the RMA.

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53. Further, MKT sought specific recognition in the objectives and policies that stormwater be conveyed and treated outside of natural waterways. This has significant implications for detailed sustainable stormwater design. At this stage it is considered that this is a matter that is better dealt with as part of any integrated catchment management plan and subsequent resource consent applications to Environment Canterbury for discharge consent.

Feedback on fit with the Infrastructure Design Standard.

54. The Plan Change has been checked against the newly adopted infrastructure design standard. Minor issues in relation to specifying a minimum dimension of 20 metre width for open space were identified. Alterations to delete the specific reference and to put more emphasis on the desired functional outcome have been made. These are shown as red tracked changes on Policy 11.7.2(a) in **Attachment 3**.

Further advice from Simpson Grierson.

55. Following further consideration of the plan change after the workshop and field trip staff has asked Simpson Grierson whether the plan change should be redrafted to cover all potential greenfield residential growth rather than just Living G. It is feasible that a Private Plan Change applicant could seek a different format of growth that isn't called Living G and doesn't involve an outline development plan. Simpson Grierson reported back that the plan change would benefit from redrafting from Living G to a more generic green field residential growth format. This has been undertaken this redrafting work has been completed. Changes are shown as red tracked changes in Attachment 3.
56. Simpson Grierson were also asked, by staff, whether a general rule needed to be inserted in the plan change stating that all greenfield residential growth needs to be accompanied by an outline development in the format sought in the policies. Simpson Grierson reported that such as rule was not needed because:
- (i) Any plan change will be assessed against the existing objectives and policies of the City Plan – including those introduced by Plan Change 61.
 - (ii) It is extremely unlikely that any resource consent application for subdivision consent for residential development on 'greenfield land' would be anything other than a non complying activity. A non complying activity resource consent application is assessed against the existing objectives policies and rules of the City Plan – including those introduced by Plan Change 61.

THE OBJECTIVES

57. To publicly notify the attached Proposed Plan Change 61 General Objectives and Policies for Greenfield Residential Growth.

THE OPTIONS58. **Option 1**

Adopt the Section 32 Assessment for Proposed Plan Change 61 and agree to notify Proposed Plan Change 61 pursuant to the first schedule of the Resource Management Act 1991.

59. **Option 2**

Do not publicly notify Proposed Plan Change 61.

THE PREFERRED OPTION

60. Option 1 is the preferred option. This will enable the Council to provide a framework in the City Plan for policy consistency in structuring and assessing plan changes for greenfield residential development.

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5. CHRISTCHURCH CITY DISTRICT PLAN: CHANGE 18 – 420-426 HAGLEY AVENUE

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager District Planning
Author:	David Punsellie, Assistant Planner

PURPOSE OF REPORT

1. This report seeks a decision from the Council to approve changes to the City Plan introduced by a consent order on Plan Change 18 to the District Plan.

EXECUTIVE SUMMARY

2. Plan Change 18 sought to rezone land at the corner of Hagley Avenue and Moorhouse Avenue from Living 4B (Inner City High Rise) to Business 3B (Inner City Industrial Buffer) to enable the site to be developed for business purposes. In addition to the rezoning the change proposed a number of amendments to the Business 3B zone provisions.
3. Following a hearing in August 2008 a Council Hearings Panel recommended to the Council that the plan change should be declined. The Panel concluded that the proposed changes to the Plan would undermine the integrity of the City Plan in respect of the Business 3B Zone rules and, accordingly, were not the most efficient or effective measures of achieving the objectives of the zone. The Panel considered that the existing Living 4B zone better achieved the Council's objectives for providing high density residential development close to the city centre and, while the site had not been redeveloped under the existing zoning, it did not consider that zoning to be ineffective. The Committee's recommendation was adopted by the Council as its decision on 19 December 2008.
4. The decision to reject the plan change was appealed by the requester D J K Holdings Limited. At the encouragement of the Environment Court the parties agreed to mediation and after several sessions an agreed package of rules was developed that would enable the site to be developed for residential or mixed use purposes with sufficient control mechanisms over all the matters that the Council has expressed concern about. Appearance and design controls were included to ensure that any development will adequately address the amenity of Hagley Park, with specific provisions for screening of parking areas, restrictions on outdoor advertising and in support of an overall "residential appearance".
5. The District Plan Appeals Subcommittee was kept informed throughout the mediation process and signed off on the final package of rules. The Environment Court accepted the mediated agreement and issued a consent order (**Attachments 1 and 2**).

FINANCIAL IMPLICATIONS

6. There are no direct financial implications.

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

7. The recommendation will not impose on the LTCCP budgets.

LEGAL CONSIDERATIONS

8. The recommendation in this report is for the Council to take a procedural step to make operative the changes introduced by the Environment Court's consent order. Following the closing of the appeal period and the resolution of any appeals the Council must formally approve the changes to the plan under clause 17 of Schedule 1. The plan change then become operative on a date that is nominated in a public notice of the Council's approval. With the issue of the Court's consent order this plan change has now reached the stage where it can be made operative.

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5 Cont'd**Have you considered the legal implications of the issue under consideration?**

9. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with District Plan Activity Management Plan.

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

11. Yes. Supports the project of processing all privately requested plan changes in compliance with statutory processes and time frames.

ALIGNMENT WITH STRATEGIES

12. Not applicable.

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. Approval of changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 is a procedural step that does not require consultation.

STAFF RECOMMENDATION

That the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the Environment Court's consent order and the erratum thereto on the appeal by D J K Holdings Limited.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 18 become operative.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

Councillor Button abstained from voting on this item.

6. MAKING OPERATIVE VARIATION 48 – MANAGEMENT OF THE FLOOD HAZARD IN CHRISTCHURCH

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager District Planning
Author:	Glenda Dixon, Senior Planner, District Planning Team

PURPOSE OF REPORT

- 1. This report seeks a decision from the Council to make Variation 48 to the District Plan operative. The likely operative date is 20 September 2010.

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EXECUTIVE SUMMARY

2. Variation 48 – Management of the Flood Hazard in Christchurch has had a long history. The Variation aims to better manage the potential effects of flooding. The essential elements of the Variation are:
 - (a) To identify areas on the Planning Maps which are at greater risk of flooding than the rest of the City;
 - (b) To protect the hydraulic function of ponding areas, and life and property within and beyond them, by strictly controlling filling and excavation, via non-complying activity resource consents for anything other than building platforms at permitted rural densities; and
 - (c) To mitigate the effects of flooding by requiring restricted discretionary activity resource consents with assessment criteria relating to building floor levels, in identified flood management areas (FMAs).
3. **Attachment 1** shows the areas Variation 48 covers. The Variation is the second to last part of the proposed City Plan of 1995 to be made operative. The last part of the City Plan to be made operative will be the plan provisions for the area of western Belfast subject to section 293 proceedings. Variation 48 was publicly notified in December 2003, heard by a Panel in November 2005, a Council decision issued in May 2006, and was subsequently appealed to the Environment Court. Several sessions of formal mediation took place in 2007, with appeals heard in Court in July and August 2008. The Environment Court decision issued in May 2009 required further mediation, which occurred in November 2009. A further decision was finally issued by the Court in July 2010 (**Attachment 2**).
4. The only outstanding appeal on Variation 48 was part of the appeal by the Canterbury Regional Council which was separated off and adjourned by the Court, because the City Council was in the process of preparing a plan change to address the issues raised in that part of the appeal. Plan Change 32 Waimakariri Stopbank Floodplain Land Use Controls was publicly notified by the Council on 10 July this year, and consequently the Canterbury Regional Council has recently withdrawn the remaining part of their Variation 48 appeal.
5. The Council can now take the procedural step of making Variation 48 operative.

FINANCIAL IMPLICATIONS

6. There are no direct financial implications. There are however administrative implications which are discussed in the background sections below.

Do the Recommendations of this Report Align with 2010-2020 LTCCP budgets?

7. Covered by existing budgets.

LEGAL CONSIDERATIONS

8. The recommendation in this report is for the Council to take a procedural step to make operative the changes to the City Plan introduced by the Council's decision and subsequent Court proceedings on Variation 48. Following the resolution of all the appeals the Council must formally approve the changes to the District Plan under Clause 17 of the First Schedule before they become operative on a date that is notified in a public notice of the Council's approval.

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

9. Yes as above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with District Plan Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2010-20 LTCCP?

11. Yes.

ALIGNMENT WITH STRATEGIES

12. Yes. Supports the maintenance and review of the District Plan project. Aligns with Council's Surface Water Strategy by addressing flooding issues and with the Council's Climate Smart Strategy by providing a practical first step in responding to sea level rise (SLR) projections (0.5m SLR).

CONSULTATION FULFILMENT

13. Approval of changes to the District Plan under clause 17 of Schedule 1 to the RMA is a procedural step that does not require consultation.

STAFF RECOMMENDATION

That the Council:

- (a) Approve, pursuant to clause 17(2) of the First Schedule of the Resource Management Act 1991, the changes to the District Plan introduced by the Council's decision and subsequent decisions of the Court.
- (b) Authorise the General Manager, Strategy and Planning under Clause 20 of the First Schedule of the Resource Management Act 1991, to determine and publicly notify the date on which Variation 48 should become operative.

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

- 14. Variation 48 has two main parts. The first part sets out rules dealing with the Lower Styx, Hendersons Basin, and Cashmere Worsleys ponding basins and the Cashmere Stream floodplain. This part has had effect from the date of public notification in 2003.
- 15. The second part of the Variation includes rules affecting much more extensive Flood Management Areas in the Lower Styx, Avon, and Heathcote River catchments, a smaller area in the Lansdowne Valley, and also some low lying coastal Flood Management Areas including Redcliffs and Sumner. Sixteen thousand households were individually notified of the Variation in 2003. This second part of the Variation was held back from having effect under section 20 of the RMA as it stood in 2003, on the basis that the Variation could change significantly through the Council decision and appeal stages and because so many households were affected. In the event, the flood management provisions of the Variation have not in fact changed significantly, since the amendments in the Council decision and the issues raised in the appeals largely concerned the ponding area provisions. The Court essentially confirmed the Council's approach on all major issues.
- 16. The mediation in 2009 and the consent order this year related to the Court's observation that the rules could make better provision for filling, excavation and building associated with permitted farming and horticultural activities, while not compromising the ponding and flood retention capacities of the flood-prone areas.

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6 Cont'd**WHAT IS THE VARIATION ABOUT?**

17. The Variation is directed at better management of the potential effects of flooding, and to assist Council to meet its obligations to avoid or mitigate any adverse effects associated with flooding. It focuses on strictly controlling filling and excavation in the ponding areas, and introduces a requirement for resource consent (usually as a restricted discretionary activity) for all new buildings and additions to buildings (with a few exceptions for small scale buildings) and filling within flood management areas.
18. Assessment criteria for these resource consents include whether or not the floor level of buildings is above the predicted 0.05 per cent AEP (Annual Exceedance Probability) flood level, which is also known as the 1 in 200 year flood level, plus an allowance for freeboard, and, in tidally affected areas, whether or not the floor level of the building is 11.8m above Council datum. The 11.8m above datum level includes an allowance for 0.5m sea level rise. The 1 in 200 year standard for Flood Management Areas (those areas which are at greater risk of flooding than the City generally) gives greater protection from the effects of flooding in those areas, than the 1 in 50 year standard required under the Building Act 2004 for residential and communal non-residential buildings in the rest of the city.

ADMINISTRATIVE IMPLICATIONS

19. The forthcoming requirement for resource consent for nearly all development in Flood Management Areas (FMAs) has administrative implications for the Environmental Policy and Approvals Unit, which will need to process the extra consents, and the City Environment Group which will be tasked with providing technical advice on resource consents. However it is anticipated that the great majority of consents will be relatively straightforward. Consents under flood management area rules will not need the approval of neighbours and will not be publicly notified. (Note that this does not apply to consents under ponding area rules. These are in many cases non-complying activity applications).
20. For the Hendersons Basin and Cashmere Stream floodplain, further hydraulic modelling was undertaken in 2004 and 2005 to calibrate against observed water levels in the Hendersons Basin (earlier work had focused mostly on calibration for volumes and water levels in the Heathcote River). Following this, additional work was commissioned between 2007 and 2009 to verify 200 year flood levels for each of the major river systems, using more accurate LIDAR contour information that had not been available in 2003 when the Flood Management Areas were originally mapped. This remodelling revealed that the existing mapped Flood Management Areas included some areas which will not be flooded in a 1 in 200 year event, and that some areas outside the FMAs could also be flooded in such an event.
21. In order not to slow the process of getting Variation 48 operative by having to start again at the beginning, it was decided that the best way forward was for Council to apply for a global consent on behalf of the landowners whose properties are not likely to be flooded in a 1 in 200 year event, so that they will not be required to obtain resource consents individually. This application is being prepared and will be lodged when Variation 48 becomes operative. Areas at risk of flooding in a 1 in 200 year event and outside of the existing Variation 48 Flood Management Areas will need to be dealt with separately in future plan changes or at the plan review.
22. The information obtained in the recent remodelling exercises will be available to technical staff within Council, and some of it is currently being added to Webmap, Council's internal property database. This information will be able to be accessed by all staff, including those staff giving advice to the public. This will mean that the best available information will be referred to on LIMs (Land Information Memoranda) and used in PIMs (Property Information Memoranda) in respect of floor levels.
23. Internal seminars on the requirements of Variation 48 are being held and a communications plan is being prepared so that those in the development industry can be better informed about what the Variation will require, ahead of it becoming operative.

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7. REVIEW OF CHARACTER HOUSING MAINTENANCE GRANT FUND

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Carolyn Ingles, Programme Manager Liveable Cities
Author:	Katie Smith, Neighbourhood Planner

PURPOSE OF REPORT

1. This report reviews the existing Character Housing Maintenance Grants Policy and recommends a revised policy for consideration by the Council. This report includes the comments of the eight Community Boards on the proposed options and recommendation for the revised Character Housing Maintenance Grants Policy.

EXECUTIVE SUMMARY

2. In March 2004 the Council resolved to provide grant funding towards the external maintenance of pre-1945 character houses to assist in their retention and continuing contribution to the residential amenity and identity of their local areas. This was implemented for a period of four years from July 2006 to run until July 2010. The Character Housing Maintenance Grants Policy required a review of the success of the grants after this initial four year period.
3. The historic fabric of Christchurch comprises both heritage listed and non-listed character buildings in both residential and commercial use. City Plan Listed Heritage Buildings and Items are protected by the rules set out in the City Plan and entitled to grants for internal and external repairs and maintenance under the Heritage Incentive Grants Policy. Listed heritage, however, makes up a small proportion of the older housing stock that contribute to the character and heritage of the city.
4. The Character Housing Maintenance Grants fulfil an important role in the retention of non-listed heritage buildings which contribute to the character and heritage of Christchurch. Without these maintenance grants there is no other source of financial help or encouragement for property owners to retain these buildings and the loss of such buildings has been noted in many areas of the city as eroding the character of the older suburbs.
5. The Character Housing Maintenance Grants were intended to provide a small financial contribution towards the external upgrading and maintenance of homes which have a distinctive visual character and make a key contribution to the quality of the local streetscape and the community identity. In 2009/10 a total of \$47,500 was available through the Character Housing Grant Fund with an average grant approval of \$1,408 over the 25 applications approved. Staff time on administration of the grants is approximately 0.3 of a full time equivalent position.
6. The objectives of the review are to ensure the Fund operates effectively both for the Council and the applicants, that it supports the retention of character homes, and to raise awareness of this grant fund.
7. The policy sets out the criteria by which the effectiveness of the grant scheme will be assessed and includes community acceptance, improvements in street amenity and local identity and retention of character houses. The policy also requires the Character Housing Maintenance Grants Panel to consider each annual round against these criteria. Those annual discussions have led to a number of the recommendations in this report aimed at making the Character Housing Maintenance Grants more effective. Feedback has also been received from some of the grant applicants.
8. The effectiveness of the grants against the criteria is assessed in the following:
 - *Community acceptance*; there has been a significant interest in the grant scheme as shown by the receipt of 154 applications, and numerous enquiries each year.
 - *Improvements in street amenity and local identity*; of the 154 applications, 72 (approx. 50 per cent) have uplifted grant funding in the past four years. These grants have been for a range of works including external painting, window and roof replacement and replacement/repair of building features such as veranda details. These improvements have all contributed to the amenity of the street scene and the identity of the local area.

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- - *Retention of character houses in an area including those that have not received grants;* the grant process requires the applicant to commit to non demolition or relocation of the property for the next 10 years thereby ensuring the property continues to contribute to the street scene and local identity. It is difficult to quantify the impact upon the retention of character properties that have not received a grant as there are many other factors that would influence their retention including market conditions over the past four years.
 - *Effectiveness of the management and administration of the programme;* each year the grant fund has not been fully allocated nor all grants uplifted. The review identifies that there are three main factors that limit the success of the grants: the low quantum of grant funding; the restrictive grant conditions and criteria; the administrative process. All of these issues are explained in more detail in the background section of this report.
9. On the basis of this assessment the Character Housing Maintenance Grants have been a cost effective mechanism for recognising the contribution that character homes make towards street scene and local identity. The additional recommendations in this report are aimed at reinforcing the intention of the grants to focus at the local level and further supporting that effectiveness and administrative efficiency.
 10. The background section of this report contains a summary of the effectiveness of the grant process, a review of the selection criteria, conditions of the grant and options for a revised policy.
 11. Three options have been considered:
 - The status quo
 - Continuing with the current Character Housing Maintenance Grants with minor changes to the existing policy and process
 - Applications being approved by each Community Board with the fund allocated between the eight Community Boards who can determine applications throughout the year, along with minor changes to the existing policy and process.

It is recommended that the third option is progressed. The share of the fund will be based on the number of residential properties within each ward built before 1945 (source: *Christchurch City Council Valuation Hub Database*).

12. The proposed revisions to the Character Housing Maintenance Grants Policy, should the preferred option be adopted, are shown in the attachment, **Attachment 1**. The revised Policy will be reviewed in three years to monitor the effectiveness of the revised grants system.

FINANCIAL IMPLICATIONS

13. Provision has been made for a Character Housing Maintenance Grant Fund of \$45,310 for 2010/11. Each property is restricted to a total maximum grant funding of \$5,000. Staff time is provided for in operational budgets.
14. The current policy has one pool of funding and is allocated by the Character Housing Grants Panel. In the preferred option outlined in this report each Community Board is allocated a proportion of the Character Housing Maintenance Grant Fund. Allocating a proportion of the grant fund to each of the Community Boards will enable each Board to be responsible for making decisions on the grant applications it receives, reinforces an original intention of the grants scheme to focus at the local level and would provide a stronger mechanism to encourage applications. The proportion for each Community Board is based on the number of properties located within each ward that were built before 1945. Table 1 below details the proposed distribution of funding between the Community Boards (note that figures have been rounded).

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Table 1: Character Housing Maintenance Grants Community Board Funding Allocation

Community Board	Number of properties pre-1945	% of properties pre-1945	Budget
Lyttelton-Mt Herbert	760	4.1%	\$1,860
Akaroa-Waiwera	221	1.2%	\$540
Burwood-Pegasus	1,571	8.5%	\$3,845
Fendalton-Waimairi	1,977	10.7%	\$4,835
Hagley-Ferrymead	5,311	28.7%	\$12,990
Riccarton-Wigram	797	4.3%	\$1,950
Shirley-Papanui	2,966	16.0%	\$7,260
Spreydon-Heathcote	4,918	26.6%	\$12,030
Total Christchurch	18,521	100.0%	\$45,310

15. The current policy requires that grants not uplifted within the financial year lapse.
16. The preferred option allows a period of 11 months for applicants to complete the works and uplift the grant. This will require the end of year carry forward of funds for those grants that will not be uplifted until the following financial year.
17. The current policy restricts the grant funding to a maximum of 10 per cent of the total costs of the external maintenance works (excl GST) up to a maximum of \$5,000 per property.
18. The preferred option will give each Community Board the discretion to award applicants between 10-20 per cent of the external maintenance cost (excl GST) up to a maximum of \$5,000 per property. This increases from a maximum of 10 per cent in the current policy. It will also allow for additional applications for properties to be submitted once the original grant has been uplifted and will be dependent upon available funds and to a maximum limit of \$5,000 in total grants per property.

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

19. Yes, the Character Housing Maintenance Grant Fund is provided for in the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

20. The current policy requires the non-demolition and non-relocation of the property for a period of ten years. This condition has been dealt with through a written agreement from the applicant not to demolish or relocate the property and is monitored by placing a property note on the Land Information Memorandum (LIM). While this does not have the legal standing of a covenant, it does require the owner to state their intention to retain the property and the agreement will be highlighted to the Council's consent planners should any application for demolition or relocation be received.
21. The preferred option will retain this need for the property owner to agree in writing not to relocate or demolish the property within 10 years of the uptake of the grant and will continue to be monitored through the LIM note on the property file. This is considered an appropriate form of agreement for implementing the non-demolition and non-relocation requirements of the policy given the low value of the individual grants.
22. The current policy is not explicit about grant payback should demolition or relocation occur within the ten-year period. The preferred option is to include a clause requiring payback under these circumstances. Should the grant recipient decide not to pay back the grant money upon demolition or relocation of the building then consideration would need to be taken on a case-by-case basis as to what, if any, legal proceedings should follow.

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23. The existing Character Housing Maintenance Grants Policy also requires that should the property be sold within five years of the grant payment then the applicant must repay the grant to the Council. There have been a number of grants paid back due to applicants selling their properties within five years, yet post-sale these properties continue to contribute to the street scene. This approach is also inconsistent with the Heritage Incentive Grants, where there is no requirement for grants to be paid back should the property be sold.
24. The preferred option will not require the payback of the grant should the property be sold. The intent of the policy is around the character of the property and the contribution of the property to the street environment. This revision will not impact upon the intent of the policy and may encourage more applications.

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

25. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

26. The Character Housing Maintenance Grants are accounted for in the 2009-2019 LTCCP and align with the Activity Management Plans, Activity 1.4: Heritage Protection by providing grants in order to maintain and protect heritage items and values which contribute to a unique city and community identity, character and sense of place and provide links to the past.

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

27. Yes.

ALIGNMENT WITH STRATEGIES

28. The Character Housing Maintenance Grants align with the Liveable City Strategic Directions and the Greater Christchurch Urban Development Strategy in that it maintains and enhances the quality of the development and renewal of the city's built environment by protecting Christchurch's heritage buildings and neighbourhood character.

Do the recommendations align with the Council's strategies?

29. Yes, the recommendations will enable the Character Housing Maintenance Grants Fund to operate effectively.

CONSULTATION FULFILMENT

30. This report has been circulated to all Community Boards for their views. Staff attended meetings of all eight Community Boards to seek their feedback on the proposed amendments to the policy and administration of the fund.
31. Comments from the Character Housing Grant Panel and grant applicants have been taken into consideration in formulating the revised policy.
32. The comments of each of the eight Community Boards is set out below together with staff response to each comment.

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Community Board Decision	Comments	Staff Response
Burwood-Pegasus Resolved to support Option C including the process set out in the revised Operational Policy		
Riccarton-Wigram Resolved to support Option C including the process set out in the revised Operational Policy with consideration as set out in the comments section.	<p>The Board commented on the level of funding proposed for allocation to Riccarton Wigram but noted that the ward had not had any Character Housing Maintenance Grant Applications over the last two years.</p> <p>Also noted that applicants must be fully insured to be eligible for a grant but in most cases insurance was not obtainable until the dwelling had compliant wiring and plumbing. Access to the maintenance grant could assist applicants to achieve the compliant wiring and plumbing and then obtain insurance.</p>	<p>Acknowledged that they have not had many applications over past 4 years and new process will allow applicants to access the grants more than once to finish off their projects, therefore a worthy project may come back for additional funding in future years.</p> <p>The original intention of the grant and policy is about the contribution the property makes to the street and identity of the area. This would require a change in the policy and original resolution by Council. It is recommended to add this to a list of issues to be considered in the 3-yearly review.</p>
Spreydon-Heathcote Resolved to support Option C with their comments taken into consideration	<p>As there is a small amount of money for each ward an across the city approach may be more appropriate, especially taking into consideration the costs of advertising and administration of the grants.</p> <p>The possibility of keeping the decision making at the Community Board level, but also taking a collective approach by establishing a sub-committee of all the Community Boards to consider the applications.</p> <p>That house ages for a period of 50 years prior to the year of consideration become an established part of the grant process. (This would move the date to take into consideration more recent building styles for example houses constructed in the 1950/1960's).</p> <p>The Board noted that there is a three year review process which could be used to process the Community Board comments.</p>	<p>Under the revised Option C Boards would partly rely on staff advice to give consistency for decisions as staff would review all applications and make recommendations. Could be included in 3-yearly review.</p> <p>This is very similar to the existing approach, but could be considered in the 3 year review depending upon how the grants operate under the revised process.</p> <p>The original intention of the grants was to address the loss of older wooden character houses and the consequent impact on the character of streets in parts of the city. The Council resolution and original policy set the date at 1945. Proposed changes in the date of property for eligibility could be included in the 3 year review.</p>
Hagley-Ferrymead Resolved to support Option C including the process set out in the revised Operational Policy.	<p>That consideration be given to increasing the level of grant funding to 33% to make it more of an incentive.</p>	<p>Proposed changes increase level of grant funding to between 10%-20% and applicants can apply more than once therefore allowing grants towards ongoing projects.</p>
Shirley-Papanui Resolved to support Option C including the process set out in the revised Operational Policy		

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Community Board Decision	Comments	Staff Response
Fendalton-Waimairi Resolved to support Option C including the process set out in the revised Operational Policy	Suggested changes to para 50 of the report to read:- (e) Remove the payback requirement if property sold. (f) Require payback if property demolished or relocated within 10 years of grant uplift.	
Akaroa-Wairewa Decided not to accept staff recommendation Option C and proposed support of Option B but with changes as set out in the comments section.	<p>It was considered that the funding level was too little to be worth the administration of the fund and too little to act as an incentive for applicants, The board considered that they should at least receive enough funds to allocate an average grant of \$1,200.</p> <p>The issue of targeted funding was not acceptable to them and they favoured a central distribution of funding where each board would have equal access to funds.</p> <p>The Board considered the high costs of the administration of the fund not worth the small amounts given.</p> <p>The Board favoured a central decision making body for consistency of decision making and considered Option B to be a more suitable option but with more frequent meetings to allow access to the fund and suggested that the decisions be made by a subcommittee of board members to cut down on administration costs.</p> <p>The Board would also like to know what happens to unspent funds from one board and could these be transferred to other boards for allocation.</p> <p>The Board would like to see historic fences included in the scope of works for funding as well as funding works for previous residential properties that are no longer in residential use. They would like consideration to be given to retrospective works if they are appropriate.</p> <p>Considered that funding given through a system of awards may be more appropriate than grants.</p>	<p>The proposed option increases the level of funding to between 10%-20% and applicants are allowed to apply for more than one grant.</p> <p>The fund is divided between the eight community boards based on the percentage of residential properties built before 1945 within each ward. This could be considered in the three year review. A high proportion of these pre 1945 dwellings are heritage listed and have access to the Heritage Incentive Grant Fund (see table 2).</p> <p>The administration costs for the proposed option are considered to be similar to the existing process.</p> <p>The policy and process needs to balance the costs of administration, making grants more accessible and equal representation of Community Boards.</p> <p>Under the proposed option each board has funding to allocate. No provision for transfer of funds between boards has been included. Financially this would be difficult as excess funding would only be known at the end of the financial year.</p> <p>Awards by Council and Community Boards are normally token non monetary such as the Shirley/Papanui heritage awards.</p>

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Community Board Decision	Comments	Staff Response
Lyttelton-Mt Herbert Decided not to accept staff recommendation Option C and proposed support of Option B but with changes as set out in the comments section.	<p>It was considered that the funding level was too little to be worth the administration of the fund and too little to act as an incentive for applicants and that given the level of funding allocated to Lyttelton Mt Herbert applicants would be unable to reach the \$5,000 max grant.</p> <p>The Board would also like to know what happens to unspent funds from one board and could these be transferred to other boards for allocation if they are oversubscribed.</p> <p>Would like scheme to be extended to include commercial properties.</p>	<p>The proposed option increases the level of funding to between 10%-20% and applicants are able to apply for more than one grant. A higher than average proportion of these pre 1945 dwellings are heritage listed and have access to the Heritage Incentive Grant Fund (see table 2).</p> <p>Under proposed option each board has funding to allocate. No provision for transfer of funds between boards has been included. Financially this would be difficult as excess funding would only be known at the end of the financial year.</p> <p>The original intention of the funding was for residential, not commercial properties.</p>

33. Concerns were raised at the level of funding for some of the wards in particular Akaroa – Wairewa and Lyttelton - Mt Herbert. However it is generally noted that both Akaroa – Wairewa and the Lyttelton - Mt Herbert wards have a high proportion of heritage listed buildings, in fact 37 per cent of dwellings built before 1945 in Akaroa – Wairewa are heritage listed and over 9 per cent of dwellings built before 1945 in Lyttelton – Mt Herbert are heritage listed and therefore have access to the Heritage Incentive Grant Fund. Table 2 below shows this proportion is substantially more than any of the other wards.

Table 2 Percentage of pre 1945 dwellings that are Heritage Listed Buildings

Community Board	Number of Heritage listed dwellings	Heritage Dwellings as a percentage of all pre-1945 properties	Number of properties built pre 1945
Lyttelton-Mt Herbert	70	9.2%	760
Akaroa-Wairewa	83	37.6%	221
Burwood-Pegasus	1	0.1%	1,571
Fendalton-Waimairi	62	3.1%	1,977
Hagley-Ferrymead	56	1.1%	5,311
Riccarton-Wigram	11	1.4%	797
Shirley-Papanui	12	0.4%	2,966
Spreydon-Heathcote	28	0.6%	4,918

STAFF RECOMMENDATION

That the Council:

- (a) Adopt the revised process for administering the Character Housing Maintenance Grants as follows:
 1. Each Community Board will be given a share of the overall Character Housing Maintenance Grant Fund to allocate to applicants of properties located within their ward. The share of the fund will be based on the number of residential properties within their ward built before 1945 (source: *Christchurch City Council Valuation Hub Database*).
 2. The Community Boards will take responsibility for decision making for Character Housing Maintenance Grants in their ward based on the policy guidelines, and:
 - (i) Applications can be submitted throughout the year and taken before the relevant Community Board for a decision on the quantum of grant funding dependent upon available funds.

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- (ii) Increasing potential grant funding for each application to 10 per cent-20 per cent (maximum \$5,000) at the discretion of the individual Community Board on the merits of each application.
 - (iii) Applicants be permitted 11 months from approval of the grant to complete works and uplift the grant.
 - (iv) Allow applicants to apply for additional grants for further works once first grant completed dependent upon available funds and limited to a maximum of \$5,000 per property.
 - (v) Retain the non-demolition and non-relocation clause in the policy with a payback requirement.
 - (vi) Remove the payback clause if the property is sold as the property still retains a relationship with the street scene or public open space.
 - (vii) A three year review of the Fund to evaluate success and report to Council.
- (b) Delegate authority to the eight Community Boards to allocate their proportion of the fund to applications received within their ward.
- (c) Adopt the revised Character Housing Maintenance Grant Policy 2010 as amended (Attachment 1).

COMMITTEE RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

34. The Character Housing Maintenance Grants have been available to owners of character dwellings in Christchurch and Banks Peninsula since July 2006 and have offered grants of 10 per cent (up to a maximum of \$5,000 excl GST) for external maintenance works to upgrade the external appearance of residential properties that make a key contribution to the quality and identity of local streets.
35. The existing policy has been operating for the past four years with a budget of \$100,000 in the first three years and \$47,500 in the final year. The allocation of funds for each year are as shown in Table 3 below.

Table 3: Annual allocation of Character Housing Grants

Financial Year	Number of grants approved	Total value of grants approved	Total number of grants uplifted	Total value of grants uplifted
2006/07 Fund available \$100,000	42 of 64 applications	\$47,573.00 (avg \$1,133.00)	22	\$22,883.00 (avg \$1,040.00)
2007/08 Fund available \$100,000	26 of 28 applications	\$33,039.00 (avg \$1,271.00)	17	\$19,844.00 (avg \$1,167.00)
2008/09 Fund available \$100,000	27 of 36 applications	\$43,573.00 (avg \$1,614.00)	17	\$25,893.00 (avg \$1,523.00)
2009/10 Fund available \$47,500	25 of 26 applications	\$35,192.00 (avg \$1,408)	20	\$22,515.00 (avg \$1,125.75)

36. Decisions on grant applications are currently made by the Character Housing Grants Panel (comprising one member from each Community Board), following consideration and a recommendation by the relevant Community Board. The means that for each grant there is a two step process. This has resulted in a lengthy time from application to decision-making, and

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for the size of the fund and scale of the grants, increased the associated administration. The intention of this grants scheme was for this to remain focused at the local level. The preferred option reinforces this intention, recommending responsibility for decision making lies with each Community Board based upon an annual allocation of grant funds.

37. Operation of the grant system over the past four years has highlighted a number of weaknesses and disincentives associated with the current policy that provide areas for consideration in this review, including the following:

38. **Financial incentive**

- (a) The grant fund has not been fully allocated.
- (b) Uptake of grants approved has been low, on average this is less than 25 per cent of total grant fund.
- (c) The maximum of 10 per cent of the total cost of the project excl GST (max \$5,000) is too little to act as an effective incentive to promote retention of character houses. Average grants are \$1,243.

39. **Grant conditions and criteria**

- (a) If ownership changes within five years the applicant is required to pay back the grant, although the property will continue to make a contribution to the character of the area and street scene.
- (b) The Policy requires a non-demolition or relocation clause for 10 years.
- (c) The Policy only allows for one grant per property, there is no time limit after which further applications may be considered.
- (d) The criteria requires that the proposed works must be visible from a public place which excludes character houses on rear sections and essential maintenance works such as piling which are important to the retention of the building.
- (e) The policy excludes non-residential buildings which can make a significant contribution to the streetscape, character and history of the local area.

40. **Administrative process**

- (a) The grant process from opening the fund and receipt of applications through to completion of works spans just one financial year. The process results in only one window of opportunity for applicants to apply for a grant each year.
- (b) The decision making process can take up to four months and restricts time for completion of works to a maximum of seven months in order to claim the grant before the end of the financial year.
- (c) If works are not complete by the end of the financial year the grant offer lapses and the applicant either foregoes the grant or has to reapply to another funding year.
- (d) There are no opportunities to consider grants for urgent repair works or retrospective applications where works have been completed between the cut off in one financial year and the opening date in the next.
- (e) The Policy does not allow for funding to be carried forward to the next financial year even for those grants offered but where work is unable to be completed within the timeframe, even if the work has commenced.

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41. These issues have been considered in light of the original intent of the policy and operational guidelines and that the Community Board involvement be retained as an important part of the decision making process.
42. Following recognition of the these weaknesses and a review process a number of solutions were considered that would improve grant effectiveness including; making the grants more of an incentive by offering a greater quantum of funding; amending conditions; allowing access to the grants throughout the year and improving the process to allow for greater uplift of the grants.
43. Giving the Community Boards the discretion to award grants for between 10-20 per cent would enable the opportunity to provide more of an incentive for those applications considered to make more of a contribution to the street scene and identity of the local area and will be more in line with the quantum of grant funding offered by the Heritage Incentives Grants Policy and should provide for a full allocation of the fund. This will also give the Community Boards the opportunity to make the decisions for properties within their wards and promote the grants within their ward.
44. Removing the condition to repay the grant should the property be sold within five years of the issuing of the grant, allows owners to sell a property. The grant funding is provided to retain the character house, irrespective of who owns the property and is consistent with the Heritage Incentive Grants Policy. The non demolition and relocation clause will be retained with a payback requirement.
45. Providing the opportunity for applicants to apply for subsequent grants after the first grant is uplifted, and dependent upon available funds, allows applicants to stage their maintenance works and manage their budgets for such works.
46. The criteria restricts the funding to properties that make a contribution to the street scene or public space therefore excluding character houses on rear sections and buildings in commercial use. Due to the reduction in the overall fund it is considered these conditions are appropriate.
47. Currently there is one opportunity for grant applications to be submitted each year. Allowing applications for grants to be submitted throughout the year will provide greater accessibility to the fund and enable applicants needing to undertake urgent repair works to access the grants within an appropriate timeframe. These changes to the process will allow for greater accessibility to the grants and will improve speed in decision making.
48. Changing the requirement for works to be completed within the same financial year that the grant was offered and allowing applicants 11 months for the uplift of their grant will provide greater accessibility to the fund and facilitate uptake and allocation of the fund. There are numerous examples whereby applicants have been unable to complete the works within the current prescribed timeframe. This makes the fund more inline with the Heritage Incentive Grants that are allowed 18 months for uplift their grant.
49. An amended policy has been formulated to address these issues to enable a more effective and efficient use of the grant funding. A revised policy is set out in **Attachment 1**.

THE OBJECTIVES

50. To administer efficiently and effectively the Character Housing Maintenance Grants to provide a real incentive to property owners to maintain and enhance character houses that display character elements and contribute to the street scene and the character and identity of the area.

THE OPTIONS

51. (a) Maintain the Status Quo with the addition of a new review clause.

To continue the Character Housing Maintenance Grants as per the current policy.

- A three year review of the Fund to evaluate success and report to Council.

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- (b) Continue the Character Housing Maintenance Grants with minor changes to the existing policy and process to:-
- Allow applications to be submitted twice a year dependent upon available funds.
 - Require the Grants Panel to sit twice a year.
 - Increase potential grant funding for each application to 10-20 per cent (maximum \$5,000) at the discretion of the Grants Panel.
 - Allow 11 months from offer of grant for completion of works.
 - Allow applicants to apply for additional grants for further works once first grant completed dependent upon available funds and limited to a maximum of \$5,000 per property.
 - Remove the payback clause if the property is sold as the property still retains a relationship with the street scene or public open space.
 - Retain the non-demolition and non-relocation clause in the policy with an added payback requirement .
 - A three year review of the Fund to evaluate success and report to Council.
- (c) Fund allocation to be determined by the Community Boards with the fund allocated between the eight Community Boards who can determine applications throughout the year by altering the policy and process to:
- Allow decisions on grants to be taken at Community Board level.
 - Allow applications to be submitted throughout the year.
 - Allocation of fund to Community Boards is based on the number of pre-1945's houses in each ward.
 - Increasing potential grant funding for each application to 10-20 per cent (maximum \$5,000) at the discretion of the Community Board.
 - Allow 11 months from offer of grant for completion of works.
 - Remove the payback clause if property sold as property still retains relationship with street scene or public open space.
 - Retain the non-demolition and non-relocation clause in the policy with an added payback requirement.
 - A three year review of the Fund to evaluate success and report to Council.

ASSESSMENT OF OPTIONS**The Preferred Option - Option C**

52. Each Community Board will be given a share of the overall Character Housing Maintenance Grant Fund to allocate to applicants of properties located within their ward. The share of the fund will be based on the number of residential properties within their ward built before 1945 (source: *Christchurch City Council Valuation Hub Database*).

The Community Boards will take responsibility for decision making for Character Housing Maintenance Grants in their ward based on the policy guidelines.

- (a) Applications can be submitted throughout the year and taken before the relevant Community Board for a decision on the quantum of grant funding dependent upon available funds.
- (b) Increasing potential grant funding for each application to 10-20 per cent (maximum \$5,000) at the discretion of the individual Community Board on the merits of each application.
- (c) Applicants be permitted 11 months from approval of the grant to complete works and uplift the grant.
- (d) Allow applicants to apply for additional grants for further works once first grant completed dependent upon available funds and limited to a maximum of \$5,000 per property.
- (e) Retain the non-demolition and non-relocation clause in the policy with a payback requirement.

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- (f) Remove the payback clause if the property is sold as the property still retains a relationship with the street scene or public open space.
- (g) A three year review of the Fund to evaluate success and report to Council.

	Benefits (current and future)	Costs (current and future)
Social	Community Board take responsibility for allocation of grants within their ward and support promotion of this grant scheme.	Potential for inconsistent application of the guidelines and grant approvals.
Cultural	Continuity of sense of place and community through reduction in loss of older housing.	
Environmental	Community Boards can promote improved amenity and character for streetscapes within each of their wards.	
Economic	Equitable distribution of funds across the city. Sustainable maintenance of a broader city housing stock. Expected to result in improved allocation and uplift of grants.	Reduces administrative complexity with simplified process. Will involve an accrual of funds for grants not uplifted within financial year.
<p>Extent to which community outcomes are achieved: Aligns with Liveable City outcomes Contributes to a Cultural City</p> <p>Impact on the Council's capacity and responsibilities: Improves the Council's contribution to the community and neighbourhood identity in a consistent process for improvements to local residential streetscapes.</p> <p>Effects on Maori: Not applicable.</p> <p>Consistency with existing Council policies: Improved consistency with Heritage Incentive Grant Fund Process.</p> <p>Views and preferences of persons affected or likely to have an interest: The process allows more direct input by the Community Boards into applications within their own ward area. This report seeks feedback from the Community Boards on the revised process. Addresses feedback from applicants and the Grants Panel on the current process. No extra administrative work for Community Boards but retains administrative tasks currently undertaken by the Strategy and Planning Group.</p> <p>Other relevant matters: This brings the Character Housing Maintenance Grants process more in line with Community Board initiatives to promote positive outcomes for their ward. The focus remains on the retention of older character houses which make a contribution to the local streetscape and identity of the residential area through their street presence as perceived by the local community.</p>		

Maintain the Status Quo (if not preferred option) – Option A

53. The Community Boards recommend applications to the Character Housing Grants Panel who consider and determine grant approvals. A new review clause is added to allow for a three year review of the grant scheme.

	Benefits (current and future)	Costs (current and future)
Social	Community Boards retain their input into the decision making process via the Grants Panel.	
Cultural	Continuity of sense of place and community through reduction in loss of older housing.	Limited success of current policy and process to date.
Environmental	Shared responsibility between Community Boards for improved amenity and character for streetscapes across the whole city.	Limited success of system to date with poor awareness of the grant scheme.
Economic	Sustainable maintenance of a broader city housing stock.	Administrative complexity and high costs when compared to limited success of policy and process so far. Limited allocation of fund and uplift of grants.

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Extent to which community outcomes are achieved:

Alignment with community outcomes for a Liveable City.
Contributes to a Cultural City

Impact on the Council's capacity and responsibilities:

Maintains the Council's contribution to the community and neighbourhood identity in a consistent process for improvements to local residential streetscapes.

Effects on Maori:

Not applicable.

Consistency with existing Council policies:

Some conditions of the grants are more onerous than the Heritage Incentive Grants Fund and process more complex.

Views and preferences of persons affected or likely to have an interest:

Community Boards to retain a limited influence over grants within their ward. Applicants feedback on current process will not be addressed.

Other relevant matters:

The focus remains on the retention of older character houses which make a contribution to the local streetscape and identity of the residential area through their street presence as perceived by the local community.

Continue with the Character Housing Maintenance Grants with minor amendments to Policy and Process. – Option B

54. To make minor changes to the existing policy and process by:

- (a) Increasing potential grant funding for each application to between 10-20 per cent (maximum \$5,000) at the discretion of the Grants Panel.
- (b) Allow applications to be submitted twice a year dependent upon available funds.
- (c) Require the Grants Panel to sit twice a year.
- (d) Allow 11 months from offer of grant for completion of works.
- (e) Allow applicants to apply for additional grants for further works once the first grant has been uplifted and dependent upon available funds.
- (f) Remove the payback clause if the property is sold as the property still retains a relationship with the street scene or public open space.
- (g) Retain the non-demolition and non-relocation clause in the policy with a payback requirement.
- (h) A three year review of the Fund to evaluate success and report to the Council.

	Benefits (current and future)	Costs (current and future)
Social	Community Boards retain their input into the decision making process in a similar way to previous process but now biannually.	
Cultural	Continuity of sense of place and community through reduction in loss of older housing	
Environmental	Shared responsibility between Community Boards for improved amenity and character for streetscapes across the whole city.	
Economic	Will enable a more flexible process for applicants to apply for and to uplift grants. Will improve allocation and uplift to a limited degree.	Will double the administrative process and the time involvement for the Community Boards and Grants Panel. Will involve an accrual of funds for grants not uplifted within the financial year.

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7 Cont'd**Extent to which community outcomes are achieved:**

Alignment with community outcomes for a Liveable City.
Also contributes to a Cultural City.

Impact on the Council's capacity and responsibilities:

Greater commitment to scheme with biannual process shows a greater commitment to enhancing residential identity and amenity.

Effects on Maori:

Not applicable.

Consistency with existing Council policies:

Emphasis on local and Community Board participation.

Views and preferences of persons affected or likely to have an interest:

Greater input from Community Boards and Grants Panel as process will need to be undertaken twice a year and will address some of the feedback from applicants and Grants Panel.

Other relevant matters:

The focus remains on the retention of older character houses which make a contribution to the local streetscape and identity of the residential area through their street presence as perceived by the local community.

PART B - REPORTS FOR INFORMATION**8. DEPUTATIONS BY APPOINTMENT**

Ms Juliana Venning addressed the Committee in regard to item 1, Report to the Regulatory and Planning Committee from the Alcohol Policy and Liquor Control Bylaw Subcommittee on Alcohol-Related Issues in the Ilam Area. Ms Penny Hughes was in attendance.

Ms Venning tabled a letter to the Committee from Judge Stephen Erber dated 31 May 2004 in relation to this issue.

9. PLANNING ADMINISTRATION, BUILDING CONSENT AND LIQUOR LICENSING QUARTERLY REPORT (APRIL TO JUNE 2010)

The Committee received the third combined quarterly report providing information about Resource Consent Applications received and processed by the Planning Administration and Subdivision teams, building consents received and processed by the Building Consent Team and liquor licensing activity. It contains information for the three months from April to June 2010 in relation to planning and building issues.

The Committee **decided** to receive the report for information.

The meeting concluded at 12.42pm.

CONSIDERED THIS 26TH DAY OF AUGUST 2010

MAYOR