

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 25 FEBRUARY 2010

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL**Thursday 25 February 2010 at 9.30am
in the Council Chamber, Civic Offices**

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

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25. 2. 2010

1. **APOLOGIES**
2. **CONFIRMATION OF MINUTES - COUNCIL MEETINGS OF 10.12.2009 AND 11.2.2010**
Attached.
3. **DEPUTATIONS BY APPOINTMENT**
4. **PRESENTATION OF PETITIONS**

5. RICCARTON BUSH ACT 1914 – APPROVAL OF COUNCIL ACTING AS PROMOTER OF AMENDMENT BILL

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Manager
Author:	Robert O'Connor, Solicitor, Legal Services Unit

PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Council to the proposal that it acts as the formal promoter of the Riccarton Bush Amendment Bill ("the Bill") in relation to the Bill's progress through the parliamentary process.

EXECUTIVE SUMMARY

2. The Bill proposes to amend the Riccarton Bush Act 1914 ("the Act"), the statute governing Riccarton House and Bush, in a number of areas to reflect current circumstances and practice.
3. The Legal Services Unit, working closely with a Working Party appointed by the Riccarton Bush Trustees ("the Board"), has prepared the draft Bill.
4. Full details of the amendments proposed to be made to the Act by the Bill were discussed in a report considered by the Council on 23 April 2009.
5. At its meeting of 23 April 2009 the Council considered the draft Bill and resolved:
 - (a) *To approve the draft Riccarton Bush Amendment Bill and to support its enactment into law.*
 - (b) *To authorise Council staff to make a submission in support of the Bill to the Select Committee considering the draft Bill."*
6. When the draft Bill was previously considered by the Council, it was the expectation of the Board and Council staff that the Board would formally act as the promoter of the Bill and that the Council would simply act in support.
7. Subsequently, the Office of the Clerk of the House has advised the Board that the Bill, as a 'local bill', should more properly be promoted by the Council rather than the Board. The reason for this is that as the Act is a 'local act' it should be amended by a 'local bill', which may only be promoted by a local authority. The Office of the Clerk has advised that historically the previous amendments to the Act have been promoted by this Council. The Riccarton Bush Trustees are not a "local authority" for the purposes of Parliament's Standing Orders.
8. As the promoter of the Bill, the Council would be responsible for the drafting of the Bill (subject to comments by the Office of the Clerk of the House and the Parliamentary Counsel Office) and complying with the Parliamentary Standing Orders in relation to the Bill. This means that the Council must:
 - (a) Prepare the necessary documentation and attend to the public notification of the Bill before it is introduced into Parliament:
 - (b) Liaise with the Member of Parliament who will be in charge of the Bill in the House (note that Hon. Gerry Brownlee has indicated he is willing to take on this role) and liaise with the Office of the Clerk:
 - (c) Finalise the Bill for introduction for the House which involves the Chief Executive making a written declaration, and paying a \$2,000 parliamentary fee to the Office of the Clerk:
 - (d) Make a submission on the Bill once it is referred to a Select Committee for consideration:
 - (e) Be available to assist with the passage of the Bill through the House (for example providing information to members of Parliament).

5 Cont'd

9. The drafting of the Bill has already been finalised with the Board, the Office of the Clerk and the Parliamentary Counsel Office. Similarly, the public notification documentation is largely ready for publication (subject to some adjustments being made to provide that the Council is the promoter of the Bill).
10. The Board has formally consented to the Council acting as the formal promoter of the Bill and have agreed to continue to be liable to meet the \$2,000 fee payable to the Office of the Clerk.
11. It is not anticipated that the role as promoter of the Bill will result in the imposition of any additional expense or cost upon the Council other than that already anticipated. As the Board is a council-controlled organisation, the Council has already acted in support of the Board in its endeavour to have the Bill enacted into law through the Legal Services Unit taking a lead role in the process to date. Whether the Council acts as promoter of the Bill or not, that same level of support would still be provided to the Board.
12. Notwithstanding the assumption of the formal status as promoter of the Bill, the Council will continue to work closely in partnership with the Board to seek the enactment of the Bill into law.

FINANCIAL IMPLICATIONS

13. It is not anticipated that the role as promoter of the Bill will result in the imposition of any additional expense or cost upon the Council. The Board has agreed to continue to be liable to meet the \$2,000 fee payable to the Office of the Clerk of the House.

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

14. Yes.

LEGAL CONSIDERATIONS

15. Yes, see above.

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

16. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. Yes.

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

18. Yes.

ALIGNMENT WITH STRATEGIES

19. Yes.

Do the recommendations align with the Council's strategies?

20. Yes.

5 Cont'd

CONSULTATION FULFILMENT

21. As detailed in the report to the Council considered at its meeting of 23 April 2009, the Board has completed a comprehensive consultation process in respect of the draft Bill, which resulted in the receipt of 10 submissions in support of the Bill. No submissions were received in opposition to the draft Bill. It is not considered that a Council decision to act as promoter of the Bill imposes any additional consultation requirement. In any event the progress of the Bill through the Parliamentary process will involve the further opportunity for the public to make submissions on the Bill.

STAFF RECOMMENDATION

It is recommended that the Council consents to act as the formal promoter of the Riccarton Bush Amendment Bill in relation to its progress through the parliamentary process.

6. JELLIE PARK MANAGEMENT PLAN REVIEW HEARINGS PANEL REPORT

General Manager responsible:	General Manager City Environment, DDI 941-8608
Author:	Jellie Park Management Plan Review Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to request the Council to adopt the recommendation of the Hearings Panel appointed to determine submissions on the Jellie Park Management Plan.

EXECUTIVE SUMMARY

2. At its meeting of 11 December 2008 the Council received a report from the Fendalton/Waimari Community Board of 18 November 2008, recommending to the Council that it approve the release of the Draft Jellie Park Management Plan for public consultation.
3. The Council adopted the Board's recommendation, with the addition of recommendations about the consultation process:
 - (a) Public notice of the consultation to be placed in the Press and on the Council's website (Have Your Say) on or about 2 May 2009;
 - (b) Written submissions to be received by the Council for at least two months between Saturday 2 May and Friday 10 July 2009; and
 - (c) Appoint a hearings panel to hear verbal submissions and to make recommendations to the Council by the end of October 2009.
4. The Jellie Park Draft Management Plan Review was publicly notified on 23 May 2009.
5. A hearings panel was appointed pursuant to the Miscellaneous Hearings Panel Delegation 3.1(d) to hear and determine submissions and objections in relation to the preparation, review and change of a management plan for a reserve (section 41 of the Reserves Act).
6. A total of 48 submissions supporting, opposing or suggesting what projects they wanted the Council to undertake in relation to the plan were received during the period up to 27 July 2009.
7. Verbal submissions were heard on 11 August 2009 in the Fendalton Service Centre Boardroom, Fendalton, following which the Panel considered all of the submissions and agreed on a number of amendments in response to them.
8. A tracked change version of the draft Management Plan is attached as **Attachment 1**.
9. Pursuant to the Miscellaneous Hearings Panel Delegation 3.1(d), the hearings panel approved the Jellie Park Management Plan on Wednesday, 2 September, subject to the inclusion therein of the amendments (**Attachment 1**). A final clean copy of the plan is attached (**Attachment 2**).

FINANCIAL IMPLICATIONS

10. See below.

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

11. Yes.

Funding was allocated in the LTCCP for a replacement toilet block to be built in 2010. An indicative development programme and budget for other works in the reserve is included in the management plan. It is anticipated that, following approval of the final management plan, this will be considered for future budget allocation through the LTCCP process, but the plan is structured to ensure that, while recommending actions, it does not commit the Council to any particular spending programme.

6 Cont'd

12. Funding of the recent upgrade of the recreation and sports centre sits outside the management plan, as does funding for the operation and maintenance of the park and the facilities.

LEGAL CONSIDERATIONS

13. This complies with the management plan review process set down in section 41 of the Reserves Act 1977.

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

14. Yes – the preparation and review of management plans for recreation reserves is a requirement of the Reserves Act 1977.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. See below.

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

16. Yes:
- (a) Provide a network of safe, accessible and attractive multi-purpose sports parks, in order to:
 - (i) Provide leisure and recreation opportunities, including spaces for organised sport.
 - (ii) Usefully locate sports parks across the city.
 - (iii) Provide green spaces for the city.
 - (iv) Support community health and well-being.
 - (v) Strengthen Christchurch's identity as the Garden City.
 - (vi) Enhance exotic and native biodiversity, and waterways.
 - (vii) Ensure that park design, development and maintenance is sustainable and timely.
 - (viii) Provide leased space for clubs to develop sports facilities (Vol 1 p120 LTCCP).

Customers are satisfied with the range of recreation facilities available, including; playgrounds, skateboard ramps, tennis and petanque courts, BMX tracks and fitness equipment (Vol 1 p122 LTCCP).
 - (b) Provide recreation and sport facilities that:
 - (i) Are accessible and safe.
 - (ii) Develop life skills (such as water safety).
 - (iii) Allow Christchurch to host regional, national and international sporting events (Attachment 1, Vol 1 p108 LTCCP).

Five multi-purpose recreation and sport centres, open between 97–101 hrs/week, 7 days/week, 364 days/year, and six public outdoor pools open seasonally (Vol 1 p109 LTCCP).

6 Cont'd

ALIGNMENT WITH STRATEGIES

17. See below.

Do the recommendations align with the Council's strategies?

18. Yes.

Recreation and Sport Policy 1996, Physical Recreation and Sport Strategy 2002, Christchurch Active Living Strategy 2004, Aquatic Facilities Plan 2006, Skateboarding, Inline Skating and Freestyle BMX Cycling Strategy 2004, Draft Parks & Open Spaces Activity Management Plan 2005, Events Strategy 2007-17, Safer Christchurch Strategy 2005, Parks and Waterways Access Policy 2002, Waterways and Wetlands Natural Asset Management Strategy 1999. In addition, the City Plan - Section 14 sets objectives and policies for the provision of open space and recreational facilities.

CONSULTATION FULFILMENT

19. There have been two rounds of public consultation, both of which exceeded the requirements of section 41 Reserves Act 1977.

PANEL RECOMMENDATION

The Panel recommends that:

- (a) The draft Jellie Park Management Plan dated April 2009 be approved by the Council, subject to the inclusion therein of the changes set out in the attached amended draft Management Plan (**Attachment 1**).
- (b) The reviewed Management Plan be approved, including the changes referred to in section (a) above, as the operative plan.

The amended plan was made available to the Fendalton/Waimairi Community Board for its information.

7. REPORT OF THE PANEL TO NAME THE CORNER OF CASHEL AND HIGH STREET

General Manager responsible:	General Manager, City Environment, DDI 941-8608
Author:	Panel to Name the Corner of Cashel and High Street

PURPOSE OF REPORT

1. The purpose of this report is to advise Council of the recommendation by the panel on the proposed naming of the corner of Cashel and High Streets.

EXECUTIVE SUMMARY

2. On 11 June 2009 it was resolved that the Council:
 - (a) Appoint a panel consisting of two Councillors, two Community Board members (Bob Todd and Brenda Lowe-Johnson), a representative of the Central City Business Association, and the General Manager Public Affairs.
 - (b) Instruct the panel to invite suggestions from the public for the name of the area around the corner of Cashel Street and High Street.
 - (c) Instruct the panel to provide a recommendation to the Council.
3. The panel called for submissions from the public as resolved and a total of 22 submissions were received.
4. The panel considered the names submitted by the public but after discussion felt that none of those nominated were suitable for such a high profile corner.
5. The panel resolved that as there were no names submitted, that the matter be left in abeyance at this time. The panel further commented that it may be appropriate to revisit the matter at some time in the future, perhaps after the tram extension has been fully completed.

FINANCIAL IMPLICATIONS

6. Nil.

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

7. Not applicable.

Legal Considerations

8. Nil.

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

9. Yes, see above.

Alignment with LTCCP Activity Management Plans

10. Not applicable

Do the recommendations of this Report Support a Level of Service or Project in the 2009-19 LTCCP?

11. As per above.

Alignment with Strategies

12. Not applicable.

7 Cont'd

Do the Recommendations Align with the Council's Strategies?

13. Not applicable.

Consultation Fulfilment

14. Not applicable.

PANEL RECOMMENDATION

It is recommended:

- (a) That the Council not name the area of the corner of Cashel and High streets at this time.
- (b) That the matter may be revisited at some time in the future if appropriate.

8. CHRISTCHURCH TOWN HALL – TRANSFER TO VBASE LIMITED

General Manager responsible:	General Manager Corporate Services, DDI 941-8528
Officer responsible:	Corporate Finance Manager
Author:	Diane Brandish, Corporate Finance Manager

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to implement its decision to transfer the Christchurch Town Hall building (not the underlying land) to Vbase Limited.

EXECUTIVE SUMMARY

2. As part of the process to adopt the 2009-19 LTCCP the Council undertook a special consultative procedure to consult with the public on the proposal to transfer ownership of the Christchurch Town Hall building to Vbase Limited, a wholly-owned Council subsidiary.
3. The draft LTCCP proposed that *"the Land on which the Town Hall sits will not be sold. Part of the site is classified as a reserve under the Reserves Act 1977 and a lease will be granted to Vbase Limited"*.
4. On 25, 26, 29 and 30 June 2009 the Council resolved to:
 - (a) *Adopt the proposal that ownership of the Christchurch Town Hall be transferred to Vbase Limited, a Council controlled Trading Organisation.*
 - (b) *Note that if the proposal is adopted the Vbase Limited Statement of Intent will be amended to provide for the financial arrangements to be put in place for the transaction and the ongoing obligations assumed by Vbase and will be brought back to the Council for final approval of the Statement of Intent."*
5. To implement the Council's decision to transfer the Christchurch Town Hall building to Vbase Limited, certain procedural and contractual steps must be authorised by the Council including the classification of that part of the Town Hall site which is reserve (being the area shown as Area G on the plan attached to this report) as local purpose (town hall) reserve under section 16 (1) of the Reserves Act 1977.

FINANCIAL IMPLICATIONS

6. This recommendation is in line with that proposed as part of the LTCCP and there are no financial implications outside of those budgeted.
7. The Statement of Intent for Vbase Limited for the 2010/11 year is due to be presented to Council within the next six weeks and will reflect the financial arrangements associated with this transfer.
8. There are genuine commercial reasons for the proposed transfer other than Vbase's entitlement to claim tax deductions for depreciation loss in relation to the Town Hall.
9. Facilities management is a specialist activity and one in which Vbase has proven experience. Its independent board enables Vbase to operate in a dynamic and commercially-focused manner giving due weight to both the ongoing operation and the longer term renewal and development of facilities. Operationally it is more efficient for the management and ownership of the Town Hall to be vested in the same entity. Under the current arrangement, the costs and responsibilities associated with the building are split between the Council and Vbase Limited. This has led to duplication, confusion and potentially errors occurring. The transfer of the building to Vbase Limited would enable financial efficiencies to be achieved.

8 Cont'd

Transfer of Town Hall Building

10. The specialist tax advice the Council has received from Simpson Grierson in relation to this transaction is that the Town Hall building should be transferred by the Council to Vbase Limited at its current market value as determined by an independent valuer.
11. It is proposed that an agreement will be entered into with Vbase Limited on the following basis:
 - (a) Transfer price – market value.
 - (b) Settlement date – immediately.
 - (c) Otherwise on standard commercial terms.

Lease of Town Hall Land

12. The specialist tax advice the Council has received from Simpson Grierson in relation to this transaction is that the rent payable by Vbase to the Council in respect of the lease over the entire Town Hall land can be set at a peppercorn rental.
13. It is envisaged that a Deed of Lease will be entered into by the Council with Vbase Limited on the basis of an annual rental of \$100,000 plus GST and otherwise on usual commercial terms and in compliance with the Reserves Act 1977.

Funding

14. Valuations have been obtained both by Vbase Limited and the Council. The value ranges from \$35,220,000 to \$31,500,000 and negotiations are underway to agree on the transfer price.
15. The necessary funding is included within the 2009/10 Annual Plan.

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

16. Yes.

LEGAL CONSIDERATIONS

Council Decision

17. The Council has obtained specialist legal advice from Simpson Grierson on the tax, property and Reserves Act aspects of the proposed transaction. The Legal Services Unit has been involved in the discussions with Simpson Grierson leading to the formation of that advice and has concurred with the advice received.

Implementation Steps

18. To implement the Council's decision to transfer the Christchurch Town Hall building to Vbase Limited certain procedural and contractual steps must be authorised by the Council, as follows:
 - (a) The classification of that part of the Town Hall site which is reserve (being the area shown as Area G on the plan attached to this report) as local purpose (town hall) reserve under section 16(1) of the Reserves Act 1977. Classification of Area G is required before it may be leased.
 - (b) The entering into of an agreement with Vbase Limited to transfer the Town Hall building.
 - (c) The entering into of a lease of the land forming the Town Hall site with Vbase Limited.

8 Cont'd

- (d) The advance of loan monies to Vbase Limited from the Council sufficient to fund the purchase of the Town Hall building from the Council.

Reserves Act Classification

19. The land upon which the Town Hall building is situated is held by the Council in eight separate legal parcels. A plan showing the eight land parcels which make up the Town Hall site is attached to this report. The majority of the land parcels at the site are held by the Council in fee simple, however, the land shown as Area G on the plan and comprised in Computer Freehold Register CB27K/843 is held subject to the Reserves Act 1977.
20. Area G is reserve that was derived from the Crown being formerly held as a market place. Accordingly, the option of revoking the reserve status of Area G to rationalise the legal nature of the Council's ownership of the Town Hall site is not available as on any revocation of its reserve status Area G would revert to the Crown.
21. Area G has not been formally classified under the Reserves Act 1977. In 1968 the purpose of Area G was changed from a market place to a site for a town hall. The classification process under the Reserves Act 1977 as a Local Purpose (Town Hall) Reserve will formally acknowledge this purpose and ensure that the reserve is held and administered for that purpose and no other purpose.
22. It will not be necessary to publicly notify the intended classification as the purpose of the proposed classification is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of the Reserves Act 1977.
23. As the proposed classification confirms the existing purpose of the reserve, a delegation is held by the Council from the Minister of Conservation to consent to the classification by Gazette notice.

Transfer of Town Hall Building

24. As part of the process to adopt the 2009-19 LTCCP the Council undertook a special consultative procedure to consult with the public on the proposal to transfer ownership of the Christchurch Town Hall building to Vbase Limited, a wholly-owned Council subsidiary. The recommendations of this report flow consequentially from the decision to adopt the proposal.
25. As no relevant staff delegation exists, a Council resolution is required to authorise the entering into by the Council of an appropriate agreement.
26. Section 73 and Schedule 9 of the Local Government Act 2002 permits the transfer of undertakings to council-controlled organisations.
27. There are no legal impediments for the Council in respect of the transfer of the Town Hall to Vbase Limited and Council met its obligations under the Local Government Act 2002 during the special consultative procedure on the subject.

Lease of Town Hall Land

28. As the Town Hall land includes a parcel of reserve in the form of Area G, before any lease of the Town Hall land is granted it is necessary that the reserve be formally classified under the Reserves Act 1977.
29. Section 61(2A) of the Reserves Act 1977 expressly permits the Council to lease Area G, once classified as local purpose (town hall) reserve, for a number of purposes, including that of a "community building" On the basis that the Town Hall is a "community building" Section 61 specifies that any lease of local purpose reserve be for a term not exceeding 33 years but that a right of renewal may be granted. The remainder of the land can be leased under the Council's usual processes.

8 Cont'd

30. Section 138 of the Local Government Act 2002 will also apply to the proposed lease, but the Legal Services Unit is of the view that the section 138 requirement to consult has been complied with as a result of the special consultative procedure having been undertaken.

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

31. Yes, see above discussion.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

32. Not applicable

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

33. Not applicable

ALIGNMENT WITH STRATEGIES

34. Not applicable

Do the recommendations align with the Council's strategies?

35. Not applicable

CONSULTATION FULFILMENT

36. As part of the process to adopt the 2009-19 LTCCP the Council undertook a special consultative procedure to consult with the public on the proposal to transfer ownership of the Christchurch Town Hall building to Vbase Limited, a wholly-owned Council subsidiary. The Council's consultation obligations have therefore been complied with.

STAFF RECOMMENDATION

It is recommended that the Council resolve to:

- (a) Pursuant to Section 16 (1) of the Reserves Act 1977, classify as Local Purpose (Town Hall) Reserve all that parcel of land being part of the Town Hall site described as Part Section 1189 Town of Christchurch, containing 3463 square metres more or less comprised in Computer Freehold Register CB27K/843 being a site for a Town Hall by NZ Gazette 1968 p. 1707.
- (b) Subject to paragraph (a) of this resolution, exercise the delegated consent of the Minister of Conservation to consent to the classification referred to paragraph (a) of this resolution.
- (c) Delegate to the General Manager Corporate Services the authority on behalf of the Council to negotiate and conclude with Vbase Limited an agreement to transfer the Town Hall building on commercial terms and conditions satisfactory to him.
- (d) Delegate to the General Manager Corporate Services the authority on behalf of the Council to negotiate and conclude with Vbase Limited a ground lease of the Town Hall land (including a lease of the land comprised in Computer Freehold Register CB27K/843 pursuant to section 61(2A) of the Reserves Act 1977) on commercial terms and conditions satisfactory to him.

9. FORMATION OF A PANEL TO HEAR VERBAL SUBMISSIONS ON THE PROPOSED CHRISTCHURCH HOSPITAL LAND EXCHANGE

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

PURPOSE OF REPORT

1. To select the members of the Council to form a joint hearing panel with the Canterbury District Health Board (CDHB) to hear verbal submissions on the proposed Christchurch Hospital land exchange and development.

EXECUTIVE SUMMARY

2. At its meeting of 26 November 2009 the Council confirmed its willingness to consider a land exchange with the CDHB subject to reaching agreement on the parcels of land and costs involved and subject to considering the results of consultation on the issue.

3. The Council further decided on 10 December 2009 to obtain and consider the views of the community by using the consultation process set out in the consultation and community engagement plan provided, and:

(c) That public hearings be held by either a Council Hearing Panel comprising all of the Council or a joint Hearing Panel with the Canterbury District Health Board.

4. In subsequent discussions the CDHB has indicated its desire to participate in a joint hearing panel.

5. Given the joint nature of the proposed land exchange it is appropriate that both the Council and CDHB are represented by equal numbers of members from each body on the hearing panel.

6. It is probably unnecessary to form a hearings panel consisting of the entire City Council and CDHB Board for the purpose of hearing these submissions, particularly given that many CDHB board members also have employment related time commitments. Consequently it is proposed that a panel comprising five members of Council and five members of the CDHB board be formed. This panel can then make recommendations to both the Council and CDHB as a result of its consideration of the submissions presented (both in writing and verbally).

7. The hearings will be scheduled for May or June 2010 taking account of other commitments of both Councillors and the CDHB representatives.

8. The Council should select five of its members to participate in the joint hearing panel.

FINANCIAL IMPLICATIONS

8. There are no financial implications in this report.

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

9. Provision is made in the 2009-19 LTCCP for appropriate democratic processes to be followed that enable the Council to make informed decisions.

LEGAL CONSIDERATIONS

10. The Council noted at its 10 December 2009 meeting *the advice from the Council's Legal Services Unit that the level of consultation outlined in the proposed plan complies with the Council's decision-making obligations in the Local Government Act 2002.*

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

11. As above.

9 Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. The recommendations in this report are consistent with the Democracy and Governance Group of Activities in the LTCCP and specifically the Public Participation in Decision Making Processes Activity Management Plan.

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

13. Yes. The recommendations support the level of service 'Percentage of residents that feel the public has some or a large influence on decisions the Council makes'.

ALIGNMENT WITH STRATEGIES

14. Not applicable.

Do the recommendations align with the Council's strategies?

15. No.

CONSULTATION FULFILMENT

16. The Council decided at its 10 December 2009 meeting the form of consultation to be used in arriving at a decision on the proposed Christchurch Hospital land exchange.

STAFF RECOMMENDATION

It is recommended that the Council select five Councillors to become part of a joint hearing panel with the CDHB for the purpose of hearing submissions on the proposed Christchurch Hospital land exchange and development.

10. PROPOSED NATURAL RESOURCES REGIONAL PLAN - VARIATION 15 AND PLAN CHANGE 1/VARIATION 16

General Manager responsible:	General Manager, Strategy and Planning Group, DDI 941 8281
Officer responsible:	Programme Manager - Healthy Environment
Author:	Peter Kingsbury, Principal Advisor - Natural Resources

1. The purpose of this report is to seek adoption by the Council of the **attached** submissions on Proposed Variation 15 (Outdoor Burning in Residential and Living Zones) and Proposed Plan Change 1 (Christchurch, Kaiapoi and Ashburton: Emergency Provisions)/Proposed Variation 16 (Rangiora: Emergency Provisions) to the Proposed Natural Resources Regional Plan.

EXECUTIVE SUMMARY

Variation 15

2. Proposed Variation 15 addresses outdoor burning in residential and living zones, and will make the outdoor burning of paper, cardboard, untreated wood and green waste a non-complying activity in residential and living zones where kerbside collection, recycling, or transfer stations exist, and a permitted activity (subject to conditions) where they are not provided.
3. Outdoor burning was discussed by the Council in its review of the Christchurch City Fire Bylaw 2006. Advice was provided that the Council would not have the power under the provisions of the Local Government Act 2002 to control matters of air quality under bylaws. The power in the Local Government Act 2002 to introduce bylaws (under section 146) related to preventing the spread of fire from vegetation alone. It was indicated that burning vegetative and organic waste was inconsistent with the Waste Management Plan 2006.
4. The draft Council submission supports the principle that waste should not be burnt where alternatives, such as collection services, are available and readily accessible.
5. The lodging of a submission provides the Council with an opportunity to take part in the hearing process.

Proposed Plan Change 1/Variation 16

6. Proposed Plan Change 1 (Christchurch, Kaiapoi, Ashburton) and Proposed Variation 16 (Rangiora) provide for a permitted activity rule to allow the use of non-complying or prohibited small scale solid fuel burning devices (including open fires) in the event of an electricity network outage.
7. Section 330 (emergency works provisions) of the Resource Management Act 1991 can not be applied to individual premises operating small scale fuel burning devices when electricity network supply is terminated.
8. Electricity outages are rare, however, if they were to occur, the proposed plan change/variation would enable heating and, in some situations, cooking facilities.
9. The proposed plan change/variation is consistent with, and supports, the four 'R's of emergency management (reduction, readiness, response and recovery) as provided for in the Civil Defence Emergency Management Act 2002, culminating in more resilient individuals and communities.
10. The draft Council submission supports the principle that Christchurch residents should be allowed to use non-complying small scale solid fuel burning devices when there is a planned network disruption of greater than three hours, or the extent is unknown at the time of initial disruption.

FINANCIAL IMPLICATIONS

11. There are no financial implications for the Council for either the variation or the plan change/variation. The variation and plan change/variation will not directly affect Council operations.

10 Cont'd

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

12. The cost of preparing and presenting the submissions is included in existing budgets.

LEGAL CONSIDERATIONS

13. The RMA 1991 (First Schedule, Part 1 (6)) allows the Council to make submissions on a variation and plan change to a regional plan.

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

14. A legal review of the submissions has confirmed that the submissions are clear and appropriate.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. The submission on the variation and plan change/variation supports the LTCCP community outcome of "a city of people who value and protect the natural environment", and "a safe city", respectively.

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

16. Yes. Refer paragraph 15.

ALIGNMENT WITH STRATEGIES

17. The submission on Variation 15 aligns with the draft Climate Smart Strategy. The submission on Plan Change 1/Variation 16 supports provisions in the Canterbury Civil Defence Emergency Management Group Plan.

Do the recommendations align with the Council's strategies?

18. Yes. Refer paragraph 17.

CONSULTATION FULFILMENT

19. Not applicable.

STAFF RECOMMENDATION

20. It is recommended that the Council:
- (a) Adopt the attached submission on Variation 15 to the Proposed Natural Resources Regional Plan, and
 - (b) Adopt the attached submission on the proposed Plan Change 1/Variation 16 to the Proposed Natural Resources Regional Plan.

11. DRAFT CLIMATE SMART STRATEGY 2010 - 2025

General Manager responsible:	General Manager, Strategy and Planning, DDI 941 8281
Officer responsible:	Healthy Environment Programme Manager
Author:	Tony Moore, Principal Adviser, Sustainability

PURPOSE OF REPORT

1. The purpose of this report is to seek Council approval, for public consultation during March and April, of the draft Climate Smart Strategy 2010 - 2025 and to ask that the Council appoint a Hearings Panel to consider submissions during May 2010.

EXECUTIVE SUMMARY

2. In 2007 the Council established the Sustainability and Climate Change Working Party, consisting of Councillors and external advisors, to assist in the preparation of a draft Council strategy on climate change. Officers now seek Council approval of the draft Climate Smart Strategy 2010 – 2025 (**Attachment 1**) to allow public consultation to take place between 22 March – 30 April 2010. Officers also request a Council Hearings Panel be established to consider submissions during May 2010.
3. The draft Climate Smart Strategy 2010 - 2025 was developed to set the direction for community and Council responses to the issues and opportunities presented by climate change. The Strategy follows Government advice about future changes to our climate and sea-level and will help meet legal obligations placed on the Council to consider the effects of climate change.
4. The Strategy vision is that: "People enjoy and actively enhance for current and future generations a climate smart Christchurch, powered by renewable energy and resilient to the social, economic and environmental effects of climate change."
5. The Strategy goals and objectives are:
 - Goal 1. Understand the local impacts of climate change.
 - Objective:
 - 1 Understand the social, environmental and economic impacts of climate change on Christchurch.
 - 2 Monitor and report changes and progress.
 - Goal 2. Provide leadership in addressing climate change.
 - Objective:
 - 3 Grow Council capacity to respond to climate change.
 - 4 Foster partnerships that respond to climate change.
 - Goal 3: Understand and respond to the opportunities and challenges presented by climate change in ways that promote social, cultural, environmental and economic wellbeing and resilience.
 - Objective:
 - 5 Encourage resilient households and communities.
 - 6 Support a resilient, low-carbon and competitive economy.
 - 7 Encourage green and healthy places and spaces.
 - 8 Enable low-carbon transport.
 - 9 Enhance local productive landscapes and the resilience of habitats and ecosystems.
 - 10 Promote renewable energy and carbon sequestration.
6. Given that this is the first time climate change has been addressed by a Council strategy, many of the actions proposed focus on understanding the local effects of climate change (eg Goal), building community understanding and resilience to these effects and moving away from a reliance on carbon emitting fossil fuels (e.g. Goal 3). An important part of achieving this will be Council leadership in addressing climate change and adopting renewable energy solutions (eg Goal 2). The Council's achievement of a 57 per cent reduction in energy related carbon emissions since 1994 and development of the new environmentally friendly Civic Office are examples of such leadership.

11 Cont'd

7. A final draft of the Strategy, including changes made based on the feedback received from the public consultation process, will be brought before the Council in July 2010.

FINANCIAL IMPLICATIONS

8. The timing and cost of actions proposed in the draft strategy are indicative only and will need to be considered alongside other initiatives in future Council LTCCP processes. An estimated \$3.4 million in Council funding is proposed over 15 years to implement the actions within the strategy. Implementation cost, beyond those currently budgeted, will need to be addressed as part of the 2012 and future LTCCPs.

LEGAL CONSIDERATIONS

9. The Council is legally required to consider the effects of climate change in its activities and functions under the Local Government Act 2002, Resource Management Act 1991, Civil Defence Emergency Management Act 2002 and Climate Change Response Act 2002 (and subsequent versions) as explained on Page 7 of the draft strategy. The strategy has been developed to meet these legal obligations.
10. Legal advice was received on the handling of new information that could arise from investigations proposed in this strategy relating to future potential risks to property from the effects of climate change. This advice concluded that any new information must clearly state the underlying assumptions and limitations in accordance with current risk management approaches.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. The development of this strategy is an output of the Activity Management Plan for "City and Community Long-term Policy and Planning" to provide advice on key issues that affect the current and future social, cultural, environmental and economic wellbeing of the city.

ALIGNMENT WITH STRATEGIES

12. This draft strategy has been prepared to align with and support other Council strategies in addressing climate change, in particular:
 - Urban Development Strategy (adopted) - climate change will need to be considered in the location of new development, the management and use of existing development and through integrated land use and transport planning.
 - Sustainable Energy Strategy (adopted) – increasing the use of renewable energy is central to our climate change response.
 - Christchurch Transport Plan (in development) – road transport makes up 55 per cent of the city's greenhouse gas emissions. Moving to low-carbon transport options such as walking, cycling and public transport will be vital to meeting the targets of the Climate Smart Strategy
 - Healthy Environment Strategies – covering water supply (adopted), surface water (adopted), biodiversity (adopted) and open space (draft adopted). Climate change will need to be considered in the management of these natural resources.
13. A review process is proposed within the Climate Smart Strategy to assess how Council documents and actions can best incorporate climate change considerations. This could involve changes to the City and District Plans and with the support of Environment Canterbury, potential changes to hazard zones and risk management.

CONSULTATION FULFILMENT

14. The process used in the development of this strategy included:
 - Monthly Sustainability and Climate Change Working Party meetings.
 - A review of literature, policy and international best practice responses to climate change.
 - An update of the Council report *Climate Change Impacts for Christchurch 2007* (report available on request).

11 Cont'd

- A random telephone survey undertaken in 2007 of 400 residents investigating public understanding about local climate change issues and the Council's role (report available on request).
 - Eight focus groups held in 2007 including householder, business and youth sessions (report available on request).
 - Expert presentations to the working party or to key Council staff given by NIWA, MAF, ECan, MWH, University of Victoria and Landcare Research's Carbon Zero and EBEX21.
 - Numerous interviews and meetings with internal and external stakeholders (many external stakeholders are listed in the strategy as potential partners to help implement specific actions).
 - Targeted feedback on the draft strategy was gathered from key internal and external stakeholders as well as more wide-spread feedback sought from Council staff via a request placed on the Council's Daily Planit internal website in December 2009.
 - Staff presentations to Executive Team (2 November 2009), Leadership Group (16 November 2009), and general staff (9 December 2009).
 - Seminars with joint Community Board (21 September 2009) and the Council (24 November 2009).
15. Subject to Council approval of the draft strategy, community consultation on the draft Climate Smart Strategy is planned from 22 March to 30 April 2010 with hearings to be held in May 2010.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve for public consultation the attached Draft Climate Smart Strategy 2010-2025.
- (b) Appoint members to hear submissions on the Draft Climate Smart Strategy 2010-2025.

11 Cont'd

BACKGROUND

16. In 2007 the Council established the Sustainability and Climate Change Working Party to assist in the preparation of a draft Council strategy on climate change. Members of the Working Party are Christchurch City Councillors Williams, Buck and Reid along with Jane Demeter (ECan Councillor), Rob Lawrence (Employers Chamber of Commerce), John Peet (Sustainable Otautahi Christchurch) and Kate Hewson (Canterbury University).
17. This strategy has been prepared to:
- Respond to New Zealand Government advice received about future changes to our climate and sea level.
 - Meet legal obligations placed on the Council to consider the effects of climate change on the current and future social, economic and environmental well being of Christchurch.
 - Clarify the Council's role in responding to climate change through establishing a vision, goals, objectives and targets.
 - Replace the Climate Change Policy adopted by the Council in 1995.
 - Develop a high level action plan that will form the basis of a future detailed implementation plan to achieve the strategy outcomes.
18. This is the first time the Council has developed a strategy addressing climate change. For this reason many of the 29 actions proposed over a 15 year period, are about understanding and then building capacity and resilience to the local effects of climate change. Hence the term "climate smart" reflects the need to understand and then to be smart in our response to the challenges and opportunities presented by climate change. A key response contained within the strategy is to help transition our community toward a low-carbon future that is less reliant on non-renewable fossil fuels such as oil and coal.
19. Consultation on the draft strategy is planned for 22 March–30 April 2010. Because the Strategy has been written for public readability (ie succinct and engaging), a summary document will not be produced. Instead, copies of the full Strategy including a submission form will be circulated to stakeholders and made available to the public.
20. The consultation and public awareness raising proposed for this Strategy includes:

Audience	Consultation Opportunities
General Public	<ul style="list-style-type: none"> ▪ Newspaper advertising across Christchurch and Banks Peninsula, including paid and complementary articles and perspectives in the Press and community papers. ▪ Consultation launch event – "Hot Topic" public forum on the local effects and potential responses to climate change (24 March). ▪ Displays and Strategies available at Council service centres/ libraries and at Universities and Polytechnic. ▪ Climate Smart Council website providing further information and supported by the Have Your Say website and on-line submission form. ▪ Awareness-raising of the consultation through complementary activities and media coverage associated with Earth Hour (27 March) and Energy Awareness Week (in late April) and the start and end of the consultation period. ▪ Two public presentation and discussion sessions.
Organisations identified within the strategy	<ul style="list-style-type: none"> ▪ Letter from the Mayor with draft strategy enclosed seeking feedback and inviting further discussion on implementation of the specific actions proposed. ▪ Draft sent to Mahaanui Kurataiao Ltd and presentation and discussion with the board.
Other Stakeholders	<ul style="list-style-type: none"> ▪ Letter from the Mayor with draft strategy enclosed seeking feedback and an invitation to attend public presentations and take part in the related events.
Elected members	<ul style="list-style-type: none"> ▪ Presentation to joint Community Board meeting and at Community Board meetings in key areas.
Council Staff	<ul style="list-style-type: none"> ▪ Draft document promoted through e-mail, website and online submission forms.

12. A CITY FOR PEOPLE – ACTION PLAN

General Manager responsible:	General Manager Strategy & Planning, DDI 941-8281
Officer responsible:	Programme Manager Liveable Cities
Author:	Hugh Nicholson, Principal Adviser Urban Design

PURPOSE OF REPORT

1. To report on the Public Space Public Life Study of Christchurch undertaken by Gehl Architects.
2. To recommend Council adopt the vision and attached action plan entitled “A City for People - Action Plan” for the central city. This vision and action plan is based on the report entitled “Public Space Public Life Study” prepared by Gehl Architects in 2009.

EXECUTIVE SUMMARY

3. The success of the Central City is integral to the success of Christchurch as a whole. The Greater Christchurch Urban Development Strategy (UDS) identifies the Central City as the main cultural, economic and social hub for the city, Greater Christchurch and much of the South Island. The UDS proposed that the central city is developed with a ‘distinct urban sense.’ The Central City Revitalisation Strategy Stage II identifies that the central city is the heart of Christchurch and ‘the enhancement of public spaces’ as a priority. The Public Space Public Life Study is the direct outcome of these strategies.
4. In August 2008 the Council commissioned Gehl Architects to undertake a Public Space Public Life Study of Christchurch in partnership with the Council. The study was commissioned to assess public spaces in the Central City in an integrated fashion, looking at streets, public spaces and buildings, as well as pedestrians, cyclists, public transport and vehicles. In doing so it puts people back at the centre of a successful and vibrant Central City. The study area was defined as the city centre with the boundaries being Kilmore Street (north), St Asaph Street (south), Rolleston Avenue (west) and Madras Street (east).
5. Jan Gehl is a Professor of Architecture at the University of Copenhagen and principal of Gehl Architects. He is widely regarded as one of the world’s pre-eminent experts in urban design and human behaviour. His philosophy is that priority order of city planning should be People-Space-Buildings rather than the traditional Buildings-Space-People. Gehl Architects have developed a methodology for measuring the way people use public spaces that has now been applied around the world, including studies in Melbourne, Sydney, New York, London, Wellington and Perth.
6. The objectives of the Public Space Public Life Study were:
 - (a) To assess the quality and use of public spaces and to review planned projects in the Central City, and to recommend areas and priorities for improvement.
 - (b) To provide a baseline measure of public life in the Central City against which the success of the Central City Revitalisation Strategy and public space upgrades can be reviewed.
 - (c) To provide a comparative measure of Christchurch’s public life with other international cities including cities with a similar size and population.
 - (d) To draw on international examples and best practice to suggest how the Council might want to address identified issues and improve the quality of Christchurch’s public spaces.
 - (e) To provide a model for the kinds of public open spaces that would be appropriate in Christchurch to provide a high quality living environment for medium density residential development to meet the needs of existing and future inner city residents.

12 Cont'd

7. The survey was carried out over two weeks in October/November 2008 and, using the Gehl methodology, comprised counting where people were in the central city and what they were doing. The study also assessed the quality and condition of the public spaces, for example paving and street furniture condition. Over the following three months analysis was completed and the study was presented to the Council in March 2009.
8. In summary, Gehl Architects found Christchurch to be “a beautiful planned city” with a number of positive attributes including:
 - Good human scale.
 - Great recreational assets including the Avon River and surrounding parks.
 - Large number of heritage buildings.
 - Some vibrant city lanes.
 - Strong outdoor café culture.
 - Lots of potential.
9. In terms of issues they found that:
 - The city centre is generally dominated by vehicles with relatively low numbers of pedestrians and cyclists.
 - Christchurch has a large number of car parks compared with other similar sized cities internationally and these tend to dominate the central city streets.
 - The environment provided for people who choose ‘sustainable’ options of walking, cycling or using public transport is generally ‘quite poor’ and they are given low priority.
 - The main public spaces and attractions are generally poorly connected by pedestrian networks (with the exception of Worcester Boulevard).
 - The existing cycle lanes are a ‘half-hearted gesture’ – they are discontinuous and do not address intersections or provide any signage.
 - There are relatively few children and elderly people in public spaces in the central city reflecting the poor environment and lack of facilities.
 - There are a number of under-utilised public spaces in the Central City.
10. The Public Space Public Life Study contains 110 recommendations ranging from small business-as-usual improvements to major new initiatives. Following the completion of the study in June 2009 and three Councillor workshops an action plan entitled A City for People has been developed which prioritises the key recommendations over a twelve year programme linked to the three yearly reviews of the Long-Term Council Community Plan (LTCCP).
11. A number of the recommendations in the Public Space Public Life Study require further investigation including identification of options and evaluation of costs and benefits, as well as public consultation. Funding for new projects will need to be approved through future LTCCPs. Developing a Council action plan enables appropriate investigation, funding and decision-making processes to occur prior to Council approving any particular capital works.

FINANCIAL IMPLICATIONS

12. All funding for investigations and projects proposed between 2009-12 fit within the approved 2009-19 LTCCP budgets. Funding for new initiatives will be considered as part of the 2012-22 LTCCP process and any investigations to inform that LTCCP will be undertaken from existing budgets.

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

13. Yes.

12 Cont'd

LEGAL CONSIDERATIONS

14. There are no legal implications arising from the adoption of the staff recommendations. New projects developed as a result of the action plan will be investigated, and consulted upon, as appropriate and decisions regarding funding will be part of an LTCCP or Annual Plan process.

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

15. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Yes – see below.

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

17. The proposed Action Plan supports the City Development Activity and Central City Revitalisation levels of service. It also integrates a number of other existing projects into a coherent vision for public spaces in the Central City including:

- Inner City Transport.
- Urban Renewal.
- Cycleways Improvement Programme.
- New Bus Shelters/New Seats at Bus Stops.
- Bus Priority Routes.
- Tram Extension.
- Christchurch Transport Interchange.
- Real Time Information Bus Finder Installations.
- Public Art in the City.
- Heritage Protection.
- Events and Festivals.
- Neighbourhood Parks Growth.

Do the recommendations align with the Council's strategies?

18. The Action Plan is aligned with the:
- Greater Christchurch Urban Development Strategy which identifies the Central City as the first intensification area and urban design as a priority action;
 - Central City Revitalisation Strategy Stage II which identifies 'the enhancement of public spaces' as a key objective; and
 - Draft Open Space Strategy which outlines a plan for proposed open spaces in the Central City.

CONSULTATION FULFILMENT

19. Extensive consultation has taken place as part of the Central City Revitalisation Strategy Stage II in 2006. Public consultation will be carried out as part of individual projects proposed in the Action Plan as appropriate.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Endorses the Christchurch 2009 Public Space Public Life Study by Gehl Architects.
- (b) Adopts the vision for the central city from the Christchurch 2009 Public Space Public Life Study and contained in "A City for People – Action Plan".
- (c) Adopts the attached "A City for People – Action Plan" as the Council's implementation plan for upgrading the central city public spaces and places.

12 Cont'd

BACKGROUND

20. Jan Gehl is a Professor of Architecture at the University of Copenhagen and principal of Gehl Architects. He is widely regarded as one of the world's pre-eminent experts in urban design and human behaviour. His influential 1971 book, *Life Between Buildings: Using Public Spaces*, now in its sixth edition, was based on his observations of how people behaved in the streets of Copenhagen. Gehl's ideas have proved to be relevant in public space public life studies around the world including Melbourne, Sydney, New York, London, Wellington and Perth.
21. Broadly, the Study report is divided into three sections. The City section analyses the actual physical public spaces in the Central City, the People section surveys how people behave and what they do in public spaces around the Central City, and the Recommendations section makes recommendations for improving the public spaces in the Central City based on the analysis and user surveys in the preceding two sections.
22. At the heart of the public space public life studies is a quantitative methodology for measuring the way that people use public spaces. The method uses pedestrian and stationary activity counts throughout the day and evening to create a snapshot of how people behave in public spaces. The studies also include age and gender counts, and an analysis of public spaces based on human perception and ergonomics. Using a standardised method for measuring public life enables not only comparisons with other cities but also by repeating measurements over time it provides a way to monitor the effectiveness of public space interventions.
23. While a number of cities have commissioned Public Space Public Life Studies they have used the studies in different ways. Most cities have used the studies as a baseline for how well their public spaces are being used, and as a source of new ideas for improving public spaces. New York City maximised the benefit of the work carried out by Gehl Architects by developing a plan showing how they will remake their public realm into 'world class streets'. The intention of preparing an action plan for Christchurch is that the Council can maximise the benefits from the Christchurch 2009 Public Space Public Life Study by identifying which recommendations they wish to progress as part of a planned programme.

13. TE ROTO O WAIREWA/LAKE FORSYTH RESOURCE CONSENT APPLICATION

General Manager responsible:	General Manager Strategy & Planning, DDI 941-8281
Officer responsible:	Programme Manager – Healthy Environment
Author:	Jenny Ridgen, Programme Manager - Healthy Environment

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Advise the Council that the Wairewa Runanga have indicated that they may not wish to enter into a joint application to open Te Roto o Wairewa/Lake Forsyth; and
 - (b) Seek the Council's support to lodge an application solely in the name of Christchurch City Council if agreement cannot be reached on a joint application.

EXECUTIVE SUMMARY

2. At the 12 November 2009 meeting of Christchurch City Council it was resolved that the Council give its support to "lodging a joint resource consent application shared by the Council and Wairewa Runanga for the opening of the lake."
3. At a meeting on 31 November 2009 representatives of the Runanga expressed strong concerns that in their view the proposed application for opening the lake reinforces the status quo, particularly if this application was for a 35 year period (the maximum period under the Resource Management Act). To progress the new approach to lake management, they are seeking to have the consent application cover the installation of a bund across the lower end of the lake, in addition to opening of the lake.
4. Council staff are concerned that the current lake opening activity is not covered by a resource consent, this situation has existed for an extended length of time and leaves the Council open to enforcement proceedings. This concern has been reinforced by legal advice that a consent should be sought with some urgency.
5. At least three extensions for lodging the consent have already been approved by Environment Canterbury. The current extension period expires on 31 March 2010.
6. Council staff are supportive of investigating the bund proposal, but concerned that significant hydrological and environmental investigations will be required to support a resource consent application for this work. The investigations required will take time and Council staff recommend that the consent for the bund be dealt with as a separate consent, thus allowing for the lake opening consent application to proceed without delay.
7. The granting of a resource consent to open the lake would place the Council in a sound legal position. It would also benefit the Runanga in their efforts to test channel openings at the cliff end of the beach by eliminating the restriction on the number of openings allowed at this site.
8. Council staff support an application for a 35 year period as it is envisaged that this consent will continue to be required into the future as a back-up option. Should the bund proceed and the proposed new approach for lake management be successful the consent may become redundant, however it is seen as a prudent use of resources to apply for the maximum period.
9. A joint application may still be possible if the Runanga can be reassured that the Council is firm in its support for the proposed new approach. A letter of intent has been proposed to confirm that, if the funding bid for \$100,000 in the 2010 - 11 Annual Plan is successful, this will be used for hydrological and environmental investigations and to pursue the required resource consents for a bund across the lower lake.
10. In the eventuality that the Runanga do not wish to be a joint applicant this report seeks the Council's support to apply for a resource consent solely in the name of Christchurch City Council.

13 Cont'd

FINANCIAL IMPLICATIONS

11. The cost of applying for a resource consent for opening the lake will be funded from income from Council endowment land (vested in the Council under the Reserves and Other Lands Disposal Act 1955) and will be rates neutral.

LEGAL CONSIDERATIONS

12. The Council has responsibility for Te Roto o Wairewa/Lake Forsyth and its environs under legislation including the Local Government Act (2002), the Resource Management Act (1991), and the Reserves and Other Lands Disposal Act (1955).
13. Pursuant to the Resource Management Act (1991) and Environment Canterbury's planning requirements, a resource consent is required to open the lake for the purpose of managing lake levels to alleviate the threat of flooding of the adjacent land and settlement.
14. Legal advice confirms that a joint application for a resource consent is possible and that, if a joint consent is pursued, an "Operational Agreement" should be drawn up between the Runanga and the Council to set out the roles and responsibilities of the two parties, the arrangements for lake opening events and where liabilities would lie with regard to compliance with consent conditions.
15. In order to avoid any potential for Council liability associated with the Runanga's existing resource consent, the consent will cover only the breaching of the shingle barrier to open the lake at two sites (mid-beach and at the cliff end), and will not cover the channel and groyne which have been developed by the Runanga.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. The application for a resource consent for the management of lake levels is in line with the strategic directions set out in Council's Waterways and Land Drainage Activity Management Plan: *"to protect and enhance waterways and their margins, their ecosystems and the biodiversity they sustain; to recognise cultural relationships with indigenous biodiversity and other taonga including mahinga kai; and to promote drainage, landscape, ecology, recreation, heritage and cultural values of waterways"*.

ALIGNMENT WITH STRATEGIES

17. Management of Te Roto o Wairewa/Lake Forsyth contributes to the outcomes of the Council's Biodiversity Strategy (2008) and Surface Water Strategy (2009). The Surface Water Strategy signals the future preparation of a "Lakes" Integrated Catchment Management Plan.

CONSULTATION FULFILMENT

18. Council staff have met with representatives of Wairewa Runanga, Environment Canterbury and the Department of Conservation to discuss issues associated with the lake's management on a number of occasions in 2009 and the Runanga presented their vision for the future management of the lake to a Council workshop in October 2009. The views of local landowners and residents have also been sought.
19. Proposals for a Memorandum of Understanding (MoU) and a joint resource consent were supported by the Akaroa/Wairewa Community Board (8 July 2009) and the Council (12 November 2009).
20. At a meeting between Council staff and the proposed MoU parties on 30 November 2009, Runanga representatives advised that they have difficulty with an application that only concerns the lake opening sites. They also believe that the 35 year period for the consent signals an acceptance of the current approach for opening the lake. They indicated that they would not wish to be a joint applicant unless the application also covered the instalment of a bund across the lower end of the lake. The Runanga agreed to provide a written scoping report on what the proposed bund would involve.

13 Cont'd

21. Subsequent informal discussions have explored the idea of a "letter of intent" to confirm Council's desire to proceed with investigations on the hydrological and environmental impacts of a bund. Should this be acceptable to the Runanga, it is still possible that agreement could be reached and a joint application lodged.

STAFF RECOMMENDATION

It is recommended that:

- (a) Council staff continue to work with Wairewa Runanga to reach agreement on a joint application; and
- (b) If written agreement cannot be reached with Wairewa Runanga prior to 31 March 2010, the Council lodge a resource consent application for the opening of Te Roto o Wairewa/ Lake Forsyth solely in the name of Christchurch City Council.

25. 2. 2010

**14. REPORT OF THE REGULATORY AND PLANNING COMMITTEE:
MEETING OF 4 FEBRUARY 2010**

Attached.

15. NOTICES OF MOTION

16. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

