

CHRISTCHURCH CITY COUNCIL AGENDA

THURSDAY 22 JULY 2010

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL

Thursday 22 July 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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- 1. APOLOGIES**
- 2. CONFIRMATION OF MINUTES - COUNCIL MEETING OF 21.6.2010, 24.6.2010 AND 8.7.2010**
Attached.
- 3. DEPUTATIONS BY APPOINTMENT**
- 4. PRESENTATION OF PETITIONS**

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5. RICCARTON BUSH TRUST STATEMENTS OF INTENT 2011

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

PURPOSE OF REPORT

1. To present the Statement of Intent for Riccarton Bush Trust (RBT) for the year ending 30 June 2011.

EXECUTIVE SUMMARY

2. The Council's subsidiary companies and Council Controlled Organisations (CCO) are required by statute to submit an annual Statement of Intent (SOI) to the Council. A SOI must set out the entity's objectives and performance measures as well as certain other information.
3. The organisation is required to submit a draft SOI for comment prior to 1 May and then issue a final version by 30 June in respect of the following year. Due to an oversight by RBT staff the 2011 SOI has only recently been prepared and approved by the RBT board. (**Attachment 1**)

FINANCIAL IMPLICATIONS

4. The quantum of the grants and levies quoted is consistent with what is already included in the Annual Plan and Draft LTCCP. The cost is included within the Urban Parks Activity.

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

5. Not applicable.

LEGAL CONSIDERATIONS

6. This action is required by Schedule 8 of the Local Government Act.

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

7. There are no additional implications.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. Not applicable.

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

9. No.

ALIGNMENT WITH STRATEGIES

10. Not applicable.

Do the recommendations align with the Council's strategies?

11. Not applicable.

CONSULTATION FULFILMENT

12. No.

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5 Cont'd

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Review and advise officers of any comment it wishes to make on the draft Riccarton Bush Trust Statement of Intent for the year ending 30 June 2011.

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6. REPORT OF THE RESERVES HEARINGS PANEL TO COUNCIL ON THE REVIEW OF THE KAPUATOHE HISTORIC RESERVE MANAGEMENT PLAN

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Author:	Kapuatohe Historic Reserve Management Plan Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Council to adopt the Draft Reviewed Kapuatohe Historic Reserve Management Plan as the operative plan.

EXECUTIVE SUMMARY

2. A draft Reviewed Kapuatohe Historic Reserve Management Plan was prepared in 2009. The Shirley/Papanui Community Board resolving that prior consultation as required by section 41(5) of the Reserves Act 1977 not being required in accordance with the requirements of section 41 (5A) of the Act. The Shirley/Papanui Community Board approved the public release of the draft plan for consultation at their meeting on 16 September 2009. The draft plan was available for public consultation from 10 October 2009 to 14 December 2009. A total of eight submissions were received, of which only one wished to be heard in support of their submission.
3. A hearing was held on Wednesday 1 February 2010 where one submitter made an oral submission. The Panel reconvened on Friday 5 March 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted.
4. The recommendations of the Hearings Panel have been incorporated into the revised Management Plan and are shown on the documents both in tracked changes format (**Attachment 1**) and clean copy (**Attachment 2**) both separately circulated.

FINANCIAL IMPLICATIONS

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

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

6. Yes, as above.

LEGAL CONSIDERATIONS

7. The Management Plan has been prepared in accordance with the requirements of the Reserves Act 1977.

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

8. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The Kapuatohe Historic Reserve comes under the activities of Gardens and Heritage Parks in the LTCCP and Activity Management Plans. Funding of \$15,000 is available this financial year for tree removal and replacement. Funding of \$5,000 is also available in the current LTCCP for tree removal and replacement in the 2010/11 year.

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

10. Yes, as above.

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6 Cont'd

ALIGNMENT WITH STRATEGIES

11. Council strategies relevant to the management plan include Biodiversity Strategy 2008, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Safer Christchurch Strategy 2005, Safer Canterbury Creating Safer Communities Design Guide 2005, Christchurch City Council Dog Control Bylaw 2008, Ihutai Management Plan 2004, Draft Public Open Space Strategy 2010-2040, Christchurch City Council Heritage Conservation Policy 1988.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

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

RESERVE HEARINGS PANEL RECOMMENDATION

That the Kapuatohe Historic Reserve Management Plan Hearings Panel, with the powers of Council delegated to it to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves pursuant to Section 41 of the Reserves Act 1977 recommends that the Council:

- (a) Approves the Draft Reviewed Kapuatohe Historic Reserve Management Plan, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, as the operative plan.

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7. REPORT OF THE HEARINGS PANEL ON THE SOUTH NEW BRIGHTON RESERVES MANAGEMENT PLAN

General Manager responsible:	General Manager City Environment, DDI 941-8608
Author:	South New Brighton Reserves Management Plan Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to seek approval from the Council for the revised South New Brighton Reserves Management Plan to be adopted as the operative plan.

EXECUTIVE SUMMARY

2. A draft South New Brighton Reserves Management Plan for Blighs Garden, Bridge Reserve, and South New Brighton Park was prepared in 2009 with public consultation. The Burwood Pegasus Community Board approved the public release of the draft plan at their meeting on 14 September 2009. The draft plan was available for public consultation from 9 October 2009 to 21 December 2009. A total of 26 submissions were received.
3. A hearing was held on Wednesday 3 February 2010 where 10 submitters made oral submissions. The Hearings Panel visited the reserves on Monday 15 February 2010 to further investigate some issues. It reconvened on Wednesday 24 March and Tuesday 6 April 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted
4. The decisions of the Hearings Panel have been incorporated in to the revised management plan and are shown on the documents both in tracked changes format (**Attachment 1**) and clean copy (**Attachment 2**) both separately circulated.

FINANCIAL IMPLICATIONS

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

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

6. Yes, as above.

LEGAL CONSIDERATIONS

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

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

8. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. The South New Brighton reserves come under the activities of Neighbourhood Parks and Sports Parks in the LTCCP and Activity Management Plans. \$118,520 is available this financial year for upgrading the Estuary Walkway which passes through the three reserves. Funding is also available in the current LTCCP for tree removal and replacement in South New Brighton Park (\$17,466 in 2009/10, \$25,000 in 2010/11, \$25,000 in 2011/12, \$50,000 in 2012/13).

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

10. Yes, as above.

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7 Cont'd

ALIGNMENT WITH STRATEGIES

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

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

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

HEARINGS PANEL RECOMMENDATION

It is recommended that the Council approves the South New Brighton Reserves Management Plan, with the changes shown as tracked changes in the draft plan and incorporated in the final version of the plan, as the operative plan.

In addition the Hearings Panel met on 23 June 2010 to consider the report (**Attachment 3**) (separately circulated) and decided that the draft South New Brighton Reserves Management Plan be further amended in accordance with the staff recommendations contained in the report, and that a new tracked-changed version and new final version with these amendments incorporated be distributed to the Council for adoption in accordance with the recommendation made at this Panel's meeting on 6 May 2010:

FURTHER HEARINGS PANEL RECOMMENDATIONS

That the Council approves the following amendments to the South New Brighton Management Plan:

- (a) Woodlands Policy 3.3.6 – reword this paragraph as follows (and remove the footnote): “Regularly monitor the health and structural integrity of all trees in the woodland and campground (when the Council's Tree Policy has been adopted, all monitoring should comply with the Policy). Where the monitoring identifies a risk to public safety due to the state of any tree, undertake any maintenance work required or remove the tree in order to mitigate this risk.”
- (b) Woodlands Policy (to follow the new 3.3.6 above) – “Ensure that any large trees which are identified as an immediate risk, due to over-maturity or the like, are isolated pending removal and replacement by an appropriate barrier and warning signs.”
- (c) Section 4.2 paragraph 2 – add the following words to this sentence: “Any major removal or replacement of trees will be undertaken in consultation with the community, *unless immediate removal is required because of a risk to public safety*”.
- (d) Indicative Development Plan Table 1 Proposed Projects, Woodlands – include at the end of this proposal the following sentence: “The management plan will include details of how potential risks to public safety created by the state of any of the trees will be identified, and how these risks will be managed in accordance with Council's legal obligations, including the obligations in the Health and Safety in Employment Act 1992”.

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8. REPORT OF THE BROOKLANDS LAGOON AREA DRAFT PARKS MASTER AND MANAGEMENT PLANS HEARINGS PANEL

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Author:	Brooklands Lagoon Area Draft Parks Master and Management Plan Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval of the Draft Spencer Park Management Plan 2009, Draft Seafield Park Management Plan 2009 and Draft Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan 2009, with recommended changes incorporated, as the operative plans.

EXECUTIVE SUMMARY

2. At its meeting on 14 May 2009 the Council received a report from the Shirley/Papanui Community Board recommending the Council approve the Draft Spencer Park Management Plan 2009, Draft Seafield Park Management Plan 2009 and Draft Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan 2009 to be notified for public submissions for a period of not less than two calendar months as specified by Section 41(6)(a) of the Reserves Act 1977. The draft plans were available for public consultation from 27 June to 31 August 2009. A total of 30 submissions were received.
3. Hearings were held on 21 September and 3 November 2009 where five submitters made oral submissions. The Hearings Panel, comprising Councillor Ngaire Button (Chair), Councillor Chrissie Williams and Shirley/Papanui Community Board member Pauline Cotter, reconvened on 6 April and 28 April 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted. Another meeting of the Hearings Panel was held on 29 June 2010 to determine recommendations for further additions to the draft management plans to highlight the tree management measures in place in the areas covered by these draft plans to meet Health and Safety in Employment Act 1992 requirements.
4. The determinations of the Hearings Panel have been highlighted as tracked changes in the draft plans and incorporated in the revised master plan. The further determinations of the Hearings Panel made on 29 June 2010 are included as recommendations of this report but not included in the master and management plans (Attachments 1 to 4 separately circulated to the Council meeting of 24 June 2010).

FINANCIAL IMPLICATIONS

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

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

6. Yes, as above.

LEGAL CONSIDERATIONS

7. The two management plans have been prepared in accordance with the requirements of the Reserves Act 1977 as they cover reserves classified under this Act. The preparation of the master plan was not required to be subject to the Reserves Act as it includes areas not held under the Act. Yet, due to its overarching coverage, including the aforementioned reserves, and in order to achieve an integration of planning, consistency of consideration by the public and economy of scale cost savings, the three plans were processed together. The master plan is a statutory document under the Reserves Act 1977 for the areas it covers that are reserves classified under the Act (that is, Spencer and Seafield Parks) and a contract between the public and the Council under the Local Government Act 2002 for the non-reserve public open space areas administered and managed by the Council.

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8 Cont'd

8. The master plan also covers public areas under the administration of the Department of Conservation and Environment Canterbury. For these areas, the master plan is not binding on these government bodies in any way but instead serves an integrated information and advocacy role.
9. The Hearings Panel has delegated authority, under the Council's Hearings Panel Reserves Act 1977 delegations, to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves, pursuant to Section 41 of the Reserves Act. As the submissions and objections have been heard and determined by the Hearings Panel under this delegated authority, the Council cannot make any further amendments to the plans.

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

10. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. The three plans will assist the Council, for the area that the plans address, in being effective in ensuring the best provision of activities and services for Parks, Open Spaces and Waterways to meet community and environmental needs for open space, protect natural resources and scenic values, beautify the city and manage the land drainage network (Page 117 of the Long Term Council Community Plan 2009-19).
12. Spencer Park, Seafield Park and Brooklands Spit come under the activity of Regional Parks in the LTCCP and Activity Management Plans. In the current LTCCP, up to \$30 000 per annum is available for plantings in Spencer Park and up to \$15 000 per annum for plantings in Seafield Park. In addition, \$5,000 per annum is available for car parks and driveways in Spencer Park and Seafield Park.

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

13. In order to ensure the best management and use of the multiple values contained in Spencer Park and Seafield Park, and the other public parks and open space in the Brooklands Lagoon/Te Riu o Te Aika Kawa area, and contribute to meeting the Council's Parks, Open Spaces and Waterways activities and services as described in Paragraph 11, the Council needs to have in place good operational plans for these parks and open spaces.

ALIGNMENT WITH STRATEGIES

14. Council strategies relevant to the plans include the Biodiversity Strategy 2008, Christchurch Active Living Strategy 2004, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Physical Recreation and Sport Strategy 2002, Dog Control Policy 2008, Dog Control Bylaw 2008, Parks and Reserves Bylaw 2008, Marine and River Facilities Bylaw 2008 and the Draft Public Open Space Strategy 2010-2040.
15. Approval of the plans is consistent with achieving the appropriate management and use of the resources in the Conservation 1A Zone (coastal margin), including ensuring the natural character of the coastal environment remains substantially unchanged and providing for the range of values present on the land, including recreational, ecological, scenic, educational, cultural and heritage values. It is also consistent with meeting the Greater Christchurch Urban Development Strategy's strategic directions to enrich lifestyles by developing an open space network and providing additional recreational opportunities in parks and natural areas, and to enhance environments by recognising the value of, and protecting, the coastline, estuaries, wetlands and waterways.

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8 Cont'd

Do the recommendations align with the Council's strategies?

16. Yes, the approval of the plans as the operative plans will permit the planning process to be completed, resulting in documents being in place that direct and guide the management, use and enhancement of the public parks and open space areas in the Brooklands Lagoon/Te Riu o Te Aika Kawa area in a manner consistent with the Council's long term plans and strategies, including those referred to in Paragraphs 14 and 15.

CONSULTATION FULFILMENT

17. Yes, consultation has exceeded the requirements of the Reserves Act 1977.
18. Key stakeholders were involved in the preparation of, or commented on, the draft plans before they were publicly notified. These included Te Rūnanga o Ngāi Tahu, through Mahaanui Kurataiao Ltd, and staff of Environment Canterbury and the Department of Conservation.
19. Two periods of public consultation were undertaken during the process of review and preparation of the draft plans. These followed the public notification in March 2008 of the Council's intent to prepare the draft plans and the notification in June 2009 of the draft plans for public comment. Both consultations fully complied with Section 41 of the Reserves Act 1977.
20. The Shirley/Papanui Community Board has been engaged and informed, through field trips, seminars and reports, since 2003 on the public parks and open space planning for the Brooklands Lagoon/Te Riu o Te Aika Kawa area.

RESERVE HEARINGS PANEL RECOMMENDATION

With the powers of the Council delegated to the Brooklands Lagoon Area Draft Parks Master and Management Plans Management Plan Hearings Panel to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves pursuant to Section 41 of the Reserves Act 1977, and for parks held under the Local Government Act 1974, it is recommended that:

- (a) The Council approves the Spencer Park Management Plan, Seafield Park Management Plan and Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan, with the changes shown as tracked changes in the draft plans and incorporated in the final versions of the plans, plus the changes shown in (b) and (c) below, as the operative plans.
- (b) Further additions are made to the Draft Spencer Park Management Plan, as follows:
- (i) Insert the following policy section and contained policies on page 11 of the draft plan.

2.18 TREE MANAGEMENT

POLICIES: 45 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken or the tree removed in order to mitigate this risk.

46 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

- (ii) Insert the following values and issues section on page 19 of the draft plan.

3.15 TREE MANAGEMENT

The area covered by this management plan includes a variety of tree vegetation, most of which consists of exotic species such as pines, willow and silver poplar.

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This ranges from scattered trees and clumps of trees throughout Spencer Park, with a tall pine shelter belt fringing the Picnic Ground, to the tall woodland area of South Seafield Park.

Management of trees in the Spencer Park/South Seafield Park area, and elsewhere in the Brooklands Lagoon area under the control of the Council, has proceeded, and is continuing to proceed, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The Council is preparing a Tree Policy that will document all requirements with respect to trees.

Part of Spencer Park is leased to an independent operator as Spencer Beach Holiday Park. The lease requires the lessee to maintain the trees in the Holiday Park to the best standards of silviculture. The landscape and planting plan for the Holiday Park that is an appendix to this management plan states that trees are to be assessed yearly and maintained in accordance with the tree management strategy, and that unsafe trees are to be pruned or removed.

Part of South Seafield Park, at the time of preparation of this management plan, is operated by an independent party under licence as the Adrenalin Forest, a tree-based adventure ropes course. The Licensee is responsible for the care and maintenance of all trees in the area covered by the licence, but the prior written consent of the Council is required before any cutting or trimming of the trees occurs. The Licensee is also required to engage a Council approved consultant to undertake an annual tree audit on the trees used in the ropes course to determine their health and structural integrity and the effect, if any, on them by the ropes course activity.

(c) Further additions are made to the Draft Seafield Park Management Plan, as follows:

(i) Insert the following policy section and contained policies on page 13 of the draft plan.

3.0 TREE MANAGEMENT

POLICIES: 44 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken or the tree removed, subject to Policy 46 below, in order to mitigate this risk.

45 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

46 For the areas covered by this management plan that are classified scenic reserve under the Reserves Act 1977, the prior consent in writing of the Minister of Conservation shall be obtained prior to the cutting or removal of indigenous trees and bush, as required by the part of section 42(1) of this Act not delegated to the Council.

(ii) Insert the following issues section on page 19 of the draft plan.

3.7 TREE MANAGEMENT

The area covered by this management plan includes a range of vegetation, with most of this comprising low and open wetland, dune and pasture types. What tree vegetation there is consists of a few scattered trees and clumps of trees, plus a couple of shelter belts of trees, all of which are made up of mostly exotic pines, in the northern half of Seafield Park. The dense tall pine woodland in South Seafield Park is addressed in the Spencer Park Management Plan.

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Management of trees in the Mid/North Seafield Park area, and elsewhere in the Brooklands Lagoon area under the control of the Council, has proceeded, and is continuing to proceed, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The Council is preparing a Tree Policy that will document all requirements with respect to trees.

- (d) This report is forwarded to the Shirley/Papanui Community Board for information.
- (e) The Council consider supporting staff to investigate further the following issues:
 - (i) With respect to the Dog Control Policy and Bylaw, the need for further restriction of dogs in natural areas in order to protect wildlife, the provision and effectiveness of signage on site to better inform dog owners, and requirements for improved enforcement.
 - (ii) Development of a policy for the use and promotion of Māori names in significant natural and open space areas.
 - (iii) The feasibility of and options for the Christchurch Water Sports Club relocating to an alternative site, and the Club's land being acquired for addition to the Seafield Park scenic reserve.

22. 7. 2010

9. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW

General Manager responsible:	General Manager, City Environment Group, DDI 941-8608
Officer responsible:	Asset Planning & Network Manager
Author:	Weng Kei Chen, Asset Policy Engineer

PURPOSE OF REPORT

1. The purpose of this report is to report back on the Community Board views on the options for the policy of vehicle entrances and footpaths and to seek the Council's decision on the preferred way forward.

EXECUTIVE SUMMARY

2. The current Council's Policy "That the Council will maintain vehicle entrances on roads with an adjacent footpath" was adopted in 24 May 2001.

The reasons for the current policy are:

- (a) Vehicle crossings adjacent to footpaths are recognised as an integral part of the footpath system and thus registered as a footpath asset;
 - (b) Vehicle crossings where there is no footpath is directly attributable to the property owner rather than to the public good.
3. The Council's Traffic Bylaws 2008 Part 4 Vehicle crossing and Section 335 of Local Government 1974 Act requires owners of properties to form vehicle crossings.
 4. A previous review of the policy was carried out in 2004 and the Council at its meeting of 23 September 2004 resolved "that the current policy be confirmed". The reports of May 2001 and September 2004 are attached (**Attachment 1**).
 5. The issues relating to the maintenance and resurfacing of vehicle entrances not adjacent to footpaths was raised by Riccarton/Wigram and Fendalton/Waimari Community Boards in 2007. The key issue being "Where there is a footpath on only one side of the road the current level of service is to only resurface driveways on the footpath side of the road. The driveways on the opposite side of the road do not get resurfaced."
 6. The Council resolved at its 13 March 2008 meeting:

**15. REPORT OF THE RICCARTON/WIGRAM COMMUNITY BOARD:
MEETING OF 4 FEBRUARY 2008**

(1) Notice of Motion

It was resolved on the motion of the Mayor, seconded by Councillor Wells, that the Council undertake a review of the existing policy of vehicle entrances and footpaths.

7. Staff discussed the policy and alternative options with Community Boards in May – June 2009. Four boards favoured the status quo, six favoured the status quo for Hills and rural areas, two wished to make changes on the flat, and two favoured a change in the level of service throughout the whole area.

OPTIONS

8. The policy review considered three potential options:
 - (a) Status quo with the current policy reconfirmed.
 - (b) The status quo remains for the Hills and rural areas, with a change of level of service for the urban flat areas of the city.

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- (c) Change in the level of service throughout the City Council Area.
9. These options were presented to each Community Board and the following issues were brought to elected members' attention with regard to each option.
 10. Status quo with the Policy reconfirmed.
 - (a) The Council is likely to receive an ongoing low level of complaints from property owners when footpath resurfacing works are undertaken on a particular road or street and their driveways are not included.
 - (b) The budgets included in the 2009-19 LTCCP (Long Term Council Community Plan) support the status quo option.
 11. Status quo remains for hills and rural areas, with a change in level of service for the urban flat areas of the city.
 - (a) As part of the review external consultants MWH were commissioned to report on the cost implications of changing the level of service associated with the footpath re-surfacing program. In the review the footpath resurfacing programme 2008/09, excluding the rural area was used to estimate the additional funding required to resurface driveways on the opposite side to where there are no footpaths. An estimated capital cost of \$250,000 per annum was attributed to resurfacing of these vehicle crossings.
 - (b) In the urban flat area of the city there are a number of property accesses across waterways supported by existing structures e.g. pipes, culverts, or bridges that will require some maintenance works or their replacements prior to resurfacing. It is estimated that \$50,000 per annum will be required to upgrade these structures prior to resurfacing works, this figure is an estimate only and could significantly increase once a detailed asset register has been compiled.
 - (c) It is estimated that an increase in the maintenance operating budget of \$100,000 per annum will be required for repairing the crossings.
 - (d) Work will be required to clearly define the level of service to be adopted on a street/road basis.
 - (e) The option provides for differing level of service within the Council's area, some property owners are likely to complain that this is unfair.
 12. Change in the level of service throughout the Council area.
 - (a) A change in the level of service that includes resurfacing of all vehicle entrances on legal roads means there will be a need to increase the current Resurfacing budget. The current Resurfacing budget to resurface approximately 90 kilometres of footpath annually is \$4.45 million and it is estimated that this would need to be increased by \$400,000 per annum.
 - (b) Across the City area there are property accesses supported by retaining structures on roads. It is estimated that \$150,000 per annum will be required to upgrade these structures prior to surfacing the accesses on road. Again this is a high-level estimate only and could significantly increase once the details of the assets are known.
 - (c) For any change to the existing policy there will also be a need to review the current footpath operational repairs and maintenance budget of \$1.45 million per annum. Currently it is estimated that \$500,000 of the \$1.45 million is attributed to maintaining the vehicle crossings that formed the footpath network.
 - (d) It is estimated that the maintenance budget needs to be increased by \$300,000 per annum.

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- (e) Level of service is common across the Council's area.
13. Currently the stand alone vehicle entrances, i.e. without footpath adjacent to them, are not considered to be the Council's infrastructural assets to maintain and hence are not included in the Council's asset register. Any change of policy will require these "new" assets to be identified. Depreciation allowances for these assets will need to be included for changes to the current level of service.
 14. Any change of level service without any increase in funding will lead to a decreased level of service increasing the current footway resurfacing cycle from its existing 23 years cycle.
 15. If a change of policy was agreed there will be significant change to the management of this section of the Council's asset. The safe use of the entrances over waterways and supports to driveways would become the Council's responsibility. The management of these additional assets will be complex, in particular the responsibility of structural integrity of timber bridges across waterways, and 'dry rock 'walls supporting driveways on legal roads.
 16. Any change of policy will potentially generate additional requests to maintain vehicle entrances from residents residing on roads that have no footpaths.
 17. In the consultant's review it included a survey of five other Councils' policies and the findings were:
 - (a) Waimakariri, North Shore and Wellington Councils have similar policies as Christchurch's existing policy.
 - (b) Napier has a policy to maintain driveways on legal roads for visual appearance.
 - (c) Auckland City Council is replacing asphaltic concrete footpaths with exposed aggregate concrete and will be replacing the old driveways to achieve uniformity.
 18. Any change of the present policy will require increases in both Operation and Capital Works budget for Footpath Resurfacing.

FINANCIAL IMPLICATIONS

19. Estimated summary of Additional Cost Implications:

	Annual (\$000K)			
	Footpath resurfacing Capital Maintenance budget.	Maintenance of structures, culverts, etc.	Footpath operational, repairs and maintenance.	Total
Option 1 Status Quo	\$0	\$0	\$0	\$0
Option 2 Status quo for Hills and rural areas, change in level of service for urban flat area	\$250	\$50	\$100	\$400
Option 3 Change in level of service throughout the Council area	\$400	\$150	\$300	\$850

20. There is currently no allowance in the 2009/19 LTCCP to change the policy on private driveway resurfacing.

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

21. The recommendations of the report could have an impact on the 2009/19 LTCCP budgets if the current policy is changed.

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LEGAL CONSIDERATIONS

22. Sections 316, 317, and 319 of the Local Government Act 1974 confer a number of powers over roads on the Council. Specifically, section 316 (1) vests local roads in the Council, while section 317(1) provides that all roads in the district are under the control of the Council (excluding State Highways). Section 319 gives the Council power to do certain things in respect of roads (e.g. constructing and repairing roads etc). Section 319 (a) of the Local Government Act 1974 confers a power on the council *“to construct, upgrade and repair all roads with such materials and in such manner as the council thinks fit.”* The section only confers a power to construct, upgrade and repair any road, rather than an express duty to do so.
23. These sections need to be read in light of the common law. The Courts have held that proceedings cannot be brought against a local authority for failure to maintain and repair a road even though a statute gives the Council the power to repair it. This is known as the “non-feasance rule.” The rule is subject to a number of technical qualifications. But it has a long history in New Zealand and other jurisdictions. In the last few years the non-feasance rule has been the subject of criticism. It has now been rejected in Australia. In England, the rule has been abolished since 1961 and a positive repair obligation has been placed on highway authorities. However, in the opinion of the Legal Services Unit, the rule is still good law in New Zealand until a court says otherwise or the rule is changed by statute.
24. The opposite of the non-feasance rule is the misfeasance rule. Once the Council decides to reconstruct or repair a road, then it is obliged to exercise reasonable care in the performance of its self-imposed task.

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

25. Yes. The current policy that the Council will maintain vehicle entrances on roads with a footpath complies with the Local Government Act 1974 and is consistent with the non-feasance and misfeasance rules. The Council has a power to maintain and repair footpaths and vehicle entrance ways but it is not under a duty to do so. If the Council exercises its power to maintain footpaths and vehicle entrance ways it must do so with reasonable care and skill.

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

26. This review is to consider a potential change to the level of service.

Do the recommendations align with the Council’s strategies?

27. Not applicable.

CONSULTATION FULFILMENT

28. These options have been discussed with all Community Boards.

COMMUNITY BOARD RECOMMENDATIONS**Riccarton/Wigram**

That the Council:

- (a) Adopt **Option 2** and that these additional works be included by way of an adjustment to the annual work programme each year.
- (b) Approve that where street footpaths on one side of the road have been resealed in the past six years, the footpath crossings on the other side of the road be included in the forward work programme.

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Lyttelton/Mt Herbert

It is recommended that the status quo with the current policy be retained.

Fendalton/Waimari

It is recommended:

- (a) That **Option 2** identified in the report be adopted, which states that the status quo for hills and rural areas remain but that a change in level of service for urban flat areas be introduced.
- (b) That staff be requested to explore all the potential issues surrounding new residential developments and subdivision where footpaths are proposed for only one side of a street.
- (c) That staff be requested to make information readily available to owners of properties that are affected by the Council's policy regarding vehicle entrance and footpaths.

Shirley/Papanui

It is recommended:

- (a) That **Option 3** be adopted which implies the change in the level of service throughout the Council area.
- (b) That the Council identify the preferred long term policy and request staff to undertake detailed analysis of the preferred option so that it can be adopted for the 2012-22 LTCCP.

Hagley/Ferrymead

It is recommended:

- (a) That the Council identify the preferred long term policy and request staff to undertake detailed analysis of the preferred option so that it can be adopted as a change to the 2009-19 LTCCP as part of the next annual plan process.

Spreydon/Heathcote

It is recommended that the Council:

- (a) Confirm the status quo by retaining the Council policy.
- (b) Request staff to supply information regarding Council policy on footpaths and accessways in LIM reports.

Burwood/Pegasus

It is recommended:

- (a) That the status quo with the current policy be retained.

Akaroa/Wairewa

It is recommended:

- (a) That the status quo with the current policy be retained.

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SUMMARY OF BOARD RECOMMENDATIONS

Status Quo Remains	Status Quo Remains for Hills and Rural Areas with a Change in Service for the Flat City Areas	Change in Level of Service for the Council Area, implemented 2012/22	Change in level of Service for the Council Area, implemented 2009/19 LTCCP
Lyttelton / Mt Herbert Spreydon / Heathcote Burwood / Pegasus Akaroa / Wairewa	Riccarton / Wigram Fendalton / Waimari	Shirley / Papanui	Hagley / Ferrymead

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Reconfirm the existing Policy relating to the surface of vehicle entrances.
- (b) When a reseal project is programmed, give owners of properties the opportunity to have their vehicle crossing resealed as part of the Council contract but at the owner's cost.
- (c) Note that the Council will only undertake these reseals using its standard seal materials.

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BACKGROUND

29. The Local Government Act and Council's Transport Bylaws 2008 require property owners to provide vehicle crossings across any footpath on any road or water channel on or adjoining any road by means of a crossing properly constructed. Vehicle crossing also includes crossings to all private rights of ways or private roads.
30. The responsibility of maintaining vehicle entrances on legal roads has always been a contentious issue and it is for these reasons that the Council adopted the current policy at its meeting on 25 May 2001.

The Policy states

"That Council will maintain vehicle entrances on roads with an adjacent footpath".

The reasons for the policy:

- (a) Vehicle crossings adjacent to footpaths are recognised as an integral part of the footpath.
 - (b) Vehicle crossings, where there is no footpath is directly attributable to the property owner rather than to the public good.
31. This policy was reconfirmed by the Council in 2004 (23 September 2004 report is **Attachment 1**).
 32. The provision of one only footpath within the road corridor is a Subdivision rule in the City Plan for Subdivisional roads. The criteria being that the road is:
 - (a) Carrying less than 250 vehicles per day i.e. serving 25 dwelling units
 - (b) In Living Hills Zone.

This practice and rule has been in place since the mid 1970s.

33. The Council discussed all options at a workshop on 9 June 2010 and raised the question of whether property owners could be given the opportunity to have their vehicle crossing resurfaced as part of a Council reseal project, on the understanding that the costs are met by the property owner.

This is covered in the staff recommendation (b).

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10. ADOPTION OF THE CLIMATE SMART STRATEGY 2010-2025

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8281
Author:	Climate Smart Strategy Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to seek Council adoption of the Christchurch City Council Climate Smart Strategy 2010–2025 (**Attachment B**) separately circulated.

EXECUTIVE SUMMARY

2. The Climate Smart Strategy is a non statutory document which establishes a vision, goals, objectives and targets for the community and sets out the Council responses to the issues and opportunities presented by Climate Change.
3. This Strategy is a response to the legal obligations placed on the Council to consider the effects of climate change in our activities and functions. The Strategy is also a response to advice received from the Ministry for the Environment about future changes to our climate, sea-level and flood risks.
4. The Strategy vision is that: “People enjoy and actively work toward a climate smart Christchurch that is powered by renewable energy and resilient to the social, cultural, economic and environmental effects of climate change”.
5. The Strategy goals are:
 - (1) Understand to the local impacts of climate change;
 - (2) Provide leadership in addressing climate change; and
 - (3) Respond to the opportunities and challenges presented by climate change in ways that promote social, cultural, economic and environmental wellbeing.
6. The proposed high-level Strategy targets, from a 2008 baseline, are:
 - (a) 20 per cent reduction in total greenhouse gas emissions from Christchurch by 2020; and
 - (b) 50 per cent reduction in total greenhouse gas emissions from Christchurch by 2050.
(Generally consistent with the New Zealand Government’s “20 by 20 and 50 by 50” targets).
7. The Strategy contains an indicative action plan to advance on the Strategy objectives. The actions proposed aim to build community and the Council understanding of and resilience to the effects of climate change, then as a key response, encourage a transition away from greenhouse gas emitting fossil fuels. After the Council approval of the Strategy, a detailed implementation plan will be developed with proposals passing through future LTCCP planning processes.
8. On 25 February 2010, the Council approved the Draft Strategy for public consultation and appointed Councillors Williams, Reid and Johanson to hear the submissions. A six week public consultation period commenced on 22 March 2010. During this time strategies were sent to over 500 stakeholders, 120 people attended information sessions and over 300 people attended the Hot Topic consultation launch event. The Council’s climate smart website received 1,030 visits and awareness of the Strategy and climate change issues in general were raised through community support of the global Earth Hour event. The Council received 54 written submissions and 31 submitters wished to be heard. The Hearings Panel heard submissions on 24 and 26 May and deliberated on 1 and 29 June 2010.
9. Overall, submitters were generally supportive of the Strategy intent and direction. The Council leadership, monitoring and investigation of changes, community education, improving the performance of buildings, reducing transport emissions and enhancing local food production were aspects widely supported.

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10. The most widely suggested improvements to the Strategy were: for much stronger targets to be set for the actions promoted in the Strategy and for it to cover a greater range of greenhouse gas emissions; connections were wanted to other national, regional and local strategies, policies and plans dealing with climate change issues; the inclusion of a wider range of stakeholders to help implement the strategy; more detail was wanted to provide better understanding of the proposed actions; and a greater level of precaution and flexibility to respond to future risks for Christchurch.
11. In response to submissions and Hearings Panel deliberations a number of changes have been made to the Draft Strategy (**Attachment A**) separately circulated. Substantive changes include:
 - Stronger targets have been set that include total greenhouse gas emissions targets for Christchurch and for each of the major sources of emissions. Where possible these targets are consistent with existing local and national policy.
 - Greater recognition has been made of the wide range of stakeholders involved in climate change understanding and responses.
 - Greater connections have been made to other local, regional and national strategies, policies and plans that relate to climate change.
 - Better connections have been made within the Strategy for example, with the introduction of Figure 5 now showing the relationships between the various parts of the Strategy and with the implementation process.
 - The Strategy now reflects a greater level of precaution and risk management through changes made to the background and action plan sections. Changes include more explanation about the potential consequences of continuing on a high greenhouse gas emission trajectory, greater explanation of the effects of climate change on Christchurch and by identifying which actions are adaptation or mitigation responses.
 - More explanation has been provided for each action so readers can better understand what is being proposed and for each action the priorities, budgets and timing have been reconsidered.
12. Taking into consideration all of the submissions received, the Hearings Panel now recommends the attached Strategy for adoption by the Council.

FINANCIAL IMPLICATIONS

13. This Strategy is part of the Healthy Environment work programme and its development is covered by the Strategy and Planning Group budget. The cost and timing for implementation of the Strategy will be addressed through future LTCCP planning processes. An indicative cost of \$3.5 million will be spread over the 15 years of the Strategy. It is possible that some of these costs can be met by the sale of carbon credits earned by the Council beyond 2012. However, this would depend on future international agreements on carbon trading, securing a buyer and on other Council demands for this potential revenue.

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

14. Development of the Strategy is covered by existing budgets, implementation will need to be approved through future LTCCP processes.

LEGAL CONSIDERATIONS

15. This Strategy will assist the Council in meeting its legal obligations to address the effects of climate change and greenhouse gas emissions. These obligations are contained within the:
 - (a) Local Government Act 2002 - current and future social, cultural, economic and environmental well being;
 - (b) Resource Management Act 1991, Section 7 - Council shall have particular regard to the effects of climate change and renewable energy;
 - (c) Civil Defence Emergency Management Act 2002 - manage risks to people and property and enhance community preparedness and resilience; and
 - (d) Climate Change Response Act 2002 - measure and report greenhouse gas emissions from Council operations.

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

16. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. The development of this Strategy is part of "City and Community Long-term Policy and Planning" within the 2009-2019 LTCCP (pages 188-190).

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

18. The implementation of this Strategy will have an effect on many Council activities and functions, such as community education, city planning, the management of coastal areas, surface water, water supply, transport, energy, biodiversity, and civil defence and emergency management.

ALIGNMENT WITH STRATEGIES

19. Key Council strategies and how they relate to the Climate Smart Strategy:
- **Greater Christchurch Urban Development Strategy** – the location and management of development, transport infrastructure and travel demand;
 - **Strengthening Communities Strategy 2007** – community cohesion and supports systems;
 - **Sustainable Energy Strategy 2008** – energy conservation and promotion of renewable energy;
 - **Water Supply Strategy 2009** – water conservation, security of supply, management of droughts and salt-water intrusion;
 - **Surface Water Strategy 2009** – management of floods, protection structures and water quality;
 - **Biodiversity Strategy 2008** – management of at risk species, pests, fire risk and the promotion of carbon sequestration;
 - **Public Open Space Strategy 2010** – accessibility, productive use of parks and gardens;
 - **Waste Management Plan 2006** – waste reduction and landfill gas management; and
 - **Christchurch Transport Plan** (in development) – promotion of walking, cycling and public transport.

Do the recommendations align with the Council's strategies?

20. Yes, see above.

CONSULTATION FULFILMENT

21. Public and staff engagement took place throughout the strategy development process and a six week formal consultation process commenced on 22 March 2010 (see Table 1 in the Background Section). The Council established a Sustainability and Climate Change Working Party comprising of representatives from the City Council, Environment Canterbury, Canterbury Employers Chamber of Commerce, Canterbury University and Sustainable Otautahi Christchurch who met each month to develop the draft strategy. Consultation included four public information sessions in key locations, presentations and discussions with key stakeholders and interest groups including the Mahaanui Kurataiao Limited Board, Canterbury University, Christchurch Polytechnic Institute of Technology, Canterbury Public Health and at a joint Transition Towns meeting. A Hot Topic public forum was held on 24 March 2010 to launch the consultation period.

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HEARINGS PANEL RECOMMENDATION

It is recommended that the Council:

- (a) Approve for adoption the Christchurch City Council Climate Smart Strategy 2010-2025 as in Attachment B.
- (b) That \$130,000 of the unexpended portion carried over from the sale of carbon credits in previous years be allocated to the funding of actions identified in the Strategy to enable implementation to commence in 2011-12.
- (c) Thank the members of the Sustainability and Climate Change Working Party.

STAFF COMMENT

Following public consultation on the Sustainable Energy Strategy for Christchurch 2008-18, which included both a detailed action plan and its implementation budget, the Council resolved on 27 September 2007: "To confirm the use of the Burwood Landfill gas project Carbon Credits (estimated value of \$3.53 million) as the funding source for the 2008-13 Sustainable Energy Strategy Implementation Plan." Subsequently, the Energy Strategy implementation budget was consulted on again as part of the LTCCP. The carbon credit revenue is fully allocated to funding the Implementation Plan over five years.

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BACKGROUND

22. In 2007 the Council established a Sustainability and Climate Change Working Party to assist in the development of the Council's Sustainability Policy and Climate Smart Strategy. Members of the Working Party were:

Chrissie Williams, Claudia Reid and Sally Buck - Christchurch City Councillors
 Jane Demeter - Environment Canterbury Councillor
 Rob Lawrence – Canterbury Employers Chamber of Commerce
 Kate Hewson – Canterbury University
 John Peet – Sustainable Otautahi Christchurch

23. On 25 February 2010 the Council approved for consultation the Draft Climate Smart Strategy 2010-25 and appointed Councillors Williams, Reid and Johanson to hear the submissions. The revised Climate Smart Strategy (**Attachment B**) seeks to respond to the feedback received over the six week consultation period that began on the 22 March 2010 and responds to the feedback received at the information sessions and from verbal submissions made at the hearings held on 24 and 26 May 2010 (Table 1).

Table 1. Public engagement and consultation undertaken on the Climate Smart Strategy

Phase	Who	When
Strategy Development	Public focus groups and telephone survey	July 2008
	Sustainability and Climate Change Working Party	Monthly Meetings
	Key stakeholder discussions	Various
	Council Seminar	24 November 2009
	Joint Community Board Seminar	21 September 2009
	CCC seminars - Executive Team	2 November 2009
	CCC seminar – Leadership Group	16 November 2009
	CCC seminar – General staff	9 December 2009
Strategy Approval	Council report seeking approval of the draft	25 February 2010
Consultation Open	Joint Community Board Seminar	22 March 2010
Awareness Raising	Hot Topic Public Forum Launch Event	24 March 2010
	Earth Hour	27 March 2010
	Avon-Heathcote Estuary Ihutai Trust AGM	2 September 2009
	Engineers and consultants – joint MWH event	15 December 2009
Public information and feedback sessions	Canterbury University - key staff only	2 March 2010
	Christchurch Public Health – key staff	9 March 2010
	Canterbury Workers Educational Association	17 March 2010
	Mahaanui Kurataiao Limited Board Meeting	22 March 2010
	Public Information Session – Central City	30 March 2010
	Public Information Session – Akaroa	31 March 2010
	Christchurch Polytechnic Institute of Technology	31 March 2010
	Joint Christchurch Transition Towns Meeting	13 April 2010
	Environment Canterbury Seminar	16 April 2010
	Public Information Session – Lyttelton	19 April 2010
Public Information Session – Woolston	20 April 2010	
Canterbury University – wider staff group	26 April 2010	
Submissions Closed	54 submissions were received	30 April 2010
Public Hearings	31 submitters appeared before the Panel	24 & 26 May 2010
Deliberations	Hearings Panel	1 and 29 June 2010

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24. A summary of aspects widely supported by submitters and aspects where submitters suggested improvements are provided in Tables 2 and 3. Examples of the actual statements made by submitters are also provided. Survey information was collected from the written submissions and the results are given along side the relevant theme.
25. Overall the Strategy was strongly supported with 82 per cent of the submitters agreeing with the strategy vision and the Council's proposed approach to leadership and to enhancing understanding. Thirty eight percent of submitters disagreed with the proposed targets, wanting much stronger targets that tie into Strategy actions while also taking account of a greater range of greenhouse gas emissions.

Table 2. Overview of Aspects Supported by Submitters

Theme	Examples
1 Climate change was seen as an important issue for Christchurch that requires urgent community and Council responses.	<i>It is pleasing to see that the Council is being proactive in its response to climate change. We strongly urge the Council to continue improving policies in relation to climate change issues in a manner that demonstrates partnerships and synergies both within and beyond the Council.</i> Sustainable Otautahi Christchurch
2 The general intent and direction of the strategy (e.g. vision, goals and objectives) were strongly supported.	82% of submitters agreed or strongly agreed with the strategy vision. <i>The Board is enthusiastic about the draft document and believes it will be an excellent resource in helping to address climate change and its effects. The Board believes that almost all of the important climate change issues in the Lyttelton-Mt. Herbert area are encompassed in the overall objectives of this Strategy. The Board strongly agrees with the approach outlined in the Strategy and congratulates the Council on producing such a forward thinking document.</i> Lyttelton-Mt. Herbert Community Board
3 Council leadership was seen as vital to build community support and to encourage positive actions.	82% agreed or strongly agreed with the Council's proposed leadership approach. <i>Leading by example sends a very strong message to the Community.</i> Avon Heathcote Estuary Ihutai Trust
4 Monitoring environmental, social and economic changes related to climate change, was seen as critical for informed policy making and helping to drive public understanding and responses.	83% agreed or strongly agreed with the Strategy's proposed approach for understanding climate change. <i>It is important that the Council and community is fully informed about the possible impacts of climate change with respect to the societal and environmental consequences so it can mitigate and adapt to the anticipated changes in a timely manner.</i> Sustainable Otautahi Christchurch
5 Community education on climate change was seen as a crucial role for Council with household education and Enviro-schools strongly supported.	<i>One of the best aspects about the strategy is encouraging resilient households and communities through a sustainable school programme. Schools and their communities are a great place to start. They are often the heart of a community.</i> Enviro-schools Canterbury
6 Improving the quality of buildings (e.g. energy efficiency and solar panels) by education, incentives and regulation was strongly supported.	<i>City's building code needs to contemplate transition requirements for solar heating and energy provision in new buildings to eventually become mandatory.</i> Burwood Pegasus Community Board
7 Encouraging local food production was seen as key for developing community resilience.	<i>The biggest sustainable changes are likely to come from the changes individuals make within their homes and neighbourhoods, therefore the protection of local productive land and support for community initiatives such as community gardens should be afforded high priority status.</i> Mt Pleasant Memorial Community Centre & Residents Association

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Table 3 Overview of Improvements Suggested by Submitters

Theme		Examples
1	Targets do not go far enough to address the level of change necessary to avoid significant harm and should cover the range of greenhouse gas emissions and reflect the actions contained within the strategy.	38% disagree or strongly disagree with the targets proposed. <i>The targets are grossly inadequate.</i> Christchurch Polytechnic Institute of Technology
2	Greater recognition is needed of the role that other stakeholders (eg community organisations, NGOs, Ngai Tahu, industry and the rural sector) can play in helping deliver the outcomes of the strategy.	<i>The Council could also involve local community organisations, social services sector, environmental consultants, social scientists and engineers... many of these groups are already working at a community level on climate change issues and building community resilience.</i> Aoraki Province of the Green Party of Aotearoa NZ
3	The Strategy should adopt a more precautionary approach in consideration of future changes, it should plan for the worst case scenario.	<i>The speed of change and the severity of risks have not been fully appreciated... planning for the worst case scenario is required.</i> Rik Tindall
4	Greater connections need to be made with rural areas, Banks Peninsula and the wider Canterbury region.	<i>The Council seems to ignore agriculture and the links between the city and our broader environment. We live in a system which is directly linked to what goes on in the countryside.</i> James Le Couteur
5	The Strategy was seen as too vague needing more detailed and specific actions to give people a better idea of what the Council proposes to do.	<i>You tell me how you are going to build a resilient city, and I will comment.</i> Bob Noonan
6	A greater focus is needed on walking, cycling and public transport and the land-use planning that would facilitate these solutions.	<i>Council must increase the priority given to cycling and walking because this:</i> <ul style="list-style-type: none"> ▪ <i>addresses the main source of greenhouse gas emissions</i> ▪ <i>is rapidly getting worse</i> ▪ <i>will become more difficult over time</i> ▪ <i>can be readily implemented</i> ▪ <i>result in multiple benefits and strengthens communities.</i> Spokes Canterbury Cycling Association
7	More context is required showing connections within the strategy and with other policies and future projections.	<i>The actions appear to be general and connections between the actions and how they relate to the objectives and overall strategy targets is not clear. The absence of these connections makes it difficult to determine how the draft will be implemented.</i> Environment Canterbury
8	Greater mention of risk management, civil defence and emergency responses to the risks posed by climate change is needed.	<i>The Strategy needs to recognise natural hazard management including response and adaptation more explicitly.</i> Environment Canterbury
9	Provisions should be made to influence Council controlled organisations and include their performance and impacts within Council reporting.	<i>It is embarrassing that the Council has not counted Council Controlled Organisations. If the Council finds a way to manipulate the numbers this leads the way for others to do the same.</i> James Le Couteur
10	Adopt a strong sustainability approach to considering future challenges – address fundamental problems not symptoms.	<i>This strategy is looking at how to make what we do in this area more efficient/effective, tinkering with the symptoms but not addressing the underlying causes.</i> Margaret Jefferies

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11. ADOPTION OF PUBLIC OPEN SPACE STRATEGY

General Manager responsible:	General Manager, Strategy and Planning, DDI 941-8281
Author:	Public Open Space Strategy Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's adoption of the Christchurch City Council Public Open Space Strategy (**Attachment A**) separately circulated following hearings on submissions.

EXECUTIVE SUMMARY

2. The Public Open Space Strategy is a non statutory document, which sets out a vision, principles, goals, objectives and priorities for the provision, development and maintenance of public open space for the Christchurch District over the next 30 years. The Strategy includes a number of concept plans for geographic areas of the Christchurch District and provides standards and guidelines for open space provision.
3. The Strategy sets out four goals. These are:
 - Provide an accessible, and equitably distributed, multi-use open space network while protecting natural, cultural and heritage values.
 - Ensure public open space is diverse, interesting, and promotes local and District identity (providing for and protecting indigenous biodiversity, iconic landscapes, heritage places, Ngāi Tahu cultural landscapes and views special to each area).
 - Encourage community awareness and support and develop partnerships for open space provision, development and maintenance.
 - Ensure open space provision and management is sustainable.
4. The current Strategy was initiated in the latter part of 2008 and approved by the Council for public consultation on 22 October 2009. Community Boards, Ngāi Tahu and key stakeholders were consulted prior to release of the Strategy for general consultation. The consultation process has not been required to follow any legislative requirements, however meaningful consultation has occurred in a manner consistent with the requirements of the Local Government Act 2002 (LGA).
5. Public consultation commenced on 16 November 2009 and closed 5 February 2010. One hundred and ninety three submissions were received and key themes from those submissions identified.
6. Overall, submissions on the Strategy were strongly supportive, especially from the urban areas of Christchurch and Banks Peninsula settlements. The main objections received concerned the Banks Peninsula Concept Plan. The majority of concerns were from the rural community, particularly around the potential adverse impacts of public access on adjoining landowners, and that wilderness and biodiversity values might be compromised.
7. The Strategy Hearings Panel, comprising Councillors Claudia Reid (Chairperson), Helen Broughton, Chrissie Williams, Barry Corbett and Mike Wall, convened on 22, 23 and 26 March 2010 to hear from the 92 submitters that wished to orally present their submissions.
8. Consequently the Panel sought information and analysis from officers in response to submissions and met on 7 May 2010 to deliberate. The Hearings Panel reconvened on 30 June 2010 to review and confirm amendments to the Draft Strategy.
9. Key amendments include greater emphasis on consultation and the development of partnerships, and clearer identification of areas of interest on the Banks Peninsula Concept Plan. The guidelines for open space provision were confirmed by the hearings process, including proposals to reduce the level of service for local parks in the Central City (while the area per 1000 people will decrease the total area will still increase over the next 30 years due to increased density of population) and to increase the level of service for regional parks, in part to recognise the role of covenanted land.

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11 Cont'd

10. During deliberations a number of questions arose around the Council's current approach for assessing Development Contributions for reserves. As a consequence, the hearings panel have recommended that a report be prepared reviewing the current Reserve Development Contributions and how well they are meeting community needs for the provision of parks and open space.

FINANCIAL IMPLICATIONS

11. The Strategy forms part of the Healthy Environment Programme work programme for which internal officers and external consultant costs have been budgeted. Its implementation will be addressed through the 2009/19 and future LTCCP capital and operational infrastructure programmes.

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

12. Yes, covered by existing unit budget.

LEGAL CONSIDERATIONS

13. The Strategy will assist the Council in carrying out its functions under both the Local Government Act 2002 and Resource Management Act 1991 (RMA) by:
- Providing a vision, objectives and priorities for Christchurch District public open space to 2040;
 - Facilitating the integrated planning and management of the Council-managed public open space;
 - Facilitating partnership with other agencies and landowners;
 - Providing direction for Council's acquisition of strategic land areas; and
 - Providing standards and guidelines for the provision of parks and public open space which will enable the assessment of development contributions.

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

14. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Aligns with LTCCP 2009-2019 (pages 117-128) by providing a framework for overall public open space provision, development and maintenance over the next 30 years.

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

16. Yes. The Strategy will assist in achieving a number of community and Council outcomes under the LTCCP, in particular UDS objectives planning for the future growth of the city. It provides guidance on how the Council might achieve LTCCP outcomes for local, sports, garden, heritage and regional parks.

ALIGNMENT WITH STRATEGIES

17. The relevant Council strategies and plans are as follows:
- Greater Christchurch Urban Development Strategy (UDS). The UDS, which anticipates greater intensification, has influenced the Central City and Christchurch Concept Plans. It has also influenced the Open Space Strategy's emphasis on environmental quality, provision of open space and planting in urban areas, such as the Central City.
 - Christchurch City Biodiversity Strategy, 2008 - 2035. The Biodiversity Strategy identifies priorities for indigenous biodiversity protection and enhancement across the district. This strategy provides an important basis for proposals in the Open Space Strategy, especially on Banks Peninsula.

22. 7. 2010

11 Cont'd

- South West and Belfast Area Plans. These plans provide base information and priorities for development in these sectors of the City.
- A City for People (Public Spaces, Public Life). This study assessed how people use Christchurch's Central City spaces and streets, the quality of spaces, where people walk, plus how public spaces can better sustain public life and create a better sense of community.
- Port Hills Regional Park Acquisition Strategy 1999 and Port Hills Recreation Strategy. These plans have provided a basis for Strategy objectives and Concept Plans.
- The Styx Vision 2000 – 2040. The 'Vision' for the Styx Catchment and River Corridor has influenced the outcomes anticipated by the Strategy.
- Surface Water Strategy, 2009 - 2039. The Surface Water Strategy provides further grounding to the initiatives promoted in this Strategy.
- Banks Peninsula District Plan and especially the Boffa Miskell Landscape Study of Banks Peninsula and Outstanding Natural Landscapes and Coastal Protection Area maps.

Do the recommendations align with the Council's strategies?

18. Yes, in particular the Urban Development Strategy and the Biodiversity Strategy.

CONSULTATION FULFILMENT

19. Public opinion and preferences concerning open space and biodiversity were gathered in a 2007 Market Research Survey of Christchurch District residents. This sample survey and other research information was used as a basis for Strategy preparation. Strategy concepts and proposals were tested at a key stakeholders meeting on 4 August 2009, a Council Seminar on 25 August 2009 and a Community Board seminar 21 September 2009. Overall very positive responses were received.
20. Consultation with Maori has been facilitated by Mahaanui Kurataiao Ltd (MKT) the organisation set up to enable better consultation between Council and local Runanga. MKT have been involved in review of the document and have assisted Council staff on the wording of key strategy passages and policy that potentially impact on matters of importance to Ngai Tahu Runanga and others.
21. Public consultation on the Strategy commenced on 16 November 2009 and closed 5 February 2010. Consultation mediums for the Strategy included direct notification of special interest groups, community groups and key stakeholders, public notices and articles in the press and public seminars in the City and on Banks Peninsula. Over the public consultation period staff were able to respond to a number of enquiries about the scope and intent of the strategy as well as facilitate better awareness of the Strategy. 193 submissions were received and 92 submitters indicated that they wished to be heard in support of their submission.
22. A public hearing was held on 22, 23 and 26 of March 2010 to provide submitters with an opportunity to speak to their submissions and allow the Panel to ask questions of submitters. On 7 May 2010 the Hearings Panel convened to consider the officers Summary of Submissions Report, which was based on written and oral submissions.
23. The Panel advised officers on 7 May and 30 June 2010 to make a number of amendments to the Strategy in accordance with their decisions on the submissions received.
24. The Strategy was subsequently amended, (see **Attachment A**) and is now before the Council, to consider for adoption. It will be reformatted and illustrated to improve its legibility and so that it is in keeping with the design format for the Healthy Environment Strategies.

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11 Cont'd

HEARINGS PANEL RECOMMENDATION

It is recommended that the Council:

- (a) Approve for adoption the Christchurch City Council Public Open Space Strategy as in Attachment A.
- (b) That a report be prepared reviewing the current Development Contributions for reserves and how well they are meeting community needs and Council's Strategy for the provision of parks and open space.

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11 Cont'd

BACKGROUND

25. Christchurch District is expected to grow by approximately 84,000 people by 2040. The UDS signals the environmental and development initiatives needed to make Christchurch a sustainable and enjoyable place to live over the next 30 years. Proposed Plan Change 1 of the Regional Policy Statement, mandates greater population densities in existing urban areas and the Central City as well as urban expansion in greenfield developments and settlements in surrounding districts. Initiatives to accommodate a growing population present a number of challenges for public open space provision. In addition Banks Peninsula presents unique opportunities as a place to live and visit.
26. Public open space is highly valued in a national and international context. Our apparent ease of access to many parks, waterways, lakes and beaches provides an inherent advantage for the Christchurch District. However, projected urban growth, lack of access to desirable places, landscape change, loss of tree cover in urban areas and reduced open space per person overall are challenges that need to be met if the District is to remain competitive in the future. Challenges to be met include:
 - Maintenance of the City's Garden City identity as part of the process of urban redevelopment and maintenance of the rural character of Banks Peninsula.
 - Protection and enhancement of Banks Peninsula for greater public and visitor use whilst retaining its values of remoteness and protecting biodiversity.
 - Maintaining and enhancing the quality of parks and ensuring that the quantity of public open space keeps pace with population growth.
 - Ensuring that there is sufficient public open space in the Central City to provide attractive, useful settings for existing and future residents and workers.
 - Enhancing the character of Lyttelton and Akaroa and retaining attractive, publicly accessible rural backdrops for these townships.
27. In order to achieve the above, the Strategy establishes a vision and objectives to support the management and appropriate growth of the public open space network. The objectives and policies are supported by a series of concept plans that provide graphic interpretation of the Strategy's intentions.
28. As the Strategy is not a regulatory document, the method and timeframes for the associated consultation process has not been required to follow any legislative requirements. However, the process undertaken was considered to meet the guiding principles for meaningful consultation pursuant to the LGA.
29. The Strategy was approved by the Council for release for public consultation and submissions on 16 November 2009. Based on analysis of submissions a number of general themes were identified. Overall the Strategy had a high level of acceptability with 83 per cent of comments being positive. It is clear from the number of submissions on the Strategy and strength of those submissions that Christchurch and Banks Peninsula residents feel strongly about their parks and open spaces. The most controversial part of the strategy concerned public access on Banks Peninsula.
30. The key submission themes identified are:
 - Strong support for public open space provision overall.
 - Support for continued/increased provision of public open space especially as residential intensification proceeds.
 - Strong support for parks, trees and street enhancement in the Inner City.
 - Strong support for (61 per cent of submitters) and concern (39 per cent of submitters) expressed about provision of more public access on Banks Peninsula.
 - Desire expressed from many Banks Peninsula residents to retain the remote and isolated character of Banks Peninsula and protect biodiversity.

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11 Cont'd

- Desire for greater partnership between agencies, organisations and landowners.
 - Strong support from Lyttelton Harbour communities for greater protection of rural landscapes and provision of regional parks.
 - Concern over lack of funding for parks, maintenance standards and how the City would fund continued parks provision standards in the face of urban consolidation.
31. The Hearing Panel made special note of submissions from members of the land development community and individuals familiar with development contribution levels concerning lack of budgeted financial provision for creation and development of sufficient parks in new subdivisions. To provide greater clarity on this matter the Panel requested that staff report back to the Council on the state of development contribution funding for reserves and if this would meet future community needs for parks and public open space.
32. The Strategy has taken account of the public submissions and attempted to take a balanced approach to fulfilling the needs and desires of the different submitters. To this end whilst stating clearly what the Council (in partnership with others) would like to achieve, there is strong emphasis on future collaboration, consultation and engagement with the community as is appropriate for a non regulatory document.
33. Following adoption of the Strategy an implementation plan will be developed to provide a more detailed programme of actions and key tasks to achieve the Strategy objectives and policies and prioritisation of actions.

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12. CHRISTCHURCH ECONOMIC DEVELOPMENT STRATEGY

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. The purpose of this report is to seek Council endorsement of the Christchurch Economic Development Strategy (CEDS) (**Attachment 1**) separately circulated.

EXECUTIVE SUMMARY

2. Canterbury Development Corporation (CDC) has lead the development of the Christchurch Economic Development Strategy, with input from Council staff.
3. The process to develop CEDS has broadly included the following stages:
 - A stocktake of the economic environment – both at a local and national/international level. As part of this process 120 one-on-one interviews were undertaken and 600 telephone surveys were carried out with Christchurch businesses.
 - The development of an economic model was used to understand the interdependencies and drivers of the Christchurch economy, to forecast scenarios based on changes in activity, investment and exports, to help develop criteria to determine priority industry sectors; and later in the process, to model the impact of selected interventions.
 - High growth potential business sectors were identified and work was undertaken with these to develop road maps for their future development.
 - A series of themes were synthesised from the analysis and ‘expert’ groups formed around each of these to identify and evaluate possible interventions.
 - A vision and goals were drafted for the strategy and the interventions identified were assessed and prioritised.
 - The draft strategy was tested with key people in the Christchurch business community, the Mayoral Forum and the Christchurch City Holdings Limited (CCHL) companies’ Chief Executives.
 - The Strategy was approved by the CDC Board.
4. The Council was briefed on the development of CEDS at a workshop on 11 March 2010.
5. CEDS positions Christchurch as the hub of the South Island and as a counterweight to the development of the Auckland economy.
6. CEDS identifies the following vision for Christchurch:

Christchurch is a smart city; the hub of the South Island economy.

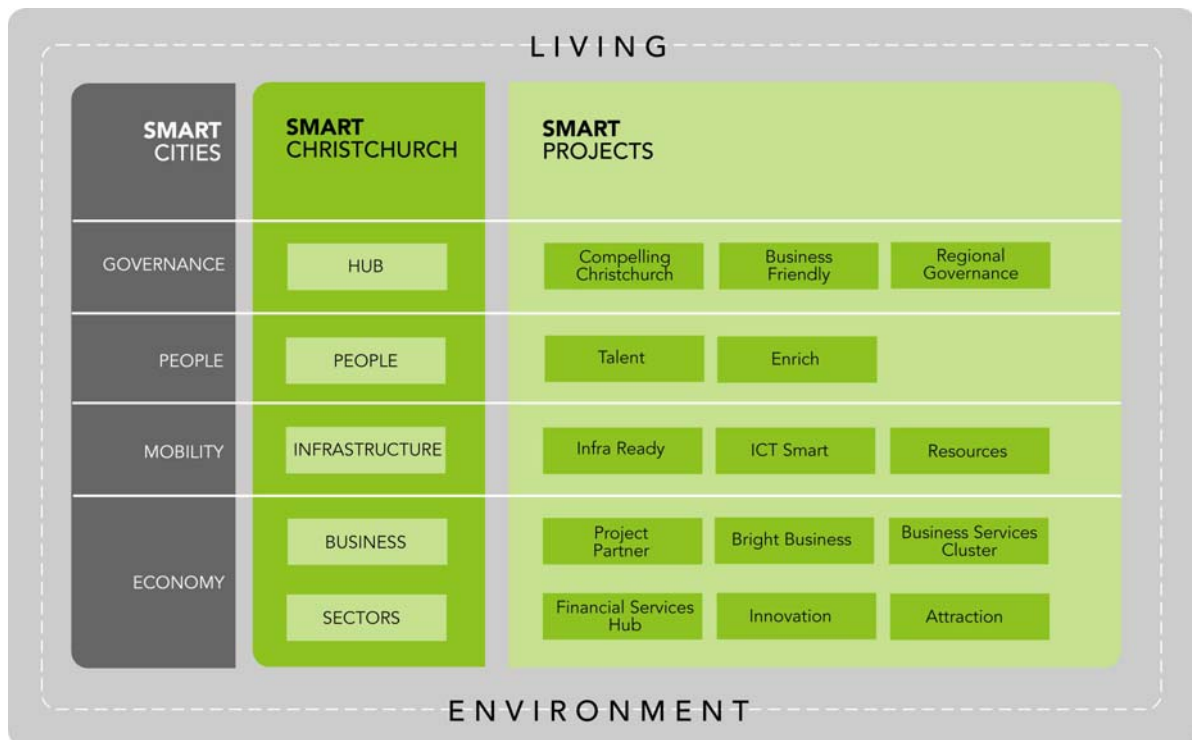
A nimble, connected city, driving exports, adding value, generating wealth and providing a superior quality of life to all.

7. The CEDS Goals are:
 - Doubling the historic growth rate of gross domestic product (GDP in 2010 is \$25.1 billion rather than the \$19.5 billion (based on static growth rates), an additional \$5.7 billion.
 - Doubling the value of exports from \$3.5 billion to \$7 billion.
 - Increasing the average annual earnings for workers from \$39,000 to \$75,000 (an increase of 92 per cent).
 - Having the highest quality of life in New Zealand (as measured by the Big Cities Quality of Life Survey).
 - Managing economic growth in a sustainable manner.

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12 Cont'd

8. A series of SMART projects have been identified to begin moving the city to achieving these goals.



9. Quality of life is noted in CEDS as being of crucial importance as it is paramount to the people of Christchurch and Canterbury and is a cornerstone to making Christchurch attractive to smart people, capital and businesses. It is a large part of the City's value proposition. Clearly large parts of the Council's activity impinges on maintaining and enhancing quality of life.

FINANCIAL IMPLICATIONS

10. To align with the new strategy it is anticipated that CEDS will lead to a review of the levels of service that CDC delivers within the Regional Economic Development Activity Management Plan in the LTCCP. These levels of service in the LTCCP note that they can be altered by the CDC Board. Consequently in the immediate term CEDS will lead to a re-focus of the existing resources the Council provides to CDC for economic and labour force development work.
11. The Regional Economic Development Activity Management Plan includes a Level of Service for the Council to develop a strategic framework for Council's involvement in economic planning and development. This economic framework will identify how the Council will support CEDS, in addition to its resourcing of CDC. As part of the development of this economic framework it is anticipated that consideration be given to 'how' the Council carries out elements of its work to give effect to CEDS and identify linkages to work the Council already carries out that supports CEDS e.g. in maintaining and enhancing quality of life. If anything is identified through this process that requires a change in a level of service or additional funding, this will be fed in to the process to develop the 2012 LTCCP for consideration by the Council.
12. It is highly likely that in time CDC's efforts to achieve the goals in CEDS will identify opportunities to enhance the City's economy which it believes require funding from the Council (either partially or wholly). These will be considered on a case by case basis through the Annual Plan and LTCCP processes.

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

13. Yes. Budget was provided in the Regional Economic Development Activity for CDC to develop CEDS.

22. 7. 2010

12 Cont'd

LEGAL CONSIDERATIONS

14. There are no legal implications of this report.

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

15. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Completing CEDS is a level of service in itself in the Regional Economic Development Activity Management Plan.

17. As noted in paragraph 10 above CEDS will lead to a realignment of the levels of service delivered by CDC.

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

18. As noted above.

ALIGNMENT WITH STRATEGIES

19. The recommendations align with other Council strategies and policies including the Greater Christchurch Urban Development Strategy (UDS).

20. CEDS is consistent with the Vision and Goals of the Canterbury Regional Economic Development Strategy (CREDS).

Do the recommendations align with the Council's strategies?

21. As above.

CONSULTATION FULFILMENT

22. As noted earlier in this report extensive consultation was carried out with the business community in Christchurch in the development of CEDS.

STAFF RECOMMENDATION

It is recommended that the Council:

(a) Endorses the Christchurch Economic Development Strategy (CEDS).

22. 7. 2010

13. GREATER CHRISTCHURCH METRO STRATEGY REVIEW 2010-2016

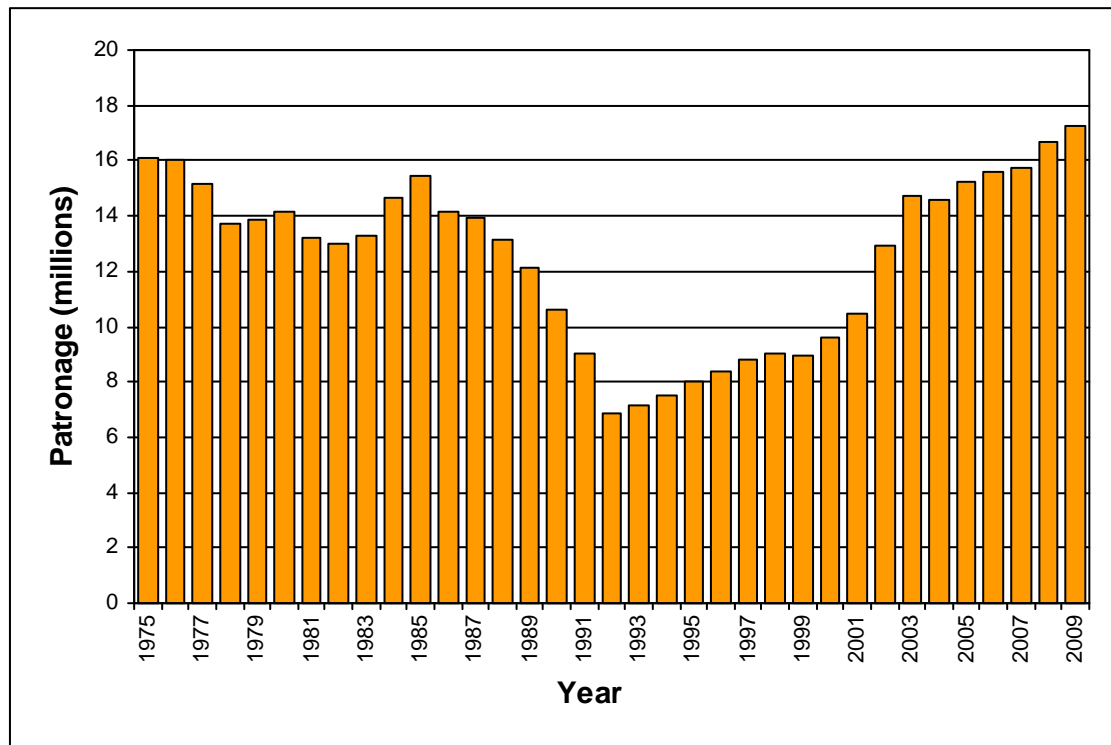
General Manager responsible:	General Manager Strategy and Planning, DDI 941 8281
Officer responsible:	Programme Manager Liveable City
Author:	Ruth Foxon

PURPOSE OF REPORT

1. The purpose of this report is to present the draft vision, goals and targets of the updated Greater Christchurch Metro Strategy for adoption by Council as a partner in the Greater Christchurch Urban Development Strategy (UDS).

EXECUTIVE SUMMARY

2. The Christchurch Metro Strategy charts the direction for public transport within Christchurch. The first Christchurch Metro Strategy was adopted in 1998 as a joint initiative of the Christchurch City Council and Environment Canterbury. The Strategy contains the overall public transport goals and a series of targets that shapes and influences service provision in the city. The Strategy was developed at a time of low public transport patronage in order to provide the Councils with a clear direction from the community about how public transport should be improved in the future. This led to some substantial improvements such as the introduction of the Orbiter bus service, integrated ticketing via the Metrocard system and the development of a new Central City Bus Exchange. These and other service improvements all contributed to significant patronage growth, with the number of annual passenger trips almost doubling in ten years (the current strategy can be found at: <http://www.metroinfo.org.nz/docs/MetroStrategy2007.pdf>).



3. The current Christchurch Metro Strategy was adopted by the Christchurch City Council and Environment Canterbury in 2006. It has guided further improvements to the public transport system including the development of the first bus priority corridors along Papanui/Main North Road, Colombo Street south and the Queenspark route, bike racks on 12 bus routes and a new passenger lounge on the Colombo Street side of the Bus Exchange.

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13 Cont'd

4. In January 2010 the process to review the Metro Strategy commenced, led by Environment Canterbury. The Public Transport Advisory Group, which has played a key role in developing past strategies, was reconstituted to provide advice on the strategy process. The group included representatives of community groups and elected representatives of Christchurch City Council and Environment Canterbury. It was expanded to include Selwyn and Waimakariri District Council representatives thereby ensuring that UDS partner Councils were included. The feedback from the public consultation process was analysed by the group and the targets updated as a result of their advice.
5. On 28 June 2010, the proposed vision, goals and targets were approved by the Greater Christchurch Urban Development Strategy Implementation Committee and recommended to partner Councils for adoption. The proposed vision, goals and targets are now being presented to each Council individually for adoption. Once adopted by all of the Councils, the Metro Strategy will be printed and be publicly launched and an action plan will be developed to implement the improvements.

Proposed Vision, Goals and Targets

7. The reviewed vision, goals and targets are shown in **Attachments 1** and **2**. The vision and goals are very similar to those contained in the current Metro Strategy with some minor wording changes.
8. The new patronage target is 30 million passenger trips per year by 2020. This requires a continuation of the current target of five percent patronage growth on average per year. This was seen as a challenging yet achievable target based on the range of proposed improvements. In the last five years, patronage growth has ranged from 0.7 per cent to 5.9 per cent annual increase, so five percent was seen as a realistic annual target. Ninety three per cent of public submissions thought more public transport use should be encouraged in the future. At present, each Christchurch resident makes an average of 46 trips on public transport every year. The new patronage target would see this increase to 75 trips per person per year by 2020, which is similar to the current level of usage in Wellington.
9. The reviewed Metro Strategy with the overarching vision, goals, patronage targets are shown in **Attachment 1** and the service targets in **Attachment 2**. A summary of the main changes is shown below. Once approved by all UDS partners, the document will be published.

Travel Time and Reliability:

One target was updated and two new targets were added.

- The bus priority target (No. 1 in **Attachment 2**) has been updated to four new bus priority corridors by 2016 which aligns with the LTCCP programme.
- A new target (No. 3 in **Attachment 2**) to 'average bus travel times to match or be lower than car travel times on high demand corridors every year' has been added to look at other ways to improve bus travel times relative to cars and make it a more attractive travel option.
- A new target (No. 4 in **Attachment 2**) to 'run an education campaign to ensure at least 80 per cent of road users understand how to use bus priority measures' has been added to ensure all road users understand how to use bus priority measures safely and efficiently.

Service Marketing and Information:

All of these targets have been reworded to make them more specific and ensure they are measurable.

- The Real Time Information target (No. 8 in **Attachment 2**) has been updated to set a target for the number of devices that should be installed each year in each district. The new target for Christchurch City is 'at least 10 new Real Time Information devices are installed on average every year between 2010 and 2016'. This replaces the old target of 30 per cent of Metro stops which would have been difficult for Christchurch City Council to achieve compared to Selwyn and Waimakariri Districts due to the large number of bus stops in the city. Although it may be a challenge to install 10 Real Time Information devices in Christchurch in the first two years, this is seen as a realistic target for the future based on the current installation rate of around eight to ten per year.

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13 Cont'd

Service Frequency and Coverage:

Two targets have been reworded and two new targets have been added.

- Target 12 on the frequency of bus services has been reworded with updated timelines: 'during regular service reviews, investigate options for increasing frequency and operating hours to meet demand and make services more attractive.'
- Target 14 on cross-suburban services has been reworded with updated timelines from implementing one additional cross suburban route in 2012 to 'extend the Metrostar route following a review of this service'. A new target was added for 2015: 'investigate demand for additional cross suburban services and plan to implement if appropriate'.
- A new target (No. 13 in **Attachment 2**) was added to trial some bus services to special events.
- A new target (No. 15 in **Attachment 2**) was added in response to public feedback from outlying townships in Selwyn and Waimakariri to set up a clear process for investigating new bus services to those areas.

Central City Transport Interchange:

This section was shortened to focus on the provision of a new Transport Interchange by 2014, which is aligned with the City Council's current project timelines. The previous target was reviewed because the Public Transport Advisory Group saw that any other major improvements made to the current Bus Exchange in the meantime was a waste of resources.

Suburban Passenger Facilities:

One new target has been added, three targets have been reworded or expanded and one target has been moved into this section from another.

- The target to develop Park and Ride in Greater Christchurch (No. 18 in **Attachment 2**) has been moved into this section and the timelines reviewed to: '2011: Complete investigations to determine the best locations and timing for Park and Ride in Greater Christchurch. 2012: Develop options for implementation of Park and Ride'. The changes are following public requests to progress from investigations to implementation.
- Targets 19 and 20 have been expanded to include Selwyn and Waimakariri Districts and the wording has been altered to make them more specific. As with the Real Time Information target, there is now a specific target for the number of bus shelters and seats to be installed in each district each year. For Christchurch the target is set as at least 10 new seats and shelters on average every year between 2010 and 2016.
- The suburban transport hubs target (No. 21 in **Attachment 2**) has been reworded to place more emphasis on developing hubs at Key Activity Centres with high levels of public transport activity and discussing opportunities for implementation of hubs with developers as appropriate.
- A new target (No. 22 in **Attachment 2**) has been added following public suggestions to consider providing feeder services to transport hubs as they are developed with core services linking the hubs and city centre.

Ticketing:

This section has been reworded to incorporate the ticketing improvements that are planned for later in 2010. The readability of ticketing machines has been moved to the 'Ongoing Achievements' section because new machines are in the process of being installed. In addition two new targets were added:

- New targets (Numbers 26 and 27 in **Attachment 2**) were added to look at different types of ticketing (eg monthly or annual passes) and integrating the Metrocard with other types of cards.

Drivers' Customer Service:

One target was reworded, one target added and one target has been removed.

- The target regarding driver standards (No. 28 in **Attachment 2**) was reworded to make it measurable. The target now reads: 'work with operators to continue to raise driver training standards so that at least 90 per cent of drivers provide friendly, helpful customer service and safe, comfortable travel'.
- Target 29 was added to improve the complaints/compliments process for passengers and to introduce an 0800, text number and online link so people can easily provide feedback about Metro in 2011/12.

22. 7. 2010

13 Cont'd

- The former target regarding driver dress standards was removed and the one regarding Driver of the Month awards was moved to 'Ongoing Achievements'.

Vehicle Standards:

Three of the former targets from this section were moved to the 'Ongoing Achievements' section as they have been achieved but still need to be maintained (bikes on buses, vehicle emission standards and low floor buses). In addition two targets were reviewed.

- Target 31 was altered because security cameras have now been installed on all buses and the emphasis needs to shift to ensure they work at all times and people are aware that they are operating.
- Target 32 was reworded so it is easily measured. The reviewed target is to 'ensure at least 90 per cent of vehicles are clean, accessible for all users, comfortable (seating and temperature), bus stop buttons work and are easy to reach and graffiti is removed as soon as possible.'

Future Options:

Following the review one target was reworded, a new target added and one removed.

- The wording of target 33 was altered following a strong response from the public about progressing with investigations about future mode and corridor options, consulting the public on options and protecting corridors.
- A new target (No. 35 in **Attachment 2**) was added to investigate alternative funding sources and collate research regarding the wider benefits of public transport to encourage greater Central Government funding in the future.
- The dial-a-ride target was removed due to a lack of public support.

FINANCIAL IMPLICATIONS

10. The Strategy identifies improvements that are already being undertaken (on-going work) by the Council and recommended new improvements to public transport. The 2009-2019 LTCCP does make provision for both on-going work and new work. Implementing the Strategy is a long term goal and in preparing the 2012-2022 LTCCP the Council will need to consider where additional funding might best be targeted to work towards the strategy targets.

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

11. Yes, as outlined above.

LEGAL CONSIDERATIONS

12. There are no specific legal considerations with the adoption of this strategy.

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

13. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. The Metro Strategy aligns with the Streets and Transport Activity Management Plan, Activity 10.4: Public Transport Infrastructure.

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

15. Yes. The Strategy supports the following Levels of Service: Mode Share (Public Transport Total Trips); Economy (peak and inter-peak travel times for buses); and Amenity (Resident satisfaction with the number and quality of bus stops, and bus shelters at bus stops).

22. 7. 2010

13 Cont'd

ALIGNMENT WITH STRATEGIES

16. The review of the Metro Strategy for Greater Christchurch was identified in the Greater Christchurch Urban Development Strategy and Action Plan 2007. The planning and implementation of the Christchurch transport system is guided by the New Zealand Transport Strategy 2008, the Government Policy Statement for transport, the Canterbury Regional Land Transport Strategy and the individual transport strategies of Christchurch City Council. The Greater Christchurch Metro Strategy 2010-2016 is well aligned with all of these strategies and is an important element of transport planning if the Council is to achieve the objectives and targets set out in these strategies.

Do the recommendations align with the Council's strategies?

17. Yes, as above.

CONSULTATION FULFILMENT

18. The experience of past Metro Strategy reviews is that a key to success is public involvement; the targets are based on feedback and suggestions from the community. Public consultation for the review was carried out in March-April 2010. Brochures were delivered to all households in the UDS area, handed out on buses and sent to key community groups and stakeholders. Adverts were run in city and community newspapers, onboard buses, and on a range of radio stations to raise awareness of the review and encourage people to have their say about the future of public transport in Greater Christchurch.
19. There was an excellent response from the wider community with a total of 1904 written responses. Efforts were made to ensure that there were a good representation of responses from all districts. There was also a good range of views from existing passengers and non-bus users with 45 per cent of respondents using public transport at least once a week, 36 per cent using public transport occasionally and 11 per cent never using the bus (the remaining eight percent did not answer that question).
20. All of the public feedback was collated and presented to the Public Transport Advisory Group which consists of 25 community and elected representatives from across Greater Christchurch. The Public Transport Advisory Group has met several times in recent months to analyse the feedback and develop an updated vision, goals and targets for the draft Metro Strategy.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Adopt the updated vision, goals and targets for the Greater Christchurch Metro Strategy 2010-2016.
- (b) Note that any additional funding required will be subject to approval through the 2012/2022 LTCCP process.

22. 7. 2010

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

Attached.

22. 7. 2010

15. NOTICES OF MOTION

16. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 22 JULY 2010

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 17, 18 and 19.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
17. CONFIRMATION OF MINUTES:) COUNCIL MEETING OF 24.6.2010) AND 8.7.2010)	GOOD REASON TO) WITHHOLD EXISTS)	SECTION 48(1)(a)
18. LAND ASSIGNMENT LICENCE)	UNDER SECTION 7)	

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 17	Protection of privacy of natural persons	(Section 7(2)(a))
Item 17	Commercial activities	(Section 7(2)(h))
Item 17	Conduct of negotiations	(Section 7(2)(i))
Item 17	Right of appeal exists	(Section 48(2)(a))
Item 18	Conduct of negotiations	(Section 7(2)(i))

Chairman's

Recommendation: That the foregoing motion be adopted.

Note

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

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

CHRISTCHURCH CITY COUNCIL AGENDA (Cont'd)

FRIDAY 23 JULY 2010

9.30AM

COUNCIL CHAMBER, CIVIC OFFICES

CHRISTCHURCH CITY COUNCIL

Friday 23 July 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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20.	RECOMMENDATIONS FOR OTHER REQUIRING AUTHORITIES NEW DESIGNATIONS AND ROLLOVER OF EXISTING DESIGNATIONS PROPOSED BANKS PENINSULA DISTRICT PLAN	17
21.	JOINT CHRISTCHURCH CITY COUNCIL/CANTERBURY DISTRICT HEALTH BOARD HEARINGS PANEL REPORT	33
22.	IMPLICATIONS FOR COUNCIL OF THE CHRISTCHURCH HOSPITAL REDEVELOPMENT	79
23.	PROPOSED NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN STRUTHERS LANE USING BOLLARDS FOR CLOSURE EVERY NIGHT	83
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19. STAFF RECOMMENDATIONS FOR ROLLOVER OF BANKS PENINSULA DISTRICT COUNCIL EXISTING DESIGNATIONS

General Manager responsible:	General Manager Strategy & Planning Group, DDI 941-8281
Officer responsible:	Programme Manager District Plan
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PURPOSE OF REPORT

1. The purpose of this report is for Council to consider and make a decision on whether it will confirm the Banks Peninsula District Council (BPDC) designations, with or without modifications, impose conditions or withdraw the designations pursuant to section 168A of the Resource Management Act 1991 (the Act).
2. For a number of designations the report also concludes the outstanding decisions required on submissions to individual designations. These submissions have been previously considered by the hearings panel of the day but have yet to be adopted by the Council. The matters are largely procedural, and of a minor nature, but need to be adopted for completeness.

EXECUTIVE SUMMARY

3. On 27 January 1997 the Banks Peninsula District Council Proposed Plan (Proposed Plan) was publicly notified. Submissions and further submissions were received in relation to both the Council's designations and the designations of other requiring authorities. On 17 August 1998 Council convened a hearing.
4. The officer's report presented at the hearing set out recommendations on whether to accept or reject the submissions, but did not, as it should have done, contain any consideration or recommendations on the designations themselves. It became apparent at the hearing that two procedural errors had been made with respect to the treatment of the designations through the Proposed Plan process. As a result, a decision was made to reserve the BPDC decisions on the submissions until such time as two procedural errors had been resolved and the BPDC was in a position to make recommendations on the Requiring Authorities designations, and make decisions in respect to its own designations. A decision report was drafted after deliberation but not released (**Appendix A** – separately circulated).
5. The first procedural error was that no evidence was found suggesting the notification process set out in clause 5(1B) (notification to directly affected parties) of Schedule 1 of the Act was undertaken. It has been 13 years since notification of the Proposed Plan and it is possible that information may have been lost and no error actually occurred. If an error did exist it is mitigated by the fact that the BPDC is the directly affected party as owners of the Council designated sites and therefore the procedural error is not considered fatal to the overall process.
6. The second procedural error was that the recommendations contained in the officer's report presented at the 17 August 1998 hearing was incomplete. The report was required to recommend to BPDC to make a decision on each of its own proposed designations and a recommendation to each of the requiring authorities responsible for designations included in the Proposed Plan. It failed to do so. However, the work done to prepare the recommendations contained in this report and the recommendations themselves has resolved the second procedural error in that the officer recommendations are now complete.
7. Before notifying a proposed plan, councils are required under Clause 4 Schedule 1 of the Act, to provide requiring authorities, including itself, that have designations in the operative district plan (which have not expired) with the opportunity to include their existing designations in the proposed plan, with or without modification, and to include new designations.

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8. The BPDC included a total of 49 existing and new designations in the Proposed Plan, for which it acts in the role of Requiring Authority. The designations relate to a range of Council owned or administered facilities including: Waste water treatment and disposal facilities; Cemeteries; Water supply facilities; Waste management facilities; Quarries and a public toilet. During the preparation of each assessment report (see paragraph 8) a variety of errors or irregularities were identified and include:
- incorrect or incomplete Certificate of Title references;
 - identification of the need for specific name and/or address changes both in the District Plan text and planning maps;
 - incorrect descriptions;
 - inconsistency in the use or omission of conditions attached to designations; and
 - a lack of distinction between the designations relating to different Requiring Authorities in Appendix II of the District Plan.
 - A lack of supporting information underpinning inclusion of designations.
9. **Appendix B** (separately circulated) contains a report for each BPDC designation that reassesses the proposed new and existing (modified) designations, the above errors and irregularities, considers the issues raised together with the submissions and makes a comprehensive recommendation to the Council on each of BPDC own designations. In doing so, and given the time lapse between notification and the present time, each designation has been determined by a comparison of the site as it is shown in the relevant Transitional Plan and as it is now shown in the Proposed Plan. In addition, clarification was sought from the relevant Council officers as to the scope and purpose of designations as well as confirmation of the ongoing need for the sites to be designated.

Process

10. Council is the Requiring Authority for all the designations considered in this report, it must consider and make a decision on each of the modified and new designations in accordance with the provisions of section 168A of the Act.
11. Once the Council has made decisions on its new and modified designations, it must serve notice of its decisions on each of the submitters and any landowners and occupiers directly affected by the decision. Sections 173 and 174 of the Act set out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision of the territorial authority to the Environment Court.

FINANCIAL IMPLICATIONS

12. The roll over of existing and proposed new designations forms part of the agreed and current financial year district plan work programme in which internal officers and external consultant cost have been budgeted.

Do the Recommendations of this Report Align with 2006-19 LTCCP budgets?

13. Yes. Covered by existing unit budget.

LEGAL CONSIDERATIONS

14. There is a legal process for dealing with Councils own existing and proposed new designations to be incorporated in a Proposed Plan.
15. The process, mentioned above, is familiar to the Council and should create no particular risks or liabilities if followed correctly.

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

16. Yes, as above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. Aligns with LTCCP 2009-2019, p192: Prioritised programme of plan changes is prepared and approved by the Council on an annual basis; and
18. Aligns with – A prioritised work programme, matched to staff capacity and availability, to be presented for Council approval annually by 30 June of the following financial year.

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

19. Yes, see above.

ALIGNMENT WITH STRATEGIES

20. No specific alignment with any Council strategies.

CONSULTATION FULFILMENT

21. The Proposed Plan has been publicly notified allowing for submissions to be received on each of the designations under consideration.
22. Each designation has been determined by a comparison of the site as it is shown in the relevant Transitional Plan and as it is now shown in the Proposed Plan. Where it was considered appropriate, clarification was sought from the relevant Council officers as to the scope and purpose of designations as well as confirmation of the ongoing need for the sites to be designated.

Recommendation

It is recommended that the Council:

- (a) Confirm the recommendations made below for each designation of the Banks Peninsula District Council (BPDC) and as set out in reports contained in Appendix B pursuant to section 168A of the Resource Management Act 1991.

BPDC WASTEWATER DESIGNATIONS

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Confirm the existing designation with modifications at Pauaohinekotau Head for the Diamond Harbour wastewater treatment plant subject to amending the purpose notation of the designation from 'Sewage Works (Church Bay)' to 'Wastewater Treatment Plant' in Appendix II of the Proposed Plan:
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the locality 'Church Bay' with 'Diamond Harbour'
 - (3) Replacing the address 'Church Bay Foreshore' with 'Pauaohinekotau Head'
 - (4) Include the underlying zoning of the site, which is 'RV' Recreational Reserves.
- (b) Confirm the existing designation with modifications of the Duvauchelle wastewater treatment plant subject to further modifying Appendix II of the Proposed Plan by amending the notation of the designation from 'Sewage Treatment Plant' to 'Wastewater Treatment Plant'.
 - (i) Modify planning map S15 of the Proposed Plan by amending planning map S15 to show the designation covering Lot 1 DP 12513 instead of Pt Lot 3 DP 5105.

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- (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (iii) Include Pt Lot 21 DP 3473 and the eastern half of Lot 1 DP 28014 within the boundaries of the designation by way of S181(3) of the Act.
- (c) Confirm the existing designation with modifications on the foreshore of Governors Bay for the Governors Bay wastewater treatment plant subject to modifying Appendix II of the Proposed Plan by amending the notation of the designation from 'Governors Bay Sewage Treatment Works to 'Wastewater Treatment Plant'.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (d) Confirm the existing designation with modifications at Cashin Quay, Lyttelton for the Lyttelton wastewater treatment plant subject to modifying Appendix II of the Proposed Plan by:
- (i) Amending the notation of the designation from 'Lyttelton Sewage Treatment Plant' to 'Wastewater Treatment Plant'.
 - (ii) Including reference to the existence of conditions on this designation and list the conditions below Appendix II.
 - (iii) Modify planning map S1 of the Proposed Plan by amending planning map S1 to show the designation boundary following the legal site boundaries of Lot 1 DP 71318.
 - (iv) Amend Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the size of the designation from '0.8522 ha' to '0.8797 ha'.
- (e) Withdraw the Requirement for the Akaroa sewage treatment plant at Beach Road, Akaroa and remove all references to the designation from Appendix II and planning map R9 of the Proposed Plan.
- (f) Confirm the Requirement to designate the existing wastewater treatment plant located on the site legally described as Lot 2 DP 79380, at Tikao Bay Road, Tikao Bay subject to modifying Appendix II of the Proposed Plan by amending the purpose of the designation from 'Sewage Disposal Site' to 'Wastewater Treatment Plant'.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the legal description of the site, being 'Lot 2 DP 79380'.
 - (3) Including the area of the designation, which is '0.5665 ha'.
- (g) Confirm the Requirement to designate the existing sewage pumping station located in the road reserve of Tikao Bay Road, Tikao Bay subject to an appropriately worded condition requiring all new activities on the site to comply with a noise limit at the boundary of any residential site consistent with the residential noise standards set out in Chapter 33 Noise of the Proposed Plan.
- (i) Modify Appendix II of the Proposed Plan by:
 - (1) Amending the notation of the designation from 'Sewage Pumping Station' to 'Wastewater Pumping Station'.
 - (2) Including reference to the existence of conditions on this designation of conditions on this designation and list the conditions below Appendix II.

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- (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is '0.014 ha'.
- (h) Confirm the Requirement to designate the existing sewage pumping station located at Lot 21 DP 45004, Tikao Bay Road, Tikao Bay subject to an appropriately worded condition requiring all new activities on the site to comply with a noise limit at the boundary of any residential site consistent with the residential noise standards set out in Chapter 33 Noise of the Proposed Plan.
 - (i) Modify Appendix II of the Proposed Plan by:
 - (1) Amending the purpose of the designation from 'Sewage Treatment Plant' to 'Wastewater Pumping Station'.
 - (2) Including reference to the existence of conditions on this designation and list the conditions below Appendix II.
 - (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (i) Withdraw the Requirement for the Wainui sewage treatment plant at Cemetery Road, Wainui and remove all references to the designation from Appendix II and planning map S18 of the Proposed Plan.
- (j) Reject submissions 766.196, F784 and F949.
- (k) Confirm Commissioner decisions on conditions of designation in Part 2 Appendices BPDC Wastewater Designations.

BPDC CEMETERY DESIGNATIONS

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Confirm the existing designation for the three existing cemeteries at Beach Road, Akaroa.
 - (i) That the two individual designations over the site as identified in Appendix II of the Proposed Plan not be proceeded with and that the original area identified in the Transitional Plan and on planning map S10 of the Proposed Plan be confirmed subject to an appropriately worded condition relating to the protection of the listed Monterey pines located on site.
 - (ii) Modify Appendix II of the Proposed Plan by:
 - (1) Merging the two separate listings so there is only one listing for the Akaroa Cemeteries.
 - (2) Amending the designation and purpose to read 'Akaroa Cemeteries'.
 - (3) Amending the legal description to read 'Res 4997, Res 56, Res 2546 and Res 116'.
 - (4) Amending the designation area to read '3.1449 ha'.
 - (iii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.

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- (b) Confirm the existing designation with modifications for the existing cemetery at Le Bons Bay.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the site area '2.5571 ha' with '2.5 ha'.
 - (3) Amending the site address from 'Cemetery Road' to 'Le Bons Bay Cemetery Road'.

- (c) Confirm the existing designation with modifications for the existing cemetery at Reserve Terrace, Lyttelton.
 - (i) Incorporate the new designation over the existing right of way immediately adjacent to the cemetery within the listing for the existing cemetery designation at Reserve Terrace.
 - (ii) Modify Appendix II of the Proposed Plan by:
 - (1) Merging the two separate listings so there is only one listing for the Lyttelton Cemetery.
 - (2) Amending the designation and purpose to read 'Cemetery and Right of Way (Lyttelton)'.
 - (3) Amending the legal description to read 'Res 45 & 46 and Lot 43 DP 9983'.
 - (4) Amending the designation area to read '0.8306 ha'.
 - (iii) Modify planning map S1 of the Proposed Plan by amending the planning map S1 to identify the extent of the designation over Res 45, & 46 and Lot 43 DP 9983.
 - (iv) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the underlying zoning to correctly identify the site as being within the Residential Zone.

- (d) Confirm the Requirement to designate the existing cemetery on the site legally described as Lot 2 DP 10339, at Kaituna Valley Road, Kaituna Valley subject to modifications to planning map R7 of the Proposed Plan by amending planning map R7 to identify the location of the designation over Lot 2 DP 10339.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.

- (e) Confirm the Requirement to designate the existing cemetery on the site legally described as Lot 1 DP 11713 at Oxford Street, Lyttelton.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the underlying zoning to correctly identify the site as being within the Residential Zone.

- (f) Confirm the Requirement to designate the existing right of way on the site legally described as Lot 43 DP 9983, immediately adjacent to the exiting Lyttelton Cemetery at Reserve Terrace.
 - (i) Incorporate the new designation over the right of way within the listing for the existing cemetery designation at Reserve Terrace.

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- (ii) Modify Appendix II of the Proposed Plan by:
 - (1) Merging the two separate listings so there is only one listing for the Lyttelton Cemetery.
 - (2) Amending the designation and purpose to read 'Cemetery and Right of Way (Lyttelton)'.
 - (3) Amending the legal description to read 'Res 45 & 46 and Lot 43 DP 9983'.
 - (4) Amending the designation area to read '0.8306 ha'.
- (iii) Modify planning map S1 of the Proposed Plan by amending planning map S1 to identify the extent of the designation over Res 45, & 46 and Lot 43 DP 9983.
- (iv) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the underlying zoning to correctly identify the site as being within the Residential Zone.

BPDC WATER SUPPLY DESIGNATIONS

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Confirm the existing designation with modifications at L'Aube Hill, Akaroa for the purpose of a water reservoir and treatment station.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the underlying zoning 'Ru' (Rural) with 'RR' (Recreational Reserves).
- (b) Withdraw the designation for water supply (Diamond Harbour) at Bay View Road, Diamond Harbour from the Proposed Plan.
 - (i) Remove of all references to the designation from Appendix II and planning map S8 of the Proposed Plan.
 - (ii) Review the need to retain the existing gazette notice Water Works NZGZ 1915 p 953 that applies to the site.
- (c) Confirm the existing designation with modifications at Okains Bay Road, Duvauchelle for the purpose of a water treatment plant.
 - (i) Modify Appendix II of the Proposed Plan by:
 - (1) Replacing the address 'road reserve (off Okains Bay Road)' with '29 Okains Bay Road.;
 - (2) Replacing the designation and purpose 'water treatment plant' with 'water treatment plant and reservoir'.
 - (3) Replacing the legal description 'road reserve' with 'Sections 1, 3 and 5 SO 19957 including the intervening road reserve'.
 - (4) Including the site area of 0.1690 ha.
 - (ii) Amend planning map S14 to show the designation covering Sections 1, 3 and 5 SO 19957 as well as the intervening road reserve.
 - (iii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.

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- (d) Confirm the existing designation with modifications for the existing water reservoir at Dyers Pass Road, Governors Bay.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the underlying zoning 'SS' (Small Settlement) with 'Ru' (Rural).
- (e) Confirm the existing designation with modifications for the existing water reservoir at Governors Bay Road, Governors Bay.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (f) Confirm the existing designation with modifications for the existing water reservoir at Hays Rise, Governors Bay.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (g) Confirm the existing designation with modifications for the existing water reservoir at Lachie Griffen Rise.
 - (i) Modify Appendix II of the Proposed Plan by:
 - (1) Replacing the legal description 'Lot 20 DP 57247' with 'Lot 17 DP 57247'.
 - (2) Replacing the site area '0.0288 ha' with '0.0592 ha'.
 - (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (h) Confirm the existing designation for the existing water pumping station and reservoir at 42 Exeter Street, Lyttelton.
 - (i) Not proceed with the proposed modification to increase the area of the designation and the original area as identified in the Transitional Plan be reinstated in the Proposed Plan.
 - (ii) Modify Appendix II of the Proposed Plan by replacing the site area '0.1012 ha' with '0.0400 ha'.
 - (iii) Amend planning map S2 to show the designation covering the rear half of Lot 1 DP 67378 only, as shown in the Transitional Plan.
 - (iv) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Replacing the legal description 'Town Section 122' with 'Lot 1 DP 67378'.
- (i) Confirm the Requirement to designate the existing water reservoir and treatment station located on the site legally described as Pt RS 598, at Alymers Valley Road, Akaroa.
 - (i) Modify planning map R9 of the Proposed Plan by:
 - (1) Amending planning map R9 to show the designation over Pt RS 598 instead of over a portion of RS 5575.
 - (2) Amending planning map R9 by replacing the label 'WT' (Waste Transfer Station) next to the designation site with the label 'WS' (Water Supply).

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- (ii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (j) Confirm the Requirement to designate the existing water pump located on the site legally described as Lot 1 DP 52754, at Koromiko Place, Church Bay subject to the following condition:

All new activities shall be designed and operated such that the set noise limits are not exceeded at the boundary of any residential site. The set noise limits shall be 40 dBA (L₁₀) and 70 dBA (L_{max}) at night time (2200 hours to 0700 hours), and 50 dBA (L₁₀) at all other times (0700 hours to 2200 hours).

 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (k) Confirm the Requirement to designate the existing water reservoir site located on the site legally described as Lot 20 DP 57247, at Clem Patterson Place, Governors Bay.
 - (i) Modify Appendix II of the Proposed Plan by:
 - (1) Replacing the legal description 'Lot 17 DP 57247' with 'Lot 20 DP 57247'.
 - (2) Replacing the site area '0.0592 ha' with '0.0288 ha'.
 - (ii) Modify planning map S5 of the Proposed Plan by replacing the label 'ST' (Sewage Treatment) next to the designation site with the label 'WS' (Water Supply).
 - (iii) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by amending the name of the Requiring Authority from 'BPDC' to 'CCC';
- (l) Confirm the Requirement to designate the existing water reservoir and treatment station located on the site legally described as Lot 4 DP 54593, at Council Hill Road, Little River.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'; and
 - (2) Replacing the address 'Council Road' with 'Council Hill Road'.
- (m) Withdraw the Requirement to designate the site legally described as Lot 9A DP 14974 at Cornwall Road, Lyttelton for the purpose of a Pump Station by removing all references to the designation from Appendix II and planning map S2 of the Proposed Plan.
- (n) Withdraw the Requirement to designate an area of road reserve in Cornwall Road for the purpose of an underground water reservoir by removing all references to the designation from Appendix II and planning map S2 of the Proposed Plan.
- (o) Confirm the Requirement to designate the existing water reservoir and pump station located in the road reserve at Somes Road, Lyttelton.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately 750 square metres in size.
- (p) Confirm the Requirement to designate the existing water reservoir and treatment station located on the site legally described as Pt RS 4122 at Takamatua Valley Road, Takamatua.
 - (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:

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- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately 0.78 hectares in size.
- (q) Reject submissions 766.196, F784, F949 and accept submission 1005.26.

BPDC WASTE MANAGEMENT, QUARRY AND PUBLIC TOILET DESIGNATIONS

WASTE MANAGEMENT

It is recommended that the Council in accordance with clause 9(2) of Schedule 1 of the Resource Management Act 1991:

- (a) Withdraw the designation for refuse disposal at Gollans Bay, Lyttelton from the Proposed Plan and remove all references to the designation from Appendix II and planning map R1 of the Proposed Plan.
- (b) Withdraw the Requirement to designate the Akaroa landfill for the purpose of refuse disposal and remove all references to the designation from Appendix II and planning map R9 of the Proposed Plan.
- (c) Confirm the Requirement to designate the existing waste transfer station location on the site legally described as Lot 1 DP 73901, at Onawe Flat Road, Barrys Bay subject to the following conditions:
 - (i) The facility being shall be operated in accordance with the 'Akaroa Transfer Station Draft Transfer Station Management Plan – Appendix D1, Volume 2 Environmental Assessment: Banks Peninsula Landfills and Transfer Station' Woodward-Clyde in January 1995, or subsequent revisions, except that:
 - (1) Scrap metal for recycling shall be limited to that able to be transported by a standard single axle car trailer. No car bodies shall be accepted.
 - (2) No shredder, chainsaw or other noisy machinery shall be operated outside of the hours 0800-1800, Monday to Friday and 0800-1300 Saturdays.
 - (ii) The site shall be developed and landscaped in accordance with the concept plans presented by Lucas Associates at the hearing for resource consent 95/0483 including the plant species specified, except to the extent that the concept plans were varied by resource consent LUC 96/090. All planting shall be undertaken and maintained in accordance with recognised standards and any deceased plantings replaced during the following planting season.
 - (iii) Domestic and recycling skips, gatehouse, recycling bins and garage shall be painted colour 12b21 (flax) of the British Standard 5252 (1976) colour range.
 - (iv) Modifying Appendix II of the Proposed Plan by:
 - (1) Amending the purpose of the designation from 'Refuse Transfer Station & Disposal Area' to 'Waste Transfer Station'; and
 - (2) Including reference to the existence of conditions on this designation.
 - (v) Correcting Appendix II of the Proposed Plan in order to accurately describe the designation by:
 - (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Amending the legal description of the designation from 'Pt RS 8449' to 'Lot 1 DP 73901'.
 - (3) Amending the size of the designation from '0.7 ha' to '0.8328 ha'.

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- (d) Confirm the Requirement to designate the existing waste transfer station located on the site legally described as Res 800, at Le Bons Bay Cemetery Road, Le Bons Bay and undertake appropriate steps to change the specified 'Cemetery' purpose of the Local Purpose Reserve over the portion of the site that is subject to this Requirement.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately '0.0570 ha'.
 - (3) Amending the site address from 'Cemetery Road' to 'Le Bons Bay Cemetery Road'.
- (e) Confirm the Requirement to designate the existing waste transfer station located on legal road adjacent to Little Akaloa Road, Little Akaloa.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately '0.0225 ha'.
- (f) Confirm the Requirement to designate the existing waste transfer station located on legal road adjacent to the intersection of Chorlton Road and Okains River Road, Okains Bay subject to amending the address of the designation from 'Okains Bay-Chorlton Road' to 'Chorlton Road-Okains River Road' in Appendix II of the Proposed Plan.
- (i) Correct Appendix II of the Proposed Plan in order to accurately describe the designation by:
- (1) Amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
 - (2) Including the area of the designation, which is approximately '0.0325 ha'.

QUARRY DESIGNATIONS AND COMBINED WASTE MANAGEMENT AND QUARRY DESIGNATIONS

- (a) Confirm the existing designation with modifications over the sites legally described as Rural Section 41246 and 41247 at State Highway 75, Birdlings Flat for the purpose of a quarry and waste transfer station and that the designation be confirmed as it is shown on planning map R7 of the Proposed Plan, and that the site legally described as Res 2426 is not included within the boundaries of the designation subject to:
- (i) Modifying Appendix II of the Proposed Plan by:
- (1) Amending the legal description of the designation so that it reads 'Rural Section 41246 and 41247'.
 - (2) Replacing the site area '10.0992' with '7.9230'.
- (ii) Correcting planning map R7 of the Proposed Plan by amending planning map R7 of the Proposed Plan by replacing the label 'RE' (Refuse Disposal) next to the designation site with the label 'WT' (Waste Transfer Station).
- (iii) Correcting Appendix II of the Proposed Plan in order to accurately describe the designating authority by amending the name of the Requiring Authority from 'BPDC' to 'CCC'.
- (iv) Investigating whether there is a need to change the specified 'Gravel' purpose of the Local Purpose Reserve over Res 2426, given the site is no longer used for this purpose.

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- (b) Withdraw the Requirement to designate the site legally described as RS 39511 at Jones Road, Birdlings Flat for the purpose of quarrying and remove all references to the designation from Appendix II and planning map R7 of the Proposed Plan.
- (c) Withdraw the Requirement to designate the site legally described as Lot 1 DP 25356 at Wainui Main Road, Tikao Bay for the purpose of quarrying and remove all references to the designation from planning map S18 of the Proposed Plan.

PUBLIC TOILET DESIGNATIONS

- (d) Withdraw the Requirement to designate the site legally described as Lot 27 DP 26174 at Lake Terrace Road, Birdlings Flat for the purpose of public toilets and remove all references to the designation from Appendix II and planning map S29 of the Proposed Plan.
- (e) Reject submissions 9.01, 472.27, 1005.20, F140 and accept submission 1058.108 and F869.

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BACKGROUNDProcess

23. Before notifying a proposed plan, councils are required under Clause 4 of Schedule 1 of the Act, to provide requiring authorities, including itself, that have designations in the operative district plan (which have not expired) with the opportunity to include their existing designations in the proposed plan, with or without modification, and to include new designations.
24. The BPDC included a total of 49 existing and new designations in the Proposed Plan when it was notified on 27 January 1997, for which it acts in the role of Requiring Authority. The designations relate to a range of Council owned or administered facilities including:
- Waste water treatment and disposal facilities and pump stations (9 sites)
 - Cemeteries (12 sites)
 - Water supply facilities including water treatment sites, pump stations and reservoirs (18 sites)
 - Waste management facilities including refuse disposal sites and waste transfer stations (7 sites)
 - Quarries (2 sites)
 - Public toilets (1 site)
25. Of the 49 BPDC designations, six relate to existing designations that have been rolled over from the various Transitional Plans with no modification. A further 17 existing designations have been included in the Proposed Plan with modifications and an additional 26 new designations are proposed by way of Requirement.

Assessment and Decisions on Designations

26. As the Council is the Requiring Authority for all the designations considered in this report, it must consider and make a decision on each of the modified and new designations in accordance with the provisions of section 168A of the Act.
27. In considering the effects on the environment of the requirements, the Council must have particular regard to the following matters set out in section 168A(3) of the Act:
- (a) *any relevant provisions of—*
- (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
- (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a decision on the requirement.*

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28. In accordance with section 168A(4) the Council must make one of the following decisions on the requirements:
- confirm the requirement
 - modify the requirement
 - impose conditions
 - withdraw the requirement
29. Section 168A enables the Council to make a decision on its own new and modified designations, whereas, the Council can only make recommendations in respect to the other Requiring Authority designations.
30. With respect to the six existing designations that have been rolled over into the Proposed Plan without modification and on which no submissions have been received, the Council is unable to make a decision. These designations must be rolled over into the Proposed Plan without further formality in accordance with Clause 9(3) Schedule 1 of the Act.
31. Once the Council has made decisions on its new and modified designations, it must serve notice of its decisions on each of the submitters and any landowners and occupiers directly affected by the decision. Sections 173 and 174 of the RMA set out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision of the territorial authority to the Environment Court.

Appendix B Assessment Structure

32. The assessment is divided into five parts, as follows:
- Part 1: Introduction and Background to the Council's Designations
 - Part 2: Wastewater Designations
 - Part 3: Cemetery Designations
 - Part 4: Water Supply Designations
 - Part 5: Waste Management, Quarries and Miscellaneous Designations
33. Parts 2 – 5 of the report set out an assessment of each of the designations taking into account any relevant submissions. The reports present an officers recommendation to the Council as to whether it should decide to confirm each of the designations with or without modification, whether conditions should be applied or whether they should be withdrawn. The assessment also includes a summary of the modifications required to the planning maps and Appendix II Designations of the Proposed Plan, should the Council decide to accept the recommendations.
34. In addition to the recommended modifications, a number of drafting errors have been identified in the schedule of designations and on the planning maps. These drafting errors will need to be corrected in the Proposed Plan whether or not the Council decides to accept the recommendations of this report.
35. The assessment of the new and modified designations has been limited by the lack of information available and the amount of time that has elapsed since notification of the Proposed Plan in 1997. The BPDC did not provide any documentation, such as assessments of effects or proposed conditions, to support the inclusion of the designations in the Proposed Plan. Nor was any comment made as to whether the Council considered the designations to be direct roll-overs to the Proposed Plan without modification, roll-overs with modifications requested or requirements for new designations. The designations simply appear on the planning maps and in the schedule of designations set out in Appendix II of the Proposed Plan.
36. The status of each designation has been determined by a comparison of the site as it is shown in the relevant Transitional Plan and as it is now shown in the Proposed Plan. Where appropriate clarification was sought from the relevant Council officers as to the scope and purpose of designations as well as confirmation of the ongoing need for the sites to be designated.

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Banks Peninsula District Council Proposed District Plan

37. The objectives and policies in respect to designations are set out in Chapter 36 – Utilities of the Proposed Plan. Few other references are made in the Proposed Plan to the use of designations and the statements in Chapter 36 do not demonstrate a robust understanding of the purpose and process of achieving designations through the Act and district plan processes. However, they do indicate general support for the use of designation as a planning tool for larger scale works and services and utility projects. The relevant sections of Chapter 36 are set out below:

ISSUE

Large scale utility projects, works or operations may be more appropriately undertaken in terms of a designation in the Plan rather than through a resource consent.

OBJECTIVE

To encourage the designation of more significant utilities by network utility operators with requiring authority status.

POLICY 2A

Utilities of a large scale and capacity, which are not allowed as a permitted or discretionary activity, should be designated.

EXPLANATION AND REASONS

The designation procedure in Part VIII of the Act makes provisions for public works and network utility operations. Designations are evaluated for the work or project to which they relate and in terms of their impact on the environment.'

General Recommendations on Designations in the Proposed Plan

38. During preparation of designation reports it became clear that conditions of designations required attention due to inconsistency within the Proposed Plan. In some instances existing conditions are attached to only some of the existing designations. In other cases there is no reference at all to existing conditions in Appendix II of the Proposed Plan. Also new conditions are recommended. Should Council confirm conditions, it is recommended that a new section after Appendix II is inserted to include all conditions of designations within the District Plan.
39. Designations currently appear in Appendix II in alphabetical order based on their location. No distinction is made between the designations relating to different requiring authorities. It is recommended that the list of designations in Appendix II be altered so that the designations of each of the different requiring authorities are grouped together.
40. There is a need to make amendments to the legend for the planning maps to reflect the change of name of the Council, as Requiring Authority, from BPDC to CCC.
41. The overall objective is to have Council designations updated as a further step to the BPDC Proposed District Plan becoming an operative district plan.

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20. RECOMMENDATIONS FOR OTHER REQUIRING AUTHORITIES NEW DESIGNATIONS AND ROLLOVER OF EXISTING DESIGNATIONS PROPOSED BANKS PENINSULA DISTRICT PLAN

General Manager responsible:	General Manger Strategy & Planning, DDI 941-8281
Officer responsible:	Programme Manager District Plan
Author:	Philip Barrett, Team Leader District Plan

PURPOSE OF REPORT

1. The purpose of this report is for the Council to consider and make recommendations to the respective Requiring Authorities whether they ought to confirm the existing and new designations included in the 1997 Proposed Banks Peninsula District Plan (the Proposed Plan) pursuant to Section 171 of the Resource Management Act (the Act).
2. For a number of designations the report also concludes the outstanding decisions required on submissions to individual designations. These submissions have been previously considered by the hearings panel of the day but have yet to be adopted by the Council. The matters are largely procedural, and of a minor nature, but need to be adopted for completeness.

EXECUTIVE SUMMARY

3. On 27 January 1997 the Banks Peninsula District Council Proposed Plan (Proposed Plan) was publicly notified. Submissions and further submissions were received in relation to both the Council's designations and the designations of other Requiring Authorities. On 17 August 1998 the Council convened a hearing.
4. The officer's report presented at the 17 August hearing set out recommendations on whether to accept or reject the submissions, but did not contain any consideration or recommendations on the designations themselves. It became apparent at the hearing that two procedural errors had been made with respect to the treatment of the designations through the Proposed Plan process. The points of error are set out in paragraphs 4 and 5 below. As a result, a decision was made to reserve the Banks Peninsula District Council (BPDC) decisions on the submissions until such time as two procedural errors had been resolved and the BPDC was in a position to make recommendations on the Requiring Authorities designations, and make decisions in respect to its own designations. A decision report was drafted after deliberation but not released (**Appendix A** – separately circulated).
5. The first procedural error was that no evidence was found suggesting the notification process set out in clause 5(1B) (notification to directly affected parties) of Schedule 1 of the Act was undertaken. It has been 13 years since notification of the Proposed Plan and it is possible that information may have been lost and no error actually occurred. If an error did exist it has been resolved by undertaking a case by case assessment of who would be directly affected. It is noted that by far the majority of the sites are either leased or owned by the Requiring Authority itself or owned by the Council and thus knowledge of a designation is expected. In regard to a small number of third parties ie landowners on which the designated activity is taking place, such activities are long established.
6. The second procedural error was that the recommendations contained in the officer's report presented at the 17 August 1998 hearing was incomplete. The report was required to recommend to the BPDC to make a decision on each of its own proposed designations and a recommendation to each of the requiring authorities responsible for designations included in the Proposed Plan. It failed to do so. However, the work done to prepare the recommendations contained in this report and the recommendations themselves has resolved the second procedural error in that the officer recommendations are now complete.
7. Before notifying a proposed plan, councils are required under Clause 4 Schedule 1 of the Act, to provide requiring authorities, including itself, that have designations in the operative district plan (which have not expired) with the opportunity to include their existing designations in the proposed plan, with or without modification, and to include new designations.

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8. The various Requiring Authorities (excluding the Council) requested the inclusion of a total of 45 existing and new designations in the Proposed Plan. During the preparation of each assessment report (see paragraph 7) a variety of errors or irregularities were identified and include:
- Incorrect or incomplete Certificate of Title references;
 - Identification of the need for specific name and/or address changes both in the District Plan text and planning maps;
 - Incorrect descriptions;
 - Inconsistency in the use or omission of conditions attached to designations; and
 - a lack of distinction between the designations relating to different Requiring Authorities in Appendix II of the District Plan.
9. **Appendix B** (separately circulated) contains a report for each Requiring Authority that reassesses the proposed new and existing (modified) designations, the above errors and irregularities, considers the issues raised together with the submissions and makes a comprehensive recommendation to the Council on each of the Requiring Authority designations. In doing so, and given the time lapse between notification and the present time, officers have sought clarification from the relevant requiring authorities as to the scope and purpose of designations as well as confirmation of the ongoing need for some of the sites to be designated. The requiring authorities have been consulted during preparation of these recommendations to the point where a broad understanding of all changes has resulted.

Process

10. Council must make a recommendation to the Requiring Authorities pursuant to section 171 of the Act. Thereafter, each Requiring Authority shall advise the Council whether they accept or reject the Council's recommendations in whole or in part in accordance with section 172. A Requiring Authority may modify a requirement if, and only if, that modification is recommended by the Council or is not inconsistent with the requirement as notified. Where a Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, the Authority must give reasons for its decision. Once the Requiring Authority has made its decisions on the new and modified designations, the Council must serve notice of the decisions on each of the submitters and any landowners and occupiers directly affected by the decision.
11. Sections 173 and 174 of the Act set out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision to the Environment Court. The Council can also appeal to the Environment Court against the decision of a requiring

FINANCIAL IMPLICATIONS

12. The rollover of existing and proposed new designations forms part of the agreed and current financial year district plan work programme in which internal officers and external consultant cost have been budgeted.

Do the Recommendations of this Report Align with 2006-19 LTCCP budgets?

13. Yes. Covered by existing unit budget.

LEGAL CONSIDERATIONS

14. There is a legal process for dealing with Councils own existing and proposed new designations to be incorporated in a Proposed Plan.
15. The process, mentioned above, is familiar to the Council and should create no particular risks or liabilities if followed correctly.

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

16. Yes, as above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. Aligns with LTCCP 2009-2019, p192: Prioritised programme of plan changes is prepared and approved by the Council on an annual basis; and
18. Aligns with – A prioritised work programme, matched to staff capacity and availability, to be presented for Council approval annually by 30 June of the following financial year.

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

19. Yes, see above.

ALIGNMENT WITH STRATEGIES

20. No specific alignment with any Council strategies.

CONSULTATION FULFILMENT

21. During this process clarification has been sought from the relevant Requiring Authorities as to the scope and purpose of certain designations, legal descriptions and locations as well as confirmation of the ongoing need for the sites to be designated. It is further noted that the Proposed Plan was publicly notified allowing for submissions and further submissions to be received on each of the designations under consideration.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Recommend to each of the Requiring authorities specified in Appendix B confirmation of the designations as per the recommendations contained in Appendix B, and below as follows pursuant to section 171 of the Resource Management Act 1991.

MET SERVICE DESIGNATION

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to the Met Service that it confirm the Requirement to designate the site at Dalglishs Road, Le Bons Bay for the purpose of Meteorological Activities (Automatic Weather Station) subject to the following condition:
 - (i) That the height of any buildings located on the designated site shall not exceed 7.5m except for any pole structure which shall not exceed 15m.

The above recommendation is made subject to the following further change:

- (ii) Amend Appendix II of the Proposed Plan to include the area (0.04ha) of the designation.

RADIO NZ DESIGNATION:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to Radio New Zealand Limited that the existing designation with modifications at Gebbies Pass be confirmed subject to the following further modification to the planning map legend of the Proposed Plan:

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- (i) Amend the planning map legend by replacing the label 'RT – Radio Transmission (NZ Public Radio)' with the label 'RT – Radiocommunication, telecommunication and ancillary purposes and land uses (Radio New Zealand)'.
- (b) Include in Appendix II of the Proposed Plan the designation locality, address, purpose, name of designating authority, legal description, area, under-lying zone and map reference to accurately describe the designation as follows:

POLICE DESIGNATIONS

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to the Minister of Police that the existing designation with modifications for the Police Station and Residence, Akaroa be confirmed subject to corrections being made to Appendix II of the Proposed Plan:
 - (i) Include the Residential Conservation Zone in the 'Underlying Zone' column; and
 - (ii) Amend the name of the Designating Authority from 'NZ Police' to 'Minister of Police'.
- (b) Recommend to the Minister of Police that the existing designation with modifications for the Police Station, Lyttelton be confirmed with the following corrections to Appendix II of the Proposed Plan:
 - (i) Replace the legal description 'Sec 356, SO 14205' with 'Sec 356, Town of Lyttelton';
 - (ii) Include the Town Centre Zone in the 'Underlying Zone' column;
 - (iii) Include planning map S2 in the 'Map No.' column, and delete the letters 'TC'; and
 - (iv) Amend the name of the Designating Authority from 'NZ Police' to 'Minister of Police'.
- (c) Change the designation code legend for the planning maps as follows:
 - (l) P - Police Station (NZ Police) (Minister of Police)

NZRC DESIGNATION (LYTTELTON – RAILWAY PURPOSES)

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to NZRC that the existing designation with modifications be confirmed with the following further modifications and corrections to the Proposed Plan:
 - (i) Amend planning map S1 to adjust the boundary between the Railway Purposes designation and the Sewage Treatment designation;
 - (ii) Amend planning map S1 and S2 by replacing the label 'T' (Railway) on the designation site with the label 'R' (Railway);
 - (iii) Amend the planning map legend by replacing the label 'T – Railway (Tranz Rail)' with the label 'R – Railway (New Zealand Railways Corporation)';
 - (iv) Amend the name of the Requiring Authority from 'Tranz Rail' to 'New Zealand Railways Corporation';
 - (v) Include the legal description of the site, which is Pt Section 314 TN of Lyttelton, Pt Section 344 TN of Lyttelton, Lot 1 DP 76823 (CB41B/813), Section 1 SO 19973, Lot 1 DP 76824 (CB 41B/814);
 - (vi) Include the area of the designation, which is approximately 3.6437 ha in area; and
 - (vii) Replace the underlying zone 'PT' with 'LP' (Lyttelton Port).
- (b) Accept submission 404.01.

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NZTA DESIGNATION:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to NZTA that the existing designation District Wide – State Highway 75 be confirmed with a condition in relation to silent file areas along its route as follows:
 - (i) That iwi be consulted prior to any works to SH 75 that pass within Silent File Areas 026, 027 and 028.

The above recommendation is made subject to the following further changes to Appendix II:

- (ii) Amend the address of the designation to 'State Highway 75 (from the Motukarara culvert (RP14/9.52) to the 50 km/h sign at the northern entrance to Akaroa, 45m south of Old Coach Road (RP61/17.59))'.
 - (iii) The addition of a notation on planning maps R3, R7, R8, R9, S11, S12, S13, S14, S15, S16, S27 and S28 of the Proposed Plan to indicate the district wide designation over SH 75.
 - (iv) Corrections be made to Appendix II of the Proposed Plan by amending the name of the Designating Authority from 'Transit NZ' to 'NZTA' .
 - (v) Amend the 'Map No.' column to add planning maps R8, R9, S11, S12, S13, S14, S15, S16, S27, S28.
- (b) Recommend to NZTA that the existing designation for Lyttelton – State Highway 74, from the Lyttelton Tunnel Roundabout up to and including the intersection with Cashin Quay be confirmed subject to:
 - (i) Modifying the address of the designation to 'State Highway 74 (From the Lyttelton Tunnel Roundabout up to and including the intersection with Cashin Quay (RP26/0.72))' in Appendix II of the Proposed Plan.
 - (ii) Replacing the designation and purpose 'Motorway – State Highway' with 'Road – State Highway' in Appendix II of the Proposed Plan.
 - (iii) The addition of a note on planning maps S1 and S2 to indicate the designation over SH 74.
 - (iv) Amending the name of the Designating Authority from 'Transit NZ' to 'NZTA' in Appendix II of the Proposed Plan.
 - (v) Including planning map S1 in the "Map No." column.
- (c) Recommend to NZTA that the existing designation for Lyttelton – State Highway 74, Motorway be confirmed subject to:
 - (i) Including the designation in Appendix II of the Proposed Plan with the purpose 'Motorway – State Highway'
 - (ii) The addition of a note on planning map S2 to indicate the designation over SH 74, Motorway, as per Appendix II of the Proposed Plan.
 - (iii) Amending the name of the Designating Authority from 'Transit NZ' to 'NZTA' in Appendix II of the Proposed Plan.
 - (iv) Amending the address of the designation to 'State Highway 74 Motorway (Tunnel Portal at the Lyttelton end to the Lyttelton Tunnel roundabout (RP26/0.00))' in Appendix II of the Proposed Plan.
- (d) Accept submissions 432.26 and F641 and accept in part submission 432.24.
- (e) Recommend to NZTA that the legend for the planning maps should be updated to delete reference to Transit NZ and include reference to NZTA as the Requiring Authority for the State Highway and Motorway designations.

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MINISTER OF EDUCATION DESIGNATIONS:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to the Minister of Education that the existing designation with modifications for Area School, Akaroa be confirmed subject to "Secondary School" being deleted from the designation and purpose and retaining the notation "Area School" to Appendix II and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the legal description to add "... Lots 1-4, DP 6474, Secs 130, 130x, Town of Akaroa".
 - (ii) Amend the Map No. column to add planning map "S10.1".
 - (iii) Amend the underlying zone column to add the Town Centre Zone.
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (b) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Diamond Harbour be confirmed subject to modification of planning map S7 to show the designation over the access to the school site from Hunters Road and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the designation and purpose to delete "(Diamond Harbour School)".
 - (ii) Amend the legal description to "Pt Lot 1 DP 14050, Blk XV Halswell and Blk I Pigeon Bay".
 - (iii) Replace the site area "1.7275" ha "1.7958" ha.
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (c) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Duvauchelle be confirmed with a condition as follows:
 - (i) That iwi be consulted prior to any works within Silent File Area 026 (located in the south western portion of the site).

The above recommendation is made subject to the following further changes to Appendix II being made to Appendix II of the Proposed Plan:

- (ii) Delete from the designation and purpose column "(Duvauchelle School)".
- (iii) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (d) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Governors Bay be confirmed and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the address of the site from "Jetty Road and Cresswell Avenue" to "Merlincote Crescent".
 - (ii) Amend the designation and purpose to delete "(Governors Bay School)".
 - (iii) Amend the legal description to add "... Pt RS 126, Blk III, Halswell SD".
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (e) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Le Bons Bay be confirmed subject to the modification of planning map S20 to include the designation site over Pt RS 9329 and the following corrections being made to Appendix II of the Proposed Plan:
 - (i) Amend the designation and purpose to delete "(Le Bons Bay School)".
 - (ii) Amend the legal description to add "... 9329, Blk VI, Okains SD".
 - (iii) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".

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- (f) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Oxford Street, Lyttelton be confirmed subject to the modification of planning map S2 to include the designation over Pt Res 35 and Pt Res 36 and the following corrections being made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete "(Lyttelton Main School)".
 - (ii) Amend the legal description to add "... Pt Res 35, 36, Blk IV, Halswell SD".
 - (iii) Replace the site area "0.4095 ha" with "0.886 ha".
 - (iv) Amend the "Underlying Zone" column in Appendix II to include the Town Centre Zone.
 - (v) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (g) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Voelas Road, Lyttelton be confirmed with an appropriately worded condition relating to the protection of the listed pohutukawa located on site and the following corrections being made to Appendix II of the Proposed Plan (note wording of condition to be suggested by Minister of Education):
- (i) Amend the designation and purpose to delete "(Lyttelton West School)".
 - (ii) Amend the legal description to add "... Secs 247-249, Sec 348, Blk IV Halswell SD".
 - (iii) Replace the site area "0.6066 ha" with "0.6092 ha".
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (h) Recommend to the Minister of Education that the existing designation with modifications for Primary School, Okains Bay be confirmed with the following corrections also being made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete "(Okains Bay School)".
 - (ii) Amend the legal description to add "... SO 3091, Blk IV, Okains SD".
 - (iii) Replace the site area "1.2141 ha" with "1.2428 ha".
 - (iv) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (i) Recommend to the Minister of Education that it confirm the Requirement to designate the site of Primary School, Little River for the purpose of a Primary School with the following corrections also being made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete "(Little River School)".
 - (ii) Amend the legal description to add "... Blk XIII, Pigeon Bay SD".
 - (iii) Amend the name of the Designating Authority from "Ministry of Education" to "Minister of Education".
- (j) Acknowledges that the requirement for Primary School, Wainui has been withdrawn and the Council remove all references to the designation from Appendix II of the Proposed Plan.

ORION DESIGNATIONS:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to Orion that the existing designation with modifications for an Electrical Substation at Pawsons Valley Road, Duvauchelle be confirmed with a condition as follows:
- (i) That the Electrical Substation at Pawsons Valley Road, Duvauchelle shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

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The above recommendation is made subject to the following further changes to Appendix II

- (ii) Amend the designation and purpose to "Electrical Storage Depot and Electrical Substation" in Appendix II of the Proposed Plan.
 - (iii) Modify the legal description of the designation in Appendix II of the Proposed Plan to "Lot 2 DP 30785 and Lot 4 DP 359112".
 - (iv) Modify the area of the designation in Appendix II of the Proposed Plan to "0.3938" ha.
 - (v) Amend the name of the Designating Authority from "Southpower" to "Orion" in Appendix II of the Proposed Plan.
 - (vi) Modify planning map S15 to show the designation over Lot 2 DP 30785 and Lot 4 DP 359112.
- (b) Recommend to Orion that the existing designation with modifications for an Electrical Substation at Purau Road, Teddington be confirmed with a condition as follows:
- (i) That the Electrical Substation at Teddington Purau Road, Teddington shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

The above recommendation is made subject to the following further change to Appendix II:

- (ii) Amend the name of the Designating Authority from "Southpower" to "Orion".
- (c) Recommend to Orion that it confirm the Requirement to designate the site at Old Coach Road and Old German Bay Road, Akaroa for the purpose of an Electrical Substation subject to the following conditions:
- (i) That the Electrical Substation at Old Coach Road and Old German Bay Road, Akaroa shall not create exposures to power frequency electro-magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.
 - (ii) The erection of any building on the site which is over 3m in height or 10m² in area shall be setback a minimum of 7.5m from all site boundaries.
 - (iii) A landscaping plan being presented to the Council for approval prior to the construction of an Electrical Substation at the site. The landscaping plan shall:
 - (1) Be prepared by a suitably qualified landscape architect; and
 - (2) Provide for the screening of the Substation and other on-site equipment from the adjoining properties and the Akaroa Harbour through appropriate planting and landscaping; and
 - (3) Include details of the size and species of plants and the location of plantings.
 - (iv) All landscaping works detailed in the approved landscaping plan being carried out immediately following completion of the site development and construction works, or if this is not practicable, in the next planting season. All planting shall be maintained by Orion on an ongoing basis. If any plant that is part of the landscape works is found to be diseased, dead or dying it shall be replaced with vegetation of similar species, no later than the next planting season.
 - (v) All activities shall be designed and operated so as to ensure that the set noise limits are not exceeded at any point within the notional boundary of any dwelling. The set noise limits shall be 40 dBA (L10) and 70 dBA (Lmax) at night time (2200 hours to 0700 hours), and 50 dBA (L10) at all other times (0700 hours to 2200 hours).

The above recommendation is made subject to the following further change to Appendix II:

- (vi) Amend the name of the Designating Authority from "Southpower" to "Orion".

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- (d) Recommend to Orion that it confirm the Requirement to designate the site at Bay View Road, Diamond Harbour for the purpose of an Electrical Substation subject to the following condition:

- (i) That the Electrical Substation at Bay View Road, Diamond Harbour, shall not create exposures to power frequency electro-magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines

The above recommendation is made subject to the following further change to Appendix II:

- (ii) Amend the name of the Designating Authority from "Southpower" to "Orion".

- (e) Recommend to Orion that it confirm the Requirement to designate the site at Ernest Adams Drive, Governors Bay for the purpose of an Electrical Substation subject to the following conditions:

- (i) The proposed Electrical Substation at Ernest Adams Drive, Governors Bay shall not create exposures to power frequency electro-magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.
- (ii) The erection of any building on the site which is over 3m in height or 10m² in area shall be setback a minimum of 2m from all site boundaries.
- (iii) Landscaping shall be undertaken along the northern and eastern boundaries when an Electrical Substation is constructed at the site.
- (iv) That all activities on the site shall be designed and operated so as to ensure that the set noise limits are not exceeded at any point within the notional boundary of any dwelling. The set noise limits shall be 40 dBA (L10) and 70 dBA (Lmax) at night time (2200 hours to 0700 hours), and 50 dBA (L10) at all other times (0700 hours to 2200 hours).

The above recommendation is made subject to the following further change to Appendix II:

- (v) Amend the name of the Designating Authority from "Southpower" to "Orion".

- (f) Recommend to Orion that it confirm the Requirement to designate the site at Church Road, Little River for the purpose of an Electrical Substation subject to the following conditions:

- (i) That the Electrical Substation shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

The above recommendation is made subject to the following further changes to Appendix II:

- (ii) Amend the name of the Designating Authority from "Southpower" to "Orion".

- (g) Recommend to Orion that it confirm the Requirement to designate the site at Reserve Terrace, Lyttelton for the purpose of an Electrical Substation subject to the following condition:

- (i) The Substation at Reserve Terrace shall not create exposures to power frequency electric and magnetic fields in areas normally accessible to the public in excess of the International Commission on Non-Ionising Radiation Protection Guidelines.

The above recommendation is made subject to the following further changes to Appendix II:

- (ii) Amend Appendix II to include planning map S1 in the "Map No." column.
- (iii) Amending the name of the Designating Authority from "Southpower" to "Orion" in Appendix II.

- (h) The site of the Electrical Substation, Simeon Quay, Lyttelton is erroneously listed as a designation in Appendix II of the Proposed Plan and this notation in its entirety should be deleted as soon as possible.

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- (i) Accept submission 442.01 be accepted in part and submission 446.01 be rejected.
- (j) Amend the legend for the planning maps to include the name of the Requiring Authority Orion NZ Ltd in the designation codes.

TELECOM DESIGNATIONS:

It is recommended that the Council make the following recommendations in accordance with clause 9(2) of Schedule 1 of the Act:

- (a) Recommend to Telecom that the existing designation with modifications at L'Aube Hill, Akaroa be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Akaroa Radio Station)'.
 - (ii) Amending the legal description to add 'CT 33B/504'.
- (b) Recommend to Telecom that the existing designation with modifications at Rue Jolie, Akaroa be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Akaroa Exchange)'.
 - (ii) Replacing the legal description 'Lot 2 DP 72189' with 'Lot 1 DP 72189 (CB39D/549)'.
- (c) Recommend to Telecom that the existing designation with modifications at Whero Avenue, Diamond Harbour be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Diamond Harbour)'.
 - (ii) Amending the legal description to add 'CT 33B/209'.
- (d) Recommend to Telecom that the existing designation with modifications at State Highway 75, Duvauchelle be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Duvauchelle Exchange)'.
 - (ii) Amending the legal description to add 'Block XV Pigeon Bay SD (CT 36D/1082)'.
- (e) Recommend to Telecom that the existing designation with modifications at Main Road, Governors Bay be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Governors Bay Exchange)'.
 - (ii) Amending the legal description to add 'CT 33A/1095'.
- (f) Recommend to Telecom that the existing designation with modifications at Le Bons Bay Road, Le Bons Bay be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Le Bons Bay Exchange)' from the designation and purpose.
 - (ii) Amending the legal description to add 'CT 33A/1129'.
- (g) Recommend to Telecom that the existing designation with modifications at Little Akaloa Road, Little Akaloa be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Little Akaloa SMA Radio Station)'.
 - (ii) Amending the legal description to add 'CT 29K/903'.
- (h) Recommend to Telecom that the existing designation with modifications at State Highway 75, Little River be confirmed and Appendix II of the Proposed Plan be corrected by:
 - (i) Amending the designation and purpose to delete '(Little River Exchange)'.
 - (ii) Amending the legal description to add 'CT 32K/5'.

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- (i) Recommend to Telecom that the existing designation at Broadleaf Lane, Mt Pleasant (off Summit Road) be confirmed subject to the following conditions:
- (i) That no building shall exceed a maximum height of 9m, except for a support structure up to a maximum height of 38m.
 - (ii) That all future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following further modifications and amendments:

- (iii) Replacing the site area '0.2352 ha' with '2.9898 ha' in Appendix II of the Proposed Plan.
 - (iv) Modifying planning map R1 to show the designation over Pt RS 500 & 34917, Pt Lot 1 DP 4018 & Pt Lots 1 & 2 DP 11832, Blk 1 Sumner SD, and Pt Res 3817 Blk XVI Christchurch (CT 33F/720).
 - (v) Amending the location description 'Lyttelton' to 'Mt Pleasant' in Appendix II.
 - (vi) Amending the address to add '(off Summit Road)' in Appendix II.
 - (vii) Amending the designation and purpose to delete '(Mt Pleasant Radio Station)' in Appendix II.
 - (viii) Amending the legal description to 'Freehold Area: Pt RS 500 & 34917, Pt Lot 1 DP 4018 & Pt Lots 1 & 2 DP 11832, Blk 1 Sumner SD; Ground Lease Area: Pt Res 3817 Blk XVI Christchurch (CT 33F/720)' in Appendix II.
- (j) Recommend to Telecom that the existing designation with modifications at Mt Pearce (off the Summit Road) be confirmed subject to the following conditions:
- (i) That no building shall exceed a maximum height of 7.5m, except for a support structure up to a maximum height of 35m.
 - (ii) That all future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following amendments to Appendix II of the Proposed Plan:

- (iii) Amending the designation and purpose to delete '(Mt Pearce Radio Station)'.
 - (iv) Amending the designating authority from 'Telecom NZ Ltd and Broadcast Communications Ltd' to 'Telecom NZ Ltd'.
 - (v) Amending the legal description to add 'Akaroa SD (CT 481/171)'.
- (k) Recommend to Telecom that the existing designation with modifications at Okains Bay Road, Okains Bay be confirmed subject to:
- (i) Modifying planning map S22 to show the designation as 'TR', instead of 'WT' purposes.
 - (ii) Amending the designation and purpose to delete '(Okains Bay SMA Radio Station)' in Appendix II of the Proposed Plan.
 - (iii) Amending the legal description to add 'CT 33F/194' Appendix II of the Proposed Plan.
- (l) Recommend to Telecom that the existing designation with modifications at Pigeon Bay Road, Pigeon Bay be confirmed and Appendix II of the Proposed Plan be corrected by:
- (i) Amending the designation and purpose to delete "(Pigeon Bay Exchange)"
 - (ii) Amending the legal description to add 'CT 33B/54'.
- (m) Recommend to Telecom that it confirm the Requirement to designate the site at State Highway 75, Ataahua for telecommunication and radiocommunication and ancillary purposes and that the following corrections be made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete '(Ataahua Exchange)'.
 - (ii) Amend the legal description to add 'Blk III Ellesmere SD (CT 33A/1042)'.

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- (n) Recommend to Telecom that it confirm the Requirement to designate the site at Summit Road, Hilltop for telecommunication and radiocommunication and ancillary purposes subject to the following conditions:
- (i) That no building shall exceed a maximum height of 7.5m, except for a support structure up to a maximum height of 30m.
 - (ii) That future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following amendments to the Proposed Plan:

- (iii) Modifying the planning map R4 of the Proposed Plan to accurately show the location of the facility adjacent to the eastern site boundary of Lot 5 DP 4902.
 - (iv) Amending the designation and purpose to delete '(Hilltop Land Mobile Station)' in Appendix II.
 - (v) Amending the legal description to add 'Block XIV Pigeon Bay SD (CT 16K/1154)' in Appendix II.
- (o) Recommend to Telecom that it confirm the Requirement to designate the site at Canterbury Street, Lyttelton for telecommunication and radiocommunication and ancillary purposes and the following corrections be made to Appendix II of the Proposed Plan:
- (i) Amend the designation and purpose to delete '(Lyttelton Exchange)'.
 - (ii) Amend the legal description to add 'Block IV Halswell SD (CT 33F/89)'.
 - (iii) Replace the site area '0.422 ha' with '0.442 ha'.
- (p) Recommend to Telecom that it confirm the Requirement to designate the site at Worsleys Road, Marleys Hill for telecommunication and radiocommunication and ancillary purposes subject to the following conditions:
- (i) No building shall exceed a maximum height of 9m, except a support structure up to a maximum height of 37m.
 - (ii) That future works involving new support structures shall require a visual effects assessment to be carried out by a suitably qualified professional and submitted as part of the Outline Plan.

The above recommendation is made subject to the following amendments to Appendix II of the Proposed Plan:

- (iii) Amending the designation and purpose to delete 'Marleys Hill Land Mobile Station'.
 - (iv) Amending the legal description to add 'Blk IV Halswell SD (CT 33B/208)'.
- (q) Accept in part submission 463.54 be accepted in part.

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BACKGROUND

Process

22. Before notifying a proposed plan, councils are required under Clause 4 Schedule 1 of the Act, to provide requiring authorities, including itself, that have designations in the operative district plan (which have not expired) with the opportunity to include their existing designations in the proposed plan, with or without modification, and to include new designations.
23. The Requiring Authorities listed below requested the inclusion of a total of 45 existing and new designations in the Proposed Plan when it was notified on 27 January 1997:
- Meteorological Service – An automatic weather station (1 site)
 - Radio New Zealand – A radiocommunication and telecommunication site (1 site)
 - Minister of Police – Police Stations (2 sites)
 - New Zealand Railways Corporation – Railway corridor (1 site)
 - New Zealand Transport Agency – State Highways and a Motorway (4 sites)
 - Minister of Education – Schools (12 sites)
 - Orion – Electrical Substations (8 sites)
 - Telecom – Radiocommunication and telecommunication sites (16 sites)
24. Of the 45 Requiring Authority designations, one relates to an existing designation that has been rolled over from the Transitional Plan with no modification. A further 30 existing designations have been included in the Proposed Plan with modifications and an additional 13 new designations are proposed by way of Notice of Requirement. In addition, one designation has been addressed as a miscellaneous matter as it was incorrectly included in Appendix II of the Proposed Plan by a submission.

Assessment and Recommendations on Designations

25. The Council must consider and make a recommendation to the Requiring Authority concerned on each of the existing (modified) and new designations in accordance with the provisions of section 171 of the Act.
26. When considering a requirement and any submissions received, the Council must consider the effects on the environment of the requirement, having particular regard to the following matters set out in section 171(1) of the Act:
- (a) *any relevant provisions of—*
- (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
- (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
- (i) *the Requiring Authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
- (c) *whether the work and designation are reasonably necessary for achieving the objectives of the Requiring Authority for which the designation is sought; and*
- (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*

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27. In accordance with section 171(2) the Council may recommend to the Requiring Authority to:
- confirm the requirement
 - modify the requirement
 - impose conditions
 - withdraw the requirement
28. Section 171 enables the Council to only make recommendations in respect to the other Requiring Authority designations. It is the Requiring Authority itself who makes the final decision.
29. With respect to the one existing designation that has been rolled over into the Proposed Plan without modification and on which no submissions have been received, the Council is unable to make a recommendation. This designation must be rolled over into the Proposed Plan without further formality in accordance with Clause 9(3) Schedule 1 of the Act.
30. In accordance with section 172 each Requiring Authority shall advise the Council whether they accept or reject the Council's recommendations in whole or in part. A Requiring Authority may modify a requirement if, and only if, that modification is recommended by the Council or is not inconsistent with the requirement as notified. Where a Requiring Authority rejects the recommendation in whole or in part, or modifies the requirement, the authority must give reasons for its decision.
31. Once the Requiring Authority has made its decisions on the new and modified designations, the Council must serve notice of the decisions on each of the submitters and any landowners and occupiers directly affected by the decision.
32. Sections 173 and 174 of the Act sets out the provisions for notification of decisions and appeal rights and provide for any person who has made a submission to appeal the decision to the Environment Court. The Council can also appeal to the Environment Court against the decision of a Requiring Authority.

Appendix B Assessment Structure

33. The assessment is divided into nine parts, as follows:
- Part 1: Introduction and Background to the Requiring Authority Designations
 - Part 2: Meteorological Service Designations
 - Part 3: Radio New Zealand Designations
 - Part 4: Minister of Police Designations
 - Part 5: New Zealand Railways Corporation Designations
 - Part 6: New Zealand Transport Agency Designations
 - Part 7: Minister of Education Designations
 - Part 8: Orion Designations
 - Part 9: Telecom Designations
34. Parts 2 to 9 of the report set out an assessment of each of the designations taking into account any relevant submissions. The reports present an officers recommendation to the Council as to whether it should recommend to each Requiring Authority that they confirm each of the designations with or without modification, whether conditions should be applied or whether they should be withdrawn. The reports also include a summary of the modifications required to the planning maps and Appendix II Designations of the Proposed Plan, should the Council decide to accept the officer's recommendations as its recommendations.
35. In addition to the recommended modifications, a number of drafting errors have been identified in the schedule of designations and on the planning maps. These drafting errors will need to be corrected in the Proposed Plan whether or not the Council decides to accept the recommendations of this report.

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36. The assessment of the Requiring Authorities new and modified designations has been limited by the lack of information available and the amount of time that has elapsed since notification of the Proposed Plan in 1997. Some of the requiring authorities did not provide robust documentation, such as assessments of effects or proposed conditions, to support the inclusion of the designations in the Proposed Plan.
37. The opportunity to ask for more information from the requiring authorities on their designations is generally best taken before notification of the requests in the Proposed Plan, or shortly thereafter. However, where appropriate and given the time lapse between notification and the present time, clarification from the relevant requiring authorities has been sought as to the scope and purpose of designations as well as confirmation of the ongoing need for some of the sites to be designated

Banks Peninsula District Council Proposed District Plan

38. The objectives and policies in respect to designations are set out in Chapter 36 – Utilities of the Proposed Plan. Few other references are made in the Proposed Plan to the use of designations and the statements in Chapter 36 do not demonstrate a robust understanding of the purpose and process of achieving designations through the Act and district plan processes. However, they do indicate general support for the use of designation as a planning tool for larger scale works and services and utility projects. The relevant sections of Chapter 36 are set out below:

ISSUE

Large scale utility projects, works or operations may be more appropriately undertaken in terms of a designation in the Plan rather than through a resource consent.

OBJECTIVE

To encourage the designation of more significant utilities by network utility operators with Requiring Authority status.

POLICY 2A

Utilities of a large scale and capacity, which are not allowed as a permitted or discretionary activity, should be designated.

EXPLANATION AND REASONS

The designation procedure in Part VIII of the Act makes provisions for public works and network utility operations. Designations are evaluated for the work or project to which they relate and in terms of their impact on the environment.'

General Recommendations on Designations in the Proposed Plan

39. During preparation of designation reports it became clear that conditions of designations required attention due to inconsistency within the Proposed Plan. In some instances existing conditions are attached to only some of the existing designations. In other cases there is no reference at all to existing conditions in Appendix II of the Proposed Plan. Also new conditions are recommended. Should Council confirm conditions, it is recommended that a new section after Appendix II is inserted to include all conditions of designations within the District Plan.
40. Designations currently appear in Appendix II in alphabetical order based on their location. No distinction is made between the designations relating to different requiring authorities. It is recommended that the list of designations in Appendix II be altered so that the designations of each of the different requiring authorities are grouped together.
41. In addition a further recommendation is made to amend to the legend to the planning maps to reflect the change of name of some of the requiring authorities.
42. The objective is to have the designations of all Requiring Authorities included in the Proposed Plan updated as a further step to the BPDC Proposed District Plan becoming an operative district plan.

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**21. JOINT CHRISTCHURCH CITY COUNCIL/CANTERBURY DISTRICT HEALTH BOARD
HEARINGS PANEL REPORT**

Attached.

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22. IMPLICATIONS FOR COUNCIL OF THE CHRISTCHURCH HOSPITAL REDEVELOPMENT

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. This report provides some initial assessment of the implications and impacts on the Council that are likely to emanate from the Christchurch Hospital Redevelopment and is for consideration alongside the joint Council/Canterbury District Health Board (CDHB) Hearings Panel report on the Christchurch Hospital Development and Land Transfer (elsewhere in this agenda).
2. This report has been prepared at the request of the Chair of the Hearings Panel.

EXECUTIVE SUMMARY

3. In November 2009 the Council confirmed its willingness to consider a land exchange with CDHB to enable the redevelopment of the Christchurch Hospital and agreed to commence a joint consultation process with the CDHB.
4. In December 2009 and February 2010 the Council decided to form a joint Hearings Panel with the CDHB to receive verbal submissions in regards the Christchurch Hospital Redevelopment.
5. The consultation was carried out between 30 March and 4 May 2010. The Hearings Panel met to receive staff advice and hear submissions on 31 May and 1 June. It carried out a site visit on 13 June and arrived at its recommendations at a further meeting on 25 June 2010.
6. The Hearings Panel report and recommendations are contained in a separate report on this agenda. This report focuses on the likely costs and implications for the Council from the Christchurch Hospital Redevelopment and is designed to provide some context within which the Council can make decisions on the Hearings Panel recommendations.
7. It is evident from the Hearings Panel report and recommendations that there is significant further planning to be carried out in relation to the detailed design of the hospital itself and in areas surrounding the hospital. The Council and CDHB will need to work collaboratively on this planning to achieve good outcomes for patients, staff, local residents and businesses and the city as a whole. This work is largely consistent with existing programmes within the Council. In a number of areas there may be additional costs to the Council which can be considered in the 2011 Annual Plan and 2012 LTCCP.
8. In general terms the work to be carried out can be categorised as follows:
 - Land Transfer and impacts on Hagley Park
 - Transport Planning
 - District Planning
 - Nurses' Memorial Chapel
 - Planning of associated precincts

Land Transfer and Impacts on Hagley Park

9. The Council will need to play a lead role in work to amend the local acts of Parliament necessary to enable the exchange of land. This is something for which the Council is best placed and has greater experience (having been through similar processes before e.g. Lancaster Park Act) than the CDHB. In the first instance the costs of drafting the Bill and taking it through the parliamentary process will fall on the Council. The CDHB fully expects to share in these costs with the Council.
10. There will be other costs that are required to effect the land transfers, such as surveying and sub division. The Council could reasonably expect the CDHB to contribute significantly to these costs.

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11. As noted in the Hearings Panel report there will be a need to revisit the aspect of the Hagley Park/Botanic Gardens Master plan and possibly the Hagley Park Management Plan in regards to helicopter landings given recent CAA rulings and the proposed hospital redevelopment. As a result of the likely timing of construction of the new helipad (as part of the hospital redevelopment) this work is not urgent and could be incorporated into a wider update of the plan at a later date.
12. An arborist's report has identified that the trees on the piece of land the Council will acquire should the land transfers take place require some maintenance. The CDHB has accepted that it should pay for the reasonable maintenance on these trees prior to the land transfer taking place so that the Council acquires trees in good condition. This area of land that will subsequently become part of Hagley Park is likely to require some improvement over a period of time to bring it up to the standard of the rest of the Park and enhance the environment along the Avon River. Clearly the costs for this work will fall to the Council and can be considered in future Annual Plans and LTCCP's.

Transport Planning

13. In the transport area there is significant planning required to be carried out to address access and egress on and off the hospital site for all transport modes, transport systems immediately around the hospital, in the surrounding precincts and to ensure integration with the wider network. Significant planning is already programmed for elements of the transport system in the Central City, such as the transport interchange. Transport planning around the hospital redevelopment can be carried out in the context of and to a significant degree as an additional aspect of other transport planning in the Central City.
14. Emanating from the transport planning there may be other costs for the Council relating to changes to the roading, cycling and pedestrian networks and public transport facilities as well as possibly parking. Ultimately these are likely to impact the Council's capital programme through subsequent Annual Plans and LTCCP's.
15. The future use of the Rolleston Avenue Bridge is one particular issue in the wider transport planning that will need to be focused on. There will be a need for staff time (as a minimum) to be expended in working with the CDHB on developing a suitable solution to this point of access.

District Planning

16. The land transfer and the wider hospital redevelopment raise a number of district plan issues that will need to be resolved. The actual process and sequence of events to address these issues has not yet been settled on and the Council will need to work closely with the CDHB to determine the best approach. The City Plan Change required could be in the form of a private plan change (promoted by the CDHB) and adopted by the Council or a plan change the Council initiates. In either case there are cost implications for the Council. An agreement could be reached with the CDHB about which organisation ultimately pays for these costs. The processing of any resource consents is within the scope of the Council's day to day work and is funded by the applicant.

Nurses' Memorial Chapel

17. An attempt has been made in the advice staff provided to the Hearings Panel (in the Hearings Panel report) to identify the immediately obvious costs for the Council in gaining ownership of the Nurses' Memorial Chapel. The Council is already funding a number of the costs associated with the ongoing operation and maintenance of the Chapel. In general terms the Council will be responsible for ensuring the Chapel is managed appropriately and its heritage conservation and asset management (including seismic strengthening) is taken care of. Seismic strengthening of the Chapel will need to be carried out in the next 20-30 years with the specific timeframe to be determined by the Council's policy on seismic strengthening.

Planning of associated precincts

18. One of the things that has become apparent during the Hearings Panel process is that there is a need to further consider the planning of precincts in the vicinity of the hospital alongside the redevelopment of the hospital itself. Whilst the CDHB will undoubtedly need to be involved in

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this work, the Council will need to take the lead. This work can be sequenced to align with the timing of the redevelopment phases of the hospital and can be included in Central City revitalisation work by the reprioritisation of other projects in this programme.

19. The Hearings Panel report notes that ongoing collaborative work is required between the council and CDHB on a number of these and other areas. The panel recommends the formation of a joint committee to monitor and oversee this work. Having a joint forum at a governance level is necessary, appropriate and is a demonstration of joined up governance at a local level. There are of course costs associated in elected members time, staff time and other incidentals.
20. To date the CDHB has shown itself very willing to engage in dialogue with the Council about the costs associated with the work required to enable the redevelopment of Christchurch Hospital and has indicated a willingness to accept a share of those costs. The position adopted by both Council and CDHB staff to date is that both organisations are public bodies which aim to promote the well being of the local community. To achieve the best outcome for our shared community there is a need for both organisations to accept a reasonable share of the costs involved. In the areas identified above which will result in costs there are a range of areas, some of which the Council could reasonably expect the CDHB to make a significant contribution to through to some areas where the costs will fall solely on the Council. The proposed joint committee will provide an avenue for discussions between the Council and CDHB over cost sharing arrangements.
21. It should be noted that if the Council decides not to proceed with the land transfer the proposal for redeveloping the Christchurch Hospital will not be able to be realised. The need to address the issues around providing quality health care facilities for the future will remain. The Council can anticipate further proposals being developed by the CDHB to address this need. Whilst neither the Council nor CDHB know what the nature of these proposals will be, it is likely that there will be significant planning and other implications for the Council which may be broadly equivalent to the implications of the current proposal.

FINANCIAL IMPLICATIONS

22. At this stage it is difficult to quantify the financial implications. They are likely to affect operational budgets through the use of staff time and external costs. It is likely that needs for capital expenditure will also be identified through the planning work. These costs the Council will be able to consider through the Annual Plan and LTCCP processes.

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

23. An ability to respond to and work alongside developers to achieve the best outcomes for the community from private developments is built in to the LTCCP budgets. However the Christchurch Hospital redevelopment is at the larger end of these sorts of developments and for various reasons has more impacts on the Council than most. The work identified is largely consistent with existing programmes within the Council. In a number of areas there may be additional costs to the Council which can be considered in the 2011 Annual Plan and 2012 LTCCP.

LEGAL CONSIDERATIONS

24. None.

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

25. None.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

26. Achieving the Christchurch Hospital in a way that contributes to the Council's strategic directions will support a range of levels of service in the LTCCP.

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

27. As above.

ALIGNMENT WITH STRATEGIES

28. The Christchurch Hospital redevelopment has the potential to help achieve a number of the Council's strategies and plans: the Central City Revitalisation Strategy, the Hagley Park/Botanic Gardens Master plan, the Pedestrian Strategy, the Cycling Strategy, the Metro Strategy and the Safer Christchurch Strategy to name a few. Ultimately the degree to which it contributes to these strategies depends to a large degree how it is executed. A proportion of the Council costs identified in this report arise from work the Council needs to do with the CDHB and others to achieve an outcome that contributes as much as possible to these strategies.

Do the recommendations align with the Council's strategies?

29. To achieve the maximum contribution to the Council's strategies through the Christchurch Hospital Redevelopment it is necessary for the Council to work collaboratively with the CDHB.

CONSULTATION FULFILMENT

30. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council:

(a) Receives this report.

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23. PROPOSED NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN STRUTHERS LANE USING BOLLARDS FOR CLOSURE EVERY NIGHT

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Unit Manager Transport & Greenspace
Author:	Christine Toner, Consultation Leader, Transport and Greenspace Unit Barry Cook, Network Operations & Transport Systems Team Leader

PURPOSE OF REPORT

1. The purpose of this report is:
 - (a) To recommend that the Council approve the commencement of a statutory special consultative procedure for a proposal to create a permanent part time pedestrian mall at night time (from 6pm through to 6am the following day) using two sets of bollards to effect closure of this route to vehicles. This project is in support of work being carried out by the New Zealand Police, and bar owners and operators, to improve safety for pedestrians and modify the behaviour of bar patrons;
 - (b) To recommend that the Council approve the continuation of the trial of bollards with an additional set of bollards located near the western end of Struthers Lane, until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety has been established.

EXECUTIVE SUMMARY

2. This report and its attachments (**Attachments 1-4**) detail the proposal of the declaration of a new part time pedestrian mall in Struthers Lane from a point 23 metres west of the western boundary line at Manchester Street and extending in a westerly direction for a distance of 56.5 metres, every night from 6pm to 6am the following day.
3. The aim of all the proposals is to improve safety for motorists and pedestrians:
 - (a) To provide a safer environment for the public;
 - (b) To remove potential conflict between pedestrians and vehicles.
4. At the request of the Council in January 2008, a trial nightly closure was carried out for twelve months starting on 31 January 2009, using one bollard located west of SOL Square on the east side of the intersection of Struthers Lane and the lane running north south between the Civic offices and the building to its east. The trial in Struthers Lane was carried out in conjunction with a trial of bollards in Poplar Street, which is the topic of a separate report to Council. The full report of the trial is available on request.
5. Assessment of the effectiveness of the bollard trial began in November 2009.

This involved:

- (a) Qualitative interviews with local business people, property owners, residents, managers of emergency services, providers of security services and drivers who park in Struthers Lane;
- (b) Analysis of crash data from 2004-2009;
- (c) Observations by the Christchurch Safer City Officers of the presence of vehicles and pedestrian behaviour each time they visited the area;
- (d) Evaluation of footage from a night vision video camera installed on a back window of the third floor of the Civic Offices building (around 60 hours (not continuous) video footage of the bollards and eastern end of Struthers Lane was studied).

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6. The results of the study indicate that the single bollard location has been very successful in preventing through traffic, therefore improving pedestrian safety, and has not inconvenienced local businesses, property owners or residents unduly. However the trial has also highlighted that a small amount of vehicular traffic continues to enter between Manchester Street and SOL Square, at times approaching the eastern side of the single bollard location.
7. Based on the results of this study, Council staff now recommend that the trial be extended by retaining the existing bollard location and adding a second bollard location near to the Manchester Street end of Struthers Lane, for the same time frame as the earlier trial and on a nightly basis. The extension of the trial would continue until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety has been established.

FINANCIAL CONSIDERATIONS

8. The cost of the proposed special consultative procedure is included within the LTCCP Street and Transport Operational Budgets.

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

9. As above.

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

10. Under Section 342(1)(b) and Clause 11, Schedule 10 of the Local Government Act 1974, the LGA staff sought approval from both the Police and Ministry of Transport to run the trial. Both responded without any objection to the proposed trial.
11. In order for staff to fully assess the impact of restricting vehicle access at night for a period of one year in each of these developments, it was proposed to restrict vehicle 'through' traffic between defined hours and monitor pedestrian, and vehicle behaviour over this period.
12. The Council requirement was that staff would report back to the Council on the trial, and either seek further permission from the Council under section 336 LGA 1974 to turn one or both areas (ie Struthers Lane and Poplar Street) into a permanent pedestrian only zone during defined periods of the day/night, or keep the roads open and only use restrictions for special events such as the Buskers Festival or Jazz Alley, following the normal public notification periods. This report deals just with Struthers Lane and an associated report deals with Poplar Street.
13. This report recommends a declaration of a part time pedestrian mall in Struthers Lane.
14. Section 336 of the Local Government Act 1974 provides that Councils can declare a pedestrian mall by using the special consultative procedure, as follows:
 - (a) "...
 - (i) *declare a specified road or part of a specified road to be a pedestrian mall, and*
 - (ii) *prohibit or restrict the driving, riding or parking of any vehicle, or the riding of any animal, on all or any portion of the pedestrian mall either*
 - (i) *generally; or*
 - (ii) *during particular hours.*
 - (b) *A declaration—*
 - (i) *may include exemptions and conditions; and*
 - (ii) *does not take effect until—*
 - (i) *the time for appealing under subsection (3) has expired; and*
 - (ii) *any appeals have been determined under subsection (4).."*

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15. Section 336(3) provides that anyone may within one month after the making of a declaration, or within such further time as the Environment Court may allow, appeal to the Environment Court against the declaration made by the Council. The public notice required as part of the special consultative procedure (by section 83(1) (e)) of the Local Government Act 2002 must explain this right of appeal.
16. Analysis of reasonably practicable options considered by the Council:
 - (a) The following options exist for the Council in relation to this proposal:
 - (i) Status quo. ie Do nothing. Leave Struthers Lane open to all traffic at all hours. This option is not preferred because it does not address the safety issues arising during the hours of 6pm to 6am and it does not support the endeavours of the New Zealand Police to deal with problems of alcohol and drug induced behaviour;
 - (ii) Close Struthers Lane to all traffic except taxis, between a time no earlier than 6pm to a time no later than 6am the following day. This option is not preferred because of the difficulty of enforcing a taxi only zone. It does not address the safety issues of vehicles driving through a road where there are often large numbers of intoxicated people wandering across the road, throwing bottles or using broken bottles to scare vehicles as they pass. There is also the potential for confusion and the subsequent danger to pedestrians who think that vehicles are banned and who may therefore wander out onto the road into the path of oncoming vehicles;
 - (iii) Close the length of Struthers Lane from Manchester Street to Tuam Street and Lichfield Street between a time no earlier than 6pm to a time no later than 6am the following day. This option is not preferred because it does not enable access to the businesses and car parking in and adjacent to Struthers Lane;
 - (iv) Create a part time pedestrian mall in Struthers Lane from a point 23 metres west of the western boundary line at Manchester Street and extending in a westerly direction for a distance of 56.5 metres, every night from 6pm to 6am the following day. This option will address the safety issues for pedestrians and vehicles that arise during the hours of 6pm and 6am and support the endeavours of the New Zealand Police to deal with problems of alcohol and drug induced behaviour;
 - (v) Create a part time pedestrian mall in Struthers Lane as described in (iv) above every night from a time no earlier than 11pm to a time no later than 5am the following day.
 - (b) Option (iv) is the preferred option. It is aligned to and meets the project objectives.

ADDITIONAL CONSIDERATIONS

17. In the decision in *Pool v New Plymouth City Council* [1977] 6 NZTPA 201, the Town and Country Planning Appeal Board adopted some 'considerations' in examining a decision to declare part of a city street a mall. Those considerations were:
 - (a) Whether the closure of a street to traffic would be to the advantage of the community in general.
 - (b) Whether there were disadvantages to the community in general which balanced or outweighed the advantages.
 - (c) Whether there was detriment to property owners or business operators which was unreasonable given the absence of compensation.

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- (d) Whether the closure adversely affected other property owners or business operations who may depend on the flow of traffic along the street.
18. These 'tests' were reframed in the context of the principles of the Resource Management Act 1991 in *Bain v Waimakariri District Council*, C111/08, Environment Court Christchurch, 20/10/08, as follows:
- (a) Whether aspects of the public interest would be enabled by the creation of the pedestrian mall.
- (b) Whether aspects of the public interest would be disenabled by the creation of the pedestrian mall.
- (c) Whether individuals would benefit from the creation of the pedestrian mall.
- (d) Whether individuals would be disadvantaged by the creation of the pedestrian mall.
- (e) Whether the pedestrian mall would better achieve the sustainable management of the physical resources of the district.
19. These considerations/tests from the above cases are discussed in relation to this proposal in Struthers Lane and also serve as consideration of social and environmental matters arising from the proposals:
- (a) There will be significant safety improvements for the public (patrons of the bars and other businesses in the area as well as other pedestrians) as a result of the creation of the part time pedestrian mall in Struthers Lane.
- (b) For motorists, their exclusion from the area from 6pm to 6am the following day will be a safety improvement, removing them from a possible conflict situation, and although it may mean a detour, the increased trip distance is not great.
- (c) In their feedback to preliminary community consultation, only two businesses in Struthers Lane identified some disadvantages to the proposal at that time and indicated that at times the night time bollard trial had resulted in day time inconvenience for their tenants and delivery trucks or for themselves. It appears that early in the trial there were a few occasions when the bollard was not lowered until late morning, in error. This problem has not recurred in recent months. One of these business people also claimed that bar staff from SOL Square were using the closed Lane as a parking area. Observations by Christchurch Safer City Officers and video footage do not support this claim. The installation of a second bollard will however prevent this happening in the future.
- (d) The benefits of safety and efficiency are considered to outweigh the relatively small disadvantages for a small number of drivers.

CULTURAL CONSIDERATIONS

20. Apart from the Central City Revitalisation and economic advantage of providing patrons with a safer environment, the Council is not aware of any cultural issues that should be taken into account in respect of the proposal contained in this statement.

ECONOMIC CONSIDERATIONS

21. The Council is not aware of any economic issues arising either from the 12 month trial nor from the proposed permanent introduction of a part time pedestrian mall at night time in Struthers Lane.

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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?

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

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

23. The proposal aligns with the following:
- (a) Christchurch City Plan - Lanes redevelopment projects that improve pedestrian facilities and pedestrian safety are consistent with the transport and access provisions of the City Plan (see Objective 7.5, and Policy 7.5.1), and with objectives and policies for the Central City (see in particular, Policy 12.3.1 and 12.3.4);
 - (b) Central City Revitalisation Strategy - Lanes redevelopment projects that improve the visual amenity, uniqueness, range of activities, and vitality of the Central City will enhance revitalisation objectives;
 - (c) Central City Transport Concept - Lanes redevelopment projects that improve pedestrian activity and permeability (via mid-block linkages) will facilitate the implementation of the Central City Transport Concept;
 - (d) Safer Christchurch Strategy - Lanes redevelopment projects that increase natural surveillance in lanes areas and incorporate principles of Crime Prevention through the Christchurch Safer Road Strategy. Environmental Design (CPTED) is consistent with the Safer Christchurch Strategy;
 - (e) Greater Christchurch Urban Development Strategy and the Christchurch Visitor Strategy - as they facilitate the extension of the tram route and they make the area safer for bar patrons and passers by, as well as for motorists;
 - (f) Also aligns with the Parking Strategy 2003, Pedestrian Strategy 2001, Road Safety Strategy 2004;
 - (g) National Urban Design Protocol - Lanes redevelopment projects that improve quality and design of the urban environment and reflect urban sustainability principles will facilitate the implementation of the National Urban Design Protocol.

CONSULTATION FULFILMENT

24. In May 2007, 100 concept plans including the possible location of bollards and planter boxes were mailed out to property owners and the remainder were hand delivered to the properties within the block bounded by Tuam, Manchester, Colombo and Lichfield Streets. Staff received a total of 14 responses, two initial objectors and four seeking clarification to the proposal. These four were then either visited personally by staff or contacted by phone.
25. The two objectors were contacted by phone to discuss. Concerns either related to access to business premises out of hours for delivery purposes, and the ability to use a 'through route' from one end of the lane to the other.
26. A second letter was sent out in June 2007 explaining that as a result of the initial proposal a slight change would be made to the proposed location of the retractable bollards at the eastern end of the lane, but staff would be seeking Community Board and Council approval to restrict vehicle access. As a result of this letter staff received numerous e-mails and phone calls from the principle objector to this proposal culminating in a solicitor's letter objecting to any restriction of access through the lane.

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27. As a result of this, the report was withdrawn from the Hagley/Ferrymead Community Board agenda pending an internal review of the proposal.
28. The review resulted in a proposal to seek the Council's approval for a 'trial period' during which time signage and/or retractable bollards would be utilised and data collected on their effectiveness in reducing vehicle pedestrian conflicts. This 'trial' would be for one calendar year, thus providing data in both the winter and busier summer months.
29. A further letter was sent out in August 2007 explaining that staff would seek Land Transport New Zealand and Police approval to trial a lane closure for one year prior to any final decision being made and that staff would seek the Council approval for this.
30. This again prompted an objection. The principle and one other objector to this proposal put their cases to both the Hagley/Ferrymead Community Board on 30 January 2008 and to the Council (which is the decision making authority for this proposal on 13 March 2008).
31. Having heard the submissions the Council resolved authorisation, in January 2008, of a 12 month trial of the bollard in Struthers Lane.
32. On 31 January 2009, staff installed two bollards side by side at the eastern side of the intersection of Struthers Lane and the lane running north south between the Civic offices and the building to its east, a few metres west of SOL Square. One set of bollard was considered to be sufficient to meet the objectives of the trial by preventing through traffic along Struthers Lane.
33. Assessment of the effectiveness of the bollard trial began in November 2009.
This involved:
 - (a) Qualitative interviews with local business people, property owners, residents, managers of emergency services, providers of security services and drivers who park in Struthers Lane;
 - (b) Analysis of crash data from 2004-2009;
 - (c) Observations by the Christchurch Safer City Officers of the presence of vehicles and pedestrian behaviour each time they visited the area;
 - (d) Evaluation of footage from a night vision video camera installed on a back window of the third floor of the Civic Offices building (around 60 hours (not continuous) video footage of the bollards and eastern end of Struthers Lane was studied).
34. The result of the trials in Poplar Street and Struthers Lane indicates that the installation of bollards in both streets has improved the environment for pedestrians during the closure period. It also indicates that a safer environment would be created by installing a second set of bollards near to the intersection of Struthers Lane and Manchester Street. The full report of the trial up to March 2010 is available on request.
35. With mainly positive feedback from users and local stakeholders, Council staff now recommend that the trial be extended by replacing the existing bollards and adding a second set of bollards at a location near to the Manchester Street end of Struthers Lane, just to the west of Plimsoll Lane so as to retain access for vehicles using Plimsoll Lane for parking, loading and unloading etc, for the same time frame as the earlier trial and on a nightly basis. The extension of the trial would continue until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety has been established. An assessment of automated bollards is also being carried out. Please see the separate report on this assessment in this Order Paper.

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36. To create a mall, the Council is required to use the Special Consultative Procedure to gather community views on the establishment of a permanent night time pedestrian mall. The SCP process requires a Hearings Panel, and staff recommend running the SCP process in conjunction with that proposed for Poplar Street where a trial of bollards has also been carried out. (An associated report for Poplar Street is to be presented to the Council in conjunction with this report). The SCP process can be scheduled from 30 July 2010 to 31 August 2010, with the submissions to be read and heard by a Hearings Panel later in 2010 (after the council elections) or early in 2011.

STAFF RECOMMENDATION

Staff recommend that the Council:

- (a) Approves the continuation of the trial use of bollards in Struthers Lane with an additional set of bollards located near the intersection of Struthers Lane and Plimsoll Lane, until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety at night has been established.
- (b) Adopts for consultation through the special consultative procedure the proposed declaration of the part time pedestrian mall in Struthers Lane, by approving the Statement of Proposal and Summary of Information (Attachment 1 and 2 respectively).
- (c) Adopts the dates for publicly notifying the Statement of Proposal and the Summary of Information (30 July 2010 to 31 August 2010).
- (d) Determines that the Summary of Information be distributed to all properties and businesses along Struthers Lane, Manchester Street between Tuam Street and Lichfield Street, Lichfield Street between Manchester Street and Colombo Street; Colombo Street between Lichfield Street and Tuam Street, and Tuam Street between Colombo Street and Manchester Street; to any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident and Business Groups in the distribution area.
- (e) Determines that the Statement of Proposal and the Summary of Information be made available for public inspection at all Council Service Centres, Council libraries and on the Council's website.
- (f) Publish public notice of the proposal in a newspaper having a wide circulation in the Council's district; and that this notice explains the right of appeal in relation to this proposal, and advises where people can view copies of the summary of information and the statement of proposal, and the time within which submissions can be made.
- (h) Appoint a Hearings Panel to hear any submissions on the proposal.

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24. REQUEST FOR COUNCIL APPROVAL TO USE THE SPECIAL CONSULTATIVE PROCEDURE FOR PROPOSED CHANGE OF DIRECTION OF ONE WAY STREET AND NEW DECLARATION OF A PART TIME PEDESTRIAN MALL IN POPLAR STREET USING BOLLARDS FOR CLOSURE EVERY NIGHT

General Manager responsible:	General Manager Environment Group, DDI 941-8608
Officer responsible:	Unit Manager Transport and Greenspace
Author:	Christine Toner, Consultation Leader, Transport and Greenspace Unit and Barry Cook, Network Operations and Transport Systems Team Leader,

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council approve:
 - (a) The commencement of a statutory special consultative procedure for
 - (i) **Proposal A** - to create a permanent part time pedestrian mall in Poplar Street at night time (from 6pm to 6am the following day) using bollards to effect closure of this route to all vehicles. This project is in support of work being carried out by the New Zealand Police, and bar owners and operators, to improve safety for pedestrians and modify the behaviour of bar patrons; and
 - (ii) **Proposal B** – to change the one way direction of travel in Poplar Street (currently flowing from south to north) so that all traffic can travel in the same direction from north to south from Lichfield Street to Tuam Street.
 - (b) The continuation of the trial of bollards until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a part time pedestrian mall or another means of improving pedestrian safety has been established.

EXECUTIVE SUMMARY

2. This report and its attachments (**Attachments 1-6**) detail:
 - (a) **Proposal A:** Creation of a new permanent part time pedestrian mall in Poplar Street from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, every night from 6pm to 6am the following day; and the continuation of the bollard trial until the declaration is made.
 - (b) **Proposal B:** Amendments to Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008 to change the one way in Poplar Street to flow north to south, from Lichfield Street to Tuam Street.
3. The aim of both proposals is to improve safety for motorists and pedestrians:
 - (a) To provide a safer environment for the public.
 - (b) To remove potential conflict between pedestrians, tram and vehicles.

Proposal A: Proposal to create a permanent part time pedestrian mall

4. At the request of the Council in January 2008, and in conjunction with a similar trial in Struthers Lane, a trial nightly closure was carried out for 12 months in Poplar Street starting on 31 January 2009. The trial used two bollards side by side located approximately 30 metres south of the intersection of Poplar Street and Lichfield Street. The bollard trial in Struthers Lane is the topic of a separate report to the Council.

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5. Assessment of the effectiveness of the bollard trial began in November 2009. This involved:
 - (a) A survey comprising qualitative interviews with local business people, property owners, residents, managers of emergency services, providers of security services and drivers who park in Poplar Street and Ash Street.
 - (b) Analysis of crash data from 2004-2009.
 - (c) Observations by the Christchurch Safer City Officers of the presence of vehicles and pedestrian behaviour each time they visited the area.
6. The bollard trial results indicate that the bollard closure has been very successful in preventing through traffic, therefore improving pedestrian safety, and has not unduly inconvenienced local businesses, property owners or residents. However the trial has also highlighted that vehicles park in Poplar Street between the bollards and Lichfield Street, both in the currently designated parking spaces and across the street in an unstructured way. (Note that on 24 June 2010 Council approved the removal of all parking spaces at all times in Poplar Street, effective on commencement of the physical works for the tram.) For continuity, and to avoid public confusion, staff recommend extending the bollard trial until the Special Consultative Procedure is completed and a decision has either resulted in the declaration of a pedestrian mall or another means of improving pedestrian safety has been established.
7. Based on the results of the bollard trial, the Council staff now recommend that part time pedestrian mall continue as a permanent fixture. Other options that have been considered and rejected regarding this proposal are detailed in paragraph 19 of this report.

Proposal B: Proposal to change the one way street direction

8. This report sets out options for traffic management in Poplar Street. Options and staff recommendations are detailed in paragraph 27 of this report. The recommended option is to reverse the one way direction so that all traffic travels in the same direction, in conjunction with the declaration of a permanent part time pedestrian mall in the north part of the street.
9. Both the declaration of a new part time pedestrian mall and the one way street changes require the use of the Special Consultative Procedure.

FINANCIAL CONSIDERATIONS

10. The cost of the proposed special consultative procedure is included within the LTCCP Street and Transport Operational Budgets.

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

11. As above.

LEGAL CONSIDERATIONS

12. The proposed changes require an amendment to Schedule One (One Way Streets) of the Traffic and Parking Bylaw 2008, and the declaration of a part time pedestrian mall in Poplar Street.

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

13. Yes – as below.

Proposal A – Poplar Street part time pedestrian mall

14. Under Section 342(1)(b) and Clause 11, Schedule 10 of the Local Government Act 1974, staff sought approval from both the Police and Ministry of Transport to run the bollard trial, and both responded without any objection to the proposed trial.

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15. In order for staff to fully assess the impact of restricting vehicle access at night for a period of one year, it was proposed to restrict vehicle 'through' traffic between defined hours and monitor pedestrian, and vehicle behaviour over this period.
16. The Council requirement (January 2008) was that staff would report back to the Council on the trial, and either seek further permission from the Council under section 336 LGA 1974 to turn one or both areas (i.e. Struthers Lane and Poplar Street) into a permanent pedestrian only zone during defined periods of the day/night, or, keep the roads open and only use restrictions for special events such as the Buskers Festival or Jazz Alley, following the normal public notification periods. This report deals just with Poplar Street and an associated report deals with Struthers Lane.
17. This report recommends the declaration of a part time pedestrian mall in Poplar Street.
18. Section 336 of the Local Government Act 1974 provides that Councils can declare a pedestrian mall by using the special consultative procedure as follows to:
 - “... (i) declare a specified road or part of a specified road to be a pedestrian mall, and
 - (ii) prohibit or restrict the driving, riding or parking of any vehicle, or the riding of any animal, on all or any portion of the pedestrian mall either
 - (i) generally; or
 - (ii) during particular hours.

(b) A declaration—

 - (i) may include exemptions and conditions; and
 - (ii) does not take effect until—
 - (i) the time for appealing under subsection (3) has expired; and
 - (ii) any appeals have been determined under subsection (4).”
19. Section 336(3) provides that anyone may within one month after the making of a declaration, or within such further time as the Environment Court may allow, appeal to the Environment Court against the declaration made by the Council. The public notice required as part of the special consultative procedure (by section 83(1)(e)) of the Local Government Act 2002 must explain this right of appeal.
20. Analysis of reasonably practicable options considered by the Council
 - (a) The following options exist for the Council in relation to this proposal:
 - (i) Status quo. ie do nothing. Leave Poplar Street open to all traffic at all hours. This option is not recommended because it does not address the safety issues arising during the hours of 6pm to 6am and it does not support the endeavours of the New Zealand Police to deal with problems of alcohol and drug induced behaviour.
 - (ii) Create a **part time pedestrian mall** in Poplar Street from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, every night from 6pm to 6am the following day. This option will address the safety issues for pedestrians and vehicles that arise during the hours of 6pm and 6am and support the endeavours of the New Zealand Police to deal with problems of alcohol and drug induced behaviour. **This is the recommended option.**

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- (iii) **Close Poplar Street to all traffic except taxis**, between a time no earlier than 6pm to a time no later than 6am the following day. This option is **not recommended** because of the difficulty of enforcing a taxi only zone. It does not address the safety issues of vehicles driving through a road where there are often large numbers of intoxicated people wandering across the road, throwing bottles or using broken bottles to scare vehicles as they pass. There is also the potential for confusion and the subsequent danger to pedestrians who think that vehicles are banned and who may therefore wander out onto the road into the path of oncoming vehicles.
 - (iv) Close the full length of Poplar Street from Lichfield Street to Tuam Street (ie create a **part time** pedestrian mall) between a time no earlier than 6pm to a time no later than 6am the following day. This option is **not recommended** because it does not enable access to the businesses and car parking underneath the Poplar Apartments in Ash Street.
 - (v) Create a **part time** pedestrian mall in Poplar Street from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, as described in (ii) above, every night from 11pm to 5am the following day. This option is **not recommended** because it does not support the endeavours of the New Zealand Police to deal with problems of alcohol and drug induced behaviour.
 - (vi) Create a permanent **full time** pedestrian mall from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street. This option has merit and may be favoured in the future but the process has the potential to become protracted and cause delays for the capital programme work planned for this financial year.
- (b) Option (ii) is the recommended option. It is aligned to and meets the project objectives.

ADDITIONAL CONSIDERATIONS

21. In the decision in *Pool v New Plymouth City Council* [1977] 6 NZTPA 201, the Town and Country Planning Appeal Board adopted some 'considerations' in examining a decision to declare part of a city street a mall. Those considerations were:
- (a) Whether the closure of a street to traffic would be to the advantage of the community in general.
 - (b) Whether there were disadvantages to the community in general which balanced or outweighed the advantages.
 - (c) Whether there was detriment to property owners or business operators which was unreasonable given the absence of compensation.
 - (d) Whether the closure adversely affected other property owners or business operations who may depend on the flow of traffic along the street.
22. These 'tests' were reframed in the context of the principles of the Resource Management Act 1991 in *Bain v Waimakariri District Council*, C111/08, Environment Court Christchurch, 20/10/08, as follows:
- (a) Whether aspects of the public interest would be enabled by the creation of the pedestrian mall.
 - (b) Whether aspects of the public interest would be disabled by the creation of the pedestrian mall.
 - (c) Whether individuals would benefit from the creation of the pedestrian mall.

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- (d) Whether individuals would be disadvantaged by the creation of the pedestrian mall;
 - (e) Whether the pedestrian mall would better achieve the sustainable management of the physical resources of the district.
23. These considerations/tests from the above cases are discussed in relation to this proposal in Poplar Street and also serve as consideration of social and environmental matters arising from the proposals:
- (a) There will be significant safety improvements for the public (patrons of the bars and other businesses in the area as well as other pedestrians) as a result of the creation of the part time pedestrian mall in Poplar Street.
 - (b) For motorists, their exclusion from the area, from a time no earlier than 6pm to a time no later than 6am the following day, will be a safety improvement, removing them from a possible conflict situation, and although it may mean a detour, the increased trip distance is not great.
 - (c) In their feedback in the bollard trial survey, eight business people in Poplar Street indicated that they feel that the bollards are a good idea and are working well to reduce 'rat running' and improve safety for pedestrians. Two were not aware of the bollard and two others, plus the body corporate at High Para Apartments, said that the bollards do not raise any issues for them.
 - (d) The benefits of safety and efficiency are considered to outweigh the relatively small disadvantages for a small number of drivers.

CULTURAL CONSIDERATIONS

24. The Council staff are not aware of any cultural issues that should be taken into account in respect of the proposal contained in this statement.

ECONOMIC CONSIDERATIONS

25. The Council staff are not aware of any economic issues arising either from the twelve month trial nor from the proposed permanent introduction of a part time pedestrian mall at night in Poplar Street.

Proposal B - one way street bylaw amendments

26. Section 155 considerations:
- (a) Under section 72(1)(ia) of the Transport Act 1962 the Council must create and amend one way streets by way of a bylaw. The Christchurch City Council Traffic and Parking Bylaw 2008 is the bylaw the Council uses to provide for one way streets (see clause 12 and the First Schedule). This bylaw was made pursuant to the Local Government Act 1974, the Local Government Act 2002 and the Transport Act 1962.
 - (b) Section 155 of the Local Government Act 2002 requires the Council to determine whether the making or amending of a bylaw made under that Act is "*the most appropriate way to address the perceived problem*". The Council is also required to determine whether the bylaw is in the most appropriate form and that there are no inconsistencies with the New Zealand Bill of Rights Act 1990 (NZBORA).
27. Appropriate way to address problem:
- (a) The proposed changes to the First Schedule (One Way Streets) has been identified as necessary for changing the direction of travel in Poplar Street. It is considered necessary to change the direction of travel so that the traffic will flow in the same direction as the tram and remove possible vehicle conflict.

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28. Analysis of reasonably practicable options considered by the Council:

- (a) The following options (see diagrams in **Attachment 6**) exist for the Council in relation to managing the direction of travel on sections of Poplar Street:
- (i) Retain the Status quo i.e.: do nothing. Retain the south to north traffic flow in Poplar Street for vehicles and run the tram in the opposite direction against the flow of other vehicular traffic. This option is **not recommended** because the street is not wide enough for vehicles and trams to pass safely. With the extension of the tram route this option will create potential for confusion and conflict between the trams and other vehicles.
 - (ii) Retain the south to north traffic flow for vehicles and install electronic signs to stop vehicles entering Poplar Street when a tram is entering or in Poplar street. This option would need to be combined with the creation of a permanent **full-time** pedestrian mall from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, as described in paragraph 19(vi), to eliminate the conflicts that would otherwise occur at the Lichfield Street intersection. This option would require vehicles, including those using parking garages under the Poplar Apartments, to use the existing two way Ash Street to exit the south end of Poplar Street. This option is **not recommended** as there will be motorists who will choose to ignore the electronic signs.
 - (iii) Change the direction of one way travel so that it flows from north to south in Poplar Street and combine with the declaration of a permanent **part time** pedestrian mall in the northern part of the street, from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, as described in paragraph 19 (ii). **(This is the recommended option).**
 - (iv) Change the direction of one way travel so that it flows from north to south in Poplar Street and combine with the declaration of a permanent **full-time** pedestrian mall in the northern part of the street, from the south boundary line of Lichfield Street extending along Poplar Street in a southerly direction to a point 45.5 metres south of Lichfield Street, as described in paragraph 19 (vi). This option has merit and may be favoured in the future but the process has the potential to become protracted and cause delays for the capital programme work planned for this financial year.
- (b) Option (iii) is the recommended option, and requires an amendment to the First Schedule (One Way Streets) of the Traffic and Parking Bylaw 2008. The Local Government Act 2002 prescribes that any alterations or additions to a Bylaw may only be undertaken using the Special Consultative Procedure.
- (c) There is no other way of creating a legally enforceable one way street, therefore the bylaw amendment is the most appropriate way of addressing this problem.

29. Appropriate form of bylaw:

- (a) The form in which the proposed amendment to the First Schedule of the Bylaw has been drafted is considered appropriate, in specifying the road which is to become one way and the location (between intersections) in that road.

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30. New Zealand Bill of Rights Act 1990:

- (a) The only provision of the NZBORA which has a bearing on the proposed amendment to the Bylaw is section 18, which provides that everyone lawfully in New Zealand has the right to freedom of movement. Creating one way streets provides a limitation on this right, but the limitation is considered to be a reasonable restriction in a free and democratic society, in accordance with section 5 of the NZBORA. Persons can still move around the city. Therefore there are no inconsistencies between the draft amended bylaw and the NZBORA.

31. Proposed Bylaw amendments:

- (a) The amendments proposed to the Traffic and Parking Bylaw 2008 are set out in the attached Amendment Bylaw (**Attachment 5**).

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?

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

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

33. The proposals align with the following:

- (a) Christchurch City Plan
Lanes redevelopment projects that improve pedestrian facilities and pedestrian safety are consistent with the transport and access provisions of the City Plan (see Objective 7.5, and Policy 7.5.1), and with objectives and policies for the Central City (see in particular, Policy 12.3.1 and 12.3.4).
- (b) Central City Revitalisation Strategy
Lanes redevelopment projects that improve the visual amenity, uniqueness, range of activities, and vitality of the Central City will enhance revitalisation objectives.
- (c) Central City Transport Concept
Lanes redevelopment projects that improve pedestrian activity and permeability (via mid-block linkages) will facilitate the implementation of the Central City Transport Concept.
- (d) Safer Christchurch Strategy
Lanes redevelopment projects that increase natural surveillance in lanes areas and incorporate principles of Crime Prevention through the Christchurch Safer Road Strategy. Environmental Design (CPTED) are consistent with the Safer Christchurch Strategy.
- (e) Greater Christchurch Urban Development Strategy and the Christchurch Visitor Strategy as they facilitate the extension of the tram route and they make the area safer for bar patrons and passers by, as well as for motorists.
- (f) Also aligns with the Parking Strategy 2003, Pedestrian Strategy 2001, Road Safety Strategy 2004
- (g) National Urban Design Protocol
Lanes redevelopment projects that improve quality and design of the urban environment and reflect urban sustainability principles will facilitate the implementation of the National Urban Design Protocol.

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CONSULTATION FULFILMENT

Proposal A – Poplar Street part time pedestrian mall

34. On 31 January 2009, in conjunction with the Struthers Lane bollard trial, staff installed two trial bollards at one location 30.6 metres south of the intersection of Poplar Street and Lichfield Street, to prevent through traffic along Poplar Street.
35. Assessment of the effectiveness of the bollard trial began in November 2009. This involved:
 - (a) A survey comprising qualitative interviews with local business people, property owners, residents, managers of emergency services, and providers of security services.
 - (b) Analysis of crash data from 2004-2009.
 - (c) Observations by the Christchurch Safer City Officers of the presence of vehicles and pedestrian behaviour each time they visited the area.
36. The result of this trial in Poplar Street and Struthers Lane indicates that the installation of bollards in both streets has improved the environment for pedestrians during the closure period. The full report is available on request.
37. With mainly positive feedback from users and local stakeholders, staff recommend that a permanent part time pedestrian mall be created in Poplar Street, by replacing the manual bollards with a set of automated retractable bollards that will be activated by an approaching tram or emergency vehicle.
38. The recommendation includes that the time for raising and lowering these bollards be the same as the trial and on a nightly basis.
39. To create a mall, the council is required to use the Special Consultative Procedure to gather community views on the establishment of a permanent night time pedestrian mall. The SCP process requires a Hearings Panel. The SCP process can be scheduled from 30 July 2010 to 31 August 2010.

Proposal B - one way street bylaw amendments

40. To change a bylaw, the council is required to use the Special Consultative Procedure to gather community views. The SCP can be run in conjunction with the declaration of a mall as described above.

STAFF RECOMMENDATION

It is recommended that the Council resolves:

- (a) That the proposed Traffic and Parking Amendment (Poplar Street) Bylaw 2010 attachment (Attachment 5), amending the First Schedule of the Christchurch City Council Traffic and Parking Bylaw 2008, is the most appropriate way to address the items identified in paragraphs 3 and 8 of this report.
- (b) That there are no inconsistencies between the amendments proposed and the New Zealand Bill of Rights Act 1990, and that the draft amendments are in the most appropriate form.
- (c) To approve the continuation of the trial use of bollards in Poplar Street until the Special Consultative Procedure is completed and a decision has either resulted in the Declaration of a pedestrian mall or another means of improving pedestrian safety has been established.

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- (d) To adopt for consultation through the special consultative procedure the proposed changes to Poplar Street as detailed in paragraphs 19(ii) and 27(iii), by approving the Statement of Proposal and Summary of Information (Attachments 1 and 2 respectively).
- (e) To adopt the dates for publicly notifying the Statement of Proposal and the Summary of Information (30 July 2010 to 31 August 2010).
- (f) To determine that the Summary of Information be distributed to all properties and businesses along Poplar Street, Ash Street, Tuam Street and Lichfield Street between Manchester Street and Madras Street; to any absentee owners identified within the distribution area, as well as to other relevant stakeholder groups, including Spokes, Taxi Federation, Transport Groups, and any Resident and Business Groups in the distribution area.
- (g) To determine that the Statement of Proposal and the Summary of Information be available for public inspection at all the Council Service Centres, the Council libraries and on the Council's website.
- (h) That public notice of the proposal be published in a newspaper having a wide circulation in the Council's district; and that this explains the right of appeal in relation to this proposal, and advises where people can view copies of the summary of information and the statement of proposal, and the time within which submissions can be made.
- (i) To appoint a Hearings Panel to hear any submissions on the proposal.

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25. OUTSIDE APPOINTMENTS - CONFLICT OF INTEREST

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

PURPOSE OF REPORT

1. The purpose of this report is to advise Councillors regarding the conflict of interest issues that can arise with Councillors being appointees to outside bodies and to recommend that the Council ask the new Council to cease, with some exceptions, making appointments to outside bodies.

STAFF RECOMMENDATION

It is recommended that the Council:

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

83. Appointments to COs will only be made to organisations that make a significant contribution to the finances or development of the city
- (c) Advise the Riccarton Bush Trust that it wishes the Riccarton Trust Bill to be altered so that the Council has the right to appoint four persons, and the two community boards can appoint two persons each.

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BACKGROUND (THE ISSUES)

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

AUDITOR GENERAL REPORTS

6. In 2007 the Auditor General issued two reports which are relevant to this report. Those reports are:
 - Managing Conflicts of Interest; Guidance for public entities.
 - Guidance for members of local authorities about the law on conflicts of interest.
7. What follows is a summation of general information from those two reports and information specific in the context of appointments to outside organisations and how those appointments may lead to conflicts of interest for Councillors involved.
8. Councillors will be aware that the Local Authorities (Members' Interests) Act 1968 provides a statutory framework for when they may not take part in discussions in which they have a **pecuniary** interest. While the 1968 Act does not regulate non pecuniary interests (or conflicts of interest) the common law, the law as developed by the Courts in individual cases over the years, does provide a framework as to when Councillors should and should not be involved in discussion on a particular matter before the Council. This report considers those occasions where there may be a conflict of interest in relation to being an appointee by the Council to an outside body.

What is a Conflict of Interest?

9. The Auditor General has said:
 - *A conflict of interest exists where two different interests intersect; in other words, where your responsibilities as a (Councillor) could be affected by some other separate interest or duty that you may have in relation to a particular matter.*
 - *That other interest or duty might exist because of:*
 - *your own financial affairs.*
 - *a relationship or role that you have.*
 - *something you have said or done.*

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10. The separate interests or duties referred to by the Auditor-General can arise because all Councillors, when coming into office after an election, sign the declaration required by the Local Government Act 2002 which says:

*"I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, **in the best interests of Christchurch City**, the powers, authorities, and duties vested in, or imposed upon me as Mayor/member of the Christchurch City Council ..."*

11. The words in bold establish the duty the Councillor then owes to the Council.
12. When Councillors are appointed by the Council as directors of a statutory body, a company or as a trustee (or are a director or a trustee in their own right) other legislation relevant to that appointment can create a separate duty on the Councillor to that statutory body, company or trust. The creation of those separate duties can be seen in legislation as follows:

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

(Section 131 Companies Act 1993)

13. A trustee has a duty to:

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

(Section 13F Trustee Act 1956)

14. In his reports the Auditor-General goes onto say:

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

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

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

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

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

16. Another way of expressing the issue is:

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

OR

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

17. If a person challenges a local authority's decision by way of judicial review proceedings, the courts could invalidate the decision because of bias arising from a conflict of interest on the part of a member of the decision-making body.

18. The law about bias does not put a Councillor at risk of personal liability. Instead, the validity of the Council's decision could be at risk.

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19. It is the appearance of bias, not proof of actual bias, that is important. Whether or not a Councillor believe they are not biased is irrelevant.
20. If a Council's decision is tainted by bias then the Courts may declare the decision invalid and the risks, delay and expense in the Council then defending a decision against a legal challenge can be significant. Further a party who made a financial commitment in reliance on a Council decision which is subsequently held by a Court to be invalid because of bias, for example, a decision by a party to enter into a lease, can sue the Council to recover the loss they will suffer because they cannot rely on the decision to grant the lease.

Managing Conflicts of Interest

21. Regarding managing potential conflicts the Auditor-General has said:
 - *The management of conflicts of interest also involves appearances - what an outside observer might reasonably perceive. Most often, what needs to be managed (and be seen to be managed) is the risk of the adverse public perception that could arise from the overlapping interests.*
 - *Sometimes there may be a perception of conflict of interest but the interest comes close but do not actually overlap. It may still be necessary to take some steps to manage these situations. Not taking steps to manage these risks can undermine an entity's reputation.*
22. He goes on to note that judgement will need to be exercised as to whether or not a conflict exists. There are two aspects of dealing with a particular situation:
 - firstly, identify and disclose any conflict of interest.
 - secondly, deciding what action needs to be taken to avoid or mitigate the effects of that conflict of interest.
23. He says there is an obligation on a Councillor with a conflict of interest to identify and disclose to relevant people in a timely and effective manner. He notes there is scope for a range of options and exercise of judgment. The Council needs to carefully assess the seriousness of the conflict and the range of possible mitigation options.
24. He notes that the assessment is about:
 - (a) the seriousness of the connection between the interests;
 - (b) the risk that the Council's capacity to make decisions lawfully and fairly may be compromised; and
 - (c) the risk that the Council's reputation may be damaged.
25. In making this assessment the Council needs to consider how the situation may reasonably appear to an outside observer.
26. Usually mitigation of a conflict of interest means that the Councillor withdraws or is excluded from being involved in any of the Council's work on that particular matter.
27. He notes that every member of a public entity (such as a Councillor) has a number of professional and personal interests in roles, and that occasionally some of those interests or roles may overlap. This is almost inevitable in a small country like New Zealand where communities and organisations are often close knit and people have many different connections. Conflicts of interest sometimes cannot be avoided and can arise without anyone being at fault. They are a fact of life but they need to be managed carefully.

Membership of other organisations

28. Regarding membership of other organisations he notes a conflict of interest can arise in a wide range of circumstances.

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

Appointment by Council as Council representative to another organisation

36. Regarding being appointed as a Council representative on another organisation such as statutory bodies (e.g. Canterbury Museum Trust Board, Riccarton Bush Trustees), companies (e.g. CCHL) or trusts or incorporated societies.
- he said:
- “That role will not usually prevent you from participating in (Council) matters concerning the organisation – especially if the role gives you specialised knowledge that would be valuable to contribute.*
- However, you should not participate in a matter that raises a conflict between your duty as a member of the (Council) and your duty to act in the interests of the other organisation.”***
37. An example may be if the council is considering a change in the mode of delivery of one of its services that could affect the financial position of a council controlled organisation, or where the authority is making a decision about funding the other organisation.
38. It will also be unwise to participate if your involvement with the other organisation raises a risk of predetermination – for example, if the other organisation has made a formal submission to the authority as part of a public submissions process.

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39. Regarding the scenario of membership of another public body where the appointment has not been made by the Council then the Auditor General comments:

"Membership of some other public body

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

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

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

Other personal involvement with an organisation

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

Council Policy on Appointments

40. The only Council policy which touches on the matter of the Council making appointments to outside organisations is the Council's September 2007 Policy on Appointment and Remuneration of Directors. That policy, which is required by the Local Government Act 2002, sets out an objective and transparent process for the appointment and remuneration of Directors to a Council organisation. A Council organisation is defined in the Policy as an organisation in which the Council has a voting interest or the right to appoint a Director, Trustee or Manager. So this is a very wide definition which covers the outside appointments that the Council currently makes.
41. While most of the 2007 Policy refers to appointments of directors to Council Controlled Organisations the Policy contains the following provision regarding appointment of persons to Council Organisations ('COs'). Those provisions in the 2007 policy provide:
- "82. *The Council has non-controlling interests in numerous COs. These are not-for-profit bodies and, in contrast with CCTOs, Christchurch City Holdings Ltd has no involvement in monitoring or the director/trustee appointment process.*
83. *Appointments to COs are made for a number of reasons. These include:*
- (a) *To provide a means of monitoring where the Council has made a grant to that body.*
 (b) *To enable Council involvement where the CO's activity is relevant to the Council.*
 (c) *To satisfy a request from the CO that the Council appoint a representative.*
 (d) *Statutory requirements.*
84. *Appointments to a CO are generally for a three year term, and are made after the triennial Council elections.*
85. *The Council will endeavour to minimise the number of appointments where the benefit to the Council of such an appointment is minimal. Identification of required skills, knowledge and experience of CO directors, and appointment.*

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86. *The range of reasons for the appointment of Council representatives to COs results in a wider range of desired attributes for appointees to these bodies.*
87. *The Council will determine the required skills, knowledge and experience for each appointment. Candidates are not restricted to Councils – in some cases, it may be more appropriate to appoint Council staff or external people with affiliations to the Council.*

Remuneration of CO directors

88. *CO directors appointed by the Council (or Community Boards) will receive the remuneration (if any), offered by that body. Council staff members appointed to such bodies will not accept any remuneration."*
42. It will be appreciated from the discussion above regarding the Auditor General's comments that conflicts of interest are inevitable when Councillors are appointed to, or are members, of outside bodies.
43. There will be situations where there is a clear conflict between their duty to the Council as a Councillor, and their duty to the other organisation as a director or trustee.
44. The Auditor General notes it is important for the Council to be able to effectively manage these conflicts. He noted that there was scope for a range of options with the exercise of judgement and with a range of possible mitigation options. There can be a risk that the Councils capacity to make lawful decisions fairly can be compromised and that the Council reputation can be damaged. He also noted that usually mitigation meant that the Councillor withdrew or was excluded from being involved in any of the Councils work on a particular matter.
45. His advice can be best summed up by his comments:
- "you should not participate in a matter that raises a conflict between your duty as a member of the (Council) and your duty to act in the interests of the other organisation.*
-remember that, in politics, the merest perception of impropriety can be extremely damaging, whether or not a court would find your actions to be lawful.*
- If you have any relationship with a person or organisation involved in a matter, you should seriously consider the wisdom of whether to participate at all. The safest advice is always "if in doubt, stay out".*
46. As Councillors will be aware from past experiences these questions can often arise suddenly during the course of a debate and often Councillors are inclined to withdraw from a discussion on a particular item to avoid any concern around potential conflict of interest.
47. Councillors are elected to act on behalf of the people of Christchurch. Given the practical experience of the number of occasions (and which will be ongoing) where Councillors have properly chosen to withdraw from a matter before the Council, and where that withdrawal is in accordance with the Auditor General's advice "*if in doubt, stay out*" the question needs to be asked, when a Councillor has in the past been appointed by the Council to an outside organisation, as to the real value to the Council itself of making such appointments if that appointment is going to result in a Councillor, or a number of Councillors at the same time, not being able to participate in a matter at the Council table.
48. As noted earlier in this report the Council's Policy on Appointment and Remuneration of Directors stated that there are a number of reasons for making such appointments to outside bodies. These include:
- (a) To provide a means of monitoring where the Council has made a grant to a body.
 - (b) To enable Council involvement where the organisations activity is relevant to the Council.
 - (c) To satisfy a request from the organisation that Council appoints a representative.
 - (d) Statutory requirements.

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49. Given the experience Councillors have had the question needs to be asked whether a) to c) are now of sufficient value to the Council to continue the current practice of such appointments today. There are high expectations from the public regarding the Council being able to manage any conflict of interest and given the inclination, in the case of any potential conflict, of the Councillor withdrawing if its doubtful whether it is considered that the value to the Council of having a Councillor being able to continue to discuss and vote on items before the Council outweighs any of the reason provided for in (a) to (c) above.
50. Regarding reason (a) with the appointment as a means of monitoring where the Council has made a grant to the body, the processes the Council has now put in place since 2005 can provide that reassurance to the Council that any grants it has made are being effectively spent. It is not considered that there should be a need to appoint a Councillor to act in that monitoring role on behalf of the Council. The funding arrangements entered into by the Council establish separate monitoring processes to provide the accountability the Council seeks when making a grant.
51. Regarding reason (b) enabling Councillor involvement where the organisation's activity is relevant to the Council could be seen today to be of lesser value than having the Councillor being able to take part in discussions regarding that organisation at the Council table.
52. Regarding reason (c) simply satisfying a request from an organisation for a Councillor, while understandable, should not be a reason for the Council making an appointment which then results in a Councillor being unable to take part in a discussion and decision regarding that organisation at the Council table.
53. Over the last 20 years the Council has reduced the number of appointments it has made to outside organisations and experience in time has shown that that has not lessened the contact the Council has with those organisations which no longer have a Councillor representative. As can be seen from the table attached there are a number of organisations which do not have a Councillor and there has been no feedback from such organisations that the appointees are of any less value to them than if a Councillor had been appointed. It can just the opposite. If a Councillor is an appointee that now invariably has the effect of that Councillor not discussing or voting on issues important to the organisation. If the Councillor was not an appointee there would be no conflict arising to stop the Councillor's involvement in a matter.
54. Regarding reason (d) and the reason of statutory appointments these are of little number today with the Canterbury Museum Trust Board and Riccarton Bush Trust being the significant requirements. The Museum's 1993 legislation, while providing for 4 appointees by this Council, does not require those appointees to be Councillors, and the Museum currently has non – councillors appointed by territorial authorities.
55. As the Riccarton Bush Bill is currently drafted, and as approved by the Council in June last year, the Bill requires the appointment of two Councillors and two community boards to appoint two community board members each. Councillors have previously indicated that following their decision on this report they would advise the Riccarton Bush Trust as to whether they wish the appointment of Councillors to be mandatory to that Trust, or whether the Council has the discretion to appoint any person to the Trust.
56. It is recommended that the Council advise the Riccarton Bush Trustees that the Council wishes the Bill to provide for the Council to have the right to appoint four persons to the Trust, and the two community boards to appoint two persons each (rather than the Bill stating they must be elected members). This appointment system would then align with the Canterbury Museum.
57. While staff advice above is that value for the Council in minimising the conflicts of interest that can be created by making appointments to outside bodies then can be situations where the Council may take the view that the organisation makes a significant contribution to the finances or development of the city and that the council would wish to continue to make Councillor appointments recognising the conflict situations that can arise and that the appointees from time to time will not be able to fully participate in all matters relating to that organisation.

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

Proposed Amendment to the 2007 Policy

58. If the Council accepts the staff recommendations above not to make appointments to outside bodies other than where there is a significant reason to do so then it is considered appropriate for the Council to amend its 2007 policy on Appointment and Remuneration of Directors to reflect this change in approach by the Council.
59. It is considered the following proposed amendments to the 2007 policy are provided for the Council's consideration:
 83. *Appointments to COs will only be made to organisations that make a significant contribution to the finances or development of the city*

Summary

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

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26. TAYLORS MISTAKE AND BOULDER BAY BACHES

General Manager responsible:	General Manager, Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Legal Services Unit Manager
Author:	Ian Thomson and Brent Pizzey, Solicitors, Legal Services Unit

PURPOSE OF REPORT

1. The purpose of this report is to seek a decision on the future of the baches at Taylors Mistake and Boulder Bay.

EXECUTIVE SUMMARY

2. At its meeting on 22 April 2010 the Council considered a report from the chairperson of the Hagley/Ferrymead Community Board. A copy of the report is attached (**Attachment 1**).
3. The Board's recommendation was that the Council:
 - (a) Request the Taylors Mistake Association to:
 - (i) prepare a planting concept plan for the TMB zone to the satisfaction of the Council
 - (ii) issue the fee simple and lease hold titles in the TMB zone in accordance with the provisions in the City Plan:
 - (iii) transfer the land contained in the CT35B/158 and that land contained in CT35B/160 to the east and south of the TMB zone up to and in line with the edge of the western boundary of the TMB zone to the Council for no further consideration, to be vested in the Council as recreation reserve under the Reserves Act 1977.
 - (iv) confirm the Association's undertaking on behalf of affected bach owners that immediately upon fulfilment of the conditions in (a)(i) to (iii) above, all unscheduled baches will be removed.
 - (b) Authorise the General Manager, Corporate Services to negotiate and to enter into licences to occupy with the owners of the baches scheduled to remain at Taylors Mistake and Boulder Bay, recognising the Council's responsibility to consult with Ngāi Tahu. If agreement cannot be reached with bach owners on suitable terms and conditions then the matter is to be reported back to the Community Board and the Council for a further decision.
 - (c) Note that the Council's decision to grant licences in respect of baches at Taylors Mistake and Boulders Bay is not an indication that such licences will automatically be granted in other situations where unauthorised structures have been built on land vested in the Council as legal road.
4. After debating the matter the Council resolved instead that:
 - (a) All baches be retained whilst
 - (b) Council staff report back on planning procedures to effect (a).
5. Since that meeting the Chief Executive has received a letter from solicitors acting for Save the Bay Limited, a party to the Environment Court proceedings that dealt with the bach issue in 2002-2003. The company has requested the Council to immediately take steps to remove the unscheduled baches to ensure compliance with the City Plan. The letter states that an application for enforcement orders in the Environment Court will be filed if a satisfactory response is not received.

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6. Included in this report is information about planning procedures in response to the Council's resolution of 22 April 2010.
7. Staff believe that the Council now has sufficient information for it to make a decision in this matter. It is recommended that the Council resolve that immediate steps be taken to ensure compliance with the City Plan. Authority is also sought for staff to negotiate with bach owners licences to occupy the land on which the baches scheduled to remain are situated.

PLANNING PROCEDURES TO EFFECT THE RETENTION OF ALL BACHES AT TAYLORS MISTAKE, (INCLUDING HOBSONS BAY) AND BOULDER BAY

8. There are four parts to a consideration of the procedures available to the Council. These are:
 - (a) The plan change process undertaken by the Council from 1993 to 2003.
 - (b) The practical effect of a plan change.
 - (c) The need to balance competing interests; and
 - (d) Statutory requirements.
9. If the Council wishes to start a plan change investigation, the steps are:
 - (a) A resolution that officers are to prepare advice to the Council on the appropriateness of that Plan Change.
 - (b) Providing that advice would be likely to require workshops and a report that addresses all of the matters that were considered by the Environment Court in 2003. The officers preparing that report would be required to identify what changes have occurred which would justify the Council taking an approach which departs from that identified by the Court, the Council and the Taylors Mistake Association as being appropriate in 2003.
 - (c) An assessment of the appropriateness of recommending the Plan Change.
 - (d) If the Council then resolved to prepare a Plan Change, officers would draft a proposed Plan Change to be further reported back to the Council.
 - (e) Consultation would be required on the proposed Plan Change.
 - (f) The draft Plan Change and consultation report would be put before the Council for a decision on notification.
 - (g) The proposed Plan Change would be notified for submissions. Enforcement action seeking their removal would be ineffective after that date. Following the close of submissions, a summary of submissions will be notified and further submissions invited.
 - (h) A hearing would be held.
 - (i) Any appeals to the Environment Court would be lodged following the decision on submissions.
 - (j) The Environment Court would then decide on the appropriate provisions for the City Plan, as constrained by the scope of the Plan Change notified, and the submissions on which parties have appealed.
10. The possible result and implications of the Council taking this approach are:
 - (a) The process is likely to take about 3-4 years before conclusion in the Environment Court, and could cost the Council \$300-\$400,000.

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- (b) The Court's decision following that process may be:
 - (i) To affirm the current provisions of the City Plan; or
 - (ii) That the City Plan is changed to permit all baches to remain.
 - (c) Anyone is entitled to ask the Council to accept a private Plan Change request. This could happen whilst the Council is preparing its own proposed Plan Change. There may be a concern by people opposed to the presence of the baches that the Council is preparing its own Plan Change for their retention. However the Council has the ability to reject a private plan request.
 - (d) The rules for retention of the baches in the proposed Plan Change would have legal effect from the date of notification because they are for protection of historic heritage. There could be no enforcement action taken by others past that date.
 - (e) Any person could take enforcement action seeking removal of the prohibited baches before the public notification of the proposed Plan Change.
11. Assessing the appropriateness of a plan change would involve the weighing up of a large number of considerations. These are the same matters that were assessed by the Environment Court in 2003. The Court considered these under the broad topics of:
- (a) The existing environment/ natural character.
 - (b) Heritage and cultural values.
 - (c) Public access.
 - (d) Visual amenity.
 - (e) The quality of the environment.
 - (f) Competing uses (including the interests of the bach owners, and the penguin parade in Boulder Bay).
 - (g) Health and safety, including rockfall, storm event or sea rise, sewage and hygiene, and building and structural issues.
12. The Court also assessed and weighed up the objectives and policies throughout the City Plan, including:
- (a) The objective and policies for the Natural Environment. These encompass natural features and habitats, natural hazards, the coastal environment, and the promotion of recreation activities in the natural environment.
 - (b) The overall identity of the City, with elements of form, amenity and heritage to be maintained and enhanced.
 - (c) Peripheral urban development avoiding, remedying or mitigating adverse impacts on water, amenity values and natural resources;
 - (d) Open space and recreation.
13. Seeking the retention of all baches would require reconsideration of all of those factors and interests.

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14. Finally, any plan change can be made only if it meets the statutory tests in the Resource Management Act. These include:
 - (a) A plan change should accord with and assist the Council to carry out its functions and to achieve the purpose of the Act, such as:
 - (i) The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the Council's district;
 - (ii) The control of any actual or potential effects of the use, development or protection of land;
15. When preparing a plan change the Council must:
 - (a) Give effect to any national policy statement.
 - (b) Give effect to any regional policy statement.
 - (c) Have regard to:
 - (i) Any relevant management plans and strategies under other Acts.
 - (ii) Any relevant entry in the historic places register.
 - (d) Take into account any relevant planning document recognised by an iwi authority.
16. Each proposed objective in a plan change is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.
17. Each proposed policy or rule is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the City Plan, taking into account:
 - (a) Benefits and costs.
 - (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed policy or rule.
18. The Council must have regard to the actual or potential effect of activities on the environment.

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BACKGROUND

19. At its meeting on 22 April 2010 the Council considered a report on the baches at Taylors Mistake (including those at Hobsons Bay) and Boulder Bay. The baches are situated on land vested in the Council as legal road.
20. Staff referred to the Environment Court's decision in respect of the baches in 2003 and the current provisions of the City Plan that were inserted as a result of that decision. The Court made the following points:
 - (a) Scheduling of baches is an appropriate method to adopt;
 - (b) Any provision that would enable 14 of the baches to be removed would have significant benefits to the public because these baches occupy what the court regarded as critical areas of Taylors Mistake;
 - (c) The baches scheduled to remain do not interfere with public access to any noticeable degree and they do not detract at all from the visual amenity. It concluded that scheduling provided for the heritage values of the baches and for the enhancement that the baches bring to the quality of the environment.
 - (d) The TMB zone is appropriate.
 - (e) The correct balance has been achieved between the significant number of issues that need to be addressed in both evaluating the scheduling of baches and the creation of the TMB zone.
21. The Environment Court received and considered the provisions to be included in the City Plan. These were consented to by all parties and the Court ordered them to be included in the Plan. It was also noted in the staff report that any decision made not to give effect to the City Plan would require the Council to initiate a plan change. Information on planning procedures to achieve this is contained in this report.
22. Section 76(2) of the Resource Management Act 1991 states that City Plan rules have the force and effect of Regulations under that Act. The Plan makes the presence of the unscheduled baches a prohibited activity. Staff have advised that it is open to any person to apply to the Environment Court for an enforcement order under the Resource Management Act requiring the removal of the baches on the ground that their presence breaches rules in the City Plan. Potentially the Council could be served with an enforcement order in its capacity as the land owner permitting the continued presence of the baches. The Council would be required to cease permitting the occupation.
23. That is the position that has now been reached. Save the Bay Ltd, through its solicitors, has indicated that it will file an application for enforcement orders in the Environment Court if the unscheduled baches are not removed. If the Council's decision in the matter means that the Council intends to comply with the provisions in the City Plan the bach owners should be requested to take steps required to create the TMB zone without delay. This will result in the removal of unscheduled baches in accordance with the undertaking given by the Taylors Mistake Association to the Environment Court in 2003.
24. It is also suggested that at the same time staff are authorised to negotiate with bach owners licences to occupy the land on which the baches scheduled to remain are situated.

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STAFF RECOMMENDATION

(There are two parts to the recommendation.)

Firstly, that the Council resolves to:

- (a) Receive the information about planning procedures contained in the staff report.
- (b) Confirm that it give effect to the Environment Court 2003 decision regarding the baches which is now incorporated into the City Plan.
- (c) Request the Taylors Mistake Association to take immediate steps to:
 - (i) Prepare a planting concept plan for the TMB zone to the satisfaction of the Council.
 - (ii) Issue the fee simple and leasehold titles in the TMB zone in accordance with the provisions in the City Plan.
 - (iii) Transfer the land contained in CT35B/158 and that land contained in CT35B/160 to the east and south of the TMB zone up to and in line with the edge of the western boundary of the TMB zone to the Council for no further consideration, to be vested in the Council as recreation reserve under the Reserves Act 1977.
 - (iv) Confirm the Association's undertaking on behalf of affected bach owners that immediately upon fulfilment of the conditions in (a)(i) to (iii) above, all unscheduled baches will be removed.

Secondly, that the Council also resolves to:

- (d) Authorise the Chief Executive to negotiate and to enter into licences to occupy with the owners of the baches scheduled to remain at Taylors Mistake and Boulder Bay on such terms and conditions as he considers appropriate.
- (e) Note that the Council's decision to grant licences in respect of baches at Taylors Mistake and Boulders Bay is not an indication that such licences will automatically be granted in other situations where unauthorised structures have been built on land vested in the Council as legal road.

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27. CANTERBURY WATER MANAGEMENT STRATEGY: ESTABLISHMENT OF THREE ZONE COMMITTEES, AND APPOINTMENT OF COUNCILLORS TO THE REGIONAL COMMITTEE, AND ZONE COMMITTEES

General Managers responsible:	General Manager Strategy and Planning, DDI 941-8281 General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Programme Manager - Healthy Environment
Author:	Peter Kingsbury, Principal Advisor - Natural Resources

PURPOSE OF REPORT

The purpose of this report is four-fold:

1. The first purpose of the report is to establish three joint committees. Of these only one (Selwyn - Waihora) will have members appointed this year. The other two joint committees (Christchurch - West Melton, and Banks Peninsula) will have appointments needing to be made in early 2011.
2. The second purpose of the report (refer to Part B of report) is to request that Council approve the Terms of Reference for the establishment of the Canterbury Water Management Strategy (the Strategy) Zone Committees for:
 - Selwyn - Waihora Zone
 - Christchurch - West Melton Zone
 - Banks Peninsula Zone
3. The third purpose of the report (refer to Part C of report) is to request that the Council appoint one elected member (permanent appointment) to the Canterbury Water Management Strategy Regional Water Management Committee (the Regional Committee) of the Canterbury Regional Council (ECan), and one elected member to the Selwyn - Waihora Zone Committee.
4. The fourth purpose of the report (refer to Part C of report) is to request that the Council appoint two elected members (both interim appointments) to the Canterbury Water Management Strategy Regional Water Management Committee (the Regional Committee).

EXECUTIVE SUMMARY

Part A: Background

5. Following several years of collaborative work by the Mayoral Forum, the Steering Group, ECan, and the region's ten territorial authorities, the Strategy is in the initial stages of being implemented.
6. The Council endorsed the Strategy in December 2009 subject to (1) satisfactory progress in resolving matters outlined in the Strategy, (2) that a report authorising the establishment of zone committees would come before the Council in 2010, and (3) that any future funding or governance issues associated with implementation of the Strategy would need to be considered as part of the 2012-2022 LTCCP or other process.
7. The Strategy identifies Canterbury's water resources as important to the region and to New Zealand. Lakes, rivers, streams and aquifers are used for a wide range of purposes including drinking water, agriculture, electricity generation, customary use and recreation. In recent years the water resource has come under increasing pressure. Aquatic health of lowland streams, high country lakes and groundwater has declined, along with a loss of cultural and recreational opportunities. The availability of water for agricultural use has also become less reliable.

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8. The Strategy states that a widely held view among stakeholders and the general public is that the continuation of the present direction in managing water will lead to unacceptable environmental, social, cultural and economic outcomes. The desired outcome of the Strategy is *"To enable present and future generations to gain the greatest social, economic, recreational and cultural benefits from our water resources within an environmentally sustainable framework"*.
9. To implement the Strategy, ECan has established a committee called the Canterbury Water Management Strategy Regional Water Management Committee (the 'Regional Committee') to take an overview of water issues for the region and deal with cross-zone issues.
10. In addition, ten joint committees ('zone committees') will be formed by ECan and territorial authorities to address local issues within each zone (zone boundaries are shown in **Attachment 1**). Of the three zones of direct significance to Christchurch, the Banks Peninsula zone is completely within Christchurch City and the Christchurch - West Melton zone is predominantly within Christchurch City. A small, but significant part of eastern Selwyn - Waihora Zone is also within Christchurch City.
11. The purpose of the 'zone committees', which report to their constituent Territorial Local Authorities and ECan, is to develop strategies, tactics and activities to give effect to the fundamental principles and targets of the Strategy within each zone. The focus for the Regional Committee, which reports to ECan, is on infrastructure associated with managing large scale storage and the transfer of water across Canterbury, along with related issues such as energy generation and region-level biodiversity issues. The Regional Committee is also tasked with co-ordinating the development of a Regional Implementation Programme that gives effect to the Strategy and takes into account the work of the zone committees. The Regional Committee is funded by a regional rate.
12. The general governance, and committee structure and interrelationships established to implement the Strategy are shown in **Attachment 2**.

Part B: Establishment of Selwyn - Waihora, Christchurch - West Melton, and Banks Peninsula Zone Committees

13. The Selwyn - Waihora Zone Committee is being established under the auspices of the Local Government Act 2002 in accordance with the Strategy as a joint committee of ECan, Selwyn District Council and Christchurch City Council. The Selwyn - Waihora Zone includes that part of Lake Ellesmere/Te Waihora within the Christchurch City boundary. This is a small but significant part of Christchurch City in terms of water resource and water management matters. This Zone Committee is currently being formed with members being appointed.
14. The Christchurch - West Melton Zone Committee will also be established as a joint committee of ECan, Selwyn District Council and Christchurch City Council, while the Banks Peninsula Zone Committee will be established as a joint committee of just ECan and Christchurch City Council. While both of these two zone committees are being established now they will not have members appointed until early 2011. The staged establishment followed by delayed appointment of members to these two zone committees is necessary due to the available resources of the ECan team responsible for their formation.
15. The zone committees will comprise members made up as follows:
 - One member appointed by the regional council who shall be an "elected member" (to initially be filled by a commissioner under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010) (the ECan Act).
 - One member appointed by each Territorial Authority operating within the zone boundary who shall be an elected member (Christchurch City Council and Selwyn District Council both operate within the zone boundaries for the Selwyn - Waihora, and Christchurch - West Melton zones).
 - One member appointed by each Runanga with interests in the zone. The number of potential Runanga appointees for each zone is currently unknown.

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- Between four and six members appointed from the community and who come from a range of backgrounds and interests within the community.
16. The committee members will be selected for balance of expertise and perspective across a range of stakeholder interests. Zone committees will work collaboratively to develop water management implementation programmes within the zone, taking into account programmes in other zones, as well as work addressed by the Regional Committee. Resolutions from the participating Councils on each zone committee will be required to approve and formalise committee implementation programmes.
 17. The Terms of Reference for the Selwyn - Waihora Zone Committee (**Attachment 3**), Christchurch - West Melton (**Attachment 4**) and Banks Peninsula (**Attachment 5**) are essentially the same as those for the Waimakariri Zone Committee and the Hurunui/Waiiau Zone Committee. These two north Canterbury zone committees are established and the terms of reference for them are sufficiently broad in scope to allow each zone committee to develop its own character and establish its own priorities.
 18. The zone committees will not have any decision making powers delegated to them by their respective territorial authorities. In the attached Terms of Reference (**Attachments 3, 4 and 5**) under the heading 'Objectives and Delegated Powers', paragraph 7 refers to the zone committees approving a Management Plan. It should be noted that paragraph 7 records that the Management Plan is in response to the Implementation Plan which has already been approved by the Council under paragraph 5.
 19. Under the Local Government Act 2002 the Council can resolve that a joint committee is not to be discharged on the coming into office of the members of the local authority elected following the triennial general election after the appointment of the joint committee. If such a resolution is not passed the joint committee would be discharged by operation of law and have to be reappointed by the new Council. For continuity purposes staff recommend that the Council resolve the joint committees not be discharged following the election.

Part C: Appointment of councillors to the Regional Committee and zone committees

20. The Regional Committee comprises approximately 26 members selected from: ECan (2), territorial authority appointments from each of north, mid and south Canterbury (3), Christchurch City Council (1, that is, the "permanent" appointment to the Regional Committee sought through this report), Te Runanga o Ngāi Tahu (1), runanga appointments from each of north, mid and south Canterbury (3), the chairs, or other member, of each zone committee (10 - prior to the formation and appointment of members to the Banks Peninsula and Christchurch-West Melton Committees, two "interim" appointments are sought from the City Council), and representatives from a number of key sectors, these being, fisheries, energy, environmental/biodiversity, primary production/agriculture, recreation, regional development including tourism (6). Terms of Reference for the Regional Committee are shown in **Attachment 6**.
21. The Regional Committee is a committee of ECan but will operate to include all local authorities in Canterbury. The Regional Committee is a committee of ECan 'only' because of the logistics of trying to establish the committee in the time available. Membership of committees is by appointment. Councils must advertise for expressions of interest from community members, and then conduct an agreed selection process for recommendation back to the Council's involved.
22. The Regional Committee and zone committees will exist for three years, after which new committees will be formed. Members will be paid travel expenses as well as an honorarium. An appointed member will be paid \$2,000/year, the deputy chair \$3,000/year, and the chair \$5,000/year. Staff or elected members of local bodies are not eligible for remuneration. Each committee will meet at least four times each year, with workshops and additional meetings as required, and reasonable travel expenses reimbursed. Proxies or alternates are not permitted. Any committee may co-opt experts or advisors (non-voting) as it deems necessary.

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23. Also to provide continuity it is proposed that appointments by the Council to the regional committee and the zone committees carry on through the 2010 election period until appointments are made by the new Council in late December 2010 or in early 2011. For this reason it is proposed that any appointments by the Council of a current Councillor be an appointment of that individual in their personal capacity and that such appointment be until the date the new Council resolves to make new appointments to the Regional Committee and to the Selwyn - Waihora Zone Committee.
24. The Regional Committee is to be formed by August 2010. The City Council is to have three positions on the Regional Committee, one in its own right, and two as zone committee representatives. The two City Council members, to represent the yet to be formed Christchurch - West Melton and Banks Peninsula Zone Committees, are interim appointments. A new appointment process will need to be carried out in early 2011 to appoint permanent City Council members as part of forming the two zone committees.
25. In summary, the council needs to make four appointments at this time. These are:
- One permanent appointment to the Selwyn-Waihora Zone Committee, representing the City Council.
 - One permanent appointment to the Regional Committee, representing the City Council.
 - Two interim appointments to the Regional Committee, representing the 'yet-to-be formed' Christchurch - West Melton and Banks Peninsula Zones.

FINANCIAL IMPLICATIONS

26. The Council has allocated \$30,000 in the 2010/11 Annual Plan for setting up and administering the two zone committees for the current financial year. This funding will need to be reviewed for the 2011/12 financial year as it is expected that around \$60,000 will be required for a full year's operation of the two zone committees.

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

27. Yes. The cost of managing the appointment of Councillors to the committees is included in existing budgets.

LEGAL CONSIDERATIONS

28. Existing powers and/or new legislation will be used to ensure the implementation programmes are given appropriate legal status under the Local Government Act 2002 and the Resource Management Act 1991. The zone and regional committees will be joint committees of ECan and the relevant district councils. The committees will operate in accordance with Local Government Act powers and terms of reference drawn up by their parent councils. It is intended that decisions will be made on a consensus basis rather than by majority voting.
29. The Canterbury Water Management Strategy is now recognised in the ECan Act 2010.
30. The ECan Act 2010 provides that the Commissioners assume all the responsibilities of the elected representatives under the Local Government Act 2002. This means that as currently proposed, an Environment Canterbury Commissioner will be required to be a member of each joint zone committee.

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

31. Yes. Refer above.

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ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

32. The recommendations in this report support a wide range of environmental, governance, prosperity, health and recreational community outcomes. Of particular significance is the Council's responsibility of providing clean and reliable water supply.

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

33. Yes. Supports levels of service under the areas of water supply, "A reliable supply of water that is safe to drink" (page 60), waterways and drainage (page 132), economic development (page 144), and city development (page 188).

ALIGNMENT WITH STRATEGIES

34. The recommendation is consistent with, and supports, the Council's Surface Water Strategy and Water Supply Strategy.

Do the recommendations align with the Council's strategies?

35. As above.

CONSULTATION FULFILMENT

36. A workshop was held for City Council Councillors on 8 July 2010 with a presentation from members of the Water Executive (a unit of ECan). The workshop provided Councillors with background on the development of the Strategy, and the current implementation phase, including information on governance, financing, and public consultation and engagement. Two introductory workshops were held for Councillors in 2009.
37. The steering group responsible for preparing the Canterbury Water Management Strategy consulted widely (over the last two years) with the public and the territorial authorities that were to participate in its implementation. The Christchurch City Council has agreed to provide some funding for the Strategy and has allocated \$30,000 in its 2010/11 annual plan. This was included in the consultation process that was undertaken before the annual plan was adopted in June 2010.
38. It is the view of the Legal Services Unit that a decision to appoint councillors to the regional committee and to the zone committees flows consequentially from decisions that were made following public consultation. Therefore, no further steps to obtain community views need to be taken at this stage.
39. The process for the selection of the community representatives, to the three zone committees of interest to the Christchurch City Council, will be accompanied by extensive publicity, and community meetings will be held in the relevant districts. The publicity and meetings will help ensure there is a wide ranging community appreciation of the opportunities available to participate in local decision-making regarding the future use of water.

STAFF RECOMMENDATION

1. That the Council appoints, as provided for in Clause 30(1)(b) of Schedule 7 to the Local Government Act 2002, the following joint committees:
- (a) The Selwyn - Waihora Joint Committee together with the Canterbury Regional Council and the Selwyn District Council.
 - (b) The Christchurch - West Melton Joint Committee together with the Canterbury Regional Council and the Selwyn District Council.
 - (c) The Banks Peninsula Joint Committee together with the Canterbury Regional Council.

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2. That the Council resolve, as provided for by Clause 30(7) of Schedule 7 to the Local Government Act 2002, that the 3 joint committees shall not be deemed to be discharged on the coming into office of the members of the Council elected or appointed at the next triennial general election of members.
3. That the Council approves the attached Terms of Reference of the Selwyn - Waihora, Christchurch - West Melton, and Banks Peninsula Joint Committees.
4. That the Council:
 - (a) Appoint a Councillor as the Christchurch City Council Councillor to sit on the Selwyn - Waihora Zone Committee, a 'permanent' appointment.
 - (b) Appoint three Councillors to the Canterbury Water Management Strategy Regional Water Management Committee of the Canterbury Regional Council as follows:
 - (i) As the Councillor to represent Christchurch City Council, a 'permanent' appointment.
 - (ii) As the Councillor to represent the Christchurch - West Melton Joint Committee, an interim appointment; and
 - (iii) As the Councillor to represent the Banks Peninsula Zone Committee, an interim appointment.
5. That the appointments referred to in the preceding paragraph are appointments of that individual in their personal capacity and that such appointments be until the date the new Council resolves to make new appointments.

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

Attached.

FRIDAY 23 JULY 2010

COUNCIL

RESOLUTION TO EXCLUDE THE PUBLIC (Cont'd)

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

I move that the public be excluded from the following parts of the proceedings of this meeting, namely items 29, 30 and 31.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
29. REFUSE REPORT)	
30. FERRYMEAD BRIDGE LIFELINES PROJECT) GOOD REASON TO WITHHOLD EXISTS	SECTION 48(1)(a)
31. ACCOMMODATION FOR COMMUNITY ORGANISATION) UNDER SECTION 7	

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 29	Commercial activities	(Section 7(2)(h))
Item 30	Commercial activities	(Section 7(2)(h))
Item 31	Prejudice commercial position	(Section 7(2)(b)(ii))

Chairman's

Recommendation: That the foregoing motion be adopted.

Note

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

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”